

Chapter 204

WATER

[HISTORY: Adopted by the Town of Somers as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 155.

ARTICLE I

Water Main Extensions

[Adopted 2-20-1990 by the Special Town Meeting, effective 4-1-1990; amended in its entirety 2-22-1999 by the Special Town Meeting, effective 3-20-1999]

§ 204-1. Reimbursement of costs.

In accordance with provisions of Section 7-137c of the Connecticut General Statutes, as amended, whenever the Town of Somers appropriates funds to extend or cause to have extended water mains, each owner of real property which abuts or is connected to such mains shall reimburse the Town his proportionate share of the cost to the Town of the extension of the water mains and expenses incidental thereto, including but not limited to materials, installation, pumping stations, tanks, service connections, curb, sidewalk and highway repairs, gate valves or shutoffs, interest charges and engineering and legal costs, so that the Town shall be left free of any of the costs of the extension of the water main and expenses incidental thereto, except that if any portion of the water extension service is to be used for a municipal purpose, the Town shall contribute a fair proportion of the expense representing such proportionate municipal share.

§ 204-2. Definitions.

As used in this article, the following terms shall be so defined and abbreviated:

BASE RATE — The basic unit charge for one equivalent dwelling unit (EDU) or one fire protection unit (FPU), as the case may be.

EQUIVALENT DWELLING UNIT (EDU) — The average daily water consumption by a single-family dwelling unit: 300 gallons per day.

FARMLAND, FOREST LAND or OPEN SPACE LAND — Shall have the definitions set out in Section 12-107b of the Connecticut General Statutes.

FIRE PROTECTION UNIT (FPU) — The fire flow of water needed to protect most single- and two-family homes not exceeding two stories in height: 750 gallons per minute.

WATER POLLUTION CONTROL AUTHORITY (WPCA) — The Water Pollution Control Authority of the Town of Somers.

§ 204-3. Equivalent dwelling unit cost allocation system.

- A. The assessment charge for the extension of water mains for each owner or owners of property, as provided for in § 204-1, shall be based upon an equivalent dwelling unit cost allocation system to be calculated upon the average water consumption represented by a single-family dwelling unit, which is defined as 300 gallons per day. The Water Pollution Control Authority shall determine for each owner or owners of any property so assessed under the provisions of this article the number of EDU's to be assigned to each property. Each single-family home, each unit of multifamily homes and each unit of apartment houses or condominiums shall be assigned one EDU. All other properties shall be assigned EDU's based upon the following Table of Estimated Water Consumption, but each property shall be assigned a minimum of one EDU.

**Table of Estimated Water Consumption
at Various Types of Establishments**

Type of Establishment	Flow in Gallons Per Person or Unit Per Day
Residential dwelling unit	
Single-family home	300
Each unit of multifamily home	300
Each unit of apartment house	300
Each unit of condominium	300
Dwelling unit, transient	
Boardinghouse, per unit	50
Hotels or motels, per unit	100
Lodging or tourist homes, per unit	40
Restaurant	
Average type, per seat	35
Average type, 24-hour, per seat	50
Tavern, per seat	20
Short order, per seat	4
Short order, paper service, per seat	2
Bar and cocktail lounge, per seat	2
Drive-in, parking only, per car space	109
Drive-in, seating and parking, per seat	41
School	
Day, without cafeteria, per students and employees	6

Day, with cafeteria, per students and employees	15
Day, with cafeteria and showers, per students and employees	20
Boarding school, per student	75
Automobile service station, garage or repair station	
Per square foot of office and garage space	0.251
Store	
Per square foot of floor space	0.216
Beauty salon or barbershop	
Per number of stations, beauty salon type	269
Per chair, barbershop type	55
Church or other house of worship	
Per maximum occupancy allowed by law	2
Shopping center	
Per square foot of floor space	0.16
Assembly hall	
Per maximum occupancy allowed by law	2
Medical, dental or veterinarian office	
Per square foot	0.618
Offices in general	
Per square foot	0.142
Nursing home or rest home	
Per bed	133
Theater	
Indoor, per seat, 2 showings	3 per day
Drive-in, per car stall	5
Factory	
Without showers, per square foot floor space	0.142
With showers, per square foot floor space	0.18
Plus daily consumption of process water on EDU basis	
Bowling alley	
Per number of alleys	200
Club	
Lockers and showers	20

Snack bar or lunchroom, per seat	10
Dining room, per seat	10
Without lockers or showers	10

- B. The number of EDU's for properties not identified in the table shall be established by the WPCA based upon an estimate of water use consumption divided by 300 gallons per day per EDU, but each property shall be assigned a minimum of one EDU.
- C. The number of EDU's assigned to each property shall be rounded to the nearest one-tenth (1/10) of an EDU.
- D. It shall be the authority of the WPCA to establish the base rate to be charged per EDU.
- E. Determination of base rate and assessments for equivalent dwelling unit cost allocation system.
 - (1) The base rate for the equivalent dwelling unit cost allocation system shall be calculated by dividing the cost to the Town of the extension of the water mains and expenses incidental thereto as set out in § 204-1 (except the costs included in the fire protection unit cost allocation system, if any) minus any funds received from any agency of the State of Connecticut, any agency of the United States government or any private individual, company or corporation as reimbursement for said costs, by a number representing the total number of EDU's assigned to the assessed properties, the number of lots on new roads constructed during the water main extension project which will be connected to the mains extended by the Town, and the estimated number of new lots which will be created by subdivision and connected to the water mains extended by the Town during a twenty-year period commencing with the starting date of the water main extension project.
 - (2) The assessment for each property shall be determined by multiplying the base rate by the number of EDU's assigned to the property.

§ 204-4. Fire protection unit cost allocation system.

- A. If the water mains referred to in § 204-5 are larger than would otherwise be necessary to provide adequate water for consumption and provide necessary fire flows to adequately protect single- and two-family homes, so that necessary fire flows will be provided to adequately protect structures larger than single- or two-family homes, the assessment for each owner of real property which abuts or is connected to such mains and which contains one or more structures shall also be based upon a fire protection unit cost allocation system as set out in this section.
- B. The costs to be allocated by the fire protection cost allocation system shall include all costs associated with providing adequate fire flows for larger structures, including but not limited to engineering costs to determine the size of the water mains to provide adequate fire flows, the extra cost of the larger mains, fire hydrants and fire pumps.

- C. The assessment charge under the fire protection unit cost allocation system shall be based upon the fire flow of water needed to protect most single- and two-family homes not exceeding two stories in height, which is defined as 750 gallons per minute. The Water Pollution Control Authority shall determine for each owner or owners of any property so assessed the number of FPU's to be assigned to each property according to the following:
- (1) All single- and two-family dwellings not exceeding two stories in height shall be assessed one FPU.
 - (2) All three- to six-family dwellings shall be assessed two FPU's.
 - (3) All other structures shall be assessed FPU's based upon the following formula which is derived from the Fire Suppression Rating Schedule published by the Insurance Services Office, June 1980 Edition:

$$\text{NFF} = \text{C} \times \text{O} (\text{X} + \text{P})$$

$$\text{FPU} = \text{NFF}/750 \text{ (rounded to nearest 0.5)}$$

Abbreviations:

NFF = Needed Fire Flow (in gallons)

C = Construction Factor

O = Occupancy Factor

X+P = Exposure and Communication Factors

Factors:

FPU = Fire Protection Unit

- (4) No structure shall be assessed more than 4.5 FPU's, which reflects the maximum fire flow that potentially can be supplied.
- D. Determination of base rate and assessments for fire protection unit cost allocation system.
- (1) The base rate for the fire protection unit cost allocation system shall be calculated by dividing the cost to the Town of the items included in § 204-4B minus any funds received from any agency of the State of Connecticut, any agency of the United States government or any private individual, company or corporation as reimbursement for said costs, by a number representing the total number of FPU's assigned to the assessed properties, the number of lots on new roads constructed during the water main extension project which will be connected to the mains extended by the Town and the estimated number of new lots which will be created by subdivision and connected to the water mains extended by the Town during a twenty-year period commencing with the starting date of the water main extension project.
 - (2) The assessment for each property shall be determined by multiplying the base rate by the number of FPU's assigned to the property.

§ 204-5. Well sealing.

If, as part of a water main extension project, the Town appropriates funds for the sealing of any water wells, the owner of each such well which is sealed shall also be assessed the cost to the Town of the sealing of the well, minus any funds received from any agency of the State of Connecticut or any agency of the United States government as reimbursement to the Town of part of the cost of sealing the well.

§ 204-6. Service connections.

Each owner of real property which abuts or is connected to such water mains who has a service connection installed by the Town or its agents shall also be assessed the cost to the Town of the service connection, minus any funds received from any agency of the State of Connecticut or any agency of the United States government as reimbursement to the Town of part of the cost of the service connection installation.

§ 204-7. Assessment procedure; notices; hearings.

- A. The Water Pollution Control Authority shall prepare a proposed assignment of EDU's and FPU's in accordance with the provisions of this article for each property which abuts or is connected to the water mains. Notice of such proposed assessments shall be given by publication in a newspaper with a general circulation within the Town of Somers and by regular mail to the owner of each such property. The notices shall state that the owner of each such property may request a hearing by the WPCA to contest the proposed assignment of EDU's or FPU's on the property. The notices shall state a date by which a hearing must be requested. The date by which a hearing must be requested shall be not less than 10 days from the date of publication and mailing of the proposed assignments.
- B. The Water Pollution Control Authority shall hold a hearing regarding each property for which a hearing is timely requested. At the hearing the owner of the property may present evidence concerning the request for a change in the assignment of EDU's or FPU's. Following the hearing the WPCA shall make a final determination of the number of EDU's or FPU's to be assigned to the property.
- C. After all hearings have been held the Water Pollution Control Authority shall assess each property which abuts or is connected to the water mains in accordance with the provisions of this article. Notice of such assessment shall be given by publication in a newspaper with a general circulation within the Town of Somers, by recording a copy of the assessment on the land records of the Town of Somers and by regular mail to the owner of such property.
- D. The notice of assessment shall state a date by which the assessment shall be paid in full. If the assessment is not paid in full by that date interest shall begin to accrue on the amount of the assessment and a certificate of lien shall be placed on the land records of the Town of Somers in accordance with Section 7-137d of the Connecticut General Statutes. The certificate of lien shall describe the property upon which the lien is claimed and state the amount of the lien.
- E. If the funds appropriated by the Town for the extension of the water mains were derived by bonding or any other type of borrowing, the WPCA shall set the interest rate to be paid on

unpaid assessments at a rate as close as reasonably possible to the borrowing rate paid by the Town for the funds so appropriated. The WPCA shall have the power to round the rate up to the nearest 1/2 of 1%. The WPCA shall also set the number of years over which the assessments shall be amortized, which shall be as close as reasonably possible to the number of years of the bonding or borrowing of the Town referred to above.

- F. If the funds appropriated by the Town were not derived by bonding or any other type of borrowing, the interest rate and period of amortization shall be set by the Board of Selectmen.
- G. Upon full payment by the owner of any property so assessed the assessment and certificate of lien, if any, shall be released by the WPCA and a certificate of release shall be recorded on the land records of the Town of Somers.

§ 204-8. Town property.

In accordance with Section 7-137c of the Connecticut General Statutes, if any property abutting or connected to such mains is owned by the Town of Somers, the Town shall contribute the amount of any assessment which would have been made upon the property had it not been owned by the Town.

§ 204-9. Administration and enforcement.

The provisions of this article, except as otherwise expressly stated, shall be administered and enforced by the Water Pollution Control Authority, which is hereby authorized to take all necessary legal action on behalf of the Town of Somers to enforce the provisions of this article.

§ 204-10. Farmland, forest land and open space land.

In the case of land zoned for other than commercial purposes or classified as farmland, forest land or open space land on the last completed grand list in which such land is located, and which exceeds by more than 100% the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations, assessment of such excess land shall be deferred until such excess land shall be built upon or a building permit issued or until approval of a subdivision plan of such excess property by the Planning Commission having jurisdiction, whichever occurs first. In each instance where an assessment is deferred, the Town shall place a caveat on the land records.

§ 204-11. Subdivision or newly created lots.

Each new lot, whether created by subdivision or otherwise, and whether located on newly constructed or existing Town roads, shall be assessed a one-time fee of \$2,600 per EDU as determined pursuant to § 204-3 of these regulations. All mains installed by any developer shall become property of the Town of Somers when the mains are accepted by the Town.

§ 204-12. Connection fee.

In the case of all new service connections, a one-time system connection fee of \$200 per EDU, as determined by § 204-3 of these regulations, will be charged.

§ 204-13. Building conversions/change of use.

- A. When any structural, mechanical or physical change is made or proposed to be made to a building which allows the occupancy to increase, or the activities within the building to expand or alter such that, when the building is fully utilized, the water usage will increase, the owner shall make an application for such change to the Somers Water Pollution Control Authority, which will assign a new EDU rate.
- B. All properties which are approved for a building conversion/change of use, shall be charged a one-time change of use fee equal to \$2,600.00 times the net change in the EDU rate established for the property.

§ 204-14. Collection of revenues.

The Somers Water Pollution Control Authority may designate the Town Tax Collector or any bonded person as its agent for the collection of fees or charges levied under this chapter.

ARTICLE II

Fire Fighting Water Supply

[Adopted 10-1-2007 by the Board of Selectmen, effective 11-2-2007]

§ 204-15. Definitions.

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

ACCESS POINT — Any public/private roadway/driveway established for the purpose of entry to the development or residences.

CISTERN — A precast concrete, fiberglass or other acceptable material tank with minimum capacity of 10,000 gallons.

LIFT — Distance between the average surface level of the water supply and the surface in which the engine will park plus 32 inches.

NATURAL — Pond with a minimum usable capacity of 15,000 gallons 10 months out of the year.

NEW DEVELOPMENT — Three or more new residences on an existing or new access point.

PARKING AREA — Ten-foot-wide by forty-five-foot-long paved or compacted gravel area accessible year-round adjacent to hydrant drafting head. A grass and concrete modular laid surface on compacted gravel is also acceptable.

PUBLIC WATER SUPPLY — Municipal water supply system supplied by Connecticut Water Company Hazardville Water Company, Ellington Acres or any other DPUC-approved public water supply.

§ 204-16. Water supply to be provided.

- A. In all new developments the developer shall provide one of the following types of water supply:

- (1) Public water supply: hydrants connected to municipal water supply system.
- (2) Natural (alternative): water source capable of meeting the minimum requirements of dry hydrant installation as described below.
- (3) Cistern (alternative): Total quantity of gallons stored for each development shall be determined by the Fire Chief, but the minimum amount is 10,000 gallons.

B. Public water supply.

- (1) All new developments shall extend public water supply for fire protection if any part of which is within the required distance of an existing water service as determined by the following formula: number of lots times 150 feet. The distance shall be measured from the end of the existing service line along the proposed service line within the existing or proposed streets or rights-of-way in the new development.
- (2) The new development shall be provided with fire protection water mains. The Fire Chief shall determine the size and location of water mains. The minimum size of a fire protection water main shall be no less than eight inches.
- (3) The Fire Chief or his designee shall be responsible for placement of the hydrants within the development.
- (4) All hydrants shall be a Mueller Super Centurion with a minimum barrel size of 5.25 inches with a left hand opening operating nut and with concrete thrust block, or its equivalent as may be approved by the Fire Chief, all supplied and installed by the developer.
- (5) All new water mains shall be designed to create a looped system in the municipal water supply grid.
- (6) All design shall be performed by a licensed engineer or the Water Company.

C. Dry hydrant installation.

- (1) All dry hydrants must be designed such that the total lift is not more than 10 feet.
- (2) The horizontal pipe length shall be limited to no more than 40 feet from hydrant head.
- (3) The hydrant head shall be a minimum of 24 inches above finish grade and no more than 48 inches. The hydrant head shall be parallel with the finish grade. The hydrant head must be within 10 feet of parking area. Installation shall be such that a firefighter can easily attach suction hoses to the hydrant head.
- (4) All underground and under water piping shall be PVC Schedule 40 with a minimum diameter of six inches.
- (5) All joints shall be cleaned and securely glued before being placed in the water. All joints underground or under water will be secured with stainless steel screws on every joint in at least three places. Gluing of joints above ground or above water is acceptable.
- (6) All piping extending into the water supply shall be supported on and secured to

concrete or stone blocks at least every 10 feet such that the strainer portion is a minimum of 24 inches above the bottom of the water supply. There shall be a minimum of 24 inches of water at the bottom, left and right side and 48 inches at the top to allow for 24 inches of winter ice. The Somers Fire Department Chief or his designee, prior to installation shall approve the strainer and hydrant head designs and models.

- (7) The hydrant riser shall be protected by two galvanized steel concrete filled posts six inches in diameter, placed 24 inches from either side of the riser and extending 48 inches above finished grade and 48 inches below finished grade. These posts shall be embedded in concrete after the hydrant is accepted by the Fire Department. Posts shall be painted safety yellow with a six-inch red band at the top. One dry hydrant sign, to be consistent with others approved by the Fire Chief, shall be installed at a location determined by the Fire Chief indicating water supplies for Fire Department use within the Town of Somers.
- (8) Installation of all piping must be scheduled at least three business days ahead of time with the Somers Fire Department and the Somers Public Works Department. An officer or department representative shall be on site before any piping is buried or submerged.
- (9) Upon the testing and acceptance of the hydrant, the Somers Fire Department will assume responsibility for future testing and maintenance.
- (10) The Fire Chief shall determine number of dry hydrants for the development. All dry hydrant designs and installation shall be in accordance with NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting 2007 Edition, Chapter 8, as amended.

D. Underground cistern/tank.

- (1) All tanks shall be constructed of precast concrete, fiberglass or other acceptable material with a minimum capacity of 10,000 gallons of water.
- (2) The tank shall have a six-inch dry hydrant drafting pipe, 2 1/2 inch returns, 4 1/2 inch vent and a visible water gauge. Prior to installation the Somers Fire Department shall approve hydrant head designs and models.
- (3) The tank shall be installed below the frost line and the only visible plumbing shall be the hydrant head, fill pipe, vent pipe and water gauge. The hydrant head and associated plumbing shall be protected by six-inch galvanized steel concrete filled posts located no more than 24 inches from either side and extending 48 inches above finished grade and 48 inches below finished grade. Posts shall be painted safety yellow, with a six-inch red band at the top. Posts shall be set in concrete. The hydrant head shall be located no more than 10 feet from the parking area. One dry hydrant sign, to be consistent with others approved by the Fire Chief, shall be installed at a location determined by the Fire Chief indicating water supplies for Fire Department use within the Town of Somers.
- (4) The tank shall be located within 200 feet from any new access point intersection and

spaced a maximum of 2000 feet apart if multiple tanks are required. The number of tanks shall be determined by the Fire Chief.

- (5) The developer will provide a deeded easement to the Town of Somers for filling, use and maintenance of the tanks and associated plumbing.
- (6) The owner/developer will be responsible for the initial filling of the tank and the Somers Fire Department will conduct a flow test prior to acceptance of the tank/plumbing.
- (7) Upon testing and acceptance of the system, the Somers Fire Department will assume responsibility for future inspection, maintenance and filling.
- (8) The cistern/tank shall be installed in accordance with National Fire Protection Association (NFPA) 1142 (2007) App. B., as amended.

E. Exceptions to Subsections C and D.

- (1) All occupied structures in the development are provided with an approved NFPA 13D automatic sprinkler system acceptable to Somers Code Officials.

ARTICLE III

Testing of Water Quality in New Private Water Supply Systems **[Adopted 1-13-2014 by the Board of Selectmen, effective 1-28-2014]**

§ 204-17. Definitions.

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

APPROVED LABORATORY — A laboratory facility issued a certificate of approval by the Connecticut Department of Public Health pursuant to Secs. 19-4-1, 19a-36-a25 through 19a-36-a33, and 19a-36-a57 through 19a-36-a63 of the regulations of Connecticut State Agencies.

CERTIFICATE OF OCCUPANCY — A document issued by the local building official certifying a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.

CONSUMER — Any private dwelling, hotel, motel, boarding house, apartment building, store, office building, institution, mechanical or manufacturing establishment or other place of business or industry to which water is supplied by a source of private water supply.

DIRECTOR OF HEALTH — The Town of Somers director of health and any person legally authorized to act for the local director of health.

DISINFECTED — Pathogenic organisms in the water have been deactivated by chemical oxidants such as chlorine or equivalent agents.

DOMESTIC PURPOSES — Drinking, bathing, washing of clothes and dishes, cooking, and other common household uses.

MAXIMUM CONTAMINANT LEVEL (MCL) — The maximum permissible level of a biological or chemical substance in water for a private water supply system.

ORGANIC CHEMICALS — All substances listed in Sec. 19-13-B102(e) (4) of the Connecticut Public Health Code.

PRIVATE WATER SUPPLY SYSTEM — Any source of private water supply serving a single consumer and less than 25 persons, and used for drinking or other domestic purposes.

QUALIFIED INDIVIDUAL — A licensed sanitarian, local director of health, employee of the department, employees of local or state agencies as part of their regulatory or statutory responsibilities, or a person, including an owner or general contractor of a residential construction on which a private water supply system is located, found to be qualified by an approved laboratory to collect water samples from a private water supply system for submission to that laboratory.

SOURCE OF PRIVATE WATER SUPPLY — Any surface water, spring, well, or underground water source from which water is available by a private water supply system for domestic purposes.

§ 204-18. Requirements for analysis.

A sample of water collected from a new private water supply by a qualified individual shall not be analyzed by the approved laboratory unless it is accompanied by a statement signed by the qualified individual indicating the location of the sample, the address of the private water supply and the date the sample was taken.

§ 204-19. Conformance with standards.

MCLs for a private water supply system shall conform to the more stringent of those levels specified in subdivisions (1), (2), (3), (4) and (5) of Subsection (e) of Section 19-13-B102 of the Connecticut Public Health Code or those in the Action Level List for Private Wells, as published by the State of Connecticut, Department of Public Health. The MCL for total coliform bacteria in a private water system is exceeded if the analytical result of the water sample is positive for total coliform bacteria.

§ 204-20. Testing of new system.

Upon completion of a new private water supply system, the owner of the system shall have the source of the private water supply sampled directly or sampled from a cold water faucet supplying water for domestic purposes that is located within the building. If water treatment is provided, the owner shall have the sample collected prior to any treatment. The sample shall be at a minimum analyzed for total coliform, nitrate, nitrite, sodium, chloride, iron, manganese, arsenic, ethylene dibromide (EDB), organic chemicals, uranium, hardness, turbidity, pH, sulfate, apparent color and odor. In the event nitrate is at or greater than 10 milligrams per liter the sample shall also be tested for alachlor, atrazine, dicamba, metolachlor, simazine and 2, 4-D. Compliance with this section shall conform to the following conditions as applicable:

- A. The water quality of a new private water supply system shall be sampled by a qualified individual and analyzed by an approved laboratory. The private water supply system shall have been disinfected and the system shall not be sampled until all disinfectant has dissipated. The results of such analyses and a statement signed by a qualified individual

attesting to the exact address and location of sampling shall be reported by the approved laboratory to the director of health within 30 days of the completion of such analyses. Approval by the director of health that the results of the laboratory analyses comply with MCLs applicable to this section shall be obtained before the private water supply is used for domestic purposes.

- B. If any MCL is exceeded, an adequate whole house treatment system shall be installed to reduce the level below the MCL, prior to allowing use of the water for drinking purposes. For any sample failing to meet the criteria set forth in this section, the director of health or his authorized agent shall report such failure to the Town's Building Official and the Building Official shall be precluded from issuing a Certificate of Occupancy, when applicable, for the premises until such time as the private water supply is deemed safe by the director of health.