

**TOWN OF FARMINGTON
CODE OF ORDINANCES
CHAPTER 9
SEWER USE**

A True Attested Copy

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TOWN OF FARMINGTON

CHAPTER 9 SEWER USE ORDINANCE

PURPOSE: An ordinance to promote the general health and welfare of the community by regulating the use of public and private sewers, drains and private wastewater disposal. The installation and connection of building sewers and the discharge of waters and wastes into the public sewer system; in the Town of Farmington, County of Franklin, State of Maine.

ARTICLE 1

SECTION 1.1 - DEFINITIONS

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

“ACT” shall mean the Federal Clean Water Act as amended.

“AGENT” shall mean a person doing business for another such as an attorney, deputy, proxy, an intermediary.

“APPLICANT” shall mean any person requesting approval to discharge industrial or domestic wastewaters into facilities of the Town.

“BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20°C, expressed in milligrams per liter.

“BOARD” shall mean the board of Sewer Commissioners for the Town of Farmington. The Selectmen of the Town of Farmington shall be the Board of Sewer Commissioners.

“BOARD OF SELECTMEN” Shall mean the duly elected selectmen of the town of Farmington.

“BUILDING” shall mean a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, or property of a kind, for which toilet facilities are required, or which require the disposal of wastewater from its occupants, operations or processes.

“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 wall of the building wall.

“BUILDING SEWER” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection. **(added 03-14-05)**

“COMBINED SEWER” shall mean a sewer intended to receive both wastewater and storm, or surface water runoff.

“COMMERCIAL” shall mean having to do with commerce: designed for profit: the exchange of goods.

“COMPOSITE SAMPLE” shall mean a sample collected using an automated sampling device that collects flow proportioned samples over a period of time.

“DISCHARGE” shall mean any substance knowingly put or allowed to flow into any part of the town’s sewer system or treatment works.

“DOMESTIC SEWAGE” shall mean water and water-carried wastes normally discharged into the sanitary sewers from dwellings.

“EASEMENT: shall mean and acquired legal right for the use of land owned by others.

“EMULSIFIER” shall mean something which promotes the dispersion of grease, fats or oil in water or wastewaters.

“ENGINEER” shall mean the professional Engineer retained by the Town of Farmington. In the event the Town has not retained an engineer, the term “engineer” as used herein will be construed to mean the Superintendent of the Town of Farmington Wastewater Treatment System.

“FLOATABLE GREASE” shall mean grease, oil or fat in a physical state such that it will separate by gravity from wastewater by treatment in an approve pretreatment facility. A wastewater shall be considered free of floatable grease if it is properly pretreated and the wastewater does not interfere with the collection system.

“GARBAGE” shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of food products and produce.

“GRAB SAMPLE” shall mean a sample collected at a particular instant and represents conditions existing at that single moment.

“INDUSTRY” shall mean manufacturing activity as a whole.

“INDUSTRIAL WASTES” shall mean all water and water-carried solids, liquid and gas wastes resulting from any industrial, manufacturing, or food processing operation or process or from the development of any natural resource or a mixture of any of these fluids and domestic sewage, or any mixture of these fluids with any other water or with any other liquid.

“INSTITUTIONAL” and “INSTITUTE” shall mean an organization for the promotion of a cause; and educational institution; a society or corporation esp. of a public character.

“LOW WATER CONSUMPTION TOILETS” shall mean a flush toilet that uses two or less gallons of water per flush.

“NATURAL OUTLET” shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

“NPDES” shall mean the National Pollutant Discharge Elimination Systems permit program of the U.S. EPA.

“OWNER” shall mean the person, organization, or entity listed as the owner of record as recorded at the Registry of Deeds.

“PERSON” shall mean any individual, firm, company, association, society, corporation, municipal or quasi-municipal agency, state agency, federal agency, or other legal entity.

“pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“PROPERLY SHREDDED GARBAGE” shall mean the wastes from the handling, 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 sewers, with no particle greater than one-half (1/2) inch in any dimension.

“PROPERTY LINE” shall mean the edge of the street right-of-way if the building sewer is to connect with the public sewer in a public street. “Property Line” shall mean the edge of a sewer easement in those instances where the building sewer connects to the public sewer in a sewer easement.

“PUBLIC SEWER” shall mean a common sewer in which all owners of abutting properties have equal rights and is owned, operated, and maintained by public authority, or governmental agency.

“SANITARY SEWER” shall mean a sewer which carries liquid and water-carried wastes from residences, commercial building, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

“SEWAGE” shall mean a the combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

“SEWAGE TREATMENT PLANT” shall mean any arrangement of devices and structures used for treating sewage.

“SEWER” shall mean a pipe or conduit for carrying sewage.

“SEWERAGE WORKS” or “TREATMENT WORKS” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

“SEWER EXTENSION” shall mean a new or upgraded system for waste-water collection from one or more buildings not previously served by the public sewer and transport of said wastewater to a location within the existing public sewer system as recommended by the Superintendent and approved by the board of Sewer Commissioners. The sewer extension shall consist of sewer pipe and may include manholes, cleanouts, pump stations, or some combination of these components, as necessary. The sewer extension may consist of new construction only, or may include an upgrade of existing components in the public sewer and treatment systems to provide adequate transport and treatment of the additional wastewater discharged into the system.

"SEWER MAIN" same as public sewer.

"SHALL" is mandatory; "MAY" is permissive.

"STORM SEWER" or "STORM DRAIN" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"SUPERINTENDENT" shall mean the Wastewater Treatment System Superintendent for the Town of Farmington, or his authorized deputy, agent, or representative. The Superintendent is responsible for the operation and maintenance of the Town's wastewater facilities.

"SUSPENDED SOLIDS" shall mean the total suspended matter that either floats on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

"TOWN" shall mean the Town of Farmington, Maine, and/or its duly authorized employees or agents.

"WASTEWATER" same as sewage.

"WASTEWATER TREATMENT PLANT" shall mean any facility owned by the Town and used for receiving and treating sewage.

"WATERCOURSE" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

SECTION 1.2 ABBREVIATIONS

For the purpose of this ordinance the following abbreviations shall have the meaning ascribed to them under this article references to standards of the following organizations shall refer to the latest edition of same.

1. ANSI shall mean American National Standards Institute
2. ASCE shall mean American Society of Civil Engineers
3. ASTM shall mean American Society for Testing and Materials
4. AWWA shall mean American Water Works Association
5. cm shall mean centimeter.
6. °C shall mean degrees Celsius
7. °F shall mean degrees Fahrenheit
8. DEP shall mean Maine Department of Environmental Protection
9. EPA shall mean U.S. Environmental Protection Agency
10. kg shall mean kilograms
11. l shall mean liters
12. m shall mean meters
13. mg/l shall mean parts per million
14. ppm shall mean parts per million
15. PVC-SDR 35 shall mean polyvinyl chloride sewer material with a standard dimension ratio (pipe diameter/wall thickness equal to 35).
16. Sq m shall mean square meter.

ARTICLE 2

USE OF PUBLIC SEWERS REQUIRED

SECTION 2.1 – UNSANITARY DISPOSAL METHODS PROHIBITED. It shall be unlawful for any person to place, deposit, or permit to be deposited in a unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human excrement or other objectionable wastes.

SECTION 2.2 – UNLAWFUL DISCHARGE PROHIBITED. It shall be unlawful to discharge to any natural outlet within the Town of Farmington, or in any area under the jurisdiction of the town, any sewerage or other polluted waters, except where suitable treatment has been provided in accordance with the subsequent provisions of this ordinance.

SECTION 2.3 – PRIVATE DISPOSAL SYSTEMS PROHIBITED. 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 the disposal of sewage.

SECTION 2.4 – SEWER USE REQUIRED. The owners of all buildings, or properties used for human occupancy, employment, recreation or other purposes for which toilet facilities may be required, situated in the Town and abutting on any street, alley, or right of way in which there is now located a public sanitary or combined sewer of the Town, is hereby required at the owners expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer. This connection shall be made in accordance with the provisions of this sewer ordinance, and shall be made within ninety (90) days after the official notice to do so, provided that said public sewer is within two hundred (200) feet of the buildings to be connected.

Exceptions may be allowed by the board of Sewer Commissioners if: (a) the building construction took place during the "Slow Growth Moratorium". At that time, connections to the sewer system were controlled by Article 9-2A, adopted by a Town Meeting vote on January 16, 1993. This article limited both residential and commercial connections until its expiration on July 1, 1993, (b) if undue economic hardship would result, in which case the property owner should request in writing a deferral of these requirements and the owner shall be required to demonstrate the nature and degree of economic hardship. However, if any component of the Owner's subsurface wastewater disposal system has a failure which would require replacement, connection to the public sewer must be made regardless of the exceptions allowed in this paragraph.

The Board may waive the requirements of the Sewer Use Ordinance for any commercial establishment, industrial firm, institution or other entity who by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the wastewater treatment facilities or any part thereof if such wastes were to enter the public sewer, or whose waste disposal situation is such that it would be in the public interest to do so.

SECTION 2.5 – CONSERVATION STANDARDS. New connections: all new services shall install and maintain water saver shower heads and low consumption toilets. Existing connection: during expansion, reconstruction and/or remodeling, water saver shower heads and low water consumption toilets shall be installed and maintained by the owner.

SECTION 2.6 – PUBLIC PLANS. The Board of Sewer Commissioners shall make plans available to the public for physical inspection at the treatment facility or Town Office. Such plans shall describe planned sewer routes, extensions, and estimated dates for the completion of each route, extensions or portion thereof. Copies of plans for each newly authorized sewer route, extension or portion thereof, and its estimated date of completion, shall be made available to the public at nominal copy costs.

ARTICLE 3

PRIVATE WASTEWATER DISPOSAL

SECTION 3.1 – WASTEWATER DISPOSAL REQUIRED. Where a public sanitary sewer or combined sewer is not available under the provisions of Article 2, Section 4, the building shall be connected to a private sewage disposal system complying with the provisions of this article and State Plumbing Code.

SECTION 3.2 – PERMIT REQUIRED. Before commencement of construction of a private wastewater disposal system, the Owner shall first obtain a written permit signed by Plumbing Inspector for the Town of Farmington. The application for such permit shall be made on a form furnished by the Division of Health Engineering, Maine Department of Human Services, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the plumbing inspector. Permit and Inspection fees required under the State of Maine Plumbing Code shall be paid to the Plumbing Inspector at the time of application is filed.

SECTION 3.3 – COMPLIANCE WITH STATE REGULATIONS REQUIRED. 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 Rules and the Minimum Lot Size Law (Maine Revised Statutes Annotated, Title 12, Chapter 423-A). No private wastewater disposal system shall be permitted to discharge to any natural outlet without proper review and licensing by the Maine DEP.

SECTION 3.4 – INSPECTION REQUIRED. A permit for a private wastewater disposal shall not become effective until the installation is completed to the satisfaction of the Local 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 Local Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered.

SECTION 3.5 – CONNECTION TO PUBLIC SEWER REQUIRED. At such time as a public sewer is extended to a property served by a private wastewater disposal system, the Town may require a direct connection be made to the public sewer, or the Town may allow the continued use of the private system for the duration of its useful life. In either case the owner shall be required to pay capital cost associated with the installation of said sewer in accordance with Article 6, Section 6.8. Where continued use of a private system is allowed, the property owner shall be billed quarterly, and amount equal to the Board approved minimum sewer use charge. Upon connection to the public sewer the owner shall be required to pay a connection fee. Upon connection, private wastewater disposal facilities shall be abandoned and the septic tank shall be filled with soil for safety.

SECTION 3.6 – OWNERS EXPENSE. The Owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

ARTICLE 4

BUILDING SEWERS AND CONNECTIONS

SECTION 4.1 – PERMIT REQUIRED. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining the proper permits from the board and the Local Plumbing Inspector. See Section 4.5 for non-permitted sewer excavation requirements. Permits shall expire if construction has not commenced within one year and substantially completed within two years from the date it was issued.

To obtain a permit for sewer connection an application must be filed with the Town, upon approval of the application a connection fee must be paid.

SECTION 4.2 – APPLICATION. The property owner or his agent or the occupant shall make application on a special form furnished by the Town. Permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent and/or the Code Enforcement Officer. An application fee shall be paid at the time the application is filed. The application fee shall be determined by the board and will be posted at the Town Office.

SECTION 4.3 – CONNECTION FEE. For the construction of a new or additional residential unit(s) or the new construction for retail, commercial, industrial, or institutional uses a connection fees shall be required. The connection fee shall be determined by the board and will be posted at the Town Office.

When building construction, renovation or expansion of an existing sewer customer has the potential to increasing the volume of sewage entering the sewer system. The Owner shall notify the Town of the proposed change as required in Section 5.7 of this ordinance. If in the opinion of the board, the construction renovation or expansion will increase the volume of flow, a fee to supplement the original connection fee shall be required. The supplemental fee rate shall be determined by the board and will be posted at the Town Office.

SECTION 4.4 – PLUMBING PERMIT REQUIRED. A plumbing permit must be obtained from the Local Plumbing Inspector prior to the installation of a building sewer. This is a requirement of the State Plumbing Code.

SECTION 4.5 – ASSET ALLOCATION - All permit and connection fees paid pursuant to this article shall be deposited in a reserve account. These funds shall be used solely for the enhancement and/or upgrade of the Sewer System.

SECTION 4.6 – NON-PERMITTED SEWER EXCAVATION. Any person, firm, corporation or other legal entity who shall commence work for which a permit is required by this ordinance without first having applied for a permit, shall pay double the connection fee fixed by this ordinance for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Superintendent, or his agent, that such work was urgent and necessary.

Any person, firm or other legal entity commencing work on a building sewer must obtain a "Road Opening Permit" from the Director of Public Works, or his agent, when such work requires excavation in a town street or right of way.

SECTION 4.7 – OWNER RESPONSIBILITY STATED. All costs and expenses incident to the installation, repair or maintenance of a 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 and all building sewers shall be the property of the Owner. All persons agree to abide by the rules and regulations set forth in this ordinance. The Town retains the right to levy a sewer use charge to provide the revenue for the operation, maintenance and administration of the facilities.

Once a “tee” or “wye” saddle has been connected to the sewer main for the intent of a building sewer and has been inspected by the Superintendent, or his agent, billing to the property owner shall incur within the ensuing quarterly billing period. Sewer use rates shall be determined by the board and will be posted in the Town office.

SECTION 4.8 – SEPARATE BUILDING SEWERS REQUIRED. A separate and independent building sewer shall be provided for every building, 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; the building sewer from the front building may be extended to the rear building and the whole considered as one building, if approved by the Sewer Commissioners.

SECTION 4.9 – METER REQUIRED. All water sources entering the sewer system shall be metered regardless of their origin. Privately owned wells that are used to supply buildings connected to the sewer system shall be metered with a water meter that meets or exceeds the standards of the American Water Works Association (AWWA). Meters on privately owned water systems (wells) shall be installed, maintained and service at the owner’s expense, any person, firm, corporation or other legal entity who wishes to install or has installed a privately owned water systems (wells) shall be installed, maintained and serviced at the owners expense. Any person, firm, corporation or other legal entity who wishes to install or has installed a privately owned water system that discharges into the Town sewer shall make written notification to the Board of Sewer commissioners, date of installation and estimated daily flow shall be referenced in the letter.

The Owner of a private water system that discharges into the Town’s sewer system shall supply to the Town, accurate meter readings when requested to do so. The Town will calculate the sewer bill using these readings. The owner shall provide to the Town written authorization allowing the Superintendent, or his agent to enter onto the premises for any inspections deemed necessary by the Board, or their agent.

SECTION 4.10 – OLD SEWER CONNECTIONS - 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.

SECTION 4.11 – PIPE SIZE AND SLOPE SPECIFIED. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four (4) inches. The slope of a four-inch pipe shall not be less than one-eighth (1/8) inch per foot.

SECTION 4.12 – BUILDING SEWER PLACEMENT. Where possible the building sewer shall be brought into the building at an elevation below the basement floor but shall be sufficient to afford protection from frost. To protect from frost, minimum soil cover of four and one half (4 ½) feet without insulation and three (3) feet with insulation is recommended. The building sewer shall be laid at a uniform grade in straight alignment insofar as possible. Changes in direction shall be made with manholes or properly

curved pipe and fittings with angles of less than 45 degrees. The ends of building sewers which are not connected to the building drain of a structure for any reason shall be sealed against infiltration by a suitable stopper, cap, plug, or other approved means. In all building in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage industrial waste carried by such drains shall be lifted by an approved mechanical means and discharged into the building sewer.

In accordance with section 710.1 of the Maine State Plumbing Code: Backflow Protection. "Fixtures installed on a floor level that is lower than the next upstream manhole cover of the public or private sewer shall be protected from backflow of sewage by installing an approved type of backflow valve. Fixtures on floor levels above such elevation shall not discharge through the back-water valve."

Cleanouts for drains that pass through a back-water valve shall be clearly identified with a permanent label stating "back-flow water valve downstream." Added 03/25/19

SECTION 4.13 – PIPE AND JOINT STANDARDS. The building sewer shall be : PVC sewer SDR35-ASTM D3034, 12 ½ foot or 20 foot lengths with neoprene ring gaskets; Extra heavy cast iron soil pipe ASTM A746; rubber ring gasket in grooved bell, ASTM C564 or Ductile iron push-on joint sewer pipe, Class 51, ASTM A746, with rubber ring gaskets in 18 to 20 foot lengths. Cast iron or ductile may be required by the Town where the building sewer is exposed to possible damage by tree roots. If installed in filled or unstable ground, the building sewer shall be cast or ductile iron pipe, except if laid on a suitable concrete bed or cradle.

SECTION 4.14 – EXCAVATION AND BACKFILL. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be in accordance with ASTM D2321 specifications. No backfill shall be placed until the work has been inspected by the Superintendent, or his agent.

SECTION 4.15 – CONNECTION. The connection of the building sewer shall be made at the Town sewer main. The connection to the Town sewer shall be made using a "Wye" or "Tee" Saddle. The connection is to be secure and watertight. Special fittings may be used for the connection only when approved by the Superintendent.

SECTION 4.16 – INSPECTION. The applicant for the building sewer shall notify the Superintendent, at least 48 hours in advance, when the building sewer is ready for inspection and connection to the public sewer. Connection and testing shall be made under the supervision of the Superintendent or his representative. When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent or his representative. When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent or his agent, before the trenches are backfilled; and the person performing the work shall notify the Superintendent when the installation is completed. If the trench is backfilled before inspection, the Superintendent may require it to be re-excavated for inspection at the Owner's expense.

SECTION 4.17 – EXCAVATION PROTECTION REQUIRED. All excavation for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the director to the Director of Public Works Director and/or Superintendent.

SECTION 4.18 – WINTER CONDITIONS. Except in case of emergency, no connections will be installed during winter conditions unless otherwise approved by the Superintendent and The Public Works Director.

SECTION 4.19 – CLEANOUT RECOMMENDATION. Where the length of the service from the building to the sewer is greater than 100 feet or where a change in alignment greater than 45 degrees is required, a cleanout is recommended to aid in maintaining the building sewer.

ARTICLE 5

USE OF PUBLIC SEWERS

SECTION 5.1 – DISPOSAL OF UNPOLLUTED WATERS PROHIBITED - No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

SECTION 5.2 – STORMWATER AND SUBSOIL DRAINAGE CONTROL - 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 as approved by the Superintendent and the DEP. Unpolluted industrial cooling water or process waters may be discharged, on approval of the superintendent to a storm sewer or natural outlet and the discharge shall comply with Maine Revised Annotated, Title 38, Chapter 3, Section 413, as amended.

SECTION 5.3 – DISCHARGE RESTRICTED - No person or corporation shall cause or allow any sewage, (including industrial waste) containing any substance which by the Town's Superintendent is deemed deleterious by reason of its position, consistency, temperature or in any other respect, in the operation of the sewer system, to enter the system. No person shall discharge or cause or allow to be discharged into any sewer under the control of the Town, the following described substances, materials, waters or wastes if in the opinion of the Superintendent, such substances, materials, waters or wastes are in excessive amounts or concentrations. Persons who desire to discharge industrial wastewaters into the facilities of the Town shall make their formal application to the Town. In forming an opinion as to the limitations on acceptability of any wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, the facilities discharge permit, and other pertinent factors.

The person wishing to discharge industrial waste shall only do so after he has entered into a contract with the Town to discharge said wastes. Said contract shall contain adequate provisions to insure compliance with and prevent violations of any of the following at the time of the contract and in the future:

- (a) Codes and Ordinances of the Town of Farmington;
- (b) State and Federal Laws;
- (c) Rules and regulations issued pursuant to State and Federal laws;
- (d) Discharge and Emission licenses held by the Town of Farmington, its subdivisions, districts and/or agencies.

Wastewaters and wastes considered to contain excessive constituents or characteristics as determined by the Town, and therefore shall be prohibited include:

- (a) Any wastewater containing toxic or poisonous liquids, gases, or solids in excessive quantity either singly or by interaction with other wastes. Said toxic pollutants are defined in standards, issued from time to time under Section 307A of the Acts.
- (b) Any incompatible pollutants controlled by an industry in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Sections 304, 306 and/or 307 of the Acts.
- (c) Any wastewater, liquids or vapor from commercial or industrial discharges having a temperature higher than one hundred and fifty (150) degree F.
- (d) Any 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 sewer, structures, equipment process or personnel at the wastewater works.
- (e) Waters or wastes containing fats, wax, grease, or oils whether emulsified or not, in excess of one hundred(100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two (32) F and one hundred fifty (150) F.
- (f) Any gasoline, benzene, naphtha, fuel oil, or other flammable liquid, solid or gas.
- (g) Any solid or viscous substance in such a quantity or of such size to be capable of causing obstruction to the flow in sewers, or other interferences with the proper operation of the sewage works such as, but not limited to, stone, gravel, ashes, cinders, sand, concrete, paving materials, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (h) 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 purpose of consumption on the premises or when served by caterers.
- (i) Any radioactive wastes or isotopes in excessive amounts or such of half-life or concentration as may exceed limits established in applicable State and Federal regulations.
- (j) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances in such quantities or concentrations that any such material received in the composite wastewaters at the treatment plant exceeds limits for such materials which may be established by the Superintendent.
- (k) Waters or wastes containing Phenols or other taste or odor producing substances, in such concentration 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 discharge to the receiving waters.

- (l) Water or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- (m) Materials which exert or cause; unusual concentrations of suspended solids such as but not limited to, fullers earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate; excessive discoloration such as, but not limited to, dye wastes, vegetable tanning solutions; unusual BOD, chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works: unusual volume of flow or concentration of wastes constituting organic wastes.
- (n) Materials in such concentration and volume that would cause interference with the treatment system.

SECTION 5.4 – COMMISSION OPTIONS – If any waters or pollutants are discharged, or are proposed to be discharged to the public sewers, which contain the substances or posses the characteristics enumerated in Section 5.3 of the 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 Board of Sewer Commissioners may:

- (a) Reject the waters or pollutants,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over quantities and rates of discharge, to the public discharge,
- (d) Require payment to cover added cost of handling and treatment of wastes.

If the Board of Commissioners permit the pre-treatment or equalization of waste flows, the design and installation of the Pretreatment or equalization plants and equipment shall be subject to the review of the Town's Consulting Engineer and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, laws, and the Town's discharge permit. Where preliminary treatment of 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.

SECTION 5.5 – EXTERIOR GREASE, OIL AND SAND INTERCEPTORS - Exterior grease, oil, and sand interceptors shall be installed at the time of sewer connection by the owner when in the opinion of the Superintendent, they are necessary for the proper handling of the wastes containing floatable greases, flammable liquids and solid or viscous substances in excessive amounts as specified in Section 5.3, paragraphs "e, f and g" of this Article. Such interceptors shall not be required for private living units. This requirement shall not apply to any such currently connected uses, customers, or operations that do not have an exterior interceptors as of the effective date of this section except: (a) when in the opinion of the Board of Sewer Commissioners it can be shown that a lack thereof is causing a problem, or (b) when there is a change in the use of the sewer service or the character of the pollutants discharged. Upon a change of ownership the appropriate interceptor shall be installed within ninety (90) days of the Official Notification to do so. Failure of the Town to notify the owner does not relieve the owner of the obligation nor form the consequences of noncompliance.

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. In maintaining of these interceptors, the owners 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 and Board of Commissioners. Any removal, hauling and disposal of the collected materials must be performed in accordance with this ordinance and state and federal regulations. Emulsifiers shall not be used to clean out grease and oil interceptors.

Exceptions to this requirement may be granted by the board when the applicant can clearly demonstrate that: (a) it would create a severe economic burden (b) that construction is limited due to physical location, or (c) that the applicant can demonstrate to the Board, a reasonable alternative that is at least 80% efficient.

SECTION 5.6 – MANHOLE REQUIRED- When required by the Board of Commissioners, the Owner of any property with commercial, institutional or industrial wastes shall install a suitable structure, such as a manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling a measurement of the wastes. Such structures when required, shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed and maintained by the Owner at their expense, and shall be safe and accessible at all times.

SECTION 5.7 – NOTIFICATION OF DISCHARGE CHANGE REQUIRED- The Town must be notified 45 days in advance by any person or persons involved in:

- (1) Proposed substantial change in volume or character of pollutants over that being discharged into the treatment works at the time of issuance of their permit.
- (2) Proposed new discharge into the treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Act if such source were discharging pollutants.

SECTION 5.8 – STANDARD ANALYSES METHODS REQUIRED - All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 5.3 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 by Section 5.6 of this Article, or upon suitable samples taken at said structure. Sampling shall be carried out by accepted methods to reflect the effect of constituents upon the wastewater facilities 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 would be taken.

All commercial establishments, industrial firms, or institutions discharging into the 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 available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.

SECTION 5.9 – APPLICANT AGREEMENT REQUIRED - All applications to discharge any industrial wastewater, drainage, substances or wastes directly into any sewer under control of the Town, or tributary thereto, shall be accompanied by an agreement stating that the applicant agrees to abide by all

ordinances, rules and regulations of the Town, that the applicant will provide such works for preliminary treatment of the wastewater, drainage, substances or wastes as may be required by the Town, and that the applicant will permit duly authorized representatives of the Town to enter the premises of the industry to sample and measure wastewaters, as needed to check characteristics of the wastewaters, when so directed by the Town. Applications are to be accompanied by a plan showing essential characteristics of all wastewater outlets, analyses of existing and expected averages and maximum wastewater flows, and must be submitted to and approved by the Town prior to initiating discharge into the facilities of the Town.

SECTION 5.10 – SPECIAL AGREEMENTS - No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangements between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern.

ARTICLE 6

SEWER EXTENSIONS

SECTION 6.1 – PLANNING. All extensions to the sanitary sewer system assumed, owned and maintained by the Town shall be properly designed in accordance with the Design and Construction of Sanitary and Storm Sewers, ASCE Manuals and Reports on Engineering Practice No. 37 (WPCF Manual of Practice No. 9). Plans and specifications for sewer extensions shall be submitted to and approval obtained from the DEP before construction may proceed. Review by the Town's Consulting Engineer may be required prior to acceptance of the design by the Superintendent. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area. All costs of having the town's consulting Engineer review the Plans and Specifications shall be paid for by the developer of the extension.

SECTION 6.2. – PUBLIC CONTRACTS AND PETITIONS. Sewer extensions may be constructed by the Town under public contract, if, in the opinion of the Board the number of properties to be served by such extension warrants its cost. Under this arrangement, to the extent that grant monies are available, connection and inspection fees shall be waived if the connection is made as part of the construction project, otherwise the property owner shall install the building sewer from his residence or place of business to the sewer main in accordance with Article 3, section 3.5. Property owners may propose sewer extensions within the town by drafting a written petition, signed by a majority to the benefitting property owners, and filing it with the Board. The cost of such extensions shall be assessed to the benefitted property owners in a manner determined by the Board of Sewer Commissioners in accordance with Article 6, Section 6.8.

SECTION 6.3 – PRIVATE EXTENSIONS. If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the board of Sewer Commissioners in accordance with the requirements of Section 6.1. The property Owner must pay for the entire design and installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as previously required and the inspection and connection fees shall be paid by the Owner. Design of sewers shall be as specified in Section 6.4. The installation of the Sewer extension must be subject to periodic inspection by the Town's Superintendent or Consulting Engineer and expenses for this inspection shall be paid for by the owner, builder or developer.

The Town's Consulting Engineer's decision shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the leakage test required in Section 6.5 before it is to be used. The cost of sewer extension thus made shall be borne by the developers or property owners, including all building sewers, and the discharge shall comply with MRSA, Title 38, Chapter 3, Section 413, as amended.

SECTION 6.4 – SEWER DESIGN AND MATERIAL STANDARDS. Sewer design must be approved by the Maine Department of Environmental Protection and shall be in accordance with the following provisions:

- a. Pipe and material joints shall be polyvinyl Chloride (PVC) conforming to ASTM or D3034 or D3033 and the strength requirements of SDR 35 or class 52 ductile iron meeting AWWA C150 with joints meeting AWWA C104 and fittings meeting AWWA C110.
- b. Minimum internal pipe diameter shall be eight (8) inches.
- c. All joints shall be prepared and installed in accordance with the manufacturer's recommendations.
- d. Wye branch fittings shall be used and a watertight connection shall be provided.
- e. The minimum slope of sewer pipe and maximum width of trench at a point six inches above the top of the sewer pipe shall be as follows:

<u>Pipe Diameter</u>	<u>Trench Width</u>	<u>Minimum Slope in Feet per 100 feet.</u>
8"	2' - 8"	0.40
10"	2' - 10"	0.28
12"	3' - 0"	0.22
14"	3' - 2"	0.17
15"	3' - 3"	0.15
16"	3' - 4"	0.14

- f. The depth of sewer shall be sufficient to afford protection from frost, but in no event less than three (3) feet with insulation and five and one half (5-1/2) feet without insulation.
- g. All pipe shall be laid with a minimum of six (6) inches of $\frac{3}{4}$ " crushed stone all around so as to give uniform circumferential support to the pipe unless otherwise recommended by the Town or its Consulting Engineer.
- h. Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding three hundred (300) linear feet and shall be precast.
(added 8-28-12)
 1. Precast manhole sections shall be manufactured in accordance with ASTM C193.
 2. The tongue and groove of manhole sections, including the precast base, shall be formed of concrete so as to receive the butyl rubber sealant. Sections shall be set so as to be vertical and in true alignment and sealed with two (2) one (1) inch butyl rubber strips or Kent-seal.

3. Manhole steps shall be polypropylene reinforced with steel rod, minimum width of sixteen (16) inches. All steps shall form a continuous ladder with a distance of twelve (12) inches between steps.
4. Precast base sections shall be monolithically pressure cast. Holes for pipes shall be cast in the base section so that there is a clear distance of four (4) inches minimum between the inside bottom of the base section and the pipe invert.
5. Pipe manhole connections shall be made with flexible manhole sleeves and stainless steel bands.
6. The top of the precast reinforced concrete unit shall be set at a grade that will allow a minimum of one (1) precast annular ring or a maximum of four (4) before setting the cast iron frame and cover. Mortar shall be Portland Type 2 cement mixed in proportion of one (1) part cement to two (2) parts sand, worked to the proper consistency.
7. The outside of all manholes shall have two coats of non-bituminous water proofing, leaving a smooth, substantially waterproof surface.
8. The concrete manholes shall have a precast or fiberglass invert passing through the bottom which corresponds in shape to $\frac{3}{4}$ of the pipe. Side inverts shall be curved and main inverts (where direction changes) shall be laid out in smooth curves of the longest possible radius. The top of the shelf shall slope and drain towards the flowing through channel.
9. Manhole frames shall meet the standards of the Town. Minimum standards are; manhole frames shall be a minimum of four (4) inches high and shall be approximately thirty-two (32) inches in diameter with a twenty-four (24) inch opening. Frames shall weigh approximately 310 pounds. Manhole covers shall be twenty-six (26) inches in diameter and shall weigh approximately 175 pounds.
1 -9 (added 8/28/12)
10. Prior to backfilling, wrap manholes with four (4) layers of six (6) mil thick U.V. resistant, high grade polyethylene to a depth of five (5) feet to act as a frost barrier.

SECTION 6.5 – PIPELINE AND MANHOLE LEAKAGE TESTS REQUIRED. All sewers shall satisfy requirements of a leakage test before they are accepted by the Superintendent. The Superintendent shall determine the appropriate test to be made for tightness. The plumber and contractor, at their expense shall furnish all necessary tools, labor, materials and assistance for such tests and shall remove or repair any defective materials when so ordered by the Board.

SECTION 6.6 – PUMP STATION INSTALLATION. Any pumping station which after acceptance by the board is to become property of the Town shall meet or exceed all specification required by the Board. Pump station design must be approved by the Superintendent and also by the Maine Department of Environmental Protection. All pump stations must pass leakage tests, as determined by the Superintendent before they are accepted by the Town.

SECTION 6.7 – SEWER EXTENSION MAINTENANCE BOND REQUIRED. All sewer extensions constructed at the property owners expense, after final approval and recommendation of acceptance by the Superintendent and subsequent acceptance by the Board of Sewer Commissioners, shall become the property of the Town and shall thereafter be maintained by the Town. Said sewers, after their acceptance, shall be guaranteed against defects in materials or workmanship for twelve (12) months. The guarantee shall be in the form of a maintenance bond or certified check in an amount defined by the Board of Sewer Commissioners.

SECTION 6.8 – COLLECTION OF ASSESSMENTS. Whenever the Town has constructed and completed a public sewer, the Municipal officers are hereby authorized to provide for the collection of assessments and charges for such construction over a period of time not to exceed ten (10) years, and may implement such collection methods if the person has agreed to that method in writing and notice of that fact has been recorded in appropriate registry of deeds. The procedure for collection shall be that as specified in 30A M.R.S.A. subsection 3444. The authority granted by this ordinance shall also apply to the collection of expenses involved in the abatement by the municipality of malfunctioning domestic sewage disposal units, as provided for in 30A M.R.S.A. 3428.

ARTICLE 7

PROTECTION FROM DAMAGE

SECTION 7.1 – CRIMINAL MISCHIEF. 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 violating this provision is subject to arrest under the charge of criminal mischief as set forth in M.R. S. A. title 17-A, Chapter 33, Section 806, as amended.

ARTICLE 8

POWERS AND AUTHORITY OF INSPECTORS

SECTION 8.1 – The Commission 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 purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the Town's sewer system in accordance with the provisions of this Sewer Use Ordinance.

The Superintendent or other duly authorized representatives are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater facilities. 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 unfair competitive advantage to competitors.

While performing the necessary work on private properties referred to in this section, the Superintendent or duly authorized representatives of the Town shall observe all safety rules applicable to the premises established by the Owner. The owner shall be held harmless for injury or death to Town employees, and the Town shall indemnify the Owner against loss or damage to the Owner's and against claims and/or demands for personal injury or property damage asserted against the Owner, and arising out of any misconduct or negligence by the Town, its Employees, or its agents in the performance of the necessary work referred to in this section, except as such may be caused by negligence or failure of the Owner to maintain safe conditions.

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 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, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE 9

VIOLATIONS, PENALTIES, AND ENFORCEMENT

SECTION 9.1 – VIOLATIONS. Any person found to be violating any provision of this Sewer Use Ordinance shall be served by the Superintendent 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 9.2 – PENALTIES. Any person who continues to violate beyond the time limit provided to make a correction as required in the written notice, may be subject to court action, shall be guilty of a civil violation and upon conviction shall pay a penalty of not less than \$100 (One Hundred dollars) nor more than \$2,500 (Two Thousand Five Hundred Dollars) or such other relief as the court finds appropriate under M.R.S.A. Title 30-A Section 4452. Each day in which such violation shall continue will be deemed a separate violation. All funds accrued through the payment of penalties shall become the property of the Town of Farmington and shall be deposited into the enterprise fund account to benefit sewer users.

SECTION 9.3 – LIABILITY. Any person violating any provisions of the Sewer Use Ordinance shall become liable to the Town for any expense, loss, or damage occasioned to the Town by reason of such offense.

SECTION 9.4 – LITIGATION. Notwithstanding any of the foregoing provisions, the board of Sewer Commissioners or Superintendent may institute any appropriate action including injunction or other proceedings to prevent, restrain, or abate violations hereof. The board of Sewer Commissioners will make final determination to institute litigation.

ARTICLE 10

ADMINISTRATION

SECTION 10.1 – BOARD RESPONSIBILITIES. This Sewer Use Ordinance shall be administered by a Board of Sewer Commissioners in accordance with MRSA Title 30A, Section 5405. The board of Sewer Commissioners shall also:

- a. Enforce the provisions of the Sewer Use Ordinance.
- b. Provide interpretation of the Ordinance.
- c. Establish rates, fees and other charges for wastewater services as per MRSA 30A Section 5405.
- d. Review operational expenditures and oversee the management of reserve accounts.

Responsibilities not specified in the Ordinance shall be the responsibilities of the Board of Sewer Commissioners.

SECTION 10.2 – BOARD COMPOSITION. The Board of Sewer Commissioners shall be composed of the five (5) member duly elected Board of Selectmen.

SECTION 10.3 – DIRECTION. Day to day direction of the Superintendent is the responsibility of the Town Manager.

ARTICLE 11

LICENSING

SECTION 11.1 – PROPERTY OWNER LICENSING. Property owners do not need to be licensed by the Town to perform repairs to their building sewer. If in the opinion of the Superintendent, the work performed by the property Owner violates any provisions of the Sewer Use Ordinance, or if any work is, in the opinion of the Superintendent or the Town's consulting Engineer, sub-standard, the Board of Sewer Commissioners may disapprove existing work or any future work in the Town.

SECTION 11.2 – PLUMBING PERMIT REQUIRED. A permit from the Local Plumbing Inspector, as required by the State Plumbing Code, shall be obtained by the Owner for the installation or replacement of a building sewer.

SECTION 11.3 – CONTRACTOR LICENSING. Only those contractors and plumbers who are licensed by the Town of Farmington's Board of Sewer Commissioners as Master Drain Layers are authorized to perform work on the Towns Sewage System, subject to compliance with the following requirements:

- A. Applicants for a Master Drain Layers license may be required to submit a Statement of Qualifications. This statement shall include the applicant's work history, qualifications and references. For those applicants with limited work history and references an oral or written examination may be required at the discretion of the Superintendent. A filing fee will be required in an amount reasonable in relation to the costs of administering the license. The fee will be set by the board and will be posted at the Town office.
- B. If approved by the commission, the licensee shall file with the Commission a proper and acceptable performance and Guarantee Bond in the amount of \$1000.00, which shall remain in full force and effect for a period of one year from the date of application.
- C. Licensees shall file with the commission a Certificate of Insurance in the sum of \$300,000/\$600,000 to cover Public Liability and a Certificate of Insurance in the sum of \$10,000 covering property damage. In addition, a Certificate of Insurance covering Workmen's Compensation shall be filed, all of which shall remain in full force and effect for a period of at least one year from the date of license approval. Said insurance shall indemnify the Commission and the Town of Farmington against any and all damages, incurred in or any way connected with the performance of the work by a master Drain Layer, and for or by reason of any acts or omissions of said Master Drain Layer in the performance of his work.
- D. Applicants for licenses will be approved or disapproved within thirty-one (31) days after filing the application.

- E. The licensing will be waived in the case of Master Plumbers upon proof of insurance as specified in Items B. and C. of this Article.
- F. Other than licensed Master Plumbers, the Commission will license only Journeyman Plumbers and Drain Layers who are personally engaged in making physical installation of sewer and drain connections. When acting in the capacity of a contractor all provisions of Section 11.1 shall apply.

SECTION 11.4 – TERMS AND FEES. All Master Drain layer licenses expire one year from the date of issuance. The license is not transferable. A renewal fee shall be due and payable on or before the anniversary date of issue. The renewal fee shall be set by the Board and will be posted at the Town Office.

SECTION 11.5 – VIOLATIONS. All Master Drain Layers are required to comply with all the provisions the Sewer Use Ordinance as well as the State Plumbing Code during the course of the Work. The Commission reserves the right to revoke any license if any provision of said license is violated.

SECTION 11.6 – PROHIBITED SUBSTANCES. All licensees are required to give a full written report to the Commission within twenty-four (24) hours in the event that prohibited substances are found in or, if the buildings plumbing is such that prohibited substances could enter into, the sewer or building drain.

SECTION 11.7 – SUPERVISION. All licensees are required to give personal attention to all installations and shall be held responsible if any portion of this ordinance is violated through the licensees' actions or inactions.

ARTICLE 12

VALIDITY

SECTION 12.1 – All ordinances or parts thereof in conflict with this Sewer Use Ordinance are hereby repealed.

SECTION 12.2 – The invalidity of any section, clause, sentence, or provision of this Sewer Use Ordinance shall not affect the validity of any other part of this Sewer Use Ordinance which can be given effect without such invalid part of parts.

ARTICLE 13

SEWER USE ORDINANCE IN FORCE

SECTION 13.1 – This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

ARTICLE 14

SEWER USE CHARGE

SECTION 14.1 – REVENUE, EXPENDITURES AND RESERVES. The source revenues for retiring debt costs, capital expenditures, and operation and maintenance costs of the wastewater collection and treatment facilities shall be obtained through but not limited to the collection of sewer use charges, permit fees, connection fees and license fees.

Unless otherwise stated by ordinance; all revenues received from the collection of sewer fees and rates shall be self appropriating on a continuing basis into the wastewater treatment enterprise fund (Facility operating accounts). This fund is to be used solely for retirement of costs associated with the operation and maintenance of the wastewater collection and treatment facilities. The board of Sewer Commissioners and Town Manager shall oversee and make recommendations on expenditures. All funds deposited into, transferred from and expended from reserve accounts, must receive Board approval.

SECTION 14.2 – SEWER USE RATES. - Sewer use rates shall be established by the Board of Sewer Commissioners on a yearly basis. In general, charges will be based on water usage. The usage shall be identified by the Farmington Water department and/or privately owned water meters measuring sources separate from the “Town Water” system. The sewer use charge will be computed and billed at regular intervals throughout each calendar year, as established by the board of Sewer Commissioners.

SECTION 14.3 – SIGNIFICANT USERS. Any commercial establishment, industrial firm, institution or other entity who contributes more than ten (10) percent of the average daily flow to the treatment plant shall be considered a Significant User. The board reserves the right to negotiate a contract with these users for sewage treatment and all appurtenances thereof.

SECTION 14.4 – NON-CHARACTERISTIC WASTES. When a customer discharges a waste, which because of its characteristics, requires treatment which is more costly than that required by “normal” strength wastes, than that customer shall bear the extra cost in the form of a surcharge. The relevant parameters for surcharge determination are Biochemical Oxygen Demand (BOD) and Suspended Solids (SS). Customers who discharge a wastewater whose characteristics exceed approximately 250 milligrams per liter (mg/l) BOD and 300 milligrams per liter SS respectively, shall be subject to a surcharge on the excess BOD and SS.

To calculate the surcharge, the following formula shall be used:

$$\text{Surcharge for BOD} = (C1 - 250)(Q)(8.34)(S1)$$

Where C1 = the concentration of BOD in mg/l.

Q =the total volume of wastewater contributed during the billing period, in millions of gallons.

S1 =the surcharge for each pound of BOD in dollars.

Surcharge for SS = $(C2 - 300)(Q)(8.34)(S2)$

Where C2 = the concentration of SS in mg/l.

Q= The total volume of wastewater contributed during the billing period, in millions of gallons.

S2 = the surcharge for each pound of SS in dollars.

The surcharge will be calculated using a dollar amount set by the Board of Sewer Commissioners. The board shall have the right, from time to time, to change the surcharge originally or previously assigned to any property Owner.

The Town may conduct sampling programs periodically to analyze the wastewater characteristics of its existing users to determine if a surcharge is indicated. The town reserves the right not to surcharge those customers whose surcharge revenue would not cover the cost of an adequate waste monitoring program.

SECTION 14.5 – ABATEMENT OF SEWER USE CHARGES. Abatement of sewer use charges may be granted by the Town Manager and/or System Superintendent. The volume of flow to be used when computing the abatement shall be based upon the total metered water consumption as shown in the records maintained by the Town's Sewer Department. In the event that a property Owner produces evidence demonstrating that a "known quantity" of metered water did not enter the sewer system, an abatement may be granted. To properly demonstrate a "known quantity", the board of Sewer Commissioners shall require the property owner to install and maintain an appropriate flow measuring device; a water meter, on the water flow to be abated. The meter installed must meet or exceed the Standards set by the American Water Works Association (AWWA).

Whenever possible an abatement requests should be made prior to the quarterly billing so that adjustments may be made prior to the quarterly billing so that adjustments may be made before the bills are processed. Abatements processed after a quarterly billing will be adjusted on the next quarterly bill.

SECTION 14.6 – DEPOSIT. The town may require the owner, tenant or occupant of premises who is obligated to pay rates, fees or charges for the use of, or for the services furnished, or to be furnished, by the sewer system, to make a reasonable deposit with the Municipality in advance to insure the payment of such rates, fees or charges thereof, if and when delinquent.

SECTION 14.7 – SEWER USE PAYMENT. All charges are due from the owner of the premises and such owner shall be held responsible. The Town may, if requested by the owner and occupant, send the bill to the occupant. All rates shall be due and payable in arrears at the Town offices. Quarterly bills shall be due thirty (30) days from the billing date. Monthly bills shall be due on the first day of the following

month. Failure of the customer to receive his bill does not relieve him of the obligation of its payment nor from the consequences of non-payment.

SECTION 14.8 – INTEREST ON UNPAID BILLS. There shall be charged, in addition to the rates established, interest at the highest rate allowable on all sewer fees which are not paid prior to or on the due date shown on the bill.

SECTION 14.9 – LIENS. There shall be a lien to secure the payment of sewer charges legally assessed on real estate within the Town, which shall take precedence of all other claims on such real estate, excepting only claims for taxes.

The Treasurer of the Town shall have the authority and power to sue for and collect the sewer charges in accordance with MRSA Title 38, chapter 11, Section 1208.

"This ordinance shall be effective upon its adoption by the Legislative Body. Upon the effective date of this ordinance, the Town of Farmington Sewer Ordinance, chapter 9 as originally adopted on December 19, 1974, and amended on September 25, 1984, January 16, 1991 and May 14, 1992, shall be repealed in its entirety."

ARTICLE 15

APPEALS

SECTION 15.1 – APPEALS. Administrative appeals submitted pursuant to this Ordinance shall be subject to the standards and procedures established by the Town of Farmington Board of Appeals Ordinance.

Any person aggrieved by the action of the Board of Sewer Commissioners may appeal to the Board of Appeals by filing a notice of appeal within thirty (30) days after receipt of the Board of Sewer commissioners' notification.

STATE OF FACTS: When it was enacted in 1994, The town's Sewer Use Ordinance neglected to include an appeals procedure. As a result, it is unclear what route an aggrieved party must take in order to resolve a grievance. This Article spells out the appeal procedure.

**TOWN OF FARMINGTON
SEWER CONNECTION APPLICATION**

Application Date:

Name of Owner:

Address: _____

Telephone: _____ (Day) _____ (Night)

Property Location _____ Map/Lot _____

Project Use: Residential _____ Commercial _____ Other _____

If Commercial or Other, what is the estimated maximum daily flow in gallons? _____

Description of Project: _____

Estimated Starting date: _____ **Estimated Completion Date**

Comments or Additional information:

Owner's Signature: _____
Proof of Identity _____ (Clerks Initials)

NOTE – See Public Works Director for road Opening Permits if applicable.

See Code Enforcement Officer for any applicable local land use ordinances.

***** OFFICIAL USE ONLY *****

Application Fee - \$50.00 **Authorizing Signature(s)**

Application Fee - \$50.00 Authorizing Signature(s)

Fees: \$ 350.00 @ Unit
See Attached Lists

*(fees are determined by the Board of Sewer
Commissioners)*

(fees are determined by the Board of Sewer Commissioners and are subject to change.)

Amount: _____
CK# _____ Cash _____

Supt. Signature: _____

Date: _____ Time _____ By _____
WWTF Form 1, Latest revision 08-27-13 MG

Date: _____

CATEGORY

UNIT CHARGE \$350*
(unit = 175 gallons daily)

A. RESIDENTIAL (including mobile homes)

Single Family dwelling (up to two bedrooms) 1

Single Family dwelling with more than two bedrooms
(each additional bedroom) $\frac{1}{2}$

B. MULTI FAMILY DWELLINGS - including but not limited to
duplexes apartment buildings, and condominium developments
(up to two bedroom units) each dwelling 1

C. BOARDING HOMES AND NURSING HOMES

Per bed charge 1

D. CHURCHES

First 60 seats 1

For each additional 30 seats or part thereof $\frac{1}{2}$

E. HOTELS/MOTELS

Minimum charge (2 rooms) 1

Each additional room $\frac{1}{2}$

F. LAUNDROMAT

Per washing machine $1 \frac{1}{2}$

G. OFFICE AND WAREHOUSE

Minimum charge (up to 6 employees)	1
Each 6 employees or part thereof	$\frac{1}{2}$
H. RETAIL	
First 1500 square feet	1
Plus \$1.00 per square foot in excess of 1500 sq. ft.	
I. SERVICE STATION	
Minimum (up to two pumps)	1
Each additional pump	$\frac{1}{2}$
J. SCHOOLS/DORMITORIES	
Each 6 students or part thereof, based on maximum design capacity	1
K. TAVERNS AND RESTAURANTS	
Each 6 seats of part thereof, based on maximum design capacity	1
L. BAKERY	
Up to 6 employees	1
Each additional 6 employees or part thereof	$\frac{1}{2}$
M. BED AND BREAKFAST	
Minimum (up to two rooms)	2
Each additional room	$\frac{1}{2}$
N. TRAILER PARK	
Per mobile unit	1
O. COMMERCIAL/INDUSTRIAL	
Minimum (equivalent to part thereof, provided the developer shall submit to the Town manager or his representative prior to	

connecting to the system, an analysis of the prospective water usage [prepared, signed and stamped under signature and seal of a registered engineer. The Sewer Commissioners reserve the right to assess based on average daily single family usage (175 gallons per day) based on the disclosed water usage of the developer. If the actual usage of a newly connected commercial/industrial user, in the first two years exceeds their estimated usage by 10% and additional connection fee shall be assessed based on actual usage divided by the average daily residential usage (175 gallons daily)

1

P. ALL OTHER USES CATEGORY

Fee shall be determined by charging a one unit charge per each equivalent family unit of usage daily (175 gpd) or part thereof.

Q. EXPANSION OF EXISTING USE

A property owner who expands or changes use category shall be assessed additional units or parts thereof as herein above set forth in excess of sewer connection fee previously paid by the property owner.

If the property owner has not been assessed (or his predecessor in title) a sewer connection fee pursuant to the sewer ordinance, the additional or new use shall be based on the schedule set forth above.

The funds derived from the connection fee shall be deposited and segregated from general revenues and shall be used solely and exclusively for the purpose of covering cost of future planning and expansion needs only.

*Amended 08/27/2013