

ARTICLE III. – SEWER USE; IN-GROUND SEWAGE TREATMENT SYSTEMS

DIVISION 1. - GENERALLY

Sec. 16-51. - Scope of article.

The following provisions of this article are hereby established, which provisions shall be considered a part of the contract between the town and every person who uses in-ground sewage treatment systems of the town, and every such person by connecting or maintaining a connection of any premises with such systems shall be considered to express assent to be bound thereby.

This article has been modelled after the Ordinance of the Brunswick Sewer District, as adopted on June 13, 1983 and amended on February 18, 1988.

(Ord. of 7-6-93)

Sec. 16-52. - Definitions.

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

Applicant shall mean any person requesting approval to discharge residential domestic sanitary wastewaters into facilities of the town.

BOD (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of the wastewater under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in milligram per liter (mg/l).

Building sewer shall mean the pipe which receives the wastewater from a building, beginning at the walls of a building and extending eight (8) feet to the beginning of the public sewer.

Charter shall mean the Charter of the Town of Brunswick and all amending acts.

Codes enforcement officer shall mean the Codes Enforcement Officer of the Town of Brunswick or his duly authorized representative.

Director of public works shall mean the Director of Public Works of the Town of Brunswick or his duly authorized representative.

Domestic sanitary wastewater shall mean residential domestic sanitary wastewater, that is, wastewater derived exclusively from sanitary conveniences in residential dwellings. It does not contain groundwater, surface water, or stormwater. It does not include any type of discharge from commercial or industrial buildings, sites or facilities, no matter whether the discharge is process, sanitary or unpolluted discharge. Discharges from buildings, sites, or facilities with a mixed residential and industrial/commercial use shall be considered industrial or commercial wastewater.

E.P.A. shall mean the Environmental Protection Agency of the U.S. Government.

Excessive shall mean amounts or concentrations of a constituent of a wastewater which in the opinion of the director of public works or manager will cause damage to any facility of the town, including, but not limited to constituents which will be harmful to a wastewater treatment process, which cannot be removed at the wastewater treatment plant to the degree required to meet applicable environmental or health-related standards, which can constitute a nuisance, or which can otherwise endanger public health or the facilities of the town.

Facilities of the town shall mean all structures and sewers of the town used for collecting, pumping, treating or disposing of wastewater or wastes including all connected furnishings and appurtenances and any other machines and/or equipment used in carrying out its purposes.

Garbage shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.

Industrial or commercial wastewater shall mean the wastewater from industrial or commercial establishments, including but not limited to, sanitary and process wastewaters from commercial or industrial buildings, sites or facilities. Discharges from buildings, sites or facilities with a mixed residential and industrial/commercial use shall be considered industrial or commercial wastewater.

In-ground sewage treatment system shall mean all structures and equipment related to a subsurface treatment system owned by the town for treatment of domestic sanitary wastewaters, including, but not limited to, sewers, holding tanks, pumps, septic tanks, leach fields, and related equipment and machinery.

Manager shall mean the Brunswick Town Manager.

Owner shall mean any person which holds title to the property of a participating household.

Participating household shall mean a residential household with a domestic sanitary wastewater discharge which has permission from the Town of Brunswick and any other necessary party to connect and maintain a connection to an in-ground sewage treatment system owned by the town.

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

pH shall mean the reciprocal of the logarithm (to the base ten) of the hydrogen ion concentration in grams per liter of solution.

Properly shredded garbage shall mean garbage 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 inch (1.27 centimeters) in any dimension.

Public sewer shall mean a sewer controlled by the Town of Brunswick, used to convey domestic sanitary wastewater from participating households to an in-ground sewage treatment system.

Sea water shall mean water from tidal areas, regardless of its salinity, but shall not include waters from drilled or dug wells.

Sewer shall mean a pipe or conduit for carrying domestic sanitary wastewater, to which rainwaters, surface or ground waters are not intentionally admitted.

Shall is mandatory; May is permissive.

Slug shall mean any discharge of water or wastewater which includes a concentration of any given constituent or a quantity of flow which exceeds for any period longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration or flow during normal operation.

Spill shall mean the release, accidental or otherwise, of any material not normally released to the facilities of the town, which by virtue of its volume, concentration or physical or chemical characteristics, creates a hazard to the facilities of the town, their operation or their personnel. Such characteristics shall include, but are not limited to materials or wastes listed in Division 2 of this article.

Storm drain shall mean a pipe or conduit for carrying rainwater, groundwater, surface water, condensate, cooling water, or unpolluted water from any source.

Superintendent shall mean the Superintendent of the Brunswick Sewer District or his duly authorized representative.

Suspended solids shall mean total 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" latest edition, and is referred to as nonfilterable residue.

Town shall mean the Town of Brunswick, acting through its town council, town manager, or their duly authorized representatives.

Wastes shall mean substances in liquid, solid or gaseous form that can be carried in water.

Wastewater shall mean the spent water of a community and may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and rainwater that may be present.

Wastewater treatment plant shall mean the in-ground sewage treatment system and related facilities of the town serving the participating households, or the Brunswick Sewer District Wastewater Treatment Plant located on Pine Tree Drive, Brunswick.

(Ord. of 7-6-93, Art. I)

Secs. 16-53—16-60. - Reserved.

DIVISION 2. - USE OF PUBLIC SEWERS

Sec. 16-61. - Scope.

This division regulates the use of the facilities of the town, including but not limited to, in-ground sewage treatment systems, building sewers, and/or wastewater treatment systems, and the discharge of waters and wastes into such facilities, and provides for penalties for the violations of this division.

(Ord. of 7-6-93, Art. II, § 1)

Sec. 16-62. - Permitted discharges.

Only domestic sanitary wastewater, as defined in section 16-52, shall be discharged to in-ground sewage treatment facilities, building sewers or related facilities of the town.

(Ord. of 7-6-93, Art. II, § 2)

Sec. 16-63. - Prohibited discharges.

Industrial or commercial wastewaters, as defined in section 16-52, shall not be discharged to in-ground sewage treatment facilities, building sewers or related facilities of the town.

(Ord. of 7-6-93, Art. II, § 3)

Sec. 16-64. - Permit required.

- (a) There shall be no connection into a public sewer or any appurtenances thereof without a plumbing permit from the codes enforcement officer and approval of an entrance application from the Town of Brunswick.
- (b) Applications for permits to connect with or disconnect from any public sewer shall be made to the codes enforcement officer and the town on forms prescribed and furnished by them at their offices.
- (c) Applications for permits for sewer connections involving industrial or commercial wastewater will not be accepted.

(d) The permit applicant shall notify the codes enforcement officers when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the direction of the town.

(Ord. of 7-6-93, Art. II, § 4)

Sec. 16-65. - Responsibility for connection costs.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage to facilities of the town or surrounding property that may be caused, directly or indirectly, by the installation of the building sewer.

(Ord. of 7-6-93, Art. II, § 5)

Sec. 16-66. - Building sewer jurisdiction.

Building sewers connected to a public sewer are within the jurisdiction of the town and the provisions of this article apply to such building sewers.

(Ord. of 7-6-93, Art. II, § 6)

Sec. 16-67. - Construction methods and materials.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Maine State Plumbing Code or other ordinances of the town.

(Ord. of 7-6-93, Art. II, § 7)

Sec. 16-68. - Connection of old building sewers.

Old building sewers may be used in connection with new buildings only when they can be shown by the applicant to meet all requirements of this article.

(Ord. of 7-6-93, Art. II, § 8)

Sec. 16-69. - Lifting of wastewater required.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any plumbing fixtures are too low to permit gravity flow to the public sewer, wastewater originating from such fixtures shall be lifted by an approved means and discharged to the building sewer.

(Ord. of 7-6-93, Art. II, § 9)

Sec. 16-70. - Protection; restoration of property.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. When it is necessary to disturb streets, sidewalks, parkways, and

other property in the course of the work, a permit is required by the town. The property shall be restored in a manner satisfactory to the town, after consulting with the owner of the property.

(Ord. of 7-6-93, Art. II, § 10)

Sec. 16-71. - Abandonment of service.

No person shall dismantle or move any building having a service entrance into a public sewer without first obtaining an appropriate permit from the codes enforcement officer and notifying the codes enforcement officer. Before the building is dismantled or moved, the entrance of the service into such building shall be sealed with a watertight masonry plug. The plug shall be installed under the supervision of the town. If the building sewer is determined to be unserviceable by the town, the owner shall at his own expense remove such service and seal the opening at the entrance to the public sewer.

(Ord. of 7-6-93, Art. II, § 11)

Sec. 16-72. - Responsibility for building sewer repairs and maintenance.

All costs and expenses incident to repairs and maintenance of the building sewer (from the wall of the building to a point five (5) feet from the building, at the beginning of the public sewer), shall be borne by the owner.

(Ord. of 7-6-93, Art. II, § 12)

Sec. 16-73. - Unpolluted water prohibited.

No person shall discharge or cause to be discharged any rain water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or any wastewater other than residential domestic sanitary wastewater to any public sewer. Any person discharging unpolluted water shall be required to remove the unpolluted water from the public sewer at owner's expense.

(Ord. of 7-6-93, Art. II, § 13)

Sec. 16-74. - Harmful wastes prohibited.

No person shall discharge or cause to be discharged into any public sewer, any of the below described substances, materials, wastes or wastewaters:

- (a) Wastewaters having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to any facilities or personnel of the town.
- (b) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (c) Solid or viscous substances in such quantities or of such size to be capable of obstructing the flow in sewers, or interfering with the proper operation of the facilities of the town such as but not limited to: ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (d) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the

receiving soils of the in-ground sewage treatment system or related facilities of the town, or in Casco Bay.

- (e) Any sea water, regardless of its salinity (salt content). Sea water shall not be used for toilet flushing, even during power outages.

(Ord. of 7-6-93, Art. II, § 14)

Sec. 16-75. - Harmful wastes limited.

The following described substances, materials, wastes or wastewaters shall be limited in discharges to public sewers to concentrations or quantities which are not excessive as defined in section 16-52. The town may set limitations lower than the limitations established below, if in its opinion such limitations are necessary to meet the objectives of this article.

- (a) Wastewater, liquid, or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees C).
- (b) Garbage that has not been "properly shredded" as defined in this article.
- (c) Radioactive wastes or isotopes in excessive amounts or such half-life or concentration as may exceed limits established in applicable state or federal regulations or by the town.
- (d) Water or wastes which by interaction with other waters or wastes in the public sewer, release obnoxious gases or form suspended solids which interfere with or are harmful to facilities of the town or the treatment process.
- (e) Wastewaters containing:
 - (1) An average concentration of suspended solids in excess of four hundred (400) mg/l or an average concentration of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in excess of six hundred (600) mg/l.
 - (2) Materials which cause excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) An average concentration of BOD in excess of five hundred (500) mg/l or material which cause unusual chemical oxygen demand, or chlorine requirements.
 - (4) Caustic alkalinity, calculated as CaCO_3 (calcium carbonate) in excess of one hundred (100) mg/l.
 - (5) 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 thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees C).
 - (6) Excessive amounts of iron, chromium, cadmium, copper, zinc, mercury, nickel, mineral acid, or similar objectionable or toxic substances.
 - (7) Phenols or other taste or odor producing substances in excessive amounts.
 - (8) Materials in such concentrations as to constitute a "slug" as defined in this article.
 - (9) Materials which are not amenable to treatment or reduction by the wastewater treatment plant or are amenable to treatment only to such a limited degree that the wastewater treatment plant effluent can not meet the requirements of other agencies having jurisdiction over the town.

(Ord. of 7-6-93, Art. II, § 15)

Sec. 16-76. - Control of wastewater strength.

If any wastewaters or wastes are discharged, or are proposed to be discharged to the public sewers containing excessive substances or possessing characteristics included but not limited to those listed in Division 2 of this article, the town may do any or all of the following:

- (a) Reject the wastewaters or the wastes.
- (b) Require that pretreatment of wastewaters or wastes be provided to modify them to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge of the wastewaters or the wastes.
- (d) Require payment to cover the added costs of handling and treating the wastes under the provisions of Division 3 of this article.

(Ord. of 7-6-93, Art. II, § 16)

Sec. 16-77. - Waste characteristic change.

Any person proposing a substantial change in the volume or character of wastewater as described in the sewer connection permit application that is being discharged into a public sewer shall notify the codes enforcement officer at least forty-five (45) days prior to the proposed change.

(Ord. of 7-6-93, Art. II, § 17)

Sec. 16-78. - Interceptors required.

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. All interceptors shall be of a type and capacity approved by the town, and shall be located as to be easily accessible for cleaning and inspection. If required by the town, grease, oil, or sand interceptors shall be installed and maintained continuously in effective operating order by the owner at his expense. The town shall have the right to inspect such interceptors in accordance with Division 2 of this article.

(Ord. of 7-6-93, Art. II, § 18)

Sec. 16-79. - Control structure required.

When required by the town, the owner of property served by a public sewer carrying wastes shall install a suitable control structure and wastewater flow measuring and monitoring device to carry out the purpose of this article. Such structure and measuring devices shall be constructed in accordance with plans submitted to and approved by the town. If required by the town, the structure and flow measuring device shall be installed and maintained continuously in effective operating order by the owner at his expense.

(Ord. of 7-6-93, Art. II, § 19)

Sec. 16-80. - Preliminary treatment facilities required.

When required by the town, the owner of any property served by a public sewer shall provide preliminary treatment facilities to carry out the purpose of this article. Applications for pretreatment facilities are to be accompanied by plans, specifications and other pertinent information which must be

approved by the town prior to construction. When required by the town, all preliminary treatment facilities shall be installed and maintained continuously in effective operating order by the owner at his expense.

(Ord. of 7-6-93, Art. II, § 20)

Sec. 16-81. - Tampering prohibited.

No person other than an authorized representative of the town shall open, close, tamper or damage any of the facilities of the town or the in-ground sewage treatment system.

(Ord. of 7-6-93, Art. II, § 21)

Sec. 16-82. - Town access to sewered property.

The town shall have the right at all reasonable hours, after reasonable notice, to enter any property connected with the public sewer for the purpose of examining the property and sewer connections, to determine the purposes for which the sewer is used and the proper sewer use charges, and to enforce this article.

(Ord. of 7-6-93, Art. II, § 22)

Sec. 16-83. - Liability for violations.

Any person violating any of the provisions of this article shall be liable to the town for any expense, loss or damage incurred, directly or indirectly, by the town due to such violation.

(Ord. of 7-6-93, Art. II, § 20)

Sec. 16-84. - Notice of violation required.

Any person found to be in violation of any provision of this article shall be served by the town with a written notice stating the nature of the violation and providing a reasonable time limit, as determined by the town, for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all such violations. Alternatively, the town may correct such violation and charge all expenses thereof to the violator.

(Ord. of 7-6-93, Art. II, § 24)

Sec. 16-85. - Fine.

Any person who continues any violation beyond the time limit provided for in Division 2 of this article may be liable to the town in an amount of up to one hundred dollars (\$100.00) per day until such violation is corrected or abated.

(Ord. of 7-6-93, Art. II, § 25)

Secs. 16-86—16-100. - Reserved.

DIVISION 3. - SEWER USE CHARGES

Sec. 16-101. - User charges established.

The owner of a participating household discharging wastewater to a public sewer shall be subject to a sewer user charge. The user charge shall be based on the quantity and characteristics of the wastewater discharged to a public sewer.

The town council shall, after public notice and hearing, establish reasonable user charges reflecting the actual costs of the operation and maintenance of the in-ground sewage treatment system and facilities of the town benefitting the participating households. In establishing the charges, the council may take into account any recommended user charges submitted by the participating households. The participating households may submit a recommended user charge, with explanation, annually to the council for its consideration. ~~The current schedule of user charges, which is published separately, shall be considered an integral part of this article. Sewer user charges will be billed in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.~~

(Ord. of 7-6-93, Art. III, § 1)

Sec. 16-102. - Unmetered sewer users.

Charges for participating households which discharge domestic wastewater into the public sewer, where water is supplied from sources other than the Brunswick-Topsham Water District, ~~shall be~~ established by accounting for both fixed and variable charges. The fixed charges are those common to all participating households and are divided equally among all participating households. The variable charges shall be based on an estimated amount of wastewater from each bedroom of a participating household connected to the public sewer. ~~The current charges for unmetered participating households shall be listed in a rate schedule. Sewer user charges will be billed in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.~~

(Ord. of 7-6-93, Art. III, § 2)

Sec. 16-103. - Rates due from owner.

All user charges are due from the owner of the participating household served by the public sewer and such owner shall be held responsible.

(Ord. of 7-6-93, Art. III, § 3)

Sec. 16-104. - Rates due quarterly.

All user charges shall be due and payable at the office of the town quarterly. Failure of the owner of the participating household to receive his bill does not relieve him of the obligation of its payment.

(Ord. of 7-6-93, Art. III, § 4)

Sec. 16-105. - Late payment or nonpayment of rates.

A late payment charge may be applied to user charge bills which remain unpaid for longer than thirty (30) days after the billing date. The late charge shall be one and one-half (1½) percent per month of the unpaid balance but not less than two dollars (\$2.00) per bill. The town may also record a lien against the

property at the Cumberland County Registry of Deeds to secure payment of rates in accordance with the Charter. Such a lien constitutes a mortgage having priority over all other mortgages except those of taxes, and said mortgage automatically forecloses after eighteen (18) months after date of recording if not paid.

(Ord. of 7-6-93, Art. III, § 5)

Secs. 16-106—16-110. - Reserved.

DIVISION 4. - NEW CONNECTIONS OR ENLARGEMENT OF USE

Sec. 16-111. - Application of division.

This division shall apply to all new construction of in-ground sewage treatment systems or extensions, expansions or additions of participating households to existing in-ground sewage treatment systems.

(Ord. of 7-6-93, Art. IV)

Sec. 16-112. - New connections or enlargement of use.

Pending evaluation of the systems and their operation, there shall be no new connections of additional households to the in-ground sewerage treatment systems, and no participating household may add additional bedrooms. This provision is intended to allow for an orderly assessment of the quality of the system as constructed and its operations, and to assure that the system is fully functional before determining whether there may be any new or increased discharges. The capacity of the in-ground sewage treatment systems are designed on the basis of the number of bedrooms in each participating household and, therefore, the addition of new bedrooms within participating households during this assessment period must be prohibited.

(Ord. of 7-6-93, Art. IV, § 1)

APPENDIX B MASTER SCHEDULE OF REVENUES, CHARGES, FEES AND FINES

Reference	Date	Description	Amount
Chapter 16—Utilities			
Sec. 16-29	2/6/1989	Violation of this article first offense/second and subsequent offenses within a 12-month period of time, maximum fines	\$100.00/\$250.00
Sec. 16-85	7/6/1993	Violation beyond time limit in division 2 of this article,	\$100.00 per day

		maximum fine	
Sec. 16-101	10/1/2016	Annual fixed rate per property (billed quarterly)	\$716
Sec. 16-102		Annual variable rates per bedroom (billed quarterly):	
		Seasonal property	\$58
		Year Round property	\$116

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(Ord. of 11-16-15(3); Ord. of 11-16-15(4); Ord. of 2-1-16(1); Ord. of 2-1-16(2); Ord. of 3-21-16(2))