

**WORTHINGTON FIRE DISTRICT**

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**REGULATIONS  
OF  
WORTHINGTON FIRE DISTRICT  
BERLIN, CT**

Adopted at a meeting of  
The Worthington Fire District  
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## **PART I WATER AND WATER SYSTEMS**

### **SECTION 1: WATER BILLS**

Sec. 1 (a) Water bills are rendered to the owners as listed in the records of the Worthington Fire District of the property supplied and come due semi-annually, except in the case of meters 2 inches or larger in size, for which bills are rendered monthly.

Sec. 1 (b) To insure proper rendering of bills, property owners are urged to report promptly to the Worthington Fire District changes in mailing addresses. The failure of a property owner to receive his bill does not relieve him from the obligation of its payments of penalties subsequently incurred.

Sec. 1 (c) An order from the property owner for the removal of a meter for any reason whatsoever, will not relieve the property owner of the minimum rate payment for the size of the meter removed until an order is received from the owner of the property authorizing Worthington Fire District to abandon the service itself.

Sec. 1 (d) All new service installations other than those used solely for fire protection, will carry a minimum charge for  $\frac{3}{4}$ " meter, this charge commencing the day after the date on which the service is installed, and continuing until the meter is installed, after which the regular minimum charge based on the size of the meter will take effect.

Sec. 1 (e) Any claim or debt due for charges for the use of water shall be and constitute a lien upon the lands and buildings upon or in connection with which said water was used, provided that a certificate of said lien shall be filed with the Town Clerk in accordance with the provisions of the General Statutes.

### **Section 2: Penalties for Non-Payment of Water Bills**

Sec. 2 (a) Rates and charges for water, if not paid when due, shall constitute a lien upon the property served and a charge against the owners thereof, which lien and charge shall bear interest at the same rate as would unpaid taxes. The amount of any such rate or charge and interest thereon which remains due and unpaid for thirty (30) days may, with reasonable attorneys' fees, be recovered by the Worthington Fire District in a civil action in the name of the District against such owners.

Sec. 2 (b) The Worthington Fire District reserves the right to shut off the water from premises where the bill remains unpaid thirty (30) days after date on which payment is due. Whenever the water is turned off under such conditions, it will not be turned on again without payment of all charges due, including interest and a fee of \$25.00 for turning on the water.

Sec. (c) Water, which has been turned off for non-payment for water bills, will not be turned on again for a service not equipped with curb cock and gate box until the owner installs such curb cock and gate

box as provided in Section 4 of this regulation, or said owner satisfies the District that a curb cock and gate box will be installed within a time period set by the District.

### **SECTION 3: METERS**

Sec. 3 (a) All Worthington Fire District water, exempt for fire protection service, is supplied through meters and the charge for all water passing through such meters will be billed to the owner of record of the property supplied whether the water is used or wasted. Customers are advised to take readings of their meters frequently in order that leaks or waste may be detected and large bills prevented. If from any cause, the meter fails to register, the consumption of water shall be estimated and the charge made for any such period, when said meter fails to register properly, will be based on the registration of said meter or any substitute meter operating properly for any liked period.

Sec. 3 (b) There shall be one property served through such meter. The Worthington Fire District may turn off service to any other user who causes or permits water to be supplied to any other property through his meter.

Sec. 3 (c) The Worthington Fire District reserves the right to designate the size of meter to be installed on any service and will furnish and maintain the meter without charge, other than as specified by the rate schedule established by the District. In case of loss, misuse, or damage by frost, hot water, or external causes, the expense of replacement and/or repair will be collected from the property owner.

Sec. 3 (d) One meter, and one meter only, shall be allowed on a service pipe, except that battery meter settings may be installed on large services at the discretion of the Worthington Fire District. The minimum charge for battery settings shall be the sum of the minimum charges for the size of the meters making up the battery. All water supplied to the premises through that pipe, except that used for the fire protection only, shall pass through that meter, or battery of meters, and shall be billed at the regular rates.

Sec. 3(e) The property owner shall furnish and maintain an approved place for the installation of the meter in a horizontal position not more than one hundred twenty-five (125) feet from the street line, just inside and as near as possible to the point of entry of the service pipe through the building wall, where the meter will be satisfactorily accessible for reading and repairing at all times during regular working hours. In the event that such location cannot be provided, the District may require the meter to be placed at the street line near the curb cock in a suitable housing or pit provided and maintained at the expense of the owner of the premises.

Sec. 3 (f) No responsibility whatsoever is assumed or will be considered for clogging of interior house plumbing during or after necessary work has been done at the meter by Worthington Fire District representatives.

Sec. 3 (g) If the property owner has reason to believe that a meter is not registering accurately, the Worthington Fire District will test the meter at the request of the owner. If the meter, so tested, shall be found to be registering an error less than the maximum allowable error specified by the Connecticut Public Utilities Regulatory Authority, the property owner will be charged a fee for testing the meter, as

determined by the Worthington Fire District. If, however, the meter is found to be registering in excess of said maximum allowable error specified above, there will be no charge for testing.

Sec. 3 (h) Where water is required for temporary uses such as for construction, and where the duration of use will not exceed one (1) month, water may be supplied through fire hydrants. If required by the Worthington Fire District, water so supplied will be measured through a meter and fitting supplied by the District and installed on the hydrant by the user. A rental fee of \$25.00 for the meter shall be paid prior to connecting to the hydrant, regardless of the duration used. Should the meter be damaged in any way during use, the user shall pay all costs of testing and repair. The user will be billed for the water used according to the rates established.

In certain cases where the use of water is temporary and the total quantity used is small, at the discretion of the District, a meter may not be required and the charges for the use of water shall instead be estimated.

Should the hydrant used for the temporary supply of water be required for use by any Fire Department, the temporary connection may be severed immediately without notice and no claim shall be allowed by the Worthington Fire District for damage or costs to the user resulting from said severance.

Should it be deemed in the best public interest, the Worthington Fire District may order any temporary connection to a hydrant closed upon giving twelve (12) hours notice, without being subject to claim of damages by the user.

#### **SECTION 4: SERVICE PIPES**

Sec. 4 (a) A service pipe is the pipe from a distribution main into the customer's premises, through which he receives his supply of water for domestic use and/or private fire protection, if any. The portion of the service pipe within the established lines of the street containing the distribution main from which the service pipe is taken belongs to and is under the control of the District except that when the curb cock is without the said street lines, then the jurisdiction of the said District will extend to and include said curb cock. No responsibility whatsoever is assumed for the character of the water supplied after it has passed the curb cock.

Sec. 4 (b) The procedure for connecting to the distribution main is as follows:

1. Make application to the Worthington Fire District upon forms supplied for that purpose and pay fee determined by the District to cover costs of tapping main, cost of corporation cock, curb cock and gate box furnished, and inspection. Where connections to the main by developers are covered by a Developer's Permit Agreement and charges under this agreement include costs of tapping main and cost of corporation cock, curb cock and gate box furnished, the charge for the permit issued will be only the charge as determined by the District for inspection.

2. Make application to the Town Engineer to work in town rights-of-way and pay fee as required.
3. When the above applications have been approved, all other applicable regulations have been complied with, and all necessary permits acquired, the District will schedule a date and time to make the service connection.
4. At the time the District will:
  - a. Tap pipe including furnishing necessary fitting for tap
  - b. Furnish corporation cock at cost
  - c. Install corporation cock
  - d. Furnish curb cock and gate box at cost
  - e. Supervise installation
5. The applicant shall:
  - a. Pay costs of corporation cock, curb cock and gate box furnished by District
  - b. Excavate for, backfill and restore surface at connection in accordance with applicable ordinance or regulations
  - c. Furnish components and pipe

Sec. 4(c) Application for the installation of new services and the renewal of old services shall be made by the owner of the property. All charges must be paid in advance at the time of making application.

Sec. 4(d) No person shall, without proper authorization from the Worthington Fire District, tap the mains or distributing pipes, insert stopcock therein, set or remove meters on service pipes, interfere with water gates and curb cocks or change or operate any pipe or fixture on a water service pipe between the outlet end of the meter and the street main.

Sec. 4(e) Each customer whose property is supplied by one or more connections to an old public main which was replaced by a new main, shall be reconnected to the new main without charge other than the assessment levied in accordance with the regulations governing assessments, provided such service connections shall be equipped with approved curb cock, house and cellar shutoffs at the owner's cost if not so equipped prior to said reconnection.

Sec. 4(f) No water service pipe shall be connected with the Worthington Fire District water distribution system unless it is of the genuine Type K copper tubing or other approved pipe, of size no less than 1" nor more than 2" diameter. Pipes larger than 2" diameter shall be of Class 150 American Water Works Association standard cast iron water pipe unless otherwise approved by the Worthington Fire District. No pipes less than 1" in diameter will be installed or approved for water supply service from the water mains in the street. All pipes shall be laid to a depth to have at least 4 ½ feet of cover and, so far as practicable, shall be laid in a straight line from the curb cock to the inside of the building wall. They shall not be laid in any trench excavated for other pipe or conduits unless separated by a safe distance as

approved by the District. Service pipes shall be laid at least ten (10) feet away from any septic tank leaching field. All pipe laid for water service pipe connections shall be tested for water-tightness in the presence of a representative of the District before being covered up.

Sec. 4(g) Plumbers shall furnish and install an approved stop and waste cock, or shut-off valve, on the service pipe immediately after its entry into the building, except in such case where special permission is given to install elsewhere.

Sec. 4(h) Plumbers shall install a meter setting furnished by the Worthington Fire District in a horizontal position in the house piping immediately after the main shut-off and as near to where the service pipe enters the building as practicable.

Sec. 4(i) All services installed or renewed after enactment of this regulation shall be equipped by the owner of the property with an approved valve or stop cock immediately following the meter setting, on the house or building piping from emptying while the meter is changed, or during other work in the water service pipe, and all services installed prior to the date of enactment of this regulation shall be equipped by the owner of the property with a similar back valve within ninety (90) days of the passage hereof, provided the water service supplies any hot water tank, pressure vessel or the water service supplies any hot water tank, pressure vessel or other water-using apparatus not equipped with a vacuum breaker, and so constructed that the formation of a vacuum in the house supply pipes might cause its collapse.

Sec. 4(j) Piping systems supplying swimming pools or other tanks in which water may become polluted, shall be so arranged as to preclude water from re-entering the distribution system by siphonage or other means and shall in each case be approved by the Worthington Fire District. In general, an independent feed pipe must be provided in such a way that its discharge end is well above the highest possible water level in the receptacle. On all fire sprinkler systems with Siamese connections and in all other instances where required by the District, the customer shall install a Reduced Pressure Backflow Preventer (RPD). RPD's shall be installed in an accessible location with appropriate test locks and access to the same shall be provided to District representatives for testing and inspection purposes.

Sec. 4(k) Individual properties may receive their supply through one or more than one service pipe. In the case of multiple services, the charge for each service pipe shall be at the regular rates noted in Section 4 (b). A single meter shall be installed on each service and the interconnection of these services will not be permitted without special approval.

Sec. 4(l) Abandoned service 2" or less in size, provided the service is of copper or brass, or not more than 25 years old if of cement lined wrought iron, and abandoned case iron services larger than 2" in size may be reconnected to the street main. Said reconnection shall be made under the provisions of this Section as apply to procedures, fees and other costs.

Sec. 4(m) The installation of combined fire and domestic services will not be permitted except by special authorization of the District.

Sec. 4(n) All apparatus and premises supplied with water must be accessible and open at all reasonable times to the inspection of the Worthington Fire District or its representatives. All work, including pipes and service fixtures, must be satisfactory to the Worthington Fire District and any and all service fixtures may be rejected by it, if deemed in any way unsuitable for the purposes for which they were intended.

Sec. 4(o) Individual house pumping systems or tanks connecting directly to the water system shall not be allowed without special authorization from the District.

#### **SECTION 5: SERVICE PIPE CONNECTIONS FOR PROPERTIES NOT ABUTTING ON PUBLIC MAINS**

Sec. 5(a) Whenever application is made for a connection for the supply of water to a single property not located upon a distribution main of the Worthington Fire District, the owner and mortgagee of the property designated as the applicant shall sign a form of agreement approved by the District giving the District the right of lien on the property to insure payment of bills and compliance with regulations and, in addition, shall pay a connection charge computed on the same basis as connection charges to distribution mains. In case a water main is later installed in the street or land on which the property is located, the main pipe assessment against such property will be adjusted by an amount not exceeding the above connection charge.

#### **SECTION 6: SERVICE PIPE MAINTENANCE**

Sec. 6(a) In the case of leaking or broken water service pipes, the Worthington Fire District will make repairs, or replace all or parts of the service as necessary between the water main and the property line or right-of-way limit (normally at or near the curb cock), all at no direct costs to the property owner, unless the damage is the result of action or inaction of the owner. Where the leak or break occurs within private property outside the street or right-of-way limits, the water may be shut off by the District, and the owner of the property will be ordered to make the necessary repairs or replacement as provided in Section 4 of this Part I.

Sec. 6(b) No person shall insert or cause or permit to be inserted into any water pipe which is a part of the supply or distribution system of the Worthington Fire District, or which is directly or indirectly connected with said system, any object, material or substance of which may cause damage to said system or stoppage or diminution of the flow of water therein, or which may contaminate the public water supply in any way.

Sec. 6 (c) Water users will be charged a fee as determined by the Worthington Fire District for shutting off and turning on water at the street mains for the purpose of repairs or extensions of service upon the premises. Water users will be charged for all services rendered by the District or its representative upon their premises for thawing frozen pipe, repairing the same in any manner, or for removing obstructions therefrom, but the District will assume no responsibility for any damage from their work or repair. Twenty-four (24) hours written notice will be required for turning on or shutting off the water. All persons are prohibited from opening or closing any service stop at the mains without permission from the District.



## **SECTION 7: PRIVATE PIPES**

Sec. 7(a) A private pipe is one which is installed and owned by a private individual or group of individuals, and which is connected to the distribution system piping of the Worthington Fire District. Except under special and approved conditions, a meter shall be installed on these pipes at the street line in which the distribution main is laid.

Sec. 7(b) Private pipes which are to supply a group of owners and which is installed at the expense of the group of owners are treated as service pipes by the Worthington Fire District and shall require a master meter installed in a suitable housing provided by the owner in a location approved by the District. A surety bond shall be filed by a representative of the group to insure payment of water bills, which will be based on master meter readings, and also proper maintenance of the pipe. The pipe shall be extended at the owner's expense.

Sec. 7(c) When and if public necessity and convenience require the installation of a public main in the street in which a private main of this class is already installed, all owners of property abutting upon the highway in which the public pipe is laid, shall be subject to all assessments for the main pipe installation together with any prevailing charge for reconnection from a private to a public pipe.

## **SECTION 8: GENERAL**

Sec. 8(a) No person shall, without proper authority of the Worthington Fire District, use or interfere with any public fire hydrant.

Sec. 8(b) Worthington Fire District water will not be supplied to premises where the pipes used to convey or distribute said water are so connected, directly or indirectly, with any supplementary or secondary fire or other water service system or supply, so it may be possible to receive a water supply from any source other than that furnished by the District system. The District shall cause a severance of all such dual systems and shall prevent the construction of any future system of like character.

Sec. 8(c) The Worthington Fire District furnishes water and not pressure and does not guarantee a continuous supply. No responsibility will be assumed for any damages to any apparatus in any house or building due to the shutting off of water without notice.

Sec. 8(d) While it is the intention to give notice, so far as possible, in advance of any work which must be done that will necessitate interruption of the supply, such notice is to be considered a courtesy only and not a requirement on the part of the Worthington Fire District. In case of break in pipe lines, water will be shut off at any time without notice.

Sec. 8(e) Failure of tenant or property owner to receive notice of interruptions of service shall entail no responsibility on the part of the Worthington Fire District, its officers or representatives. Property

owners must so regulate their installations connected with the water supply that damage will not occur if water is shut off.

Sec. 8(f) No person shall, without proper authorization from the Worthington Fire District, tap or make any connection with any street main or service or other distributing pipe connected with the water system or shall, without such authorization, open any gate or valve connected with said system so as to obtain water from said system or for the purpose of obtaining such water or shall in any way or by any device obtain the use of such water without such authorization.

Sec. 8(g) District shall mean the Worthington Fire District and where the context so implies shall mean its Chairman and/or his duly authorized representatives.

## **PART II: SEWERS AND SEWER SYSTEMS**

### **Section1: Purpose and Definition**

#### **Sec. 1(a) Purpose**

To provide Rules and Regulations of the Worthington Fire District governing the Construction of, Use of, Discharge of Substance Into and Connections to the Public Sewers and Drains of the District and the Installation of Drains and Other Pipes and Fixtures Intended to Discharge Water into said Sewers and Drains.

#### **Sec. 1(b) Definitions**

Where and as the context will admit, the following terms shall have the meaning indicated hereafter where used in these Rules and Regulations.

- (1) "Sewage" shall mean waste water, water-carried wastes, or combination of them, discharged into and conveyed by sewers or intended or customarily so discharged and conveyed. Sewage may be further classified as follows in subsection (2) through (6) of this Section.
- (2) "Sanitary Sewage" shall mean the common waste water, water-carried wastes from human swelling and from toilet and lavatory fixtures, kitchens, laundries, and similar facilities or business and industrial buildings. In general, sanitary sewage shall not include storm water from roofs, yards, streets or open spaces, water from land surfaces or brooks, clean waste or overflows from springs, wells or subsoil drainage, clean water from air conditioning or other cooling or condensing facilities, clean waste water from hydraulically operated contrivances and those wastes included with the definition of "industrial waste" next following.
- (3) "Industrial Wastes" shall include the liquid or water-carried wastes of any industrial process not clearly included within the definitions of sanitary sewage, carrying any quantity of oils, grease, fats, abrasives, chemicals, residues or manufacturing processes, wastes from commercial food preserving or canning, from slaughter houses or meat processing plants and similar substances,

whether dissolved, in suspension, or mechanically carried by water, shall be considered as industrial waste.

- (4) "Storm Water" shall include the runoff or discharge of rain and melted snow or other clean water from roofs, surfaces or public or private lands or elsewhere. For most purposes with the scope of these Rules and Regulations, storm water shall not include the flow of any natural brook, rivulet, or stream even if the source of water is storm runoff from land or other property once that runoff has entered the channel of such brooks or natural watercourse. In general, storm water shall include only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment or purification, into any natural open stream or water without offense.
- (5) "Cooling Water" shall include the clean waste water from air conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. In general, cooling water will include only water which is sufficiently clean and unpolluted and of appropriated temperature to admit of being discharged, without treatment or purification, into any natural open stream or watercourse without offense.
- (6) "Seepage" or "Subsoil Drainage" shall include water from the soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes or from similar sources.
- (7) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (8) "Sewer" shall include the main pipe or conduit, manholes, and other structures and equipment appurtenant thereto, provided to carry sewage, industrial wastes, storm water, cooling water or similar wastes, subject in each particular case, to the purposes and limitations imposed upon the particular case, to the purposes and limitations imposed upon the particular pipe or conduit or sewer. Where the context so indicated, the word "sewer" shall be restricted to pipes and conduits, intended to convey sanitary sewage. Where the context so indicated, the word "sewer" shall be used only with respect to the main line or pipe or conduit owned, controlled and maintained by the Worthington Fire District for the conveyance of waste or sewage from several properties, and shall not be understood to include house connections or connections between the main sewer and individual properties, which house connections are maintained by the owners or tenants of the properties using them.

"Public Sewer" shall mean a sewer in which all owners or abutting properties have equal rights, but is controlled by public authority.

- (9) "Sanitary Sewer" shall mean a sewer intended to convey only sanitary sewage, or, if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes. In general, sanitary sewers shall not be intended to convey storm water.

- (10) "House Connection" or "House Drain" or "Building Drain" where the context so indicated or implies, shall mean a pipe connecting a main sewer with a building, house, yard or other property, for the purpose of conveying sewage of any kind from said property to the main sewer. The term "House Connection" or "House Drain", when used in that sense, shall include not only the pipe extending directly from the main sewer to the house, building, yard or other portion of the property in question, but also all other drain pipes connecting directly or indirectly thereto, or intended to so connect or discharge. House connections and house drains shall, in general, be maintained by the owners of the property served and shall have been constructed in whole or in part, for or by the property owner of his predecessor.
- (11) "House Connection Lateral" shall mean a pipe laid incidental to the original construction of a sewer from that sewer to some point at the side of the street, highway or similar location, and there capped, having been provided and intended for extension and for use at some time thereafter as part of a house connection as defined in definition (10). When a house connection lateral has been connected with and extended for the purpose of installing a house connection, the lateral shall become and thereafter be a part of such house connection, to be maintained, etc., as provided for house connections.
- (12) "District" shall mean the Worthington Fire District and its committee where the context so implies, and shall apply wherever in the Regulations that the phrase "District" is used.
- (13) "District Chairman" shall mean the Chairman of Worthington Fire District the agent or representatives acting according to and limited by the instructions, duties and authority assigned by said Chairman to the particular agent or representative, as the case may be; insofar as such delegation is not prohibited by the Rules and Regulations.
- (14) "Person" as used herein, shall include any individual person, party or group of persons associated together in any way, or any corporation or organization, and shall be referred to by the third person singular pronoun (he, his, him) which will be understood to include all groups or persons, corporations or other organizations, as the particular instance or use may indicate.
- (15) "Engineer" shall mean the District Engineer or his duly authorized representative.
- (16) "Property Owner" or "Owner of Property" or "Owner", as used herein, shall include both the owner of fee in any real estate and also all tenants, lessees, or others in control or possession and use of the property in question, or any interest therein, and his, her, its, or their agents or representatives as the interest, duties, powers or liabilities of each may be.
- (17) "Drain Layer" or "Licensed Drain Layer" shall mean either an individual, partnership or corporation to whom the District Chairman shall have issued a license to install and repair sewers, sewer connections, and house connections during the period when such license is valid, and the proper agents and representatives of such drain layer.
- (18) "Shall" is mandatory, "May" is permissive.

(19) "Watercourse" shall mean a channel in which a flow of water occurs.

(20) "Committee" shall mean the Committee of the Worthington Fire District.

## **Section 2: Use of Sewers**

### **Sec. 2(a) Permissible and Non-Permissible Discharge**

No person or party shall discharge into or put into any public sewer or public drain of the Worthington Fire District, or into any sewer, drain or fixture which thereafter discharges into any public sewer, drain or appurtenances thereof, any waste or substance other than such kinds or types of waters or water-carried wastes for the conveyance of which the particular sewer, drain or appurtenances is intended, designed or provided. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property under the jurisdiction of said District any human or any animal excrement; garbage; or other objectionable waste. It shall be unlawful to discharge to any natural outlet in any area under the jurisdiction of said District, any sewer or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these regulations.

### **Sec. 2(b) Wastes Excluded from Sewers**

No person or property owner shall discharge or permit to be discharged directly or indirectly, from any premises under his control into any public sewer any of the following:

- (1) Any substance or object likely to damage, injure, destroy or cause an obstruction in any sewer, or appurtenances thereof, into which it may be discharged.
- (2) Any substance which may attack, damage or alter by either abrasion or chemical action the materials of which the sewer and its appurtenances are composed or built.
- (3) Sticks, stones of material size, coarse rubbish, rags, unground or unshredded garbage or refuse having particles more than one inch in their longest dimension.
- (4) Any debris or substance which by depositing any considerable quantity of sediment, by coagulation, by congealing or by attaching itself to the lining of the sewer or to other substances being transported with the sewer is likely to cause an obstruction in any sewer or appurtenances.
- (5) Any gasoline, kerosene, alcohol, oil, tar, benzene, naphtha, fuel, oil, flammable or explosive gas, solid or vapor, or any substance which may generate or form any flammable explosive or combustible substance, fluid, gas, vapor or mixture when combined with air, water or other substances commonly found in sewers. (See Sec. 2(d)).

- (6) Steam, water vapor or other substance at a temperature above 150°F, or substance which, upon coming into contact with water or sewage will generate steam or vapor within such sewer. (See Sec. 2(d)).
- (7) Any waste or waste water which is strongly acid, and which when tested in the usual technical manner, has a "pH" less than 5.5 or which is strongly alkaline and has a "pH" more than 9.0 (pH means the logarithm of the reciprocal of the weight of the hydrogen ions in grams per liter of solution), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (8) Objectionable poisonous, cyanides, or any substances likely to generate poisonous fumes that may interfere with, constitute a hazard to, or be dangerous to human beings or domestic animals, or create a hazard in the receiving waters of the water pollution control plant.
- (9) Any waste water or sewage containing quantities of animal guts or tissues, entrails, offal, blood, feathers, hair, hides scraps, unshredded vegetables, straw, cinders, ashes, sand, mud, shavings, metal, glass, plastics, wood, manure or any other solid viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the water pollution control plant or plants.
- (10) Any waste containing disinfectants, formaldehyde, toxic or poisonous substances in quantities sufficient to delay or interfere with sewage treatment and sludge digestion process including sedimentation, biological and chemical process used by any sewage treatment plant servicing Worthington Fire District.
- (11) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage at the treatment works exceeds the limits which may be established by the District for such material.
- (12) Any waste waters or sewage likely to cause damage, injury or loss to other persons or to the property of other persons who are lawfully entitled to use the sewer or sewers through which said wastes are discharged, or to any person or equipment engaged in sewage treatment and disposal. This prohibition shall be understood as applying to the kind of character of wastes discharged into any sewer and as limiting the quantity of wastes or waters which may be discharged from any one parcel or plot of property and the rate or rates at which wastes are discharged to approximately the quantity of sewage or water which the sewer was intended to receive from that particular parcel or plot or from a typical parcel of that size or area.
- (13) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (14) No person shall discharge or cause to be discharged any substance prohibited by the ordinances, rules and regulations or any other substances which in the opinion of the District is likely to 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.

#### Sec. 2(c) Determination and Exclusion

In determining whether any waste discharged or proposed to be discharged into any public sewer or drain is to be excluded under Section 2(b) and Section 2(i) and Section 2(j) inclusive, or any subdivisions of any of them, of these Rules and Regulations, consideration shall be given to the quantity, time or times, rate and manner of discharge, dilution and character of the waste in question, the size of the sewer or drain into which it is or is to be discharged, the probable quantity of other sewage in said sewer or drain at the time of discharge, and other pertinent facts. Minute quantities of a waste which would be objectionable in larger quantity may be permitted if sufficiently diluted when and as discharged, or if the quantity discharged is very small in comparison to the receiving sewer or drain and the flow therein at the time of discharge, upon specific permission from the District Chairman, but any permission to discharge minute quantities of an otherwise excluded waste shall be revocable at any time only by said District Chairman, or by his successor.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which wastes contain the substances or possess the characteristics enumerated in Section 2(b) and which in the judgment of the Committee may have a 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 Committee 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; and/or
4. Require payment or cover the added cost of handling and treating the wastes.

If the Committee permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances and laws. Such pretreatment installations must be consistent with the requirements of any Connecticut Department of Environmental Protection permit issued to the industry.

#### Sec. 2(d) Protective Devices

At all premises where wastes or substances specified to be excluded from sewers or drains by these Rules and Regulations are customarily present and liable to be discharged directly or indirectly into any public sewer or drain, suitable and sufficient piping layouts, oil or grease traps, or separator screens, sedimentation chambers, diluting devices, storage and regulating, treatment, cooling or condensing equipment and similar devices or equipment shall be provided, maintained and operated to insure that no waste, substance or water required to be excluded from said sewer or drain shall be discharged thereinto in violation of the requirements of these Rules and Regulations.

## Sec. 2 (e) Sampling Wells, Treatment Devices, etc.

At premises where any of the substances or wastes prescribed as being or to be excluded from any sewer or drain are present and liable to be discharged contrary to the limitations of these Rules and Regulations, the Committee may require that the owner of said premises provide, operate and maintain a sampling well or wells a flow measuring device, manholes, catch basins, or other suitable devices or treatment facilities on any or all house connections or drains from said premises meet the point or points where said drains connect to any public sewer or drain. By means of said sampling well or wells, or other devices, the owner, owners and occupants of said premises and said Committee or the authorized representative of either, or any public officer charged with any duty involving the supervision of the disposal of waste waters may secure samples of or examine the waste and waters discharged into said public sewer or drain and measure the quantities thereof for the purpose of ascertaining the compliance or non-compliance with the requirements of these Rules and Regulations. The sampling well shall be maintained by the owner to be safe and accessible at all times.

In addition, all industries discharging into a public sewer shall perform such monitoring of their discharge as the Committee and/or other duly authorized representatives of the District may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the District Chairman. Such records shall be made available upon request by the District Chairman to other agencies having jurisdiction over discharges to the receiving waters.

## Sec. 2(f) Expense of Operating of Sampling Wells and Other Devices

Sampling wells and other devices required by this section shall be provided, operated and maintained by the persons in control of the premises, where required, without expense or cost to the District. Such devices shall be subject to the approval of the Committee.

## Sec. 2(g) Powers and Authority of Inspections

- (1) Duly authorized representatives of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of these regulations. The Committee or its representatives 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.
- (2) While performing the necessary work on private properties referred to in Subsection (1) above, duly authorized representatives of the District shall observe all safety rules applicable to the premises established by the company and the District representatives and the District shall indemnify the company against loss or damage to its property by District representatives 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 2(e).



- (3) Duly authorized representatives of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated pertaining to the private property involved.

#### Sec. 2(h) Submission of Plans for Sampling Wells and Other Devices

To facilitate compliance with the requirements of this section, the Committee may require that the owner or party applying for a permit to install a new connection to any sewer or drain, or to alter or extend an existing house connection shall, in any case where a sampling well, oil or grease trap or separator, diluting device, or similar appurtenance is or may be required, furnish to said District Chairman as part of the application for said permit a plan or satisfactory description, or both, of the device (of whatever kind) which it is proposed to provide in accordance with the requirements of this section and said plan or description, or both, shall become part of said application and the installation of the device in accordance therewith shall be a condition attached to the granting of said permit.

#### Sec. 2(i) Use of Sanitary Sewer

Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage as defined in Section 1(b)(2) of the Rules and Regulations and for diluted, water-carried industrial wastes which are not objectionable as provided hereafter. Except as specifically provided for some particular sewer or location, no sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, any large continuous flow of water seeping into buildings or excavations from soils or other underground sources, flows of natural springs, or ground waters, surplus from flowing wells, the discharge from roofs, roof conductors, yard drains, street drains, highway drains or footing drains.

#### Sec. 2(j) Cooling Water, etc. in Sanitary Sewers

No quantity of cooling water, as defined in Section 1(b)(5) of these Rules and Regulations, or similar waste waters shall be discharged into any sanitary sewer without specific permission from the Committee only. Such permission, if granted in any case, shall be revocable only by said Committee or by his successors, at any time upon proper notice. In general, such permission shall not be granted at locations where there is conveniently available a storm drain, natural watercourse, or other convenient and suitable means of disposal for such large volumes of clean waste water. Before permitting such discharge into a sanitary sewer at any given location, the Committee shall consider whether the discharge in question may cause excessive flows in the sewer or sewers through which it is to be discharged and whether such discharge will occasion a burden on any pumping equipment, sewage treatment plant, or other appurtenances of the sewer system, out of proportion to the other needs of the community and to the contribution made by the property discharging cooling water toward the costs of providing, maintaining and operating sewage services by the District.

#### Sec. 2(k) Test Procedures at Sampling Well or Control Manhole

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the last edition of "Standard Methods of the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the sampling well or control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the house connection is connected. 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 (24) hour composite of all outfalls of a premise is appropriated or whether a grab sample or samples should be taken).

### **SECTION 3: CONNECTIONS TO AND WORK ON SEWERS**

Sec. 3(a) No unauthorized person shall open the cover of, enter or alter any manhole, catch basin or similar appurtenances of any public sewer, put anything therein or interfere therewith. No person shall insert or place in any public sewer, drain, manhole or other appurtenances thereof any sticks, rubbish or other material which said sewer, drain, manhole or appurtenance thereof was not intended to receive. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is part of the public sewer system of said District.

#### Sec. 3(b) Alterations to Sewer and Appurtenances

Should it become necessary to relocate, reset the top of or otherwise alter any sewer, drain, manhole or other appurtenance thereof belonging to the District or in its charge, the person or party desiring such change to be made shall make a written request to that effect to the District.

#### Sec. 3(c) Connections to Sewers

No person shall make any connection to any public sewer of the District or appurtenance thereof, or to any pipe or appurtenance discharging there into or remove or disconnect any existing connection thereto, except as provided in these Rules and Regulations; provided plumbing work and fixtures within buildings and similar structures may be built and connected as provided in Berlin Building Code and Ordinances.

1. The procedure for connecting to the sanitary sewer main is as follows:
  - a. Make application to the Worthington Fire District upon forms supplied for that purpose and pay fee as determined by the District to cover administrative and inspection costs.

- b. Make application to the Town Engineer to work in Town Rights-of-way and pay fee as required.
- c. When the above application has been approved, all other applicable regulations have been complied with, and all necessary permits acquired, the District will schedule a date and time to make the connection.

#### Sec. 3(d) Materials and Workmanship for Sewers, Drains, Connections, etc.

The Worthington Fire District shall, from time to time, establish standard requirements of specifications to regulate the sizes, materials, methods and workmanship to be used in the construction of sewers, drains, house connections and other similar work and appurtenances, thereto connected or intended to be connected or to discharge directly or indirectly, to any public sewer or drain of the District. Such standard requirements shall provide minimum requirements as to size, depth, slope or rate of grade for such pipes, shall regulate the kinds of pipes, fittings, methods of laying, jointing, materials used, manner of connection to pre-existing sewers and drains and general consideration as to location and other pertinent features. So far as practicable, the standard requirements as established by said Committee under this section shall apply throughout said District insofar as each particular requirement shall be applicable to each location and condition.

#### Sec. 3(e) Building Code

The requirements of the Berlin Building Codes shall be observed with respect to piping and fixtures inside or immediately adjacent to building. Pipe more than five (5) feet outside the outer walls of any building or similar structure shall conform to the requirements of these Rules and Regulations as to permits, materials and workmanship.

#### Sec. 3(f) Separate Connections for Each Building

In general, each independent house or building, if set on an individual lot by itself, shall have a direct connection to the public sewer or drain serving it, separate from any other house, building or structure set upon another parcel or lot of land.

The Worthington Fire District, in its discretion, may permit variations of this requirement upon receipt of a written request to that effect from the owners of all the land in any way concerned.

Sec. 3(g) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

#### Sec. 3(h) Old House Connection May be Used

Old house connections may be used in connection with new buildings only when they are found, on examination and tested by the Worthington Fire District or its authorized representative, to meet all requirements of the Rules and Regulations.

#### Sec. 3(i) Sewage Shall be Lifted by Approved Means

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the house connection.

#### Sec. 3(j) Materials for Drains

All drains outside of buildings, except those which are within the control of the Town Building Inspector, shall be either P.V.C. sewer pipe, ductile case iron pipe or asbestos cement for Testing and Materials (ASTM) or equivalent standards.

#### Sec. 3(k) Sizes of Drains

In general, each principal drain or house connection shall not be less than 5" in diameter if cast iron, or 6" inside diameter if other material, provided where such house drain or connection is an upstream extension of the soil pipe from inside the building, and is of cast iron laid in the same manner as is required by plumbing codes for soil pipes, pipe of the same size, kind, quality and grade as that required for soil pipe but no less than 4" inside diameter, may be used if, where and as permitted by the District Engineer.

#### Sec. 3(l) Specifications for Laying

House connections and drain pipe, except as specifically permitted otherwise by said District Engineer, shall be laid to a true rate of grade not less than one (1) foot per hundred (100) feet and more if possible; shall have not less than three (3) feet of cover at all points; shall be laid on firm, undisturbed soil or suitable foundation; shall be located at a sufficient distance from other parallel pipes to admit to altering or making repairs to either line without disturbing the other; shall be well and tightly jointed and well cleaned inside after laying; shall consist of such straight pipe, bends, breaches and other fittings as may be needed; and shall conform to all reasonable requirements for good construction. Pipe larger than the minimum size specified herein shall be used when and as the size of the structures, numbers and kinds of fixtures to be drained and other conditions may make it necessary to provide proper drainage. Pipe bedding and backfill shall be in accordance with the pipe manufacturer's specifications and is subject to District approval.

#### Sec. 3(m) Location of Connections to Sewers

Connections to public sewers of the District shall be made only at such points and in such manner as shall have been indicated by the permit issued by the Committee to make such connection or as the District Engineer shall direct. In general, if any means such as a house connection lateral to the side of

the street or road, or a Y-branch, slant, inlet or connection chimney in or on the main sewer or drain has been provided at or near the location where a connection is to be made, such lateral, Y-branch, etc. as the case may be, shall be used wherever possible in lieu of cutting a new opening into the main sewer or drain. When no lateral or Y-branch is available near the point where a connection is to be made into a pipe sewer 12" or less in size, one pipe shall be removed from the sewer and a suitable Y-branch inserted, if and in such manner as the said District Engineer shall direct. If any connection more than 6" in diameter is to be made into any public sewer of the Town made of pipe, a new Y-branch or suitable fitting shall be inserted into the main sewer or drain or a manhole built, if and as directed by said Town Engineer. When it is necessary to cut an opening into any public sewer or appurtenance thereof, such cutting shall be done only in the presence of and in the manner directed by the representative of said District Chairman assigned to observe such work and any connection to said sewer shall be made with such materials and in such manner as said representative shall direct.

#### Sec. 3(n) Supervision and Inspection of Drain Work

All connections to public sewers and appurtenances thereto, all repairs and alterations to such sewers which are connected to or discharge, directly or indirectly, into such sewers of the District or are intended to connect to or discharge, directly or indirectly into such sewers shall be made under the supervision and inspection of representatives of or inspectors assigned to such work by the Committee. Said Committee may assign, from time to time, competent inspectors or engineers to inspect and oversee such work.

#### Sec. 3(o) Notification Prior to Inspection

The inspector or representatives of the Committee shall be notified not less than twenty-four (24) hours in advance of the time any connection is to be made to any public sewer to said District, or to any existing pipe or similar structure connected and to so discharge, and such connection shall be made only in the presence of said inspector or representative and according to his directions. Said inspector shall be afforded all reasonable opportunity to oversee the construction of all parts of any drain connected directly or indirectly, or intended to be so connected, to any public sewer or drain of the District, and to obtain and record the location and other pertinent facts with respect to such drain or sewer. This same requirement shall apply to repairs or alterations to sewers or pipes discharging thereto.

#### Sec. 3(p) Record of Connection

The District Engineer shall keep a record of all connections made to public sewers under these Rules and Regulations and all repairs and alterations made to sewers, house connections or drain connected to or discharging into public sewers of the District or intended to so discharge. Licensed contractors shall assist said District Engineer to secure data needed for such records.

#### Sec. 3(q) Engineering Assistance

The District Engineer or his representatives shall assist in the installation, repair and alteration of connections to public sewers and of house connections by furnishing such information as may be in his possession and proper to be furnished to the party performing such work.

#### Sec. 3(r) District Representatives

The District Chairman may, in his discretion, in any case where the quality or expense of work by District forces incidental to the construction, repair or inspection of any sewer or sewer connection warrants such a requirement, require that the owner of property concerned or the drain layer shall reimburse the District for the costs of service of District representatives engaged in work or inspections incidental to said sewer connection. The District or the District Chairman may make a suitable provision for such reimbursement a condition precedent to the issuance of any permit for the construction, alteration or repair of such sewer or sewer connection, subject to such directions as the District may issue.

#### Sec. 3(s) Ends of Drains to be Closed

Adequate precautions shall be taken to exclude from public sewers all water or other materials which may obstruct, damage or wrongfully fill any sewer into which they may be discharged directly or indirectly. To that end, the open ends of sewer connections shall be kept closed or protected during construction and during periods when work on any incomplete drain is suspended. If any drain shall have been laid to the site of a proposed building or other structure prior to the time when the building or structure is built, the end of the drain shall be kept closed to insure that no water or materials enter such drain during the interval prior to the construction of the building or structure.

#### Sec. 3(t) Discontinued Drains

When any building, catch basin or other structure previously served by a connection to any public sewer or drain is demolished, destroyed, abandoned or altered so that any drain or portion of an abandoned plumbing system which is directly or indirectly connected to any public sewer or drain is no longer used and is no longer connected to the drainage system of the building or structure, the open end of such drain which discharges, directly or indirectly, into a public sewer or drain shall be promptly closed and sealed off so that no water or wastes not otherwise permitted to enter the public sewer or drain shall be so discharged thereinto. The District Engineer shall be notified of such abandonment or discontinuance and of the closing and sealing of such drain and his representative afforded an opportunity to see such work performed. All of said work shall be done by the person or party who demolished the building or structure or who alters the drainage of the premises so as to make such closing and sealing necessary, and in event of the failure of such person or party to do so, shall be done by the owner, lessee or tenant of the premises to the satisfaction of the District Engineer, all without expense to the District.

### **PART III: ASSESSMENTS, PERMITS ENFORCEMENT**

## **SECTION 1: LAYOUT AND ASSESSMENT OF WATER AND SEWER**

### **Sec. 1(a) Layout**

Whenever any vote or resolution shall be offered to the Worthington Fire District proposing to lay out, construct or establish any public improvement which is included in the functions of the Worthington Fire District and for the cost of which the District may assess benefits, such vote shall not be passed by the Worthington Fire District until said District has determined the cost of any water or sewer project and the proposed assessments therefor.

### **Sec. 1(b) Determination of Costs**

For purposes of determining the cost of any water or sewer project, which cost is to be paid in whole or in part by an assessment of benefits, the Worthington Fire District shall determine the total of all expenses incurred or likely to be incurred, incidental to said project.

Said total shall include actual cost, as nearly as can be determined, of all engineering, legal and administrative services required, all costs for legal notices, adjustments and the like, all payments to contractors or others, for labor, equipment and materials used for constructing said project, all other costs and expenses which the District has incurred or will likely incur on an account of said project. Said total shall also include all interest which the District shall become obligated to pay for borrowed funds used to finance the construction of any such project, which interest shall accrue over a period, computed to the nearest whole month, extending from the date of passage by the District of the layout for such project to the date upon which after completion of such project.

Sec. 1(c) Prior to voting on any layout the Worthington Fire District shall prepare a schedule of estimated benefits and damage together with the rates per foot or other criteria upon which the layout may be based.

### **Sec. 1(d) Passage of Layout**

Upon completion of the above schedule, the Worthington Fire District shall vote the passage of all or a portion of the layout or the rejection of the layout, and shall order the publication of same, as hereinafter provided.

### **Sec. 1(e) Procedure upon Passage of Layout**

Upon the passage by the Worthington Fire District of any vote or resolution to layout or construct any works covered by the provisions of this regulation, said District shall authorize the Chairman to proceed with such layout or construction, and shall authorize said Chairman to make and enter into any contracts, necessary for said construction.

It shall be the duty of the Chairman of the Worthington Fire District to have the necessary caveat or caveats warning of the passage of the layout prepared and delivered to the Town Clerk for recording in

the Town Land Records on properties to be served by said layout and assessed therefore within thirty (30) days of the passage by the District of said layout.

#### Sec. 1(f) Final Assessments and Liens

Upon the completion of the construction of any work or improvement made under the provisions of this regulation, the Worthington Fire District shall give notice thereof, by certified mail and by publication that benefits assessed therefore are due and payable, and the Chairman of the Worthington Fire District shall thereafter file with the Town Clerk certificates of liens covering the properties so assessed in accordance with the General Statutes. If the actual cost of the construction of any such work or improvement shall be less than the sum assessed upon the parties benefitted, such notice shall contain a statement of the proportionate deduction to be made from said assessment. If any assessment is made which is not sufficient to cover the entire cost of the work to be paid for by such assessment, a supplementary assessment may be made by the District.

Any assessment of benefits of any installment thereof not paid within thirty (30) days after the due date shall be delinquent and shall be subject to interest from such due date at the interest rate and in the manner provided by the General Statutes for delinquent property taxes. Each addition of interest shall be collectible as part of such assessment. Whenever any installment of an assessment becomes delinquent, all remaining installment of such assessment shall also become delinquent. Any unpaid assessment and any interest due thereon shall constitute a lien upon the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property tax liens.

#### Sec. 1(g) Installment Payment of Assessment

The Worthington Fire District may provide for the payment of assessments in substantially equal annual installments and shall provide for interest charges for any deferred payment, provided that the last installment of any assessment shall be due no later than one year prior to the date of the last maturity of any bonds or notes issued to finance the acquisition or construction of any water or sewer system or portion thereof in respect to which the assessment was levied; and further provided that in no case shall the installment period exceed ten (10) years. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment. The interest rate to be charged shall be set by the District, and may be changed from time to time by said District as seen fit to reflect borrowing costs of the District and the cost of administering the installment payments.

#### Sec. 1(h) Method of Publication

Whenever as herein provided any vote or resolution, schedule of estimated benefits and damages, assessment, or other notice under these proceedings is to be published, it shall be done as follows: the



vote, resolution, schedule, assessment or notice shall be published twice in a fifteen (15) day period in a daily newspaper regularly distributed within the Town.

#### Sec. 1(i) Supplemental Assessment of Benefits

Whenever any owners of property or their agents shall apply for a building permit or other permit to 1) construct, convert or expand a structure such that the resulting number of dwelling units shall increase, or 2) construct or expand a nonresidential structure by 1,200 square feet or more, and where said property is served by a water and/or sewage system, then the Worthington Fire District shall determine that a supplemental assessment of benefits is chargeable to said property. The procedures for the establishment and payment of such assessment of benefits shall be as approved in Sec. 1(a) through Sec. 1(h) above. In determining the supplemental assessment, the District shall take into consideration any previous assessment or charges levied. In lieu of a supplemental assessment of benefits as provided herein, if agreed to by the property owners, the District may levy a connection charge equal to the amount which would have been assessed as provided in Part III, Section 3 of these Regulations. Failure to apply for a building permit or other permit shall not relieve the property owner from the requirements of this section, and the District may investigate and make such supplemental assessments based on information otherwise provided or obtained, in accordance with the above procedures.

### **SECTION 2: PROVISIONS FOR OUTLET BENEFITS AND DEFERRED ASSESSMENTS FOR WATER AND SEWER SYSTEMS**

#### Sec. 2(a) Purpose

To provide for the assessment of outlet benefits and the deferment of costs and benefits for water and sewer systems.

#### Sec. 2(b) Definitions

The following words and phrases wherever referred to in this regulation shall have the meaning ascribed to them below.

- (1) "District" is the Worthington Fire District.
- (2) "Sewer System" shall consist of items of capital nature, including but not limited to sewers, pumping stations and force mains, which are designed and built to sufficient capacity so that areas beyond the immediate area in which said items are built, may be served by future extensions.
- (3) "Water System" shall consist of items of a capital nature including but not limited to mains, pumping stations, wells, treatment facilities, storage tanks and regulatory device, which are designed and built to sufficient capacity so that areas beyond the immediate area in which said items are built, may be served by future extensions.

- (4) "Water or Sewer System" may be a single or network of mains that is designed and constructed to serve one or more areas.
- (5) "Water or Sewer Area", or "Served Area", or "Area" is an area or tract of land which may be determined by the District to be a division or part of the total territory that can be served by a water or sewer system.
- (6) "Outlet Benefit" Benefit to property within areas outside the limits of the area which is directly served by a water or sewer system which benefits are due to increased size and capacity of the system over and above the requirements of the area served directly.

#### Sec. 2(c) Water or Sewer Areas

In assessing water main or sewer construction costs against benefiting properties, the District may divide the total territory to be served by water or sewer system into areas and may assess the property benefitted in each area separately. In assessing benefits against property in any served area, the District may add to the cost of the part of the water or sewer systems located in the area, a proportioned share of the cost of any part of the water or sewer system located outside the served area but deemed by the District to be necessary or desirable for the operation of the part of the system within the area served.

#### Sec. 2(d) Excess Costs and Assessments May be Deferred

The District may determine that the cost of a water or sewer system being laid out will exceed the benefit to the area to be served immediately and directly, because of increased size or depth of such water or sewer system of which are necessary or incidental in order that such water or sewer system of which it is a part may be suitable for extension in the future to serve one or more other areas which could naturally drain into or be served by such water or sewer system. The District may also determine that the water main or sewer system would not be an immediate benefit to any real estate because of its lowness or other topographical feature, or because of its distance from a water or sewer main, or because of its being in an undeveloped condition, or because of its special use such as for a cemetery, and that such benefits will not accrue until there is a change in conditions or accessibility, in zoning restrictions, in development of the area, in extension of a water or sewer main, or in use, or in other conditions.

Should any or all of the above determinations be made the District may (1) assess excess costs as an outlet benefit in any area to be served by extensions of such water or sewer system being laid out and constructed, said assessment to be levied and payable at the same time as the direct assessment for the water or sewer system being laid out and constructed, or (2) defer the assessment of said excess costs as an outlet benefit until such time as the benefits shall be more immediate, and may (3) defer the assessments and the collection of same on any real estate until such real estate is determined by the District to be benefitted.

#### Sec. 2(e) Procedural Regulation Need Not Apply

If the District shall elect to proceed under (2) and/or (3) in Sec. 2(d) of this Regulation and shall defer the assessment of benefits, on properties that may be benefitted, and where such properties do not abut, adjoin or contain within their boundaries the proposed water or sewer system, the procedures as provided in Sec. 1 of this Regulation, "Layout and Assessment of Water and Sewer Systems" including the filing of caveats or liens need not apply, until after (1) the passage by the District of a resolution laying out and ordering the construction or extension of a water or sewer system in said area in the cost of which system such deferred excess costs are to be included as a part of the assessments to be made against such properties, or (2) the levying of assessments on properties previously not benefitted, but determined by the District to be now benefitted due to changes in conditions.

#### Sec. 2(f) Assessments for Deferred Excess Water or Sewer Costs

Whenever the District shall determine that the cost of any water or sewer system for which a layout is pending and for which a benefit assessment is to be made shall include a portion of the costs of a water or sewer system previously built which was paid for by the District, said District shall determine the proportion of the previously deferred excess water or sewer costs of such system which will benefit properties served by the system being laid out and shall include such proportion of such deferred costs as a part of the cost of the system being laid out and assessed, subject, however, to the rights of notice, hearing, appeal and other provisions of this Regulation referred to in Sec. 2(e) above.

#### Sec. 2(g) Collection of Deferred Costs from Developers

Whenever a water main or sewer is to be built by a developer or owner in any area in which excess costs have been deferred as hereinbefore provided, such deferred costs shall be paid by such developer or owner as provided in Sec. 4(g) of this Regulation concerning the construction of water mains or sewers by and at the expense of developers.

### **SECTION 3: PROVISIONS FOR CONNECTION CHARGES IN LIEU OF ASSESSMENTS FOR WATER MAINS AND SANITARY SEWERS IN CERTAIN CASES**

#### Sec. 3(a) Purpose

To provide for connection charges for properties whose owners are requesting to be served by water or sewer systems, and which properties have accrued benefits from such system, assessments for which having not been paid or having only paid in part. Such connection charges shall be used to defray the costs of any improvements to the water or sewer systems, which costs have not been recovered by prior assessments.

#### Sec. 3(b) Connection to System Not Allowed Without Payment

When an assessment for a water or sewer system on any real estate has been deferred as provided in Section 2, connections from such real estate to said water main or sewer shall not be permitted until: (1) the Worthington Fire District has determined that the conditions have altered because of change in accessibility, zoning, water or sewer main extension, area development, use or because of the

establishment or dedication of streets, or because of the approval of subdivisions by the Town Planning Commission, or because of some other factor sufficient for normal benefit to accrue to the real estate or any part thereof, and the District has levied an assessment against such real estate, or (2) a water or sewer connection charge has been paid, or voluntary lien executed and recorded as provided hereafter, by or for the owners of the real estate which is to be served by said connection, which payment shall be in lieu of an amount equal to the assessment on such real estate. Where the Worthington Fire District in its judgment determines it would be fair and equitable to do so, prior to such connection the owners of such real estate may be allowed to enter into a special agreement providing that the permission granted to connect will not affect the power of the District to make future water and sewer layouts and benefit assessments therefor against the property of said owner in the same manner as if the permission to connect had never been granted by the District, and agreeing to credit the said connection charge toward any future assessment, without allowance for interest between the date of payment of the said charge and the date of any future final assessment billed said owner.

#### Sec. 3(c) Connection to System Built by Developer

Whenever a water main or sewer has not been laid out and assessed by the Worthington Fire District but has been built for the Worthington Fire District under a developer's permit-agreement, said water or sewer passing land owned by others, which others might later request a connection to the water main or sewer, no connection shall be permitted by the District unless (1) said other owner first signs a form of agreement waiving the District's usual water or sewer layout and assessment, or (2) the District has passed a layout and assessment covering the section in question.

#### Sec. 3(d) Provisions for Reimbursement of Developers

The Worthington Fire District may, at its discretion, include in agreements with developers, or other owners, for the construction of water mains or sewers by and at the expense of such developers or owners, provisions for reimbursement of said developers or owners from water or sanitary sewer connection charges collected in lieu of assessments, as provided in Sec. 3(c) hereof, for the cost of water mains or sewers constructed by them in sections of highways or private lands on which lands owned by them do not abut, such reimbursement not to exceed the cost of construction within such sections of highways or private lands and limiting the time within which such reimbursement may occur to such time as the said District deems expedient for the particular case, but no reimbursements shall be made after ten (10) years from the date of systems. Expiration of the time for reimbursement to the developer shall not release subsequent permittees from paying connection charges in lieu of assessments to the District.

#### Sec. 3(e) Owner to Apply for Connection

Any owner or property specified in Sec. 3(b) and (c) above or of other property which was not previously assessed or only partially assessed, who desires to make a connection to a water main or sanitary sewer shall make application to the Worthington Fire District, submitting such plans and specifications as may be required by said District. Said plans and specifications shall contain information as to the amount of property to be utilized by the proposed building and improvements for which such connection is sought,

and giving the type and extent of use contemplated of the water or sewer system. Said District shall, upon making a determination that the planned connection and the necessary pipes, pumping facilities, if such are required, and other necessary improvements are in accordance with applicable statutes, regulations and town ordinances, approve said application and forthwith levy a connection charge. Payment of such connection charge shall be made prior to issuance of a permit to connect to the water or sewer system, or may be paid over a period not to exceed five (5) years in accordance with a resolution of the District in each case, which resolution shall specify the terms of payment of principal and interest, provided that where such periodic payments are permitted, no permit to connect to the water or sewer system shall be issued prior to execution by the owner of the land for which connection is sought of a voluntary lien for recording on the Berlin Land Records securing the amount of deferred payments plus interest.

#### Sec. 3(f) Commission to Establish Rates

The connection charges under Sec. 3(b) hereof shall be determined by appropriate action of the Worthington Fire District, and shall be based on the front foot and/or other values and methods used in assessing benefits against properties in the particular area applied to such part of such real estate as, in the opinion of the District, is benefited at the time of connection. Where possible standard connection charge rates shall be followed, such rates to be established by the District and appended hereto. Connection charge rates shall be established or altered only after a public hearing shall have been held.

#### Sec. 3(g) Payment to be Made to Treasurer

When under the provision of Sec. 3(b) hereof, an assessment is declared due and payable, or a connection charge is due and payable, it shall be paid to the Treasurer of the Worthington Fire District.

### **APPENDIX A TO PART III SECTION 3**

#### A. Definitions

- (1) "Utility" – The water and sewer system being connected to.
- (2) "Zoning" – The regulations of the Town of Berlin Planning and Zoning Commission.
- (3) "Frontage Footage" – The computed distance in feet, with adjustments, along the street or utility on which a property or portion of property faces, abbreviated f.f.
- (4) "Unit" – The unit for connection charge purpose shall be assigned as follows:
  - a. In residence zones, the space used for dwelling by each family shall be assigned one unit, and the property to be so assessed shall as appears practicable to the District extend to the lot line, or to the minimum depth allowed by Zoning, or fifty (50) feet to the rear of any residence which may be feasibly served by the system.

- b. In residence zones, unimproved property abutting a street in which a water main or sewer has been laid shall be assigned one unit for each existing building lot (if the lot is smaller than permitted by the zoning regulations), or for each lot of the minimum area and width permitted by the zoning regulations for the zone in which the property is located; such a lot shall have a depth either to the minimum depth allowed by Zoning or to the rear property line, whichever is the lesser.
- c. Apartment/Condominium buildings in any zone shall be assigned one unit for each apartment/condominium.
- d. In business, commercial and industrial zones, units shall be assigned under the following methods:
  - i. One unit for every fifteen hundred (1,500) square feet of usable lot areas, less 80% figured to the nearest ¼ unit: When the gross floor area of the building exceeds 20% of the usable lot area, an additional connection charge shall be levied for each added fifteen hundred (1,500) square feet of gross floor area.

(5) “Abutting Property” – Property abutting utility or fronting on street or right-of-way in which utility exists. Includes all or portions of property within limits as defined as minimum depth by Zoning.

(6) “Rear Lands” – Property farther than the minimum mean depth as defined by Zoning.

\*NOTE: To be subject to connection charges, property defined in (5) and (6) above must be beyond previous limits of assessment established by the Worthington Fire District.

B. Connection Charge Rate:

(Applies to each existing or proposed building lot).

(1) Abutting Property

FOR WATER SYSTEM

\$21.00 per front foot (\$30.00 per front foot on divided highway); plus \$2,000 for first unit; plus \$1,000 for each additional property; (for nonresidential property: plus \$800 each, for the second through tenth units; plus \$250 for each unit over ten); plus \$900 for each 1” service installed.

FOR SEWER SYSTEM

\$30.00 per front foot (\$39.00 per front foot on divided highway); plus \$2,500 for first unit; plus \$1,200 for each additional property; (for nonresidential property: plus \$600 each, for the second through tenth units; plus \$180 for each unit over ten); plus \$900 for each 6” lateral installed.

(2) Rear Lands

#### FOR WATER SYSTEM

Unit charge \$1,200 per unit, (for nonresidential property: \$1,000 per unit for the first unit; plus \$500 each for the second through tenth units; plus \$150 per unit over ten units.

#### FOR SEWER SYSTEM

Unit charge \$1,400 per unit, (for nonresidential property: \$2,500 per unit for the first unit; plus \$600 each for the second through tenth units; plus \$180 per unit over ten units.

### **SECTOIN 4: PROVISIONS FOR THE CONSTRUCTOIN OF WATER MAINS AND SEWERS BY AND AT THE EXPENSE OF DEVELOPERS**

#### **Sec. 4(a) Purpose**

To govern the procedures for the construction of water mains or sewers by developers or other owners of land under agreement with the Worthington Fire District, hereinafter called "District", which water mains or sewers may become a part of the public water or sewer system.

#### **Sec. 4(b) Work to Comply with Regulations**

The District shall specify in the terms of such agreements, or on plans which are made a part hereof, the limits, sizes and grades of the water mains or sewers to be built and the nature of and limitations on the water or waste liquids to be conveyed. All the terms of and all subsequent amendments to District regulations governing construction of or use of water or sewer mains or systems shall be applicable to work done under such agreements.

#### **Sec. 4(c) All Costs to be Borne by Developer**

Such agreements provide that the full cost of construction of the water main or sewer and all expense incidental thereto shall be borne by the developer or owner who shall, before commencing any work, deposit with the Treasurer of the Worthington Fire District, a sum deemed by the District or its authorized agent, or such engineers as the District may employ, to be sufficient to defray the cost of preliminary surveys, of the preparation of designs and plans, of other expenses of preliminary engineering, of inspection, supervisory engineering, grade staking, measuring, testing and all other expenses of the District incurred prior to or during construction, or during any maintenance period stipulated, including allowances for insurance and similar costs related to payroll. Such agreements shall also provide that, in case said deposit provide to be insufficient at any time during the progress of the work, further deposit shall be made upon notification by the Treasurer of said District and that, upon acceptance of the water mains or sewer, any unexpected portion of said deposit shall be returned to the developer or owner.

#### **Sec. 4(d) Worthington Fire District to be Held Harmless**

All such agreements shall provide that the developer or owner shall assume all risks and hold the Worthington Fire District harmless from any and all claims for damage arising from the work or its conduct. To secure such risks, adequate liability, property damage and compensation insurance in

amounts fixed by the District shall be required of the developer or owner who shall furnish proper and acceptable certificates of insurance before starting work.

Sec. 4(e) District May Require Bond

The Worthington Fire District, whenever in its opinion, there is possibility of loss by the District by reason of failure of the owner or developer to complete the work contemplated in the agreement, or any part thereof or to comply with any maintenance requirements, may require as a part of said agreement the adequate bond or other surety acceptance to the District be submitted to insure completion and maintenance of the work.

Sec. 4(f) Right-of-Way to be Provided

Such agreements shall require, whenever the work is not in a duly accepted public highway, that adequate rights-of-way be conveyed to the District prior to the start of construction.

Sec. 4(g) Deferred Costs to be Paid by Developer

Whenever the water mains or sewers to be constructed under any such agreement connect directly or indirectly with any water main or sewer, the cost of which was in whole or in part deferred under the provisions of Section 2 of this Regulation, Providing for Deferred Assessments of Costs of Water Transmission Mains and Trunk Sewers, then such agreements shall provide that the developer or owner, before beginning work on the project, shall pay the District, as a connection charge in lieu of assessment, an amount of money which the District shall determine to be the amount which would have been assessed by reason of said deferred costs on the property to be served in the water mains or sewers to be constructed under such agreement had instead been laid out and assessed.

Sec. 4(h) District May Incorporate Water Main or Sewer Into Public System

After certification by such engineers as the District may employ, that any water main or sewer constructed under the terms of this ordinance has been completed in accordance with the plans, specifications and standards of the District and that the maintenance period fixed in the agreement has expired, and that all roadways, curbs, walks and other surfaces and appurtenances disturbed by the work have been properly restored, or the adequate security bond or otherwise has been furnished to assure such restoration, and that all easements and rights-of-way have been conveyed, and that all as-built drawings or plans have been approved and provided to the District, the District may, by resolution, incorporate said water main or sewer into the public water or sewer system of the District.

**SECTION 5: PROVISIONS GOVERNING PERMITS FOR WORK ON WATER AND SEWER SYSTEMS,  
VIOLATIONS AND CORRECTIVE ACTION**

Sec. 5(a) No person, other than those working for and under the direction of the Worthington Fire District, shall make any excavation for or construct, stall, lay, repair, alter or remove any water main or sewer, or connection thereto or appurtenance thereof, which water main or sewer, etc., is in any way



connected to, directly or indirectly, any public water main or sewer of said Worthington Fire District, or is intended at some future time to be so connected until said person or party shall have applied for and secured from the District a permit for doing such work.

All the provisions of Section I of the Town Ordinance (2-19) Concerning Public Rights-of-Way shall govern the procedures and requirements for the issuance of licenses and permits and the work thereunder.

Any permits may be suspended, cancelled or terminated by the Worthington Fire District on written notice to the permittee for violation of the condition thereof or for violation of the requirements of this regulation or of the standards and specifications established by the Committee for such work as provided by this regulation, or for other reasons in the public interest. Suspension, cancellation or termination of a permit may cover all or any portion of the work contemplated thereunder as the Committee may order. Suspension, cancellation or termination of a permit shall not entitle the permittee to any compensation or reimbursement for any alleged loss or expense incurred thereby, and permits shall be issued only on this condition.

#### Sec. 5(b) Procedure in Violation

If any person shall construct, install, alter or repair any facility under the control of the Worthington Fire District other than in accordance with these regulations, the Committee may order such person or the owner of the property in which such facility may be located or which is served thereby to conform said facility to these regulations, and the Committee may cause such person or owner to do, as said person or owner's expense, all things necessary to insure the District Engineer an adequate opportunity to inspect such facility. The District Committee may require, if it appears that the requirements are not being complied with or that good reason exists that they may not thereafter be complied with, said owner, or any lessee or tenant of said owner, to insure by appropriate means, that said requirements shall be complied with thereafter.

#### Sec. 5(c) Procedure on Failure to Correct Violation

If any person, after a proper order, fails to take the remedial steps or perform the acts required under Sec. 5(b) above, or fails thereafter to use, operate and maintain any facility, as required by these regulations, the Worthington Fire District, by its designated representatives, may disconnect such facility and said District may, in exercise of this power, if necessary, interfere with the water supply to or drainage of other portions of the property on which such violation have occurred, or by other portions of the property on which such violations have occurred, or by any adjacent property served by the house connection or drain of said facility. Said District may collect the cost of making such disconnection from any person responsible for or willfully concerned in or who profited by such violation of these regulations, and it may refuse to permit the restoration of the former service or any new service until such cost is paid, together with interest and legal expenses incurred in connection therewith.

#### Sec. 5(d) Tampering and Damage

If any person shall tamper with or damage any facility under the control of the Worthington Fire District, or otherwise violate these regulations, the Committee shall proceed to institute appropriate legal action to stop such tampering or damage, and to remedy the same and he shall promptly secure the assistance of the Police Department of the Town, or, for, the institution of civil process, the District Counsel.

#### Sec. 5(e) Committee to Act

If the Committee has reason to believe that a violation of these regulations has occurred, it shall forthwith make, or cause to be made, a sufficient inquiry, and it shall thereafter promptly take such action as is indicated by Sec. 5(b), 5(c) and 5(d) above.

#### Sec. 5(f) Interpretation

The provisions of these regulations with respect to the meaning of technical terms and phrases, the restrictions as to what wastes may be discharged into sewers, the regulations with respect to making connections to sewers and water mains, and with respect to water supply systems and facilities and other technical matters, shall be interpreted and administered by the Committee. Details as to sewer and water use and connections, not otherwise regulated herein, shall continue as heretofore established by local customs and practice as interpreted by the Committee.

#### Sec. 5(g) Appeal from Interpretation

Any person who may be aggrieved by any interpretation of any provision of, or for any requirements or any order issued pursuant to these regulations made by the Chairman or District Engineer, may appeal from such interpretation, order or requirement to the Committee. Any such appeal shall be in writing, addressed to said Committee setting out the matter in reasonable detail. Said Committee shall consider any such appeal made to it and, if so requested by any person interested therein, shall afford all interested parties an opportunity to be heard. Thereafter, said Committee shall take such action in the matter of the appeal as may to it proper, and in its discretion may alter the interpretation, order or requirement of the Committee in whole or in part. Until such time as said Committee shall have received and considered an appeal and shall have voted a change, the interpretation, order or requirement shall be observed and remain in full force and effect.

#### Sec. 5(h) Conflict with Other Provision of Law

If any provisions, requirement, or section of these regulations or any interpretation thereof by the Chairman or his authorized representatives shall be adjudged invalid or unenforceable by reason of conflict with some other provision of law, such adjudication shall not effect the validity of any other provision hereof, but all other provisions, section and requirements of this regulation shall be deemed valid and effective and shall remain in full force and effect.

#### Sec. 5(i) Adoption

This regulation shall be in full force and effect from and after its approval, and adoption by the Worthington Fire District.

#### **SECTION 6: WORTHINGTON FIRE DISTRICT SERVED AREA TAXES**

Sec. 6(a) For the purpose of assessment of taxable water and sanitary sewer system taxes, all property, including motor vehicles, served by either water or sanitary sewage system lines, or by both, under the jurisdiction of the Worthington Fire District shall be taxed.