

**Title 13**

**PUBLIC SERVICES**

**Chapters:**

**13.04 Cemetery Use Regulations**

**13.08 Water System Regulations**

**13.12 Water Reservoirs**

**13.16 Sewer System Regulations**

## Chapter 13.04

### CEMETERY USE REGULATIONS

#### Sections:

- 13.04.010 Perpetual care—Deposits—Disposition of revenues.**
- 13.04.020 Lots received in trust.**
- 13.04.030 Rates for services—Sale of rights of burial—Authority.**
- 13.04.040 Rates for services—City Manager approval.**

#### **13.04.010 Perpetual care—Deposits—Disposition of revenues.**

The Superintendent shall determine the amount necessary to preserve and care for any lot in Cambridge Cemetery, and shall also determine what lots may be received under perpetual care. Sums deposited by lot owners for perpetual care shall be paid into the Treasury and invested. The income therefrom shall be applied by the Superintendent for the preservation and care of such lots. The fund so created shall be denominated the "cemetery fund for the perpetual care of lots." (Prior code § 17-68)

#### **13.04.020 Lots received in trust.**

Proprietors of lots may, upon forms prescribed by the Superintendent of the Cemetery Division, and upon written approval of the City Manager, convey the lot or lots to the City; and the Superintendent may, with the written approval of the City Manager, accept the same, for and in behalf of the City upon certain trusts in the deed of conveyance to be expressly mentioned. But in no event shall any such deed of conveyance be accepted as set out in this chapter,

unless and until there shall be deposited with and held by the City Treasurer, a sum sufficient to provide for the perpetual preservation and care of such lot or lots, as provided for in this chapter, and in addition thereto, such sum or sums as may be determined by the Superintendent with the approval of the City Manager for keeping in repair and for the replacement of any curb, monument, headstone and fence on such lot or lots at the time of such conveyance. Any proprietor so conveying may in the deed reserve to himself and to such as may be beneficiaries thereunder the right of admission and such supervision as to the Superintendent of the Cemetery Division may seem proper and as may not be inconsistent with the rights which have vested in the City. (Prior code § 17-69)

#### **13.04.030 Rates for services—Sale of rights of burial—Authority.**

A. The Superintendent shall have authority to establish rates for and to sell rights of burial in the Cambridge Cemetery. All deeds and conveyances shall be executed by the City Manager in the name of the City, and recorded by the City Clerk in a book kept for that purpose.

B. The Superintendent shall have authority to establish rates for services rendered to lot owners. (Prior code § 17-66)

#### **13.04.040 Rates for services—City Manager approval.**

All rates established in Section 13.04.030 of this chapter shall be subject to the approval of the City Manager and no rate shall be deemed to be in effect until such approval in writing is given thereto. (Prior code § 17-67)

## Chapter 13.08

### WATER SYSTEM REGULATIONS

#### Sections:

- 13.08.010 Water Board—Powers and duties.
- 13.08.020 User's responsibilities—General regulations.
- 13.08.030 Rate assessment authority.
- 13.08.040 Water rents—Payable in advance.
- 13.08.050 Water rents—Abatements.
- 13.08.060 Recordkeeping.
- 13.08.070 Issuance of bills—Form.
- 13.08.080 Injury to pipes, reservoir or hydrants.
- 13.08.090 Water restriction authority.
- 13.08.100 Pipe and fixture maintenance—Unnecessary use.
- 13.08.110 Waste or improper use—Determination authority.
- 13.08.120 Waste or improper use—Reporting requirements.
- 13.08.130 Rates—Established.
- 13.08.140 Rates—City exempted.
- 13.08.150 Rates—Penalty for nonpayment.

#### 13.08.010 Water Board—Powers and duties.

The Water Board shall have full power to make all necessary repairs, extensions or improvements on the works, and to provide new supply pipes. All hydrants, standpipes and drinking fountains, established by the City, shall be constructed, and all repairs upon such hydrants, standpipes and drinking fountains made, and the streets, when broken up, shall be again put in good order, to the satisfaction of the Superintendent of Streets, by and under the direction of the Water Board. The Water Board shall have no power to expend any money, or to incur any debt, beyond the amount of appropriations made by the City Council. (Prior code § 19-5)

#### 13.08.020 User's responsibilities—General regulations.

A. The following regulations shall be considered a part of the contract with every person who takes the water and every such person, by taking the water, shall be considered to express his consent to be bound thereby. The regulations shall be printed upon every bill for water rent, and whenever any one of them is violated (notwithstanding two or more parties may receive the water through the same pipe), the Chief Superintendent, under the direction of the Water Board, shall cause the water to be cut off, and it shall not be let on again except upon payment of two dollars and all chargeable rates; provided, further, in case of any such violation, the Water Board may declare forfeited any payment made for the water, by the person committing such violation, and the same shall thereupon be forfeited. The regulations are as follows:

1. All persons taking the water shall, at their own expense, keep the service pipes in good repair and protected from frost, and they will be held liable for all damage which may result from their failure to do so.

2. They shall prevent all unnecessary waste of water, and there shall be no concealment of the purposes for which it is used.

3. No alteration shall be made in any of the pipes or fixtures installed by the City, except by its agents, who shall be allowed to enter the premises supplied, to examine the apparatus, and to ascertain if there is any unnecessary waste. No plumber or other person shall make any alteration or extension of the pipes in any house or on any premises without first giving notice to the Chief Superintendent and procuring a written permit from him which shall be returned to the Chief Superintendent within ten days after the completion of the work, endorsed with a statement of all fixtures added or removed. Any person violating this regulation shall be fined not more than fifty dollars.

4. No water shall be supplied to parties not entitled to the use of it under City ordinances, unless by special permission.

5. Except as provided in this chapter, no connection of a fountain shall be made, directly or indirectly, with the water pipes of the City. Persons desiring water for fountain purposes, shall make application in writing to the Water Board, stating the number and size of the jets to be used, and the hours of the day and the months during which it is proposed to use the same. Upon such application the Water Board shall fix the rate to be charged to the applicant, and the connection with the water pipes shall be made by and under the direction of the Superintendent; it being understood and agreed that the water shall be used exclusively for fountain purposes, unless supplied through a meter.

6. a. Whenever on account of nonoccupancy of premises or nonuse of water or abatement is desired, and notice thereof is given at the office of the Chief Superintendent, while the person liable for the water rates is in possession of the premises, the water shall be cut off by an employee of the Board and an abatement made, less the charge of one dollar for cutting off; provided, that such seal locks as may be adopted by the Water Board may be placed upon faucets in tenements so connected with other tenements that then cannot be separately shut off in the street; but they shall not be put in any house that can be so shut off from the street, except for particular fixtures.

b. The charge of putting on such seal locks shall be established by the Water Board. Such seal locks shall not be taken off by any one except an employee of the Water Board, on penalty of forfeiting all claims for allowance, and having the water shut off from the premises.

7. The Chief Superintendent, with the necessary agents and assistants, may enter the premises of any water taker to examine the quantity used, and the manner of use, and to cut off the water for nonpayment of rents and fines, or for any violation of these regulations.

B. The Chief Superintendent shall, under the direction of the Water Board, make all the water rate charges, excepting charges for metered water, to the owner of the property, and in every case the owner shall be liable for the water rates, except where the ownership is changed after water is shut off for nonpayment, in which case the new owner shall be liable for the water rates from the time when the water is again let on. (Prior code § 19-16)

#### **13.08.030 Rate assessment authority.**

The Water Board shall determine and assess the water rates according to the tariff of rates adopted by the City Council, and shall have power to establish such regulations as it may deem expedient for the introduction and use of water; and the water shall not be supplied to any building unless the pipes and fixtures are made conformable to such regulations. (Prior code § 19-7)

#### **13.08.040 Water rents—Payable in advance.**

The annual rent for the use of water shall be payable in advance on May 1st of each year. All charges for specific supplies or for fractional parts of the year to May 1st shall be payable in advance and before the water is let on. (Prior code § 19-11)

#### **13.08.050 Water rents—Abatements.**

The Chief Superintendent, under the direction of the Board, may make abatements in the water rents in all proper cases. (Prior code § 19-13)

#### **13.08.060 Recordkeeping.**

A. The Chief Superintendent shall cause to be kept suitable books in which shall be entered the names of all persons who take the water, the kind of building, the name and number of the street, the nature of the use, the number of takers and the amount charged, and amounts of abatement,

which shall always be kept open to the inspection of the Water Board, and any committee of the City Council.

B. The Chief Superintendent shall, at the end of each year, report to the Water Board:

1. The amount of the bills sent to the Treasurer;
2. The amount of the abatements;
3. The amount of uncollected bills. (Prior code § 19-14)

#### **13.08.070 Issuance of bills—Form.**

A. The Chief Superintendent shall, under the direction of the Water Board, cause the annual bills for water rates to be issued and delivered on or before April 10th of each year, and shall make out bills for all other amounts payable to the City on account of the water works, and deliver the same to the Treasurer, from time to time, as they may become due. All the bills so delivered by the Chief Superintendent shall be numbered to correspond with the number of the charge on his books.

B. A certificate of each abatement and refund shall be furnished by the Chief Superintendent, which certificate shall be addressed to the Treasurer, and shall state the account on which it is allowed, and the number of the bill. The Chief Superintendent shall, on the first day of every month, report in writing to the auditor the amount of the bills of each class placed in the hands of the Treasurer for collection, and also the amount abated or ordered to be refunded, during the preceding month. Whenever it shall appear to the Chief Superintendent that an error has been made in the rates charged for any house or tenement whereby a larger amount has been charged than is required he shall cause an abatement certificate to be made for the amount of the excess charged, and forthwith transmit the same to the City Treasurer, who shall send a corrected notice to the owner or the person to whom the rates are charged. (Prior code § 19-20)

#### **13.08.080 Injury to pipes, reservoir or hydrants.**

No person shall injure any public pipe, reservoir or fire hydrant connected with the water works, or shall break and enter the same, or draw off or cause to be removed, any of the water therefrom, or shall turn on or off the water in any such water pipe, reservoir or fire hydrant, or shall make any opening or connection with such pipe, reservoir or fire hydrant or remove the cover of any hydrant except in case of fire, without the license or permit of the Water Board, or by authority of the City Manager, and then only under the direction of the Superintendent of the Water Works, who shall provide competent men to perform the same; and the expense thereof shall be charged to the person or department applying for such license or permit. (Prior code § 19-15)

#### **13.08.090 Water restriction authority.**

The Water Board shall have the power to restrict the use of hand-hose or automatic sprinkler or similar devices to such hours of the day as it may deem necessary; and for any violation of such restriction the occupant of the premises shall be liable to the penalties imposed in Section 13.08.110 for a waste or improper use of water. (Prior code § 19-19)

#### **13.08.100 Pipe and fixture maintenance—Unnecessary use.**

An owner or occupant of premises in which water furnished by the City is used, who fails to keep his service pipes and fixtures in good order, and neglects to repair the same within three days after they have, from any cause, become defective, or who neglects to shut off the water after using it, so that it runs to waste, shall be liable to a fine not exceeding fifty dollars; and if such fine is not paid within two days from the time when the person incurring it receives notice that he is liable thereto, the water shall be cut off from his premises, and shall not be let on again until the waste is

stopped and the fine paid, together with an additional sum of two dollars for cutting off and letting on the water. In case of a second offense during the same year, a fine not exceeding fifty dollars shall be imposed, and if it is not paid within two days, as aforesaid, the water shall be cut off, and shall not be let on again until the cause of the complaint is removed and the fine paid, together with two dollars for cutting off and letting on the water. In case of a third offense, the water shall be cut off, and shall not be let on again except by a vote of the Water Board and the payment of such fine, not exceeding fifty dollars, as the Water Board may impose. (Prior code § 19-17)

**13.08.110 Waste or improper use—  
Determination authority.**

The Water Board shall have the power to decide what shall be considered a waste or improper use of water, and to restrict the use thereof when it may deem necessary. If the water taker refuses or neglects to comply with any order of the Water Board, after notice given to him, the water may be cut off, and shall not again be let on, except by a vote of the Water Board, and the payment of such fine, not exceeding fifty dollars, as the Water Board may impose. (Prior code § 19-18)

**13.08.120 Waste or improper use—Reporting requirements.**

The police shall report to the Chief Superintendent all cases of leakage, waste or unnecessary profusion in the use of the water, and all violations of this chapter that may be brought to their notice. (Prior code § 19-23)

**13.08.130 Rates—Established.**

There is established an annual charge for the use of water furnished by the City Water Department to estates within the City.

A. The rate for metered water shall be forty-six cents per cubic feet. In no case, however, shall the minimum charge for metered water be less

than ten dollars, payable semiannually (at six month intervals). All water passing through a meter, whether used or wasted, will be subject to charge.

B. For the fiscal year commencing on July 1, 1979, and for each fiscal year thereafter, the City Manager shall recommend as a part of the annual budget submitted to the City Council, a just and equitable water use charge based on metered water consumption and/or other applicable standards for computation of water consumption as set forth in this section. The charge shall take into account all appropriate water related estimated revenues and available revenue surpluses, and shall produce sufficient revenue to equal or exceed the annual appropriations proposed for water department operation, maintenance and debt service. The City Council shall adopt the annual water use charge in conjunction with its adoption of the annual budget. In so doing, the City Council may increase or decrease the City Manager's recommended water use charge in proportion to any increase or decrease it may adopt in the City Manager's recommended appropriations for water department operation, maintenance and debt service.

C. The quantity of water supplied by the City through a water meter in good working order shall be determined by the reading of such meter. If a meter malfunctions and fails to register, the consumer shall be charged at the average daily consumption as shown by the meter when in order.

D. The charges established by this section shall be due and payable by the owner of record at such time or times and in such installments, if any, as the Chief Superintendent from time to time may shut off the supply, after sending a special notice that the water will be shut off for nonpayment, and shall not again be let on for the same occupant or owner, except upon the payment of the whole amount due, together with

costs as determined by the Board. The Superintendent shall, in his order of assessment, designate as the owner of a parcel assessed, the person who was liable to assessment therefor on the preceding January 1st.

E. A monthly interest charge of one and one-half percent shall be assessed on the balance of any water bill remaining unpaid after thirty days from the date of billing.

F. When water is required for purposes which are not specified in the foregoing tariff, the rates shall be fixed by the Chief Superintendent.

G. The Board shall have the power to prevent the erection of yard hydrants, and water shall not be supplied to any water closets unless such water closets are constructed to conform to the plumbing ordinance. (Ord. 902, 1978; prior code § 19-21)

**13.08.140 Rates—City exempted.**

All water required by the City in its various departments, shall be furnished free of charge. (Prior code § 19-22)

**13.08.150 Rates—Penalty for nonpayment.**

A. In all cases of nonpayment of the water rent in thirty days after the same is due, the Chief Superintendent under the direction of the Water Board shall cut off the supply, and the water shall not again be let on, for the same occupant or owner, except upon the payment also of the whole amount due together with costs as determined by the Water Board; provided, that in case of specific supplies or for fractional parts of the year, when the water has been let on, it may be cut off immediately after notice given at the place that the rent is not paid, and may be let on again upon the conditions before mentioned. The foregoing provisions shall apply when two or more parties take the water through the same service pipes, although one or more may have paid the proportion due from him or them.

B. All bills for water furnished by meter shall be payable quarterly and if the same be not paid within twenty days after the end of the quarter, the Chief Superintendent shall cut off the supply after sending a special notice that the water will be so cut off for nonpayment. (Prior code § 19-12)

## Chapter 13.12

### WATER RESERVOIRS

#### Sections:

- 13.12.010 Established—Fishing or swimming.
- 13.12.020 Speed limit establishment authority.
- 13.12.030 Ice skating and other winter sports.
- 13.12.040 Driving teams.
- 13.12.050 Funeral processions.
- 13.12.060 Fast driving.
- 13.12.070 Destruction of property.
- 13.12.080 Climbing trees.
- 13.12.090 Posting bills or advertisements.
- 13.12.100 Violation—Penalty.

#### 13.12.010 Established—Fishing or swimming.

Fresh Pond, Stony Brook and Hobbs Brook are constituted reservoirs, storage basins and water supplies for the use of the City. No person shall fish, swim or bathe, or permit any animal under his control to swim or bathe in Fresh Pond, Stony Brook or Hobbs Brook, or other reservoir of the water works, or enter into the waters thereof, or place or use a boat in the same, or throw dirt, rubbish, filth, offensive or other foreign matter, or commit a nuisance therein, or on the land and driveways of the City connected therewith and appurtenant thereto; provided, however, that the Water Board may permit fishing in Fresh Pond Reservoir between the hours of four a.m. and eight a.m. under such rules and restrictions as it may establish from time to time, to control the same. (Prior code § 19-25)

#### 13.12.020 Speed limit establishment authority.

The Water Board may regulate the use and speed of any vehicles within the enclosures of Fresh Pond, Stony Brook, Hobbs Brook or any

other reservoir and may prohibit or prevent entrance of any vehicles within such enclosure. (Prior code § 19-33)

#### 13.12.030 Ice skating and other winter sports.

No person shall go upon the ice of Fresh Pond, Stony Brook or Hobbs Brook, or any other reservoir of the water works for the purpose of skating or place or use a sled, ice boat, sleigh or vehicle thereon. (Prior code § 19-26)

#### 13.12.040 Driving teams.

No person shall drive a team, cart, wagon or other vehicle, for the conveyance of burdens, upon the land and driveway connected with, and appurtenant to, Fresh Pond. (Prior code § 19-27)

#### 13.12.050 Funeral processions.

No person shall drive or conduct a funeral, or a hearse or carriage connected with a funeral, on the driveway of Fresh Pond. (Prior code § 19-28)

#### 13.12.060 Fast driving.

No person having the charge or use of a horse or other animal, shall drive or permit such horse or other animal to go at a greater rate of speed than eight miles an hour upon the driveway or within the enclosure of Fresh Pond, and the Water Board may by regulation prohibit or limit the bringing of any animals within such enclosure. (Prior code § 19-29)

#### 13.12.070 Destruction of property.

No person shall injure, deface or destroy any tree, shrub, grass, path, fence, building or wall on the land and driveway connected with and appurtenant to, Fresh Pond, Stony Brook or Hobbs Brook, or other reservoir of the water works, or dig or carry away the sward, gravel, rock, stones, sand, turf or earth on such land and driveway. (Prior code § 19-30)

13.12.080

**13.12.080 Climbing trees.**

No person shall climb a tree on the land connected with, and appurtenant to Fresh Pond, Stony Brook or Hobbs Brook, or other reservoir of the water works, or tie a horse or other animal to a tree or fence on such land. (Prior code § 19-31)

**13.12.090 Posting bills or advertisements.**

No person shall post a bill, placard or advertisement within the grounds connected with Fresh Pond, Stony Brook or Hobbs Brook, or other reservoir of the water works. (Prior code § 19-32)

**13.12.100 Violation—Penalty.**

Any person who violates any provision of this chapter and Chapters 2.74, 13.08 and 13.12 of this code shall be liable to a penalty not exceeding fifty dollars for each offense. (Prior code § 19-34)

## Chapter 13.16

### SEWER SYSTEM REGULATIONS

#### Sections:

13.16.010	Definitions.
13.16.020	Building sewers and connections—General regulations.
13.16.030	Common sewers—Authorized when.
13.16.040	Common sewers—City Engineer's duties.
13.16.050	Interference and obstruction during construction.
13.16.060	Unpolluted drainage restrictions.
13.16.070	Prohibited discharges.
13.16.080	Discharges requiring variance—Conditions.
13.16.090	Discharges—Commissioner's responsibilities.
13.16.100	Inspectors—Powers and authority.
13.16.110	Standard for measurements—Sampling techniques.
13.16.120	Assessments—Common sewer prerequisite.
13.16.130	Annual sewer use charge.
13.16.140	Assessments—Rate.
13.16.150	Property destruction prohibited.
13.16.160	Violation—Penalty.

#### 13.16.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in milligrams per liter.

2. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

3. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

4. "Combined sewer" means a sewer receiving both surface runoff and sewerage.

5. "Commission" means the Commonwealth of Massachusetts Metropolitan District Commission.

6. "Commissioner" means the Commissioner of Public Works of the City of Cambridge, or his representative.

7. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

8. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewerage.

9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

10. "Person" means any individual, firm, company, association, society, corporation or group.

11. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half-inch (1.27 centimeters) in any dimension.

13. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

14. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

15. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

16. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

17. "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

18. "Sewer" means a pipe or conduit for carrying sewage.

19. Shall and May. Shall is mandatory; may is permissive.

20. "Slug" means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes, more than five times the average twenty-four-hour concentration or flow during normal operation.

21. "Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

22. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

23. "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently. (Ord. 1007 (part), 1984: prior code § 17-52)

### **13.16.020 Building sewers and connections— General regulations.**

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit

from the Commissioner. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Commissioner at least forty-five days prior to the proposed change or connection.

B. 1. There shall be two classes of building sewer permits:

a. For residential and commercial service, and

b. For service to establishments producing industrial wastes.

2. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Commissioner. A permit and inspection fee of twenty-five dollars for a residential or commercial building sewer permit and twenty-five dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed.

C. All costs and expense incident to the installation and connections of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Commissioner to meet all requirements of this chapter.

F. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe,

jointing, testing and backfilling the trench, shall all conform to the requirements of the State Building and Plumbing Codes, and other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Code, other applicable rules and regulations of the City, and the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commissioner before installation.

J. The applicant for the building sewer permit shall notify the Commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Commissioner or his representative.

K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public

property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. 1007 (part), 1984: prior code § 17-53)

**13.16.030 Common sewers—Authorized when.**

In any street opened or proposed to be opened, for public travel and accommodation, every sewer or drain laid for the purpose of draining more than one estate, shall be deemed to be a common sewer, and no such common sewer shall be laid or connected with any existing common sewer except by the City, as provided in Section 2.54.090 of this code. (Prior code § 17-47)

**13.16.040 Common sewers—City Engineer's duties.**

The City Engineer shall make and file in his office, accurate plans of all common sewers, showing all entrances thereto when made as hereinafter provided. He shall have constant care of, and keep clean and in proper order and repair, all street catchbasins and connecting drains within the limits of any street; provided, however, that the Superintendent of Streets shall keep the entrances to the catchbasins open and clear of ice in cold weather, so as to permit the flow of surface water into them. (Prior code § 17-48)

**13.16.050 Interference and obstruction during construction.**

Whenever any street is opened for the laying of pipes for water, gas or other purposes, or for any work of construction, such laying of pipes and work connected therewith, or such work of construction shall be so executed as not to obstruct, in any way, the course, capacity or construction of a common sewer, and whenever pipes for any purpose, or any work of construction, are found to exist at such a depth or in such location as to interfere with any existing sewer, or with the building of any common sewer of the required size, and at the proper depth and grades, the person maintaining the same, shall, upon notice

thereof, at once remove, change or alter such pipe or pipes or other works, in such a manner as the City Engineer may direct. If such person neglects to comply immediately with the terms of such notification the City Engineer may make such removal, change or alteration, and the cost thereof shall be paid by such person; provided, that whenever any sewer is to be constructed, or any water pipe to be laid, in any street or way, the City Engineer and Chief Superintendent of Water Works shall consult with each other in regard to the location of any existing pipes. (Prior code § 17-49)

#### **13.16.060 Unpolluted drainage restrictions.**

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Commissioner. Industrial cooling water or unpolluted process waters may be discharged on approval of the Commissioner to a storm sewer, combined sewer or natural outlet. (Ord. 1007 (part), 1984: prior code § 17-54)

#### **13.16.070 Prohibited discharges.**

No person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ash, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 1007 (part), 1984: prior code § 17-55)

#### **13.16.080 Discharges requiring variance— Conditions.**

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Commissioner that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Commissioner will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (65° C).

B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred milligrams per liter or containing substances which may solidify or

become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (0 and 65° C).

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 HP metric) or greater shall be subject to the review and approval of the Commissioner.

D. Any waters of wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received exceeds the limits established by the Commissioner for such materials.

F. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Commissioner as necessary, to meet the requirements of the State, Federal or other public agencies or jurisdiction for such discharge to the receiving waters.

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner in compliance with applicable State or Federal regulations.

H. Any waters or wastes having a pH in excess of 9.5.

I. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

3. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this chapter.

J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 1007 (part), 1984: prior code § 17-56)

#### **13.16.090 Discharges—Commissioner's responsibilities.**

A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 13.16.080 of this chapter, and which in the judgment of the Commissioner, may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commissioner may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge;

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

B. If the Commissioner permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commissioner, and subject to the requirements of all applicable codes, ordinances and laws.

C. Garages and other establishments where gasoline is used or where wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients can be discharged and are connected with public sewers

shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the Commissioner and shall be located so as to be readily and easily accessible for cleaning and inspection.

D. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously by the owner at his expense, in a manner deemed satisfactory to the Commissioner.

E. When required by the Commissioner the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Commissioner. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

F. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Commissioner and/or other duly authorized employees of the City may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Commissioner. Such records shall be made available upon request by the Commissioner or other agencies having jurisdiction over discharges to the receiving waters.

G. No municipality shall discharge or cause to be discharged or allow to be discharged into any metropolitan sewer or any sewer tributary thereto any septic tank or cesspool cleanings or any sewage or industrial wastes which originate in any territory outside the limits of the Metropolitan Sewerage District; provided, however, that until December 31, 1979, the Commission may grant permission for the discharge of septic

tank or cesspool cleanings upon such terms and conditions as the Commission may require. (Ord. 1007 (part), 1984: prior code § 17-57)

#### **13.16.100 Inspectors—Powers and authority.**

A. The Commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Commissioner or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary work on private properties referred to in subsection A of this section, the Commissioner or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 13.16.090E of this chapter.

C. The Commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly

negotiated easement pertaining to the private property involved. (Ord. 1007 (part), 1984: prior code § 17-58)

**13.16.110 Standard for measurements—  
Sampling techniques.**

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been provided the control manhole shall be determined by the Commissioner. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples. (Ord. 1007 (part), 1984: prior code § 17-59)

**13.16.120 Assessments—Common sewer prerequisite.**

No estate or portion of an estate shall be assessed for a sewer benefit until it can be drained into the common sewer and no estate or portion of an estate shall be assessed more than once for the same sewer benefit. (Prior code § 17-50)

**13.16.130 Annual sewer use charge.**

There is established an annual charge for the use of the public sewers of the City by each and every estate in the City having one or more building sewers discharging into such public sewers.

A. For the period commencing on May 21, 1984, and extending to June 30, 1977, to charge for use of public sewers of the City shall be twenty-seven cents per hundred cubic feet, based upon metered water consumption, and/or other applicable standards for computation of sewer usage, as set forth in subsections C, D, E and F of this section.

B. For the fiscal year commencing on July 1, 1977, and for each fiscal year thereafter, the City Manager shall recommend as a part of the annual budget submitted to the City Council, a just and equitable sewer service charge based on metered water consumption and/or other applicable standards for computation of sewer usage as set forth in subsections C, D, E and F of this section. The charge shall take into account all appropriate sewer related estimated revenues and available surpluses, and shall produce sufficient revenue to equal or exceed the annual appropriations proposed for sewer operation, maintenance and debt service. The City Council shall adopt the annual sewer service charge in conjunction with its adoption of the annual budget. In so doing, the City Council may increase or decrease the City Manager's recommended sewer service charge in proportion to any increase or decrease it may adopt in the City Manager's recommended appropriations for sewer operations, maintenance and debt service.

C. The quantity of water supplied by the City through a water meter in good working order shall be determined by the reading of such meter. The quantity of all other water shall be established by the Commissioner of Public Works by any reasonable and equitable method apt in the circumstances of the particular case to determine the quantity of water discharged by the building sewer or sewers of the estate into the public sewers of the City. However, where water not supplied by the City, but derived or received by an estate from another source, and/or water used on an estate in such a manner as not to enter the public sewers of the City and where such water is measured by one or more water meters in good

working order installed and maintained on the estate by the Commissioner of Public Works at the request and expense of the owner or tenant of such estate, the quantity of water so derived or received, or the quantity of water so used, or both, shall be determined by the readings of such meter or meters.

D. If water so supplied, derived or received is used on the estate in such a manner as not to enter the public sewers of the City, determination of the charge established by this chapter shall be the quantity so used deducted from the aggregate amount of water so supplied, derived or received during such period.

E. In no case shall the minimum annual charge for public sewer use under the provisions of this chapter be less than ten dollars.

F. The charges established by this chapter shall be due and payable by the owner of record at such time or times and in such installments if any, as the Commission from time to time determines. The Commissioner shall in his order of assessment designate as the owner of a parcel assessed, the person who was liable to assessment therefor on the preceding January 1st.

G. A monthly interest charge of one and one-half percent shall be assessed on the balance of any sewer service use charge remaining unpaid after thirty days from the date of billing. Nonpayment upon such date shall furthermore be deemed to be delinquent and thereafter such delinquency shall constitute a lien upon the real estate for which such service is supplied. The City Treasurer-Collector is authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Middlesex County, and the filing of such statements shall be deemed notice of the lien of such charges for such services. (Ord. 1007 (part), 1984: prior code § 17-62)

#### **13.16.140 Assessments—Rate.**

A. The amounts of the sewer assessments to be levied upon abutting estates or parts of estates for a sewer benefit shall be determined in the

ratio of four-tenths of the benefit according to the frontage and six-tenths of the benefit according to the area of the estate or part of an estate within one hundred twenty-five feet of the street in which the common sewer has been constructed.

B. The area of estates on the corner of an intersecting street shall be measured to the line of such intersecting street if the area of such corner estate has not been previously assessed for a sewer benefit. If any part of the corner estate has already been assessed, a proper exemption of the area so assessed shall be made and only the frontage rate shall be applied to such area already assessed.

C. The following standard rate for sewer assessments is established, namely:

1. Eighty-five cents per front foot for the frontage rate;
2. Two cents per square foot for the area rate. (Prior code § 17-51)

#### **13.16.150 Property destruction prohibited.**

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1007 (part), 1984: prior code § 17-60)

#### **13.16.160 Violation—Penalty.**

A. Any person found to be violating any of the provisions of Sections 13.16.010, 13.16.020 and 13.16.060 through 13.16.110 of this chapter, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in subsection A of this section, shall be guilty of a misdemeanor, and on conviction thereof, shall

be fined in the amount not exceeding twenty dollars for each violation. Each day in which any such violation continues shall be deemed a separate offense.

C. Any person violating any of the provisions of Sections 13.16.010, 13.16.020, 13.16.060 through 13.16.110, 13.16.150 and 13.16.160 of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (Ord. 1007 (part), 1984: prior code § 17-61)

**Title 14**

**(RESERVED)**

