

Be and it is hereby Ordained that Chapter 15 of the Code of Ordinances is repealed and the following is adopted as Chapter 15 in lieu thereof:

CHAPTER 15 SEWERS AND SEWAGE DISPOSAL

Secs. 15-1 - 15-3. Reserved

Sec. 15-4. Establishment of Sewer Commission

(a) The Town of Kent hereby establishes and creates a Commission to be known as “The Sewer Commission of the Town of Kent.” The Sewer Commission shall serve as the water pollution control authority of the Town of Kent and shall have all powers and duties of a water pollution control authority as provided in Sections 7-245 through 7-273a, inclusive, of the Connecticut General Statutes, as amended, and such other powers and duties as are prescribed by this Chapter.

(b) Said Commission shall consist of six members and two alternates who shall be electors of the Town and who shall serve without compensation. On or before December 1, 1967, the selectmen shall appoint six members of said Commission, two to hold office until the next biennial election, two to hold office until the second biennial election after such date, and two to hold office until the third biennial election after such date. At each subsequent biennial election there shall be elected two members of said commission to hold office for six years from the date of their election. Any member of the Commission may be removed for cause by vote of a majority of the remaining members. The initial appointments of alternates shall be made by the Board of Selectmen. One such alternate shall have a term that expires on November 3, 2015. Thereafter, each alternate shall be elected for a term of two years.

(c) The Sewer Commission shall choose one of its members to be Chairman and shall appoint a Clerk, who need not be a member of the Commission, and such agents and employees as it may require and determine their qualifications, duties and compensation. At all meetings of the Commission, three members shall constitute a quorum, and the concurrence of three votes shall be necessary for the transaction of business. The Commission may hold such regular and special meetings as it deems advisable in conformance with the notice, minutes and other requirements of the Connecticut Freedom of Information Act, Section 1-200 et seq. of the Connecticut General Statutes, as amended.

(d) Alternates may participate fully in all meetings of the Commission, except that only seated alternates may vote on a particular matter. In the event of a vacancy, absence or disqualification of a member, the Chairman or other presiding officer shall seat and designate an alternate to vote at the meeting or with respect to the particular item. Only when seated shall alternates be counted for purposes of establishing a quorum.

(e) Vacancies: Subject to the provisions of Conn. Gen. Stat., Section 9-221, any vacancy occurring in the membership of the Commission or in the alternates shall be filled by

appointment by the Board of Selectmen until the next town election. At such election, the vacancy shall be filled for the remaining unexpired portion of the term of such vacancy.

(f) Pursuant to and in accordance with the requirements of Sections 7-245 through 7-273a, inclusive, of the Connecticut General Statutes, as amended, the Commission shall have authority in the name and on behalf of the Town, to acquire, construct and operate a sewerage system or systems; to enter upon, take and hold by purchase, condemnation or otherwise the whole or any part of any real property or interest therein which it determines is necessary or desirable for use in connection with any sewerage system; to levy benefit assessments upon the lands and buildings in the Town that have been especially benefitted by any sewerage system or any portion thereof and upon the owners of such land and buildings; to establish and revise rules and regulations for the supervision, management, control and operation and use of the sewerage system, including rules and regulations prohibiting the discharge into the sewerage system of any sewage or any stormwater runoff which, in the opinion of the Commission, will adversely affect any part or any process of the sewerage system; to establish and revise fair and reasonable charges for connection to and for the use of the sewerage system; to enter into and to fulfill contracts with any person for any lawful services; and through its Chairman, and subject to proper authorization and appropriation of funds by the Town as necessary, to execute and file applications and agreements for state and federal grants and loans in aid of the sewerage system or any improvement or expansion thereof.

Sec. 15-5. Repealed

Sec. 15-6. Repealed

Sec. 15-7. Connection to the Public Sewer

a. In accordance with Section 7-256 of the Connecticut General Statutes, the Sewer Commission may order the owner of any building to which the public sewerage system is available to connect such building to the sewerage system.

b. No person shall construct or repair any sewage disposal facility, including septic system, privy, privy vault, septic tank, cesspool or other facility intended for the disposal of sewage if the public sewers are available. Public sewers are available, however, only when the Sewer Commission has determined that the public sewer system and existing sewage treatment capacity is capable of conveying and adequately treating the sewage to be discharged.

Sec. 15-8. Permit Requirements - Building Sewers and Connections

(a) No person shall uncover, make any connection with or opening into, use, alter, repair, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Sewer Commission.

(b) No person shall increase the volume of sewage, change the sewage discharge use category or change the character of pollutants discharged to the public sewer system without first obtaining a written permit from the Sewer Commission.

(c) All sewer connections, including the construction of all facilities necessary to such connection, and all sewer discharges shall comply with the administrative and technical rules and regulations adopted from time to time by the Sewer Commission.

(d) Sewer connection, use or discharge permits issued by the Sewer Commission may be revoked by the Sewer Commission following notice and right to be heard for any of the following reasons: nonpayment of application fees, assessments or charges; failure to comply with the conditions or technical requirements of the applicable sewer permit; failure to comply with the discharge requirements established by the Sewer Commission or with the requirements of the Commission's rules and regulations; and lapse or termination of any applicable DEEP discharge permit held by or issued to the property owner. Upon revocation of any such municipal permit, the Sewer Commission may take such steps as are necessary to discontinue and terminate sewer service.

(e) All costs and expenses incidental to the installation and connection of the building to the public sewer shall be borne by the owner or, if not the owner, the applicant for sewer service. The owner and/or applicant shall indemnify the Commission from any direct or indirect loss or damage that may be sustained by reason of the the installation of the building sewer.

(f) A separate and independent building sewer shall be required for every building. Notwithstanding such requirement, where one building stands at the rear of another on an interior lot and no separate building sewer can be constructed from the rear building to the public sewer through an easement, adjoining alley, courtyard, or driveway, the Sewer Commission may permit the building sewer that provides service for the building which fronts on the public sewer to be extended to the rear building and the whole considered as one building sewer, subject to the payment of the applicable sewer connection and use charges for each separate building. The Commission shall not be liable for any damage caused by or resulting from any such connection.

(g) Existing building sewers may be used in connection with new buildings only when they are found, on examination and testing to meet all requirements for building sewers as established by the Sewer Commission or as contained in the the rules and regulations adopted by the Commission.

Sec. 15-9. Connection and Discharge of Surface Runoff and Unpolluted Waters Prohibited

No person(s) shall discharge or cause to be discharged to the public sewer any stormwater, groundwater, roof runoff, subsurface drainage or cooling water nor make any connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer drain which is connected directly or indirectly to the public sewer.

Sec. 15-10. Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any sewer line, manhole, structure, appurtenance, or equipment which is a part of the sewage collection system or the water pollution control facility.

Sec. 15-11. Powers and Authority of Inspectors

(a) All duly authorized agents and employees of the Sewer Commission bearing proper credentials and identification shall be permitted to enter any property served or to be served by the public sewer system for the purposes of inspection, observation, measurement, sampling, and testing.

(b) While performing the work in or upon private property as contemplated in Section 15-11(a) above, such agents or employees shall observe all safety rules applicable to the premises established by the owner or occupant. The owner and occupant shall be held harmless for injury or death to the Commission's agents and employees and the Commission shall indemnify such owner and occupant against loss or damage to its property by Commission agents and employees and against liability claims and demands for personal injury or property damage asserted against such owner or occupant by reason of the activities of the Commission's agents and employees, except as such may be caused by negligence or failure of the owner or occupant and their respective agents, servants, employees to maintain the premises in reasonably safe condition for visitors and invitees.

c. Duly authorized employees or agents of the Sewer Commission bearing proper credentials and identification shall have the right to enter any private property encumbered by a sewer easement held by the Town or by the Commission for any proper sewer purpose within the scope of such easement.

Sec. 15-12. Penalties and Enforcement

Any person who violates, and any property owner whose property gives rise to a violation of, any provision of this Chapter, or any requirement of any sewer connection or sewer discharge permit, or sewer use rule or regulation adopted by the Sewer Commission shall be subject to a fine of \$250.00* for each day that such violation continues; and shall also be subject to any and all civil remedies, including temporary and permanent injunction, that may be available to the Commission or the Town to abate such violation. In addition, and without limitation, the Sewer Commission shall have all powers set forth in Section 15-8(d) concerning the revocation of the applicable sewer permits and the termination of sewer service.

* (Note: fine raised from \$100 per day to \$250 per day. See Conn. Gen. Stat. Sec. 7-148(c)(10))

Sec. 15-13. Repealed

Sec. 15-14. Ordinance in Force

This Chapter shall be in full force and effect from and after its passage, approval, recording and publication as provided by law. Any ordinance that is in conflict with this Chapter is hereby repealed. The invalidity of any section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part or parts.

Sec. 15-15. Repealed