

**ARTICLE II**  
**Sanitary Sewer System**

DIVISION 1  
**Generally**

**Sec. 62-31. Purpose and scope of article. [Ord. No. 45-1999, 2-1-2000]**

The purpose of this article is to promote the health and general welfare of the citizens of the City by regulating and restricting the construction and use of sewer systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewer system, whether public, private, or industrial, shall not result in pollution, health hazard, or other nuisance. Any person owning any building or structure within the City which is the source of sewage and/or industrial wastes, or who proposes to erect such building or structure, shall conform to the requirements of this article.

**Sec. 62-32. Definitions. [Ord. No. 45-1999, § 100.0, 2-1-2000]**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C., expressed in milligrams per liter, as determined by test methods defined in Standard Methods.

**BUILDING DRAIN** — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight feet outside the inner face of the building wall.

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal.

**CATEGORICAL USER** — Any user of the City's wastewater treatment system whose discharges are regulated under 40 CFR part 403 and 40 CFR parts 405 through 471, or who is otherwise subject to United States Environmental Protection Agency pretreatment requirements as a categorical user.

**CHLORINE DEMAND** — The amount of chlorine required to destroy all pathogenic organisms present and oxidize all organic, inorganic, and ammonia-based compounds in a sewage stream.

**CITY** — The City of Belfast acting through its council, manager, superintendent, plant operator, employees, code enforcement officer, plumbing inspector, or other duly authorized agent.

**COMBINED SEWER** — A sewer receiving both surface runoff and sewage.

**DEVELOPER** — Any person who undertakes to construct simultaneously, or in planned sequence, more than one housing unit on a given tract or land subdivision, or other land development, which is to be connected to the municipal sewer system.

**ENGINEER** — A professional engineer retained as City engineer or consulting engineer and retained or appointed by the City manager.

**EXCESSIVE** — Masses or concentrations of a constituent in sanitary or industrial wastewater which, in the judgment of the City:

- (1) Will cause damage to any facility;
- (2) Will be harmful to any wastewater treatment process;
- (3) Cannot be properly removed in the City's treatment facilities;
- (4) May inhibit the final disposal or reuse of the treatment plant's sludge residuals;
- (5) Can otherwise endanger life or property; or
- (6) Can constitute a nuisance.

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**INDUSTRIAL WASTE** — The liquid or solid wastes from industrial manufacturing processes, trade, or business, as distinct from sanitary wastewater. Industrial wastes may or may not be discharged separately from sanitary wastewater. For a combined discharge, the City shall determine if the discharge meets the definition of industrial waste.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

**OBJECTIONABLE WASTE** — Waste that has the demonstrated potential to adversely affect public health or pollute groundwater and/or surface water.

**OWNER** — Both the person who is the vested holder of title for any real estate and all tenants, lessees, or others in control or use of the property in question. Excluded from this definition is a mortgagee of the property in question unless the mortgagee exercises his mortgage rights and becomes an owner.

**PERSON** — Any individual, firm, company, association, partnership, society, corporation, or group.

**pH** — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PLANT OPERATOR** — The superintendent or operator of the City facilities, or his authorized deputy, agent, or representative, all acting for the City council.

**PRIVATE SEWER SYSTEM** — Any sewer that collects wastewater from two or more building sewers, owned separately, and discharges it to a public sanitary sewer. Private sewer systems are not permitted except by specific agreement with the City.

**PROPERLY SHREDDED GARBAGE** — Wastes 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 sewers, with no particle greater than 1/2 inch in any dimension.

**PUBLIC SEWER** — A sewer in which all owners of abutting properties have equal rights, and which is owned by the City.

**SANITARY SEWER** — A sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

**SANITARY WASTEWATER** — The liquid waste discharged from a building's or structure's sanitary fixtures, such as toilets, washrooms, urinals, sinks, showers, and small laundries, and from kitchens and cafeterias, essentially free of industrial wastes or toxic materials. Sanitary wastewater may or may not be discharged separately from industrial wastewater. For a combined discharge, the City shall determine if a wastewater discharge meets the definition of sanitary wastewater.

**SEPTAGE** — The mixture of liquids and solid matters removed from septic tanks during normal cleaning.

**SEWAGE** — Sometimes termed "wastewater" or "waste," means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water, and stormwater as may be present.

SEWAGE TREATMENT PLANT and WATER POLLUTION CONTROL PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduct for carrying sewage.

SIGNIFICANT INDUSTRIAL USER — A user subject to categorical pretreatment standards, or a user that:

- (1) Discharges an average of 10,000 gpd or more of process wastewater to the sewage works, excluding sanitary, noncontact cooling, and boiler blowdown wastewater;
- (2) Contributes a process waste stream which makes up 2% or more of the average dry weather hydraulic or organic capacity of the sewage works; or
- (3) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the sewage.

SLUG — Any discharge of water or wastewater in which the rate of discharge, or the mass or concentration of any given constituent, exceeds, in the opinion of the City, the ability of the sewage works to function efficiently or properly.

STANDARD METHODS — Standard Methods for the Examination of Water and Wastewater, latest edition.

STORM DRAIN — Sometimes termed "storm sewer," means a sewer which carries stormwater and surface water and drainage, and/or noncontaminated cooling water, but excludes sewage and industrial wastes.

SUPERINTENDENT — The superintendent of public works and/or superintendent of the sewage works of the City, or their authorized representative.

SUSPENDED SOLIDS, ALSO CALLED TOTAL SUSPENDED SOLIDS — Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are determined in accordance with Standard Methods.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

**Sec. 62-33. Violations; enforcement; penalty. [Ord. No. 45-1999, § 1100.0, 2-1-2000]**

- (a) Violations generally. Nuisances and violations of this article shall be deemed to be a nuisance and a land use violation under Rule 80K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452.
- (b) Notice of violation. If the City shall find that any provision of this article is being violated, notification in writing will be sent to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of the municipal sewer system, and abatement of nuisance condition. A copy of such notice shall be maintained as a permanent record.
- (c) Legal action. When the action described in subsection (b) of this section does not result in the correction or abatement of the violation or nuisance condition, the City council, after notice from the appropriate City official, is hereby authorized to direct the City attorney to institute any and all actions and proceedings, either legal or equitable, including actions seeking injunctions of violations and the imposing of fines, that may be available or necessary to enforce the provisions of this article in the name of the City.
- (d) Penalty; additional remedies.
  - (1) Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision of this article shall be penalized in accordance with 30-A M.R.S.A. § 4452.
  - (2) In addition, the City shall be entitled to all of the relief, including its costs and legal fees, as allowed by 30-A M.R.S.A. § 4452. Notwithstanding any provision to the contrary, including the provisions of 30-A M.R.S.A. § 4452, the City shall be entitled to judgment against any violator for its costs, expert witness fees, code enforcement expenses and attorneys' fees incurred in enforcing this article.
  - (3) The City shall also have the right to enforce this article through civil action, either at law or equity. The enforcement provisions contained in this section shall exist in addition to those which may exist under state statutory law or Rule 80K of the Maine Rules of Civil Procedure, or any other court rule or statutory provision.

- (4) Each and every day of violation shall constitute a new and separate offense for which a minimum penalty of \$100 shall be assessed.

**Sec. 62-34. Conflicting regulations or covenants. [Ord. No. 45-1999, § 1200.00, 2-1-2000]**

Unless specified in this article, this article does not repeal any other law, ordinance, regulation, rule, code or otherwise lawful deed restriction or covenant. Whenever the requirements of this article are at variance with the regulations or restrictions of any other lawfully adopted law, ordinance, rule or regulation imposed by any governmental authority or any deed restriction or covenant, that which is more restrictive or imposes the higher standards or requirements shall govern. Notwithstanding any other provisions of this article, no premises shall be used or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

**Sec. 62-35. Sewer charges. [Ord. No. 45-1999, § 1000.0, 2-1-2000]**

- (a) Generally. The City council shall establish sewage charges for the connection to and use of public sewer facilities to be paid by every owner of an establishment whose building sewer connects directly or indirectly into public sewers. Such sewage charges shall be in proportion to the quantity of water supplied to every such premises, subject to just and equitable discounts and abatements in exceptional cases.
- (b) Interest on unpaid charges. An interest charge at the same rate as established by the City council for uncollected taxes will be made on all bills not paid prior to the due date of the invoice.
- (c) Industrial users. A special sewage service charge shall be established by the City for any industrial firm or organization which, by virtue of the volume, strength or unusual characteristics of its waste alone, would overload or upset the capacity or efficiency of the sewage works or any part thereof if such waste entered the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The City council, after appropriate study, may from time to time establish a special sewer service charge to such industrial firm by separate agreement with such firm. The applicable portions of this article, as well as the equitable rights of the public, shall be the basis for such an arrangement. No such

special sewer charge shall extend for more than two years and such charges may be modified due to material changes of law, changes of operating costs, or other reasonable circumstances which make the initial sewer charge unfair or inequitable in the view of the City council.

**Sec. 62-36. Proper disposal of sewage required. [Ord. No. 45-1999, § 200.0, 2-1-2000]**

- (a) Unsanitary deposits. 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 City, or in any area under jurisdiction of the City, any human or animal excrement, gray water, garbage, sewage or other objectionable waste. For purposes of this section, the term "unsanitary manner" shall not include reasonable spreading of animal excrement or other fertilizer in farming or animal husbandry operations or septage disposed of at a septage site licensed by the state department of environmental protection and operated in compliance with all state department of environmental protection site regulations.
- (b) Discharge of sewage to natural outlet. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted water, except where suitable treatment has been provided in accordance with the provisions of this article and the requirements of the state.
- (c) Privies, septic tanks and cesspools. 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, except where no public sewage facilities are available. Such systems shall be in compliance with the state subsurface wastewater disposal rules.
- (d) Connection to public sewer. Except as provided in this article, the owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes requiring the disposal of sewage situated within the City and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the City are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, provided that the public sewer is within 200 feet of the structure containing internal plumbing.

**Sec. 62-37. Damaging or tampering with sewage works. [Ord. No. 45-1999, § 900.1, 2-1-2000]**

No 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 section shall be subject to prosecution criminally or civilly or both.

**Sec. 62-38. Insurance requirements for sewer contractors. [Ord. No. 45-1999, § 900.2, 2-1-2000]**

Before a permit will be issued for construction of building sewers, or sewers, or sewer extensions, pump stations and/or treatment structures, except on private property, the construction contractor must present a certificate of insurance showing minimum liability coverage of \$1,000,000/\$2,000,000 for bodily injury and a \$100,000 limit for property damage including collapse and underground coverage.

**Sec. 62-39. through Sec. 62-60. (Reserved)**



DIVISION 2  
**Private Sewage Disposal Facilities**

**Sec. 62-61. Use generally. [Ord. No. 45-1999, § 300.1, 2-1-2000]**

Where a public sanitary sewer is not available, the building sewer shall be connected to a private disposal system complying with the requirements of the state plumbing code, part II, Subsurface Wastewater Disposal Rules, and/or City ordinances as from time to time amended. An approved private subsurface wastewater disposal system may continue to operate and be utilized until the system fails or malfunctions.

**Sec. 62-62. Permit. [Ord. No. 45-1999, § 300.2, 2-1-2000]**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the plumbing inspector. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the plumbing inspector. A permit and inspection fee shall be paid in advance at the time the application is filed. The amount of this fee shall be set by the City council.

**Sec. 62-63. Inspection. [Ord. No. 45-1999, § 300.3, 2-1-2000]**

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 within 24 hours of the receipt of notice by the plumbing inspector.

**Sec. 62-64. Operation and maintenance. [Ord. No. 45-1999, § 300.4, 2-1-2000]**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times in accordance with the state subsurface wastewater disposal rules, regulations and laws.

**Sec. 62-65. Authority to impose additional requirements. [Ord. No. 45-1999, § 300.5, 2-1-2000]**

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the City.

**Sec. 62-66. Filling and connection to public sewer. [Ord. No. 45-1999, § 300.6, 2-1-2000]**

When a public sewer becomes available, the building sewer may continue to utilize a private subsurface wastewater disposal system until such system fails or malfunctions, after which the building sewer shall be connected to the public sewer forthwith and the private septic tank and/or cesspool shall be cleaned of sludge and filled with clean bank-run gravel or dirt, or otherwise made to comply with state law, rules and regulations.

**Sec. 62-67. Disposal of septic tank waste. [Ord. No. 45-1999, § 300.7, 2-1-2000]**

The contents from septic tanks of City properties, or boat holding tanks located in Belfast Harbor, may be discharged to the sewage treatment plant upon approval from the superintendent of the plant or his agent. A fee shall be paid to the City prior to discharge. The amount of the fee shall be set by the City council.

**Sec. 62-68. Industrial waste discharges. [Ord. No. 45-1999, § 300.8, 2-1-2000]**

There shall be no discharge of industrial waste to Belfast Harbor or any water body unless the discharging party affirmatively proves to the City's reasonable satisfaction that the proposed industrial waste discharge will, at all times, meet the state department of environmental protection and United States Environmental Protection Agency discharge standards applicable to the City's wastewater treatment facility as from time to time established.

**Sec. 62-69. through Sec. 62-90. (Reserved)**

DIVISION 3  
**Building Sewers and Connections**

**Sec. 62-91. Permit required for sewer work; compliance with applicable regulations. [Ord. No. 45-1999, § 400.1, 2-1-2000]**

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 a written permit from the City or its authorized representative. All work related to the installation of building sewers and the connection to the public sewer shall be performed by persons qualified in this class of work and acceptable to the City. The work shall be completed in compliance with all municipal ordinances and state laws and regulations, with inspection by the City for compliance. Failure to comply with inspection provisions may result in excavating the installation for inspection.

**Sec. 62-92. Issuance of building sewer permit. [Ord. No. 45-1999, § 400.2, 2-1-2000]**

- (a) Permit classes; application; fee. There shall be two classes of building sewer permits: (i) for residential and commercial service, and (ii) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. This permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. A fee for a connection and inspection permit for a sewer entrance to the City sewer shall be paid to the City prior to connection to the City sewer. The amount of the fee shall be as from time to time established by the City council.
- (b) Deposit for costs of review. In the case of multiple building units or connections, connections involving sewer extensions, or industrial discharge or pretreatment applications, the City may require a monetary deposit sufficient to cover the cost of review of the application, including any expert advice deemed necessary by the City. The amount of deposit shall be estimated by the City and upon payment by the applicant kept in an account. Upon completion of the review process, the unused portion, if any, will be refunded. If the initial deposit is not sufficient to pay for the costs incurred by the City, a second deposit shall be made and handled in the same manner as the first.

**Sec. 62-93. Separate building sewer required for each building; exception. [Ord. No. 45-1999, § 400.3, 2-1-2000]**

A separate and independent 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer except for the purposes of section 62-35, and if approved by the City.

**Sec. 62-94. Use of old building sewers. [Ord. No. 45-1999, § 400.4, 2-1-2000]**

Old building sewers may be used in connection with new buildings only when they are demonstrated by the owner to the City's reasonable satisfaction to be adequate to meet the requirements of this article.

**Sec. 62-95. Materials for building sewer; cleanouts. [Ord. No. 45-1999, § 400.5, 2-1-2000]**

Except as provided in this division, the building sewer shall meet one of the following specifications:

- (1) PVC sewer SDR 35, ASTM D3034, 12 1/2-foot or twenty foot lengths, neoprene ring lockin, maximum allowable deflection 5.0%;
- (2) PVC water pipe class 200, SDR-21, for maximum two-inch diameter pressure service, twenty-foot lengths, ASTM-D2241 and D3139, neoprene ring in grooved bell, maximum allowable deflection 5.0%;
- (3) Extra heavy cast iron soil pipe ASTM-A74, rubber ring in grooved bell, ASTM-C564; or
- (4) Ductile iron push-on joint sewer pipe, class 51, ASTM-A746, eighteen-foot or twenty foot lengths.

For building sewers over 100 feet in length from the interior building wall to the connection point to the public sewer, the minimum inside pipe diameter shall be six inches. In addition, a vertical pipe cleanout to grade shall be installed every 100 feet. The cleanout shall be the same size as the sewer line.

**Sec. 62-96. Diameter and slope of building sewer. [Ord. No. 45-1999, § 400.6, 2-1-2000]**

The diameter of the building sewer shall not be less than four inches, nor shall the slope of the pipe be less than 1/4 inch per foot.

**Sec. 62-97. Depth and alignment of building sewer; plugging of ends. [Ord. No. 45-1999, § 400.7, 2-1-2000]**

The depth of new building sewers shall be sufficient to afford protection from frost as determined by the City, but in no event shall be less than five feet to the crown of the pipe unless properly insulated at shallower depths. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only at a manhole or with properly curved pipe and fittings with a vertical cleanout to grade. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

**Sec. 62-98. Insulation for frost protection. [Ord. No. 45-1999, § 400.8, 2-1-2000]**

Whenever insulation is required for frost protection, the sewer line shall be covered with a minimum of two inches of compacted sand upon which the appropriate insulation (insulation appropriate to afford adequate frost protection) shall be placed, and the insulation shall be covered with a minimum six inches of sand. The remaining backfill shall be as required in section 62-100.

**Sec. 62-99. Sewage lifts. [Ord. No. 45-1999, § 400.9, 2-1-2000]**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by mechanical means, as approved by the City, and discharged to the building sewer at the owner's expense.

**Sec. 62-100. Trench and backfill. [Ord. No. 45-1999, § 400.10, 2-1-2000]**

All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. The building sewer shall be laid on a six-inch bed of firm 1/2-inch to one-inch crushed stone or gravel and backfilled by hand with the same crushed stone or gravel. The hand fill shall be placed around the pipe and over it to a compacted depth of at least six inches over the pipe. Backfill up to six inches over the pipe shall be tamped. The remainder

of the trench may be backfilled by machine with no stone greater than three inches. Reconstruction of the pavement surface, including gravel base courses, shall be in accordance with state department of transportation and City specifications and ordinances as appropriate. Pipe laying and backfill shall be performed in accordance with sections 3 through 6 of ASTM specification C12. No backfill shall be placed until the work has been inspected.

**Sec. 62-101. Joints and connections. [Ord. No. 45-1999, § 400.11, 2-1-2000]**

- (a) All joints and connections shall be made gastight and watertight with approved gaskets, Fernco couplings or equal. The transition joint between pipes of different materials shall be made with adapters and joint materials approved by the City.
- (b) Pre-molded gasket joints shall be used and shall be neoprene compression type gaskets which provide a positive double seal in the assembled joint. The gasket shall be a pre-molded one-piece unit designed for joining the pipe material used. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendation using an acceptable lubricant and special pipe coupling tools designed for that purpose. Lubricant shall be a bland, flax base, nontoxic material, and shall not chemically attack the gasket material.

**Sec. 62-102. Installation of connection. [Ord. No. 45-1999, § 400.12, 2-1-2000]**

The connection of the building sewer into an existing public sewer shall be made at the existing public sewer. All costs and expense incidental to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used, and in all cases shall be approved by the City. The connection of the building sewer into the public sewer shall be made with a wye or tee branch. If none is available, a connection may be made by tapping the existing sewer with a saddle by a method approved by the City.

**Sec. 62-103. Inspection. [Ord. No. 45-1999, § 400.13, 2-1-2000]**

- (a) The applicant for the building sewer permit shall notify the City at least 48 hours prior to the time when the building sewer will be ready for inspection, testing, and connection to the public sewer. The testing and connection shall be made under the supervision of the City.
- (b) When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the City before the trenches are filled, and the person performing such work shall notify the City when the installation of the building sewer is completed. If the trench is filled before inspection, the City may require it to be re-excavated for inspection.

**Sec. 62-104. Manholes. [Ord. No. 45-1999, § 400.14, 2-1-2000]**

When any building sewer is to serve a school, hospital, or similar institution, or is to serve a complex of industrial or commercial buildings, or, in the opinion of the City, will receive sewage or industrial wastes of such rate, volume, or character that frequent maintenance of the building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The City shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the City. If required, a new manhole shall be installed in the public sewer pursuant to divisions 4 and 7 of this article and the building sewer connection made thereto as directed by the City.

**Sec. 62-105. Excavations. [Ord. No. 45-1999, § 400.15, 2-1-2000]**

All excavations for building sewer installation 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 City.

**Sec. 62-106. Leakage test. [Ord. No. 45-1999, § 400.16, 2-1-2000]**

All parts of new building drains and sewers shall withstand, under test, without observable leakage, a ten-foot head of water for a minimum period of 15 minutes at a temperature above the freezing point of water.

**Sec. 62-107. Drainage of unpolluted water to sanitary sewer. [Ord. No. 45-1999, § 400.17, 2-1-2000]**

No person shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, 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.

**Sec. 62-108. Drain and manhole covers. [Ord. No. 45-1999, § 400.18, 2-1-2000]**

The covers of all building drain and building sewer manholes, inspection chambers, cleanouts, and the like shall be watertight and shall be capable of withstanding, without damage or displacement, any traffic loads to which they may be subject.

**Sec. 62-109. Vents and traps. [Ord. No. 45-1999, § 400.19, 2-1-2000]**

The building drain system shall be so vented that under no circumstances will the seal of any appliance be subjected to a pressure differential in excess of one inch of water. All appliances connected directly or indirectly to the building drain shall have traps with a liquid seal not less than two inches in depth.

**Sec. 62-110. Elevation of building sewer. [Ord. No. 45-1999, § 400.20, 2-1-2000]**

Whenever practical, the building sewer pipe shall be brought to the building drain 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, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer or service lateral. Plans and details of the proposed method shall be submitted to the City for review.

**Sec. 62-111. Direct connections to force main sewer. [Ord. No. 45-1999, § 400.21, 2-1-2000]**

No connection of any kind shall be made directly from any private property to a City pressurized force main sewer.



**Sec. 62-112. Water meter required for premises served by private wells. [Ord. No. 45-1999, § 400.22, 2-1-2000]**

All connections made to the public sanitary sewer from a building utilizing a groundwater well water supply shall be required to install an in-line water meter supplied, installed, and maintained by the City for the purposes of sewer billing. The cost of the installation shall be paid in advance to the City, with maintenance costs to be billed with the sewer bill.

**Sec. 62-113. through Sec. 62-130. (Reserved)**



DIVISION 4  
**Construction of Extensions**

**Sec. 62-131. Construction under public contract. [Ord. No. 45-1999, § 500.1, 2-1-2000]**

Sewer extensions, including individual building sewers from the sewer to the property line or the right-of-way bound road, may be constructed by the City under public contract if, in the opinion of the City council, the number of properties to be served by such extension warrants its cost and/or the extension is deemed by the council to be in the public (versus private) interest and if the treatment plant has the capacity to handle the extension. Unless the City agrees to pay, the property owner shall pay for and install the building sewer from the public sewer to his residence or place of business in accordance with the requirements of this article, including but not necessarily limited to division 3 of this article. Property owners may propose sewer extensions within the City by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the City. The cost of such extensions may be assessed to the benefited property owners in accordance with state statutes and/or local ordinance, or by a formula developed and agreed upon by the property owners and the City, and shall be agreed to in advance by either payments from property owners or signed promissory notes. See division 5 of this article and the City Clerk regarding existing recapture fees.

**Sec. 62-132. Construction by property owner or developer. [Ord. No. 45-1999, § 500.2, 2-1-2000]**

If the City does not elect to construct a sewer extension at public expense, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the City council in accordance with the requirements of this section. He or they must pay for the entire extension, including all expenses incidental thereto. If the City council determines it to be in the public's interest, a cost-sharing agreement between the property owner, builder, or developer and the City may be mutually agreed upon. Each building sewer must be installed and inspected as required by this article and the connection fee shall be paid. Design of sewers shall be as specified in this division. The installation of the sewer extension may be subject to such inspection as the City deems necessary and the expenses for such inspections shall be paid by the owner, builder or developer prior to connection to the City sewer. The City's decisions shall be final in matters of quality and methods of

construction. The sewer, as constructed, must pass all tests required in this division before it is to be used. Except in instances where there is a mutual agreement for cost sharing as mentioned in this section, the cost of sewer extensions thus made shall be paid by the developers or the property owners, including the costs of all building sewers.

**Sec. 62-133. Policy regarding payment of costs. [Ord. No. 45-1999, §§ 500.2a, 2-1-2000]**

In making a determination regarding who shall bear the cost of extensions, the City council shall use the following guidelines, but will be free to consider other exigencies:

- (1) Case A. When property owners in a section of the City demonstrate widespread support and interest in a sewer extension to that section, the City will estimate the total cost of the extension, decide what portion of the cost should be borne by the property owners who could hook up to the extension, and adopt a formula that distributes that portion of costs among those property owners. In advance of any work on the extension, the City will ask the property owners to sign a statement committing them to pay a special assessment in an amount given in the statement. If a substantial majority of property owners make such a commitment, then the City may decide to proceed with the extension and pay for it through a combination of special assessments on all property owners in the second and general tax revenues.
- (2) Case B. When, in the absence of widespread support and interest, one or a few substantial property owners seek a sewer extension to their section of the City, the City manager will confer with the property owners seeking the extension to determine a fair and reasonable contribution by them to the project. With such a commitment, the City may decide to proceed with the extension.
- (3) Case C. When the City determines that a sewer extension should be undertaken because it will foster substantial economic growth that will clearly benefit all sections of the City, then the City may decide to undertake the extension even though property owners in the area of the extension do not indicate a willingness to contribute to its costs. In this case, the City will fund the project entirely with general tax revenues.

**Sec. 62-134. Plans. [Ord. No. 45-1999, § 500.3, 2-1-2000]**

All extensions to the sanitary sewer system shall be designed by a professional engineer registered in the state. Plans and specifications for sewer extensions shall be submitted to the City 45 days before the regularly scheduled council meeting at which City approval of the extension will be required. The expenses incurred by the City in reviewing the plans and specifications shall be paid from a deposit made by the owner, builder, or developer at the time of application. The design of sewers and pump stations to be deeded to the City shall anticipate and allow for flows from possible future system extensions or developments within the future drainage areas.

**Sec. 62-135. Design and construction standards. [Ord. No. 45-1999, § 500.4, 2-1-2000]**

Sewer design shall be in accordance with the following:

(1) Pipes generally; joints and fittings.

- a. Pipe material shall be PVC made from virgin plastic conforming to ASTM D1784, type 1, grade 1, and manufactured in accordance with ASTM D3034, SDR 35 or ASTM F-789; ductile iron conforming to ANSI specification A21.51, with iron grade 60-42-10, and cement lining meeting ANSI specification A21.4, but twice the thickness specified; or other material approved by the City.
- b. All joints shall be prepared and installed in accordance with the manufacturer's recommendations, and shall be gastight and watertight. Joint materials shall be as follows:
  1. PVC, ASTM D3212.
  2. Ductile iron, ANSI specification A21.11.
- c. Minimum internal pipe diameter shall be eight inches.
- d. Branch fittings for house services shall be PVC wyes or tee-wyes, or ductile iron saddles with stainless steel straps and O-ring seal set in mastic to create a watertight connection.
- e. Sanitary sewers shall be laid at least 10 feet horizontally from any existing or proposed water main, per state department of human services regulations. The distance shall be measured from edge of pipe to edge of pipe. At crossings, one full length of sewer pipe shall be located so both joints will be as far from

the water pipe as possible. Special structural support for the water and sewer pipes may be required.

- (2) Minimum slope of pipe. The minimum slope of sewer pipe shall be as follows:

<b>Pipe Diameter (inches)</b>	<b>Minimum Slope in Feet per 100 Feet</b>
8	0.40
10	0.28
12	0.22
14	0.17
15	0.15
16	0.14

- (3) Bedding.

- a. The pipe shall be bedded with crushed or screened stone from six inches below the pipe to six inches above the pipe. The trench shall be excavated to the required grade and six inches of bedding installed and compacted. The pipe shall be installed on the bedding and the joints assembled in accordance with the recommendations of the manufacturer. Bedding material shall then be installed to the midpoint of the pipe. The bedding shall be worked and packed under the edges of the pipe with hand shovels and then it shall be compacted. Bedding material shall then be installed to six inches above the pipe and compacted.
- b. All compacting of bedding material shall be done with a vibrating plate compactor for the full trench width. Care shall be taken to prevent movement of the pipe during bedding installation, compacting, and backfilling.
- c. Blocking (installation of the pipe prior to bedding and then support of the pipe while bedding is installed under it) shall not be allowed.
- d. All field cutting and beveling of pipe shall comply with the manufacturer's recommendations. Ends shall be cut square and perpendicular to the pipe axis. Ends shall be beveled, filed smooth and stop marked with a felt tip marker so that they are comparable to factory pipe spigots.

- e. Screened stone shall consist of clean, hard, durable stone particles. It shall be screened and contain uniformly graded stone particles ranging in size from 10 to 20 mm unless otherwise specified. Screened stone shall be free of fine gravel, sand, dirt, vegetation, disintegrated or laminated soils, and other unsuitable material.
- f. Crushed stone shall consist of clean, hard, durable stone fragments. It shall be crushed and contain uniformly graded stone fragments ranging in size from 20 to 30 mm unless otherwise specified. Crushed stone shall be free of fine gravel, sand, dirt, vegetation, disintegrated or laminated soils and other unsuitable material.
- g. Crushed or screened stone shall be placed in lifts which will compact to a six-inch maximum layer. Gravel and borrow shall be placed in eight-inch maximum lifts. All placement and compacting of borrow and bedding shall comply with subsection (4) of this section, pertaining to backfilling.

(4) Backfilling and restoration of surface.

- a. Backfill material shall then be placed and compacted. Generally, the excavated soil shall be suitable as backfill and shall be replaced in the excavation. Exceptions include frozen fill, fill containing large stones, stumps or other rubble, and any material deemed unsuitable by the City.
- b. Backfilling shall proceed as soon as possible after underground construction has been completed. Backfill shall be extended to the grade indicated on the plans, compacted and graded.
- c. Fill material shall be placed in layers not to exceed eight inches and compacted to a density equal to at least 95% of the optimum density determined by the modified Proctor test. Compacting may be done by vibrating compactor or roller.
- d. The contractor shall take care not to damage or disturb any structure, including his own, during backfilling and compacting. The contractor shall be held liable for any such damage.
- e. Excavations in paved areas shall be paved according to specifications as soon as possible. Other areas shall be loamed and seeded or otherwise restored to a condition equal to or better than that of adjacent areas as soon as possible.

- f. The contractor shall not withdraw any sheeting without the approval of the City. All voids created by such removal shall be filled and compacted. Any backfilling which does not conform to these specifications, or which settles differentially, shall be excavated to a depth sufficient to correct the problem and refilled as required. Any pavement or structure which is damaged due to settlement of backfill shall be repaired by the contractor at his expense.
- g. All excavations required for the installation of sewer extensions shall be open trench work unless approved by the City. No backfill shall be placed until the work has been inspected by the City.

(5) Manholes.

- a. Manholes shall be constructed at the end of all lines, at all changes in slope or alignment or at intervals not exceeding 400 linear feet, unless acceptable to the City, and shall be precast concrete.
- b. All manholes shall be constructed of precast concrete. Manholes shall be designed for H-20 loading. Concrete manholes shall have 4,000 psi twenty-eight-day strength for four-foot diameter and 5,000 psi for any larger diameter, and shall acquire 75% of their twenty-eight-day strength before being shipped to the project. Manholes shall have factory cast holes at the proper location and elevation as shown on the contract drawings. Manhole sections shall be joined with butyl rubber Kent Seal No. 2. Minimum thickness of the reinforced barrel sections and base shall be five inches. All manholes shall have eccentric cones. The tops of the cones shall be eight inches wide to accommodate bricks. Two coats of bituminous waterproofing shall be applied to the outside of all manholes. Damaged manholes shall be rejected.
- c. Mortar to be used in the construction of inverts and placement of frames shall be type II Portland cement (one part), sand (two parts) and hydrated lime (not over 10 pounds per bag of cement). Bricks shall be solid red clay bricks, not concrete units.
- d. Manhole steps shall be polypropylene plastic coated steel by M.A. Industries, or approved equal. Steps shall be cast into the manhole sections and spaced a maximum of 12 inches on center vertically.



- e. Covers shall be 24 inches in diameter and shall be clearly marked "SEWER." Frames shall have a clear opening of 22 inches. The castings shall be of good quality even-grained gray cast iron (ASTM-A48 grade 30) and shall be free of lumps, blisters, scales, and other defects. Manhole covers shall have two lift holes and shall be matched to the frames with machined surfaces. The covers and frames shall be factory coated with a smooth nonbrittle coat of coal tar epoxy. Frames and covers shall have an H-20 load rating.
- f. Pipe sleeves shall be lock joint flexible sleeves which shall be cast or locked into the manhole base. These sleeves shall be capable of allowing substantial off-center alignment. The sleeves shall be attached securely to the outside of the pipe with stainless steel bands to provide a watertight seal.
- g. Manhole bases shall be installed before laying pipe to the manhole. The manhole base shall be set on a twelve-inch compacted stone bed. Once the sewer pipe has been connected to the manhole, barrel sections shall be installed after installing the Kent Seal at the joints. The pipe shall extend into the manhole so that it is flush with the inside wall. There shall be no pipe bells inside the manhole.
- h. Manhole inverts shall be installed using bricks and mortar as shown on the contract drawings. The trough and table shall be lined with bricks. The trough depth shall be equal to the pipe diameter. The tables shall slope toward the trough at one inch per foot for drainage. The finished surface of the invert shall be smooth and free of any obstructions and shall have a uniform pitch from inlet to outlet. The finish surface for both inverts and tables shall be brick.
- i. Frames and covers shall be installed as shown on the plans. The frames shall be brought to the proper grade with brick and mortar or cast-in-place concrete. All voids between bricks shall be filled with mortar and the bricks shall be coated with mortar on both the interior and exterior of the manhole. The mortar surface shall be smooth and even and shall slope inward on the exterior of the manhole to avoid lifting from frost. Frames shall not be backfilled until the mortar has set and acquired sufficient strength to avoid damage. When manholes are in paved areas, the frame and cover shall be adjusted to grade once the base pavement has been placed. The cost of adjusting the frame and cover to grade, including pavement cutting and replacement, is incidental to the

manhole cost. In paved areas the frame and cover shall be set 1/4 inch below final grade.

- j. All manholes shall be vacuum tested immediately after assembly and prior to backfilling. All lift holes shall be plugged with an approved nonshrink grout. All pipes entering the manhole shall be plugged. The plugs shall be securely braced to prevent them from being sucked into the manholes. The test head shall be placed at the inside of the top of the cone section and the seal inflated in accordance with the manufacturer's recommendations. A vacuum of 10 inches of mercury shall be drawn and the vacuum pump shut off. With the valves closed, the time shall be measured for the vacuum to drop to nine inches. The manhole shall pass the test if the time is greater than 60 seconds for forty-eight-inch diameter, 75 seconds for sixty-inch diameter and 90 seconds for seventy-two-inch diameter manholes. If the manhole fails the initial test, necessary repairs shall be made with a nonshrink grout while the vacuum is still being drawn. Retesting shall proceed until a satisfactory test is obtained.

**Sec. 62-136. Testing of mains. [Ord. No. 45-1999, § 500.5, 2-1-2000]**

- (a) Required. All sewer mains shall be tested prior to acceptance. All testing shall be done in the presence of the City. The contractor shall notify the City at least 48 hours in advance of any testing.
- (b) Testing equipment and methods; maximum infiltration.
  - (1) The contractor shall only use testing equipment, plugs and compressors specifically designed for low pressure sewer testing. Equipment shall include a pressure relief valve set no higher than nine psig. The contractor shall follow the manufacturer's recommendations for operation and safety. Equipment shall only be operated by personnel trained and experienced with its proper use.
  - (2) For a sewer main test to be considered for acceptance, the sewer main segment must be part of a manhole-to-manhole reach of pipe that has been completed and backfilled to final grade. The manholes on each end of the reach of pipe shall be successfully tested prior to testing of the sewer main.
  - (3) The maximum allowable infiltration limit for all pipe shall be 100 gallons/day/inch/mile of pipe installed. If there is evidence of poor workmanship or improper storage of pipe,

or if test results are unsatisfactory, the engineer may direct that additional tests be made on any and all of the pipe.

(c) Air tests.

- (1) All gravity sewer lines shall be tested for leakage by conducting a low pressure exfiltration air test. All sewer lines shall be cleaned to remove all sediment and debris prior to testing.
- (2) Test plugs shall be properly installed and braced.
- (3) A minimum of four pounds per square inch air pressure shall be applied to the line being tested. The air compressor shall then be shut off. A pressure drop, from the applied pressure, of less than 1.0 psi during the period of time specified in the following table will constitute an acceptable air pressure test. If the pressure drop during the indicated time interval is exceeded, the test will be determined as failure and the contractor shall locate and correct the leak associated with the failure. Following correction of the leak, the pipe shall be retested at the contractor's expense.

**Table of Air Test Durations**

<b>Sewer Diameter (inches)</b>	<b>Test Duration (minutes)</b>
4	2
6	3
8	4
10	5
12	6
15	8
18	9
21	10
24—30	11.5

- (4) All sewer lines not complying with the requirements for infiltration and/or air testing shall be repaired or replaced at the contractor's expense. The contractor shall repair and retest the line at his expense until an acceptable test is achieved. No repairs will be made internally on the pipe unless specifically authorized by the City in writing. All

repairs shall be made externally to the sewer lines. If any pipe is defective, it shall be removed and replaced.

- (5) If, during the process of repairing the new sewer main or during other operations not necessarily related to sewer construction (such as constructing roadways, cleanup, etc.), debris and sediment enters the new sewer or manholes, the sewer shall again be cleaned before final acceptance shall be made.
- (d) Deflection test. Prior to final acceptance of the sewer, the contractor shall take deflection measurements of all PVC sewer mains by use of a mandrel assembly (7 1/2%) pulled through the entire length of each sewer run. If a deflection in the diameter of the pipe equal to or greater than 7 1/2% of the specified pipe diameter is measured, the defective pipe will be removed and replaced by the contractor at the contractor's expense. The pipe shall then be retested.

**Sec. 62-137. Conditions for issuance of building permits and certificates of occupancy. [Ord. No. 45-1999, § 500.6, 2-1-2000]**

No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the City unless a suitable and approved method of sewage disposal is proposed. No certificate of occupancy shall be issued until connection is made to an approved sewer and all fees owed to the City have been paid.

**Sec. 62-138. Connection to City facilities; conveyance to City. [Ord. No. 45-1999, § 500.7, 2-1-2000]**

Connection of the sewer extension to the City's facilities shall not be permitted until the completed sewer has been tested and passed to the satisfaction of the City, all fees have been paid to the City, and reproducible mylar record drawings of the completed sewer have been furnished to the City. If the developer desires to convey the sewer extension to the City, he must give the City a one-year maintenance bond in an amount and form acceptable to the City. In no event shall such bond be in an amount less than 10% of the cost of the extension. The City shall in no event be required to accept an offer of conveyance of a sewer extension.

**Sec. 62-139. through Sec. 62-160. (Reserved)**

DIVISION 5  
**Extension Cost Recapture**

**Sec. 62-161. Purpose of division; applicability of state law.  
[Ord. No. 5-1993, 7-20-1993]**

- (a) The purpose of this division is to provide a mechanism pursuant to state law in general, and, in particular, with regard to the provisions of 30-A M.R.S.A. § 3441, to allow the City to recapture or recover a portion of the cost and expenses incurred by it in undertaking a sewer line extension project in the future. This division is adopted pursuant to and shall constitute acceptance by the City, through the City council, of the provisions of 30-A M.R.S.A. § 3441 et seq.
- (b) To the extent that there may be any conflict between the terms of this division and the provisions of 30-A M.R.S.A. § 3441 et seq. as it may subsequently be amended or subsequently construed by courts of competent jurisdiction rendering decisions relating to the provisions of 30-A M.R.S.A. § 3441 et seq., it is the intent that the provisions of state law and court decisions relating thereto shall supersede the provisions of this division.
- (c) This division shall specifically be subject to and in accordance with any amendments which may in the future occur to 30-A M.R.S.A. § 3441; however, should 30-A M.R.S.A. § 3441 et seq. be repealed, it is the intent that this division remain in effect unless or until repealed, or unless declared to be unlawful by a court of competent jurisdiction.

**Sec. 62-162. Assessments generally; exemption for qualified farmland. [Ord. No. 5-1993, 7-20-1993; Ord. No. 44-1999, § 1, 2-1-2000]**

- (a) Whenever the City or any political subentity involved in the operation of sewer systems serving the public located within the City has constructed and completed a public drain or common sewer, the City council shall determine what lots or parcels of land are benefited by the drain or sewer, and shall estimate and assess upon the lots or parcels of land against the owner of the land or person in possession, or against whom the taxes on the land are assessed, whether the person to whom the assessment is made is the owner, tenant, lessee, or agent, and whether the land is occupied or not, the sum not exceeding the benefit it considers just and equitable toward defraying expenses of constructing and

completing the drain or sewer, together with any sewage disposal units and appurtenances that are necessary.

- (b) Assessments shall be made in accordance with the policy for funding future sewer extensions adopted by the City council on February 18, 1997, a copy of which is attached to Ordinance No. 44-1999 as schedule A and incorporated in this section by reference. After the City has constructed a sewer or drain, it shall be kept in repair.
- (c) Farmland, as defined by 36 M.R.S.A. § 102(4), is exempt from assessment under this section where no benefits are derived from the common sewer or drain, provided the owner of the farmland shall notify the City council that the farmland in question does, in fact, qualify for this exemption and that it is determined by the City council to so qualify as farmland.
- (d) For the purposes of this section, the person claiming the exemption shall provide such reasonable information as the City council shall request in order to allow it to determine whether, in its opinion, the land in question does, in fact, qualify as farmland and does, in fact, not receive a benefit from the sewer in question.
- (e) The City council shall revise the assessment against qualified farmland to exempt it from assessment when, in its opinion, such qualified farmland is entitled to such exemption. Any revision of assessment provided by this section shall be in writing and recorded by the clerk and maintained for public inspection and review.
- (f) When the land use initially determined to be qualified farmland is changed from farmland to another use, the owner shall, within 60 days, notify the City council in writing of the change. The council shall then assess this land in an amount equal to the assessment which would have been due but for this section. The City council or sewer district trustees shall notify the owner of the assessment due, which the owner shall pay within 60 days of the notice or as provided by the City council under its authority in 30-A M.R.S.A. § 3444.

**Sec. 62-163. Filing of negotiated agreements or assessment information. [Ord. No. 5-1993, 7-20-1993; Ord. No. 44-1999, § 2, 2-1-2000]**

If the City council has negotiated preconstruction contracts with all assessed landowners for an extension project, the council shall file a copy of the negotiated agreements with the City Clerk. If the

City council is unable to negotiate, to its sole satisfaction, contracts with all assessed landowners or persons in possession, then the City council shall file the following with the City Clerk:

- (1) The location of the drain or sewer and sewage disposal unit with a profile description of the drain or sewer;
- (2) A statement of the amount assessed upon each lot or parcel of land assessed under this division; and
- (3) The name of the owner of the lots or parcels of land or persons against whom the assessment is made.

The City Clerk shall record the assessment in a book kept for that purpose.

**Sec. 62-164. Notice of assessment. [Ord. No. 5-1993, 7-20-1993]**

- (a) Within 10 days after the filing described in section 62-163 occurs, each person so assessed shall have notice of the assessment given to that person or left at that person's usual place of abode in the City, if any. If the person has no place of abode in the City, then the notice shall be given or left at the abode of the tenant or lessee, if any. If there is no tenant or lessee in the City, then the notice shall be given by one of the following methods:
  - (1) Posting it in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least 30 days before the hearing; or
  - (2) Publishing it for three successive weeks in any newspaper of general circulation in the City. The first publication must be at least 30 days before the hearing.
- (b) The notice must contain an authentic copy of the assessment and an order of the notice signed by the City Clerk stating the time and place for hearing upon the subject matter of the assessments. A return made upon a copy of the notice by any member of the police department, or the production of the paper containing the notice, is conclusive evidence that the notice was given.

**Sec. 62-165. Revision of assessments. [Ord. No. 5-1993, 7-20-1993]**

When the hearing provided for in section 62-164 is held, the City council may revise, increase or diminish any of the assessments. Any

revision, increase or diminution must be in writing and recorded by the City Clerk.

**Sec. 62-166. Arbitration of assessments. [Ord. No. 5-1993, 7-20-1993]**

- (a) Request for arbitration. Any person who is dissatisfied with the amount assessed under 30-A M.R.S.A. § 3442 may, within 10 days after the hearing under 30-A M.R.S.A. § 3142(5), make a written request to the City Clerk to have the assessment upon the lot or parcel of land determined by arbitration.
- (b) Selection of arbitrators. The City council shall nominate six persons who are residents of the City. The applicant shall select two of these persons, and these two persons shall select a third person who is a resident of the City and who is not one of the six persons nominated by the City council.
- (c) Procedure. The three persons selected under subsection (b) of this section shall fix the amount to be paid by the applicant. Within 30 days from the hearing before the municipal officers under 30-A M.R.S.A. § 3442, the arbitrators shall report their findings to the City Clerk, who shall record them. The arbitrators' report is final and binding on all parties.

**Sec. 62-167. Collection of assessments. [Ord. No. 5-1993, 7-20-1993]**

- (a) Except for service charges established under 30-A M.R.S.A. § 3406, which shall be collected as provided for in that section, all assessments and charges made under this division shall be certified by City council and filed with the tax collector for collection.
- (b) Pursuant to the provisions of 30-A M.R.S.A. § 3444(1), the City council may, by amendment to this division or adoption of a new ordinance, make provision for the collection of assessments and charges over a period of time not exceeding 10 years.

**Sec. 62-168. Action to recover unpaid assessments. [Ord. No. 5-1993, 7-20-1993]**

- (a) The provisions contained in this division for collection of assessments shall not be exclusive. If assessments under this division are not paid, the City may, if it does not proceed to collect the assessments by a sale of the lots or parcels of land upon which assessments are made, maintain a civil action against the party so



assessed in any court competent to try the action. In this action the City may recover the amount of the assessment together with 12% interest on the assessment from the date of the assessment and, additionally, the City may collect its costs.

- (b) The provisions of 30-A M.R.S.A. § 3445 shall apply and are incorporated in this section by reference.

**Sec. 62-169. through Sec. 62-190. (Reserved)**



DIVISION 6  
**Use of Public Sewers**

**Sec. 62-191. Discharge of unpolluted water to sanitary sewer.  
[Ord. No. 45-1999, § 600.1, 2-1-2000]**

No person shall cause a connection to be made to a City sanitary sewer which shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. No direct connection shall be made from a public or private water supply to a building drain discharging to any sanitary sewer.

**Sec. 62-192. Permitted discharge of unpolluted water. [Ord. No. 45-1999, § 600.2, 2-1-2000]**

Stormwater and all other unpolluted drainage may be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City, to a storm sewer or natural outlet, if in accordance with regulations of the state department of environmental protection.

**Sec. 62-193. Prohibited discharges. [Ord. No. 45-1999, § 600.3, 2-1-2000]**

Except as provided in this article, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- (2) Any waters or wastes which contain fats, grease or oil, or other substances in excess of 100 mg/l, whether emulsified or not, that will solidify or become viscous at temperatures between 32° F. and 150° F.
- (3) Any waters or wastes containing soluble fats, grease or oils, whether emulsified or not, exceeding an average 100 parts per million, which, in the opinion of the City, may overload or inhibit the pollution control facility's processes.
- (4) Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid or gas.

- (5) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide, or other substances which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- (6) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the City.
- (7) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids, or other solid or viscous substance capable of causing obstruction to the flow of the sewers or other interference with proper operation of the sewage works.
- (8) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalis must be neutralized at all times, within a permissible pH range of 6.0 to 9.5.
- (9) Radioactive wastes or isotopes of halflife or concentrations as may exceed limits established by the City in compliance with applicable state or federal regulations.
- (10)Quantities of flow, or concentrations of any wastewater constituent, or both, which would constitute a slug.
- (11)Any stormwater, roof drainage, spring water, cistern or tank overflow, footing drainage, or discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge of effluent from any air conditioning machine or refrigeration unit.
- (12)Any waters or wastes containing a toxic or poisonous substance, high chlorine or oxygen demand, or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard or violation in the receiving waters or effluent of the City's sewage treatment plant, or contaminate or restrict the final end use of the treatment plant's sludge residuals. Such toxic substances shall be limited to the average concentrations listed in this subsection in the sewage as it leaves the building sewer, and at no time shall

the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the City in volume and concentration of wastes discharged.

**Limits of Toxic Substances in Sewage**

Iron, as Fe	5.0 ppm
Chromium, as Cr (hexavalent)	1.0 ppm
Copper, as Cu	1.0 ppm
Chlorine demand	15.0 ppm
Phenol	0.5 ppm
Cadmium, as Cd	0.5 ppm
Zinc, as Zn	0.5 ppm
Nickel	1.0 ppm
Mercury, as Hg	0.0 ppm

The City may periodically modify this list of regulated toxic substances and allowable concentrations in accordance with federal Environmental Protection Agency protocol for the development of technically based local limits. The City will provide advance written notice of new local limits to users prior to initiating enforcement actions.

- (13)Waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (14)Waters or wastes containing phenols, or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the City 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.
- (15)Waters or wastes containing substances which are not amenable to treatment or reduction by the waste treatment processes employed, which may inhibit treatment plant processes or sludge quality or disposal, or which are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- (16)Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the City's wastewater treatment facilities, but in no case heated waters or pollutants

in such quantities that the temperature at the pollution control facility's influent exceeds 104° F. (40° C.).

- (17) Any waters or wastes containing color, dissolved solids, or dye which would cause a visible discoloration of the treatment plant's effluent or receiving water.
- (18) Any waters or wastes containing suspended solids, whether inert or organic, which would cause visible turbidity of the treatment plant's effluent or receiving water.
- (19) Any waters, wastes or substance which would cause the treatment plant's effluent to exceed toxicity testing limits as may be required by applicable state or federal law.
- (20) Any boiler blowoffs or sediment trap wastes.
- (21) Any septage or septic process discharge without the express written approval of the City.

**Sec. 62-194. Restricted discharges. [Ord. No. 45-1999, § 600.4, 2-1-2000]**

- (a) Any discharge of waters or wastes having any of the following characteristics shall be subject to the review and approval of the City:
  - (1) Having a five-day biochemical oxygen demand greater than 300 parts per million;
  - (2) Containing more than 350 parts per million of suspended solids;
  - (3) Containing more than 15 parts per million of chlorine demand;
  - (4) Containing any quantity of substances having the characteristics described in this division; or
  - (5) Having an average daily flow or pollutant mass greater than 2% of the average daily sewage flow of the City.
- (b) Where necessary, in the opinion of the City, the owner shall provide, at his expense, such pretreatment as may be necessary to:
  - (1) Reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight;

- (2) Reduce the chlorine demand to 15 parts per million;
- (3) Reduce objectionable characteristics or constituents to within the maximum limits provided for in this division; or
- (4) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the City, and no construction of such facilities shall be commenced until such approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the City will constitute a violation of this article.

**Sec. 62-195. Measurements, tests and analyses. [Ord. No. 45-1999, § 600.5, 2-1-2000]**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest accepted edition of Standard Methods for the Examination of Water and Wastewater, upon suitable samples taken at a control manhole as provided for in division 7 of this article. If no manhole has been required, the manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected.

**Sec. 62-196. Special agreements for acceptance of industrial waste. [Ord. No. 45-1999, § 600.6, 2-1-2000]**

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.

**Sec. 62-197. Laboratory methods and sampling. [Ord. No. 45-1999, § 600.7, 2-1-2000]**

All of the standards in this division are to apply at the point where the industrial wastes are discharged into the public sanitary sewer system, and any pretreatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest accepted edition of Standard

Methods for the Examination of Water and Wastewater. However, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the City and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a twenty-four-hour period. However, more frequent and longer periods may be required at the discretion of the City.

**Sec. 62-198. Acceptance of restricted waste. [Ord. No. 45-1999, § 600.8, 2-1-2000]**

- (a) 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 this division and which, in the judgment of the City, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:
- (1) Reject the wastes and require separate treatment;
  - (2) Require pretreatment to an acceptable condition before discharge to the public sewers;
  - (3) Require control over the quantities and rates of discharge; and/or
  - (4) Require payment under the provisions of this article to cover the added cost of handling and treating of such wastes.
- (b) If the City permits the pretreatment or equalization of waste flows, the design and installation of plants and equipment shall be subject to the review and approval of the City, and subject to the requirements of all applicable codes, ordinances and laws, including federal Environmental Protection Agency pretreatment standards.

**Sec. 62-199. through Sec. 62-220. (Reserved)**



DIVISION 7  
**Pretreatment and Permitting of Industrial and Unusual  
Wastes**

**Sec. 62-221. Criteria for acceptance of waste. [Ord. No. 45-1999, § 700.1, 2-1-2000]**

- (a) The City, at its sole discretion, may elect to allow an industrial or unusual waste producer to utilize the sewage works, provided that it can be demonstrated by the producer to the City's reasonable satisfaction that acceptance of the waste will result in:
- (1) No violation of applicable federal or state regulations, including federal Environmental Protection Agency pretreatment requirements.
  - (2) No inhibition of, or damage to, the treatment plant's processes or equipment and no upsets of the plant's processes which lead to nuisance conditions, operational problems, or discharge license noncompliance.
  - (3) No pass-through of any waste material not treatable in the City's treatment plant to the receiving waters.
  - (4) No contamination of the City's sewage sludge with toxic or undesirable waste constituents and no impairment of the City's ability to dispose of the treatment plant's sludge residuals.
  - (5) No creation of hazardous or unsafe conditions in the sewer system or treatment plant which might jeopardize the health and welfare of the general public or the City's staff.
  - (6) Equitable allocation of sewer user fees such that the true cost of treating the industrial or unusual waste is fully borne by the sewer user that generated the wastes.
- (b) Prior to accepting the waste, the City may require that appropriate industrial or unusual wastes undergo pretreatment or flow equalization prior to its discharge into the City's sewer system.

**Sec. 62-222. Maintenance of pretreatment and flow-equalizing facilities. [Ord. No. 45-1999, § 700.2, 2-1-2000]**

Where pretreatment 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.

**Sec. 62-223. Control manhole. [Ord. No. 45-1999, § 700.3, 2-1-2000]**

When required by the City, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control structure in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City. 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.

**Sec. 62-224. Dilution of discharge. [Ord. No. 45-1999, § 700.4, 2-1-2000]**

No discharger or user shall increase the use of potable or process water, in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this article. Pollutants, substances or wastewater prohibited by this article shall not be processed or stored in a manner that would allow them to be discharged to the treatment plant.

**Sec. 62-225. Standards for grease, oil and sand interceptors. [Ord. No. 45-1999, § 700.5, 2-1-2000]**

- (a) Grease, oil, and sand interceptors shall be provided by the producer when the limits in this article for those substances are exceeded or when, in the opinion of the City, they are necessary for the proper handling of 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 required by the state plumbing code and as required for subsurface wastewater disposal systems and shall be approved by the City prior to installation, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

**Sec. 62-226. Maintenance of grease, oil and sand interceptors. [Ord. No. 45-1999, § 700.6, 2-1-2000]**

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the City at any time. A maintenance record shall be maintained by the owner for the City's periodic review.

**Sec. 62-227. Applicability of categorical pretreatment standards. [Ord. No. 45-1999, § 700.7, 2-1-2000]**

The categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405 through 471, as from time to time amended, are incorporated in this article by reference. These standards must be adhered to by dischargers to, or users of, the City's sewage works.

**Sec. 62-228. Local pollutant limits. [Ord. No. 45-1999, § 700.8, 2-1-2000]**

Local limits for certain pollutants may be established by the City to protect against passthrough, interference, process inhibition and damage, safety concerns, and sludge residual contamination. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified in this article or on the user's wastewater discharge permit. All discharge limits shall be technically based and approved by the appropriate regulatory agencies.

**Sec. 62-229. Wastewater survey form. [Ord. No. 45-1999, § 700.9, 2-1-2000]**

When requested by the City, users must complete a wastewater survey form, on a form supplied by the City, which contains information on the nature and characteristics of their wastes. This form must be submitted to the City prior to the discharge of the user's wastewater into the City's sewage works. The City is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user

and shall be considered a violation of this article. Existing industrial dischargers shall file wastewater survey forms within 30 days after being notified by the City, and proposed new dischargers shall file such forms at least 90 days prior to connecting to the sewage works. The form shall include, but not be limited to, the following information:

- (1) The name, address, and location of the user and the number of employees.
- (2) The Standard Industrial Classification (SIC) code of the user.
- (3) The known, or suspected to be present, wastewater constituents and characteristics, including, but not limited to, those listed in this article. Any sampling and analysis that is required by the City shall be performed in accordance with Standard Methods. The costs of all such sampling, analysis, and reporting shall be fully borne by the user.
- (4) The time and duration of discharges.
- (5) The average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable measurement techniques are approved by the City.
- (6) The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location, and elevation adjacent to, or at, the user's premises.
- (7) The activities, facilities, and plant processes on the premises, including all materials which are, or may be, discharged to the sewage works.
- (8) The nature and concentration of any known or suspected pollutants or materials prohibited by this article from being included in the discharge, together with a statement regarding whether or not compliance is being, or will be, achieved with this article on a consistent basis and, if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with this article.
- (9) The identification of each product produced by the user by type, amount, process, and rate of production.

(10)The type and amount of raw materials utilized, average and maximum per day, by the user.

**Sec. 62-230. Signing and certification of disclosure forms and reports. [Ord. No. 45-1999, § 700.10, 2-1-2000]**

All disclosure forms and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**Sec. 62-231. Determination as to whether user is subject to pretreatment requirements. [Ord. No. 45-1999, § 700.11, 2-1-2000]**

The City will evaluate the completed wastewater survey forms and material safety data furnished by the user and may require the user to furnish additional information. The user shall provide all requested additional information within 15 days after receiving notification from the City that additional information is required. After full evaluation and acceptance of all submitted data, the City shall make the determination as to whether the user is subject to pretreatment requirements. If the City determines that the user is subject to pretreatment requirements, the City shall require the user to apply for a wastewater discharge permit as required by this division. The user shall make application for a wastewater discharge permit, on a form provided by the City, within 30 days after having received notification from the City to do so. The user shall provide with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the City may require to accompany the permit application. If so requested by the City, the user shall collect all required samples in the presence of the City.

**Sec. 62-232. Wastewater discharge permit. [Ord. No. 45-1999, §§ 700.12-700.20, 2-1-2000]**

- (a) Every new or existing user of the City's sewage works who is determined to be a categorical user or significant industrial user is required to obtain a wastewater discharge permit from the City.
- (b) Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the City to prevent waste pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the sewage works. Wastewater discharge permits may impose effluent restrictions or limits on the user if the City determines that such limits are necessary to protect the quality of the treatment plant influent, effluent, or sludge, or to maintain compliance with any applicable federal or state law, including requirements under the City's NPDES permit and national categorical pretreatment standards for new and existing sources set forth in 40 CFR chapter I, subchapter N, parts 401 through 471.
- (c) Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period of less than five years. Each wastewater discharge permit shall indicate a specific date upon which it will expire, and no permit shall run beyond the expiration of the City's NPDES permit. Such discharge permit may, after written notice and hearings, be suspended or revoked by the City council for violation of the permit or change of law applicable to the subject matter of the permit.
- (d) Wastewater discharge permits shall be issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner or a new user, different premises, or a new or changed operation. To facilitate the issuance of new, separate permits, the City may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed 90 days.
- (e) Wastewater discharge permits may contain requirements and compliance schedules for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, any of which would be designed to reduce, eliminate, or prevent the introduction of pollutants into the City's sewage works.
- (f) Wastewater discharge permits may contain requirements for the development and implementation of spill control plans or other

special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges to the City's sewage works.

- (g) Wastewater discharge permits may contain requirements for the installation and maintenance of inspection and sampling facilities and equipment and for the reporting of all results to the City.
- (h) The City, for good cause, may, at any time, modify any wastewater discharge permit so long as the public health and safety are maintained.
- (i) Seven days' advance written notice of intent to revoke and an opportunity for hearing before the City council shall be provided before revocation of any permit for a violation of any condition thereof or of this article or any applicable state or federal statutes, rules or regulations.

**Sec. 62-233. Accidental discharge/slug control plan. [Ord. No. 45-1999, § 700.21, 2-1-2000]**

The City may require any user to develop and implement an accidental discharge/slug control plan. At least once every two years, the City shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the City of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharge standards in this article; and
- (4) Procedures to prevent adverse sewage works impacts from any accidental or sludge discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

**Sec. 62-234. Compliance schedule. [Ord. No. 45-1999, § 700.22, 2-1-2000]**

Where additional pretreatment and/or operation or maintenance activities will be required to comply with this article, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operation and maintenance activities. The City reserves the right to determine the reasonableness of the proposed schedule, to modify the proposed schedule, or to reject the schedule. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional treatment required for the user to comply with the requirements of this article, including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this article. No later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the City including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the approved schedule.

**Sec. 62-235. Compliance reports. [Ord. No. 45-1999, § 700.23, 2-1-2000]**

All significant industrial users shall, at a frequency stated in their wastewater permit or as determined by the City, but in no case less than twice per year, submit a report to the City indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment permit criteria or standards in this article and the measured or estimated average and maximum daily flows and loadings for the reporting period. All periodic compliance reports must be signed and certified in accordance with this article. All wastewater samples collected must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirements in this article or its permit



monitors any pollutant more frequently than required, the results of this additional monitoring shall be included in the report.

**Sec. 62-236. Notification of changes in operation. [Ord. No. 45-1999, § 700.24, 2-1-2000]**

Each user must notify the City in writing of any planned significant changes to its operations or process systems which might alter the nature, quality or volume of its wastewater at least 60 days before the change. No user shall implement the planned changed conditions until and unless the City has responded in writing to the user's notice. Significant changes include, but are not limited to, flow or pollutant load increases of 10% or greater, and the discharge of any previously unreported pollutants.

**Sec. 62-237. Reporting of possible violations or potential problems. [Ord. No. 45-1999, § 700.25, 2-1-2000]**

If sampling performed by a user indicates a violation of the permit or this article, the user must notify the City within 24 hours of becoming aware of the violation. The user shall also, within five calendar days, repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within five calendar days of such repeat sampling and analysis. In the case of any discharge, including, but not limited to, hazardous waste discharges, accidental discharges, discharges of a nonroutine or episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the sewage works, the user shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five days following such a discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewage works or natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this article. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in this section. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

Sec. 62-238

Sec. 62-238

**Sec. 62-238. through Sec. 62-260. (Reserved)**

DIVISION 8  
**Compliance Monitoring**

**Sec. 62-261. Right of entry. [Ord. No. 45-1999, § 800.1, 2-1-2000]**

- (a) In accordance with 30-A M.R.S.A. § 4213, the City plumbing inspector may enter any property at reasonable hours for the purpose of inspecting the property for compliance with applicable rules or to investigate alleged conditions which do not comply with the rules. This right of entry extends to the right to enter any building with the consent of the property owner, occupant or agent. Upon the request of the occupant of the premises, the plumbing inspector shall present proper credentials before entering the premises.
- (b) If entry is denied, before attempting entry, the plumbing inspector must obtain an administrative inspection warrant from the district court, pursuant to the procedures set out in detail in Rule 80E of the Maine Rules of Civil Procedure.

**Sec. 62-262. Entry on easements. [Ord. No. 45-1999, § 800.2, 2-1-2000]**

The duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an 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 the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

**Sec. 62-263. Installation of sampling devices. [Ord. No. 45-1999, § 800.3, 2-1-2000]**

The City shall have the authority to set up, on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's waste discharges. The user shall bear the costs of such setup or installation.

**Sec. 62-264. Installation of monitoring equipment. [Ord. No. 45-1999, § 800.4, 2-1-2000]**

The City shall require the user to install monitoring equipment as the City deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating

condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least quarterly to ensure their accuracy.

**Sec. 62-265. Recordkeeping requirements. [Ord. No. 45-1999, § 800.5, 2-1-2000]**

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records or information obtained pursuant to any monitoring activities required by this article and any additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include, but not be limited to, the date, exact place, method, and time of sampling and the name of the person taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained by the user for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the City.

**Sec. 62-266. Confidentiality of information. [Ord. No. 45-1999, § 800.6, 2-1-2000]**

Information and data on a user obtained from reports, surveys, wastewater discharge permits and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information on the user which under applicable state law is not subject to public inspection. When requested and demonstrated by the user furnishing a report that such information must be held confidential under state law, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public, but shall be made available immediately, upon request, to state and federal governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR part 2.302 will not be recognized as confidential information and will be available to the public without restriction.

**Sec. 62-267. Inspection warrants. [Ord. No. 45-1999, § 800.7, 2-1-2000]**

If the City has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this article, the City shall seek to secure an administrative inspection warrant pursuant to Rule 80E of the Maine Rules of Civil Procedure. The warrant, if issued by the district court, shall be executed pursuant to Rule 80E of the Maine Rules of Civil Procedure and the City shall be accompanied by a uniformed City police officer during the execution.