



Town of Winter Harbor

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Winter Harbor, Maine

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SEWER AND DRAINS

Public Sewer Ordinance

Sections

8-101 Authority

8-102 Purpose

8-103 Definitions

8-104 Use of Public Sewers Required

8-105 Private Sewage Disposal

8-106 Building Sewers and Connections

8-107 Use of Public Sewers

8-108 Protection From Drainage

8-109 Powers and Authority of Inspectors

8-110 Penalties

8-111 Amendments

8-112 Variances

8-113 Validity

8-114 Ordinance in force

Section 8-101 Authority

The Town is authorized to create this chapter according to the municipal powers set forth in Title 30A Chapter 141, Section 3001 et al.

Section 8-102 Purpose

To regulate the use of the public and private sewage and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of water and waste into the public sewer system(s); and provide penalties for the violations thereof: in the Town of Winter Harbor.

Section 8-103 Definitions

- A. "BOD" (denoting Biological Oxygen Demand) shall mean the quantity of oxygen utilization in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter, (mg/l).
- B. "Building Drain" shall mean that part of the lowest horizontal piping of drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet 1.5 meters outside the inner face of the building.
- C. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- D. "Combined Sewer" shall mean a sewer receiving both surface run-off and sewage.
- E. "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- F. "Industrial Wastes" shall mean the liquid waste from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- G. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- H. "Person" shall mean any individual, firm, company, association, society, corporation or group.
- I. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- J. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, and dispensing 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 sewer, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- K. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- L. "Sanitary Sewer" shall mean a sewer that carries sewage and to which storm sewage, and groundwater are not intentionally admitted.
- M. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with such groundwater, surface water and storm water as may be present.
- N. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

- O. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- P. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Q. "Shall" is mandatory; "May" is permissive.
- R. "Sludge" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.
- S. "Storm Drain" (storm sewer) shall mean a sewer, which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- T. "Superintendent" shall mean the Superintendent of Sewer Works and/or of Water Pollution Control of the Winter Harbor Utilities District or his authorized deputy, agent or representative.
- U. "Suspended Solids" shall mean solids that either float on the surface of, or in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
- V. "Watercourse" shall mean a channel in which a flow of water occurs, either continually or intermittently.
- W. "Septic tank Pumping" shall mean sewage removed from a cesspool or septic tank.
- X. "Grey Water" shall mean liquids and solid waste from fixtures and water-using appliances other than waste from toilets.
- Y. "Wastewater" shall mean sewage and industrial waste and/or Grey Water.

Section 8-104 Use of Public Sewers Required

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town of Winter Harbor or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town of Winter Harbor or in any area under its jurisdiction, any sewage or other pollutant except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage except as specified in Town zoning ordinance.
- D. The owner of all houses, buildings or properties in which facilities are installed which require the discharge of waste water 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 may in the future be located a public sanitary or combined sewer of the Utility District is hereby required at his own expense to connect such facilities directly with the public sewer system in accordance with provisions of this ordinance, within ninety (90) days after date of official notice to do so provided that said public sewer is within one hundred (100) feet (30.5 meters) of the dwelling building or private sewage disposal system, whichever is closer except as provided in Section 8-106 (D)

Section 8-105 Private Sewage Disposal

- A.** Where a sanitary or combined sewer is not available under provisions of Section 8-104 (D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.
- B.** Before commencement of construction of a private sewer disposal system, the owner shall first obtain a written permit signed by the Certified Soil Scientist. The application for such a permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as are deemed needed by the Plumbing Inspector. A permit and current inspection fee shall be paid to the Town at the time the application is filed.
- C.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. He 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 with-in twenty-four (24) hours of receipt of notice by the Plumbing Inspector.
- D.** The type, capacity, location and layout of a private disposal system shall comply with all recommendations of the Department of Public Health of the State of Maine. No permit shall be issued for any private sewage disposal system employing sub surface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E.** Private sewage disposal systems installed prior to the public sewers becoming available are allowed in areas served by the public sewer as long as they are maintained in a sanitary manner and are not in violation of any part of this ordinance. State law, or zoning ordinances of the Town of Winter Harbor. This determination is to be made by the Plumbing Inspector, Code Enforcement Officer or Health Officer. When the private sewage disposal system is no longer functional and must be replaced, and when the property where it is located meets the criteria of Section 8-104(D), then a direct connection shall be made to the public sewer in compliance with this ordinance. Any septic tank, cesspool and similar private sewage disposal system shall be abandoned and filled in with suitable material. All of this to be done at the owner's expense.
- F.** The owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times at no expense to the Town.
- G.** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- H.** Sewage disposal from travel trailers, boat pumping or septic tank pumping shall be discharged into the Utility District sewer at a time and place to be authorized by the Superintendent.

Section 8-106 Building Sewers and Connections

- A.** No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

- B.** There shall be two (2) 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 or his agent shall make out an application on a special form furnished by the Utilities District. 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 will be required for residential, commercial and industrial buildings, sewers and shall be paid to the Utility District at the time the application is filed.

- C.** All costs and expenses incident to the installation and connection of the building sewer shall be born by the owner. The owner shall indemnify the Utility District for any loss or damage that may directly or indirectly be associated by the installation of the building sewer.
- D.** A separate and independent building sewer shall be provided for every building from which wastewater is discharged; except where one building stands in the rear of another on an interior lot and no private sewer is available or can be connected to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building.
- E.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- F.** The size, slope, alignment, materials of construction of a building sewer and the method to be used in excavating, placing of pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- G.** 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.
- H.** No person shall make connection to 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 sanitary sewer.
- I.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. The Superintendent or his agent before installation must approve any deviation from the prescribed procedures and materials.
- J.** The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connections shall be made under the supervision of the Superintendent or his agent.
- K.** All excavation of building sewer installation shall be adequately guarded with barriers and lights so as to protect the public from hazard. Streets, sidewalks,

parkways, and other public property disturbed in the course of the work shall be restored in a matter satisfactory to the Town.

Section 8-107 Use of the Public Sewer

- A.** No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drain, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, or natural outlet.
- C.** No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
 - 1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to human or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage plant, including but not limited to cyanides, in excess of two (2) mg/1 as Cn in the waste waters as discharged to the public sewer.
 - 3. Any waters or wastes having a ph lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - 4. Solid and viscous substances in quantities of such size capable of causing obstruction to the flow of sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, entrails, paper dishes, cups, milk containers, etc, either whole or in part.
- D.** No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect of the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as the acceptability of these wastes, the Superintendent shall give consideration to such factors as the quantity of subject waste in relation to the flows and velocities in the sewage treatment plant, degree of treat ability of wastes in sewage treatment plant and other factors. The substances prohibited are:
 - 1. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150) F (65) C.
 - 2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at a temperature

between thirty-two degrees (32) and one hundred fifty degrees (150) F, (0 to 65) C.

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinding equipment with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any water or waste containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in composite sewage at the sewage treatment plant exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulation.
8. Any waters or wastes having a pH in excess of 9.5
9. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 8-107 (D), and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life constitute a public nuisance, the Superintendent may:

1. Reject the wastes,
2. Require the pretreatment to an acceptable condition for discharge to the public sewers,

3. Require control over the quantities and rates of discharge, and/or,
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 8-107 (J).

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

- F. 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 grease in excessive amounts, or any flammable wastes, sand, or 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 as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole 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.
- I. All measurements, tests, and analyses of the characteristics or waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected, Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Utility District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Utility District for treatment, subject to payment therefore, by the industrial concern.

Section 8-108 Protection From Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 8-109 Powers and Authority of Inspectors

- A. The Superintendent and other duly authorized employees of the Utility District bearing proper credentials and identification and by written appointment with the owner or his local Representative shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in 8-109(A) above, the Superintendent or duly authorized employees of the Utility District shall observe all safety rules applicable to the premises established by the owner and the shall be held harmless for injury or death to the Utility District employees and the Utility District shall indemnify the owner; against loss or damage to its property by Utility District employees and against liability claims and demands for personal injury or property damage asserted against the owner 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 as required in Section 8-107(H).
- C. The Superintendent and other duly authorized employees of the Utility District bearing proper credentials and identification shall be permitted to enter all private properties through which the Utility 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 sewage works lying within said easement. All entry and subsequent work, if any, of said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 8-110 Penalties

- A. Any person found to be violating any provision of this ordinance except Section 8-108(A) shall be served by the Utility District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in 8-110(A) above, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred (100) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

Section 8-111 Amendments

This ordinance may be amended by a majority vote of the Legislative Body.

Section 8-112 Variances

The Utility District shall be the arbitrator of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this ordinance. The cost of arbitration will be divided equally between the Municipality and the sewer user.

Section 8-113 Validity


- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

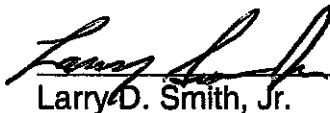
Section 8-114 Ordinance in Force

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

Historical Note: Enacted on May 30, 1975
Modified and Adopted on June 18, 2014

Board of Selectmen


Terry D. Bickford


Larry D. Smith, Jr.


William R. Faulkingham