

**WASTEWATER ORDINANCE**

**FOR THE**

**TOWN OF ST. AGATHA, MAINE**

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ENACTED: November 2, 2004  
Date

EFFECTIVE: November 2, 2004  
Date

CERTIFIED BY: Joan M. Ouellette  
Joan M. Ouellette  
Town Clerk

Affix Seal



**TOWN OF ST. AGATHA**  
**WASTEWATER ORDINANCE**

Enacted: November 2, 2004

The Ordinance sets forth for the maintenance and operation of the St. Agatha Municipal Wastewater System, established by the residents of the Town of St. Agatha as necessary or desirable for the efficient operation of said St. Agatha Municipal Wastewater System and for accomplishing the purposes of an ordinance to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the Town of St. Agatha, County of Aroostook, State of Maine.

**ARTICLE I – DEFINITIONS**

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

Section 101 – “A.S.C.E.” shall mean the American Society of Civil Engineers.

Section 102 - “A.S.T.M.” shall mean American Society for Testing and Materials.

Section 103 - “B.O.D.” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Centigrade, expressed in milligrams per liter (Mg/L).

Section 104 - “Builder” shall mean any person, persons, or corporation who undertake to construct, either under contract or for resale, any habitable building.

Section 105 – “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.

Section 106 - “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 beginning eight (8) feet outside the inner face of the building wall.

Section 107 - “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Section 108 – “Cellar Drain” shall mean a drain from a cellar which allows water, including cellar seepage water, to be admitted.

Section 109 – “Combined Sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.

Section 110- “Council” shall mean the duly elected officers of the Town of St. Agatha or their authorized deputy or representative.

Section 111 - “Contractor” shall mean any person, firm, or corporation approved by the Town to do work in the Town of St. Agatha.

Section 112 - “D.E.P.” shall mean Maine Department of Environmental Protection.

Section 113 – “Degrees C” shall mean degrees Celsius.

Section 114 – “Degrees F” shall mean degrees Fahrenheit.

Section 115 - "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.

Section 116 – “Easement shall mean an acquired legal right for specific use of land owned by others.

Section 117 – “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 Municipal Officers or designee.

Section 118 - "Garbage" shall mean solid wastes from the retail preparation, cooking, and dispensing of food and from the retail handling, storage, and sale of produce.

Section 119 - "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 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/l BOD, or 400mg total suspended solids; (4) has in its wastes a toxic or incompatible pollutant as defined by Federal or State laws or regulations; (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.

Section 120 – “Infiltration” shall mean water entering the sewer system from the ground through such means as defective pipes, pipe joints, connections, or manhole walls.

Section 121 – “Inflow” shall mean water entering the sewer system from the ground through 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.

Section 122 – “Inspector” shall mean the Town and other duly authorized representatives making inspections, observations, measurements, samplings and testings within the terms of this ordinance.

Section 123 – “Kg” shall mean kilograms.

Section 124 – “l” shall mean liters.

Section 125 – “Living unit” shall mean 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.

Section 126 – “Manager” shall mean the Town manager of the Town of St. Agatha or the individual designated by the Municipal Officers to perform this function, or the authorized deputy, agent or representative of this individual.

Section 127 – “mg” shall mean milligrams.

Section 128 - "Natural Outlet" shall mean any outlet into a watercourse, ditch, pond, lake, or other body of surface or ground water.

Section 129 - "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.

Section 130 - "Person" shall mean any individual, firm, company, association, society, corporation, group, trust, municipality, or governmental authority.

Section 131 - "Plumbing Inspector" shall mean an individual who is responsible to perform duties as outlined in Title 30, Section 3222 of the Maine Revised Statutes.

Section 132 - "pH" shall mean the logarithm of the reciprocal of the concentration of the hydrogen ions in grams-ionic weight per liter of solution, and is a term used to express the relative acidity or alkalinity of a substance or solution.

Section 133 - "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.

Section 134 - "Polluted Water" shall mean water of quality less than the effluent criteria in effect, or water that would cause violation of receiving water quality standards and would be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 135 - "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food or produce that has 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 dimension.

Section 136 - "Property Line" shall mean the established right-of-way limits of any public or private road or street or the common 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.

Section 137 - "Public Sewer" shall mean a sanitary sewer owned, operated, and maintained by the Town.

Section 138 - "Real Estate" shall be as defined in the Revised Statutes of 1964, Title 36, Section 551.

Section 139 - "Receiving Waters" shall mean any water course, river, pond, ditch, lake, aquifer or other body of water receiving discharge of wastewater.

Section 140 - "Sanitary Sewer" shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions.

Section 141 - "Seasonal Residences" shall mean residences on other than plowed public ways which are inhabited for less than three (3) months per year.

Section 142 - "Septage" shall mean waste, refuse, effluent, sludge, and any other materials from septic tanks, or any other similar facilities.

Section 143 - "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage and industrial wastes.

Section 144 - "Sewer" shall mean a pipe or conduit for carrying wastewater or drainage water.

Section 145 - "Shall" is mandatory. "May" is permissive.

Section 146 - "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 operations.

Section 147 - "Standard Methods" shall mean the latest edition of the publication, Standard Methods for the Examination of Water and Wastewater, published by A.P.H.A., A.W.W.A., and W.E.F.

Section 148 - "State Plumbing Code" shall mean the State of Maine Plumbing Code, as amended, from time to time.

Section 149 - "Storm Sewer" shall mean a sewer for conveying water, ground water, surface water, or unpolluted water from any source.

Section 150 - "Superintendent" shall mean the individual retained or designated by the Manager or Municipal Officers to supervise and oversee the operation and maintenance of the wastewater collection and treatment facilities, or his authorized deputy, agent or representative.

Section 151 - "Suspended Solids" shall mean solids that either float 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.

Section 152 - "Town" shall mean the Town of St. Agatha, Maine.

Section 153 - "Unpolluted Water" shall mean water of quality 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.

Section 154 - "User" shall mean an owner of real estate, which is connected to the Town's sewer or drain systems.

Section 155 - "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## **ARTICLE II - USE OF PUBLIC SEWERS REQUIRED**

Section 201 - 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, any human or animal excrement, or other objectionable waste within the territorial limits of the Town of St. Agatha.

Section 202 - It shall be unlawful to discharge to any natural outlet within the territorial limits of the Town of St. Agatha 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.

Section 203 - Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leaching pit, or other facility intended or used for the disposal of wastewater.

Section 204 - 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, right-of-way, or easement, in which there is now located, or may in the future be located, a public sanitary sewer of the Town is (are) 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 this ordinance, within ninety 90 days after the date of official notice to do so, provided that said public sewer is within fifteen hundred (1,500) feet of buildings to be connected to the public sewer line, except as noted in Section 205.

Section 205 - The only exception to Section 204 shall be for those owners who have an existing and properly functioning private wastewater disposal system (as defined in Article III of this ordinance) at the time the public sewer is installed and that system was built legally within the last fifteen (15) years. At such time as the private wastewater disposal system fails to function properly, or the system becomes fifteen (15) years old or older, the owner(s) shall be required, at the expense of the owner(s), to connect such facilities directly to the proper public sewer in accordance with the provisions of this ordinance, within 90 days after the date of official notice to do so. However, owners who's systems qualify for this section must have approval from the Local Plumbing Inspector and still be required to pay 1/3 of the annual sewer user fee established for their residence or business by the Board of Selectmen.

Provided, however, that where excavation of the public highway is otherwise prohibited by state law or regulation, or where unusual hardship exists due to the presence of ledge or incompatible elevations, or where the structure to be served has public road frontage and is more than fifteen hundred (1,500) feet from the sewer, the Town may grant exceptions upon specific application of the owner(s) or lessee(s) of such properties, with such conditions as the said Town may impose. The turning of a building sewer to connect to a public sewer shall not be considered a hardship under this ordinance.

Section 206 - Nothing in this ordinance shall require the owner(s) of any building to acquire any real estate or easement therein, for the sole purpose of connecting to the sewer. If an easement is required for the owner(s) of any building to connect to the sewer said easement may be obtained by the Town, at its option.

### **ARTICLE III - PRIVATE WASTEWATER DISPOSAL**

Section 301 - Where a public sanitary sewer is not available under the provisions of Article II, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section and the "State of Maine Subsurface Disposal Rules, Chapter 241".

Section 302 - Before commencement of construction of a private wastewater disposal system, the Owner(s) shall first obtain a written permit signed by the 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 "State of Maine Subsurface Wastewater Disposal Rules, Chapter 241", shall be paid to the plumbing inspector at the time the application is filed.

Section 303 - 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).

Section 304 - At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article II, connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 305 - No person shall dispose of septage on land within the territorial limits of the Town of St. Agatha or cause septage to be so disposed, except as may be permitted by State law.

#### **ARTICLE IV - BUILDING SEWERS AND CONNECTIONS**

Section 401 - 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 permit 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 connections, and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, § 361.

Section 402 - All costs and expenses incidental to the installation and connection of the building sewer, from the building to the main 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.

Section 403 - A separate and independent building sewer shall be provided for every residential building and appurtenant structure.

Section 404 - Existing building sewers may be used only when they are found, by the Town, to meet all requirements of this ordinance. When existing buildings, which are connected to the public sewer, are abandoned or destroyed, the building sewer shall be capped at the edge of the public way or easement containing the public sewer in the presence of a representative of the Town.

Section 405 - The building sewer shall be service weight cast iron pipe and fittings; PVC sewer pipe meeting the requirements of ASTM D 3034 SDR 35; or other suitable material approved by the Department head. Cast iron pipe may be required by the Town where the building sewer is exposed to damage by tree roots, or the sewer is installed in unstable or filled ground.

Section 406 - The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four (4) inches, nor shall slope of the pipe be less than one-eighth (1/8) inch per foot.

Section 407 - 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.

Section 408 - 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 owner(s).

Section 409 - 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 drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 410 – All joints and connections shall be made gastight and watertight. Joints for cast iron NO-HUB pipe shall be made with a neoprene gasket and stainless steel clamp and shield assembly; joints for PVC pipe shall be “O-ring” type. No mortar joints will be allowed.

Section 411 – The connection of the building sewer into an existing public sewer shall be made by the Owner(s) at the Owner(s)’s expense. The cost of maintenance of the building sewer from the building drain to the main sewer will be by the building Owner(s).

Section 412 – The connection of the building sewer into the public sewer shall conform to the requirements of Article 6 of this ordinance, and the procedures set forth in W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Deviation from prescribed procedures and materials must be approved by the Town before installation.

Section 413 – The Residential or Commercial Building Sewer Application is found in Appendix I and the Industrial Sewer Connection Application in Appendix II of this ordinance. The applicant for the building sewer approval shall notify the Town at least twenty-four (24) hours before beginning the work and also 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 or it’s representative. New sewer connections shall be subject to the following fees:

Type	Inspection Fee	Connection Fee	Total
Residential	\$50.00	\$300.00	\$350.00
Commercial	50.00	350.00	400.00
Industrial	50.00	400.00	450.00

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 the owner(s) 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.

Section 414 – 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 and the Maine Department of Transportation.

Section 415 – 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.

## **ARTICLE V - USE OF PUBLIC SEWERS**

Section 501 - No person shall discharge or cause to be discharged any unpolluted waters, such as storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process water, to any sanitary sewer.

Section 502 - 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 and applicable Federal or State agencies, to a storm sewer or natural outlet, and the discharge shall comply with MRSA, Title 38, Chapter 3, § 41

Section 503 – No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. A. Any gasoline, benzene, naptha, fuel oil, lubricating oils, or other flammable or explosive liquids, solids or gas which will cause a fire or explosive hazard in the wastewater facilities.
- B. 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 hall include, but not be limited to, pollutants identified pursuant to Section 307 (a) of the Clean Water Act.
- C. C. Any waters or wastes having a pH lower than 6.0 or higher than 8.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- D. D. Solids 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.

Section 504 – 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 or 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. 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. 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°C and 65°C).
- C. C. Any garbage that has not been properly shredded. The installation of and operation of any garbage grinder except home garbage disposal systems, shall require review and approval of the Town.
- D. D. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- E. 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. 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 State, Federal, or other public agencies of jurisdiction.
- G. 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 regulations.
- H. H. Any waters or wastes having a pH lower than 6.0 or higher than 8.5.
- I. 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 BOD, 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.
- J. J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or amenable to treatment only to such degree that the sewage treatment plant effluent, residue, or sludges, cannot meet the requirements of other agencies.
- K. Overflow by draining from cesspools or other receptacles storing organic wastes.

Section 505 – 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 Sections 503 and 504, and which, in the judgement 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. A. Reject the wastes.
- B. B. Require pretreatment to an acceptable condition for discharge to the public sewers.
- C. C. Require control over the quantities and rates of discharge, and/or,
- D. D. 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.

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 and subject to the requirements of all applicable codes, ordinances, laws, and discharge permits.

Section 506 – 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(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 Town. Any removal and hauling of the collected materials not performed by the Owner(s)’s personnel must be performed by licensed waste disposal firms.

Section 507 - Where preliminary treatment facilities or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at their expense.

Section 508 - When required by the Town, the owner(s) of any property served 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 wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town. The structure and all necessary measuring and sampling equipment shall be installed by the owner at his expense, and controlled and maintained by the owner(s), but shall be open to inspection by the Town at all times.

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. Such records shall be made available upon request by the Town to other agencies having jurisdiction over discharges to the receiving waters.

Section 509 – The Town may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- A. A. Average and peak rate of wastewater discharge and volume over a specified time period.
- B. B. Chemical analyses of wastewater.
- C. C. Information on raw materials, processes, and products affecting wastewater volume and quality.
- D. D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- E. E. A plot plan of the user’s property showing sewer and pretreatment facility locations.
- F. F. Details of wastewater pretreatment facilities.

G. G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 510 – All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of “Standard Methods for the Examinations 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 particular analysis involved will determine whether a twenty-four hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples. Sampling and testing shall be undertaken by the Owner(s) at their expense, as directed by the Town.

Section 511 – No statement contained in the 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 Article 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.

Section 512 – Any person, firm or corporation violating any of the above provisions shall, upon conviction, forfeit and pay a fine as defined in Article 9.

Section 513 – The imposition of a penalty for a violation of this ordinance shall not excuse the violation or permit it to continue. Such a violation shall be remedied within a reasonable time and each ten days that such violation is permitted to exist shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of the prohibited condition.

## **ARTICLE VI - SEWER EXTENSIONS**

Section 601 – 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's consulting engineer 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.

Section 602 – Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public consent if, in the opinion of the Board, the number of properties to be served by such extensions warrants its cost. Under this arrangement the property owner(s) shall pay for and install the building sewer from the main line to their residence or place of business. 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 Town. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Town.

Section 603 – 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 extensions, 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 superintendent or Engineer engaged by the Town, and the expenses for this inspection shall be paid for the by Owner, Building Contractor, or Developer. The Engineer's decisions shall be final in matters of quality and methods of construction. New sewer extensions must pass the leakage test required in Section 607 before use.

Section 604 – After completion of sewer construction, and before final acceptance, record drawings shall be furnished to the Town consisting of a set of reproducible.

Section 605 - All work shall comply with all Federal, State, and local laws, ordinances and regulations.

Section 606 - 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. Said sewers shall be guaranteed by the Owner, Contractor, or Developer, 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 required as part of the guarantee.

Section 607 – All sewers shall satisfy requirements of a final leakage test before they will be approved and sewage flow accepted from them by the Town. Prior to testing the Owner, Contractor, or Developer shall submit the test procedure to the Town for approval.

These tests shall be conducted at all times in the presence of the Town or its duly authorized representative.

#### **ARTICLE VII - PROTECTION FROM DAMAGE**

Section 701 - 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 municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief as set forth in MRSA, Title 17-A, Chapter 33, Section 806.

Section 702 - A contractor must present a certificate showing proof of liability insurance before a permit will be issued for construction of building sewers or sewer extensions.

#### **ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS**

Section 801 - The Town and other duly authorized representatives bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, and measurement sampling and testing in accordance with the provisions of this ordinance. The Town or its representative shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having

a direct bearing on the kind and source of discharge to the sewer or waterways or facilities for waste treatment.

Section 802 – While performing the necessary work on private properties, the Town or duly authorized representatives shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by the Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 508.

Section 803 – The Town and other duly authorized representative bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 804 – All installations will be inspected before burying by a duly authorized inspector employed by the Town.

#### **ARTICLE IX - PENALTIES**

Section 901 - 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 said notice, permanently cease all violations and notify the Town of corrective measures taken and when completed.

Section 902 - 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, upon conviction, be subject to a fine of not less than one hundred (\$100.00) and not exceeding one thousand dollars (\$1,000.00) for each offense. 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 the first day and each subsequent ten-day period 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 this ordinance.

Section 903 - Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

Section 904 – 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.

#### **ARTICLE X – SEWER SERVICE CHARGE**

Section 1000 - The following terms used in this article have the following meaning:

"Annual Debt Cost" - the fee established each year by the Selectmen to pay the Debt Retirement for the year. This cost shall be calculated by dividing the yearly debt by the anticipated number of Equivalent Users for the year. The Annual Debt Cost will be prorated for new users for the portion of the year when sewer service was provided.

"Equivalent Use" - the number of single-family living units at a location or the number of single-family living unit equivalents that would develop the expected wastewater flow and/or load at the specific property. The Selectmen will establish the property's Equivalent User number at the time of connection to the sewer system. Equivalent User numbers shall be based on the Schedule of Equivalent Users on file at the St. Agatha Town Office. The Selectmen reserve the right to change the Equivalent Use for a property when a significant change in use occurs at that property.

"Operation & Maintenance Cost" - the fee established each year by the Selectmen to pay for the Operation & Maintenance of the collection and transport system, reserve accounts and the treatment facilities in St. Agatha. This cost will be established by dividing the anticipated yearly Operations & Maintenance cost by the anticipated total yearly demand within the service area, based on Equivalent Users. Each property owner's yearly cost will be determined by actual or estimated use of the system by the property.

Section 1001 - Residents or businesses outside the Sewer Service Area may, at their own expense, extend sewer service to their properties provided that the extension is designed and constructed in accordance with Article VI- Sewer Extensions, of the Wastewater Ordinance.

Section 1002 - The source of the revenues for retiring debt costs of the wastewater collection, transport and treatment facilities shall be recovered by assessing the Annual Debt Cost to the users of the facilities on an Equivalent User basis. The Operations and Maintenance (O&M) costs will be recovered from sewer use charges assigned to the residences and places of business connected to the public sewer system based on their assigned Equivalent User number. User charges for seasonal customers will not be prorated based on part-time occupation for either the Annual Debt Cost or the Operations & Maintenance Cost.

Section 1003 - Sewer Use Charge rates shall be established by the Selectmen on an annual basis. The Sewer Use Charge will be computed and billed at regular intervals throughout each calendar year, as established by the Selectmen. A minimum Sewer Use Charge shall be established by the Selectmen to allow equitable allocation of debt costs to all system users. Property owners that are deemed accessible per Article II-Use of Public Sewers Required, of the Wastewater Ordinance but whose property is not currently connected to the sewer system shall be billed a minimum "readiness to serve" charge as allowed for by this Ordinance equal to 1/3 of the annual Equivalent User charge established for their property by the Selectmen.

Section 1004 - The Sewer Use Charge assigned to any property owner who contributes a significant quantity of commercial or industrial wastes to the public sewers, or who contributes a combination of sewage and industrial wastes to the public sewers, shall be determined on a special rate structure based on water consumption, if known, or sewage flow quantities, if known, or as set by the Selectmen.

The property owners to be charged in this manner will be determined by the Selectmen on a year-to-year basis.

Section 1005 - A Special Sewer Use Charge shall be assigned to any commercial establishment, industrial firm or organization, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the wastewater treatment facilities or any part thereof if such



waste entered the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the requirements of the Wastewater Ordinance. The Selectmen, after appropriate study, and advice from the Town's consulting engineer, shall assign a Special Sewer User Charge to the commercial establishment, industrial firm or organization by separate agreement with the user. The applicable portions of the preceding sections, as well as the equitable rights of the public shall be the basis for such an arrangement.

Section 1006 – The Selectmen reserve the right, from time to time, to change Sewer Use Charges assigned to any property owner.

Section 1007 – Sewer Service charge rates shall be determined as follows:

A. A. All users connected to the Town public sewer system shall pay a user fee based on this Article. Except as provided for in section 205 above.

Section 1008 – All user rates are payable by the owner(s) of the premises and such Owner(s) shall be held responsible.

Section 1009 – All rates shall be due and payable at the St. Agatha Town Office, 419 Main Street, St. Agatha, Maine.

Section 1010 – There shall be a late charge not to exceed the maximum rate allowed by State Law assessed to all delinquent accounts with an effective date established annually by the Municipal Officers. The rate shall be established annually by the Town.

Section 1011 – 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 over all other claims on such real estate, excepting those claims for real estate taxes. The town treasurer shall have the authority and power to sue for and collect the sewer charges in accordance with MRSA Title 38, Chapter 11, Section 1208.

Section 1012 – Billing for a new service will not be effective until the following full billing period.

Section 1013 – Abatements may be made on application to the Municipal Officers. Said abatements may be granted for similar reasons as real estate tax abatements.

#### **ARTICLE XI - VALIDITY OF ORDINANCE**

Section 1101 - All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 1102 - The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given without such invalid part or parts.

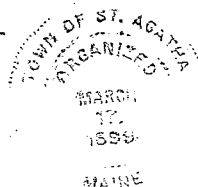
#### **ARTICLE XII - ORDINANCE IN FORCE**

Section 1201 - This ordinance shall be in full force and effect from and after its passage, approval, recording and publications as provided by law.

Section 1202 – Passed and adopted by the residents of the Town of St. Agatha on:  
November 2, 2004.

ATTEST:

Joan Ouellette  
Joan Ouellette, Town Clerk



**THIS IS PROVIDED AS A SAMPLE ONLY.....EFFECTIVE DATES WILL BEGIN TO APPLY WHEN ADOPTED BY VOTERS.**  
**Town of St. Agatha**  
**USER ORDINANCE**

TYPE OF ESTABLISHMENT	UNIT MEASUREMENT	EQUIVALENT USERS	TOWN'S CURRENT EU NUMBER	TOWN'S EU 2004	TOWN'S EU 2005	TOWN'S EU 2006	TOWN'S EU 2007	TOWN'S EU 2008	TOWN'S EU 2009
Single Family Dwelling	each	1	106	106	106	106	106	106	106
Additional Dwelling Unit	each	1	30	30	30	30	30	30	30
School <sup>2</sup>	5 students/faculty	1	58	55	52	49	46	43	40
Motel, Hotel, B & B <sup>3</sup>	2 rooms	1	0	.5	1	1	1	1	1
Conventional Restaurant <sup>1</sup>	10 seats 15 seats	1	12	13	14	15	16	17	18
Disposable Utensil Restaurant	12 seats	1	0	0	0	0	0	0	0
Church <sup>3</sup>	40 seats	1	0	.5	1	1	1	1	1
Club <sup>3</sup>	150 members	1	0	.5	1	1.5	2	2.5	3
Public Meeting/Assembly Hall	40 seats	1	0	0	0	0	0	0	0
Commercial/Industrial Facility <sup>3</sup>	5 employees	1	2	2.5	3	3	3	3	3
Gas Station with Public Restrooms	each	4	0	0	0	0	0	0	0
Gas Station w/o Public Restrooms <sup>1</sup>	each	2	.5	1	1.5	2	2.5	3	4
Theatre or Playhouse	40 seats	1	0	0	0	0	0	0	0
Laundromat	1 machine	2	0	0	0	0	0	0	0
Cocktail Lounge	10 seats	1	0	.5	1	1	1	1	1
Beauty/Barber Shop <sup>3</sup>	2 sinks	1	0	.5	1	1.5	2	2.5	3
Car Wash (w/recycle)	1 bay	1	0	0	0	0	0	0	0
Hospital or Nursing/Boarding Home <sup>2</sup>	1 bed	1	41.5	40.5	40	40	40	40	40
Store with Public Restroom	each	2	0	0	0	0	0	0	0
Store w/o Public Restroom <sup>1</sup>	each	1	.5	1.5	2.5	3.5	4.5	5	5
Totals			250.5	252	254	254.5	255	255	255

Equivalent User numbers for types of establishments not listed shall be based on establishments with similar functions and/or estimated wastewater production.

203163.01

Increase 1 EU per year for 6 years for conventional restaurant and store w/o public restroom.<sup>1</sup>

Decrease 3 EU per year for 6 years for school and decrease 1 per year for hospital/nursing home.<sup>2</sup>

Increase .5 EU per year for all other establishment types.<sup>3</sup>