

SEWER INSTALLATION AND USE LAW

CHAPTER 48

SEWER INSTALLATION AND USE LAW

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[HISTORY: Adopted by the Town Board of the Town of Windsor, March 4, 1992 as L.L. No. 2-1992, Amended 4-2-97, LL No. 1-1997, Amended 6-3-2009, LL No. 1-2009]

§ 48-1. Purpose.

The purpose of this Ordinance of the Town of Windsor is to regulate the installation of lateral sanitary sewers and lateral sanitary sewer connections, and to provide specifications in all sanitary sewer districts and within any extensions thereof in the Town of Windsor, Broome County, New York.

§ 48-2. Definitions.[Amended 4-2-97, LL No. 1-1997, Amended 6-3-2009 LL No. 1-2009]

Unless otherwise defined herein, technical terms shall be as defined in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by The American Health Association, The American Water Works Association and the Water Pollution Control Federation. Whenever used in this law, unless otherwise expressly stated or required by subject matter or context:

Board – shall mean the Town of Windsor Board. The term includes any duly authorized designee, agent or representative of the Board. [Added 6-3-2009, LL No. 1-2009]

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BOD - (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five(5) days at 20°C, expressed in milligrams per liter.

Cooling Water - shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce BOD, or Suspended Solids each in excess of ten(10) milligrams per liter.

DEC - shall mean the New York State Department of Environmental Conservation.

Easement - shall mean an acquired legal right for the specific use of land owned by others.

EPA - shall mean the United States Environmental Protection Agency.

"Federal Act" or "Act" - shall mean the 1972 Federal Water Pollution Control Act Amendments, Public Law 92-500, and the 1977 Clean Water Act, Public Law 95-217, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

Flow Rate - shall mean the quantity of waste or liquid that flows in a certain period of time.

Garbage - shall mean animal and vegetable wastes from the preparation, cooking, and disposing of food; and from the handling, processing, storage and sale of food products and produce.

Holding Tank Waste - shall mean any sanitary waste from holding tanks such as marine vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Industrial User - shall mean any non-residential user of the Town's sanitary sewer system which User is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions.

Division A - Agriculture, Forestry and Fishing

Division B - Mining

Division D - Manufacturing

Division E - Transportation, Communications, Electrical,
Gas and Sanitary Services

Division I - Services

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Industrial Waste - shall mean any discarded matter including any liquid, gaseous or solid substance, or a combination thereof, resulting from any process of industry, manufacturing, trade or business or from development or recovery of natural resources. The term shall not include garbage.

Influent - shall mean wastewater raw or partly treated, flowing into any sewage treatment device or sewage treatment facilities.

Inspector - shall mean the person or persons designated by the Windsor Town Board to inspect lateral lines and connections.

Interference - shall mean the inhibition or disruption of a treatment system's process or operation or its sludge processes, use or disposal. The term includes any action which contributes to a violation of any requirement of a SPDES Permit or which results in the prevention of sewage sludge reuse, reclamation, or disposal by a treatment system in accordance with §405 of the Act (33USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Resource Conservation and Recovery Act, or any more stringent State criteria applicable to the method of disposal or use employed by the treatment plant.

Lateral sanitary sewer - means the conduit pipe conveying sewage from house or building to trunk line in street.

Lateral sanitary sewer connection - means the connection of the lateral sanitary sewer to the "Y" in the trunk line.

Normal Sewage - shall mean sewage, industrial wastes or other wastes having pollutant concentrations which do not exceed 240mg/l of BOD, 300 mg/l of TSS or 50 mg/l of Oil and Grease and which is otherwise acceptable for discharge into a treatment system under the terms of this Law. The numbers and values of characteristics are subject to revision by the Town Board when, in the opinion of the Town Board, a revision is necessary in order to (a) maintain the physical integrity of the treatment system; or (b) maintain the treatment system's capability of providing treatment in compliance with Federal, State and local standards.

Person - shall mean any individual, firm, company, partnership, association, private or public corporation, political subdivision, governmental agency, municipality, industry, trust, estate or any other legal entity whatsoever.

Pollutants - shall mean, or may be defined now or hereafter by appropriate local, State or Federal authorities or by the Board, substances which may be present in wastewater, whether gaseous, liquid or solid, the amount of which may contain soluble or insoluble solids of organic or inorganic nature which may deplete the dissolved oxygen content of natural

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waters, contribute solids, contain oil, grease, or floating solids which may cause unsightly appearance on the surface of such waters, or contain materials detrimental to aquatic life.

Premises - shall mean any parcel of real property including land, improvements or appurtenances or buildings, grounds, etc..

Private Sewer - shall mean a sewer which is not owned or controlled by a public agency.

Public Sewer - shall mean a sewer which is owned or controlled by a governmental agency. This term includes any devices or systems used by the governmental agency in the storage, transmission, treatment or reclamation of municipal sewage or industrial wastes.

Rules and Regulations – shall mean the Rules and Regulations Relating to the use of the Town of Windsor Sewage Treatment Plant, promulgated by the Town of Windsor. [Added 6-3-2009 LL No.1-2009]

Sanitary Sewer - shall mean a sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial plants, and institutions.

Sanitary Sewer System - means the system of sanitary sewer installed or to be installed in any sewer district or extension thereof.

Sanitary Waste - shall mean wash water, culinary wastes, the liquid waste containing only human excreta and similar matter, flowing in or from a building drainage system or sewer originating in a dwelling, business building, factory or institution.

Sewage - shall mean "wastewater" as hereafter defined.

Sewer - shall mean a pipe or conduit for carrying wastewater; the term includes sanitary sewers.

Shall is mandatory; **May** is permissive.

Shredded Garbage - shall mean garbage shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle having any dimension greater than one-half inch.

SPDES - shall mean a wastewater discharge permit issued by the DEC under the State Pollutant Discharge Elimination System.

Storm Sewer - shall mean a sewer intended to carry only storm waters, surface run-off, street wash waters and/or drainage exclusive of sanitary wastes.

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Suspended Solids - shall mean the total suspended matter in water or wastewater, as determined by Standard Methods.

Town - shall mean the Town of Windsor.

Town Attorney – shall mean either the Town Attorney for Town of Windsor or his/her duly authorized agents and representatives or the Attorney for the Town of Windsor and his/her duly authorized agents and representatives. [Added 6-3-2009 LL No. 1-2009]

Town Board - shall mean the Town Board of the Town of Windsor.

Town Engineer - shall mean the Town Engineer of the Town of Windsor and his duly authorized agents and representatives.

Toxic Substance - shall mean any substance whether gaseous, liquid, or solid which when discharged to the sewer system in sufficient amounts may tend to interfere with any sewage treatment process, constitutes a hazard to the receiving waters of the effluent from the sewage treatment plant, poses a hazard to sewer maintenance personnel, or constitutes a hazard to animal life or inhibits aquatic life. This definition includes, but is not limited to, EPA Priority Pollutants.

Treatment System - shall mean any sanitary sewage treating system under the Town's Ownership including, but not limited to, intermittent sand filters, package wastewater treatment plants, treatment plants, or lagoon systems installed or to be installed in any sewer district or extension thereof.

Trunk Sewer Line - shall mean one of the main trunk sewers located in the public street or in easements owned by said sewer district.

Unpolluted Water - shall mean water to which no constituent has been added, either intentionally or accidentally, which would render water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

User - shall mean any person who contributes, causes or permits the contribution of wastewater into the Town's sanitary sewer system.

Wastewater - shall mean the water-carried domestic, human or animal waste from residences, buildings, industrial establishments or other places, together with such ground infiltration, industrial and commercial wastes as may be present.

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Wastewater Constituents and Characteristics - shall mean the individual chemicals, physical, bacteriological parameters, including volume, flow rate, and such other parameters that serve to define, classify, or measure the contents, quality and/or strength of wastewater.

§ 48-3. Permits.

No person, firm or corporation shall make an excavation in a public street or sewer district easement for the purpose of connecting a lateral sanitary sewer with trunk sewer, and no person, firm or corporation shall connect a lateral sewer line with a trunk line, without first having applied for and received a permit from the inspector, allowing such excavation and allowing said connection to the trunk line at the place indicated on the permit. All permits shall be issued to the owner of the premises who shall be responsible for compliance with this Ordinance. All such connections shall be made in conformity with this Ordinance and under the supervision of the Inspector.

§48-3(A). Residential Sewer Pumps. [Added 6-3-2009, LL No. 1-2009]

1. When a gravity connection is not available, an individual sewer pump shall be required for each residence and for each separate lateral to a premise connected to the sewer system.
2. The district reserves the right in all cases to stipulate the size, type and specification of sewer pump to be used.
3. The charge to each residential consumer for providing a sewer pump shall be \$0.00 payable at the time application is made for service.
4. Residential sewer pumps shall be purchased by the District to be installed under the direction of the District by a person, firm or corporation approved by the District. The cost of installation shall be borne by the district. Title to any residential sewer pump shall remain in the District and the installation on any private property shall not affect ownership of the pump by the District. Each owner of real property, or person having an interest in real property shall be deemed to have consented to the retention of ownership of the pump in the District by requesting, allowing or permitting sewer service to be installed to that property, or allowing the property to be occupied by someone with apparent authority to request, permit or allow installation of sewer service to that property, and such pump shall never be considered a fixture attached to the real property.
5. If any pump is damaged by frost, hot water, steam or any careless or negligent or willful acts of the owner or applicant resulting in injury, the cost of repair shall be assessed to the owner or applicant, and if not paid within ten days of receipt of the bill from the District, such costs shall be a charge upon the real property. Any willful acts by the owner or applicant resulting in injuries to a pump, or any acts designed to interfere with the proper operation of a residential sewer pump shall be cause for a discontinuance of service, and the cost of such

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discontinuance shall be assessed to the owner and if not paid within 10 days of receipt of the bill from the district, shall be charged to the real property.

6. The Applicant for a residential sewer pump shall in his/her application irrevocably release and discharge the Town and all Town officers, Town employees, Town agents, Boards of the Town, Board members of any Board of the Town, and the Sewer District or Sewer District Extension in which the property is located and their respective heirs, executors, administrators, legal representatives, successors and assigns (hereinafter collectively referred to as "Releasee"), and agrees that Releasee shall not be liable for, and agrees to defend, indemnify and save harmless Releasee of and from: any and all liability, actions, causes of action, damages, suits, claims or demands arising directly or indirectly as a result of any malfunction of said sewer pump causing damage to the residence of the applicant or the contents of his/her residence. The foregoing obligation to defend, indemnify and save harmless shall not apply to any loss, damage, liability or expense incurred as a result of any wrongdoing of the Town or any of the individuals or entities named above.

§ 48-4. Storm and Rain Waters.

No ground waters, storm waters, subterranean waters, rain waters or waters from rain spouts, cellar spouts, eaves or otherwise shall be drained into any lateral or trunk sanitary sewer line. Sanitary sewer drains located in a basement or cellar may be connected to any lateral or trunk sanitary sewer line if the drainage therein conveyed is solely that of sanitary sewage and/or water coming from the water supply system of the subject premises. Any such sanitary sewer drain shall be properly trapped and the property owner shall be solely responsible for providing adequate protection against back-flow and/or back pressure.

§ 48-5. Lateral Sanitary Sewer Size and Materials.

The lateral sanitary sewer shall be extra heavy hub and spigot pipe, thoroughly coated inside and outside with asphaltum or coal tar, with all joints made tarred oakum and molten lead properly caulked. In residential areas ASTM D3034-SDR 35 PVC Gravity Sewer Pipe and ASTM pipe D-1785 Schedule 40 and 80 PVC pipe may be substituted. Such lateral must enter the building under the basement floor level if possible. Size of said lateral sanitary sewer when not serving more than five (5) water closets shall be not less than four (4) inches inside diameter. When serving more than (5) water closets the size of the sewer shall be increased to sufficient capacity to meet all regulations.

§ 48-6. Laying Lateral Sanitary Sewers.

Where the sewer is to be laid in an earth bed, the machine excavation of the trench shall be stopped well above finished grade the remainder of the trench shall be cut by hand and shaped to receive the pipe so that the lower third of the pipe rests on original un-excavated material except for the space required for making joints. The bed shall be freed of stones and unstable materials and

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low spots filled with select earth tamped into place. If the foundation material cannot be manipulated to form a suitable bed for the pipe, it shall be removed and a bed of sand or gravel shall be tamped into its place. The trench for house connection shall be open to its full depth for the entire length before any pipe is laid therein. No back-filling shall be made until the work is inspected and approved by the Inspector for the District.

§ 48-7. Trenching and Excavations.

Whenever it is necessary to leave the work, the end of the pipe line shall be securely closed with a tight fitting cover or plug. Any earth or other material entering the main sewer through the open end of the lateral or pipe shall be removed at the owner's or his agent's expense. No tunneling will be allowed except where permission is obtained from the Inspector, in which case, his directions must be carefully followed. All trenches must be properly protected by sufficient sheathing and bracing where necessary. Where pipes pass under the walls of any buildings there shall be a relieving arch constructed to prevent settlement of the masonry over the pipe. The owner or his agent shall erect and maintain barricades, lights and other safeguards necessary to effectively prevent injuries to persons. When the trench passes beneath a pavement the refilling shall follow the directions of the Town, State, or County Superintendent of Highways. The earth fill over and around the pipes up to a depth of one foot over the pipes must be carefully selected and free from large stones, and shall be deposited in layers not exceeding six inches in thickness, each of which shall be well pounded, and rammed and compacted so that the dimensions may be used in refilling the remainder of the trench. This refilling shall be done in one foot layers, each layer being thoroughly compacted, and the surface of the trenches shall be finished off in a smooth and workmanlike manner. All settlement occurring after the trenches have been refilled must be filled in by the owner or his agent. Should he fail to do so, the refilling will be done under the directions of the Town Board and the cost of the work charged to him.

§ 48-8. Plugs.

The end of each lateral, when the connection to the house is not completed, shall be securely plugged in a manner satisfactory to the Inspector of the District.

§ 48-9. Grade and Alignment.

All lateral sanitary sewers must be laid straight and true, to both grade and alignment. Changes in direction shall be made by using Y branch or one-eighth bends and shall have a grade of not less than one-quarter (1/4) of an inch per running foot toward the public sewer. The following grades shall be considered the minimum and maximum acceptable grades.

Minimum Grade	Maximum Grade
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4"	1.00%	20%
6"	.65%	12%
8"	.40%	9%

Pipes shall be fitted together and matched so that when laid they will form a sewer with a smooth and uniform invert. All pipes shall be laid with bells uphill and the interior of the pipes shall be cleared of all dirt and foreign materials as the work progresses.

§ 48-10. Connection at Sewer.

The connection of the main sanitary sewer shall be made at the "Y" provided for this purpose. This connection shall not be made at any other point without special permission from the Inspector.

§ 48-11. Clean-outs.

Inside the building at the end of the lateral there shall be provided a 4" clean-out "Y". In no instance shall there be any connection to the lateral on the street side of the clean-out. Any lateral having bends greater than 1/16 shall have adequate clean-out at such bends. The size of the laterals shall be determined by computed flows by the Inspector.

§ 48-12. Fittings.

All soil fittings shall be recessed soil fittings with smooth continuous inner surfaces to the flow of drainage and shall conform in all respects to their respective grades of pipe. Changes in direction of flow shall be made by use of proper fittings. Where required, one-sixteenth bends shall be placed at least one length apart and one-eighth bends shall only be used with permission of the Inspector. The use of one-quarter bends will not be allowed.

§ 48-13. Restrictions and Limitations on Use of Sewers. [Amended 6-3-2009 LL No.1-2009]

A. Storm water and Other Unpolluted Water Prohibited.

No person shall discharge or cause to be discharged any storm water, swimming pool water, surface water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted

industrial process waters to any sanitary sewer, unless specifically authorized by the Town Engineer.

B. Prohibited Discharges.

(1) No person shall discharge directly or indirectly in a sanitary sewer system, or into any private sewer emptying into a sanitary sewer system, any substance, materials, waters or

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wastes in such quantities or concentrations which cause or are capable of causing, either alone or by interaction with other substances, interference with the operation or performance of the sanitary sewer system, or which could pass through the Treatment System inadequately treated. These general prohibitions and the specific prohibitions of subsection (2) of this section apply to all users of the Town's sanitary sewer systems whether or not the user is subject to any local, State or Federal requirements governing use of the Town's sanitary sewer systems.

(2) No person shall discharge the following into the Town's sanitary sewer systems:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, to create a fire or explosion hazard in, or be injurious in any other way to, the Town's sanitary sewer system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%), of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, benzene and any other substances which the Town Engineer, the Town, the DEC or EPA has notified the user constitute a fire or explosion hazard to the system.
- (b) Solid or viscous substances which may cause obstruction to flow in a sewer or other interference with the operation of the treatment plant such as, but not limited to: grease, shredded garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste papers, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, snow, ice, any other solid objects, materials, refuse and debris not normally contained in sanitary waste.
- (c) Any wastewater having a pH less than 6.0 or higher than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel in contact with Treatment works.
- (d) Any wastewater containing toxic pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of any treatment system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Federal Act.

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- (e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- (f) Any substance which will cause a Treatment System to violate any State Pollutant Discharge Elimination System (SPDES) Permit issued to the Treatment System; or to violate the receiving water quality standards.
- (g) Any wastewater with objectionable color not removed in the treatment process.
- (h) Any wastewater having a temperature at the point of introduction into the sanitary sewer system in excess of 150°F (65.5°C), or in such quantities that cause the temperature of the wastewater at the Treatment Plant to exceed 104°F (40°C).
- (i) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference with the treatment system. [Amended 6-3-2009 LL No.1-2009]
- (j) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (k) Any radioactive wastes.
- (l) Any holding tank wastes.
- (m) Any substance, materials, waters, or wastes of such nature or in such quantities or concentrations as are prohibited by the Rules and Regulations of the Joint Sewage Board, including among other things: [Added 6-3-2009 LL. No. 1-2009]

Wastewater containing any of the following substances in concentrations exceeding those specified below. Concentration limits are applicable to wastewater effluent at a point just prior to discharge into the Treatment System. [Added 6-3-2009 LL No. 1-2009]

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ALLOWABLE DAILY AVERAGE EFFLUENT CONCENTRATION

<u>SUBSTANCE¹</u>	<u>LIMIT² (MG/L)</u>
Cadmium	0.3
Chromium (total)	4.0
Copper	.5
Lead	1.5
Nickel	1.5
Zinc	4.0
Mercury	0.001

[Added 6-3-2009 LL. No. 1-2009]

C. Limitation on Point of Discharge. No person shall discharge substances directly into a manhole or other opening in a sanitary sewer other than through an approved building sewer.

D. Grease, Oil and Sand Interceptors, Grease, oil and sand interceptors shall be provided when, in the opinion of the Town Engineer or Ordinance Enforcement Officer, they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts, sand or other harmful ingredients; except that such interceptors shall not be required for private residences. All interceptors shall be of a type and capacity approved by the Town Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes of temperature. They shall be of substantial construction, watertight, and equipped with removable covers which when mounted in place shall be gas tight and watertight.

E. Dilution Prohibited. No discharger into the sanitary sewer system shall augment his use of process water or otherwise intentionally dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with this law.

¹ All concentrations listed for metallic substances shall be as "total metal" which shall be defined as the value measured in a sample acidified to a pH value of less than 2 without prior filtration. [Added 6-3-2009 LL No. 1-2009]

² As determined by a composite sample taken of the User's daily discharge over the operational and/or production period. Composite samples must consist of grab samples collected at intervals of at least one per hour. [Added 6-3-2009 LL No. 1-2009]

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F. Effluent limitations promulgated by the Federal Act and New York State Department of Environmental Conservation shall apply in any instance where they are more stringent than limitations in this law. Users in industrial categories subject to effluent guidelines issued under Section 304 of the Federal Act and discharging pollutants into the Treatment System shall achieve the level of treatment established by the applicable federal and state regulations. Nothing in the Rules and Regulations shall be construed to relieve any Industrial User from its obligation to comply with the pretreatment standards established pursuant to Section 307 of the Federal Act or any applicable regulation or provision of law.

G. Dental Facilities as the term is defined in 6 NYCRR Subpart 374-4 shall comply with the provisions of 6 NYCRR Subpart 374-4. [Added 6-3-2009 LL No. 1-2009]

§ 48-14. Title.

This Ordinance shall be known and cited as "An Ordinance Establishing and Setting Forth Rules and Regulations Covering the Installation of Lateral Sanitary Sewers and Lateral Sanitary Sewer Connections. Together with Specifications Therefore in All Sanitary Sewer Districts and Within Any Extensions Thereof in the Town of Windsor, Broome County, New York.

§ 48-15. Separability.

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or unjust for any reason by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

§ 48-16. Inconsistency.

All Resolutions or Ordinances or portions thereof of the Town of Windsor not consistent with this Ordinance in whole or in part shall be repealed.

§ 48-17. Enforcement and Penalties. [Repeal & replaced section in its entirety 6-3-2009 LL No. 1-2009]

1. Whenever it shall appear to the Town Engineer, after investigation, that any person has violated any provision of this law (other than a provision of §22), the Town Engineer shall give written notice to the alleged violator setting forth the nature of the violation, and

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directing that the matters complained of be corrected within such reasonable time limit as may be set by the Town Engineer. Any such notice shall be served on the violator by personal service or by registered or certified mail sent to the last address of the violator known to the Town Engineer. Where the address is unknown, service may be made upon the

owner of record of the property involved. If satisfactory action is not taken within the time allotted by the notice, the violator shall be subject to the penalty provisions set forth in subsection (b) below, in addition to any Town code enforcement procedures otherwise authorized by law.

2. Any person who willfully violates any provision of this law (other than a provision of §22), or any order of the Town Engineer issued pursuant to subsection 1 above, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Each offense shall be a separate and distinct offense, and in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. Any person violating any of the provisions of this law shall, in addition, be liable to the Town for any expense, loss or damage occasioned to the Town by reason of such violations, and any expense incurred in correcting the violation.

3. The Town Attorney, on his/her own initiative or at the request of the Town Engineer or Town Board, shall have the right to seek equitable relief in the name of the Town to restrain the violation of, or to compel compliance with, this law, or any order or determination issued there under by the Town Engineer.

4. Notwithstanding any inconsistent provisions of law, whenever the Town Engineer finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which in his judgment presents an imminent danger to the public health, safety or welfare, or to the environment, or is likely to result in irreversible or irreparable damage to the sanitary sewer system, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Town Engineer may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as in his judgment will reasonably notify such person whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. In the event of a user's failure to comply voluntarily with such emergency order, or where the giving of notice is impracticable, the Town Engineer may take all appropriate action to abate the violating condition, including disconnecting the user's premises from the Town's sanitary sewer system. As promptly as possible thereafter, not to exceed fifteen (15) days, the Town Engineer shall provide the user with the

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written notice required by subsection 1 of this section.

§ 48-18. Application.

Each and every provision of this Ordinance shall apply with full force and effect to any and all sanitary sewer districts of the Town of Windsor, including all extensions thereof, and to any and all sanitary sewer districts to be formed hereafter, including extensions thereof.

§ 48-19. Effective Date.

This Ordinance shall take effect ten (10) days after the publication thereof and posting thereof by the Town Clerk pursuant to applicable provisions of the Town Law.

ARTICLE II Outside Users

§ 48-20. Permits for Outside Users.

The Town Board may in its sole discretion permit any person or corporation owning real estate outside a town sewer district which real estate is adjacent to and within 250 feet of

one boundary of such district to connect at his own cost and expense and to discharge sanitary sewage for disposal and treatment into the facilities of the district, subject to the restrictions to be prescribed by said board. However, that no such use shall be permitted outside of the town in which such district is located if such territory is served by another sewer district, a city, village, or joint sewer system unless any required approval of any state commission is first obtained. The town board shall not permit said use under this section outside of the district if such use will reduce the discharge source so that it will not be sufficient for the district affected or its inhabitants. The holder of any permit so issued shall comply with all other requirements of this ordinance and shall pay to the district to which it discharges its effluent one and one-half (1 1/2) times the annual benefit assessment that would have been levied against the property if it had been located within said district.

§ 48-21. Industrial waste discharges.

1. Applicability.

The discharge of industrial wastes into the sanitary sewer system of all sanitary sewer districts and extensions thereof in the Town of Windsor shall, in addition to any other requirements of law, be governed by the provisions of this section.

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2. Authority of the Town Board.

A. Notwithstanding any other provisions of law, the admission into any sanitary sewer district and extensions thereof of the Town of Windsor of any industrial wastes shall be subject to the

review and approval of the Town Board of the Town of Windsor. The Board is hereby granted authority, concurrent with that of the sewer district to enforce against any user within the district, all requirements necessary to ensure compliance with the provisions of the Rules and Regulations of the Board. Nothing contained herein, however, shall be construed as precluding the Town from seeing against any user such remedial action as it deems appropriate for correcting any violation of its local laws, ordinances or regulations governing use of any sanitary sewer district and extensions thereof of the Town of Windsor.

B. In exercising its authority over users discharging industrial wastes into the sanitary sewer system of any sanitary sewer district and extensions thereof of the Town of Windsor, the Board may:

1. Require pretreatment of the user's wastewater to a condition acceptable for discharge to the public sewer;
2. Require the user to apply for and obtain an industrial wastewater discharge permit as a means of controlling the quantities and rates of discharge;
3. Require payment by the user to cover any added cost of handling and treating substances in the wastewater not covered by existing fees or charges;
4. Require the development of compliance schedules by the user to meet any applicable requirements prescribed by the Board's Rules and Regulations;
5. Require the user to submit such reports and supplemental information which the Board deems necessary to assure compliance with any applicable requirements prescribed by the Board's Rules and Regulations;
6. Carry out all inspection, surveillance and monitoring necessary to ascertain the user's compliance with applicable requirements prescribed by the Board's Rules and Regulations;
7. Investigate or make inquiry in a manner to be determined by it, as to any condition within the district affecting the operation of a Treatment System, and as to any alleged act or omission or failure to comply with the Board's Rules and Regulations; or
8. Obtain remedies for noncompliance by any such user as specified in paragraph 7 of this Article;

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9. Reject the user's wastewater, where the Board determines that the waste-waters contain substances or possesses characteristics which have a deleterious effect on a sewage treatment system and its appurtenant, facilities, or the processes, equipment or receiving waters of the treatment system, or which constitute a public nuisance or hazard; or

10. Take such other measures as it deems necessary and proper to ensure compliance with this law, with applicable state and federal law, and with the Rules and Regulations of the Board.

3. Inspections.

The Town Board, and representatives of the EPA and DEC bearing proper credentials and identification, shall be permitted to enter all properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement and testing to ascertain a user's compliance with applicable provisions of federal, state and local law governing use of the district's sanitary sewer system, and with the provisions of the Rules and Regulations of the Board. The Board shall have the right to set up on the user's property such devices as are necessary to conduct sampling or flow measurement. The Board shall additionally have access to and may copy any records the user is required to maintain under the Rules and Regulations of the Board. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities.

4. Violations.

A. No user discharging or proposing to discharge wastewater into the district's sanitary sewer system shall violate any of the provisions of, or fail To perform any duty imposed by, the Rules and Regulations of the Board; or any order or determination of the Board promulgated there under; or the terms and conditions of any permit issued by the Board.

B. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is under the jurisdiction, ownership or control of the Town.

C. No person shall tamper with or knowingly render inaccurate any measuring device or mechanism installed pursuant to any requirement under the Rules and Regulations of the Board.

D. No person shall knowingly make false statement in any application, report or other document required to be filed pursuant to any provision of the Rules and Regulations of the Board.

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5. Industrial Waste Surcharge.

In addition to any other fees, charges, sewer rents or sanitary district taxes provided by law, industrial users shall pay to the Town an industrial waste surcharge of the privilege of using the Sewage Treatment System for treating industrial wastes or other special wastes accepted for discharge into the district's sanitary sewer system. The industrial waste surcharge shall be computed and collected by the Board in accordance with its Rules and Regulations.

6. Enforcement; Penalties.

A. Any person who violates any provision of paragraph 5 above shall be liable to the Board for a civil penalty not less than One Hundred (\$100.00) and not more than Five Hundred

Dollars (\$500.00) for each violation, to be assessed by the Board after a hearing or opportunity to be heard in accordance with the procedures set forth in the Board's Rules and Regulations. Each violation shall be a separate and distinct violation, and in the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct. Such penalty may be recovered in an action brought by the Board's attorney in any court of competent jurisdiction.

B. In addition to the power to assess penalties as set forth in subsection (1) above, the Board is hereby empowered, following a hearing or opportunity to be heard in accordance with the provisions of its Rules and Regulations, to issue an order in the name of the Board

and of the District enjoining the violator from continuing the violation. Any such order of the Board shall be enforceable in an action brought by the Town's attorney in any court of competent jurisdiction.

C. Any civil penalty or final order issued by the Board pursuant to subsection (b) may be reviewed in a proceeding brought pursuant to Article 78 of the New York CPLR. Application for such review must be made within 30 days after service in person or by mail of a copy of the determination or order upon the attorney or record for the applicant and of each person who has filed a notice of appearance; or upon the applicant in person if not represented by an attorney.

D. Any person who willfully violates any provisions of paragraph 5 above shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment of not more than six months, or by both such fine and imprisonment. Each offense shall be a separate and distinct offense, and in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

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E. Any person violating any provision of paragraph 5 above shall, in addition, be liable to the Town Board for any expense, loss or damage occasioned to the Town by reason of such violation, and any expense incurred in correcting the violation.

F. The Town's attorney, or the attorney acting on behalf of any such district or extensions thereof at the request of the Town Board, shall have the right to seek equitable relief in the name of the District to restrain the violation of, or to compel compliance with, any provision of paragraph 5 above.

G. Notwithstanding any inconsistent provisions of law, whenever the Board finds after investigation, that any user within the District is causing, engaging in or maintaining a condition or activity which, in its judgment, presents an imminent danger to the public health, safety or welfare, or to the environment, or is likely to result in irrevocable or irreparable damage to any Sewage Treatment System, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the Board may, without prior hearing, order such user by notice in writing whenever practicable, or in such other form as in the Board's judgment will reasonably notify such person whose practices are intended to be proscribed, to discontinue abate or alleviate such condition or activity; and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity. In the event of a user's failure to comply voluntarily with such emergency order, or where the giving of notice is impracticable, the Board may take all appropriate action (including disconnecting the user's premises from the District's sanitary sewer system) in order to abate the violating condition. As promptly as possible thereafter, not to exceed fifteen (15) days, the Board shall provide the user and opportunity to be heard in accordance with the provisions of its Rules and Regulations.

ARTICLE III [Added in entirety 6-3-2009 LL No.1-2009]

Use of Public Sewers Required

§ 48-22. - Waste Disposal Unlawful Where a User is served or required to be connected to the Town public sewer pursuant to this Article, it shall be unlawful for said User to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, within the Town or in any area under the jurisdiction of the said municipality, any human or animal excrement, garbage, or objectionable waste. Also, no User served or required to be connected to the Town public sewer pursuant to this Article, shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

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§ 48-23 - Connecting Private Sewage System to Storm Sewer Unlawful No person shall connect a private sewage system so that sewage flows into a storm sewer or into a drain intended exclusively for storm water.

§ 48-24 - Discharge of Sewage into Well Prohibited No person shall discharge sewage into a well.

§ 48-25. - Wastewater Discharge Unlawful Where a User is served or required to be connected to the Town public sewer pursuant to this Article, it shall be unlawful to discharge to any natural outlet, within Town, or in any area under the jurisdiction of the said municipality, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Law.

§ 48-26 - Building Permit Allowed Only When Approved Wastewater Disposal Available No property owner, builder, or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities unless a suitable and approved method of wastewater disposal, conforming to this Law, is available.

§ 48-27 - Private Wastewater Disposal Unlawful Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank, or other facility intended or used for disposal of wastewater.

§ 48-28 - Connection to Public Sewer Required The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town, and abutting on any street, alley, or right-of-way in which there is now located or may, in the future, be located a public sewer, is hereby required, at the owner's expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this law, not later than October 1, 2011 or, if as a result of a future sewer expansion, within ninety (90) days after official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

§ 48-29 - Limitation on Use of Public Sewers The use of the Town public sewers shall be strictly limited and restricted, except as provided in this Article, to receive and accept the discharge of sewage and other wastes, including industrial wastes generated on or discharged from real property within the bounds of the Service Area of the Treatment System .

§ 48-30 - Wastewater from Outside the Treatment System Service Area - The Town Board shall have the authority to enter into agreements to accept sewage and other wastes, including industrial wastes, generated by or discharged from persons outside the service area of the Treatment System.

If the person is a municipality, that municipality shall have enacted a Sewer Use Law as restrictive on the discharge of sewage and other wastes as the restrictions contained in this Law.

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Any Sewer Use Law of municipality currently having an inter-municipal agreement with Windsor for sewer use shall be deemed as being “as restrictive.”

If the person is not a municipality the acceptance shall be made only with the expressed written consent of the Town Board (the issuance of a permit/agreement) setting forth the terms and conditions of such an acceptance.

§ 48-31 - Moratorium At the recommendation of the Superintendent, who determines that:

- one or more segments of the Treatment System is exceeding its hydraulic capacity at any time and/or
- any specific purpose of this Law is being violated; then

The Town Board shall have the authority to limit or deny new connections to the Treatment System until the conditions leading to the moratorium are corrected. Such correction may be by:

- construction of new facilities
- enlarging existing facilities
- correction of inflow and infiltration
- cleaning and repairing of existing facilities

§ 48-32- Basis of Sewer Use Requirement All requirements, directives, and orders calling for mandatory use of the sewers, within the Service Area of the Treatment System, for the proper discharge of sewage and other wastes, including industrial wastes, shall be established and given by the Town Board, NYSDEC, USEPA, and/or other such State or Federal agencies, which have enforcement powers.

ARTICLE IV [Added in entirety 6-3-2009 LL No.1-2009] Charges

§ 48-33- Normal Sewage Service Charges

Pursuant to the authority of General Municipal Law § 452, Sewer Rent Law of the State of New York, and any and all amendments thereto, there is hereby established and imposed sewer rents as a means of producing revenue for the sewer system of the Town of Windsor, New York. The sewer rents established herein shall be imposed on the owners of all premises located within the Sewer District, connected with or required to be served by the public sewer system.

- A. Sewer charges shall be levied on the owners of all premises connected to the sewer system based upon the water consumption metered by the Town in the immediately preceding

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quarter and will be the same quantity as used for water billing. The sewer rent shall consist of two components: a minimum quarterly bill and a quantity usage charge. The minimum quarterly bill shall be at least sufficient to cover the administrative costs incurred to process each quarter billing.

B. Quarterly usage charge.

The minimum quarterly bill for all buildings, structures, and apartments connected to the sewer system and also serviced by a Town water meter shall be established by the Town Board at a specified rate per quarter.

All quarterly sewer use charges provided for in this chapter shall be due and payable at the same time water bills are due and payable.

This charge will be set by Resolution by the Town Board.

C. The sewer use rates for all consumers outside the Sewer District shall be a rate set by Resolution.

§ 48-34- Surcharge for Abnormal Sewage

All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall pay a surcharge as established by Resolution of the Town Board.

§ 48-35 - Cooperation by Owner of Real Property

The Sewer Superintendent may require each owner and/or occupant of real property within the Sewer District or an outside user to furnish the superintendent with such information as may be necessary and reasonable in order to carry out the provisions of this article. It shall be permissible for the Superintendent or other properly authorized person employed by the Town to enter upon real property at reasonable times for the purpose of obtaining such information as may be necessary to carry out the provisions of this Article.

§ 48-36 - Segmenting the Treatment System The service area of the Treatment System may be segmented to assist in a fair distribution of user charges, especially if there is a pump station serving a segment.

§ 48-37 - Measurement of Flow

The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained.

In the event that a person discharging wastes into the Treatment System produces evidence, to the Superintendent, demonstrating that a substantial portion of the total amount of metered water

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does not reach the **Treatment System**, then the Superintendent shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the Treatment System.

In the event that a person discharging wastes into the Treatment System procures all or part of his water supply from un-metered sources, the Superintendent shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the Treatment System.

Any water meters and/or flow measuring devices installed pursuant to this Section shall be of a type and design acceptable to the Superintendent and shall be installed, maintained, and periodically tested as required by the Superintendent, at the owner's expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the Superintendent. Notwithstanding the forgoing, upon the consent of the Superintendent, residential property owners who procure all or part of their water supply from un-metered sources may elect to pay a sewer rent of two (2) times the then current quarterly minimum charge. Any person discharging wastes into the Treatment System may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the Superintendent, at the owner's expense.

§ 48-38 - Billing Period

Sewer rents for the use of the sewer system shall be billed quarterly in arrears for sewer quarters on February 1, May 1, August 1 and November 1 in each year. Sewer rents shall be invoiced on or about the first day of each of the aforesaid quarters, and shall be paid not later than 35 days after bill date. In the event that payment is not made by the due date, then a 10% percent penalty shall be added to the said sewer rent.

§ 48-39- Pretreatment Program Costs

The additional charges and fees associated with the operation of the pretreatment program shall be assessed the User, and include:

- (1) reimbursement of costs of setting up and operating the pretreatment program
- (2) issuing permits
- (3) monitoring, inspections, and surveillance procedures
- (4) costs of equipment and supplies
- (5) reviewing accidental discharge procedures
- (6) construction inspections
- (7) filing appeals

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(8) application for consistent removal status as outlined in 40 CFR 403

(9) other reasonable expenses to carry out the program to satisfy the requirements of this Law, the NYSDEC, and the Federal government

§ 48-40 - Charges for Trucked and Hauled Wastes

The charge for treatment and disposal of trucked or hauled waste which has been introduced into the shall be as established by the Town Board. The manner of determining the volume dumped shall be at the discretion of the Superintendent.

§ 48-41 - Capital Recovery

The Town may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the Treatment System which collect, pump, treat, and dispose of industrial wastewaters from those persons discharging such wastewaters into the Treatment System.

§ 48-42- Collection of Charges

Sewer rents, together with the amount of any penalty which shall become due and owing as provided in this Article, shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents shall have been established and imposed. Such rents and/or penalties due may be included in the Town tax levy accounted for and collected pursuant to Article 11 of the New York State Town Law or such rents and/or penalties due may be collected pursuant to the provisions of Article 14-F of the New York State General Municipal Law.

§ 48-43 - Fiscal Year for System

The Treatment System shall be operated on the basis of a fiscal year commencing on the first day of June and ending on the thirty-first day of May.

§ 48-44 - Impact Fees

The Town shall have the authority to impose impact fees on new development, which development may:

- (1) - cause enlargement of the service area of the Treatment System
- (2) - cause increased hydraulic and/or treatment demands on the Treatment System

§ 48-45 - Use of Revenues

Revenues derived from sewer rents and associated penalties, and impact fees, shall be credited to a special fund. Monies in this fund shall be used exclusively for the following functions:

- (a) For the payment of the operation and maintenance, including repair and replacement costs of the Town Treatment System,
- (b) For the discovery and correction of inflow and infiltration,
- (c) For the payment of interest on and the amortization of or payment of indebtedness which has

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been or shall be incurred for the construction or extension of the Town Treatment System,
d) For the extension, enlargement, replacement of, and/or additions to the Town Treatment System, including any necessary appurtenances.

§ 48-46 - Records and Accounts

The Town shall maintain and keep proper books of records and accounts for the Treatment System, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the Treatment System.

There shall be an annual review of the sewer charge system to determine if it is adequate to meet expenditures for all programs for the coming year.

§ 48-47 - Correction of Errors

If any owner of real property on which a sewer rent has been imposed deems himself or herself aggrieved because such real property is not served by the sewer system or an error has been made in computing such sewer rent, he or she may file an application for a refund of all or part of such sewer rent. Such application shall be verified by the owner and shall set forth the amount of refund sought and the grounds therefore. Such application shall be presented to the Town Board of the Town of Windsor, which may refund all or part of such sewer rent.