

SEWER USE ORDINANCE

TOWN OF NORWAY, MAINE

Date Adopted: 3/7/1977

Date Amended: 9/19/1996

Purpose:

The intent of this ordinance is to meet E.P.A.'s requirements that Sanitary Districts and municipalities which construct and operate wastewater treatment plants adopt a Sewer Use Ordinance. This particular model provides for the (1) connections to public sewer lines; (2) sewer line extensions; (3) prohibition of the discharge of hazardous and toxic materials into the public sewers; and, (4) requirements for pretreatment of particular kinds of waste.

Enactment:

A Sewer Use Ordinance may be enacted as a separate town ordinance. This authority is granted to communities under Article VIII – A of the Maine Constitution and Title 30, M.R.S.A., Section 1917. A Sewer Use Ordinance may also be enacted pursuant to Title 38, M.R.S.A., Chapter 11, Maine Sanitary District Enabling Act by any approved Sanitary District. This Ordinance was written specifically for municipalities to adopt when they are responsible for construction of and operation of sewerage systems.

However, Sanitary Districts when adopting this ordinance must reference the District Trustees rather than the Town and Selectmen. Section II must reference the Maine Sanitary District Enabling Act, Title 38, M.R.S.A. § 1061 et. seq. Section III should define a Sanitary District according to the same statute or other method in which the district was formed. Before a Sanitary District adapts this ordinance to meet its needs they should consult A.V.R.P.C. 208 water quality staff for assistance. Anyone wishing to see the legal comments provided by Attorney Clifford Goodall on this Ordinance may do so by contacting A.V.R.P.C. and requesting a copy of his letter dated January 25, 1977.

Town of Norway

SEWER USE ORDINANCE

Section 1. Purpose

The intent of this ordinance is to meet (1) E.P.A.'s requirements that municipalities constructing and operating wastewater treatment plants adopt a Sewer Use Ordinance, and (2) to promote the health and welfare of the citizens of the town of Norway, and the region by regulating (a) connections to public or private sewer lines; (b) extensions of public or private sewer lines; (c) prohibition of the discharge of hazardous and/or toxic substances into public or private sewers; and, (4) requirements for pretreatment of incompatible wastes being discharged into sewers.

Section 2. Authority and Applicability

A. Authority: This ordinance is adopted pursuant to Title 30, M.R.S.A., Section 1917.

B. Applicability: Hereinafter any person owning any building or structure within the town of Norway which is the source of wastewater or who proposes to erect such building or structure shall conform to the requirements of this ordinance, the State of Maine Plumbing Code, and Department of Environmental Protection Regulations.

Section 3. Definitions

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

A. "Town" shall mean the Town of Norway, Maine.

B. "Selectmen" shall mean the duly elected Board of Selectmen, or their authorized representative(s).

C. "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 mean the Superintendent.

D. "Superintendent" shall mean the Superintendent of the Sewerage Department of the Town or his authorized representative.

E. "Plumbing Inspector" shall be the duly appointed "Plumbing Inspector" of the town as provided by Title 22, M.R.S.A.

F. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

G. "Owner" shall mean any individual, firm, company, association, society, corporation, or

group having title to real property.

H. “Developer” shall mean any person, persons, or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

I. “Builder” shall mean any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.

J. “Contractor” shall mean any person, firm, or corporation approved by the Selectmen to do work in the Town.

K. “Sewerage System” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

L. “Sewer” shall mean a pipe or conduit for carrying wastewater or storm water.

M. “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating wastewater.

N. “Storm Sewer” or storm drain shall mean a sewer used for conveying storm water, surface water, or drainage, exclusive of sanitary sewage and industrial waste.

O. “Sanitary Sewer” shall mean a sewer which carries wastewater and to which storm water and surface water are not intentionally admitted.

P. “Combined Sewer” shall mean a sewer receiving and transmitting both wastewater and storm water.

Q. “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled by a public authority.

R. “Wastewater” shall mean any combination of water carried wastes from institutional, commercial and industrial establishments, and residences together with any storm, surface or ground water as may be present.

S. “Storm Water” shall include surface run-off due to storm events and unpolluted groundwater including that collected by cellar drains.

T. “Sanitary Waste” shall mean those water carried wastes normally discharged from a family residence. It shall include organic matter in suspension or solution as well as wash water.

U. “Industrial Wastes” are liquid wastes resulting from the processes employed in industrial manufacturing, trade or business establishments.

V. “Garbage” shall mean solid wastes from the preparation, cooking, dispensing, storage or sale of food.

W. “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely

under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

X. "Building Drain" shall be as defined by the State of Maine Plumbing Code.

(entry is interrupted here, and continues in book at an incomplete paragraph that is partway through **Section 4.**)

...abutting on any street, or right-of-way in which there is located as public sanitary or combined sewer within 200 feet of said property as required by the State Plumbing Code.

D. When public sewer is available, 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, except as hereinafter provided.

E. When a public sewer is or becomes available, the owner(s) is (are) hereby required within 90 days to install suitable toilet facilities therein, and to connect such facilities directly with the public sanitary or combined sewer in accordance with the provisions of this ordinance and the State Plumbing Code.

F. As connections are made to available sewers, any abandoned septic tanks, cesspools, or holding tanks shall be filled in or removed and the land graded to conform with the surrounding area.

Section 5. Private Wastewater Disposal

A. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the State Plumbing Code.

B. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times.

C. No statement in this section shall interfere with additional requirements of other local ordinances, D.E.P. or the Department of Human Services.

Section 6. Building Sewers and Connections

A. 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 permit from the municipal office.

B. Permits shall be obtained by the owner or his agent upon application to the municipal office on the appropriate municipal form and upon approval of this application by the Superintendent. A permit fee of \$25.00 shall be paid at the time of application.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner(s). 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.

D. 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, courtyard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. The Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection. Proof of a recorded easement giving the right to cross the front property shall be furnished to the superintendent.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and/or test by the Town, to meet all requirements of these applicable rules and regulations. All costs of such tests shall be borne by the owner(s).

F. The Town shall be responsible for the maintenance and replacement of the Public Sewers. The owner(s) shall be responsible for the Maintenance and replacement of the Building Sewer.

G. Materials and Workmanship

1. Pipe and fittings to be used in constructing building sewers shall be either class 3300 asbestos-cement, extra-heavy cast-iron soil pipe, extra-heavy vitrified clay, schedule 40 PVC (Poly Vinyl Chloride) or greater, as required by the Superintendent.

2. Building sewers will not be allowed to have more than two (2) angle points, or a total angular deviation of 180 degrees. Cleanouts shall be installed at each deflection and/or every one hundred (100) feet in length.

3. All building sewers shall be a minimum of 6 inch diameter and shall be laid to a minimum slope of 1/4 inch per foot unless otherwise approved by the Town.

4. Open trenches shall be excavated from the end of the existing sewer service to its point of connection to the building drain.

5. Line and grade of building sewers shall be controlled by the use of a transit.

6. Building sewers shall be laid in an envelope of washed screened gravel with not less than 6 inches of said material all around the barrel of the pipe. Maximum stone size shall be 3/4 inch. No backfill shall be placed until the work has been inspected and approved by the Superintendent (plumbing inspector).

7. 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 may be lifted by means approved by the Superintendent and discharged to the building sewer.

H. No person(s) shall make connection of roof downspouts, foundation drains, or other surface runoff or groundwater drains to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary or combined sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted drainage.

Section 7. Sewer Extensions

A. Sewer extensions, and individual building sewers from the sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Selectmen, the number of properties to be served by such extension warrants its cost. The property owner shall pay for and install the building sewer from the property line to residence or place of business in accordance with the requirements of Section 6.

B. Property Owners may propose sewer extensions within the Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Selectmen. The costs of such extensions may be assessed to the benefiting property owners in any manner determined by the Selectmen.

C. If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the sewer extension, if such extension is approved by the Selectmen. Said person must pay of the entire installation, including all expenses incidental thereto, including inspection. Building sewers must be installed and inspected as previously required and the Road Opening Permit Fee shall be paid. Design of sewers shall be as specified in Section 7D. The installation of the sewer extension is subject to periodic inspection by the Superintendent. The Superintendent's decision shall be final in matters of quality and methods of construction.

D. Sewer design shall be in accordance with accepted engineering practice including the following provisions:

1. Pipe material shall be asbestos cement class 2400 (ASTM Specification c-428 type 2) or more restrictive as required by the Superintendent.
2. Minimum inside pipe diameter shall be 8 inches. Diameter and slope shall be designed to give scouring velocities of 2 feet per second at peak flow.
3. Pipe joints shall employ "O" ring gaskets of the "snap-on" type. Gaskets shall be continuous, solid natural or synthetic rubber material and shall provide a positive compression seal in the assembled joint such that the requirements of Section 7E are met. Joint preparation and assembly shall conform to the manufacturer's specifications.
4. Pipe shall be firmly and evenly bedded on a minimum of 6 inches of granular material with stone size not exceeding 1 inch. Pipe thickness and field strength shall be calculated on the following criteria:

Safety Factor	1.9
Load Factor	1.7
Weight of Soil	120 lbs./cu. ft.
Wheel Loading	16,000 lbs.

5. Trench widths, as measured at the crown of the pipe, shall not exceed $\frac{4}{3}$ of the outside diameter (o.d.) plus 1 $\frac{1}{2}$ feet ($\frac{4}{3}$ o.d. + 1 $\frac{1}{2}$ ft.). Pipe laid in trenches wider

than this shall be encased with a minimum of 6 inches of concrete on all sides.

6. Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 300 linear feet. The manholes shall be constructed with precast 4-foot diameter concrete manhole barrel sections with eccentric tapered top sections, as specified by ASTM C-478. The manhole frame and cover shall be the standard design of the Town and shall be set with no less than two courses of brick underneath to allow for later adjustment in elevation. All joints shall be sealed against infiltration. Manholes shall be constructed with forged aluminum safety type steps cast into the walls of the pre-cast sections.

7. All sewers shall be approved by the Superintendent prior to acceptance by the Town. All sewers shall be accepted by the Town prior to use.

1. Leakage in gravity sewers shall not exceed 100 gallons per inch of diameter per day per mile when tested by internal pressure, or external pressure techniques or by infiltration in the case of high groundwater. Testing methods shall be as required by the Superintendent.
2. Test lengths shall be as determined by the Superintendent but shall not exceed 1,000 feet.
3. Leakage for standard manholes shall not exceed 4.5 gallons per 24 hour period.
4. Costs of leakage testing shall be the responsibility of the builder, developer, or owner. Sewers not meeting leakage requirements shall be corrected and retested at the builder, developer or owner's expense.

F. Sewer extensions constructed at the builder's, developer's or owner's expense on accepted Town Roads or Town acquired easements after final approval by the Superintendent and acceptance by the town shall become the property of the Town and shall thereafter be maintained by the Town. Said sewers shall be guaranteed against defects in materials and workmanship for 12 months. At the discretion of the Town, a completion bond or certificate check may be demanded as part of the guarantee.

Section 8. Use of Public Sewers

A. No person(s) shall intentionally discharge or cause to be discharged to sewers any uncontaminated industrial cooling water, or any storm water including surface water, groundwater, roof runoff, cellar drainage, and subsurface drainage.

B. Storm water shall be discharged to storm drains, to a natural outlet, or by other methods approved by the Town and D.E.P. As required. Unpolluted industrial cooling water may be discharged, on approval of the Town and D.E.P., to a natural outlet.

C. No person(s) shall discharge or cause to be discharged any of the following described waters or waste to any public sewers:

1. Any gasoline benzine, naphtha, fuel-oil or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic, poisonous, or noxious solids, liquids or gases in sufficient quantity, either by itself or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters to the wastewater treatment facility. Substances include but are not limited to, cyanides, heavy metals, strong acids and basic wastes.
3. Any waters or wastes having a pH lower than 6.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to any part of the sewerage system or personnel.
4. Solid or viscous substances capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage system such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, improperly ground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper, etc., either whole or ground by garbage grinders.
5. Any liquid or vapor having a temperature higher than one hundred forty (140) °F or sixty (60) °C.
6. Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of fifty (50) mg/l or containing substances which may solidify or become viscous at temperatures above thirty-two (32) °F, or zero (0) °C.
7. Any garbage that has not been properly shredded.
8. Any waters or wastes containing heavy metals such as iron, chromium, copper, zinc, arsenic, cadmium, cyanide, lead, mercury, nickel, and silver; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the sewage treatment plant exceeds the limits established by the Town or Federal effluent limitations for such material as promulgated under Public Law 92-500, Section 307 (a).
9. Any waters or wastes containing phenols, other taste or odor producing substances or toxic substances in such concentrations that after treatment of the composite wastewater, the effluent fails to meet the requirements of the D.E.P. and Federal government.
10. Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by State and Federal regulations.
11. Water or wastes which:
 - (a) Cause excessive discoloration of the effluent.
 - (b) Exert greater than 100 milligrams per liter chemical oxygen demand.

- (c) Cause fluctuations in waste volume so as to interfere with proper operation of the treatment facility.
- (d) Have a BOD concentration of greater than 350 milligrams per liter.
- (e) Have a Suspended Solids concentration of greater than 400 milligrams per liter.
- (f) Are not amendable to treatment by the sewage treatment plant.

D. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which do not meet the requirement of this section or which in the judgment of the Town causes a hazard to Town property or citizens or otherwise results in a nuisance condition, the Town may:

1. Refuse to allow discharge to the public sewers.
2. Require pretreatment to an acceptable condition for discharge to public sewers.
3. Require payment to cover the additional costs of handling and treating the wastes.

If the Town or Federal effluent limitations require the pretreatment or equalization of waste flows, the design and installation of the structures and equipment shall be subject to the review and approval of the Town, and subject to the requirements of all applicable codes, ordinances and laws.

E. Pretreatment devices, including grease, oils and sand interceptors shall be constructed and maintained by the owner.

F. The Town may require the owners of any property discharging industrial waste to install a control manhole in the building sewer. Such manhole will be designed and contain all necessary equipment such that all monitoring as required by the Town, State, or Federal government may be accomplished. The manhole and all monitoring equipment shall be installed at the owner's expense.

G. Monitoring as may be required by the Town including method of analysis will be conducted in accordance with established Federal guidelines and will be accomplished at the owner's expense.

H. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength of character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern.

I. As required by Federal regulations, the Town shall be notified at least forty-five (45) days prior to any proposed substantial change in volume or character of wastewater or pollutants discharged to the sewerage system by any person(s).

J. The treatment facility will be open to receive septic tanks wastes from residents of the Town between the hours of _____ and _____.
A disposal fee shall be paid prior to bringing wastes to the treatment plant. The receipt of payment and address of the septic tank cleaned must be presented at that time. The charge per thousand gallons of septic waste shall be determined by the Town and shall be paid at the Town office.

Section 9. Protection from Damage

- A. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the Town sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- B. A contractor must present a certificate of insurance showing suitable liability insurance before construction of public sewers or sewer extensions.

Section 10. Powers and Authority of Inspectors

- A. The Superintendent, or other duly authorized employees of the Town bearing proper credentials and identifications, shall be permitted to enter upon all properties for the purpose of inspections, observations, measurement, sampling and testing in accordance with the provisions of this Ordinance.

Section 11. Penalties

- A. Any person found to be violating any provision of this Ordinance except Section 9A 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.
- B. If, after such notice and demand, such violation has not been abated within the time specified, the Town shall institute appropriate action to prevent, correct, restrain or abate any violation of this ordinance. The Town or its agents have the authority to enter the premises, cause the Violation to be abated and recover any direct expenses as provided for by the Maine Revised Statutes.
- C. Any person who fails to comply with the provisions of this Ordinance other than those provisions pertaining to the payment of charges for services established herein, shall be subject to a civil penalty and minimum fine of \$25 and maximum fine of \$200. Any person found in violation of this ordinance shall be responsible for court costs and reasonable attorney fees incurred by the Town. The continued violation of any provision of any section of this Ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.
- D. Upon violation of this Ordinance, the proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceeding, including an injunction, to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal

systems, pipes, or drains to restrain, correct or abate such violation to prevent the occupancy of any building structure or land where said violations of this Ordinance are found.

Section 12. Sewer Appeals

A. The Board of Selectmen are hereby authorized to have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the Superintendent, insofar as such decision arises from requirements of this Ordinance:

1. To determine whether the decisions of the Superintendent are in conformity with the provisions of this Ordinance, and to interpret the meaning of this Ordinance in cases of uncertainty.
2. To grant variances from the terms of this Ordinance where there is no substantial departure from the intent of the Ordinance.
3. To permit an exception to this Ordinance only when the terms of the exception have been specifically set forth by the Town.
4. Unless prevented by illness or absence from the State:
 - (a) The Superintendent shall attend all hearings pertaining to the public sewerage system.
 - (b) The Plumbing Inspector shall attend such hearings as he may be involved in.
5. The Superintendent or Plumbing Inspector shall present to the Board of Selectmen all plans, photographs or other factual material which is appropriate to an understanding of the appeal.
6. The Selectmen shall not continue hearings on an appeal to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned, forthwith. Failure of the Board to issue such notice within 30 days of the date of the hearing shall constitute a denial of said appeal.

B. Appeal Procedure: Any person and any municipal department aggrieved by the decision of the Superintendent, which decision arises from provisions of this Ordinance, may appeal such decision to the Board of Selectmen.

Section 13. Conflict of Ordinances

A. If a provision of this Ordinance is found to be in conflict with any ordinance or parts of ordinances or code of the Town, the State of Maine, of the Federal Government existing on or subsequent to the effective date of this Ordinance, that provision which in the judgment of the Town established the higher standard of safety and protection of health shall prevail.

B. 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 14. Ordinance in Force

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

ADDITIONS:

SECTION 6: A. No person shall uncover, make any connections with or opening into, use, alter, repair, or disturb any public sewer or appurtenance thereof without first obtaining a permit from the municipal office.

B. Permits shall be obtained by the owner or his agent upon application to the municipal office on the appropriate municipal form and upon approval of the application by the Superintendent. A permit fee shall be paid at the time of application. The amount of the permit fee shall be set by the Board of Selectmen.

G1. > Schedule 40 PVC (poly vinyl chloride) SDR 35 PVC (ASTM 3034); or greater as required by the Superintendent.

G2. > 4 inch diameter

G3. > or by use of laser devices.

G4. > Cellar drains, sump pumps, floor drains, stormwater drains

Section 7

D1. > SDR 35, ASTM D3034

1. Low air pressure testing of Gravity Sewers. Pressure in pipe shall be 4 PSI greater than the average back pressure of any groundwater submerging the pipe. 2 minute stabilization period required. 6 minute test period. Test is acceptable if no more than 1.0 PSI drop in 6 minutes.

1b. Hydrostatic testing of Force Mains. Fill force main with water and expel all air. Pressurize to 1.5 times normal operating pressure but not less than 60 PSI. Measure leakage over a 2 hour test period. Acceptable leakage: less than 10 Gallons per day per inch diameter per mile of pipe tested.

1c. Deflection test for Gravity Sewer Pipe. Test 100% of pipe with a "GO-NO-GO" gauge allowing a 5% maximum deflection.

3. Exfiltration testing of manholes. Fill manhole with water to top of cone. Minimum 8 hour test. Acceptable leakage rate: Not more than 1 gallon per vertical foot per 24 hours.