

TOWN OF SORRENTO, MAINE SEWERAGE SYSTEM USE ORDINANCE

This Ordinance regulates the use of public and private sewers, subsurface and sand filter on-site wastewater disposal systems, and allowable wastewater effluent discharges into the public sewers in the Town of Sorrento, Maine and provides for violations thereof.

Be it ordained and enacted by the Selectmen of the Town of Sorrento, State of Maine as follows:

Section 1: Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- 1.1 "Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C, expressed in milligrams per liter (mg/l).
- 1.2 "Building" shall mean a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.
- 1.3 "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer. The building drain extends eight (8) feet (2.44 meters) outside the inner face of the building wall.
- 1.4 "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal (also called house connection).
- 1.5 "Chlorinator" shall mean any equipment, structure, chemicals or necessary appurtenances installed in an on-site wastewater treatment system to provide pathogen disinfection to treated wastewater before its disposal into the public sewers.
- 1.6 "Combined Sewer" shall mean a sewer intended to receive both wastewater, cellar drainage, storm or surface water.
- 1.7 "Domestic Sewage" shall mean water and water-carried wastes normally discharged into the sanitary sewers from dwellings, including single-family homes, multi-family homes and hotels, from office buildings, factories and institutions, but not

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including stormwater drainage or surface water drainage and not including industrial wastes as defined in this Section.

- 1.8 "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- 1.9 "Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- 1.10 "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
- 1.11 "Industrial Waste" shall mean all water, water-carried solids, liquid and gas wastes resulting from any industrial, manufacturing, or food processing operation, or any mixture of these fluids and domestic sewage, or any mixture of these fluids with any other liquid.
- 1.12 "Licensed Plumbing Inspector (LPI)" shall mean a Town appointed official charged with implementing the rules and carrying out the duties required by the State of Maine plumbing code.
- 1.13 "Milligrams Per Liter" shall be abbreviated "mg/l", and shall mean a weight to volume ratio. The figure appearing before the symbol "mg/l" shall be the number of milligrams to be found in 1 liter of the substance being tested. This figure can be transposed to pounds per million gallons of water by multiplying the figure appearing before the symbol "mg/l" by 8.34.
- 1.14 "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond ditch, lake or other body of surface or groundwater.
- 1.15 "NPDES" shall mean the National Pollutant Discharge Elimination System permit program of the USEPA.
- 1.16 "Owner" shall mean the owner, tenant, occupant or person in charge of any building or premises, or any person acting on the owner's behalf.
- 1.17 "Person" shall mean any individual, firm, company, association, society, corporation, municipal or quasi-municipal agency, state agency, federal agency or legal entity.

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- 1.18 "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration 10.
- 1.19 "Pollutant" shall include, but is not limited to, dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt, and industrial, municipal, domestic, commercial, or agricultural wastes of any kind.
- 1.20 "Properly Shredded Garbage" shall mean the organic, biodegradable wastes from the handling, preparation, cooking, and serving of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- 1.21 "Public Sewer" shall mean a common sewer owned, operated, and maintained by public authority or governmental agency.
- 1.22 "Sand Filter" shall mean all components, structures, equipment, materials, and appurtenances, including distribution and collection piping, sand and gravel, polyethylene or clay liner, and cover material installed in accordance with the Department of Environmental Protection and other applicable regulations to provide on-site wastewater treatment of septic tank effluent for discharge into the public sewers.
- 1.23 "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial building, industrial plants and institutions together with minor quantities of ground, storm, and surface waters.
- 1.24 "Secondary" shall mean a final, treated effluent of quality containing less than or equal to 30 mg/l of both "Biochemical Oxygen Demand" and "Suspended Solids".
- 1.25 "Selectmen" shall mean the duly elected Board of Selectmen authorized by the citizens of Sorrento to establish policy and oversee the affairs of the Town.
- 1.26 "Septic Tank" shall mean a structure designed, constructed, and installed in accordance with the Maine State Plumbing Code for the purpose of settling and allowing to decompose a portion of the suspended solids contained in the wastewater stream.

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- 1.27 "Sewage or Wastewater" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- 1.28 "Sewerage" shall mean a pipe or conduit or system of pipes or conduits that carry wastewater and all structures and equipment used to convey, pump or treat wastewater.
- 1.29 "Shall" is mandatory; "May" is permissive.
- 1.30 "Slug" shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, or flows during normal operation and adversely affects the collection system and/or performance of the wastewater treatment works or sewerage system.
- 1.31 "Storm Drain" (sometimes termed "Storm Sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- 1.32 "Subsurface Disposal System" shall mean all components, structures, equipment, materials, and appurtenances installed in accordance with Maine Department of Human Services Regulations for the express purpose of providing soil absorption treatment of wastewater.
- 1.33 "Superintendent" shall mean the person or persons duly authorized by the Board of Selectmen to serve as the Superintendent of public wastewater, collection, treatment and disposal facilities of the Town of Sorrento.
- 1.34 "Suspended Solids" shall mean the total suspended matter that either floats on the surface or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association and referred to as filterable residue.
- 1.35 "Town" shall mean the Town of Sorrento, Maine, and its authorized officials, representatives, and agents.
- 1.36 "Town Manager" shall mean the person appointed by the Board of Selectmen to administer the business affairs and ordinances of the Town of Sorrento, or the Manager's duly authorized representatives.

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- 1.37 "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- 1.38 "Water Course" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 2: Use of Public Sewers Required

- 2.1 It shall be unlawful for any person to place, deposit, or permit to be placed or deposited in any unsanitary manner on public or private property within the Town of Sorrento any human excrement, garbage, sewage, or other objectionable waste.
- 2.2 It shall be unlawful to discharge to any natural outlet within the Town of Sorrento, or any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the requirements of the State of Maine.
- 2.3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- 2.4 No connection to the public sewer shall be required where the Owner's building or other property, as described above, is serviced by an adequately functioning subsurface disposal system which has been installed and is operating in compliance with the requirements of the Maine State Plumbing Code.
- 2.5 No building sewer shall be connected to the public sewer without first providing secondary quality treatment and disinfection of the building's wastewater. Secondary quality, disinfected effluent may be obtained by installing a sand filter system followed by a chlorinator. Other alternative secondary treatment systems may be installed instead of a sand filter system upon receiving prior written approval from the Board of Selectmen. Other alternative disinfection systems may be installed instead of a chlorinator upon receiving prior written approval from the Board of Selectmen.

Section 3: Building Sewers and Connection

- 3.1 No person shall uncover, make any connection with or opening into; use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Manager. Any person proposing a new discharge into the public sewer or a substantial change in volume or character of pollutants being discharged into the system shall notify the Town Manager at least forty-five (45) days prior to the proposed change or connection and shall comply with MRSA Title 38, Chapter 3, Subchapter I, Section 361.
- 3.2 The owner or his agent shall make application for a permit on a special form designated by the Town Manager for this purpose. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Town Manager.
- 3.3 A permit application fee, as established by the Board of Selectmen and indicated on the permit application form, shall be paid to the Town at the time that the application is filed.
- 3.4 All costs and expenses incident to the installation and connection of the building sewer shall be borne by the Owners. The Owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 3.5 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. In this case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 3.6 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance.
- 3.7 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplifications thereof the materials and procedures set forth

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in appropriate specifications of the American Society of Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) manual of Practice No. 9 shall apply.

- 3.8 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 3.9 No person(s) shall make connection of roof downspouts, exterior foundations drains, cellar 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 unless such connection is approved by the Superintendent. Such connections which are approved shall be made beyond the chlorinator structure of an on-site sand filter system. No groundwater or surface runoff shall be discharged into any subsurface disposal system.
- 3.10 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- 3.11 The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representatives.
- 3.12 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

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Section 4: On-Site Sand Filter Systems

- 4.1 An on-site sand filter treatment system, or other equivalent method approved in writing by the Board of Selectmen, shall be used to provide secondary quality processing of all building sewer effluent prior to its discharge into any public sewer.
- 4.2 All sand filter systems shall be preceded by an adequate septic tank which has been sized, designed, constructed, and installed in accordance with all requirements of the Maine Department of Environmental Protection.
- 4.3 All sand filter system designs shall be reviewed and approved by a registered engineer or other qualified professional and evidence of such approval shall be submitted to the Town prior to the installation of the sand filter.
- 4.4 All sand filter designs, materials, and installations shall conform to all applicable sand filter requirements as developed by the Maine Department of Environmental Protection. Prior to construction, the Owner shall submit a gradation analysis of the filter sand to the Town for approval.
- 4.5 All sand filter systems shall be followed by an approved chlorinator, or approved equivalent, disinfection system to provide bacteriological treatment of the sand filter effluent prior to its discharge into the public sewer.
- 4.6 No component of a sand filter treatment system shall be covered or backfilled until the Superintendent inspects the installation and certifies that the system's septic tank, sand filter, chlorinator, and all piping has been installed properly and in accordance with all applicable codes, ordinances, or regulations. The Owner shall notify the Superintendent at least forty-eight hours prior to the time that the Owner desires to have the system inspected.
- 4.7 Once a sand filter disposal system has been approved and installed, no additional wastewater flows may be added to the system without first expanding the original system to accommodate the increased flow. If a building is expanded so as to generate additional wastewater flow, or if additional buildings, mobile homes, or other wastewater producing activities are developed on a property which has an approved disposal system in existing use, then that system shall be expanded to accommodate the increased sewage flow, or a new sand filter system of adequate size shall be installed. All system design modifications shall conform to the Maine State

Plumbing Code and applicable Maine Department of Environmental Protection regulations.

- 4.8 If the use of a building changes after an approved sand filter disposal system has been installed, and such change of usage results in the production of a wastewater whose characteristics and strength vary significantly from that for which the disposal system was designed, the Owner shall make the necessary modifications to the original sand filter disposal system such that it has sufficient capacity to adequately treat the new waste loading. All system design modifications shall conform to the Maine State Plumbing Code and Maine Department of Environmental Protection regulations.
- 4.9 Any detrimental activity which may impair the function of any part of a sand filter disposal system shall not be conducted on the ground surface area above the disposal system. Such prohibited activities include, but are not limited to, erecting buildings or other structures, tree planting, or the parking of vehicles unless the system has been specifically designed to bear vehicular loading.

Section 5: Use of Public Sewers

- 5.1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer or public disposal facility, unless herein provided by this Ordinance.
- 5.2 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Unpolluted industrial cooling water, or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet; and the discharge shall comply with all applicable Federal, State, and local regulations.
- 5.3 No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers or public disposal facilities.
- a. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas which will create a fire or explosion hazard in the wastewater facilities, or which may contaminate groundwater supplies.

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- b. Any waters or pollutants containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to inhibit or interfere with any waste treatment process, or which may constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters or adjacent areas of groundwater.
- c. Any waters or pollutants having a pH lower than 5.0 or higher than 8.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the sewer, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unshredded garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- e. Any waters or pollutants including oxygen demanding pollutants which released in quantities of flow or concentrations or both constitute a "slug" as defined herein.
- f. Wastewater having a temperature higher than one hundred fifty (150°F)(65° Celsius).
- g. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or by-products of mineral oil origin.
- h. Wastewater containing floatable oils, fat, or grease.
- i. Any garbage that has not been properly shredded. Garbage grinders may not be connected to public facilities from hotels, institutions, restaurants, hospitals, catering establishments or similarly placed where garbage originates from the preparation of food.
- j. Any waters or pollutants containing iron, chromium, lead, copper, zinc, and similar objectionable or toxic substances in such quantities or concentrations that any such material received in the composite wastewater at the outfall, or in the composite septage sludge, exceed limits established by the Superintendent for such materials.

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- k. Any waters or pollutants containing odor-producing substances exceeding limits which may be established by the Superintendent.
- l. Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- m. Any water or pollutants which, by interaction with other water or pollutants 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.
- o. Any substance or material which results in a violation of the regulations, now or hereafter existing, of any public entity, including the U.S. Environmental Protection Agency, the Maine Department of Environmental Protection or the Maine Department of Human Services.

5.4 If any waters or pollutants are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Item 3 of this Section, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment, septage sludge quality, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the waters or pollutants, and/or
- b. Require pretreatment to an acceptable condition for discharge to the public sewers, and/or
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added costs of handling and treating the wastes.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of

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the pretreatment or equalization plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, laws, and the municipal NPDES discharge permit. All cost of permitted pretreatment facilities shall be the responsibility of the Owner.

- 5.5 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand, other harmful ingredients. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the Owner(s) 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 Superintendent. Any removal and hauling of the collected materials shall be performed in compliance with all applicable Federal and State Regulations.
- 5.6 Where pretreatment or flow-equalizing facilities are provided or required for any waters or pollutants, they shall be maintained continuously in satisfactory and effective operation by the Owner(s) at their expense.
- 5.7 When required by the Superintendent, the Owner of any property serviced by a building sewer carrying industrial pollutants shall install a suitable structure together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the Owner at their expense, and shall be maintained by them so as to be safe and accessible at all times.
- 5.8 The Superintendent may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include; but are not limited to:
- a. Wastewater discharge peak rate and volume over a specified time period.
 - b. Chemical analysis of wastewaters.
 - c. Information on raw materials, processes, and products affecting wastewater volume and quality.

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- d. Quantity and disposition of specified 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.
- f. Details of wastewater pretreatment facilities.
- g. Details of systems to prevent and control the losses of materials through spills to the municipal sewers.

5.9 All measurements, sampling, and analysis of the characteristics of waters and pollutants to which reference is made in this Ordinance 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. In the event that no special sampling structure has been required, suitable samples shall be taken at the nearest downstream manhole to the point at which the building sewer is connected to the public sewer.

5.10 All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or duly authorized employees of the Town may reasonable require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.

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Section 6: Subsurface Wastewater Disposal

- 6.1 Where a building's lot contains suitable soils and siting criteria even though a public sewer is available, the Owner must connect the building sewer to a private subsurface wastewater disposal system provided that the subsurface system complies to all requirements of this Ordinance and the Maine State Plumbing Code, specifically the Subsurface Wastewater Disposal Rules, Chapter 24.
- 6.2 Before commencement of construction of a private wastewater disposal system, the Owner(s) shall first obtain a written permit signed by the licensed plumbing inspector. The application for such permit shall be made on a form furnished by the Division of Health Engineering, Maine Department of Human Services which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the plumbing inspector. A permit and inspection fee shall be paid to the plumbing inspector at the time the application is filed. The permit application shall include a proposed system design as prepared by a certified site evaluator.
- 6.3 A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the plumbing inspector. The plumbing inspector shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the plumbing inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within seventy-two hours of the receipt of notice by the plumbing inspector.
- 6.4 The type, capacity, location, and layout of a private wastewater disposal system shall comply with the State of Maine Subsurface Wastewater Disposal Regulations and the Minimum Lot Size Law (Maine Revised Statutes Annotated, Title 12 Chapter 423-A.) No private wastewater disposal system shall be permitted to discharge to any natural outlet.
- 6.5 All private treatment systems shall be operated and maintained by the Owner unless otherwise provided by this Ordinance. Sludge removal from private systems may be disposed of at the municipal septage disposal site under the supervision of the Superintendent. Disposal of septage shall require a permit from the Town.
- 6.6 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Town's Health Officer or Building Inspector, or other appropriate official.

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- 6.7 Once a subsurface disposal system has been approved and installed, no additional wastewater flows may be added to the system without first expanding the original system to accommodate the increased flow. If a building is expanded so as to generate additional wastewater flow, or if additional buildings, mobile homes, or other wastewater producing activities are developed on a site which has an approved disposal system in existing use, then that system shall be expanded to accommodate the increased sewage flow, or a new subsurface system of adequate size shall be installed. All system expansion shall conform to the Maine State Plumbing Code.
- 6.8 If the use of a building changes after an approved subsurface disposal system has been installed, and such changes of usage results in the production of a wastewater whose characteristics and strength vary significantly from that for which the disposal system was designed, the Owner shall make the necessary modifications to the original subsurface disposal system such that it has sufficient capacity to adequately treat the new waste loading. All system modifications shall conform to the Maine State Plumbing Code.
- 6.9 Any detrimental activity which may impair the function of any part of a subsurface disposal system shall not be conducted on the ground surface area above the disposal system. Such prohibited activities include, but are not limited to, erecting buildings or other structures, paving, tree planting, or the parking of vehicles unless the system has been specifically designed to bear vehicular loading.

Section 7: Power and Authority of Inspectors

- 7.1 The Superintendent and other duly authorized employees or representatives of the Town bearing proper credentials and identification shall be permitted to enter all properties at reasonable hours for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewer system in accordance with the provisions of this Ordinance. Entry to properties having subsurface disposal systems with no discharge to the public sewer system shall be permitted to allow the Superintendent or other duly authorized Town official to inspect the system to insure that it is functioning properly. Owner shall sign easement forms giving the Town permission to enter private property for said inspection, monitoring and maintenance. Such permission shall be transferred by the Owner to any new Owner if the property's ownership is transferred.
- 7.2 The Superintendent or other duly authorized Town Official shall

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be permitted to obtain information concerning industrial processes, manufacturing materials, and flow streams where the Superintendent feels that the industrial waste discharge may have any adverse effect on the sewerage equipment, septage sludge quality, or receiving water. The industrial waste discharge may have an adverse effect on the sewerage equipment, septage sludge quality, or receiving water. The industrial user may request that the information be kept confidential if it is of a proprietary nature; however, other regulatory agencies such as the Maine Department of Environmental Protection shall be allowed access.

- 7.3 While performing the necessary work on private properties referred to above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises, and the Owner shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the Owner against loss or damage to his property by the Town employees, and against liability claims and demands for personal injury or property damage asserted against the Owner and growing out of the required entry to the property, except such as may be caused by negligence or failure of the Owner to maintain safe conditions.

Section 8: Maintenance of Treatment Systems

- 8.1 Subsurface disposal and sand filter on-site treatment systems constructed by the Town with State funds shall be owned and maintained by the Town. Owners of systems constructed with these State funds shall grant the Town an easement allowing the Town to enter upon the Owner's property to perform routine inspection and maintenance. Such easement shall be transferred by Owner to new Owner upon sale of the property.
- 8.2 The Owners of lots on which systems funded by State grants are built shall bear the cost of routine inspection and maintenance by the payment of annual sewer user fees as provided in this Ordinance.
- 8.3 The Town shall repair and replace all on-site system components that fail during the useful life of the treatment works, generally twenty years, or for whatever additional time period beyond the useful design life as the Selectmen may determine. Costs for such repairs and replacements shall be funded by sewer user fees. However, if upon inspection of a failed or malfunctioning system, the Superintendent determines that the system has been improperly used, damaged, or overloaded by the Owner, then the Town shall make the necessary repairs or replacement of the system and shall bill the full cost of such repair and replacement to the Owner.

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- 8.4 The Town shall develop a periodic schedule of pumping the septic tanks of disposal systems constructed with State funds, generally every three to five years. If upon inspection, the Superintendent determines that the Owner's use of a septic system is causing it to require pumping at a greater interval than specified by the Town's periodic schedule, the Town shall pump out the Owner's tank at a shorter interval. However, the Owner shall bear the entire cost of such additional pumping.
- 8.5 Sand filter systems constructed with State funds shall have their chlorination systems maintained by the Town. Costs of such maintenance shall be funded by sewer user charges as provided by this Ordinance.
- 8.6 Owners of lots containing Town maintained on-site treatment systems shall keep the ground surface area above their systems free of trees, shrubs, debris, structures, vehicles unless the system has been specifically designed to bear vehicular loading, and all other objects, materials, and activities as the Superintendent may determine are detrimental to the proper operation and life of the system. If the Superintendent determines that the Owner is not properly maintaining the ground surface area above the on-site treatment system, then the Town may take whatever corrective maintenance measures as the Superintendent may deem necessary with the full costs of such corrections to be borne by the Owner.
- 8.7 Sand filter treatment systems constructed in the future without Federal or State funds shall be connected to the public sewers by the Owner as provided by this Ordinance. Prior to making a connection to the public sewer, the Owner shall pay a sewer entrance fee as prescribed by the Town. The Town shall maintain these privately constructed sand filter systems according to the same rules and guidelines as this Ordinance provides for systems funded by Federal and State grants. Owners of such privately constructed systems shall be assessed sewer user fees to cover the costs of their maintenance.
- 8.8 Subsurface disposal systems constructed outside the boundaries of State Funding shall be constructed, maintained, and replaced solely at the Owner's expense.

Section 9: Sewer User Fees

- 9.1 The Board of Selectmen shall establish a schedule of sewer user fees to provide capital funds for the construction, maintenance, and replacement of all public sewers, pumping stations, and other sewerage appurtenances; and for the operating, maintenance, and replacement costs for all sewers, and on-site subsurface disposal and sand filter treatment

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systems constructed within the boundaries of this project, said boundaries as indicated on a map to be retained by the Town and as provided by Civil Engineering Services, Inc., dated February, 1989.

- 9.2 The Selectman shall establish the sewer user fee schedule in accordance with all applicable Federal and State rules and regulations.
- 9.3 The sewer user fee schedule shall allocate wastewater treatment costs based upon each Owner's proportionate use of the treatment system. Proportionate flow shall be based on the relative design flows of each sand filter system until such time, if any, that the Town has water meter data available.
- 9.4 Owners of sand filter treatment systems to which sewer user fees are applicable under this Ordinance shall be assessed the costs of public sewer, pumping station, chlorinator and other sewage appurtenance construction, maintenance and replacement as well as the costs for the maintenance and replacement program, as specified in this Ordinance, for their sand filter systems.
- 9.5 Owners of subsurface disposal systems to which sewer user fees are applicable under this Ordinance shall be assessed the costs of maintenance and replacement, as specified in this Ordinance, for their subsurface disposal systems.
- 9.6 The Board of Selectmen shall hold a public hearing to review all initial and revised sewer user fee rate structures at least 30 days prior to implementing said sewer user fees. An annual notice of rates shall be sent to all sewer users. The Town shall use accepted accounting procedures to develop a recordkeeping system documenting sewer user fee revenues and expenditures.

Section 10: Violation and Penalties

- 10.1 Any person found to be violating any provision of this Ordinance shall be served by the Town 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.
- 10.2 Any person who shall continue any violation after being notified of the same, shall be guilty of a misdemeanor, and if convicted thereof shall be fined in an amount not exceeding \$200.00 for each violation. Each day in which any violation occurs and continues shall be deemed a separate offense.

C.E.S. INC.

- 10.3 Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such offense.
- 10.4 Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceedings to prevent, restrain, or abate violations hereof.

Section 11: Validity

- 11.1 All ordinances or parts of existing ordinances in conflict with this Sewer Use Ordinance are hereby repealed.
- 11.2 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 12: Ordinance to Force

12.1 This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

12.2 Passed and adopted by the Board of Selectmen of the Town of Sorrento, State of Maine on the 19th day of July, 2000, by the following vote:

Ayes 3: namely Robert G. [unclear] Robert [unclear] Constance Delan

Nayes 0: namely Constance Delan

Approved this 19th day of July, 2000

(signed) David [unclear] (First Selectmen)

Attest:

(signed) Esther L. Clement (Clerk)