

OCTOBER 13, 2020

The regular meeting of the City Council was held on October 13, 2020 in the City Hall Council Chambers, 111 North Main Street at 7:12 p.m. Present: Mayor Zoppo-Sassu; Council Members Barney, Fortier, Hahn, Kelley, Preleski, and Rosado.

1. MOMENT OF REFLECTION IN MEMORY OF RONNIE DAVIS AND FRED GHIO, AND THOSE SUFFERING FROM BREAST CANCER OR WHO PASSED AWAY.

Mayor Zoppo-Sassu requested a Moment of Reflection for Park Department employee, Ronnie Davis and retired Deputy Fire Chief Fred Ghio who passed away and Bristol residents suffering from breast cancer or who did not survive.

2. APPROVAL OF MINUTES OF REGULAR CITY COUNCIL MEETING ON SEPTEMBER 8, 2020 AND SPECIAL MEETING ON SEPTEMBER 2, 2020.

On motion of Council Member Hahn and seconded, it was unanimously voted: To approve the minutes of the regular City Council meeting on September 8, 2020 and the special City Council meeting on September 2, 2020.

3. PUBLIC PARTICIPATION.

Sheena Schmidt, 200 Prospect Street #1E expressed concerns about landlord and housing problems resulting in potential homelessness.

4. RECOGNITION OF DEPARTMENT HEADS WHO RECEIVED GRANTS.

Recognition of City Department Heads who applied for and received grant money to ensure City services for residents. Acknowledgments were given to the Park Department, Emergency Services Director Harley Graime, Bristol Burlington Health District Director Marco Palmieri, Library Director Deborah Prozzo, and Town and City Clerk Therese Pac.

5. ADOPTION OF CONSENT CALENDAR.

On motion of Council Member Preleski and seconded, it was unanimously voted: To adopt five matters as part of the Consent Calendar.

6. NEW HIRE REPORT FOR SEPTEMBER, PLACED ON FILE.

Communication presented from the Human Resources Department.

As part of the Consent Calendar adoption and on motion of Council Member Preleski and seconded, it was unanimously voted: To place on file the New Hire Report for the month of September, 2020.

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7. MOTOR VEHICLE, PERSONAL PROPERTY, REAL ESTATE TAX, AND CODE ENFORCEMENT REFUNDS IN AMOUNT OF \$64,164.66, APPROVED.

Request presented from the Tax Collector.

As part of the Consent Calendar adoption and on motion of Council Member Preleski and seconded, it was unanimously voted: To approve the Tax Refunds as follows –

| | |
|-------------------|--------------|
| Motor Vehicle | \$ 29,845.87 |
| Personal Property | 484.51 |
| Real Estate | 33,829.25 |
| Code Enforcement | <u>5.03</u> |
| Total | \$ 64,164.66 |

8. APPROVAL OF TAX ASSESSMENT FREEZE APPLICATION FOR WCTD INVESTMENTS, LLC FOR 14 DWIGHT STREET.

Recommendation presented from the Code Enforcement Committee regarding a tax assessment freeze application for 14 Dwight Street.

As part of the Consent Calendar adoption and on motion of Council Member Preleski and seconded, it was unanimously voted: To approve the Tax Assessment Freeze application for WCTD Investments, LLC, the owner of 14 Dwight Street, Bristol, CT for the rehabilitation of a blighted property with the restoration of an apartment building (six units) structure per Section 5-57 of the Bristol Code of Ordinances.

9. CONTRACT 2C21-002 BROOK STREET RETAINING WALL REPLACEMENT TO CT MASONS LLC FOR \$53,850, APPROVED.

Communication from the Purchasing Agent regarding the retaining walls on Brook Street.

As part of the Consent Calendar and on motion of Council Member Preleski and seconded, it was unanimously voted: To award Contract 2C21-002 Brook Street Retaining Wall Replacement to CT Masons LLC in the amount of \$53,850 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

10. APPROVAL OF TAX ASSESSMENT FREEZE APPLICATION FOR WHOLESALE HOMES, LLC FOR 29 SESSIONS STREET.

Recommendation presented from the Code Enforcement Committee regarding a tax assessment freeze application for 29 Sessions Street.

As part of the Consent Calendar adoption and on motion of Council Member Preleski and seconded, it was unanimously voted: To approve the Tax Assessment Freeze application

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for WCTD Investments, LLC, the owner of 29 Sessions Street, Bristol, CT for the rehabilitation of a blighted property with the restoration of a two family structure per Section 5-57 of the Bristol Code of Ordinances.

11. AUTHORIZATION FOR MAYOR OR ACTING MAYOR TO SIGN LETTER OF AUTHORIZATION WITH D'AMATO + DOWNES A JOINT VENTURE, TO EXPEDITE A SECOND SET OF CONSTRUCTION CONTRACTS PRIOR TO CHANGE ORDER, APPROVED.

On motion of Council Member Fortier and seconded, it was unanimously voted: To move up on the agenda an item regarding the Memorial Boulevard Intradistrict Arts Magnet School.

Communication from the Purchasing Agent regarding expediting a second set of construction contracts.

On motion of Council Member Preleski and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to sign a letter of authorization with D'Amato + Downes a Joint Venture, to permit said entity to expedite a second set of construction contracts prior to execution of a change order between the City and said entity.

12. AMENDMENT TO BRISTOL CODE OF ORDINANCES SEC. 22-1 THROUGH SEC. 22-30 SEWER COMMISSION, ADOPTED.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To amend and adopt the Bristol Code of Ordinances Sec. 22-1 through Sec. 22-30, Sewer Commission. It will be effective upon the expiration of fourteen days of its newspaper publication, and reads as follows –

Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

ARTICLE I. - IN GENERAL

Sec. 22-1 Sewer Commission. [~~—22-15. - Reserved.~~]

- (a) There is hereby established a Sewer Commission pursuant to Bristol City Charter section 48A. The purpose of the Sewer Commission is to provide general supervision of water pollution control, subject to the charter and ordinances of the City of Bristol.
- (b) The Board of Water Commissioners as established under Bristol City Charter section 48(f) shall comprise the membership of the Sewer Commission, consisting of five (5) citizen electors of said city and appointed as hereinafter provided. Commissioners now serving shall continue in office for the duration of their current terms. Thereafter, appointments to the Sewer Commission shall be made during the month of December, concurrently and in the same manner as the appointments for the Board of Water Commissioners. Each commissioner shall be sworn to faithful service as the Board of Water Commissioners. Any vacancy on the Sewer Commission shall be filled in the same manner as the Board of Water Commissioners.

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Secs. 22-2—22-15. Reserved.

Sec. 22-16. - General provisions.

- (a) Purpose. This article is enacted by the City of Bristol as provided by the charter of said city and by the laws of the State of Connecticut to ensure the proper construction, operation and maintenance of the public [drainage] sewer system and the waste water facilities of the city.
- (b) Definitions. As used in this article, the following words and terms shall have the meaning ascribed thereto:
- (1) *Sewage* shall mean waste water, water-carried wastes, or a combination of them, discharged into and conveyed by sewers or intended or customarily so discharged and conveyed. Sewage may be further classified as follows:
 - a. "Sanitary sewage" shall mean the common waste water and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries and similar facilities of business and industrial buildings.
 - b. "Industrial wastes" shall include the liquid or water-carried wastes of any industrial process not clearly included within the definitions of sanitary sewage, storm water, cooling water or subsoil drainage herein.
 - [(2)] *Storm water* shall include the runoff or discharge of rain and melted snow or other clean water from roofs or surfaces of public or private lands. Storm water shall include only water which is sufficiently clean and unpolluted to be discharged, without treatment or purification, into any natural open stream or watercourse.]
 - [(3)] *Cooling water* shall include the clean waste water from air conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. Cooling water will include only water which is sufficiently clean and unpolluted to be discharged, without treatment or purification, into any natural open stream or watercourse.
 - [(4)] *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.
 - [(5)] *Garbage* shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of foods. "Properly shredded garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.
 - [(6)] *Sewer* shall include the main pipe or conduit, manholes and other structures and equipment appurtenant thereto, provided to carry sewage. Where the context so indicates, the word "sewer" shall be restricted to pipes and appurtenances intended to convey sanitary sewage. Where the context so indicates, the words "public sewer" shall be used only with respect to the main line of pipe owned, controlled and maintained by a public municipal body, and shall not include house connections or connections between the main sewer and individual properties. Sewers may be further classified as follows:

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- a. "Sanitary sewer" shall mean a sewer intended to convey only sanitary sewage and acceptable industrial wastes. Sanitary sewers shall not be intended to convey storm water, cooling water and/or groundwater.
 - [b. "Storm sewer" or "storm drain" shall mean a sewer or drain provided and intended for the conveyance of storm water and other unpolluted waters.]
 - [c. "Combined sewer" shall mean a sewer provided and intended to convey both sanitary sewage and storm water.]
 - [d]b. "Overflow sewer" or "relief sewer" shall mean a sewer provided to carry some part of the flow within any sewer in excess of the capacity of that sewer.
 - [e]c. "Building sewer" or "house connection" shall mean a pipe connecting a building, house, yard or other property to a main sewer for the purpose of conveying sewage of any kind from said property to the main sewer. Building sewers and house connections shall be maintained by the owners of the property served and shall have been constructed for the property owner.
 - [f]d. "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 and there capped, having been provided and intended for use at some time thereafter as part of a building sewer. When a house connection lateral has been connected with and extended for the purpose of installing a building sewer, the lateral shall become and thereafter be a part of such building sewer, to be maintained, etc. as provided herein before.
- ([7]6) *Natural outlet* shall mean any outlet into a natural or artificial watercourse, pond, ditch, lake or groundwater.
- ([8]7) *City* as used herein, shall mean the City of Bristol, located in the County of Hartford, in the State of Connecticut, and acting in any particular matter by the mayor, city council or [s]Sewer [authority] Commission.
- ([9]8) *Sewer [authority] Commission* shall mean the board of [public works] Water Commissioners acting under the powers granted to it by the Charter of the City of Bristol and the General Statutes of the State of Connecticut.
- ([10]9) *City council* shall mean the city council of the City of Bristol duly elected by the voters of the city.
- ([11) *Board of public works* or *board* shall mean the board of public works of the City of Bristol acting through its officers as defined in the Charter of said city.]
- ([12) *Public works department* shall mean the public works department of the City of Bristol assigned with the responsibility for the planning, design, construction and operation of the city waste water facilities.]
- ([13) *Director* shall mean the director of the city public works department or the agents of said director, acting under authorities assigned by said director.]
- ([14]10) *Engineer* shall mean the [city] engineer of the [City of Bristol] Sewer Department, or [his] their agent acting under authority assigned by [said city engineer] the Superintendent.

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- ([15]11) *Superintendent* shall mean the superintendent of the Water Department, who shall also serve as the Superintendent of [water pollution control] the Sewer Department of the City of Bristol, or [his] their duly authorized agent.
- ([16]12) *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).
- ([17]13) *Property owner*, as used herein, shall include both the owner in fee of any real estate and others in control or possession and use of the property.
- ([18]14) *Drain layer* shall mean either an individual, partnership or corporation holding a valid license from the State of Connecticut to install and repair sewers, sewer connections, house connections, etc. and the proper agents and representatives of such drain layer. The term drain layer may also be applied to the public works department, the Connecticut Department of Transportation and contractors employed by these agencies. Drain layers may be referred to herein by masculine singular pronoun irrespective of whether a corporation, a partnership or an individual of either sex.
- ([19]15) *Easement* shall mean an acquired legal right for the specific uses of land owned by others.
- ([20]16) *Waste water facilities* shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
- ([21]17) *Waste water treatment works* shall mean an arrangement of devices and structures for treating sanitary sewage, industrial wastes and sludge.
- ([22]18) *Slug* shall mean any sudden or excessive discharge which exceeds permitted levels either in terms of pollutant concentration or instantaneous flow rate in such a manner as to adversely affect the waste water facilities.
- ([23]19) *Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.
- ([24]20) *Suspended solids* shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, waste water or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater".
- ([25]21) *pH* shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
- ([26]22) *Flotable oil* oil, fat or grease in a physical state such that it will separate by gravity from waste water by treatment in an approved pretreatment facility.
- ([27]23) *Dwelling unit* shall mean one (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household.

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When indicated in the general ordinance, "shall" is mandatory and "may" is permissive.

(c) Validity:

- (1) If any provisions of local, state or federal regulations are determined to be in conflict, the provisions of the regulations of the higher political body shall be valid and shall take precedence.
- (2) All city ordinances or parts of city ordinances in conflict herewith are hereby repealed.
- (3) If any provision, requirement, or section of this article, or any interpretation thereof by the [director or engineer] Superintendent shall be adjudged invalid or unenforceable by reason of conflict with some other provision of law, such adjudication shall not affect the validity of any other provision hereof, but all other provisions, sections and requirements of this article shall be deemed valid and effective and shall remain in full force and effect. Sec. 22-17. - Required use of public sewers.

- (a) *Unlawful discharge of waste waters.* It shall be unlawful to discharge to any natural outlet, pond, ditch or lake within the City of Bristol, or in any area under the jurisdiction of said city, any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this article and provisions of the NPDES permit, issued by the Connecticut DEEP.
- (b) *Unlawful construction of private waste water disposal facilities.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other waste water facility intended or used for the disposal of sewage.
- (c) *Required connection to public sewers.* All sewage shall be disposed of by connection to the public sewer or, if such is not available, by private waste water disposal systems approved by the director of health or [his] their duly authorized agents. On all properties provided with reasonable access to a public sewer, as determined by the [director of health] Superintendent, the sewage from all buildings or structures constructed on such properties hereafter shall be conducted to said sewer within the time ordered by the [director of health] Superintendent. No private waste water disposal system, sewage discharge or overflow or privy vault shall be constructed, rebuilt, expanded or extended on any premises from which a public sewer is reasonably accessible.
- (d) *Notification requirement for new discharges.* Any person proposing a new discharge into the city sanitary sewer system or a substantial change in the volume or character of pollutants that are being discharged into the same system shall notify the [director] Superintendent at least forty-five (45) days prior to the proposed connection or change.

Sec. 22-18. - Private sewage disposal; required, when.

Where a public sanitary sewer is not available under the provisions of section 22-17, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Chapter 22, Article III, of the city ordinances and all applicable provisions of the State of Connecticut Health Code.

Sec. 22-19. - Design, construction, repair and maintenance of building sewers and connections.

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- (a) *Unauthorized contact with sewers.* No unauthorized person shall open the cover of, enter or alter any manhole, catch basin or similar appurtenance of any public sewer, put anything therein or interfere therewith. No person shall insert or place into any public sewer, drain, manhole or other appurtenance thereof any rubbish, unauthorized waste water sludges, or any other material which said sewer, drain, manhole or other appurtenance thereof was not intended to receive. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the public sewer system of the City of Bristol.
- (b) *Permit applications required to connect to public sewers:*
- (1) Permit applications. No person shall make any connection to any public sewer of the city or appurtenance thereof, or to any pipe or appurtenance discharging thereinto, or remove or disconnect any existing connection thereto, except as provided in this article. Person(s) requesting to make a connection or modification to any public sewer connection shall first obtain an application for a permit from the [director] Superintendent.
 - (2) Types of permits. There shall be two (2) classes of building sewer permits:
 - a. For residential and commercial service; and
 - b. For service to establishments producing industrial wastes.

In either case, the owner or [his] their agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the [director] Superintendent.
- (c) *Issuance of permit.* A permit to construct, repair or alter any building sewer or house connection under this section shall be issued to the licensed contractor only after an application has been submitted and before any work is performed. It shall state the location and character of the work to be performed thereunder; the person granted permission to perform such work; a time limit within which the work must be performed and at the expiration of which the privileges for construction under the permit shall terminate, and any other pertinent information or conditions. Permits shall not be transferable or assignable by the permittee. All completed applications and permits and a record of work performed under every permit issued thereupon shall be kept as permanent records of the [public works department] Sewer Department.
- (d) *Suspension/revocation of permit and/or state license:*
- (1) Permit suspension/revocation. Should the [director] Superintendent find that any licensed drain layer has failed to conform to the requirements of this article and to the conditions of any permit, or that such drain layer has not been faithful in the performance of work or furnishing materials, the [director] Superintendent may suspend such permit until the next meeting of the [s]Sewer [authority] Commission and shall report the matter to such meeting. Such suspended drain layer and any complainant in said matter shall be notified of such meeting and afforded an opportunity to be heard on the matter at that time. The [s]Sewer [authority]

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Commission may then revoke such permit or may extend the suspension of such permit or may limit the activities of such drain layer.

- (2) License suspension/revocation. Should the [director] Superintendent find that any drain layer doing work governed by this article has failed to conform to the requirements of this article the [director] Superintendent may suspend work under any permit issued to such drain layer and recommend to the State of Connecticut that the drain layer's state license be suspended or revoked.
- (e) *Separate connections for each building.* Each independent house or building shall have a direct connection to the public sewer serving it, separate from any other building sewer serving any other house, building or structure. The [s]Sewer [authority] Commission 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. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any connection made through private easements. However, no building sewer shall be constructed from a building through a right-of-way or easement without the approval of the [s]Sewer [authority] Commission.
- (f) *Standard design and construction requirements:*
- (1) General. The [director] Superintendent shall, from time to time, establish standard requirements or specifications to regulate the sizes, materials, methods and workmanship to be used in the construction of building sewers and connections and other similar work and appurtenances thereto connected or to discharge, directly or indirectly, to any public sewer [or drain] of the city.
 - (2) State and local codes. The requirements of state and local building and plumbing codes shall be observed with respect to piping and fixtures inside or immediately adjacent to buildings.
 - (3) Size. Each building sewer from any house or building to any public sewer shall not be less than six (6) inches in diameter.
 - (4) Installation. Building sewers and connections shall be laid to a true rate of grade of not less than one (1) foot per hundred (100) feet; shall have not less than three (3) feet of cover at all points; and no other pipe shall be installed within three (3) feet of the building connection; except that conditions may require exceptions as authorized by the [director] Superintendent. All building sewers and connections shall have a gravity back flow preventer. The size, type, installation and location shall be approved by the city plumbing inspector. The unit shall be installed to provide ready access for inspection, service and repair.
 - (5) Costs. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the property owner.
- (g) *Location and nature of connections:*
- (1) General. Connections to public sewers [or drains] of the city shall be made only at such points and in such manner as shall have been indicated by the permit issued by the [director] Superintendent to make such connection.

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- (2) Manhole connection. Building sewers serving multifamily residential structures or commercial, industrial or institutional structures with flows greater than five thousand (5,000) gallons per day shall be connected into a standard or special manhole as ordered by the [director] Superintendent.
 - (3) Special requirement. The building sewer shall be brought to the building at an elevation to service the first floor (main floor). In all buildings in which any building plumbing is too low to permit gravity flow to the public sewer, sanitary sewage carried by such plumbing shall be lifted by means approved by the engineer and discharged to the building sewer.
 - (4) Old building sewers. Old building sewers may be used in connection with new buildings only when they are found suitable, on examination and test, to meet all requirements of this article.
- (h) *Supervision and inspection of sewer work.* All connections to public sewers [or drains] and appurtenances, all repairs to such sewers [or to drains] which are connected to or discharge, directly or indirectly, into such sewers [or drains] of the city shall be made under the supervision and inspection of the [engineer] Superintendent or his designee. The services of Sewer Department personnel shall be by arrangement with the Department. [The services of such engineer shall be available between the hours of 8:30 a.m. and 4:00 p.m. on regular working days, Monday to Friday inclusive, provided twenty-four (24) hours notice for the need of such service is given to the office of said engineer. Inspections will be made outside said hours on Saturdays, Sundays or holidays only by previous arrangement with said engineer and only when, for good and sufficient reasons, the engineer shall deem it necessary to perform such work outside the usual working hours. Such connection shall be made only in the presence of said engineer and according to [his] their directions.]
- (i) *Record of connections to sewers.* The [engineer] Superintendent shall keep a record of all connections made to public sewers [or drains] under this article and all repairs and alterations made to sewers, house connections [or drains] connected to or discharging into public sewers [or drains] of the city. Drain layers shall assist said [engineer] Superintendent to secure data needed for such records.
- (j) *Separate storm and sanitary connections.* No person shall make connection of roof downspouts, sump pumps, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.
- (k) *Sealing discontinued building sewers and connections.* When any building or structure, or portions thereof, served by a connection to any public sewer [or drain] is destroyed, demolished, abandoned or altered in such a manner that any building sewer or connection is no longer connected to a plumbing system, or portion thereof, such connection to the public sewer in accordance with department regulations [or drain] [shall be sealed off so that no water or other wastes shall be permitted to enter the public sewer. Such sealing shall be by bulkheading or capping and shall be performed at the street line. All such work shall be done by a licensed drain layer under permit from the city, and under inspection of the engineer. It shall be the responsibility of the property

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owner to see that the work is carried out in conformity with the provisions of this article.]

- (l) *Maintenance of sewer connections.* All sewer house connections on private property shall be maintained by, and at the expense of, the property owner.

Adequate precautions shall be taken to exclude from building sewers all water or other materials which may obstruct, damage or wrongfully fill the public sewer into which they may be discharged directly or indirectly. Any building sewer or connection which has been determined by the city to be the source of excessive infiltration or inflow shall be repaired, replaced or discontinued in accordance with the proper directives from the [director] Superintendent at the property owner's expense.

Whenever the city is informed that an abnormality in the public streets exists, the [director] Superintendent will ascertain if the public sewer or the building sewer within the public street is the cause of the abnormality. If the [director] Superintendent determines that such abnormality is caused or contributed to by disrepair in the public sewer the [public works] Sewer [d]Department shall make the necessary repairs. However, if it should be determined by the [director] Superintendent that disrepair of a building sewer is the cause of any abnormality; or that any disrepair exists in the building sewer which allows or may allow the discharge of excluded or nonpermissible wastes to the public sewer; or that any house connection is not being properly maintained; the property owner shall engage a drain layer to make the necessary correction at no expense to the city.

- (m) *Sewer stoppages.* In the event of a complaint regarding a sewer stoppage, the Superintendent shall ascertain if the main sewer is clear, and any stoppages therein shall be relieved as quickly as possible. If the main (public) sewer is found to be clear, the property owner will be so informed and [he] they shall then, at [his] their own expense, employ a plumber or drain layer to clear any stoppage in the building sewer.

It is to be understood that maintenance of the house connection from the main sewer (including the wye, tee or chimney connection) to the building, as defined herein, is entirely the property owner's responsibility.

Cross reference— Licenses and miscellaneous business regulations, Ch. 13.

Sec. 22-20. - Design, construction, repair and maintenance of sewers.

- (a) *Authorization to work on sewers.* No person other than those described hereinafter shall construct, repair, alter or remove any sewer, house connection or drain discharging, directly or indirectly, into any public sewer [or drain] of the city or intended to discharge at some future time:
- (1) Forces of the [public works] Sewer [d]Department and the state department of transportation operating under and subject to permit for the particular job to be issued by said Superintendent [director].
 - (2) Regular forces of a contractor employed by the City of Bristol operating under orders of the [director] Superintendent and in performance of work for said city.

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- (3) Any drain layer holding a valid license and operating under and subject to the conditions of a permit or contract agreement for the particular job and issued therefore by the [director] Superintendent.
- (b) *Authorized agreements with owners.* The [s]Sewer [authority] Department is authorized to enter into agreements on behalf of the city with property owners of land for the construction of sewers by and at the expense of such property owners, which sewers may become part of the public sewer system under the conditions hereinafter stipulated. The [s]Sewer [authority] Department is empowered to make any necessary regulations stipulating the terms and conditions of said agreements within the provisions of this article. The [director] Superintendent is authorized to sign, on behalf of the [s]Sewer [authority] Department, all such agreements when the same have been authorized by said [s]Sewer [authority] Department.
- (c) *Provisions of agreement:*
 - (1) Plans and specifications. The [director] Superintendent[and engineer] shall specify in the terms of such agreements, or on the plans which are made a part thereof, the limits, sizes and grades; and the nature and limitations on the wastes or liquids to be conveyed.
 - (2) Costs. Such agreements shall provide that the full cost of construction of the sewer and all expense incidental thereto shall be borne by the property owner. Such incidental costs shall include the incurred costs of the city concerning the project, incurred prior to or during construction, or during any maintenance period.
 - (3) Insurance. All such agreements shall provide that the property owner shall assume all risks and hold the city and Sewer Department 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 [director] Superintendent and approved by the corporation counsel shall be required of the property owner who shall furnish proper and acceptable certificates of insurance before starting work.
 - (4) Bonding authority. The [s]Sewer [authority] Department shall require as a part of such agreement that adequate bond guaranteed by surety acceptable to the engineer and corporation counsel in amount and form to be submitted to insure proper completion and maintenance of the work.
 - (5) Rights-of-way. If required, adequate rights-of-way shall be conveyed to the city, prior to the start of construction, on standard city forms. The conveyance is subject to approval by the corporation counsel of the city.
 - (6) Inspection. The work undertaken shall be under the direction and inspection of the [engineer] Superintendent of his designee, either continuously or at vital stages as determined by [him] them. Any work performed without proper inspection may not be accepted and shall be uncovered, removed and rebuilt for proper inspection if required by the engineer. If at any time the work performed does not comply with the specifications and standards of the city and the orders of the engineer, the work will be stopped until all requirements are complied with. There shall be no backfill of any pipe until the sewer is inspected and approved.

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- (d) *Acceptance of constructed sewers.* The [engineer] Superintendent or his designee shall certify to the [s]Sewer [authority] Department that any sewer [or drain] constructed under this agreement has been completed in accordance with the plans, specifications and standards of the [city] Sewer Department, and all areas disturbed by the work have been properly restored. The [s]Sewer [authority] Department shall recommend to the [city council] Sewer Commission acceptance of such sewer [or drain].
- (e) *Standard design and construction requirements:*
- (1) General. The [engineer] Sewer Department shall establish standard requirements for sewer design and construction to regulate the sizes, materials, methods and workmanship to be used in the construction of sewers [and drains] connected or intended to be connected or to discharge, directly or indirectly, into any public sewer [or drain] of the city. Any such requirements or specifications as the same may from time to time be amended, are hereby made a part of this article.
 - (2) Design requirements. The design requirements for sewers and waste water treatment facilities of the Connecticut Department of Environmental Protection and Department of Health shall be a guide in the design of main sewers, pump stations, treatment facilities and related appurtenances. "Guides for the Design of Wastewater Treatment Works" published by the New England Interstate Water Pollution Control Commission, as amended, may also be used as a general design guide. [The city design requirements are as follows:
 - a. Sewer design population shall be based on ultimate land use for area to be serviced (current zoning map).
 - b. Average daily per capita flow: seventy (70) gallons per day for residential use, minimum two hundred fifty (250) gallons per day per dwelling unit.
 - c. Average daily flow for commercial and industrial areas shall be based upon actual projected use. Minimum flow for industrial areas shall be five thousand (5,000) gallons per acre per day. Minimum flow from commercial areas shall be two thousand five hundred (2,500) gallons per acre per day.
 - d. High density commercial and public institution flow shall be based upon actual projected use but not less than one hundred fifty (150) gallons per capita per day.
 - e. Infiltration allowance shall be five hundred (500) gallons per inch of pipe diameter per mile per day (for design only).
 - f. Design flow for sizing of sewer shall be based on the peak flow rate, which shall be determined from curve E of the population vs. flow graph in the above-mentioned design guide.
 - g. Minimum size main sewer shall be eight (8) inches diameter.
 - h. Grade of main line sewer shall be designed to provide sewerage by gravity of first floor (main floor) of structure to be sewerage. Main line sewer to be laid eight (8) feet below center line grade of street. Absolute minimum depth of main line sewer to be five and one-half (5.5) feet below finished grade of street or easement.

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- i. Increase of pipe size shall be in a standard manhole, energy gradient of flow shall be maintained. The eight-tenths (0.8) depth (eight-tenths (0.8) of diameter above flow line) point of both pipes shall be at the same elevation.
 - j. The sewer shall be designed along the center line of all new streets, easements and existing streets except when in conflict with existing utilities. Manholes shall be located on curves so that at no point the pipe shall exceed five (5) feet from the center line of the street.
 - k. Manholes shall be spaced not over three hundred (300) feet apart.]
- (3) Construction requirements. Main sewers and related appurtenances to be installed by property owners in approved subdivisions for city acceptance must be built by an approved contractor under permit issued by and inspected by the engineer. Permits will be issued only after filing of proper bond, insurance, plans and specifications as noted herein. The approved contractor shall install the sewers and related appurtenances in accordance with the [city] Sewer Department construction standards for sanitary sewers and approved plans and specifications.
- (f) *Repair and maintenance of waste water facilities.* All waste water facilities shall be repaired, replaced and maintained by the [public works] Sewer [d]Department after acceptance by the city council. Building sewers and house connections, including the tee or wye branches, shall be maintained by the property owner as defined in section 22-19 of this article.

Sec. 22-21. - Use of public sanitary sewers.

- (a) *Permissible and non-permissible discharges.* No person shall discharge into or put into any public sewer [or storm sewer] of the city 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 appurtenance] is intended, designed or provided.
- (1) Use of sanitary sewers. Sanitary sewers shall be used only for the conveyance of sanitary sewage and for water-carried industrial wastes which are not objectionable. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage or any flow of water seeping into buildings or excavations from soils or other underground sources; flows of natural springs or groundwater; surplus from flowing wells; or the discharge from roofs, roof conductors, yard drains, street or highway drains. Cooling water or similar waste water shall not be discharged into any sanitary sewer.
- [(2) Use of storm sewers. Storm drains and storm sewers are intended to be used for conveying surface and storm waters from streets, yards, other ground surfaces, roofs and other places, subsoil drainage waters, the flow of natural springs, groundwater, surplus from flowing wells, cooling water and, subject to approval by the director, inoffensive industrial wastes.

No person shall discharge, or permit to be discharged, from property under his control into a storm sewer any waste or water which is polluted with organic or other matter which can decay; which is odorous, oily or unsightly; or for any other reason is likely to or does give offense or cause damage or injury to nearby persons or property when discharged into an open natural stream. No waste water which is

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poisonous to persons, animals or fish, when discharged into a natural stream, shall be discharged through any storm sewer. No coarse rubbish, sticks, large solids, offal, feathers, straw, cinders, ashes, scraps, leaves, oil, grease, combustible substance or other similar materials shall be permitted to enter any storm sewer. No material, the discharge of which into natural streams, ponds or lakes is prohibited by state or federal law or regulations, shall be discharged into any storm sewer.]

- (b) *Waters and wastes inadmissible to public sewers.* No person shall discharge or cause to be discharged, directly or indirectly, from any premises under [his] their control into any public sewer, of any kind or type, any of the following:
- (1) Any substance or object likely to damage, injure, destroy or cause an obstruction in any sewer, or appurtenance thereof;
 - (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 (1) inch in their longest dimension, portions of any animal carcass more than one (1) 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 any other substances being transported within the sewer is likely to cause an obstruction in any sewer or appurtenance;
 - (5) Any gasoline, kerosene, alcohol, oil, tar, flammable or explosive gas 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;
 - (6) Any waste or waste water which, when tested in the usual manner, has a "pH" less than five and one-half (5.5), or greater than nine and one-half (9.5) or has any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the city's waste water facilities;
 - (7) Any water containing disinfectants, formaldehyde, toxic or poisonous substances in quantities sufficient to delay or interfere with the operation of the waste water treatment plant;
 - (8) Objectionable poisons, cyanides or any substance likely to generate poisonous fumes that may interfere with, constitute a hazard to or be dangerous to human beings or domestic animals, create a public nuisance or create any hazard to the receiving waters.
- (c) *Waters and wastes requiring prior approval.* Where required by law, any person presently discharging or planning to discharge wastes or waste waters into the public sewers or natural outlets of the city shall first obtain a permit from the state, federal or other public agencies of jurisdiction for such discharge and abide by its provisions.

[The following-described s]Substances, materials, waters or wastes which shall be limited in discharges to the city sewer systems to concentrations or quantities are hereafter

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designated and described pursuant to the current rules of the department. [which will not harm either the sewers or waste water treatment plant; will not have an adverse effect on the receiving stream; or will not otherwise endanger life, limb, public property or constitute a nuisance. The [director] Superintendent may set limitations lower than the limitations established in the regulations below if, in [his] their opinion, such more severe limitations are necessary to meet the above objectives. In forming [his] their opinion as to the acceptability, the [director] Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, the waste water treatment processes employed, capacity of the waste water treatment plant, degree of treatability of the waste in the waste water treatment plant and other pertinent factors. The limitations and restrictions on materials or characteristics of waste or waste waters discharged to the sanitary sewer which shall not be violated without approval of the [director] Superintendent are as follows:

- (1) Steam, water vapor or other substances at a temperature above one hundred fifty (150) degrees Fahrenheit, or substance which, upon coming into contact with water or sewage, will generate steam or vapor within such sewer.
- (2) Waste water containing more than twenty (20) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, products of mineral oil origin and all waste water from industrial plants containing floatable oils, fat or grease.
- (3) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food.
- (4) Any quantity of waste from an industrial or commercial process or processes containing more parts per million than the minimum indicated, by weight or volume, for any of the following:

| Waste Content | Parts per Million (ppm) |
|----------------------------------|-------------------------|
| Arsenic as As | 0.05 |
| Barium as Ba | 5.0 |
| Boron as Bo | 5.0 |
| Cyanides as CN (amendable) | 0.1 |
| Flouride as F | 20 |
| Chromium (total) | 1.0 |
| Chromium (Cr +6) | 0.1 |
| Magnesium as Mg | 100 |

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| | |
|---------------------------------------|------|
| Manganese as Mn | 5.0 |
| Copper as Cu | 1.0 |
| Zinc as Zn | 1.0 |
| Cadmium | 0.1 |
| Lead | 0.1 |
| Tin | 2.0 |
| Silver | 0.1 |
| Mercury | 0.01 |
| Nickel | 1.0 |
| Suspended solids | 250 |
| Biochemical oxygen demand (BOD) | 250 |
| Chemical oxygen demand (COD) | 300 |
| Phenols | 5 |

NOTE: All metals are to be measured as total metals

- (5) Any waters or wastes containing substances producing unusual colors or odors, in such concentrations exceeding limits which may be set by the director, as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits in applicable state or federal regulations.
- (7) Quantities of flow, concentrations or both which constitute a "slug" as defined herein.
- (8) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the waste water treatment processes employed, or are amenable to

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treatment only to such degree that the waste water treatment plant effluents cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- (10) Any waste waters or sewage likely to cause damage, injury or loss to other persons or to 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 for the city. This prohibition shall be understood as applying to the kind or character of wastes discharged into any sewer and as limiting the quantity of wastes or waters which may be discharged from any one (1) 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.]
- (d) *Determination for exclusion or acceptance.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (c) of this article, the [director] Superintendent 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 to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this article.

When considering the above alternatives, the [director] Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the [director] Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the [director] Superintendent and other state, federal or public agency which may require the same.

In determining whether any waste discharged or proposed to be discharged into any public sewer [or drain] is to be rejected or require pretreatment, control or payment, as defined in this article, 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, the quantities of other objectionable wastes likely in said sewer [or drain], and other pertinent facts.

- (e) *Protective devices:*
- (1) General. At all premises, where wastes or substances specified to be excluded from sewers [or drains] by this article 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 separators, 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 ensure

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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 this article.

- (2) Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the [director] Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection (c)(2), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private dwelling units. All interceptors shall be a type and capacity approved by the [director] Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the [director] Superintendent. Any removal and hauling of the collected materials must be performed by currently licensed waste disposal personnel.
- (3) Pretreatment facilities. 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 this article or any applicable state or federal requirement, the [director] Superintendent may require that the owner of said premises provide, operate and maintain a sampling station, a flow measuring device, equalization basin(s) or other suitable devices or pretreatment facilities as required prior to acceptance of the wastes into the city sewerage system. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner in accordance with any and all regulations established by the city, state or federal agencies at [his] their own expense.
- (f) *Observation, sampling and measurement of flows.* The owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. Such structure shall be accessible and safely located and shall be constructed in accordance with plans approved by the [director] Superintendent. The structure shall be installed by the owner at [his] their expense and shall be maintained by [him] them so as to be safe and accessible at all times by the [director] Superintendent.

The [director or] [s]Superintendent may secure samples of or examine the wastes and waters discharged into said public sewer [or drain] and measure the quantities thereof for the purpose of ascertaining the compliance or noncompliance with the requirements of this article.

(g) *Information required for compliance:*

- (1) General. The [director] Superintendent may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include:
- a. Waste water discharge peak rate and volume over a specified time period.
 - b. Chemical analyses of waste waters.

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- c. Information on raw materials, processes and products affecting waste water volume and quality.
 - d. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
 - e. A plot plan of sewers of the user's property showing sewer and pretreatment facility location certified as-built by registered L.S.
 - f. Construction details of waste water pretreatment facilities certified as built by registered P.E. (plans and specifications).
 - g. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
 - h. Copy of operation and maintenance manuals for pretreatment facilities.
 - i. Copy of state and/or federal discharge permits.
- (2) Industrial monitoring requirements. All industries discharging into a public sewer shall perform such monitoring of their discharges as the [director] Superintendent may require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the [director] Superintendent. Such records shall be made available upon request by the [director] Superintendent to other agencies having jurisdiction over discharges to the receiving waters.
- (h) *Standard test requirements.* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the director.
- (i) *Special agreements.* Special agreements may also be prepared between the city and any district, city, town or other entity owning property within or beyond the limits of the city to accept waste water into the city sewerage system for final collection, treatment and disposal.

Sec. 22-22. - Protection from damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the waste water facilities. Any person violating this provision shall be subject to [immediate] criminal arrest [under charge of disorderly conduct] and fines as provided by this Ordinance.

Sec. 22-23. - Enforcement and penalties.

- (a) *Right to enter and inspect.* The [director] Superintendent [or engineer] shall have the right to enter and inspect any part of any premises served by the public sewers [and drains] of the city, and collect samples of discharge.

The [director] Superintendent is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the waste water

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collection system. The industry may request that information they consider confidential not be released to the public.

While performing the necessary work on private properties the [director] Superintendent shall observe all safety rules applicable to the premises established by the company.

- (b) *Inspection and correction of violations.* If any person shall work on any sewer [or drain] or connection to any public sewer of the city in violation of the requirements of this article, or, having obtained a permit shall work on a sewer, [drain] or connection thereto without having given the [director] Superintendent and [his] their representatives adequate notice or time, during regular working hours, to inspect such work and materials used thereupon, the [director] Superintendent may order the person who performed the work and/or the owner of any property in which such sewer, etc., may be located or which may be served thereby, to uncover and fully expose any or all portions of such sewer, [drain] or connection and afford the [director] Superintendent adequate opportunity to examine and inspect such sewer, etc., and to secure such records thereof as may be proper. If such sewer, [drain] or connection and the appurtenances thereof shall be found not to be in full accord with the requirements of this article and the standards established, then said [director] Superintendent may order such person, owner or lessee to make such changes as may be necessary to ensure that such sewer etc., will conform to the requirements. All of such work shall be performed without delay and without expense to the City of Bristol.
- (c) *Assistance and procedure in suspected violations.* If the [director] Superintendent shall have reason to believe that a sewer [or drain], which is connected to or discharges into any public sewer [or drain] of the city, is or has been used, operated or maintained, or that substances are being or recently have been discharged through the same in violation of the requirements of this article, [he] they shall investigate the matter. If the [director] Superintendent finds that there exists good reason to believe that the requirements of this article have not been or are not being complied with, [he] they may order and require that such owner, lessee or tenant shall, within a reasonable time period, make such changes in such sewer, etc., or the manner of using and maintaining the same as will ensure that said requirements will be conformed to or complied with thereafter. All assistance, proof, changes and new appurtenances required by this section to be furnished or provided by the owner, lessee or tenant of property in question shall be furnished by such owner, lessee or tenant without expense to the City of Bristol.
- (d) *Procedure upon failure to correct violation.* If any person, after due time and proper order or direction from the [director] Superintendent, fails to take the remedial steps or perform the acts required by the sections of this article [of] or fails thereafter to use, operate and maintain any connection with the public sewers of the city, or appurtenance thereof, as required by this article, the [s]Sewer [authority] Department may disconnect the building sewer or connection [or drain]. If the [s]Sewer [authority] Department shall have disconnected a building sewer[,] or connection [or drain] from the public sewer system, as above provided, the city may collect the cost of making such disconnection from the offender. If the [s]Sewer [authority] Department has disconnected any property from the public sewer system, as above provided, it may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation of this article until the claim of the city for the cost of making such

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disconnection shall have been paid in full plus interest and the reasonable overhead and any legal expenses incurred by the city in connection therewith.

- (e) *Penalties for violations.* Any person found to be violating any provision of this article except section 22-22 shall be served by the city with written notice stating the nature of the violation and providing for the satisfactory correction of the violation within ninety (90) calendar days of the date of notification. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided for in notice of violation shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not less than one hundred dollars (\$100.00) or greater than one thousand dollars (\$1,000.00) for each violation in addition to being disconnected from the public sewer system as may be determined by the [s]Sewer [authority] Department as stated above. In addition, any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

- (f) *Interpretation of requirements.* The provisions of this article with respect to the meaning of technical terms and phrases, the classifications of different kinds or types of sewers, the restrictions as to what wastes may be discharged into sewers, the regulations with respect to making connections to sewers and other technical matters shall be interpreted and administered by the [director] Superintendent.

- (g) *Appeal from interpretation.* Any persons who may be aggrieved by any interpretation of any provision of this article or by an order issued by the [director] Superintendent under authority conferred by this article may appeal to the [s]Sewer [authority] Commission. Any such appeal shall be in writing, addressed to the [s]Sewer [authority] Commission, setting out the matter in reasonable detail and completeness. Said [authority] Commission shall consider any such appeal made to it and shall afford all interested parties an opportunity to be heard by the [authority] Commission. Thereafter, said [authority] Commission shall take such action in the matter of appeal as may to it appear proper. Until such time as said [authority] Commission shall have received and acted upon an appeal such interpretation or order of the [director] Superintendent shall be observed and remain in full force and effect.

Sec. 22-24. - Procedure for layout and assessment of sanitary sewers.

- (a) *Resolution to construct a waste water facility.* The city council may introduce at a regular meeting a resolution to investigate construction of a waste water facility, the costs of which are to be met in whole or in part by assessment of benefits, said resolution to state the general character, layout, and description of the proposed facility. Said resolution may be initiated by petition of interested property owners or by action of any duly constituted public agency, whether federal, state or local.
- (b) *Preliminary engineering and planning.* Following acceptance of the resolution, the [s]Sewer [authority] Department shall be authorized to prepare preliminary engineering plans and cost estimates for the proposed facility for presentation at a public hearing. Cost estimates shall include the estimated costs to design, construct, and finance said sewer system and estimated schedule of assessments of benefits to be levied.

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- (c) *Public hearing.* Any resolution for a waste water facility, including one proposed by a private land owner affecting other private or public properties, shall not be adopted until the [s]Sewer [authority] Department has held a public hearing on the proposed resolution, at which the affected property owners of the municipality shall have an opportunity to be heard concerning the proposed facility. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having circulation in the city. The hearing shall be held as required by Section 7-247a of the General Statutes of the State of Connecticut, as amended.

[The general character and nature of the proposed waste water facility including the estimated costs and assessment of benefits shall be presented.

- (d) *Report to city council.* Following the public hearing and after receiving all written and verbal communications from the affected property owners and interested state and local agencies, the [s]Sewer [authority] Commission shall report its findings to the city council. Said report shall include a resume of the proceedings on the project and the recommendations of the [authority] Commission.
- (e) *Approval by city council.* Following the report by the [s]Sewer [authority] Commission, the city council shall adopt a resolution authorizing or rejecting construction of the subject waste water facility.
- (f) *Procedure upon passage of resolution.* Upon passage of any resolution to construct any waste water facility, the [s]Sewer [authority] Department shall proceed with such design and contracts necessary to complete said work subject to board of finance appropriations.]

The [public works] Sewer [d]Department shall proceed with the design and construction in accordance with federal, state and local regulations, ordinances and/or guidelines. A private consultant may be retained by the city to provide technical assistance if deemed necessary by the [s]Sewer [authority] Department.

It shall be the duty of the board of finance to provide for the necessary funding of the proposed project in accordance with federal, state and local regulations, ordinances and applicable guidelines.

It shall be the duty of the city clerk, to have a caveat or caveats warning of the proposed assessment of benefits recorded on the city land records on the properties to be served by the sewers within thirty (30) days after the notification by the [public works] Sewer [d]Department identifying said properties and owners.

- (g) *Public hearing on assessments.* Following the completion and final acceptance of any waste water facility adopted under this article by the [s]Sewer [authority] Commission, and after the final assessments for benefits have been determined and established by said [authority] Commission, a public hearing shall be held before the [s]Sewer [authority] Commission at which the owners of the properties to be assessed shall have an opportunity to be heard concerning the proposed assessments. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the city. A copy of such notice shall be mailed to the owner of any property to be affected thereby at such owner's address as recorded in the office of the city assessor. A copy of the proposed assessment shall be on file in the office of the city clerk and available for inspection by the public for at least

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ten (10) days before the date of such hearing. In addition, the [s]Sewer [authority] Commission shall cause the proposed assessments to be published in a newspaper having circulation in the city not later than five (5) days after the filing of the proposed assessments with the city clerk. Appeals from such assessments must be taken within twenty-one (21) days after such public hearing.

- (h) *Actions upon appeals of assessments.* Upon receipt of a written request for an appeal for reasons of validation, hardship or otherwise, the [s]Sewer [authority] Commission shall give their due consideration and judgment in accordance with all applicable federal, state and local regulations, ordinances and guidelines. The appellant shall be notified in writing of the [s]Sewer [authority's] Commission's decision prior to levying the assessment.

If any assessment is not valid or enforceable for any reason, a new assessment may be made.

- (i) *Final levy of assessments; appeal.* The final assessments on properties shall be made due and payable upon completion of the work and acceptance by the city council in accordance with the applicable sections of the state's General Statutes and the city Charter. Assessments shall be due and payable at such time as is fixed by the [s]Sewer [authority] Commission who shall make the final determinations and judgments of the assessments to be levied. The [s]Sewer [authority] Commission shall give notice of the date when assessments are due and payable by publication at least twice within a period of fifteen (15) days in a newspaper having a circulation in the city. Such notice shall list the streets and describe the area within which are located any properties against which such assessments are due. The assessment shall be due and payable in accordance with section 22-23.

Any person aggrieved by any assessment may appeal to the Superior court for the County of Hartford and shall bring any such appeal to a return day of said court not less than twelve (12) nor more than thirty (30) days after service thereof and such appeal shall be privileged in respect to its assignment for trial. Said court may appoint a state referee to appraise the benefits to such property and to make a report of [his] their doings to the court. The judgment of said court, either confirming or altering such assessment, shall be final. No such appeal shall stay proceedings for the collection of the particular assessment upon which the appeal is predicated, but the appellant shall be reimbursed for any overpayments made if, as a result of such appeal, [his] their assessment is reduced.

Sec. 22-25. - Deferred assessments for sewers.

- (a) *General.* The [s]Sewer [authority] Commission may defer the assessment and the collection of the same as defined below and in accordance with the appropriate sections of the state's General Statutes. In no case shall a deferment be granted without proper justification or cause to be determined by the [s]Sewer [authority] Commission.
- (b) *Deferral of assessments for undeveloped lands, etc.* Whenever a sewer is laid out and assessed by the city through or adjacent to undeveloped lands the requirements of Section 7-249 of the General Statutes of the State of Connecticut, as amended, shall be utilized in deferring and levying of assessments on said property.

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- (c) *Deferred assessments for non-profit organizations and public properties.* Sewer assessments for nonprofit organizations and public properties shall be deferred. Owners of such property shall apply to the [s]Sewer [authority] Commission within twenty-one (21) days following the public hearing setting assessment for sewer construction. Assessments so deferred shall be assumed by the city and not assumed by the other property owners abutting the sanitary sewer. Record of said deferment and amount of assessment shall be kept at the office of the city clerk and should the owner of said property be changed or should nonprofit or public property be used for other purposes, the assessment will become due and payable without interest charge.
- (d) *Deferred assessments for private properties.* Sewer assessments for private properties that have existing buildings shall not be deferred except in cases of extreme hardship and shall not be in violation of the Public Health Code. Owners of such property shall apply to the [s]Sewer [authority] Commission within twenty-one (21) days following the public hearing setting assessment for sewer construction. The [s]Sewer [authority] Commission may grant a deferment not to exceed three (3) years with interest accruing at the same rate which the city borrows for sanitary sewer projects. This deferment may be extended through reapplication.
- (e) *Connection and assessments in deferred areas.* When an assessment for a sewer on any land has been deferred as provided in the foregoing sections, connections from such land to the said sewer shall not be permitted until the [s]Sewer [authority] Commission has determined that the normal benefit has accrued to the land or any part thereof, and has declared that the assessment on such land is due and payable and given proper notice thereof.
- (f) *Caveats and liens for deferred assessments.* To notify an owner or prospective buyer of land upon which there is an assessment for a sewer laid, but deferred as provided herein before, a caveat on the land record shall be filed within thirty (30) days after the deferment approval by the [s]Sewer [authority] Commission. The [public works] sewer department shall provide data identifying such land and owners, and the city clerk shall file such caveat.

The benefits, though deferred, shall be a lien upon the land which lien shall commence and attach to such land from the time of approval of the project by the city council. The same shall remain a lien thereon until three (3) months after such time as such benefits the assessment of which was deferred shall be finally assessed but thereafter such caveat shall not remain a lien unless within said three (3) months after the assessment of benefits a certificate signed by the [director] Superintendent is filed with the office of the city clerk for recording in the land records. The certificate shall describe the premises, the amount assessed, and the improvement for which it was assessed.

Sec. 22-26. - Special connections and charges.

- (a) *Connections to sewers built by private owners.* Whenever a sewer has been built for the [s]Sewer [authority] Department under a developer's permit-agreement passing land owned by others, which others might later request a house connection to the sewer, no connection shall be permitted by the [s]Sewer [authority] Department unless said land owner first signs an agreement waiving the [s]Sewer [authority's] Department's usual layout and assessment procedures and pays a special charge.

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- (b) *Reimbursement to private owners.* The [s]Sewer [authority] Department is empowered at its discretion to include in agreements with owners for the construction of sewers by and at the expense of such owners provisions for reimbursements to said owners from special connection charges collected as provided in subsection (a) hereof for the cost of sewers constructed by them in sections of highways on which lands of other owners abut. Such reimbursement shall not exceed the cost of construction within such sections of highways. No reimbursement shall be made after five (5) years from the date of the incorporation of the particular sewer into the public system. Expiration of the time for reimbursement to the owners shall not release the subsequent permittees from paying a special connection charge to the City of Bristol.

The [s]Sewer [authority] Department may require said owners to file an affidavit with the [s]Sewer [authority] Department which shall indicate the breakdown of costs for the purposes of determining the special connection charge.

- (c) *Connections to property not previously assessed.* Whenever a sewer has been laid out and constructed by the sewer [authority] Department to serve a particular area, no connection will be permitted thereto for any property which has not been assessed or has not shared in an equitable manner in the expense thereof, unless prior to such connection, the owner of such property first enters into a special agreement, to be recorded in the land records and providing for payment by the owner of a special charge. The [s]Sewer [authority] Commission may permit payment of said charge over a period to be determined by the [s]Sewer [authority] Commission, and providing that the permission granted will not affect the power of the sewer authority to make future sewer layouts, and benefit assessments thereof, against the property of said owner, in the same manner as if permission to connect has never been granted. The [s]Sewer [authority] Commission may agree to credit the said payment toward any such future assessment, without allowance for interest between the date of payment of the said charge and the date of any future assessment billed said owner.

Sec. 22-27. - Methods of apportionment of sewer benefits.

- (a) *General.* In assessing benefits and apportioning the amount to be raised thereby among the properties benefited, the [s]Sewer [authority] Commission shall give consideration to any factors it deems relevant. The [s]Sewer [authority] Commission may make reasonable allowances in the case of properties which have a particular situation requiring an allowance. Revenue from the assessment of benefits shall be used solely for the acquisition of the particular waste water facility providing such benefits are for the payment of principal of and interest on bonds or notes issued to finance such acquisition or construction. No assessment shall be made against any property in excess of the special benefit to accrue to such property in accord with the General Statutes.
- (b) *General rules of assessment:*
- (1) The [s]Sewer [authority] Commission shall determine and adopt rates of assessment for the construction of each sewer project. Such rates shall be based on the total project cost or a portion thereof determined by said [authority] Commission.
 - (2) The total cost of the sewer construction shall include the cost of preliminary studies and surveys, detailed working plans and specifications, acquiring necessary land or property or any interest therein, damage awards, interest charges during

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construction, legal and other fees, outlet benefits or deferred assessments, or any other expense incidental to the completion of the work, in addition to the cost of construction.

- (3) The cost of sewer construction, or portion thereof, for an eight-inch diameter local sanitary sewer shall be assessed against benefiting property owners.
- (4) The cost of construction, engineering, rights-of-way and miscellaneous charges for pump stations, force mains, trunk sewers, relief sewers and major interceptors not containing house connection laterals and that portion of sanitary sewers greater than an eight-inch diameter local sewer shall not be directly assessed against property owners initially benefiting but shall be prorated to all ultimate users through the connection charge, at a standard rate; the balance of the cost to be borne by the city through general taxation or by owners as may be stipulated in the developer's agreement.

(c) *Determination of sewer assessment rates and connection charges.*

- (1) General. The cost of the sewer system to be borne by the persons whose properties are benefited by such sewer system shall be divided into three (3) parts: one (1) part to be borne by the properties benefited in accordance with the assessment method, the second part to be borne by the city through general taxation, and the third part to be borne by the properties so benefited in accordance with the connection charge method.
- (2) Unit assessment method. For the purpose of applying the unit assessment method so called, properties presently so benefited shall be divided into units, and the assessable cost of local sewers shall then be divided by the total number of such units existing in the properties so benefited to determine the unit assessment rate.

The unit for purposes of assessment shall be assigned as follows:

- a. In single-family residential zones, property improved for residential use shall be assigned one (1) unit for each residential dwelling unit thereon.
- b. In single-family residential zones, unimproved property abutting a street in which a sewer line has been laid shall be assigned one (1) unit for each existing building lot or for each lot of the minimum area and width permitted by the zoning regulations for the zone in which the property is located.
- c. In any zone, one (1) unit shall be assigned to each residential dwelling unit in a multifamily residential development which has either been approved as a special exception by the zoning authority or approved under zoning regulations governing such developments.
- d. In multifamily residential zones, unimproved property abutting a street in which a sewer line has been laid shall be assigned one (1) unit for each residential dwelling unit allowed by the zoning ordinance for each existing lot of record.
- e. In business, commercial and industrial zones, units shall be assigned pursuant to the applicable following method:

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1. One unit for every one thousand five hundred (1,500) square feet of gross floor area of the buildings thereon, figured to the nearest one-fourth unit. (Gross floor area shall be calculated on the basis of outside measurements of the building.)
 2. On unimproved property abutting a street in which a sewer line is laid, future building use and coverage as allowed by the zoning ordinance shall be assumed. One (1) unit for every one thousand five hundred (1,500) square feet of gross building floor area allowed, figured to the nearest one-quarter unit.
 3. One (1) unit for each use for dwelling by one (1) family and/or one (1) unit for each apartment in standard apartment buildings. The above shall be used also for unimproved property zoned for apartments, utilizing the zoning density formula.
- (3) Connection charge method. Connection charge shall be due and payable upon actual connection to the sewer line. The standard connection charge shall be based upon the following: residential fee per dwelling unit, or commercial and industrial fee per plumbing fixture. All persons connecting to the sanitary system must pay the connection fee including nonprofit organizations and public agencies. No permit for connection will be issued without payment of connection charge. The rates of the connection charge shall be as set by the [s]Sewer] Commission [authority].
- (4) Assessment method for nonconforming lots. In any zone where nonconforming uses exist, the appropriate method of assessment for the actual use of the property shall be applied.
- (5) Allowance for adjustments in assessment. If in the opinion of the sewer authority, the size, shape or location of, or the improvements on or use of any properties subject to assessment do not reflect the extent of the benefit which number of units as computed and plotted for such property would otherwise indicate the property to be benefited, a factor or percentage of such units or any other reasonable adjustment thereof may be used for determining the benefits to such property which the [s]Sewer [authority] Commission believes fairly measures the extent to which said property is specially benefited.
- (6) Maximum unit charge. The [s]Sewer [authority] Commission may set a maximum unit charge for assessment of new sewer construction. When the cost to be assessed exceeds the average cost of total assessments (without cap) for the last four (4) completed sanitary sewer projects, the [authority] Commission may set a cap on the unit assessment equal to such average unit assessment. The city shall assume the excess as a part of its share of the project cost.
- (d) *Determination of special charges:*
- (1) Deferred assessments. Wherever an assessment has been deferred and a connection to the sewer system is sought in accordance with the provisions of section 22-25, a special charge shall be imposed consisting of the unit assessment and standard connection charge which would have been levied had the property been immediately benefited at the time the sewer was built.

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- (2) Sewers built by private owners. Wherever a private owner has installed a local sewer passing land owned by others in accordance with the provisions of section 22-26(a), a special charge shall be imposed, consisting of the connection charge applicable at the time the connection is sought and an additional charge determined by the [s]Sewer [authority] Commission to be a normal and equitable share of the installation cost. Any such normal and equitable share of the installation cost shall be reimbursed to the private owner if provided for in a permit agreement, over a period not to exceed five (5) years after acceptance of the local sewer.
- (3) Assessment of properties not previously assessed. The special charge provided for under section 22-26(c) shall be determined by the [s]Sewer [authority] Commission, and shall be based on the values used in assessing benefits against properties in the particular area applied to such real estate as is benefited at the time of connection to be based on current unit assessment rates and standard connection charges.
- (4) Supplemental charges for increased intensity of use. Wherever an assessment has been levied against a property and an increased intensity of use has taken or will take place, after the initial assessment has been levied, a supplemental sewer connection charge may be imposed as if increased intensity had existed at the time of the initial assessment. Such supplemental sewer connection charge shall be based on the current unit assessment and, if applicable, a standard connection charge. Whenever increases in the intensity of use has a substantial effect on the sewer system and may require the construction of relief sewers or other expansion of the system to accommodate such uses; and wherever it is advisable to levy additional sewer charges under the provisions of the State of Connecticut General Statutes; the [s]Sewer [authority] Commission shall determine the amount of the additional charge to be levied in accordance with the increased intensity of use and in accordance with its established formula for levying such charges. No building permit shall be granted for said construction until the special charge so levied by the [s]Sewer [authority] Commission has been paid or until an agreement providing for the payment of said charge over a period of time has been executed.

Sec. 22-28. - Collection and payment of assessments and connection charges.

- (a) *Notification of assessments.* After the acceptance of any public sewer improvement the [s]Sewer [authority] Commission shall give notice by publication that benefits assessed therefor are due and payable. It shall deliver to the tax collector the description of the properties assessed, with the names of the owners and the amounts of such assessments, and [he] they shall prepare and send notices to each of the owners whose properties have been so assessed, stating the amount of the assessment and when the same is due and payable.
- (b) *Methods of collection.* All assessments shall be paid in full within a period of thirty (30) days after same is due and payable unless the property owner elects to pay such assessment through an installment plan as defined in subsection (c) of this section. All connection charges and special charges shall be paid as provided in the applicable sections of this article.
- (c) *Installment payment for assessment.* Any property owner who elects to utilize the installment plan as defined herein shall notify the tax collector of such request within

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thirty (30) days after the established due date. The [s]Sewer [authority] Commission may provide for the payment of an assessment in substantially equal semi-annual installments, not exceeding twenty (20) years, for the period of time indicated below based on the total amount of assessment:

| <i>Amount of Assessment</i> | <i>Maximum Period of Time in Years</i> | <i>Number of Payments</i> |
|-----------------------------|--|---------------------------|
| \$0 to \$500.00 | 1 | 2 |
| 501 to 2,000.00 | 5 | 10 |
| 2,001 to 5,000.00 | 10 | 20 |
| 5,001 to 10,000.00 | 15 | 30 |
| Greater than 10,000.00 | 20 | 40 |

All installment payments shall be substantially equal in amount with the first installment being principal only, and the remaining installments consisting of varying amounts of principal and interest on the unpaid balance.

The first installment shall be paid within thirty (30) days after the same is declared by publication to be due and payable and if so paid, said installment shall be without the addition of any interest charge. Each installment thereafter for the period of years established shall be due and payable on the dates stipulated by the tax collector.

In addition, the [s]Sewer [authority] Commission shall provide for interest charges not exceeding that allowed by General Statutes for any deferred payments, provided the last installment of any assessment shall be due not later than one (1) year prior to the date of the last maturity of any bonds or notes issued by the city to finance the acquisition or construction of any sewerage system or portion thereof in respect to which the assessment was levied. However, in no event shall such interest charges exceed the rate of interest the city is obligated to pay on such bonds or notes. Any person may pay any installment for which [he is] they are 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 [s]Sewer [authority] Commission shall cause the city clerk to record on the land records a certificate, signed by the tax collector, of such facts in form substantially as shown at the end of this section.

Such certificate shall operate as notice of the existence of a plan for payment of such assessment by installments and the city clerk shall cancel or remove the same within seven (7) calendar days after the last installment due has been satisfied, or the total assessment together with all interest, fees and charges has been paid in full and after receiving notification from the tax collector that such payment has been made.

(d) *Delinquent assessments and liens.* Any assessment of benefits or any installment thereof not paid within thirty (30) days after the due date, shall be delinquent and shall be

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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 a part of such assessment.

Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided above or five dollars (\$5.00), whichever is greater. 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. The tax collector may collect such assessments in accordance with any mandatory provision of the General Statutes for the collection of property taxes and the city may recover any such assessment in a civil action against any person liable therefor.

**CERTIFICATE OF NOTICE OF INSTALLMENT
PAYMENT OF ASSESSMENT OF BENEFITS**

The undersigned Tax Collector of the City of Bristol in the County of Hartford, State of Connecticut, hereby certifies from the date hereof an installment payment plan is in effect, for payment of an assessment of benefits for the installation of a sewer in _____, (street) in favor of the City of Bristol upon real property situated in said City of Bristol, Connecticut, which real property is more fully described in the Bristol Land Records in: Vol. _____ Page _____ Vol. _____ Page _____

The notice of such assessment of sewer benefits herein certified is to _____, (owner of property) the principal of which is \$_____ due to said City of Bristol, together with legal interest, fees and charges thereon, assessed on _____ (date) in the name of _____ and the same became due on _____ (date) and may be paid in semi-annual installment payments of \$_____ each plus or including interest (indicate which) and continuing to _____. (date of last installment)

This certificate is filed pursuant to Section 7-253 of the General Statutes as amended.

The property assessed is: _____ (Lot #) _____ (Street)

Item No. _____ Tax Collector _____

Received _____ 19__ At _____ M.

Recorded in _____ Land Records

Vol. _____ Page _____ _____ City Clerk

(e) *Collection of deferred assessments.* When, under the provisions of section 22.27(d)(1), a deferred assessment is declared due and payable, it shall be collectible in the manner prevailing at the time the assessment is declared due and payable and in the amount previously established. The owner may elect to extend the payment of the assessment over a period of years as provided in section 22-28(c); however, during the period of installment payment, said property owner shall be billed the cost of financing his

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assessment based on the current interest rates being charged on the installment payments.

- (f) *Collection of special charges when no assessments have been made.* In all cases in which the sewer authority has accepted a public sanitary sewer, for which no assessment of benefits and damages has been made, the sewer authority may establish special charges as defined in section 22-27(d)(2) to be payable in equal semi-annual installments for a period of not more than five (5) years for the payment for the benefit of such sewer. This section shall apply only to public sewers constructed otherwise than in accordance with Chapter 103 of the General Statutes.
- (g) *Collection and payment of standard connection charges.* The standard connection charge as established and defined in section 22-27(c)(3) shall be due and payable upon actual connection to the sanitary sewer system.

All persons connecting to the sanitary sewer system shall be required to pay the connection charge, including nonprofit organizations and public properties.

No certificate of occupancy or building permit shall be issued for buildings for which connection to the city sewer system is required or contemplated, unless the standard connection charge has been paid.

Sec. 22-29. - Waste water facilities user charge.

- (a) *General.* Under authority of the General Statutes of the State of Connecticut, the [s]Sewer [authority] Commission shall establish fair and reasonable charges for the use of the city waste water facilities and may revise said user charges as needed. The owner of property against which any such use charge is levied shall be liable for the payment thereof. All city-owned and other tax-exempt property which use the waste water facilities shall be subject to such charges under the same conditions as are the owners of other property. No charge for the use of the waste water facilities shall be established or revised until after a public hearing before the [s]Sewer [authority] Commission at which the owner of the property against which the charges are to be levied shall have an opportunity to be heard concerning the proposed charges. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having circulation in the city. A copy of the proposed charges shall be on file in the office of the city clerk and available for inspection by the public for at least ten (10) days before the date of such hearing. When the [s]Sewer [authority] Commission has established or revised such charges, it shall file a copy thereof in the office of the city clerk and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the city. Such publication shall state the date on which such charges were filed and the time and manner of paying such charges and shall state that any appeals from such charges must be taken within twenty-one (21) days after such filing.
- (b) *General rules of apportionment:*
- (1) The sewer user charge system developed by the [s]Sewer [authority] Commission shall provide for the distribution of the total cost of operation, maintenance and overhead including replacement costs of the entire city waste water facilities. In establishing or revising such user charges, the [s]Sewer [authority] Commission

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shall classify the users of the system into various categories with consideration given to such factors as volume and strength of waste water discharged to the waste water facilities. The type and use of the connected facility and other related factors which determine the quantity and quality of wastewater shall be considered.

- (2) The user charge system shall be reviewed annually and revised as required to generate sufficient revenue to recover the total annual costs of operation, debt service, maintenance, overhead and other financial obligations of the sewer authority.
 - (3) For purposes of this article, any apartment, garden apartment, condominium, town house, or similar facility containing more than three (3) dwelling units shall be considered commercial property.
- (c) *Determination of user charges.* The total cost to be borne by the users of the waste water facilities shall be recovered from three (3) categories of users in a sequential manner as defined in subsections (1) through (3) below:

Where used in this article, the term "annual waste water volume" shall mean the volume of water used by any person connected to the waste water facilities as determined by multiplying the winter quarter water consumption as recorded by the Bristol Water Department by four (4) for metered services (winter quarter shall be the service periods that are billed February 1, March 1 and April 1). For unmetered services or those users not connected to the public water service, the annual waste water volume shall be an average for similar metered uses in the city. As an alternative, a user may elect to install and maintain a sewer meter for this purpose at no cost to the [s]Sewer [authority] Department. All significant industrial, commercial and institutional users shall be required to pay the cost of installing and maintaining a sewer meter and sampling manhole in their building sewer.

- (1) Significant industrial, commercial and institutional users: The first class of users to be apportioned a share of the total cost shall consist of those industrial, commercial and institutional users whose discharge characteristics are significantly different from normal domestic sewage. For this class of user, the user charge shall be apportioned to the volume of flow, BOD loading and suspended solids loading in the following respective percentages—fifty (50), twenty-five (25) and twenty-five (25). Based on the unit costs for flow volume, BOD and suspended solids determined from the total annual waste water flow and total annual organic loading (BOD and suspended solids), the annual user charge for each of the significant industrial, commercial and institutional users that will be levied on the basis of waste water volume and pollutant strength will be calculated as follows:

Let:

| | | |
|----|---|---|
| Cu | = | A user's charge when waste water volume as well as pollutant strength is being considered |
| Vc | = | Cost** for the transportation and treatment of a unit of waste water volume |
| Vu | = | Annual waste water volume from a user |

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| | | |
|-------|---|---|
| Bc | = | Cost** for treatment of a unit of BOD |
| Bu | = | Total annual BOD contribution from a user |
| Sc | = | Cost** for treatment of a unit of SS |
| Su | = | Total annual SS contribution from a user |
| Then: | | |
| Cu | = | $Vc \cdot Vu + Bc \cdot Bu + Sc \cdot Su$ |

Other pollutant parameters (i.e. COD, TOD, etc.) may be used in lieu of or in addition to BOD and suspended solids if determined necessary or more applicable by the sewer authority.

- (2) Other industrial, commercial and institutional users: The second class of users to be apportioned a share of the cost shall consist of those industrial, commercial and institutional users which discharge a waste water which is not significantly different from normal domestic sewage. For this class of user, the user charge shall be apportioned to the volume of flow based upon the unit costs for flow volume determined from the total annual waste water flow. The annual user charge for this class of user will be calculated as follows:

Let:

| | | |
|-------|---|--|
| Vu' | = | Annual waste water volume from the user |
| Vc' | = | Cost** for the transportation and treatment of a unit of domestic waste water volume |
| Cu' | = | A user's charge when only waste volume is being considered |
| Then: | | |
| Cu' | = | $Vc' \cdot Vu$ |

- (3) Residential users: The third class of users to be apportioned a share of the cost shall consist of the residential users who occupy residential dwelling units and who discharge only domestic type waste water into the city sewerage system. The user charge established for residential users shall be apportioned based on the unit cost obtained by dividing the remaining cost after apportionment of the two (2) previous classes of users by the remaining waste water volume. The annual residential user charge shall be computed as follows:

Let:

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| | | |
|-------|---|---|
| Cr | = | Remaining cost** to be recovered for residential waste water discharges or equivalents. |
| Vr | = | Remaining waste water volume (residential purposes only) |
| Vc" | = | Cost** for the transportation and treatment of a unit of residential waste water volume |
| Vu" | = | Annual waste water volume from user |
| Cu" | = | The individual residential user charge |
| Then: | | |
| Vc" | = | Cr/Vr |
| and, | | |
| Cu" | = | Vc" * Vu, where Vu is the same as defined above |

**Cost of operation, maintenance and overhead including replacement cost of the entire city waste water facilities.

- (4) A schedule of user charges for all users shall be established based upon the above formulas as determined by the [s]Sewer [authority] Commission.
- (d) *Collection and payment of user charges.* Sewer user charges shall be billed quarterly through the Bristol Water Department and shall be paid in accordance with the rules and regulations of the water department. All persons connected to the waste water facilities shall be required to pay the sewer user charge, including nonprofit organizations and public properties.

The establishment and billing for sewer use charges pursuant to this article shall commence with the city's fiscal year beginning July 1, 1986.

Sec. 22-30. - Unauthorized connections.

No person shall make connection of sump pump discharge to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.

To confirm that any property using City of Bristol public sanitary sewers is in conformance with this section, the City shall conduct inspections using City personnel from various departments and/or subcontractors. Inspections shall be performed on a street-by-street approach in which inspectors shall knock on doors and attempt to inspect as many properties as possible. For properties that could not be inspected because the owner was not available, a notice shall be left at the door stating that the inspectors were there and would attempt a second time in approximately one (1) to two (2) weeks.

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When the owner is available, the inspectors will introduce themselves and explain briefly that the City is conducting house-to-house inspections in an attempt to reduce the amount of clean water that enters the public sanitary sewer system. If the owner or tenant does not feel comfortable with allowing the inspectors in to or on the property, the owner or tenant shall have the option of deferring to a specific date, or calling the police department to verify the inspector's identity or requesting a time when a police officer can escort the inspectors on to the property.

Any person found to be in violation of any provisions of this article shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who continues any violation beyond the time limit provided by the [City] Department for the satisfactory correction thereof shall be guilty of a misdemeanor and subject to a fine not to exceed two hundred fifty (\$250.00) dollars for each violation. Each month that a violation continues will constitute a separate violation and an additional two hundred fifty (\$250.00) dollars fine shall be imposed. The provisions of this article shall be enforced pursuant to section 23-1 et seq. of the Bristol Code of Ordinances.

The [Assistant Director of the Public Works] Superintendent of the Sewer Department and the Director of Sewers [Manager, Chief Plant Operators and Assistant Chief Plant Operator of the Water Pollution Control Division] of the City of Bristol are all authorized to issue citations for violations.

Any person who is found to be in violation of any of the provisions of this article shall become liable to the City for any expense, loss or damage suffered by the City by reasons of such violation.

Secs. 22-31—22-42. - Reserved.

13. AMENDMENT TO BRISTOL CODE OF ORDINANCES SEC. 2-12.2 TAX EXEMPTION FOR CO-GENERATION SYSTEMS, ADOPTED.

As recommended by the Ordinance Committee and on motion of Council Member Preleski, Chrm., and seconded, it was unanimously voted: To amend and adopt the Bristol Code of Ordinances Sec. 2-12.2, Tax Exemption for Co-Generation Systems. It will be effective upon the expiration of fourteen days of its newspaper publication, and reads as follows –

Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

Sec. 2-12.2 TAX EXEMPTION FOR CO-GENERATION SYSTEMS

(A) In accordance with the Connecticut General Statutes Section 12-81(63), any co-generation systems installed on or after July 1, 2007 shall be exempt from taxation for not more than fifteen

(15) assessment years following the installation of the system. This exemption shall not apply to additions to resources recovery facilities operating on October 1, 1994, or to

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resources recovery facilities constructed on and after that date. This exemption also shall not apply to property acquired by eminent domain for the purpose of qualifying for the exemption.

(B) Any owner of any co-generation system described herein may enter into a written agreement with the City of Bristol, which agreement may require the owner to make payments to the city in lieu of taxes. The agreement may vary the amount of the payments in lieu of taxes in each assessment year of the agreement, provided the payment in any assessment year is not greater than the taxes which would otherwise be due in the absence of the exemption. Any agreement negotiated pursuant to this section shall be submitted to the Bristol City Council for approval or rejection.

(C) Any owner claiming the exemption provided in this section for any assessment year and whose application has been approved in accordance with the section shall, on or before the first day of November in such assessment year, file with the City of Bristol Assessor's Office written application claiming the exemption. Failure to file the application in the manner and form as provided by such Assessor's Office within the time limit prescribed shall constitute a waiver of the right to the exemption for such assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed, provided if such co-generation system is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered system, is filed and the right to such exemption is established as required initially.

(D) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CO-GENERATION SYSTEM. Equipment which is designed, operated and installed as a system which produces, in the same process, electricity and exhaust steam, waste steam, heat or other resultant thermal energy which is used for space or water heating or cooling, industrial, commercial, manufacturing or other useful purposes and which meets standards established by regulation, in accordance with the provisions of Chapter 54 of the Connecticut General Statutes by the Secretary of the Connecticut Office of Policy and Management.

14. APPROVAL TO ENTER INTO PURCHASE AND SALE AGREEMENT WITH BHF LOGISTICS, INC. TO SELL CITY OWNED PROPERTY KNOWN AS LOT #2 SOUTHEAST BRISTOL BUSINESS PARK FOR \$137,000.

On motion of Council Member Hahn and seconded, it was unanimously voted: To bring on the table three items from the Real Estate Committee.

Council Member Hahn stated that BHF Logistics, Inc. was planning to build an approximately 9,000 square foot headquarters and trucking terminal.

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As recommended by the Real Estate Committee and on motion of Council Member Hahn, Chairperson and seconded, as amended, it was unanimously voted: That the City of Bristol enter into a Purchase and Sale Agreement to sell to BHF Logistics, Inc. or its assigns, the City owned property known as Lot #2 Southeast Bristol Business Park in the amount of \$137,000. It was further voted to authorize the Mayor, Acting Mayor, Corporation Counsel or Assistant Corporation Counsel to execute any documents necessary to effectuate this transaction.

15. APPROVAL TO ENTER INTO PURCHASE AND SALE AGREEMENT WITH R. PELTON BUILDERS, INC. DBA ECOSMART HOME SERVICES TO SELL CITY OWNED PROPERTY KNOWN AS LOT #6 SOUTHEAST BRISTOL BUSINESS PARK FOR \$156,000.

Council Member Hahn noted that EcoSmart Home Services was planning to build a 12,000 corporate headquarters.

As recommended by the Real Estate Committee and on motion of Council Member Hahn, Chairperson and seconded, as amended, it was unanimously voted: That the City of Bristol enter into a Purchase and Sale Agreement to sell to R. Pelton Builders, Inc. dba EcoSmart Home Services, or its assigns, the City owned property known as Lot #6 Southeast Bristol Business Park in the amount of \$156,000. It was further voted to authorize the Mayor, Acting Mayor, Corporation Counsel or Assistant Corporation Counsel to execute any documents necessary to effectuate this transaction.

16. ORPHAN PROPERTIES LOCATED ON JENNINGS TERRACE, EUGENE AVENUE AND MOUNTAIN VIEW TERRACE REFERRED TO REAL ESTATE COMMITTEE FOR ANALYSIS AND REVIEW.

As recommended by the Real Estate Committee and on motion of Council Member Hahn, Chairperson and seconded, as amended, it was unanimously voted: To refer the matter of orphan properties located on Jennings Terrace, Eugene Avenue and Mountain View Terrace to the Real Estate Committee for its analysis and review.

17. AUTHORIZATION FOR MAYOR TO REAFFIRM LETTER TO CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION REQUESTING THEY EXPEDITE PERMIT TO ALLOW COVANTA TO PROCESS MEDICAL WASTE, APPROVED.

On motion of Council Member Hahn and seconded, it was unanimously voted: To bring on the table a matter concerning COVANTA and a medical waste permit.

Mayor Zoppo-Sassu explained that COVANTA has waited almost two years for approval of a permit allowing the receipt and processing of medical waste. The City sent a letter in April, 2020, but COVANTA requested the City of Bristol send another letter to the Connecticut Department of Energy and Environmental Protection to expedite execution of this permit.

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On motion of Council Member Fortier and seconded, as amended, it was unanimously voted: To authorize the Mayor to reaffirm a letter sent on April 14, 2020 to the State of Connecticut Department of Energy and Environmental Protection requesting they expedite execution of a permit approving COVANTA to receive and process regulated medical waste at their Bristol facility.

18. APPOINTMENTS.

The following appointments were presented:

CITY ENERGY COMMISSION

Karen Hintz – Reappointment – term to October, 2023.

Confirmation motion by Council Member Hahn.

Motion passed in voice vote.

DIVERSITY COUNCIL

Erica Pearson – Appointment – no term.

Replaced Jeffrey Beauchamp.

Confirmation motion by Council Member Barney.

Motion passed in voice vote.

MAYOR'S TASK FORCE ON HIV/AIDS

Janelle Howard, B.E.S.T. Coordinator from Youth & Community Services – Appointment – no term.

Confirmation motion by Council Member Fortier.

Motion passed in voice vote.

19. CREATION OF ROCKWELL THEATER PLANNING TASK FORCE AND APPOINTMENT OF MEMBERS, APPROVED.

Mayor Zoppo-Sassu announced the creation of the Rockwell Theater Planning Task Force. The group would plan the opening of the Rockwell Theater, its operation, and how it would sustain itself.

On motion of Council Member Preleski and seconded, it was unanimously voted: To establish the Rockwell Theater Planning Task Force.

ROCKWELL THEATER PLANNING TASK FORCE

Gregory Hahn, Council Member – Appointment – no term.

Joshua Medeiros, Supt. Parks & Recreation – Appointment – no term.

Samantha Buonafede, Arts & Culture Commissioner – Appointment – no term.

Lea McCabe, Board of Education Representative – Appointment – no term.

Confirming motion by Council Member Preleski.

Motion passed in voice vote.

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20. CONTRACT 2C20-063 WITH GREENWOOD INDUSTRIES INCREASED \$36,538.95 TO INCLUDE REPLACING FANS 1-6, APPROVED.

Recommendation presented from the Board of Education regarding increasing a contract for the Stafford School Roof Replacement project.

Council Member Fortier stated the project was on time and under budget. She also stated that Stafford School would be the first Bristol school with solar panels.

Council Member Fortier moved and it was seconded: That the following motion was unanimously approved:

Resolved, to approve an increase to the Greenwood Industries Contract 2C20-063 to include replacing the fans 1-6 on the roof at Stafford School in the amount of \$36,538.95.

21. CONTRACT 2C20-063 WITH GREENWOOD INDUSTRIES INCREASED \$107,056.24 TO INCLUDE REPAIR OF FLASHING, ADDITIONAL SOFFITS AND EXPOSED WOOD, APPROVED.

Recommendation presented from the Board of Education regarding increasing a contract for the Stafford School Roof Replacement project.

Council Member Fortier moved and it was seconded: That the following motion was unanimously approved:

Resolved, to approve an increase to the Greenwood Industries Contract 2C20-063 to include repairing existing flashing, additional soffits, and exposed wood at Stafford School in the amount of \$107,056.24.

22. CONTRACT 2P19-062D REHABILITATION OF MELLEEN STREET BRIDGE FOR ENGINEERING SERVICES TO GM2 ASSOCIATES, INC. FOR \$386,784, APPROVED.

Communication from the Director of Public Works regarding the Mellon Street Bridge replacement project.

On motion of Council Member Hahn and seconded, it was unanimously voted: To Contract 2P19-062D Rehabilitation of the Mellon Street Bridge for Engineering Services to GM2 Associates, Inc. in the amount of \$386,784 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

23. CONTRACT 2P19-062C REPLACEMENT/REHABILITATION OF EAST STREET BRIDGE FOR ENGINEERING SERVICES TO GM2 ASSOCIATES, INC. FOR \$474,707, APPROVED.

Communication from the Director of Public Works regarding the East Street Bridge replacement project.

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On motion of Council Member Fortier and seconded, it was unanimously voted: To award Contract 2P19-062C Replacement/Rehabilitation of the East Street Bridge for Engineering Services to GM2 Associates, Inc. in the amount of \$474,707 and to authorize the Mayor or Acting Mayor to execute any and all documents necessary to effectuate said Contract.

24. AUTHORIZATION FOR MAYOR OR ACTING MAYOR TO EXECUTE DOCUMENTS ASSOCIATED WITH COMMUNITY CONNECTIVITY GRANT APPLICATION TO CT DEPARTMENT OF TRANSPORTATION FOR UP TO \$500,000, APPROVED.

Communication from the Director of Public Works regarding a Community Connectivity Grant with the State of Connecticut Department of Transportation.

On motion of Council Member Fortier and seconded, it was unanimously voted: To authorize the Mayor or Acting Mayor to sign any and all documents associated with Community Connectivity Grant application to the CT Department of Transportation in the amount up to \$500,000 and to refer to the Board of Finance for informational purposes.

25. AUTHORIZATION FOR MAYOR OR ACTING MAYOR TO EXECUTE BRANCH TAX PAYMENT PROCESSING SERVICE AGREEMENT WITH PEOPLE'S UNITED BANK, APPROVED.

Communication presented from Assistant Corporation Counsel Conlin regarding a Branch Tax Payment Processing Service Agreement.

Council Member Preleski noted this agreement will allow residents to make their tax payments in any People's United Bank branch.

On motion of Council Member Hahn and seconded, it was unanimously voted: To approve the Branch Tax Payment Processing Service Agreement between People's United Bank and the City of Bristol and to authorize the Mayor or Acting Mayor to execute the Agreement on behalf of the City of Bristol.

26. EXECUTIVE SESSIONS TO DISCUSS MATTERS OF STEVEN MURPHY VS. CITY OF BRISTOL, WCC#7084544; CHARLES GELZINIS VS. CITY OF BRISTOL WCC#601003507; AND REVIEW OF CHIEF OF POLICE EMPLOYMENT CONTRACT.

At 8:19 p.m., on motion of Council Member Fortier and seconded, it was unanimously voted: To convene into Executive Sessions regarding the matter of Steven Murphy vs. City of Bristol, WCC#7084544; matter of Charles Gelzinis vs. City of Bristol, WCC#601003507; and to review the Chief of Police employment contract.

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Present to discuss the matter of Steven Murphy vs. City of Bristol, WCC#7084544: Mayor Zoppo-Sassu; Council Members Barney, Fortier, Hahn, Kelley, Preleski, and Rosado; Corporation Counsel Clift and Assistant Corporation Counsel Steeg.

Present to discuss the matter of Charles Gelzinis vs. City of Bristol, WCC#601003507: Mayor Zoppo-Sassu; Council Members Barney, Fortier, Hahn, Kelley, Preleski, and Rosado; Corporation Counsel Clift and Assistant Corporation Counsel Steeg.

Present to review the Chief of Police employment contract: Mayor Zoppo-Sassu; Council Members Barney, Fortier, Hahn, Kelley, Preleski, and Rosado; Corporation Counsel Clift; Comptroller Waldron; and Human Resource Director Penney.

Discussion was held. No votes were taken.

At 8:42 p.m., on motion of Council Member Fortier and seconded, it was unanimously voted: To reconvene into Public Session.

27. APPROVAL OF FULL AND FINAL SETTLEMENT OF \$20,000 IN MATTER OF STEVEN MURPHY VS. CITY OF BRISTOL, FOR SEVERAL WCC CLAIMS.

On motion of Council Member Preleski and seconded, it was unanimously voted: That the City of Bristol enter into a full and final settlement in the matter of Steven Murphy vs. City of Bristol, for the total consideration of \$20,000 for the following claims: WCC #7084539, WCC #7084544, WCC #7084676, WCC #7084736, WCC #7084792, WCC #7084955, WCC #7087525, WCC # 7087576, WCC #7087674, WCC #7087852, WCC #7087947, WCC #7087991, WCC #7088382, WCC #7088408, and WCC #7088467. It was also voted to authorize the Mayor, Acting Mayor, Corporation Counsel or Assistant Corporation Counsel to execute any documents necessary to effectuate the full and final settlement.

28. APPROVAL OF FULL AND FINAL SETTLEMENT OF \$110,000 IN MATTER OF CHARLES GELZINIS VS. CITY OF BRISTOL, WCC FILE NOS. 601003507 AND 601083853.

On motion of Council Member Preleski and seconded, it was unanimously voted: That the City of Bristol enter into a full and final settlement in the matter of Charles Gelzinis vs. City of Bristol, WCC File No. 601003507 in consideration of a payment of \$66,000 and in the matter of Charles Gelzinis vs. City of Bristol, WCC File No. 601083853 in consideration of a payment of \$44,000, for a total payment of \$110,000. It was also voted to authorize the Mayor, Acting Mayor, Corporation Counsel or Assistant Corporation Counsel to execute any documents necessary to effectuate the full and final settlement.

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29. APPROVAL OF CONTRACT BETWEEN CITY OF BRISTOL AND CHIEF OF POLICE FROM APRIL, 2020 TO APRIL, 2024.

On motion of Council Member Preleski and seconded, it was unanimously voted: To approve the Chief of Police's Contract for a four-year term from April, 2020 to April, 2024.

30. ADJOURNMENT.

At 8:47 p.m., on motion of Council Member Hahn and seconded, it was unanimously voted: To adjourn.

ATTEST: _____

Therese Pac
Town & City Clerk