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# WASTE WATER ORDINANCE

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An Ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof: in the Town of Gorham, County of Cumberland, State of Maine.

### ARTICLE I - GENERAL

**SECTION 1 - SCOPE**

The provisions of this ordinance shall apply to and govern sanitary facilities, sewers and wastewater treatment; the excavation, construction, installation, usage, maintenance, extension, alteration, repair, or removal of any building sewer, building drain, or sanitary sewer systems; the type of wastewater prohibited from public sewers and storm drainage systems; permitted and prohibited concentrations and strengths of wastewater; and situations in which use of a private sewage disposal system is permissible. The facilities affirm that these facilities are regulated by Part Two of the State of Maine Plumbing Code and that the said code is enforced by the Town. This ordinance does not impose any additional regulations on non public sewer systems, except as they relate to connecting such systems to the public sewer.

**SECTION 2 - INTENT AND PURPOSE**

It shall be the intent and purpose of this Ordinance to reduce to the extent practicable, existing pollution and to prevent further pollution caused by inadequate wastewater disposal, and to accomplish the necessary local legislation to meet the requirements of the State of Maine and the Federal Government. All this is a furtherance of the health, welfare, comfort and convenience of the inhabitants of the Town.

Whereas the Portland Water District has been designated by state legislative action and local public referendum as the regional agency responsible for wastewater treatment, none of the provisions of this Ordinance shall be construed to repeal or otherwise interfere with the rights, duties, and/or powers granted to the Portland Water District pursuant to Chapter 433 of the Private and Special Laws of the State of Maine of 1907, as amended.

**SECTION 3 - ENFORCING OFFICER**

The Superintendent of Sewers as appointed by the Town Council shall administer and enforce the provisions of this Ordinance.

**SECTION 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, Subsection 806.

**ARTICLE II - DEFINITIONS**

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

**SECTION 1** "Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

**SECTION 2** "Building" shall mean a structure built, erected and framed of component structural parts designated for the housing, shelter, enclosure, or support of persons, or property of any kind.

**SECTION 3** "Building Drain" shall mean 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.

**SECTION 4** "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

**SECTION 5** "Chemical Oxygen Demand (COD)" shall mean the quantity of oxygen utilized in the chemical oxidation of matter under standard laboratory procedure, expressed in milligrams per liter.

**SECTION 6** "DEP" shall mean State of Maine Department of Environmental Protection.

**SECTION 7** "Domestic Wastes" shall mean liquid wastes and liquid-borne wastes discharged from sanitary convenience such as toilets, washrooms, urinals, sinks, showers, drinking fountains, home laundry rooms, kitchens, and floor drains free of industrial wastes or toxic materials.

**SECTION 8** "Easement" shall mean an acquired legal right for the specific use of land owned by others.

- SECTION 9 "EPA" shall mean United States Environmental Protection Agency.
- SECTION 10 "Fats, Oil, and Grease (FOG)" shall mean material in a physical state such it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of FOG if it is properly pretreated and the wastewater does not interfere with the wastewater facilities.
- SECTION 11 "Force Main" shall mean any sanitary sewer carrying wastewater under pressure as in a pump discharge or inverted siphon.
- SECTION 12 "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
- SECTION 13 "Industrial Wastes" shall mean the wastewater from industrial processes, trade or business, or any source other than those defined in "Domestic Wastes."
- SECTION 14 "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- SECTION 15 "Owner" shall mean the owner of record according to the Town's Tax Assessor files.
- SECTION 16 "Person" shall mean any individual, firm, company, association, society, corporation, municipal or quasi-municipal agency, state agency, federal agency, or other legal entity.
- SECTION 17 "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is a weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration  $10^{-7}$ .
- SECTION 18 "Pollutant" shall mean to 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 discharged equipment, rock, sand, dirt, and industrial municipal, domestic, commercial, or agricultural wastes of any kind.
- SECTION 19 "Portland Water District" or "District" shall mean the Portland Water District, Portland, Maine and its elected and appointed officials acting in an authorized manner.
- SECTION 20 "Private Wastewater Disposal System or Sewer" shall mean non-public sewage disposal facilities as permitted under the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations or non-public wastewater facilities as licensed by the DEP.
- SECTION 21 "Properly Shredded Garbage" shall mean 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 10mm (0.39 inch) in any dimension.
- SECTION 22 "Public Sewer" shall mean a common sewer owned, operated, and maintained by the Town of Portland Water District.
- SECTION 23 "Readiness to Serve Fee" shall mean an annual fee assessed to a property which abuts a public sewer having available to it a connection stub.
- SECTION 24 "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residencies, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- SECTION 25 "Septage" shall mean the water, sludge, grit, and all other solid and liquid substances collecting in septic tanks, cesspools, and other similar devices.
- SECTION 26 "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- SECTION 27 "Sewer User" shall mean the person owning a building connected to or required to be connected to the public sewer.
- SECTION 28 "Shall" is mandatory; "May" is permissive.

SECTION 29 "Slug" shall mean 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 (24) hour concentration or flow during normal operation and/or adversely affects the public sewer system and/or adversely affects the public sewer system and/or performance of the wastewater treatment works.

SECTION 30 "Storm Drain" shall mean a drain or sewer for conveying groundwater, surface water, or unpolluted water from any source.

SECTION 31 "Superintendent" shall mean the Superintendent of Sewers as appointed by the Town Council or his authorized Deputy, agent, or representative or other authorized agent of the Town.

SECTION 32 "Suspended Solids (SS)" 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" published by the American Public Health Association.

SECTION 33 "Town" shall mean Town of Gorham, Maine and its elected and appointed officials acting in authorized manner.

SECTION 34 "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

SECTION 35 "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of liquid and water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface, and stormwaters as may be present.

SECTION 36 "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial waste, and sludge.

SECTION 37 "Wastewater Facilities" shall mean the pipes, structures, equipment, and processes required to collect, pump, carry away, and treat domestic and industrial wastes and to dispose of the effluent and by-products.

SECTION 38 "Water Course" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

### ARTICLE III - USE OF PUBLIC SEWERS REQUIRED

#### SECTION 1 - UNLAWFUL DISPOSAL OR DISCHARGE

Except as provided under the Rules of the Maine Department of Human Services, Division of Health Engineering, known as the State Plumbing Code, Part II, and except in accordance with provisions for licensing by the Maine Department of Environmental Protection for the discharge of suitably treated wastes, it shall be unlawful to construct or maintain any privy, vault, septic tank, cess pool, or other facility intended or used for the disposal of polluted water, wastewater, or human excrement, or to discharge such excrement or water to any natural outlet within the Town, or in any area under the jurisdiction of the Town.

#### SECTION 2 - CONNECTION TO PUBLIC SEWER REQUIRED

The owners of any building used for human occupancy, employment, recreation, or otherwise contains plumbing systems for conveying water borne waste, situated within the Town and abutting on any street, road, 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 to connect, at the owner(s) expense, any said plumbing facilities directly with the public sewer in accordance with the provisions of this Ordinance within 120 days after date of notice by the Superintendent to do so.

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.

If the building owner can provide 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.

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

## SECTION 1 - PUBLIC SEWER NOT AVAILABLE

Where a public sanitary sewer is not available under the provisions of Article III, Section 2, 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 non-public wastewater facilities licensed by the DEP.

## SECTION 2 - PERMIT REQUIRED

Before commencement of construction of a private wastewater disposal system or non-public 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 Services, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Plumbing Inspector. A permit and inspection fee as established by the Town Council shall be paid to the Code Enforcement Officer at the time the application is filed.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. The Plumbing Inspector shall be allowed to inspect the work at any stage of construction and in any event the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Plumbing Inspector.

## SECTION 3 - STATE COMPLIANCE

The type, capacities, location and layout of a private wastewater disposal system shall comply with the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations and minimum lot size law (Maine Revised Statutes Annotated) Title 12, Chapter 423-a or as provided and licensed by the DEP as may be amended. No private wastewater disposal system shall be permitted to the discharge to any outlet unless approved and licensed by the DEP.

## SECTION 4 - PUBLIC SEWER AVAILABLE

At such time as building with an existing private wastewater disposal system is connected to the public sewer as provided in Article III, Section 2, any septic tanks, cesspools, and similar private wastewater disposal facilities shall no longer be used and shall be cleaned of sludge, and filled with clean bankrun gravel or completely removed with 30 days from connection.

## SECTION 5 - PRIVATE SYSTEM OPERATION

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. The contents from private wastewater disposal systems shall not be discharged to the public sewer.

## SECTION 6 - 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.

## SECTION 7 - CLUSTER SYSTEMS PROHIBITED

No new cluster private waste disposal facility shall be approved for uses first established after December 6, 1988. This section shall not be subject to the granting of a variance under Article XII or otherwise except in the event of failure in the non-clustered systems for such uses. A cluster facility is defined to mean any system designed, installed, or operated, or operated to treat wastewater from more than two residences or more than one commercial/industrial structure.

ARTICLE V - BUILDING SEWERS AND CONNECTIONS

## SECTION 1 - PERMIT REQUIRED

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.

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 1, Subsection 361 as determined by the Superintendent.

There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) 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.

#### SECTION 2 - COSTS BORNE BY OWNER

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.

#### SECTION 3 - SEPARATE BUILDING SEWER REQUIRED

A separate and independent building sewer shall be provided for every building requiring a sewer connection; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, then the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

#### SECTION 4 - OLD BUILDING SEWERS

Old building sewers may be used in connection with new buildings only when they are found to meet all requirements of this Ordinance and such use is authorized by the Superintendent.

#### SECTION 5 - METHODS OF CONSTRUCTION

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 State of Maine Plumbing Code and other applicable rules and regulations of the Town.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. If determined by the Superintendent that a clogged street sewer could cause sewage backflow in the service line and result in damage to the building and/or contents, the Superintendent may require the installation of a backflow preventer valve at the owner(s) expense.

#### SECTION 6 - BUILDING SEWER INSPECTION

The Superintendent shall be allowed to inspect all building sewers installed pursuant to this Article at any stage of construction and in any event, the applicant for the permit shall notify the Superintendent when the work is ready for inspection and before any underground portions are covered. A timely inspection shall be made by the Superintendent.

No building sewer installation constructed pursuant to this Article can be approved if such sewer is covered prior to inspection.

The owner will be held in violation of this section if the Superintendent has not inspected and approved the installation.

#### SECTION 7 - 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 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.

#### SECTION 8 - STORMDRAIN 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.

**SECTION 9 - 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.

**SECTION 10 - STREET & PUBLIC RIGHT-OF-WAY**

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.

**SECTION 11 - CONNECTION TO FORCE MAIN PROHIBITED**

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

**ARTICLE VI - USE OF PUBLIC SEWERS****SECTION 1 - STORMWATER**

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 polluted industrial process waters to any sanitary sewer.

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 water may be discharged, on approval of the Superintendent to a storm sewer, combined sewer, or natural outlet; and the discharge shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subsection 413.

**SECTION 2 - PROHIBITED WASTES**

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

- (A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- (B) Any waters or pollutants 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 waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to those substances as defined in standards issued from time to time by EPA and DEP;
- (C) Any water or pollutants having a pH lower than 5.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities;
- (D) Any solid or viscous substances in such quantities or of such size as capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, disposable diapers, wood, unground, garbage, seafood shells, whole blood, paunch manure, hair and fleshings, entails, and paper or plastic dishes, cups, milk containers, etc. either whole or ground by garbage grinders;
- (E) Any waters of pollutants, including oxygen demanding pollutants (DOB, etc.), which released in quantities of flow or concentrations or both constitute a "slug" as defined herein;
- (F) Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the wastewater treatment works but in no case heated waters or pollutants in such quantities that the temperature at the wastewater treatment works influent exceeds 40 Degrees C (86 degrees F).

**SECTION 3 - LIMITED WASTES**

The following described substances, materials, waters, or pollutants shall be limited in discharge to the public sewer to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment, will not have an adverse effect on the 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 60 degrees C (140 degrees F);
- (B) Wastewater containing more than 25 mg/l 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) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one Hundred Fifty (150) degrees F (0 and 65 degrees 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 on 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 ONE DAY (mg/l)	AVERAGE OF DAILY VALUES FOR 30 CONSECUTIVE DAYS
CADMIUM	0.064	0.016
CHROMIUM	2.87	0.80
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;
- (G) Any radioactive wastes or isotopes which exceed limits established by applicable state or federal regulations or standards;
- (H) Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- (I) Wastewater which, by interaction with other water or pollutants in the public sewer system, release obnoxious gases, form suspended solids which interfere with the public sewer system, or create a condition deleterious to the wastewater facilities;
- (J) Any wastes having color not removable by the treatment works;
- (K) Any wastes having average BOD in excess of 400 mg/l;
- (L) Any wastes having average COD in excess of 600/l;
- (M) Any wastes having average SS in excess of 400 mg/l;
- (N) Any wastes having dissolved solids in such quantity and character as compatible with the wastewater treatment works.

SECTION 4 - TOWN OPTIONS FOR PROHIBITED WASTES

If any waters or pollutants are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 2 or 3 of this Article, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (A) Reject the waters of pollutants;
- (B) Require pretreatment to an acceptable condition for discharge to the public sewers, and/or;
- (C) Require control over the quantities and rates of discharge, and/or;

- (D) Require payment to cover the added costs of handling and treating the wastes.

#### SECTION 5 - 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.

#### SECTION 6 - GREASE AND SAND TRAPS

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 Section 3(C), or any flammable wastes, sand, and other harmful ingredients. 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.

#### SECTION 7 - 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.

#### SECTION 8 - 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 shall be 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.

(B) All measurements, tests, and analyses of the characteristics of waters and pollutants to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods For The Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the structure as required in Paragraph A of this section, or upon suitable samples taken at the upstream and downstream manholes in the public sewer nearest to the point at which the building sewer is connected.

(C) All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the Superintendent. Such records shall be retained by the owner for a minimum of three (3) years and made available upon request by the Superintendent to the Portland Water District, DEP or EPA.

(D) All sampling and testing shall be carried out by the qualified person at the owner's expense. The method and location of sampling and quality of testing is subject to approval of the Superintendent. Any users of public sewers discharging or causing to be discharged into such public sewers any industrial wastes shall provide the Superintendent with samples, when requested.

#### SECTION 9 - EPA PRETREATMENT REGULATIONS

The municipality shall develop and the Superintendent shall enforce pretreatment regulations for existing and new sources of pollution that are discharged or proposed to be discharged into the municipality-owned wastewater treatment facilities as set forth in Title 40, Chapter 1, Part 128 and Part 403 of The Final Rules of the United States Environmental Protection Agency.

#### SECTION 10 - EXCLUSION OF INDUSTRIAL WASTE

The Superintendent, with approval of the Town Manager, shall have authority to temporarily exclude any industrial waste, whether pretreated or not, from the municipal sewers whenever, in his or her opinion, such action is necessary for the purpose of determining the effects of such wastes upon the public sewers or wastewater facilities. The Superintendent shall notify the affected user prior to taking such actions, and shall afford the user a reasonable time for response. The Superintendent shall have the authority to take actions necessary to halt the discharge of pollutants from any user to the treatment works which reasonably appears to present an imminent endangerment to the wastewater facility or to the health or

welfare of persons. Such actions shall be preceded by notification, oral or written to the user.

#### SECTION 11 - ADDITIONAL INFORMATION REQUIRED

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this Ordinance. 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 raw 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 use control.
- (E) An engineering drawing by a registered engineer on 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.

#### SECTION 12 - 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 therefore 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 - POWERS AND AUTHORITY OF SUPERINTENDENT

#### SECTION 1 - 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 provision of this Ordinance.

#### SECTION 2 - PROCESS INFORMATION

The Superintendent or other duly authorized employees or agents are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the public sewer system. The industry may request that such information be kept confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

#### SECTION 3 - SAFETY ON PRIVATE PROPERTY

While performing the necessary work on private properties referred to in Article VII, Section 1, the Superintendent or duly authorized employees or agents of the Town shall observe all safety rules applicable to the premises established by the owner and the owner shall be held harmless for the injury to death to the Superintendent, employees or agents and the Town shall indemnify the owner against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

#### SECTION 4 - EASEMENT ENTRY

The Superintendent and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town or Portland Water District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities 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.

### ARTICLE VIII - PENALTIES

#### SECTION 1 - WRITTEN NOTICE OF VIOLATION

Any person found to be violating any provision of this Ordinance, except Article I, Section 4 and Article VI, Section 10 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

#### SECTION 2 - FINES

Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not less than \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

#### SECTION 3 - LIABILITY FOR PUBLIC EXPENSE

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 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.

#### SECTION 4 - INJUNCTIVE RELIEF

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

### ARTICLE IX - SEWER EXTENSIONS

#### SECTION 1 - NEW SUBDIVISIONS

Any person who subdivides land within the Town, of which any part either is located within 500 feet of a public sanitary sewer, or is located 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 Ordinance, and assuming capacity exists in the sewer system as determined by the Town Council, will, at his own expense, construct for dedication to the Town a sanitary sewer extension to serve all structures within such subdivision 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 Article IX, Section 3, 4 and 5.

#### SECTION 2 - EXISTING BUILDINGS

Any one 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 therefore 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. 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 Article IX, Section 3, 4 and 5. Any sewer extension shall be of adequate size and depth to permit further extensions of sewer service.

#### SECTION 3 - PROCEDURAL REQUIREMENTS

Any person constructing a sanitary sewer extension in accordance with Article IX, Section 1 and 2, shall pay for the entire installation, including all expenses incidental thereto including design review by a registered engineer. Each building sewer must be installed and inspected as required under Article V and all connections shall be made as required under Article V; permit and inspection fees shall be paid for each building sewer connection to the sanitary sewer extension in accordance with Article V. The installation of the sewer extensions must be subject to periodic inspection by the Superintendent and the expenses for this inspection shall be paid for by the owner, builder or developer.

#### SECTION 4 - PUMP STATION DESIGN

Sewer and pump station design shall be in accordance with the sewer design specifications adopted by the Town. Pump station telemetry shall be in accordance with the requirements of the Portland Water District. The Portland Water District shall approve, prior to installation, all necessary instrumentation for all pump stations. All pump stations with an installed design capacity greater than 150 gallons per minute shall be designed and constructed by the Portland Water District, with the developer or the property owners requiring the pump station paying all of the costs.

#### SECTION 5 - 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.

#### SECTION 6 - EXTENSION POLICY

Notwithstanding the provisions of Section 1 and Section 2 above, no extension of the Gorham Public Sewer systems shall be authorized until the earlier of June 30, 1991 or such time as the Town Council enacts an amendment to this ordinance providing for a sewer extension policy; provided, however, until the earlier of those two events, providing public sewer service to the following areas shall not constitute an extension:

- A. Land, including travel or utility easement interests therein, which are either crossed by or abut that portion of a public way or easement area through which the Gorham sewer systems run, provided that this exemption shall be limited to such lands and contiguous lots in common ownership as evidence by a deed recorded in the Cumberland County Registry of Deeds on or before July 1, 1988 provided, further, in the Narragansett Game Sanctuary (as defined by statute), this exemption will allow only one single family house hook-up per lot of record as of said date; or
- B. Land zoned Industrial on the official Town zoning map for permitted uses only under Chapter I, Section XII-B of the Land Use and Development Code and located within 1500 feet of the Gorham Village public sewer system (as shown on the sewer design plans dated December of 1982, revised through December 1987 and drawn by BH2M Engineers) exclusive of any supplemental service areas pursuant to this section.

#### SECTION 7 - RESERVATION OF ALLOCATIONS

Subject to the provisions of Section 6 above, and for good cause shown, the Superintendent may upon application grant or reserve allocations for currently unused capacity in the Gorham public sewer systems on the following conditions:

- (1) Filing of a completed development application for review and approval with the applicable Town official or board. Such application must indicate precisely the nature and amount of sewer system capacity required;
- (2) Such application must be prosecuted diligently to completion before all applicable Town and other governmental agencies;
- (3) Such reservations shall remain valid for one year only from date of issuance subject to renewal by the Superintendent prior to expiration on the same terms as originally issued;
- (4) Payment by the applicant at the time of reservation of a non-refundable amount equal to the readiness to service for the proposed project without regard to whether such charge would otherwise be required; and
- (5) Payment by the applicant at the time of reservation of an amount equal to the then-current connection and inspection fees as most recently established by the Town Council which amount shall be refundable if the project does not use the reserved capacity for any reason.

#### ARTICLE X - SEWER FEES

##### SECTION 1 - SEWER FEE SYSTEM ESTABLISHED

The Town Council shall establish a sewer fee system in accordance with appropriate federal and state laws, rules and regulations and shall further the equitable allocation of the capital and operating costs of the public sewage system among municipal use, 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 approximately 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.

The sewer fee system shall include a financial management system which accounts for sewer system revenues and expenditures.

#### SECTION 2 - SEWER FEE REQUIREMENTS

(A) The Town Council is hereby authorized to establish sewer user fees, industrial waste discharge fees, and readiness to serve fees. The Town Council is authorized to levy such fees upon persons owning land abutting on existing or future public sewer for the use of and benefit from such sewer whether or not buildings on such land are connected to such sewer. After public hearing such fees shall be established by the Town Council on no less than an annual basis.

(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 Portland Water District also supplies water, the computation shall include the amount of water obtained from all sources, unless the user establishes that some water is not entering the sewer system. The Town may require, or the user may opt for, additional metering, either of water sources or of the sewer outflow, to be installed and maintained at the owner's expense where such metering is required to accurately measure the volume of wastewater entering the sewer system.

(C) Readiness to serve fees shall be charged to properties which abut a public sewer having available to it a connection stub. Such fees can be used only for payment of fixed costs that are not related to flow.

(D) Each sewer user shall pay a minimum fee regardless of actual water usage. Such minimum fee shall be established by the Town Council on an annual basis.

(E) Industrial waste surcharge fees shall be charged to users which have or may have industrial wastes discharging to the public sewer system. Such fees may be based on measured or estimated quantities of material exceeding the limits listed in Article VI and on Town costs for administering and monitoring the provisions in Article VI related to industrial wastes.

#### SECTION 3 - BILLING

(A) Bills for all charges under this Article are payable by the owner, but may be sent to other persons on request, including the occupant or persons requesting water service if mutually agreeable to the Owner and Town.

(B) Bills shall be sent periodically at such intervals as the Town Council may determine, and are due and payable on presentation.

(C) The Town may use the service, procedures, and personnel of the Portland Water District for the purpose of billing and collection of charges under this Article. All such charges billed by the Portland Water District are payable to the District as an agent of the Town.

#### SECTION 4 - LATE PAYMENTS, LIENS

(A) Interest at the same rate as that established for unpaid property taxes shall be added to all unpaid bills beginning 30 days after the date of bill.

(B) There shall be a lien on the property served or to which service is available, to secure payment of the charges and fees established herein, which shall take precedence over all other claims on such real estate, excepting only claims for taxes.

(C) All delinquent unpaid sewer charges will be turned over to the Treasurer of the Town. The Treasurer of the Town shall have the same authority and power to collect such service charges as are granted by Title 38, Section 1208, and may be amended, to Treasurers of sanitary sewer districts. In addition to the lien established hereby, the Town may maintain a civil action against the party so charged for the amount of said 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

##### SECTION 1 - FIRST NOTICE TO SUPERINTENDENT

Any person aggrieved by a determination made under the provisions of this Ordinance, 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 Ordinance.

##### SECTION 2 - APPEAL TO SEWER APPEALS 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 Ordinance, 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.

#### SECTION 3 - APPEAL TO SUPERIOR 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.

### ARTICLE XII - SEWER APPEALS BOARD

#### SECTION 1- CREATION AND APPOINTMENT

The establishment of a Board of Sewer Appeals is hereby authorized. The members of the Board shall be appointed by the Town Council. They shall be residents of the Town and shall serve without compensation. In accordance with the laws of the State of Maine, the following provisions shall apply:

- (A) The Board shall consist of five (5) members. A quorum shall consist of three (3) members.
- (B) The term of office of members shall be three years except that initial appointment of members shall be one for one, two for two and two for three years.
- (C) No municipal officer shall be a member of the Board of Sewer Appeals.
- (D) The Town Council may remove a member of the Board of Sewer Appeals. Unexcused absence of any member from three (3) consecutive meetings of the Board shall be considered cause for such removal.
- (E) When there is a permanent vacancy, whether caused by death, resignation, removal or loss of eligibility, the Town Council may appoint a person to serve for the unexpired term.
- (F) The Board of Sewer Appeals shall elect a Chairman and a Secretary from its own membership annually.

#### SECTION 2 - JURISDICTION

The Board of Sewer Appeals shall have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the Superintendent, the Health Officer and/or the Plumbing Inspector insofar as such decision arises from requirements of this Ordinance.

- (A) To determine whether the decisions of said officers are in conformity with the provisions of this Ordinance, and to interpret the meaning of this Ordinance in cases of uncertainty.
- (B) To grant variance from the terms of the Ordinance where there is no substantial departure from the intent of the Ordinance and/or, where necessary, to avoid undue hardship. A projected expenditure of an amount exceeding 15 percent 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.

#### SECTION 3 - HEARINGS

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 days prior to said next monthly meeting day who shall cause to be advertised in a newspaper of general circulation in the Town of Gorham 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.

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 (30) days of the date of the hearing shall constitute a denial of said appeal.

### ARTICLE XIII - VALIDITY



SECTION 1 - ORDINANCE

All ordinances or parts of ordinances in conflict with this Waste Water Ordinance are hereby repealed.

SECTION 2

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

