

SEWERS

Chapter 195

From the

CODE

of the

TOWN OF WINDHAM

COUNTY OF CUMBERLAND

STATE OF MAINE

§ 195.19 - INSPECTION.	16
§ 195.20 - CONNECTION BY TOWN.	17
§ 195.21 - STORM DRAIN CONNECTION PROHIBITED.	17
§ 195.22 - BUILDING DEMOLITION.	17
§ 195.23 - STREET OPENINGS.	17
§ 195.24 - CONNECTION TO FORCE MAIN PROHIBITED.	17
<i>ARTICLE VI</i>	17
<i>Use of Public Sewers</i>	17
§ 195.25 - STORMWATER AND UNPOLLUTED DRAINAGE.	17
§ 195.26- PROHIBITED DISCHARGES.	18
§ 195.27- LIMITED DISCHARGES.	18
§ 195.28- TOWN OPTIONS FOR PROHIBITED WASTES.	20
§ 195.29- PRETREATMENT OR FLOW EQUALIZATION.	21
§ 195.30- GREASE AND SAND INTERCEPTORS.	21
§ 195.31- INDUSTRIAL WASTE PERMIT REQUIRED.	21
§ 195.32- INDUSTRIAL WASTE MONITORING.	21
§ 195.33- INDUSTRIAL WASTE MONITORING.	22
§ 195.34- EXCLUSION OF INDUSTRIAL WASTE.	22
§ 195.35- ADDITIONAL INFORMATION REQUIRED.	23
§ 195.36- SPECIAL ARRANGEMENTS.	23
<i>ARTICLE VII</i>	23
<i>Power and Authority of Superintendent</i>	23
§ 195.37- RIGHT OF ENTRY.	23
§ 195.38- INDUSTRIAL PROCESS INFORMATION.	24
§ 195.39- PRIVATE PROPERTY INSPECTION, SAFETY AND RESPONSIBILITY.	24
§ 195.40- EASEMENT ENTRY.	24
§ 195.41- WRITTEN NOTICE OF VIOLATION.	24
§ 195.42- VIOLATIONS AND PENALTIES.	24
§ 195.43- LIABILITY FOR PUBLIC EXPENSE.	25
§ 195.44- INJUNCTIVE RELIEF.	25
<i>ARTICLE IX</i>	25
<i>Sewer Extensions</i>	25
§ 195.45- NEW SUBDIVISIONS.	25

SEWERS
CHAPTER 195

ARTICLE I
General Provisions

Section _____ Description

- §195-1 _____ Scope
- §195-2 _____ Intent and purpose
- §195-3 _____ Enforcing officer.
- §195-4 _____ Protection from damage.

ARTICLE II
Definitions

- §195-5 _____ Definitions and word usage

ARTICLE III
Required Use of Public Sewer

- §195-6 _____ Unlawful disposal or discharge.
- §195-7 _____ Connection to public sewer required

ARTICLE IV
Private Wastewater Disposal Systems

- §195-8 _____ Public sewer not available.
- §195-9 _____ Permit required.
- §195-10 _____ Compliance with state regulations.
- §195-11 _____ Procedure upon connection to public sewer.
- §195-12 _____ Private system operation.
- §195-13 _____ Imposition of additional requirements.

ARTICLE VIII
Violations and Penalties

- §195-41 _____ Written notice of violation
 §195-42 _____ Violations and penalties.
 §195-43 _____ Liability for public expense
 §195-44 _____ Injunctive relief.

ARTICLE IX
Sewer Extensions

- §195-45 _____ New subdivisions.
 §195-46 _____ Existing buildings.
 §195-47 _____ Procedural requirements.
 §195-48 _____ Pump station design.
 §195-49 _____ Building permit requirement

ARTICLE X
Sewer User Fees

- §195-50 _____ Charge system established
 §195-51 _____ User fees established.
 §195-52 _____ Billing
 §195-53 _____ Late payments; liens

ARTICLE XI
Appeals

- §195-54 _____ Initial notice to Superintendent
 §195-55 _____ Appeal to Board
 §195-56 _____ Appeal to Court.

ARTICLE XII
Sewer Appeals Board

- §195-57 _____ Creation; appointment
 §195-58 _____ Jurisdiction
 §195-59 _____ Hearings.

(HISTORY: Adopted by the Town Council of the Town of Windham. 9-9-1986. Amendments noted where applicable.)

§ 195.4 - PROTECTION FROM DAMAGE.

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 wastewater facilities. Any person(s) violating this provision may be subject to arrest under the charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33, § 806

ARTICLE II
Definitions

§ 195.5 - DEFINITIONS AND WORD USAGE.

A. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20° C.), expressed in milligrams per liter

BUILDING - 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

BUILDING DRAIN - That 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 eight (8) feet outside the inner face of the building wall.

BUILDING SEWER - The extension from the building drain to the public sewer or other place of disposal, also called "house connection".

CHEMICAL OXYGEN DEMAND (COD) - The quantity of oxygen utilized in the chemical oxidation of matter under standard laboratory procedure, expressed in milligrams per liter.

DEP - The State of Maine Department of Environmental Protection.

DOMESTIC WASTES - Liquid wastes and liquid-borne wastes discharged from sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, home laundry rooms, kitchens and floor drains free of industrial wastes or toxic materials.

- PROPERLY SHREDDED GARBAGE** - The wastes from the handling, preparation, cooking and serving of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ten (10) millimeters [thirty-nine hundredths (0.39) inch] in any dimension.
- PUBLIC SEWER** - A common sewer owned, operated and maintained by the town or the Portland Water District
- READINESS-TO-SERVE FEE** - An annual fee assessed to a property which abuts a public sewer having available to it a connection stub.
- SANITARY SEWER** - A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground- storm- and surface waters that are not admitted intentionally
- SEPTAGE** - The water, sludge, grit and all other solid and liquid substances collecting in septic tanks, cesspools and other similar devices.
- SEWER** - A pipe or conduit that carries wastewater or drainage water.
- SEWER USER** - The person owning a building connected to or required to be connected to the public sewer.
- SLUG** - Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration or flow during normal operation and/or adversely affects the public sewer system and/or performance of the wastewater treatment works.
- STORM DRAIN** - A drain or sewer for conveying groundwater, surface water or unpolluted water from any source.
- SUPERINTENDENT** - The Superintendent of Sewers, as appointed by the Town Council, or his duly authorized representative
- SUSPENDED SOLIDS (SS)** - That suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.
- TOWN** - The Town of Windham, Maine, and its elected and appointed officials acting in an authorized manner.

§ 195.7 - CONNECTION TO PUBLIC SEWER REQUIRED.

- A The owner of any building used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or planned to be located a public sanitary sewer, excluding force mains, is hereby required, at the owner's expense, to connect any plumbing facilities directly with the public sewer in accordance with the provisions of this chapter within one hundred twenty (120) days after the date of notice by the Superintendent to do so.
- B The building owner may request, in writing to the Superintendent, deferral of this connection requirement on the basis of undue hardship if the building has an existing properly operating private wastewater disposal system, in which case the owner shall demonstrate the nature and degree of hardship. The need for the owner to pump to the public sewer shall not alone be considered a hardship.
- C If the building owner can prove, to the satisfaction of the Superintendent, that a suitable private wastewater disposal system is currently in use, the owner shall be exempt from connection to the public sewer but shall be assessed a readiness-to-serve fee.
- D During construction of a public sewer, owners of unimproved lots and land abutting such sewer have the option of having a service stub brought to the edge of the roadway at town expense, except as provided in Article IX, in which case the property owner will be assessed the readiness-to-serve fee.

ARTICLE IV

Private Wastewater Disposal Systems

§ 195.8 - PUBLIC SEWER NOT AVAILABLE.

Where a public sanitary sewer is not available under the provisions of §195-7, the building shall be connected to a private wastewater disposal system complying with the provisions of this Article and the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations, or to nonpublic wastewater facilities licensed by the DEP.

§ 195.9 - PERMIT REQUIRED.

- A Before commencement of construction of a private wastewater disposal system or nonpublic wastewater facilities licensed by the DEP, the owner shall first obtain a written permit signed by the Plumbing Inspector. The application for a subsurface wastewater disposal permit shall be made on a form furnished by the Division of Health

§ 195.13 - IMPOSITION OF ADDITIONAL REQUIREMENTS.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the town's Health Officer, Building Inspector or Code Enforcement Officer

ARTICLE V
Building Sewers and Connections

§ 195.14 - PERMIT REQUIRED.

- A. No unauthorized person(s) 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 Superintendent.
- B. 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 Superintendent 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 as determined by the Superintendent
- C. There shall be two (2) classes of building sewer permits: for residential and commercial service and for service to establishments producing industrial wastes. In either case the owner(s) or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for both residential and industrial services as established by the Town Council for the appropriate class shall be paid to the town at the time the application is filed.

§ 195.15 - OWNER RESPONSIBLE FOR COSTS.

All costs and expense incident to the installation and connection and maintenance of the building 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

§ 195.20 - CONNECTION BY TOWN.

If an existing entrance or connection to the public sewer is not available for a new building sewer connection, the owner shall notify the Superintendent two (2) business days before the expected time of connection. All such connections at the public sewer shall be made by the town or its agent at the owner's expense.

§ 195.21 - STORM DRAIN CONNECTION PROHIBITED.

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

§ 195.22 - BUILDING DEMOLITION.

In the case of buildings being removed or demolished, the building sewer shall be capped at the street right-of-way line to the satisfaction of the Superintendent.

§ 195.23 - STREET OPENINGS.

All street openings or installations in a public right-of-way shall be performed in strict accordance with town regulations and approved by the Director of Public Works.

§ 195.24 - CONNECTION TO FORCE MAIN PROHIBITED.

No person shall make connection of a building sewer or pipe of any type to a force main or inverted siphon which is part of the public sewer system.

ARTICLE VI
Use of Public Sewers

§ 195.25 - STORMWATER AND UNPOLLUTED DRAINAGE.

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to storm drains or to natural outlets approved by the Superintendent. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm

receiving stream or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. The limitations or restrictions of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- A. Wastewater having a temperature higher than sixty degrees Celsius (60° C.) [one hundred forty degrees Fahrenheit (140° F.)].
- B. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin
- C. Wastewater containing fats, oils and grease, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32° and 150° F.) [Zero and sixty-five degrees Celsius (0° and 65° C.)]
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption of the premises or when served by caterers.
- E. Wastewater containing any hexavalent chromium, aluminum, iron, tin, fluorides, arsenic, phenols, chlorides, sulfates or mercury or the following metals, in concentrations exceeding those listed:

Metal	Maximum for Any 1 Day (milligrams per liter)	Average of Daily Values For 30 Consecutive Days (milligrams per liter)
Cadmium	0.064	0.016
Chromium	2.87	0.8
Copper	3.72	1.09
Lead	0.67	0.23
Nickel	3.51	1.26
Silver	0.44	0.13
Zinc	2.64	0.80

- F. Wastewater containing odor-producing substances exceeding limits which may be established by the Superintendent

§ 195.29- PRETREATMENT OR FLOW EQUALIZATION.

If the Superintendent requires or permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment or equalization plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, laws and the municipal discharge permit. All such pretreatment or flow-equalization facilities shall be maintained continuously in satisfactory and effective operation by the owner at his expense

§ 195.30- GREASE AND SAND INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in §195-27C or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located outdoors as to be readily and easily accessible for cleaning and inspection. In the maintaining 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 Superintendent. Any removal and hauling of the collected materials not performed by the owner must be performed by currently licensed waste disposal firms.

§ 195.31- INDUSTRIAL WASTE PERMIT REQUIRED.

All discharges of industrial wastewater are required to obtain a permit from the Superintendent. All permits and applications for permits shall be in a form determined by the Superintendent and shall include an application fee established by the Town Council. In cases where the town incurs administrative or outside professional costs in preparing such applications, such costs shall be charged directly to the applicant. Each permit shall have an annual expiration date. Such permits shall require compliance with all federal and state pretreatment standards and may include other requirements imposed by the Superintendent.

§ 195.32- INDUSTRIAL WASTE MONITORING.

- A. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial pollutants shall install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible, safely located and constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 195.35- ADDITIONAL INFORMATION REQUIRED.

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- A Wastewater discharge rates and volumes (average, minimum, peak) over a specified time period.
- B. Chemical analyses of wastewaters
- C Information on new materials, processes and products affecting wastewater volume and quality.
- D Quantity and disposition of specified liquids, sludge, oil, solvent or other materials important to sewer to sewer use control.
- E. An engineering drawing, by a registered engineer of sewers, of the user's property showing sewer and pretreatment facility location and details of wastewater pretreatment facilities.
- F. Details of systems to prevent and control the losses of materials through spills to the public sewer

§ 195.36- SPECIAL ARRANGEMENTS.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the town and any industrial sewer user whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial sewer user, 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 system in effect

ARTICLE VII**Power and Authority of Superintendent****§ 195.37- RIGHT OF ENTRY.**

The Superintendent and other duly authorized employees or agents of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the public sewer system in accordance with the provisions of this chapter

§ 195.43- LIABILITY FOR PUBLIC EXPENSE.

Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned the town or the Portland Water District by reason of such offense including:

- A. Any physical impairment of the wastewater facilities
- B. Any fines which the town or the Portland Water District may be required to pay as a result of such offense.

§ 195.44- INJUNCTIVE RELIEF.

Notwithstanding any of the foregoing provisions, the town or the Portland Water District may institute any appropriate action, including injunction or other proceedings, to prevent, restrain or abate or violations hereof.

ARTICLE IX
Sewer Extensions

§ 195.45- NEW SUBDIVISIONS.

Any person who subdivides land within the town, of which any part either is located within five hundred (500) feet of a public sanitary sewer or is located so that it can be connected to such a public sanitary sewer without undue hardship, as determined by the Planning Board, shall, if such subdivision has not been finally approved before the effective date of this chapter, and assuming capacity exists in the sewer system as determined by the Town Council, at his own expense, construct, for dedication to the town, a sanitary sewer extension to serve all structures within such subdivisions which will require the disposal of wastewater. Such sanitary sewer shall be designed by a registered engineer; its design shall be approved by the town; and its design, construction and acceptance shall be in accordance with the provisions of §§ 195-47, 195-48 and 195-49.

§ 195.46- EXISTING BUILDINGS.

Any one (1) or more property owners, builders or developers may propose the extension of any sanitary sewer within the town by presenting to the Town Council a petition therefor signed by the owners of at least two-thirds (2/3) of the buildings and properties which would be required to connect to such sewer or be assessed a readiness-to-serve charge under the provisions of Article X. If the Council does allow the construction of such extension, it may permit the petitioners to construct the same for dedication to the town upon a determination that such extension is consistent with town plans for public sewers, is properly located and sized and may lawfully be so constructed. The Council may also elect to participate in the cost of extending the sanitary sewer if circumstances deem it to be in the best interest of the town.

§ 195.49- BUILDING PERMIT REQUIREMENT.

No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the town, unless a suitable and approved method of sewage disposal is proposed and approved by the town

**ARTICLE X
Sewer User Fees****§ 195.50- CHARGE SYSTEM ESTABLISHED.**

- A. The Town Council shall establish the user-charge system in accordance with appropriate federal and state laws, rules and regulations and shall further the equitable allocations of the capital and operating costs of the public sewerage system among municipal use and the general public benefit, private use and the availability of use to properties not connected to the system. Subject to these requirements, such charges and any classification thereof shall be fair and reasonable, bearing a substantial relationship to the cost of providing sewage facilities and services to the town. Such charges shall be at a rate sufficient to approximate one hundred percent (100%) of the total annual cost of providing sewage facilities and services to the town unless the Town Council elects to offset some capital costs from general town funds. Such charges shall include adequate revenues for renewal and replacement of the wastewater facilities
- B. The user charge system shall include a financial management system which accounts for sewer system revenues and expenditures

§ 195.51- USER FEES ESTABLISHED.

- A. The Town Council is hereby authorized to establish, alter from time to time and levy upon persons owning land abutting on or served by an existing or future public sewer, sewer user fees and industrial waste surcharge fees for the use of and for the services furnished by such sewers or available to such land, whether or not such land is connected to the public sewer. Such fees shall be established by the Town Council on an annual basis after public hearing.
- B. Sewer user fees shall be based on the amount of water, estimated or measured, as shown on the records of the Portland Water District, provided to the sewer user during the previous billing period; provided, however, that where water is obtained from a source or sources other than the Portland Water District, whether or not the Portland Water District also supplies water, the computation shall include the amount of water obtained from all such other sources, unless the user established that the water from

sewer charge in any court competent to try the same, and in such action may recover the amount of such charge with legal interest on the same from the date of said charge and costs

ARTICLE XI

Appeals

§ 195.54- INITIAL NOTICE TO SUPERINTENDENT.

Any person aggrieved by a determination made under the provisions of this chapter or any person questioning the amount of or the validity of any charge or fee hereunder shall first contact the Superintendent, who may make such adjustments as he deems appropriate within the limits of his authorization in this chapter.

§ 195.55- APPEAL TO BOARD.

Any person dissatisfied with the action of the Superintendent may appeal, in writing, within ten (10) days to the Sewer Appeals Board, which shall, within thirty (30) days, hold a hearing on the appeal. The Sewer Appeals Board may affirm or amend the Superintendent's action, and it may permit exceptions to or variances from the specific provisions of this chapter to prevent undue hardship. The Sewer Appeals Board may impose such conditions as it deems necessary in furtherance of the intent and purposes of this chapter, including but not limited to a requirement for added water or sewerage flow metering and reporting. All Sewer Appeals Board adjustments or decisions will be provided in writing and dated.

§ 195.56- APPEAL TO COURT.

An aggrieved party may appeal the decision of the Sewer Appeals Board to the superior courts as provided by the laws of the State of Maine.

hardship. A projected expenditure of an amount exceeding fifteen percent (15%) of the assessed value of the buildings on the land to be served by the public sewer shall be considered as prima facie evidence of undue hardship

§ 195.59- HEARINGS.

- A. The Board of Sewer Appeals shall annually determine a regular monthly meeting date. All appeals or other matters to come before the Board requiring a notice as prescribed herein shall be filed with the Town Clerk, at least fifteen (15) days prior to said next monthly meeting day, who shall cause to be advertised in a newspaper or general circulation in the Town of Windham a notice of such appeal identifying the property involved, the nature of the appeal and stating the time and place of a public hearing of such appeal which shall not be earlier than ten (10) days after the date of such publications
- B. The Board of Sewer Appeals 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 thirty (30) days of the date of the hearing shall constitute a denial of said appeal

[At the Council's 12/9/86 meeting, they set the following fees in accordance with applicable sections of the Sewer Use Ordinance

Article V. Section I - Permits for new connection

- | | |
|---|--------------|
| 1. Residential, Commercial & Industrial | \$1,000/unit |
| 2. Inspection Permit | \$20.00 |
| (To include \$6.00 internal fee when required) | |

Article X.

- A. Readiness to Serve Fee - \$53.43 per connection stub, per quarter.
- B. Sewer User Fee - \$53.43 per quarter for 1200 cubic feet or less of water use and \$3.76 per 100 cubic feet of additional water use.]