

City of Northampton
MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section **256 – Article I** of said code; providing that **Sewer Assessments, Billing and General Regulations**

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section **256 – Article I** of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 256 - Article I- – Sewer Assessments, Billing and General Regulations

Delete Section 256 - in its entirety and add in place thereof

§ 256-2. Assessment for drains or sewers running from main drains or common sewers on private land

The owner of any land benefited by the laying out and construction of a particular drain or sewer from a main drain or common sewer to any portion of his land shall be assessed for the actual cost of such particular drain or sewer and the ~~Board~~ Department of Public Works may require that an applicant for a connection of his land with a main drain or common sewer shall pay in advance an amount equal to the estimated assessment therefor, which shall be applied to the payment for the assessment, and the remainder, if any, shall be repaid to the applicant.

§ 256-3. Billing procedures for sewer use

A.

Every person, corporation, or entity who discharges wastewater into a sanitary sewer system of the City of Northampton shall be charged for use of said sewer at the ~~then-current annual rate set by the Board of Public Works.~~

§ 256-4. Assessment for construction of main drains and common sewers in public ways

A.

Three quarters of the cost of laying out and constructing any main drain or common sewer shall be assessed against the owner of the land abutting on the land or way in which the main drain or common sewer is laid out and constructed as hereinafter provided; provided, however, that no assessment in respect to any land which by reason of its grade or level or any other cause cannot be drained into such main drain or common sewer shall be made until such incapacity is removed; and provided, further, that if land assessed abuts upon more than one way, assessments shall be assessed upon the frontage upon one such way and upon so much of the frontage upon such other way as is not exempted by the ~~Board~~

Department of Public Works, and the ~~Board~~ Department may exempt from assessments so much of the frontage upon such other way as it considers just and equitable.

B.

The assessments provided for in Subsection A shall be assessed at a fixed uniform rate based upon the estimated average cost of all the main drains and common sewers in the City as determined from time to time by the ~~Board~~ Department of Public Works and shall be assessed against the owner of the land abutting upon the land or way in which such main drain or common sewer is laid out and constructed according to the frontage of the land assessed upon such land or way, and according to the area of the land assessed within a fixed depth of 120 feet from such land or way.

C.

The ~~Board~~ Department of Public Works may extend the time for the payment of assessments for main drains and common sewers upon land which is not built upon at the time of such assessment until it is built upon or for a fixed time, but interest at the rate of 4% per annum shall be paid annually upon the assessment from the time it was made, and the assessment shall be paid within three months after such land is built upon or at the expiration of such fixed time.

D.

The owners of land or parts thereof not liable to assessment for construction or use of the main drains and common sewers of the City may use such main drains or common sewer for the disposal of their sewage from such land only on payment of such reasonable amount as the ~~Board~~ Department of Public Works shall determine.

§ 256-5. ~~Board~~ Department of Public Works to determine fees and assessments for laying out and construction

~~A.~~

~~The Board of Public Works shall determine the fee for the use of main and common sewers. The Board shall make such rules and regulations concerning billing dates, discounts, late fees and penalties, and interest on overdue accounts as it deems appropriate.~~

~~B.~~

~~The ~~Board~~ Department of Public Works shall make determine all fees and assessments for laying out, and construction of and connection to main drains and common sewers as required by this chapter.~~

§ 256-6. Billing for sewer use fees and sewer assessments

Sewer use fees and sewer assessments shall be collected by separate billings sent out by the Department of Public Works in such form and at such times as the ~~Board of Public Works~~ may direct.

~~§ 256-7. Procedure for making assessments~~

~~The City Engineer shall keep an accurate account of the expenses of laying out, constructing, maintaining, and repairing each main drain or common sewer and shall seasonably report the same to the Board of Public Works in all cases where assessment for such laying out, constructing, maintaining, and repairing should be made. The City Engineer shall prepare and submit to the Board of Public Works plans of the estates to be assessed, showing the names of the owners, the frontages, and areas, together with a schedule showing the assessment on each of the estates upon which an assessment should be made, and the Board of Public Works shall seasonably make the assessment. The Board of Public Works shall assess and certify the amount to be paid and shall fix a time when such assessment shall be paid, and deliver the same to the City Collector for collection.~~

§ 256-8. Fee for septage disposal.

A.

Every private septage hauler who disposes of septage at the wastewater treatment facility shall be charged for said disposal at a rate set by the ~~Board~~ Department of Public Works.

D.

The ~~Board~~ Department of Public Works may, at its discretion, refuse to allow any hauler with an unpaid septage account which has begun to accrue interest to dispose of septage at the wastewater treatment plant or may require such hauler to pay immediately at the time of disposal. The ~~Board~~ Department or other appropriate City official may take any other appropriate action permitted by local ordinance or state statute in connection with an unpaid, overdue account.

§ 256-10. Main drains and common sewers defined; supervision of construction

Every sewer or drain laid in any land or way, public or private, open or proposed to be open for public travel and accommodation shall be a main drain or common sewer. The construction of all main drains and common sewers and all sewers and drains connecting with any main drain or common sewer from a point 10 feet from the foundation of the wall of any building shall be under the supervision of the ~~City Engineer~~ Director of Public Works or his/her designee.

§ 256-11. Unauthorized digging of street prohibited

No person shall dig or break the ground in a highway or street for the purpose of laying, altering or repairing a sewer pipe or drain, or of entering or connecting with the main drain or common sewer without the consent of the ~~City Engineer~~ Director of Public Works or his/her designee.