

Chapter 20

WATER, SEWERS AND SEWAGE DISPOSAL*

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ARTICLE I. IN GENERAL

Secs. 20-1—20-15. Reserved.

ARTICLE II. SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERALLY

Secs. 20-16—20-25. Reserved.

DIVISION 2. USE CHARGES

Sec. 20-26. Purpose.

The purpose of this division is to establish fair and effective charges for use of the town sewer system in accordance with the requirements of the United States Environmental Protection Agency Regulation No. 35-925-11 so that the maintenance and operation of such sewer system shall be self-supporting. Maintenance and operation shall include all administrative costs incurred in administering the user charge regulations.

(Ord. No. 150, § 1, 4-4-78)

***Cross references**—Health and sanitation, Ch. 10; notice to property owners of required utility connections in connection with street excavations, § 17-26.

State law references—Power of town to lay out, construct, etc., sewer and drainage systems and sewage disposal plants, G.S. § 7-148(20); power of town to contract for the furnishing of water, G.S. § 7-148(c)(1); power of town to create, etc., all things in the nature of public works and improvements, G.S. § 7-194(9); power of town to lay out, construct, etc., sewer and drainage systems and sewage disposal plants, G.S. § 7-194(1); power of town to regulate the laying, etc., of water pipes, drains, sewers, etc., in the streets and public places, G.S. § 7-194(18); power of town to regulate and prohibit the construction, etc., of sinks, cesspools, G.S. § 7-194(45); municipal waterworks systems, G.S. § 7-234 et seq.; municipal sewerage systems, G.S. § 7-245 et seq.; sewer districts, G.S. § 7-324 et seq.; water resources, G.S. § 25-1 et seq.

Sec. 20-27. Definitions.

As used in this division, the following terms shall have the meanings indicated:

Dwelling. A building or part of a building which contains living, sleeping and housekeeping accommodations for permanent occupancy by one or more families.

Dwelling, one-family. A detached building designated for, or occupied solely as a dwelling by, one family.

Dwelling, two-family. A detached building designated for, or occupied solely as a dwelling by, two (2) families living independently of each other.

Family. A single person keeping house separately or any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit, provided that a group of not more than seven (7) persons, keeping house together but not necessarily related by blood or marriage, may be considered a family.

Multiple family dwelling. A detached building designated for, or occupied solely as a dwelling by, three (3) or more families living independently of each other; a building made up of three (3) or more individual dwelling units.

New Haven Water Company. The New Haven Water Company, its successors or assigns.

Non-residential building. Any building not used solely for the housing of persons and used for the purpose of providing income to the owner or tenant.

Sewer use charge. The amount of money paid by owners of a real property using the sewer system of the town.

(Ord. No. 150, §§ 8, 9, 4-4-78)

Cross reference—Rules of construction and definitions generally, § 1-3.

Sec. 20-28. Computation.

(a) The sewer use charge shall be fixed by the sewer commission on an annual basis, at a special meeting of the sewer commission on the first Tuesday of April of each and every year.

(b) Each one family dwelling shall be charged a single unit charge.

(c) Each two (2) family dwelling shall be charged a double unit charge.

(d) Each multiple family dwelling and all non-residential buildings or uses shall be charged a sewer use charge based upon water consumption, said charge shall be computed as follows:

$$CU = \frac{C_T(V_u)}{V_T}$$

- where:
- C_u = Annual charge for each user
 - C_T = Total annual charge for operation and maintenance
 - V_u = Annual volume contribution from a user
 - V_T = Total annual volume contribution from all users

Such charge shall be computed at the same time and for the same periods as set forth in paragraph (a) of this section.

(e) For purposes of this section and the computations required hereunder, each residential unit shall be deemed to use two hundred fifty (250) gallons of water per day.

(f) Water consumption of each building serviced by the New Haven Water Company, except those set forth in paragraphs (b) and (c) of this section, shall be computed in accordance with meter readings obtained by the New Haven Water Company.

(g) Water consumption of each multiple dwelling or non-residential building not serviced by the New Haven Water Company shall be estimated by the sewer commission, or its designated agents, servants, or employees, on the basis of information submitted to it by the owner and on the basis of records it has of water consumption of similar buildings and uses. In order to expedite such estimate, the sewer commission may require the owner of any non-residential building not serviced by the New Haven Water Company to submit a sworn statement of water consumption for the year, such statement to be supported by any available records or other evidence of water consumption. The commission may also require the owner of any non-residential building not serviced by the New Haven Water Company, or not metered, to install and maintain a water meter at the sole expense of such owner.

(h) In any instance in which the commission determines that the water consumption of any particular building is greatly disproportionate to the effluent actually discharged from such building into the sewage system and thereby determines that if the charges were computed solely in accordance with paragraph (d) of this section, then the building in question would actually bear more than its proportionate share of the operation and maintenance costs of the sewage system, the commission may make any appropriate reduction in the building's water consumption figure.

(i) The user charge shall apply to all connected properties, without exception, including municipal owned and other tax exempt properties.

(j) In any instance in which the commission determines that biochemical oxygen demand (BOD), suspended solids or other pollutant concentrations from a building exceed the range of concentration of these pollutants in normal domestic sewage, the commission shall increase the building's sewer use charge by a surcharge computed in accordance with the formula:

$$C_S = (B_c(B) + S_c(S) + P_c(P))Vu$$

where:

C_s = The building's surcharge for the year for excessive strength

B_c = Annual cost of treatment of a unit of BOD

B = BOD concentration of a user above level specified by Ordinance entitled "Rules and Regulations Governing the Use of and The Discharge of Substances Into The Sanitary Sewer System of the Town of East Haven" hereby called Discharge Ordinance

S_c = Annual cost of treatment of a unit of Suspended Solids

S = Suspended Solids concentration of a user above level specified by Discharge.

P_c = Annual cost of treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above a level specified by the Discharge Ordinance, and

V_u = Annual volume from a user

However, no single concentration from any one user shall exceed the typical concentration for both BOD and suspended solids of two hundred fifty (250) mg/l. (Ord. No. 150, § 2, 4-4-78)

Sec. 20-29. When due; proration.

Sewer use charges shall be for the fiscal year June thirtieth and shall be due and payable on September first of each and every year. If, however, any bill exceeds one hundred dollars (\$100.00) such bill shall be due and payable one-half ($\frac{1}{2}$) on September first and one-half ($\frac{1}{2}$) on the following March first in each and every year. In the case of a property which was not connected during the entire period, the use charge shall be prorated for the actual number of months within the stated period that the property was connected. A period of less than fifteen (15) days shall be disregarded and a period in excess of fifteen (15) days shall be deemed a full month. (Ord. No. 150, § 3, 4-4-78; Ord. No. 285, § 1, 6-5-84)

Sec. 20-30. Liability of owner.

The owner of the property on which a building is located shall be liable for and shall be billed for the payment of sewer use charges. Any such owner may request the commission to bill his legal representative or the occupant of the building; provided such representative or occupant authorizes the same in writing, but no such authorization shall affect the liability of the owner for payment. (Ord. No. 150, § 4, 4-4-78)

Sec. 20-31. Collection.

Sewer use charges shall be collected by the tax collector and turned over periodically to the town treasurer and deposited in a special account, separate from other town funds, designated the sanitary sewage operating fund and used solely to operate and maintain the sewage system and for any use required by law. (Ord. No. 150, § 6, 4-4-78)

Sec. 20-32. Lien for uncollected charges.

Sewer use charges, together with interest and other costs thereon, shall constitute a lien upon the property on which the building is located, and such lien may be foreclosed and such charges may be collected in the manner provided in section 7-258 of the general statutes and other applicable statutes.

(Ord. No. 150, § 5, 4-4-78)

Secs. 20-33—20-45. Reserved.

**ARTICLE III. GREATER NEW HAVEN WATER POLLUTION CONTROL
AUTHORITY***

Sec. 20-46. Definitions.

For purposes of this article, each of the following terms shall have the meaning set forth below:

Asset purchase agreement shall mean an agreement by and among East Haven, Hamden, New Haven, Woodbridge and the GNHWPCA which shall set forth the terms and conditions of the transfer of the Wastewater System Assets to the GNHWPCA.

Bonds shall have the meaning set forth in CGS 22a-500.

Bylaws shall mean the rules and regulations governing the administration of the property of GNHWPCA and the conduct of its affairs.

CGS shall mean the General Statutes of the State of Connecticut, as amended.

Constituent municipality shall have the meaning set forth in CGS 22a-500.

East Haven shall mean the Town of East Haven, Connecticut.

Effective Date shall mean the later to occur of the date upon which this article becomes effective in (i) New Haven, (ii) East Haven, (iii) Hamden, and (iv) Woodbridge.

GNHWPCA shall mean the Greater New Haven Water Pollution Control Authority established pursuant to this article.

Hamden shall mean the Town of Hamden, Connecticut.

New Haven shall mean the City of New Haven, Connecticut.

Plan of operation shall mean the preliminary plan of operation prepared and submitted by the Constituent Municipalities in accordance with CGS 22a-500 to 22a-519, inclusive, which shall include the procedure by which bonds of the GNHWPCA shall be approved and be in furtherance of the environmental protection laws of the state.

***Editor's note**—The provisions of Ord. No. 757, adopted June 7, 2005, have been treated by the editor as superseding former Art. III, §§ 20-46—20-48, which pertained to the city water pollution control authority and derived from Ord. No. 162A, §§ 1—3, adopted April 3, 1979.

Sewer ordinance shall have the meaning set forth in section 20-54.

State shall mean the State of Connecticut.

Wastewater system assets shall mean, with respect to each of East Haven, Hamden, New Haven and Woodbridge, the entire municipal wastewater system of such municipality and all assets related to such wastewater system, including, but not limited to, any device, equipment, appurtenance, plant facility and method of collecting, transporting, receiving, reducing, treating, reclaiming, separating, disposing of or discharging sewage or the residue from the treatment of sewage, including any component of the foregoing.

Woodbridge shall mean the Town of Woodbridge, Connecticut.
(Ord. No. 757, § I, 6-7-05)

Sec. 20-47. Statement of purpose of GNHWPCA.

The GNHWPCA is created as a regional water pollution control authority in accordance with CGS 22a-500 with each of New Haven, East Haven, Hamden and Woodbridge as a Constituent Municipality. The purpose of the GNHWPCA shall be the furtherance of the environmental protection laws of the state and to gain efficiencies and economies of scale with respect to the planning, design, construction, management, operation and maintenance of the wastewater system of New Haven, East Haven, Hamden and Woodbridge and any other constituent municipality which may adopt this article and become a member of the GNHWPCA in the future.

(Ord. No. 757, § II, 6-7-05)

Sec. 20-48. Incorporation of the GNHWPCA.

The name of the regional water pollution control authority created pursuant to CGS 22a-500 to 22a-519, inclusive, shall be the Greater New Haven Water Pollution Control Authority. The principal office of the GNHWPCA shall be 345 East Shore Parkway, New Haven, Connecticut.
(Ord. No. 757, § III, 6-7-05)

Sec. 20-49. Plan of operation.

The GNHWPCA shall be operated in accordance with a plan of operation and in accordance with CGS 22a-500(c) and 22a-501(a). The plan of operation may be revised from time to time upon the approval of a majority of the directors, subject to and in accordance with CGS 22a-501.

(Ord. No. 757, § IV, 6-7-05)

Sec. 20-50. Board of directors.

(a) *Number of directors.* The GNHWPCA shall have an initial board of directors, created under CGS 22a-500(b), consisting of nine (9) directors. Four (4) directors shall be appointed by New Haven, two (2) directors shall be appointed by each of Hamden and East Haven and one (1) director shall be appointed by Woodbridge.

(b) *Initial directors.* The names, addresses and terms of office of the first directors of the GNHWPCA are set forth on Exhibit A attached hereto.

(c) *Authority and compensation.* The business of the GNHWPCA shall be managed by or under the direction of the board of directors which may exercise all such powers of the GNHWPCA and do all such lawful acts and things as are allowed by the Connecticut General Statutes, as amended, and the bylaws.

The compensation, if any, and method for determining same for each director on the board of directors shall be as set forth in the bylaws.

(d) *Term of office.* The initial term of office of each of the first directors of the GNHWPCA shall commence on the effective date of this article and shall be divided into three (3) groups of three (3) directors each as more fully set forth in the bylaws. The initial term of the first, second and third groups shall expire on December 31, 2005, December 31, 2006 and December 31, 2007, respectively, as more fully set forth in the Bylaws. Upon the expiration of each initial term of office for each of the first directors of the GNHWPCA, a new term of office of three (3) years shall commence as more fully set forth in the bylaws.

(e) *Appointment of directors and removal.* The directors to be appointed by New Haven shall be appointed by the mayor of New Haven, subject to the approval of the board of aldermen of New Haven. The directors to be appointed by East Haven shall be appointed by the mayor of East Haven, subject to the approval of the town council of East Haven. The directors to be appointed by Hamden shall be appointed by the mayor of Hamden, subject to the approval of the Legislative Council of Hamden. The directors to be appointed by Woodbridge shall be appointed by the board of selectmen of Woodbridge.

Any director may be removed from office as more fully set forth in the bylaws. The appointment of subsequent directors to the first directors shall be as more fully set forth in the bylaws. Any vacancies in the board of directors of the GNHWPCA shall be filled by the applicable constituent municipality pursuant to the provisions of this article.

(f) *Acting chairman of the board of directors; initial meeting of the board of directors.* The acting chairman of the board of directors shall hold such position for the purpose of calling, noticing and presiding at the initial special meeting of the board of directors, at which meeting the board of directors shall conduct the initial organizational business of the GNHWPCA, including, but not limited to, electing the chairman of the board of directors, electing officers and determining the schedule of meetings for the remainder of the current calendar year. The initial special meeting of the board of directors shall be noticed by the acting chairman of the board of directors as a special meeting and shall be subject to all of the rules and conditions of a special meeting of a public agency as set forth in CGS 1-225(d). The term of the acting chairman of the board of directors shall expire as of the election of a chairman of the board of directors at the initial special meeting of the GNHWPCA, as more fully set forth in the bylaws. (Ord. No. 757, § V, 6-7-05)

Sec. 20-51. Powers.

The GNHWPCA shall have all the powers set forth in CGS 22a-500 to 22a-519, inclusive. (Ord. No. 757, § VI, 6-7-05)

Sec. 20-52. Bylaws.

The GNHWPCA shall make and revise bylaws. A copy of the bylaws and all amendments thereto, duly certified, shall be filed in the office of each constituent municipality and the State of Connecticut Secretary of the State in accordance with CGS 22a-501(a)(1), as amended. The bylaws may be revised in accordance with the express terms contained therein and CGS 22a-501(a)(1), as amended.

(Ord. No. 757, § VII, 6-7-05)

Sec. 20-53. Sewer ordinance.

Following the creation of the GNHWPCA and the commencement of operations of the GNHWPCA, the GNHWPCA shall adopt a sewer ordinance (the "sewer ordinance"). The sewer ordinance shall be effective as of adoption and shall, as provided therein, supersede, amend, restate and replace the existing sewer ordinance of each of East Haven, Hamden, New Haven and Woodbridge, or portions thereof. The sewer ordinance may be amended, modified, restated or replaced by the board of directors of the GNHWPCA from time to time after adoption without the need for separate approval from the constituent municipalities.

(Ord. No. 757, § VIII, 6-7-05)

Sec. 20-54. Transfer of Assets.

The transfer and sale of the wastewater system assets to the GNHWPCA is hereby approved, and the mayor or first selectperson, as applicable of each constituent municipality, be and hereby is empowered, authorized and directed to negotiate, execute and deliver, on behalf of the constituent municipality, the asset purchase agreement and any and all other agreements, documents and instruments related to the transfer of the wastewater system assets, and to perform any and all acts necessary or appropriate to effectuate the transfer of the wastewater system assets to the GNHWPCA. Notwithstanding the foregoing, the Town of Woodbridge's obligations to transfer and sell interests in real property to the GNHWPCA are subject to approval of the town meeting under section 4-8 of the Woodbridge Town Charter. Prior to the execution of the asset purchase agreement and the transfer of the wastewater system assets to the GNHWPCA, the proposed transfer and sale of the wastewater system assets of a constituent municipality shall be referred to the planning and zoning commission of such constituent municipality for a report, and a public hearing shall be held by each constituent municipality so that the users of the water pollution control system and residents of such constituent municipality may be heard concerning the proposed provisions of the asset purchase agreement in accordance with CGS 22a-509(d).

(Ord. No. 757, § IX, 6-7-05)

Sec. 20-55. Severability.

The invalidity of any one or more of the words, phrases, sentences, clauses, sections or subsections contained in this article shall not affect the enforceability of the remaining portions of this article or any part hereof, and, if any one or more of the words, phrases, sentences, clauses, sections or subsections contained in this article shall be declared invalid by a court of competent jurisdiction, this article shall be construed to most closely effectuate the intentions of the constituent municipalities and the remainder of the article shall be valid and effective.

(Ord. No. 757, § X, 6-7-05)