

CHAPTER 15

SEWER

Article I. Sewage Ordinance. [Originally adopted eff. 12/22/1971 under R.S.1964, T.30. §2151 & 4353; Amended eff. 3/15/1995; Amended eff. 6/7/1995, Amended eff. 12/10/2003 and Amended eff. 8/10/2007)

Sec. 15-1-1. Purpose. The purpose of this ordinance is to promote the health and general welfare of the citizens of the Town of Cape Elizabeth by regulating and restricting the construction and use of sewage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewage system, whether public, private or industrial, shall not result in pollution, health hazard or other nuisance. It is the further purpose of this ordinance to provide for the equitable allocation of the capital and operating costs of the public sewage system among municipal use and the general public benefit, private use and the availability of use to properties not connected to the system. [2nd sentence added eff. 9/27/1978.]

Sec. 15-1-2. Scope. Hereafter any person owning any building or structure within the Town of Cape Elizabeth 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 the statutes, the State Plumbing Code, this ordinance and any regulations thereunder.

Sec. 15-1-3. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

- (a) "Appeals Board" shall mean the Board of Zoning Appeals as provided in accordance with Section 15-1-10 [Amended eff. 3/15/1995].
- (b) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight (8) feet outside the inner face of the building wall.
- (c) "Building Inspector" shall mean the Building Inspector of the Town of Cape Elizabeth.
- (d) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (e) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- (f) "Engineer" shall mean the Engineer for the Town of Cape Elizabeth.

(g) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(h) "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage, and including any waste flow with a five-day biochemical oxygen demand of over 350 MG/L or outside a permissible Ph range of 5.5 to 8.5.

(i) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of groundwater.

(j) "Non-Residential Use" shall mean any use of a house, building or other structure requiring the disposal of sewage other than a Residential Use. [Added eff. August 13, 1986]

(k) "Properly Shredded Garbage" shall mean the 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 one-half (1/2) inch in any dimension.

(l) "Public Sewer Line" shall mean the public gravity sanitary sewer leading to a sewage treatment plant. [Added eff. 8/13/1986]

(m) "Public Sewer Plan" shall mean the plan entitled "Pollution Control Planning Sewerage Service Areas" dated January 22, 1993 prepared by T.Y. Lin International/Hunter-Ballew Associates, as may be amended from time to time, as approved by the Town Council. [Added eff. 3/15/1995]

(n) "Residence" shall mean a house, building or other structure used for human occupancy by one or more family units in conformance with the Zoning Ordinance at the time of adoption of this definition, or for which a building permit was issued at the time of adoption of this definition. [Added eff. 8/13/1986]

(o) "Residential Use" shall mean the use of a house, building or other structure for human occupancy by one or more family units in conformance with the Zoning Ordinance. [Added eff. 8/13/1986]

(p) "Sanitary Sewer" and "Public Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted. [Amended eff. 3/15/1995]

(q) "Sewage" shall mean any one or a combination of waste capable of being water carried from residences, business buildings, institutions, and industrial establish-

ments, together with such incidental ground, surface, and storm waters as may be present.

(r) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for at least secondary treatment and disinfection of sewage.

(s) "Shall" is mandatory; "May" is permissive.

(t) "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(u) "Superintendent" shall mean the Director of Public Works of The Town of Cape Elizabeth or his authorized representative.

(v) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by skimming, settling or filtering.

(w) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 15-1-4. Use of Public Sewers Required.

(a) Violations :

1. It shall be unlawful for any person to place, deposit, or permit to be deposited any sewage on public or private property within the Town of Cape Elizabeth, or in any area under the jurisdiction of said Town, except in a manner approved by the Superintendent and at a site located on soils from which such sewage will not contaminate ground or surface waters and will not create a health hazard as determined from time to time by the Superintendent and the Town Health Officer.

2. It shall be unlawful for any person to discharge wastewater into any collection line, lateral sewer, interceptor or other means of conveying wastewater to the Town treatment facilities, if such wastewater originates from any building facility or other manner of construction which is erected or otherwise placed on or after the effective date of this ordinance, in whole or part upon land which is defined as a wetland area within the meaning of Executive Order 11990 for the Protection of Wetlands or is located within the 100 year flood boundaries shown on the Southern Cape Elizabeth Hazard Boundary Map issued through the National Flood Insurance Program. (Amended eff. 3/11/1989)

(b) Eligibility for existing residences:

A lot owner may connect an existing residence to the public sewer provided the residence is within a Sewage Service Area as shown upon the Public Sewer Plan, and such connection is not prohibited by Section 15-1-4(a) or any other applicable provision of local, State or federal law or regulation. Such connection, and any extension for such connection, shall be made at the sole cost of the lot owner.
[Amended eff. 3/15/1995]

(c) Eligibility for new residences:

A lot owner may connect a new residence to the public sewer if such lot is within a Sewage Service Area as shown on the Public Sewer Plan, provided the criteria set forth above in subparagraph b) are met and the lot owner pays any charges levied pursuant to Section 15-1-11, as such sewer charges may be amended and approved from time to time by the Town Council.

(d) Eligibility for multiple connections:

An owner of two or more lots located within a Sewage Service Area as shown on the Public Sewer Plan may connect two or more new residences to the public sewer, provided each lot to be connected:

- 1) meets the criteria set forth in paragraph c above, and
- 2) such owner satisfies the Town Engineer that there exists sufficient capacity in the public sewer system proposed to serve the proposed lots giving consideration to, among other things, the number of units/uses presently connected, the number of units/uses approved but not yet connected, the number of residential units which are eligible but have not yet connected pursuant to the provisions of this ordinance, as well as the secondary impact of the foregoing on the public sewage system.
[Amended eff. 3/15/1995]

(e) Eligibility for Non-Residential Uses:

A lot owner may connect an existing or proposed structure designed or used for non-residential use, provided:

1. The structure is within a Sewage Service Area shown upon the Public Sewer Plan; and
2. The Town Engineer has determined there is sufficient capacity in the public sewage system to which the structure would be connected giving consideration to, among other things, those factors set forth in paragraph (d)(2) above. The Planning Board

shall approve or deny a requested non-residential connection as part of its Site Plan review and approval process under Section 19-2-9 based upon the Engineer's determination of capacity. [Added eff. 3/15/1995]

f. Lots Which Must Connect to the Public Sewer.

The owner of any house, building or other structure used for human occupancy, employment, recreational or other purpose which requires the disposal of sewage and which is located upon a lot eligible to connect to the public sewer as provided above, shall at the owner's expense connect its sewer facility directly to the public sewer, in accordance with the provisions of this ordinance, unless:

- (1) such house, building or other structure is located more than one hundred fifty (150) feet from the public sewer line; or
- (2) such house, building or other structure has as of the effective date of this ordinance disposed of its sewage by a private subsurface sewage disposal system, and such owner has filed with the local plumbing inspector a certification by an authorized soils evaluator that the private subsurface sewage disposal system is not malfunctioning. Such certification shall be presumed valid and accurate but shall not bind the Town or local plumbing inspector in regard to compliance with private sewage requirements set forth elsewhere in this ordinance, the State Plumbing Code, or as otherwise applicable.
- (3) such house, building, or other structure is located in the Town Center Zone as of June 7, 1995 and is in compliance with paragraph (2) above with regard to an existing private subsurface sewage disposal system. Connection to the public sewer shall not be required for a change of use or addition to an existing house, building or other structure located in the Town Center Zone, subject to compliance with the sewage requirements set forth elsewhere in this ordinance, the State Plumbing Code, or as otherwise applicable. [Amended Eff. 6/7/1995]

For the purpose of calculating the one hundred fifty (150) foot measurement set forth in Sub-paragraph 1 above, the measurement shall be made (i) from the end of any stub provided by the Town, otherwise from the public sewer line, (ii) to a point on the building foundation other than the foundation for any garage or other attached accessory building unless it contains a toilet or sink, or contains other facilities regularly generating sewage, (iii) by the shortest route passing through the property in which the owner has the right to install, use and maintain a building sewer. [Added eff. 9/27/1978, Revised eff. 8/13/1986]

(g) Mechanical Pumping Required:

In any building in which any building drain is too low to permit gravity flow to a public sewer, sewage or industrial wastes carried therein shall be lifted by approved mechanical means by the owner and discharged to the public sewer.

(h) No Connections Prior to Treatment Facilities Construction:

In the event that a public sewer be constructed before the treatment facilities to which it will lead have been placed in operation, no owner shall connect to such sewer prior to the placing of such facility in operation unless the Superintendent has first determined that such connection and the ultimate sewage discharge therefrom are lawful and that the sewers to be utilized are adequate for such additional use. [Revised eff. 12/22/1976]

(i) Amendments to the Sewer Service Area (Added eff. 12/10/2003)

The sewer service area plan may be expanded by vote of the Town Council, after receiving a recommendation from the Cape Elizabeth Planning Board, if:

1. The Town Council finds that the sewer system, including all impacted pipes, pump stations and treatment works, has sufficient non-peak and peak capacity for potential service within the area encompassed by the expansion;
2. The expansion is in conformance with the Town's comprehensive plan; and
3. The expanded sewer service area is:
 - a. A lot designated on the Town Neighborhood Sewer Connection Eligibility Map;
 - b. A lot within 500' of an existing Sewer Service Area; or
 - c. An area proposed for new development in accordance with the Open Space Zoning Standards, Sec. 19-7-2, of the Zoning Ordinance.

If the expanded sewer service area is an area proposed for new development in accordance with the Open Space Zoning Standards, Sec. 19-7-2 of the Zoning Ordinance, no connection to the sewer system shall be permitted until the development receives approval from the Cape Elizabeth Planning Board for compliance with Sec. 19-7-2, Open Space Zoning Standards.

4. All sewer extensions shall be designed by a registered engineer. Its design shall be subject to review and approval by the Town

Engineer, and its design, construction and acceptance shall be in accordance with the provisions of Sec. 15-1-7. An extension of the sewer system shall be at the expense of the lot owner(s) requesting the extension, unless the Town Council elects to fund all or part of the sewer extension costs.

Sec. 15-1-5. Private Sewage Disposal. [Revised eff. 6/10/1981]

- (a) Where a public sewer is not available under the provisions of Sec. 15-1-4(b), any new building sewer shall be connected to a private disposal system complying with the provisions of all applicable local, state and federal statutes, ordinances, rules and regulations, as amended from time to time, including particularly Article II, Private Sewage Disposal Ordinance, of this Chapter 15.
- (b) When a property owner is required to connect an existing structure to the public sewer in accordance with the provisions hereof, the building sewer shall be connected to said sewer within 90 days after date of official notice and the private septic tank or cesspool shall be cleaned of sludge and filled with clean bank-run gravel or soil.
- (c) The contents pumped or otherwise removed from private sewage disposal systems or sewage holding tanks of Cape Elizabeth residents may be discharged to a part of the public sewer system leading to a sewage treatment plant, upon approval from, and proof of source satisfactory to, the Superintendent and upon payment of such fees as the Town Council shall from time to time determine.

Sec. 15-1-6. Building Sewers and Connections.

- (a) Any person proposing a new discharge into the public sewer system or a substantial change in the volume or character of pollutants that are being discharged into the public sewer system shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereto without first obtaining a written permit from the Superintendent.
- (b) There shall be two classes of building sewer permits: (a) for residential and commercial services, and (b) 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 Town. This permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. The Town Council shall establish, alter from time to time and levy upon persons making sewer connections permit and inspection fees for both classes of building sewer permits in such amounts and

with such reasonable classifications and differentiations as the Town Council may from time to time deem adequate and reasonable.

(c) The owner of any property which the Town extends a sewer stub to a point outside the paved way, or on which the Town connects a building sewer to the public sewer, shall be charged a start-up assessment in such amount and payable at such time as the Town Council may determine from time to time. [Revised eff. 9/27/1978]

(d) All cost and expense incident to the installation, connection, maintenance, repair, replacement or use of the building sewer, including any stub provided by the Town, shall be paid by the owner. The owner shall reimburse the Town for any loss or damage that may be occasioned directly or indirectly, to the public sewer, street or other property, by the installation and connection of the building sewer. [Revised eff. 9/27/1978]

(e) A separate and independent sewer shall be provided for every building. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

(f) All building sewer design, materials, excavation, joints and connections shall be made so as to prevent infiltration of surface or subsurface waters and in accordance with standards adopted by the Superintendent, which standards shall be published and shall follow good engineering practice. The diameter of the building sewer shall not be less than four (4) inches. The depth of building sewers shall be sufficient to afford protection from the frost, but in no event shall be less than three (3) feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings and with properly installed curvilinear sewers with a minimum radius of 150 feet on a uniform 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. [First sentence revised eff. 9/27/1978]

(g) The connection of the building sewer into an existing public sewer shall be made at the existing public 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 Superintendent. The connection of the building sewer into the public sewer shall be made at the "Y" or "T" branch. If none is available, a connection may be made by tapping the existing sewer by a method approved by the Superintendent.

(h) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent before the trenches are filled; and the person performing such work shall notify the Superintendent when the installation of the building sewer is completed. If the trench is filled before inspection, the Superintendent shall require it to be re-excavated for inspection.

(i) When any building sewer is to serve a school, hospital, or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer can reasonably be anticipated, then such building sewer shall be connected to the public sewer through one or more manholes. The Engineer shall determine whether this type of connection to the public sewer is required, and the manner of accomplishing it. Connections to existing manholes shall be made as directed by the Superintendent.

(j) 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 Engineer.

Sec. 15-1-7. Sewer Extensions. (Revised eff. 12/10/2003 and 8/10/2007)

(a) The installation of all sewer extensions must be subject to periodic inspection by the Superintendent and the expenses for this inspection shall be paid for by the owner, builder or developer. The Superintendent's decisions shall be final in matters of quality and methods of construction.

(b) Any sewer extension constructed in accordance with Sec. 15.1-7 shall comply with minimum standards developed by the sewer superintendent and approved by the town manager. A copy of the minimum standards shall be filed with the town clerk. [Amended eff. 7/14/1987 and 8/10/2007]

Sec. 15-1-8. Use of Public Sewers.

(a) Except as provided in paragraph (c) below, no person 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 public sewer.

(b) Except as provided in paragraph (c) below, stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, or natural outlet, provided that any required waste discharge license is first obtained by the person generating such discharge.

(c) An owner of a residence as defined in this ordinance may apply to the Zoning Board of Appeals for a special permit to be allowed to continue to drain stormwater, surface water, or melting snow or ice from roofs of such residence into the public sewer. The Zoning Board of Appeals may grant such permit only upon finding that the cost to disconnect the present roof draining system from the public sewer is prohibitively expensive. The Zoning Board of Appeals shall also consider any likely physical damage which would result to the property of the applicant, neighboring property, and any Town property which may be affected by such discontinuance. The Zoning Board of Appeals shall condition the granting of any such special permit upon the payment to the Town of an annual special permit fee of not less than the estimated cost, including capital and operating, of processing such additional flow in the public sewer system, which amount shall not be less than the minimum annual residential sewer charge. If a special permit is granted, the Zoning Board of Appeals shall require an attested copy thereof to be recorded in the Cumberland County Registry of Deeds setting forth the name of the record owner(s), a description of the property affected (including a book and page reference to such owner(s) for source of title) and any conditions which may be imposed. [Added eff. 3/15/1995]

(d) Except as hereinafter provided, 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 degrees F.
2. Any waters or wastes containing fats, grease, or oils, whether emulsified or not, exceeding an average of 50 parts per million.
3. Any gasoline, benzine, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid, or gas.
4. Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by interaction with other waste, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
5. 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 Superintendent.
6. Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.

7. Any waters or wastes containing a radioactive, toxic or poisonous substance, a high chloride demand or suspended solids in sufficient quantity to injure or interfere with any sewage works or treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the Town's sewage treatment plant.

(e) All industrial wastes which are compatible with domestic sewage shall be permitted to enter any public sewer. The Town reserves the right to require pretreatment of any non-compatible industrial waste to prevent shock loads and insure its compatibility with domestic sanitary sewage, and it further reserves the right to require a firm, long-term service contract for all waste source generating more than 10,000 gallons of waste water/sewage per day or generating more than 200 pounds of 5-day biochemical oxygen demand per day, under which a special sewer service charge may be established in accordance with Sec. 15-1-11(d).

(f) In the event that grease, oil or sand may be in the wastes, such wastes may be discharged into a public sewer provided that there shall be installed interceptors in the building sewer which shall be of a type and of a capacity approved by the Superintendent, shall be located so as to be readily and easily accessible for cleaning and inspection, shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature, and shall be of substantial construction watertight and gastight. Such interceptors shall be maintained by the persons owning same, at their expense, and in continuously efficient operation at all times.

(g) All other industrial wastes shall be transported in a building sewer to a sewage disposal system which shall be controlled and maintained by the person causing the potential nuisance, which has been specifically designed by a registered engineer to take care of the load to which it will be subjected, and which shall be built and maintained in accordance with the State Plumbing Code and with all other applicable requirements.

(h) All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. The Superintendent shall make such records available upon request to other agencies having jurisdiction over discharges to the receiving waters.

Sec. 15-1-9. Entry on Private Property.

(a) The Superintendent, the Engineer, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance.

(b) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 15-1-10. Appeals. (Revised eff. 9/9/1987)

Appeals from acts or failure or refusal to act by the proper authorities of the Town under the provisions of this ordinance shall be to the Board of Zoning Appeals and shall be governed by Sec. 19-4-7 et seq of the Zoning Ordinance. [Amended eff. 5/10/1994 and 3/15/1995]

Sec. 15-1-11 Sewer Service Charges.

(a) The Town Council is hereby authorized to establish, alter from time to time, and levy upon persons owning land eligible to connect to the public sewer as provided in Sec. 15-1-4 whether such public sewer has been constructed prior to or after the effective date of this ordinance, a service charge for the use of and for the services furnished by such public sewer, or available to such land, whether or not such land is connected thereto or is improved.

If the owner of land eligible to connect to the public sewer is not required to so connect pursuant to the provision of 15-1-4, the owner shall nonetheless be liable for such service charges. An owner of land eligible for more than one sewer connection for residential use pursuant to Sec. 15-1-4 who desires to perpetually combine two (2) or more contiguous developable lots or to perpetually restrict a single lot that could otherwise be developed into two or more lots by subdivision or for two or more dwelling units by application of Multiplex Housing Standards, may do so by executing and recording in the Cumberland County Registry of Deeds an instrument effectively so committing his or her land in perpetuity upon a form prepared by or satisfactory to the Town. Such commitment shall be effective from and after its recording at the expense of the owner. Should such owner or subsequent owner of the parcel or parcels so committed desire to be relieved of such commitment in the future, the Town Council may approve the release from such commitment, provided it is satisfied there is sufficient capacity in the public sewer, upon such terms and conditions as are just and equitable, including the requirement that the owner reimburse the Town for all taxes, sewer service charges and/or other assessments, plus interest, that were uncollected due to such commitment. [Amended eff. 7/8/1987 and 3/15/1995]

(b) The user charge system shall comply with appropriate Federal and State rules and regulations pertaining to the costs associated with the construction and use of public sewers, and shall further the equitable allocation of the capital and operating costs of the public sewage system among municipal use and the general public benefit, private use, and the availability of use to properties not connected to the system. Subject to these requirements, such charges and any classification thereon shall be fair and reasonable, bearing a substantial relationship to the cost of providing sewage facilities and services to the municipality. Such charges shall be at a rate sufficient to approximate not less than 90% of the total annual cost on providing sewage facilities and services to the municipality. The remainder of such total annual cost shall be raised by taxation. Such amount raised by taxation, and all receipts from readiness-to-serve charges, shall be used to defray construction expenditures and debt service. [Amended eff. 9/27/1978.]

(c) Sewer service charges shall be billed periodically at such intervals as the Town Council may determine and the Town may use the service, procedures and personnel of a third party for such purpose. Sewer service charges shall be collected as provided by statute and an interest charge at the same rate as currently established by the Town Council for uncollected property taxes shall be made upon all bills not paid within such period after the date of billing as the Town Council may determine. [Amended eff. 9/27/1978 and 7/23/1980.]

(d) A special sewer service charge and industrial cost recovery charge shall be established for any industrial firm or organization which contributed process waste water to the public sewer system. Such charges shall comply with appropriate federal and state rules and regulations pertaining to the costs associated with the use of the sewer by an industry. The Town Council, after appropriate study and advice from the Engineer, shall establish such special sewer service charge and cost recovery charge to the industrial firm by separate agreement with said firm.

(e) Any person may place on his or her property, at his or her own expense, a meter which shall be approved by the Town manager to measure the amount of water used on the property which does not enter the public sewer, and an adjustment of the sewer charge shall be made in conformance with said metered use. [Added eff. 5/23/1979.]

Sec. 15-1-12 Penalties.

(a) Any person, individual, firm, corporation, or partnership who violates any provision of this ordinance, other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of a civil violation and shall be punishable by a civil penalty of not less than \$25.00 nor more than \$100.00 to be recovered for the use of the Town. The continued violation of any provision of this ordinance shall constitute a separate offense for each and every day such violation shall continue. [Amended eff. 3/15/1995]

(b) The proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including request for injunctive relief to prevent any unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to restrain, correct or abate such violation or to prevent the occupancy of any building, structure or land where said violations are found.

(c) Any person violating any provision of this ordinance shall become liable to the Town for any expense, including legal fees and costs, loss, or damage occasioned to the Town by reason of such violation.

Sec. 15-1-13. Validity.

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

(b) In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the Town existing on the effective date of this ordinance, the provision which established the higher standard for the promotion and protection of health, safety and welfare shall prevail.

Article II.

Private Sewage Disposal Ordinance [Adopted eff. 12/10/1980 under R.S. 1964, T.30, Sec. 2151 & Sec. 3221 revised eff. 4/8/1981 and revised eff. 08/10/2007]

Sec. 15-2-1 Regulation of Private Sewerage Disposal Systems

The regulation of private sewerage disposal systems shall be in accordance with the latest revision of the Maine Subsurface Waste Water Disposal Rules 144 CMR 241 adopted under the authority of Title 22 MRSA Sec. 42.