

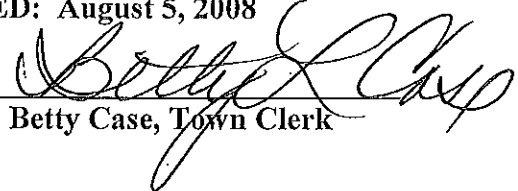
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# LUBEC SEWER ORDINANCE

## Regulation of Sewer Use for the Town Of Lubec

AMENDED: August 5, 2008

Attested:

  
Betty Case, Town Clerk

AMENDED: July 2000

ORIGINALLY PREPARED BY: Wright-Pierce Engineers - June, 1991

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## Regulation of Sewer Use Town Of Lubec, Maine

Rules And Regulations Pertaining To The Use Of Public and Private Sewers and Drains, Private Sewage Disposal, Installation and Connection Of Building Sewers and The Discharge Of Water And Wastes Into The Public Sewer Systems; and Providing Penalties For Violations Thereof:  
Town Of Lubec, Maine.

Be it enacted by vote in Town meeting in the Town of Lubec as follows:

### Section I – Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows:

- 1.1 "ASCE" shall mean American Society of Civil Engineers.
- 1.2 "ASTM" shall mean American Society for Testing and Materials.
- 1.3 "Benefited User" shall mean all owners of real estate, abutting on or accessible to sewers or drains of the Town, whether or not such real estate is improved, and whether or not such real estate is actually connected to the Town's sewer or drain system. Benefited users shall include but not be limited to vacant lots abutting public ways or easements containing sewers, or structures within 200 feet of said public ways or easements,
- 1.4 "Biochemical Oxygen Demand (BOD5)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degree C, expressed in mg/l.
- 1.5 "Board of Selectmen" shall mean the duly elected Board of Selectmen of the Town of Lubec, or their authorized representative.
- 1.6 "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.
- 1.7 "Building Contractor" shall mean any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.
- 1.8 "Building Drain" shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer. The building drain extends (8) feet outside the inner face of the building wall.
- 1.9 "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

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- 1.10 "Cellar Drain" shall mean a drain from a cellar which allows water, including cellar seepage water, to be admitted.
- 1.11 "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- 1.12 "Contractor" shall mean any person, firm, or corporation approved by the Town to do work within the jurisdiction of the Town of Lubec.
- 1.13 "Degrees C" shall mean degrees Celsius.
- 1.14 "Degrees F" shall mean degrees Fahrenheit.
- 1.15 "Developer" shall mean any person, persons, or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.
- 1.16 "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- 1.17 "Engineer" shall mean the Professional Engineer retained by the Town. In the event the Town has not retained an Engineer, the term "Engineer" as used herein will be construed to mean the Board of Selectmen of the Town of Lubec.
- 1.18 "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage. An industry is considered to be a major contributing industry when it: (1) has a flow of 15,000 gallons or more per average work day; (2) has a flow greater than 5% of the estimated total sanitary flow carried by the public sewers; (3) discharges wastes exceeding typical domestic waste strengths of 340 mg/1 BOD5, or 400 mg total suspended solids; (4) has in its wastes a toxic or incompatible pollutant as defined by Federal or State laws or regulations; or (5) has a significant impact, either singly or in combination with other contributing industries, to the public sewers, treatment plant, or on the quality of effluent or sludge from the treatment works.
- 1.19 "Infiltration" shall mean water entering the sewer system from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.
- 1.20 "Into" shall mean water entering the sewer system from such sources as roof leaders, cellar drains, sump pumps, yard drains, foundation drains, manhole covers, cross connections from storm sewers and combined sewers, catch basins, surface runoff and other drainage,
- 1.21 "Kg" shall mean kilograms.
- 1.22 "l" shall mean liters.

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1.23 "Living Unit" means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

1.24 "Maine DEP" shall mean Maine Department of Environmental Protection.

1.25 "mg" shall mean milligrams.

1.26 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

1.27 "Owner" shall mean any individual, firm, company, association, society, person, municipal or quasi-municipal agency, state agency, federal agency, or other legal entity having title to real estate or to whom taxes are assessed.

1.28 "Person" shall mean any individual, firm, company, association, society, corporation, group, trust, municipality, or governmental authority.

1.29 "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.

1.30 "Plumbing Inspector" shall mean an individual as appointed by the Board of Selectmen who is responsible to perform duties as outlined in Title 30, Section 3222 of the Maine Revised Statutes.

1.31 "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.

1.32 "Properly Shredded Garbage" shall mean the wastes from the handling, preparation, cooking, and dispensing 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 in any dimension.

1.33 "Property Line" shall mean the established right-of-way limits of any public or private road or street or the c ion ownership dividing line between two abutting properties, if the building sewer is to connect with the public sewer in a public street. "Property Line" shall mean the edge of a sewer easement in those instances where the building sewer connects to the public sewer in an easement.

1.34 "Public Sewer" shall mean a sanitary sewer owned, operated, and maintained by the Town.

1.35 "Real Estate" shall be as defined in the Revised Statutes of 1964, Title 36, and Section 551.

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- 1.36 "Receiving Waters" shall mean any water course, river, pond, ditch, lake, aquifer or other body of water receiving discharge of wastewater.
- 1.37 "Town" shall mean the Town of Lubec acting through its Selectmen or duly authorized representative.
- 1.38 "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
- 1.39 "Seasonal Residences" shall mean residences which are inhabited for less than 3 months per year.
- 1.40 "Seepage" shall mean waste, refuse, effluent, sludge, and any other materials from septic tanks, or any other similar facilities.
- 1.41 "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- 1.42 "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- 1.43 "Shall" is mandatory. "May" is permissive.
- 1.44 "Slug" shall mean any discharge of water sewage or industrial waste 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 flow during normal operation.
- 1.45 "Storm Sewer" shall mean a sewer for conveying water groundwater, surface water, or unpolluted water from any source.
- 1.46 "Superintendent" shall mean the individual retained or designated by the Town of Lubec to supervise and oversee the operation and maintenance of the wastewater collection and treatment facilities, or his authorized deputy, agent or representative.
- 1.47 "Suspended Solids" (SS) shall mean total suspended matter that either floats on the surface of, or is in suspension in, wastewater or other liquids, and that is removable by laboratory filtering and referred to as non-filterable residue.
- 1.48 "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- 1.49 "User" shall mean an owner of real estate which is connected to the Town's sewer or drain systems.

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1.50 "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present. Also termed "sewage".

1.51 "Water Course" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

1.52 "W.P.C.F" shall mean Water Pollution Control Federation.

## **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 Lubec or in any area under the jurisdiction of said Town any human or animal excrement, garbage, or other objectionable waste.

2.2 It shall be unlawful to discharge to any natural outlet within the Town of Lubec, or in 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 The Owner(s) of all buildings, or other properties which can be used for human occupancy, employment, recreation, or other purposes, abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town of Lubec, is hereby required, at the expense of the Owner(s), to connect such facilities directly with the proper public sewer in accordance with the provisions of these Rules and Regulations, provided that the edge of public way or easement of said public sewer is within 200 feet of the structure to be served, except as noted in Article 2.5. The required pipe and appurtenances for such connection shall be installed by Owner, (but shall not be connected) within 60 days after the date of official notice from the Town to do so. Connection of such pipe and appurtenances shall be made by Owner within 60 days after the date of official notice from the Town to do so.

2-5 The only exception to Article 2.4 shall be for those owners who have an existing and properly functioning private wastewater disposal system (as defined in Section 3 of these Rules and Regulations) at the time the public sanitary sewer is installed. At such time as the private wastewater disposal system fails to function properly, the owner shall be required, at the expense of the owner, to connect such facilities directly to the proper public sewer in accordance with the provisions of these rules and regulation, within 60 days after the date of official notice to do so.

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2.6 Nothing in these Rules and Regulations shall require the Owner of any building to acquire any real property or easement therein, for the sole purpose of connecting to the sewer. If an easement is required for the Owner of any building to connect to the sewer, said easement may be obtained by the Town, at its discretion.

### **Section 3 Private Wastewater Disposal**

3.1 Where a public sanitary sewer is not available under the provisions of Section 2, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article and the "State of Maine Subsurface Wastewater Disposal Rules, Chapter 241".

3.2 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, and shall include other information as is deemed necessary by the plumbing inspector. A permit and inspection fee, as specified in the Plumbing Rules, shall be paid to the plumbing inspector at the time the application is filed. A copy of the permit shall be filed with the Town of Lubec by the plumbing inspector.

3.3 The type, capacities, location, and layout of a private wastewater disposal system shall comply with the "State of Maine Subsurface Wastewater Disposal Rules, Chapter 241" 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 without a DEP Wastewater Discharge License.

3.4 At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in article 2.4, a direct connection from the building sewer to the public sewer shall be made within 60 days except as provided for in Article 2.5.

3.5 No person shall dispose of septage on land within the jurisdiction of the Town of Lubec, or cause septage to be so disposed, except for at sites designated by the Town and approved by the governing state agency.

3.6 Septage shall be taken to the septage disposal sites by appointment only. Only pumpers licensed by the Maine DEP will be allowed to dump at the disposal sites.

#### **3.7 Holding Tank**

1. Purpose. To establish procedures for the use and maintenance of holding tanks designed to receive and retain wastewater from residential or commercial uses. It is hereby declared that the enactment of this section is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this municipality.

2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

"Authority" shall mean Selectmen of Town of Lubec, Maine.

Holding tank: A closed, watertight structure designed and used to receive and store wastewater or septic tank effluent. A holding tank does not discharge wastewater or septic tank effluent to surface or groundwater or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of wastewater at another site.

"Improved property" shall mean any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure wastewater shall or may be discharged.

"Municipality" shall mean Town of Lubec.

"Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

"Person" shall mean any individual, partnership, company, association, corporation, or other group or entity.

"Wastewater" shall mean any domestic wastewater, or other wastewater from commercial, industrial, or residential sources which has constituents similar to that of domestic wastewater. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

3. Rights and privileges granted. The Authority is hereby authorized and empowered to undertake, within the municipality, the control of and methods of disposal of holding tank wastewater and the collection and transportation thereof.

4. Rules and regulations to be in conformity with applicable law. All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Town of Lubec, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks cannot be used for seasonal conversion or new construction within the shoreland zone of a major water course.

5. Rates and charges. The Authority shall have the right and power to fix, alter, charge, and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

6. Exclusiveness of rights and privileges. The collection and transportation of all wastewater from any improved property utilizing a holding tank shall be done solely by, or under the direction and control of, the Authority, and the disposal thereof shall be made at such site or sites as may be approved by the Maine Department of Environmental Protection.

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7. Duties of owner of improved property. The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any other Ordinance of the Town of Lubec, the provisions of any applicable law, the rules and regulations of the Authority, and any administrative agency of the State of Maine; and
- B. Permit only the Authority, or its agent, to collect, transport, and dispose of the contents therein.

8. Violations. Any person who violates any provisions of Section 7 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred and not more than Three Hundred dollars, plus costs.

9. Abatement of nuisances. In addition to any other remedies provided in this ordinance, any violation of Section 7 above shall constitute a nuisance and shall be abated by the municipality or Authority by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

10. Alternative disposal. An alternative means of wastewater disposal shall meet first time system criteria. Replacement system criteria shall not be considered.

11. Repeal. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

12. Severability. If any sentence, clause, Section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

#### **Section 4 Building Sewers, Connections, and Fees**

4.1 No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written approval from the Town. Any person proposing a new discharge into the system, or a substantial change in the volume or character of pollutants that are being discharged into the system, shall notify the Town at least forty-five (45) days prior to the proposed change or connection, and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, §361.

4.2 All costs and expenses incidental to the installation and connection of the building sewer, from the building to the public sewer, shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4.3 A separate and independent building sewer shall be provided for every residential building and appurtenant structures.

4.4 Existing building sewers may be used only when they are found, by the Town, to meet all requirements of these rules and regulations. When existing buildings, which are connected to the public sewer, are abandoned or destroyed, the building sewer shall be capped at the edge of public way or easement containing the public sewer in the presence of a representative of the Town.

4.5 The building sewer shall be service weight cast iron soil pipe and fittings; cast iron NO-HUB, bitumastic coated; PVC sewer pipe meeting the requirements of ASTM D 3034 SDR 35; or other material approved by the Town.

4.6 The size and slope of the building sewer shall be subject to the approval of the Town, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-eighth (1/8) inch per foot,

4.7 Whenever possible, the building sewer shall be brought to the building at an elevation sufficient to afford protection from frost, but in no event shall be less than three (3) feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

4.8 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer at the expense of the building Owner.

4.9 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains or other sources of surface runoff or ground water 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 Town for purposes of disposal of polluted drainage water.

4.10 All joints and connections shall be made gaslight and watertight. Joints for cast iron hub and spigot pipe shall be lead; joints for NO-HUB pipe shall be made with a neoprene gasket and a stainless steel clamp and shield assembly; joints for PVC pipe shall be "O-ring" type. No mortar joints will be allowed.

4.11 The connection of the building sewer into an existing public sewer shall be made by the Owner at the Owner's expense. The cost of maintenance of the building sewer from the building drain to the edge of public way or easement containing a main sewer will be by the building Owner.

4.12 The connection of the building sewer into the public sewer shall conform to the requirements of Section 6 of these Rules and Regulations, and the procedures set forth in W.P.C.F. Manual of Practice No.9. All such connections shall be made gaslight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.

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4.13 The Residential or Commercial Building Sewer Application is found in Appendix I and the Industrial Sewer Connection Application in Appendix II of these regulations. The applicant for the building sewer approval shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Town Plumbing Inspector.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Town before the trenches are filled; and the person performing such work shall notify the Town when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject person to whom the approval is issued to a penalty of \$50.00 per day for each offense, and the person performing the work shall open the trench for inspection by the Town at no cost to the Town.

4.14 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 of Lubec or the Maine Department of Transportation,

4.15 The Town will consider any special situation. The Owner shall request a review of any special situations with support material as may be requested by the Town, in writing, to the Town, The Town's approval or disapproval shall be in writing.

### **Section 5 Use of the Public Sewers**

5.1 No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, contaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

5.2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a watercourse approved by the Town or governing agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Town and applicable federal and state regulatory agencies, to a storm sewer or natural outlet, and the discharge shall comply with MRSA, Title 38, Chapter 3, §413.

5.3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas which will cause a fire or explosive hazard in the wastewater facilities.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant. Toxic pollutants shall include, but not be limited to, pollutants identified pursuant to Section 307(a) of the Clean Water Act.

(c) Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders, except home garbage disposal units are acceptable.

5.4 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Town that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150°F (65°C), or which in combination with other wastes entering the plant will result in an influent temperature exceeding 104°F (40°C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0 and 65°C).

(c) Any garbage that has not been properly shredded.

(d) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances in such quantities or concentrations that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Town for such materials.

(f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations as to exceed limits which may be established by the Town so that after treatment of the composite sewage, the discharge meets the requirements of the State, Federal, or other public agencies of jurisdiction.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or Federal

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regulations.

- (h) Any waters or wastes having a pH lower than 6.0 or higher than 8.5.
- (i) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids such as, but not limited to, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
  - (2) Excessive discoloration such as, but not limited to, dye wastes, and vegetable tanning solutions.
  - (3) Unusual BODS, chemical oxygen demand, or other requirements in such quantities to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
  - (5) Waters or wastes containing substances, which are not amenable to treatment or reduction by the sewage treatment processes, employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent, residue, or sludges, cannot meet the requirements of other agencies.

5.5 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 Articles 5.3 and 5.4 of this Section, and which, in the judgment of the Town, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or,
- (c) Require payment to cover the added costs of handling and treating the wastes, provided that the discharge of such wastes does not exceed any requirements of Federal and/or State laws.

When considering the above alternatives, the Town shall give consideration to the economic impact of each alternative on the discharger. If the Town 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 Town subject to the requirements of all applicable codes, ordinances, laws, and discharge permit.

5.6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living units. All interceptors shall be of a type and capacity as outlined in the "State of Maine Internal Plumbing Rules, Chapter 238" and approved by the Town, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall be installed in the waste lines leading from sinks, drains and other fixtures of equipment in the following establishments; restaurants, school kitchens, hotels, motels, hospitals, nursing homes, bars and clubs or other establishments where grease may be introduced into the sewer system in quantities that can effect line stoppage or hinder sewage treatment. Sand interceptors shall be installed in the waste lines of car washes or other establishments where sand and grit may be introduced into the sewer system. In the maintenance 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 Town, Any removal and hauling of the collected materials not performed by the Owner's personnel must be performed by licensed waste disposal firms.

5.7 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

5.8 The Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible to the Town at all times.

(a) All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the Town. The Town shall make such records available upon request to other agencies having jurisdiction over discharges to the receiving waters.

5.9 The Town may require a user of sewer services to provide information needed to determine compliance with these rules and regulations. These requirements may include:

- (a) Average and peak rate of wastewater discharge and volume over a specified time period.
- (b) Chemical analyses of wastewaters,
- (c) Information on raw materials, processes, and products affecting wastewater 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 the user's property showing sewer and pretreatment facility locations.
- (f) Details of wastewater pretreatment facilities.
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

5.10 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these rules and regulations 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, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The Owner at his expense, as directed by the Town shall undertake sampling and testing.

5.11 No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, as detailed in Section 10, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal or State laws and/or regulations promulgated thereunder, and are compatible with any User Charge in effect.

## Section 6 Sewer Extensions

6.1 All extensions to the sanitary sewer system shall be properly designed in accordance with ASCE Manuals and Report on Engineering Practice - No. 37 (W.P.C.F. Manual of Practice No. 9). Sewer extensions must be approved by the Maine DEP prior to construction. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Town before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

6.2 Sewer extensions, including individual building sewers the sewer to the property line may be constructed by the Town under public contract. Property Owners may propose sewer extensions within the Town boundaries by drafting a written petition, signed by a majority of the benefiting Property Owners, and filing it with the Town. The Board of Selectmen may also propose sewer extensions. All sewer extensions shall be voted on at Town meeting. The cost of constructing sewer extensions shall be assessed in the following manner:

- (a) Request for sewer extensions will be handled on an individual basis until such

time as the Town adopts a specific extension policy. In any case, the objective in reviewing an extension request will be that the extension is basically self-supporting unless portions of the investment are logically applicable to future demands of the service area over and above those of the applicant.

(b) Property Owners shall pay the cost of the building sewer as per Section 4.

6.3 If the Town does not elect to construct a sewer extension under public contract, the Property Owner, Building Contractor, or Developer may construct the necessary sewer extension, if such extension is approved by the Town and designed and constructed in accordance with ASCE manuals and report on Engineering Practice - No. 37 (W.P.C.F. manual of practice No. 9). The Owner, Contractor, or Developer must pay for the entire installation, including all expenses incidental thereto. The installation of the sewer extension shall be subject to periodic inspection by the Engineer, and the expenses for this inspection shall be paid for by the Owner, Building Contractor, or Developer. The Engineer's decisions shall be final in matters of quality and methods of construction. Building sewers shall be installed and inspected in accordance with Section 4.

6.4 After the completion of all sewers, and before final acceptance, record drawings shall be furnished to the Town consisting of a set of reproducible.

6.5 All work shall comply with all Federal, State, and local laws, ordinances and regulations.

6.6 All sewer extensions constructed at the Property owner's, Building Contractor's, or Developer's expense, after final approval and acceptance by the Engineer, shall become the property of the Town and shall thereafter be maintained by the Town. The Owner, Contractor, or Developer shall guarantee said sewers, against defects in materials or workmanship for twelve (12) months from the date of their acceptance by the Town. The guarantee shall be in a form provided for by the Town. At the sole discretion of the Town, a maintenance bond or certified check may be demanded as part of the guarantee.

### **Section 7 - Protection from Damage**

7.1 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 Town sewerage works. Any person violating this provision shall be subject to immediate arrest under charges of criminal mischief as set forth in MRSA, Title 17-A, Chapter 33, Section 806.

7.2 A Contractor must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers or sewer extensions.

### **Section 8 - Powers and Authority of Inspectors**

8.1 The Board of Selectmen, the Engineer, Town Representatives and other duly authorized

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employees of the Town bearing proper credentials and identification shall be permitted to enter upon a" properties upon reasonable notification for the purpose of inspection, observation, measurements sampling and testing, in accordance with the provisions of these Rules and Regulations.

### **Section 9 - Penalties**

9.1 Any person found to be violating any provision of these Rules and the Town shall serve regulations with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and notify the Town of corrective measures taken and when completed.

9.2 Any person who fails to comply with the provisions of these Rules and Regulations other than those provisions pertaining to the payment of charges for services established herein, shall, upon conviction, be subject to a fine not less than one hundred dollars (\$100.00) and not exceeding one thousand dollars (\$1000.00) for each offense. The continued violation of any provision of any section of these Rules and Regulations, other than those pertaining to the payment of charges or services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated these Rules and Regulations.

9.3 Any person violating any of the provisions of these Rules and Regulations shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

9.4 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.

9.5 Violations under these Rules and Regulations shall be construed as Civil Violations consistent with Title 17 MRSA Sections 3 and 4.

### **Section 10 - Sewer Service Charges**

10.1 The source of all of the revenues for retiring debt services and capital expenditures shall be assigned to the taxpayers of Lubec until such time as the Maine Municipal Bond is paid in full, and the entire cost of operating and maintenance of the public sewerage works shall be a Sewer Service Charge assigned to the users and benefited users of the sewerage system. In the case of a connected building not having water service, accounts with "land only" and accounts with a working private septic system and having no discharge during a given billing period, will be assigned a minimum Sewer Service charge.

10.2 The Sewer Service Charge shall include a User Charge, as required in the federal regulations and as approved by the Maine DEP.

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10.3 Sewer service charge rates shall be determined by the Town on a yearly basis and shall be billed quarterly. The Town shall notify the users yearly of the sewer service rates. The Town shall also establish a utility accounting system including accounts for debt retirement, reserve accounts, and operation and maintenance costs. The operation and maintenance costs shall be categorized by labor, power and utilities, administration and material costs.

10.4 The Town reserves the right, from time to time, to change sewer service charges originally or previously assigned to any Property Owner.

10.5 There shall be a late charge equal to the maximum rate allowed by State Law assessed to all delinquent accounts effective thirty (30) days from date of billing. The Town shall establish the rate annually,

10.6 There shall be a lien to secure the payment of sewer charges legally assessed on real estate served by the Town, which shall take precedence of all other claims on such real estate, excepting those claims for taxes. The Board of Selectmen shall have the authority and power to sue for and collect the sewer charges.

### **Section 11 - Validity**

11.1 All Rules and Regulations or parts of Rules and Regulations in conflict herewith are hereby repealed.

11.2 The invalidity of any section, clause, sentence, or provision of these Rules and Regulations shall not affect the validity of any other part thereof which can be given effect without such invalid part or parts.

### **Section 12 - Rules and Regulations in Force**

12.1 These rules and regulations shall be in full force and effect from and after its passage, approval, recording, and publications as provided by law.

12.2 Passed and adopted by the Town of Lubec on the 14<sup>th</sup> of August 2000

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**Appendix I**  
**Residential or Commercial Building Sewer Application**

To the Town of Lubec:

The undersigned, being the \_\_\_\_\_ of the property located  
(Owner, Owner's Agent)  
at \_\_\_\_\_, does hereby request a permit to install and  
(number) (street)  
connect a building sewer to serve the \_\_\_\_\_ at said  
(residence, commercial building, etc.)  
location.

1. The following indicated fixtures will be connected to the proposed building sewer:

No. _____	Fixture Kitchen sinks	No. _____	Fixture Water closets	No. _____	Fixture Urinals
No. _____	Fixture Lavatories	No. _____	Fixture Bath tubs	No. _____	Fixture Garbage Grinders
No. _____	Fixture Laundry Tubs	No. _____	Fixture Showers	No. _____	Fixture Washing Machine
No. _____	Fixture Dishwasher				

Specify other fixture \_\_\_\_\_

2. The name and address of person or firm who will perform the proposed work is \_\_\_\_\_
3. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by all provisions of the Regulations of Sewer Use for the Town of Lubec, and of all other pertinent ordinances or regulations that may be adopted in the future.
2. To maintain the building sewer at no expense to the Town of Lubec.
3. To notify the Town when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.
4. To obtain a Maine Dept, of Transportation road opening permit prior to excavating in State roadway limits, and to abide by all requirements of said permit.
5. To cooperate at all times with the Town of Lubec - and its representatives and to allow the Town or its representative to inspect the internal plumbing within the building at any reasonable time.

Owner \_\_\_\_\_ Date \_\_\_\_\_

Owner's Address \_\_\_\_\_

Applicant (if not owner) \_\_\_\_\_ Date \_\_\_\_\_

Applicant's Address \_\_\_\_\_

\$10 inspection fee paid: \_\_\_\_\_

Application approved and permit issued: Date \_\_\_\_\_

Signed \_\_\_\_\_ Plumbing Inspector

Appendix II

Industrial Sewer Connection Application

To the Town of Lubec:

The undersigned, being the \_\_\_\_\_ of the  
(Owner, Lessee, Tenant, etc.)

property located at \_\_\_\_\_

does hereby request a permit to \_\_\_\_\_ an Industrial sewer  
(install, use)

connection serving the \_\_\_\_\_ at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit are attached hereunto as Exhibit "B".
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit "C".

The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_. In consideration of the granting of this permit, the undersigned agrees:

1. To furnish any additional information relating to the installation of use of the industrial sewer for which this permit is sought as may be requested by the Town of Lubec.
2. To accept and abide by all provisions of the Regulations of Sewer Use for the Town of Lubec and of all other pertinent ordinances or regulations that may be adopted in the future.
3. To operate and maintain any waste pretreatment facility as may be required as a condition of the acceptance into the public sewer of the industrial waste involved, and/or required by any State or Federal pretreatment permit, in an efficient manner at all times, and at no expense to the Town of Lubec.

Date \_\_\_\_\_ Signed \_\_\_\_\_ Fee Paid \_\_\_\_\_

(Applicant)

\_\_\_\_\_  
(Address of Applicant)

Application approved and permit issued: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
(Town Plumbing Inspector)

