

# Town of Bridgton

## SEWAGE ORDINANCE



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# TOWN OF BRIDGTON SEWAGE ORDINANCE

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## **PREAMBLE**

The Town of Bridgton, Maine, constructed a limited public sewer system and developed a public program for the replacement of malfunctioning private septic systems after extensive evaluations of the alternatives available to the Town and its citizens to solve then-existing sewage treatment problems. The public sewer system is an expensive and complex system. It is therefore necessary to provide for its proper use, maintenance and administration through an Ordinance delegating powers and establishing standards as appropriate. Private communal sewer systems are also regulated under this Ordinance because the failure of such systems can cause a public nuisance and because it is necessary for the Town to ensure that stable, effective management and ownership entities control such systems.

Both the Bridgton public sewer system and private sewer systems rely on underground sewage disposal. This Ordinance therefore establishes controls appropriate to the management of public and private sewers, including construction standards, inspection requirements, waste standards, and management requirements .

# ARTICLE I. PUBLIC SEWAGE TREATMENT

## SECTION 1. PURPOSE

This Ordinance shall be known and may be cited as the “Bridgton Sewage Ordinance” and is referred to herein as “this Ordinance.”

This Ordinance is enacted to promote the public health, safety and welfare of the citizens of the Town of Bridgton, Maine, (the “Town”) by establishing the administration of and appropriate construction and operating standards for a public sewer system. Such regulation is necessary to remedy existing wastewater treatment problems and to prevent public or communal sewage systems from causing pollution, health hazards or other public nuisances. This Ordinance also provides for the reasonable, just and equitable allocation of capital and operating costs for the public sewer system.

## SECTION 2. AUTHORITY AND SCOPE

**A. Authority.** This Ordinance is adopted by the Town, under the authority granted in 30-A M.R.S. §§ 3001, 5401-15 and all other applicable authority. The Board of Selectmen is hereby granted the authority to administer and enforce this Ordinance or any clause or provision thereof, and to promulgate rules and regulations consistent with this Ordinance after holding a public hearing and upon a majority vote of the Board of Selectmen, as may be necessary or desirable in the judgment of the Board of Selectmen to promote the public health, safety and welfare of the citizens of the Town.

**B. Acceptance.** Pursuant to 30-A M.R.S. §§ 3421 and 3441, the Town hereby accepts the provisions of 30-A M.R.S. §§ 3421, 3441-46.

**C. Severability.** In the event that any section, subsection or portion of this Ordinance is declared invalid for any reason, such a declaration shall not affect the validity of any other section, subsection or portion of this Ordinance.

**D. Compliance with Ordinance.** Hereafter, any person owning any building or structure within the Town which is the source of sewage and/or industrial waste, or who proposes to erect such a building or structure, shall conform to the requirements of this Ordinance.

## SECTION 3. DEFINITIONS

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

**Accepted Practice** - shall mean a procedure that is customarily considered proper under the Plumbing Code.

**ASTM** - shall mean the American Society of Testing Materials.

**Board of Appeals** - shall mean the Board of Appeals appointed according to the provisions of 30 M.R.S. § 2691 and this Ordinance.

**Bridgton Service Area** – shall mean that geographic area within the Town which is serviceable by the Bridgton Sewer System, as identified by the Superintendent in consultation with the Town Engineer.

**Bridgton Sewer System** – shall mean a public Sewer System, including a Public Sewer and Sewage Treatment Facility, which is owned and operated by the Town for the benefit and welfare of its citizens.

**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.

**Building Sewer** - shall mean the extension from the Building Drain to the Public Sewer or other place of disposal and shall include the septic tank required on all Building Sewers by this ordinance.

**Change of Use** – shall mean the change from an existing use to another use, including without limitation the addition of a new use to an existing use, which causes a substantial change in the volume or character of Sewage that is being discharged into the Bridgton Sewer System.

**Construction** - shall mean construction or installation of any structure and shall include any excavation or site preparation other than clearing of vegetation.

**Developer** - shall mean any Person who undertakes to construct simultaneously or in planned sequence more than one housing unit on a given tract or land subdivision, or a Person who may develop commercial property.

**Effluent** - shall mean all substances issuing from a Sewer System or from a broken sewer pipe.

**Equivalent Use** – shall mean the type of use and its equivalent use value, as set forth in Appendix B (“Schedule of Equivalent Uses”), which is designated by the Superintendent.

**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.

**Grandfathered Allocation Holder** – shall mean any Person who lawfully reserved from the Town a sewer allocation in the Bridgton Sewer System on or after September 1, 2010, and who has not used the entirety of said sewer allocation as of September 1, 2015.

**Industrial Waste** - shall mean the liquid waste from industrial manufacturing processes, trade or business as distinct from sanitary Sewage, including any waste flow prior to treatment with a raw five-day biochemical oxygen demand of over 350 mg/l or any septic tank Effluent flow with a five-day biochemical oxygen demand of over 60 mg/l or wastewater pH outside a permissible range of 5.5 to 8.5.

**Natural Outlet** - shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**Nuisance** - shall mean any condition created by a malfunction of any Sewer system which may endanger the health of any Person, or which will allow inadequately treated Effluent to stand on the surface either continuously or intermittently causing odors or unsightly conditions.

**pH** - shall mean the degree of acidity or alkalinity of any substance. A pH of 7 indicates neutrality.

**Person** - shall mean an individual, firm, company, association, society, group, corporation or other legal entity.

**Plumbing Code** - shall mean the Maine State Internal Plumbing Code, as amended.

**Plumbing Inspector** - shall mean the Plumbing Inspector of the Town of Bridgton.

**Plumbing Permit** - shall mean as defined in the Plumbing Code.

**Private** - shall mean that which is owned or controlled by a Person other than the Town.

**Professional Engineer** – shall mean a registered professional engineer licensed to practice in the State of Maine.

**Public Right of Way** - shall mean all Town public roadways and those legally acquired Town accesses for the sewer mains and pump stations of the Bridgton Sewer System.

**Public Sewer** - shall mean a system of pipes for carrying Sewage which leads to a Town water pollution control facility and which is under the control of the Superintendent.

**Sanitary Sewer** - shall mean a sewer which carries Sewage and to which storm, surface and groundwater are not intentionally admitted.

**Service** - shall mean connection to the Bridgton Sewer System or possession of a valid permit for connection thereto.

**Sewage** - shall mean any one, or any combination of, waste capable of being carried by water from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present. Nothing in the definition shall be taken to permit the inclusion of storm, ground and surface waters in sewage to be conveyed and treated in the Bridgton Sewer System.

**Sewage Treatment Facility** - shall mean any arrangement of devices and structures used to treat and dispose of Sewage in accordance with applicable laws and rules of the State of Maine and the Town.

**Sewer System** - shall mean all facilities, including the system of pipes, pumps, and Sewage Treatment Facilities for carrying, treating and disposing of Sewage and acceptable Industrial Waste.

**Shall** - is mandatory; **May** - is permissive.

**Storm Drain** or **Storm Sewer** - shall mean a sewer which carries storm and surface waters and drainage, but excludes Sewage and Industrial Waste other than unpolluted cooling water.

**Superintendent** - shall mean that person appointed by the Town Manager to administer the Sewage Department of the Town.

**Suspended Solids** - shall mean solids that either float on the surface or are in suspension in water, Sewage or other liquids and which are removable by skimming, settling or filtering.

**Town Engineer** - shall mean a Professional Engineer retained as Town Engineer by the Town Manager with the approval of the Board of Selectmen.

**User** - shall mean a Person whose property is connected to the Bridgton Sewer System or who possesses a valid permit for connection thereto.

#### **SECTION 4. ADMINISTRATION**

A. The Sewer Department of the Town is hereby established. The function of the Sewer Department shall be to administer the Bridgton Sewer System and the provisions of this Ordinance and to be responsible for any and all work in connection with the Bridgton Sewer System.

B. The Office of Sewer Department Superintendent is hereby created.

1.) The Superintendent shall be appointed by the Town Manager subject to approval by the Board of Selectmen.

2.) The Superintendent shall have the following powers and duties relative to the Bridgton Sewer System:

A) To enforce this Ordinance insofar as it applies to the Bridgton Sewer System.

B) To prepare and administer the Department Budget.

C) To make such recommendations to the Town Manager as he deems necessary for the proper maintenance and extension of facilities, including the preparation of periodic reports on facility operation and maintenance needs.

D) To supervise Town crews or contract for the Construction, cleaning, inspection and repair of public Sanitary Sewers and maintenance, operation and repair of public pump stations and treatment facilities.

E) To determine the needs and requisition tools, materials and equipment for repair and maintenance work.

F) To organize, direct and evaluate the performance of subordinates and initiate improvement programs as deemed appropriate.

G) To record the location and elevation of all old and new Service connections to the Public Sewer and to maintain a list of all structures and properties which are connected or which may be permitted to connect to the Bridgton Sewer System.

H) To maintain all plan and data files pertinent to the Bridgton Sewer System.

I) To work with the Town Engineer in the performance of his or her duties.

J) To issue permits for connections to the Bridgton Sewer System; to designate Equivalent Uses, including equivalent use values; to supervise and participate in the inspection of Private sewer connections to the Public Sewer, including Town sewer lines and all plumbing tributary thereto; and to assure compliance with this Ordinance.

K) To confer with citizens and specialized groups regarding sewer maintenance and inspection.

L) To record possession, transfers and expiration of grandfathered sewer allocations in the Bridgton Sewer System.

M) To recommend to the Town Manager an annual maintenance program and a long-term Capital Improvement Program for the Bridgton Sewer System.

N) To determine, in accordance with this Ordinance and any applicable rules adopted by the municipal officers, and after consultation with the Town Engineer, which structures or properties within the Bridgton Service Area may or may not be allowed to connect to the Bridgton Sewer System. Such determinations shall be based at least the following considerations:

(1) Bridgton Sewer System location, capacity and use.

(2) The volume and character of existing and potential wastewater generation from the subject property or structure(s).

(3) Ability to treat wastewater on site in accordance with the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241.

Appeals from such determinations shall be to the Board of Appeals.

C. The Office of Town Engineer is hereby created.

1.) The Town Engineer may be appointed or hired on an as-needed basis by the Town Manager, subject to approval by the Board of Selectmen.

2.) The Town Engineer shall have the following powers and duties:

A) To provide engineering services and technical advice to the Sewer Department and the Plumbing Inspector as required by this Ordinance or the Superintendent.



B) To advise the Superintendent regarding which structures or properties within the Bridgton Service Area may or may not be allowed to connect to the Bridgton Sewer System. Such advice shall be based at least the following considerations:

(1) Bridgton Sewer System location, capacity and use.

(2) The volume and character of existing and potential wastewater generation from the subject property or structure(s).

(3) Ability to treat wastewater on site in accordance with the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241.

C) To design public sewage facility modifications, including facility enlargements.

D) To review public sewage facility inspection and maintenance records and schedules and to make recommendations to the Superintendent.

D. The Board of Selectmen may, from time to time, adopt policies directing or limiting the allocation of the capacity of the Bridgton Sewer System to specific classes of users or to users as a whole.

## **SECTION 5. BUILDING SEWERS AND CONNECTIONS**

A. A Public Sewer Connection Permit in the form provided by the Town shall be applied for and shall be issued by the Superintendent before any Person shall uncover, make any connection to, enter, work near, use, alter or disturb any part of the Bridgton Sewer System..

1.) There shall be two classes of Public Sewer Connection Permits:

(a) for residential and commercial Services, and

(b) for Service to establishments producing Industrial Waste.

2.) Permit Application and Approval. The owner or 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.

Subject to any allocation policies adopted pursuant to Section 4.D of this Article and upon the Superintendent's determination pursuant to Section 4.B.2.N of this Article that the owner is allowed to connect to the Bridgton Sewer System, the Superintendent shall issue a Public Sewer Connection Permit consistent with this Ordinance.

A Public Sewer Connection Permit entitles the permittee to connect to and use the Bridgton Sewer System solely for the Equivalent Uses set forth in the permit. Any Change of Use requires a new permit.

Each permit shall be filed with the Town Clerk by the name of the owner of the property to which it was issued.

3.) Permit Application and Inspection Fees. The Board of Selectmen shall establish, alter from time to time and levy upon Persons applying for a Public Sewer Connection Permit, permit application and inspection fees for both classes of Public Sewer Connection Permits in such amounts and with such reasonable classifications and differentiations as the Board of Selectmen deems adequate and reasonable. Public Sewer Connection Permit applications shall be accompanied by such fees as provided in the Town of Bridgton Uniform Fee Ordinance. (06/11/19)

4.) Permit Transfer; Change of Use. No transfer of a Public Sewer Connection Permit shall be permitted without the approval of the Superintendent. Failure of the owner to notify the Superintendent of a change in ownership or Change of Use of a Public Sewer Connection Permit shall result in a doubling of the sewer fees and Service charges levied pursuant to Section 8 of this Article for the applicable period, and shall constitute a violation under Section 10 of this Article.

5.) Permit Expiration. A Public Sewer Connection Permit shall expire two (2) years from the date of issue for all permitted connections which are not made. Expired permits may be renewed by application to the Superintendent. An application for renewal shall be reviewed by the Superintendent as a new application.

B. Construction of a sewer Service from a public sewer or service stub, if provided, to an existing building shall not begin until a Plumbing Permit and a Public Sewer Connection Permit have been issued (see also Utilities Installation Permit requirements). Construction of a new building which will be connected to the Public Sewer shall not begin until both a Public Sewer Connection Permit and a Building Permit have been issued.

C. All cost and expense incidental to the installation, connection, maintenance, repair, replacement or use of the Building Sewer, including any stub or extension provided by the Town, shall be paid by the owner. The owner shall reimburse the Town for any loss or damage that may occur directly or indirectly, to the Public Sewer, street or other property, by this installation and connection of the Building Sewer.

D. 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.

E. All Building Sewer design, materials, excavation, joints and connections shall be made to prevent infiltration of surface or subsurface waters and in accordance with standards set forth in Appendix A of this Ordinance. The diameter of the Building Drain and Building Sewer shall be not less than four (4) inches. The pipe shall be laid at a pitch of not less than 1/4 inch per foot for the Building Drain and Building Sewer until connected to the septic tank. The Building Sewer leading from the septic tank to the Public Sewer shall be laid at a slope of not less than 1/8 inch per foot. The depth of the Building Sewers 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.

F. Discharge from foundation drains, roof drains, exterior runoff or sump discharges shall not be permitted to enter a Building Sewer or Building Drain which in turn is connected directly or indirectly to a public Sanitary Sewer. The superintendent shall require owners of existing buildings to divert such water from the sewer and shall have the right to inspect such buildings to determine if the connections defined above have been made.

G. Every Person owning a building or structure that is connected to the Public Sewer shall maintain his Building Sewer from the structure or commercial property to the Public Right of Way in such a condition that it will not cause pollution, public Nuisance conditions or allow excessive groundwater to enter the Public Sewer. Such maintenance shall include the installation of a septic tank meeting the requirements of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241, and the routine pumping of this tank to remove liquids, sludge, grease, scum and other materials found therein in accordance with the requirements of this Ordinance as set forth in Section 6D. The Superintendent may check the condition of the line and tank. Ground Water infiltration in excess of 1/4 gallon per foot per day shall be deemed to be excessive. The Sewer Department shall maintain the sewer from the Public Right of Way property line to the Public Sewer.

H. 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 shall 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.

I. 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 following approval by the Plumbing Inspector. 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.

J. 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 Waste 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 Town 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.

K. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights 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 Superintendent. (See also Utilities Installation Permit Requirements.)

## **SECTION 6. USE OF PUBLIC SEWERS**

A. 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 water to any Sanitary Sewer.

B. 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 wastes 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. 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°F.
- 2.) Any waters or wastes containing fats, grease or oils whether emulsified or not, exceeding an average of 25 parts per million.
- 3.) Any gasoline, benzene, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas.
- 4.) Any noxious or malodorous gas such as hydrogen sulfide, sulfide, sulfur dioxide or nitrous oxide or other substance which either singly or by interaction with other wastes is capable of creating a public Nuisance or hazard to life or of preventing entry into the sewers for their maintenance and repair.
- 5.) No Garbage shall be discharged from the septic tank to the Public Sewer. The installation and operation of any Garbage grinder 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 chlorine 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 or to the Bridgton Sewage System. No wastes shall include septic tank cleaning fluid.

8.) Any liquids having a suspended solids content of greater than 100 mg/l.

D. All wastes discharged to the Public Sewer shall first be treated with a septic tank designed and constructed in accordance with the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241, and pumped by a licensed septic tank pumper at least every three (3) years. The Superintendent or Town Engineer shall order the owners of systems to pump their septic tanks more frequently if it is found that more frequent pumping is necessary to assure the adequate functioning of the tanks and the public sewage facilities. The Superintendent may set a longer pumping interval for septic tanks where it is found that average waste loading to the tanks is equal to or less than 30% of design loading as specified in the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241.

E. All Industrial Waste which is compatible with domestic Sewage may be permitted to enter any Public Sewer. Costs of testing shall be borne by the Person seeking to discharge the waste. Incompatible wastes shall include, but not be limited to, wastes prohibited by the Maine Department of Environmental Protection and the Maine Department of Health and Human Services from sub-surface discharge. The Town reserves the right to require pre-treatment of any non-compatible Industrial Waste to prevent shock loads and ensure its compatibility with domestic sanitary Sewage. It further reserves the right to require a firm, long-term service contract for any waste source generating more than 2000 gallons of waste water/Sewage per day or generating more than 25 pounds of 5-day biochemical oxygen demand or Suspended Solids per day, under which a special sewer service charge may be established in accordance with Sec. 9C. The Superintendent may require that the Industrial Waste be pretreated to a degree sufficient to make it compatible with the Bridgton Sewer System. Such pretreatment facilities shall be designed by a Professional Engineer. Plans for pretreatment facilities shall be submitted to the Superintendent for review and approval. Upon such pretreatment the wastewater shall be connected to the Public Sewer. If the Superintendent deems that the industrial wastewater cannot be pretreated so as to be compatible with the Bridgton Sewer System, the wastewater shall not be connected to the Bridgton Sewer System. The connection of an Industrial Waste Service line to the Public Sewer shall be designed by a Professional Engineer and shall be sized to accept the flow generated. Each Industrial Waste connection to the Public Sewer shall be equipped with an access manhole or chamber which is easily accessible for the purpose of allowing sampling and gauging of the waste flow. The Superintendent may exercise the option of requiring an automatic flow recording device. The Superintendent shall have rights of access to this chamber at all times. The cost of installation and maintenance of the access chamber, and any measuring equipment shall be borne by the waste generator.

F. In the event that grease, oil, sand or other similar materials may be in the wastes to be discharged into a Public Sewer, interceptors of a type and capacity approved by the Superintendent shall be installed in the Building Sewer, located ahead of the septic tank and easily accessible for cleaning and inspection. It shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature and shall be of substantial Construction, water-tight and gas-tight. Such interceptors shall be maintained by the Persons owning same, at their expense and be in continuously efficient operation at all times. The Superintendent or Plumbing Inspector shall have the right to inspect such installations as provided in this Article.

G. All other Industrial Waste shall be transported in a Building Sewer, separate from any Building Sewer connected to the Bridgton Sewer System, to a Sewage Disposal System which shall be controlled and maintained by the Person causing the potential Nuisance. This shall be specifically designed by a Professional Engineer to take care of the load to which it will be subjected and which shall be built and maintained in accordance with the 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 or other duly authorized employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping of 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.

I. Low volume fixtures shall be employed in all new construction or remodeling carried out in properties served by the Public Sewer.

J. All urinals in public toilets shall be of non-continuous flowing type.

## **SECTION 7. BOARD OF APPEALS**

**A. Creation and Appointment.** There shall be a Board of Appeals of five (5) members and two (2) associate members, all of whom shall be residents of the Town and who shall serve without compensation. The members of the Board shall be appointed by the Board of Selectmen as authorized by 30-A M.R.S. § 2691. It is intended that the Board of Appeals established pursuant to the Town's Shoreland Zoning Ordinance be considered a general Board of Appeals and that it shall also serve as the Board of Appeals established by this Ordinance. Terms of members shall be for five (5) years except that initial appointments shall be made so that the terms of not more than the associate members shall be five (5) years.

A municipal officer or spouse of a municipal officer shall not be a member or associate member of the Board of Appeals.

When a member is unable to act because of conflict of interest, physical incapacity, absence from the state or any other reason satisfactory to the Chairman, the Chairman of the Board shall designate an associate member to act in his place.

When there is a permanent vacancy, the Board of Selectmen shall appoint a person for the unexpired term. The Board of Appeals shall elect a chairman and secretary from its own membership.

A quorum shall consist of at least three (3) members.

An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when designated by the Chairman to act for a member.

The Board of Appeals shall make such rules as it deems necessary for the conduct of its hearings, the procedures for administrative review, consultation and recommendations to the Board regarding appeals and otherwise for conduct of its functions under this Ordinance.

**B. Jurisdiction.** The Board of Appeals shall have the following powers and duties to be exercised in connection with any written appeal by a party aggrieved by any decision or order of any agent or officer of the Town made under the authority of this Ordinance:

1.) To determine whether the decision or order appealed is authorized and proper under the provisions of this Ordinance and, to interpret any provisions of this Ordinance in cases of uncertainty.

2.) To grant, by vote of three (3) members, variances from requirements of this Ordinance applicable to connections to Public Sewers where necessary to avoid undue hardship, provided that such variances shall not constitute a substantial departure from the intent and purpose of this Ordinance to ensure both a healthful environment and an equitable allocation of Public Sewer costs and provided that such variances do not concern the payment of charges or fees in connection with the use of the Bridgton Sewer System.

**C. Hearings.** The Board of Appeals shall meet as required. All appeals or other matters to come before the Board that require notice as prescribed herein shall be filed with the Superintendent, who shall promptly cause a notice of the appeal (or other matter) to be advertised in a newspaper of general circulation in the Town. This notice shall identify the property involved, the nature of the appeal and state the time and place of the public hearing of the appeal. This notice shall be made at least ten (10) days prior to the date of the public hearing.

Owners of properties within a 300-foot radius of the property for which the appeal is made shall be notified by mail. Failure of any such owner to receive this notice shall not invalidate the proceedings herein prescribed.

**D. Appeal Procedure.**

1.) Any Person aggrieved by a decision of any agent or officer of the Town which arises from the provisions of this Ordinance may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2.) All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

3.) Appeals from decisions of any agent or officer of the Town made without conducting a public hearing shall be de novo. The Superintendent shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all Persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the

Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the agent or officer of the Town for further proceedings.

4.) Appeals from decisions of agents or officers of the Town made after conducting a public hearing shall be purely appellate. The Superintendent shall transmit to the Board of Appeals the decision of the agent or officer of the Town and all documents and other evidence comprising the record on which the decision was based. The Board of Appeals shall conduct a public proceeding at which all Persons shall have the right to present legal argument concerning the decision. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision or to remand the matter to the agent or officer of the Town for further proceedings.

5.) The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

6.) The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit or to grant an appeal from a decision of an agent or officer of the Town. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7.) Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

## **SECTION 8. SEWER ASSESSMENTS, FEES AND SERVICE CHARGES**

A. In addition to the permit application and inspection fees established and levied pursuant to Section 5 of this Article, the Board of Selectmen is hereby authorized to establish, alter from time to time, and levy sewer assessments, fees and Service charges upon Persons now or in the future served by drains and sewers heretofore or hereafter constructed.

B. The sewer assessments, fees and Service charges system shall further the equitable allocation of the capital and operating costs of the Bridgton Sewer System among municipal use, 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 thereof shall be fair and reasonable. They shall bear a substantial relationship to the cost of providing sewage facilities and services to the municipality.

C. The sewer assessments, fees and Service charges shall be at a rate sufficient to generate not less than 100% of the total annual cost of providing sewage facilities and services to the municipality and the Users of the system. This shall include the development of such “sinking funds” or other mechanisms to ensure the long term viability of the system.



C. Sewer assessments, fees and Service charges shall be billed periodically by the Town at such intervals as the Board of Selectmen may determine. The Town may use the services of the Bridgton Water District to obtain water usage information. Sewer interest charges shall be at the same rate as currently established for uncollected property taxes and shall be levied upon all bills not paid within thirty (30) days of the billing date.

D. Any Persons may place on their property, at their own expense, a meter which shall be approved by the Superintendent to measure the amount of water used on the property which does not enter the Public Sewer. An adjustment of the sewer charge shall be made which conforms with said metered use.

E. Commencing July 1, 2016, the Board of Selectmen may establish and levy sewer assessments, fees and Service charges in accordance with the following provisions:

1.) The Board of Selectmen may adopt sewer assessments in accordance with 30-A M.R.S. Chapter 161, subchapter 3 (§§ 3441-46).

2.) The Board of Selectmen may establish connection fees, which shall be fixed fees levied at the time a User lawfully connects a Building Sewer to the Public Sewer.

3.) The Board of Selectmen may establish Service charges, which shall be levied on each User whose property is connected to the Bridgton Sewer System or who possesses a valid Public Sewer Connection Permit. The Service charges shall consist of the following components:

A) A debt service fee to provide a source of revenue for debt retirement costs of the Bridgton Sewer System. The debt service fee shall be a fixed fee based on the User's designated Equivalent Use.

B) An operation and maintenance fee to recover the costs of operating and maintaining the Bridgton Sewer System. The operation and maintenance fee shall be comprised of (i) a charge per 100 cubic feet of the User's water usage, and (ii) a fixed fee based on the User's designated Equivalent Use.

C) A reserve account fee to offset costs of future system improvements. The reserve account fee shall be a fixed fee based on the User's designated Equivalent Use.

4.) The Board of Selectmen may establish readiness-to-serve fees, which shall be the sum of the debt service fee and 50% of the fixed fee portion of the operation and maintenance fee. Notwithstanding subparagraph 3, above, a readiness-to-serve fee shall be levied in lieu of a Service charge on each Person who possesses a valid Public Sewer Connection Permit until a water use charge is first levied; thereafter, the Person shall be levied a Service charge. For purposes of levying the readiness-to-serve fee, if a Person possesses a valid Public Sewer Connection Permit but is not yet connected to the Bridgton Sewer System, the Superintendent shall designate the Equivalent Use of the property as "Undesignated" and assign an equivalent use value of one (1).

In addition, at such time that the Town Engineer certifies to the Board of Selectmen that the Bridgton Sewer System has sufficient expanded capacity to accommodate increased Sewage flows, the Board of Selectmen may levy a readiness-to-serve fee on each Person whose property abuts a Public Right of Way that contains a Public Sewer and whose property contains a structure or building that is located within 150 feet of the edge of the Public Right of Way.

## **SECTION 9. GRANDFATHERED SEWER ALLOCATION HOLDERS**

A. No Person may reserve from the Town a sewer allocation for future use of the Bridgton Sewer System on or after September 1, 2015, provided that the rights of Grandfathered Allocation Holders shall be subject to subparagraph B, below.

B. Subject to the variance provisions of Section 7 of this Article, a Grandfathered Allocation Holder shall have a limited reserved right to future use of the Bridgton Sewer System as follows:

1.) For each Grandfathered Allocation Holder, the Superintendent shall designate an Equivalent Use based on the Grandfathered Allocation Holder's current sewer use or uses. If the Grandfathered Allocation Holder's property is not connected to the Bridgton Sewer System as of July 1, 2016, the Superintendent shall designate the Equivalent Use as "Undesignated" and assign an equivalent use value of one (1).

The Grandfathered Allocation Holder shall be levied the sewer assessments, fees and Service charges set forth in Section 8 of this Article based on said designated Equivalent Use, except that any Grandfathered Allocation Holder whose property is not connected to the Bridgton Sewer System or who has not been levied a water use charge shall receive a credit against any levied readiness-to-serve fees in an amount equal to the Grandfathered Allocation Holder's unused reserved allocation amount.

2.) The Grandfathered Allocation Holder shall have a reserved right to change the current sewer use and designated Equivalent Use to any sewer use that is otherwise permitted under this Ordinance and whose wastewater generation rate, as set forth in the State of Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241, is equal to or less than the Grandfathered Allocation Holder's reserved allocation. The Grandfathered Allocation Holder shall submit to the Superintendent a Public Sewer Connection Permit application, and the Superintendent shall review and issue a permit pursuant to section 5 of this Article. Upon issuance of the permit, the Grandfathered Allocation Holder shall be responsible for the sewer assessments, fees and Service charges set forth in Section 8 of this Article based on the new Equivalent Use designation.

3.) The Grandfathered Allocation Holder may transfer the reserved right to future use to a future owner of the property or building for which the sewer allocation was reserved, and the future owner shall have the same rights as the Grandfathered Allocation Holder.

4.) If at any time following exhaustion of all legal appeals but before June 30, 2021, the Grandfathered Allocation Holder's property is deemed unbuildable, the Sewer Department shall refund the Grandfathered Allocation Holder's reserved allocation amount, except that no sewer assessments, connection fees, or ready-to-serve fees shall be refunded.

5.) Any reserved right set forth herein that is not exercised by the Grandfathered Allocation Holder by June 30, 2021, shall expire on June 30, 2021. If, as of June 30, 2021, a Grandfathered Allocation Holder possesses an unused reserved allocation, the Sewer Department shall refund to the Grandfathered Allocation Holder any amount paid for the unused reserved allocation, less any credits accrued pursuant to subparagraph 1, above.

## **SECTION 10. PENALTIES**

A. Any Person found to be violating any provision of this Ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of said violation.

B. Any Person 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 \$100, 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.

C. The proper authorities of the Town, in addition to other remedies, may institute any appropriate legal or administrative action or proceedings, including 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.

D. Any Person violating any provision of this Ordinance shall become liable to the Town for any expense, loss or damage occasioned to the Town by reason of such violation.

## **SECTION 11. 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 of 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 establishes the higher standard for the promotion and protection of health, safety and welfare shall prevail.

## **SECTION 12. RETROACTIVITY**

Notwithstanding the provisions of 1 M.R.S. § 302, and regardless of the date on which it is approved by the voters, Section 9 of Article I of the June 14, 2016 Amendments to the Bridgton Sewage Ordinance (“Grandfathered Sewer Allocations”) shall be retroactively effective as of September 1, 2015, and shall govern any and all pending proceedings related to grandfathered sewer allocations on or at any time after September 1, 2015.

**ARTICLE II  
MANAGEMENT OF PRIVATE, CLUSTER SEWAGE SYSTEMS**

**SECTION 1. DEFINITIONS**

The following terms shall have the following meanings for the purposes of Article II:

**Cluster Sewage System** - One or more Sewage Treatment Facilities or Sewer Systems serving a part or all of a contiguous area or development owned by the same Developer. It disposes of sewage and other wastewater from more than one separate, privately owned dwelling, lot, unit or plumbed building.

**Developer** - Any Person proposing to establish one or more Private Cluster Sewage Systems designed and intended to serve one or more multiplex units, subdivision lots or other grouping of plumbed buildings, including an established association of owners of adjacent developed properties.

**Owner** - The record owner of a dwelling unit, lot or building served or to be served by a Cluster Sewage System.

**SECTION 2. CLUSTER SYSTEMS PERMITTED**

No Cluster Sewage System shall be permitted unless the owner or owners of all properties to be served are parties to, and their said properties are made subject to, an effective, recorded declaration or agreement (hereinafter referred to as the "Agreement") providing for continuous, responsible management of such system in accordance with the terms of this Article II, the provisions of which Agreement shall be covenants running with the land of each such owner. Any Private Cluster Sewage System intended to serve more than three dwelling units shall be designed by a Professional Engineer.

**SECTION 3. ESTABLISHMENT OF ASSOCIATION**

The Agreement shall require the formation of a legal entity having its principal place of business within the Town. It shall require membership of all owners, of all properties to be served by the Private Cluster Sewage System. The entity shall be formed and funded, no later than the sale of the last property with moneys equal to its anticipated expenses for one year, no later than the sale of the last property to be served by such system.

**SECTION 4. MANAGEMENT BY DEVELOPER**

Until the formation and funding of the Association as aforesaid, and until the transfer and conveyance to the Association of all real and personal property necessary to the operation of the Private Cluster Sewage System, all of the duties and responsibilities of the Association and all of

its rights and powers, including the assessment, collection and use of charges, shall be timely and fully performed and exercised by the Developer.

## **SECTION 5. ASSOCIATION ASSETS**

As soon as the Association has been formed, all real and personal property necessary to the operation of said system shall be transferred and conveyed to the Association by the Developer. All components of said system shall be in good operating order and condition, in compliance with all applicable laws, codes and regulations. The Developer shall be responsible for any repairs, replacements or improvements which may be required for the same, promptly following notice by the Association given within two (2) years after the date of said transfer, except normal maintenance. The Association shall not divest itself of any interest in said real estate except (1) to a duly constituted, responsible public body in connection with its assumption of part or all of the responsibilities of the Association requiring such real estate; or (2) upon approval by the Plumbing Inspector of the discontinuance of any Service for which such real estate was required.

## **SECTION 6. ASSOCIATION DUTIES**

After the acquisition by the Association of the real and personal property constituting or necessary to the Cluster Sewage System, the Association shall own, operate, maintain, repair and replace same in accordance with all applicable laws, codes and regulations, including performance of the following requirements:

- A. It shall provide for officers or other personnel responsible for performance of the duties of the Association;
- B. It shall cause the inspection at least weekly of all pumping stations and any other mechanical components of said system and the general inspection of all sewage facilities by a Professional Engineer at least once every six (6) months in order to assure that they are in proper operating condition;
- C. It shall cause all septic tanks to be pumped out at least once every three (3) years unless required by the Town Engineer to pump these tanks more frequently and it shall maintain a record showing the dates of all septic tank pumping;
- D. It shall enter into a contract or contracts with one or more firms competent and available to provide on-call service for repair and maintenance of all sewage facilities;
- E. It shall pay, in a timely fashion, all expenses necessary or incidental to the performance of its functions and responsibilities under this Article II.

## **SECTION 7. CHARGES TO OWNERS**

The Association shall provide for revenues sufficient to perform its duties hereunder and as provided in the Agreement, including supplemental or emergency revenues to cover any deficits or emergency requirements. Revenues shall include amounts for additions to reserves for major periodic repairs, contingencies and for replacements based upon the full, life cycle cost of the Cluster Sewage System.

The Association shall also establish procedures by which it can compel any owners to correct any deficiency, malfunction or other problem in their own property which affects the operation or integrity of the Cluster Sewage System.

## **SECTION 8. INSPECTION BY THE TOWN**

A. Upon request by the Town Manager, the Association shall produce for inspection and copying at the Bridgton Town Office, or permit the inspection and copying at its own office, any or all of its corporate, financial, operating, inspection and maintenance records, reports, contracts, budgets and other papers, for the purpose of determining its performance of any compliance with the requirements of this Article II.

B. The Plumbing Inspector or an authorized representative, or the Town Engineer and other duly authorized employees of the Town, bearing proper credentials or identification, shall be permitted to enter at all reasonable times upon all properties owned by the Developer, the Association or the Association members for inspection, observation, measurement, sampling and testing for the purposes of this Article.

## **SECTION 9. PENALTIES**

In the event that any Association, Developer or owner is found to be violating any provision of this Article II, all of the provisions and procedures set forth in Article I, Section 10 shall be applicable and available to the Town in connection with any such violation.

## **APPENDIX A STANDARDS PURSUANT TO SECTION 5(f)**

### **A. Construction Requirements for Public Sewer Connections**

1.) Any new or replaced Building Sewer shall meet the following material requirements.

Cast iron soil pipe shall be service weight where the cover over the pipe does not exceed eight (8) feet, and shall be extra heavy if cover over the pipe exceeds eight (8) feet. Pipe shall meet the requirements of ASTM Designation A74-69. Joints may be caulked with oakum and pure lead not less than one (1) inch deep or may be of the rubber gasket type meeting the requirements of ASTM Designation C564-68. Hubless cast iron may be used with stainless steel clamp assemblies meeting the requirements of the Cast Iron Soil Pipe Institute Standard 301-69. Pipe fittings shall be coated with asphaltum or coal tar. (See Plumbing Code, Section 8, Building Drains and Sewer.)

Asbestos cement pipe shall be Class 3300 meeting the requirements of ASTM Designation C-644. Joints shall be rubber gasket type meeting the requirements of ASTM Designation D-1869 -C1.

Polyvinyl chloride pipe shall meet the requirements of ASTM Designation D-3034- 73SDR35. Joints shall be solvent welded or shall use rubber compression ring gaskets meeting ASTM D-1869.

2.) The size and slope of the Building Sewer shall be determined by the connected fixture units as indicated in the Plumbing Code, but in no event shall the diameter be less than four (4) inches nor the pitch less than one-quarter (1/4) inch per foot before the septic tank and one-eighth (1/8) inch per foot after the septic tank.

3.) If a Building Drain is laid parallel to a bearing wall of a building, it shall be not less than five (5) feet from it and shall be laid on either undisturbed soil or on well compacted fill.

4.) A Building Sewer shall be laid at a uniform grade and in straight alignment. Any unavoidable changes in direction shall be made with appropriate fittings compatible with the type of pipe being used. Such changes in grade and alignment shall be subject to the approval of the Superintendent upon submission of a dimensional plan showing the location of such fittings.

5.) All excavations required for the installation of a Building Sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and back-filling shall be performed to the satisfaction of the Superintendent and no back-fill shall be placed until the pipe has been inspected. All excavations shall be adequately guarded with barricades and lights to protect the public from hazards. Width of trench shall be a maximum of three (3) feet at the crown of pipe level. All pipe shall be bedded in granular material extending at least four (4) inches below the pipe and four (4) inches above the crown of pipe. Such bedding shall contain no stones larger than three-quarter (3/4) inch.

6.) The property owner or his agent shall give the Superintendent a seven (7) working day written notice of the time that Construction will start on a public way or public easement. All relevant permits shall be obtained by the property owner or his agent. All costs for permits including, but



not limited to, permits for road openings and stream crossings shall be borne by the property owner. Sidewalks, parkways and other public property disturbed in the course of the work shall be restored to their original condition to the satisfaction of the Public Works Director, who will make a final inspection of the completed work. Construction within the public way shall be completed within five (5) days. All back-fill within a paved area in a Public Right of Way shall be placed in eight (8) inch layers and thoroughly compacted by mechanical means to the satisfaction of the Superintendent and the Public Works Director.

7.) Any excavation which may disturb the root system of any shade trees in the public way shall be approved by the Tree Warden or other suitable Town Official prior to the commencement of work. If it is determined that the work must be supervised by a licensed arborist, the costs of such supervision shall be borne by the person making the excavation.

8.) Sewer Construction and work incidental thereto, in any public way or public easement, shall be performed under the supervision of, and to the satisfaction of, the Superintendent. The Board of Selectmen may require the cost of this supervision to be borne by the person accomplishing the Construction.

9.) Excavation shall not be made over or immediately adjacent to any Public Sewer unless the Superintendent has given his approval and the work is done under his supervision. Property owners and others performing work on their behalf shall be fully responsible for locating and protecting all utilities under or above any public way, including, but not limited to, water mains, Storm Drains, power lines, telephone lines, gas lines, telegraph lines or fire call cables. Any damage to such utilities shall be repaired to the satisfaction of the utility involved at no expense to the Town.

10.) If a "Y" or "T" branch in the Public Sewer is available at a suitable location, the connection of the Building Sewer shall be made to such branch. Where no branch is available, a new hole shall be cut into the Public Sewer and the Building Sewer connected thereto with a saddle compatible with the Public Sewer in accordance with Accepted Practice. All such joints shall be inspected by the Superintendent prior to back-filling. No protrusion of the service line into the main sewer will be permitted.

**APPENDIX B**  
**SCHEDULE OF EQUIVALENT USES<sup>1</sup>**

USE OR USES	UNIT MEASUREMENT	EQUIVALENT USE VALUE
Single Family Dwelling	Each	1
Additional Dwelling Unit	Each	1
High School	15 students	1
Junior High School	20 students	1
Elementary School	24 students	1
Motel, Hotel, B&B	2 rooms	1
Conventional Restaurant:		
3 meals/day	6 seats	1
2 meals/day	10 seats	1
Disposable Utensil Restaurant	12 seats	1
Church		
with Dining Seats	30 seats	1
with Assembly Seats	50 seats	1
Club	40 members	1
Daycare with meals	9 children	1
Public Meeting/Assembly Hall		
without Food Service	50 seats	1
with Food Service	30 seats	
Library	50 seats	1
Movie Theater	50 seats	1
Commercial/Industrial Facility	5 employees	1
Government/Office Facility	5 employees	1
Gas Station	1 pump island	2
Fire Department	5 full-time firefighters	1
Theater or Playhouse	40 seats	1
Laundromat	1 machine	2
Cocktail Lounge	10 seats	1
Beauty/Barber Shop	2 sinks	1
Dog Grooming	1 tub	1
Car Wash (with Water Recycling)	1 bay	1
Hospital or Nursing/Boarding Home	2 beds	1

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<sup>1</sup> Equivalent Use Values for uses that are not listed shall be established by the Superintendent based on uses with similar functions and similar wastewater production.

<b>USE OR USES</b>	<b>UNIT MEASUREMENT</b>	<b>EQUIVALENT USE VALUE</b>
Store		2
with Public Restroom	Each	2
without Public Restroom	Each	1
with Food Service	Each	2
Additional for Seating	12 seats	1
Shopping Center	12 employees	1
	75 parking spaces	1
Conference Center	21 Seats	1
Undesignated	Each parcel	1

Enacted: June 1995

Amended: June 2000; June 12, 2007; and June 14, 2016