

## **Chapter 14**

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## SEWERS

### CHAPTER 14. SEWERS ARTICLE 1. GENERAL PROVISIONS.

#### Sec. 14-01. Definitions.

(a) As used in this Chapter:

(1) **Backflow Preventer** shall mean a device inserted into a building sewer within 8-feet of the inner face of the building wall, but in no case within the City right-of-way, that when properly functioning prevents sewer contents from flowing into the building sewer from the sewer main. Installation of this device is required for all new or replacement building sewers.

(2) **BOD** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure as prescribed in "Standard Methods for the Examination of Water and Wastewater" in five (5) days at 20°C, expressed in milligrams per liter.

(3) **Break (or Broken)** shall mean the building sewer has been crushed, partially or completely, or has separated at a pipe joint. It shall not refer to cracks in pipe walls or the presence of clogs or tree roots.

(4) **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 (2.73 meters) outside the inner face of the building wall.

(5) **Building Sewer** shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

(6) **City** shall mean the City of Bath, Maine or any lawful representative of the city empowered to act in its behalf.

(7) **Cleanout** shall mean a means for inserting cleaning tools, for flushing, or for inserting an inspection light into sewers at bends.

(8) **Combined Sewer** shall mean a sewer intended to receive both wastewater and storm or surface water.

(9) **Easement** shall mean an acquired legal right for the specific use of land owned by others.

(10) **FOG (Fat, Oil, Grease)** shall mean fats, oils, or greases in a physical state such that it will separate from wastewater and become a solid within the wastewater treatment system and which will serve as a hindrance to the proper operation of the public sewer system. These materials shall be separated from the flow of wastewater through the use of an interceptor, appropriately sized and placed for the building or operation, and as specified in the Plumbing Code.

(11) **Floatable Oil** shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(12) **Garbage** shall mean animal and vegetable waste from the domestic and commercial handling, preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(13) **Industrial Wastes** shall mean the wastewater from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

(14) **Natural Outlet** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(15) **pH** shall mean the logarithm of the reciprocal of the hydrogen ion concentration, in grams per liter of solution.

(16) **Plumbing Code** shall mean a code that provides regulations for the design, installation and inspection of building plumbing and sanitary systems enforced by the Plumbing Inspector.

(17) **Plumbing Inspector** shall mean the City of Bath Code Enforcement Officer, or his authorized deputy, agent, or representative.

(18) **Private Force Main** shall mean a building sewer operating under pressure and serving one or more private properties.

(19) **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 (½) inch (1.27 centimeters) in any dimension.

(20) **Public Sewer** shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(21) **Sanitary Sewer** shall mean a sewer which carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(22) **Sewage Works** shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

(23) **Sewer** shall mean a pipe or conduit for carrying wastewater.

(24) **Sewer Inspector** shall mean a representative of the Bath Public Works Department authorized to inspect excavation or construction activities related to building sewers.

(25) **Sewer Permit** shall mean written authorization from the Bath Public Works Department to a Licensed Sewer Contractor to perform construction or maintenance on a building sewer.

(26) **Slug** shall mean any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average

twenty-four (24) hour concentration or flows during normal operation, and shall adversely affect the collection system and/or performance of the wastewater treatment facility

(27) **Storm Drain** (sometimes termed "**Stormed Sewer**") shall mean a drain or sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

(28) **Street Line** shall mean the edge of the paved public way (street or sidewalk).

(29) **Street Opening Permit** shall mean written authorization from the Bath Public Works Department to excavate within paved or unpaved public ways for the purposes of performing utility installation or repairs. Such authorization will be granted under the conditions listed in Chapter 15 Streets of the Code of the City of Bath.

(30) **Superintendent** shall mean the Superintendent of the wastewater treatment facility of the City, or his authorized deputy, agent or representative.

(31) **Suspended Solids** shall mean total suspended matter that either floats on the surface of, or is in suspension in water, sewage or other liquids, and which is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as that fraction of sewage that is not soluble in water.

(32) **Wastewater** shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The alternate term is **sewage**.

(33) **Wastewater Treatment Facility** shall mean any arrangement of devices and structures used for treating wastewater.  
(Sewer Ord., Art. II, 1/21/76.)

#### **Sec. 14-02. Conflict with other laws.**

If a provision of this Chapter is found to be in conflict with any provision of zoning, building, safety or health or other ordinance or code of the City, the State, or the Federal Government existing on or subsequent to the effective date of this Chapter, that provision which in the judgment of the City establishes the higher standard of safety and protection of health shall prevail. (Sewer Ord., Art. XI, § 1, 1/21/76.)

#### **Sec. 14-03. Damaging property prohibited.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater treatment facilities. Any person causing such damage shall be referred to law enforcement for prosecution.  
(Sewer Ord., Art. X, § 1, 1/21/76.)

If any portion of the wastewater collection or treatment system is uncovered during excavation for any reason, the excavator shall contact the Bath Public Works Department immediately and prior to making any repairs or backfilling over the item uncovered. No repair shall be attempted or made prior to inspection by the Public Works staff and approval.

**Sec. 14-04. Investigations; notice of violation.**

The City, upon being informed in writing of a possible civil violation of this Chapter or on its own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violations may exist. After investigation, any person found to be violating or in violation of any provision of this Chapter shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit, as determined by the City Manager, for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all such violations. (Sewer Ord., Art. IX, § 1, 1/21/76.)

**Sec. 14-05. Abatement of violation by City.**

If, after notice and demand, the violation has not been abated within the time specified, the City may, in addition to other remedies available, institute appropriate action including an injunction to prevent, correct, restrain or abate any violation of this Chapter. The City or its agents shall have the authority to enter the premises, cause the violation to be abated, and recover any direct cost or expenses as provided for by the Maine Revised Statutes. (Sewer Ord., Art. IX, § 3, 1/21/76.)

**Sec. 14-06. Liability for damages.**

Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss, or damage, occasioned by the City by reason of such violations. (Sewer Ord., Art. XII, § 1, 1/21/76.)

**Sec. 14-07. Penalty.**

Any person who fails to comply with the provisions of this Chapter other than those provisions pertaining to the payment of charges for services as established herein, and who shall continue any violation beyond the time limit provided for in Section 14-4 shall on conviction thereof, be punishable by a fine of not more than Five Hundred Dollars (\$500.00) for the first offense, of not more than Seven Hundred Fifty Dollars (\$750.00) for the second offense, and not more than One Thousand Dollars (\$1,000.00) for any third or subsequent violation within a Five (5) year period, payable to the Maine District Court for the benefit of the City. Each day that a violation continues shall constitute a separate offense and each offense shall be punishable by a fine as aforesaid. (Sewer Ord., Art. IX, § 2, 1/21/76.)

## **ARTICLE 2. INSPECTORS.**

### **Sec. 14-08. Authority to enter premises.**

The City and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this Chapter. (Sewer Ord., Art. VIII, § 1, 1/21/76.)

### **Sec. 14-09. Authority to obtain information on industrial processes; trade secrets.**

Duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. An industry may withhold information considered confidential. The industry must establish that the disclosure to the public of the information in question might result in an advantage to competitors. (Sewer Ord., Art VIII, § 2, 1/21/76.)

### **14-10. Liability or injury to City employee or to property.**

While performing the necessary work on private properties referred to in Section 14-8, duly authorized employees of the City shall observe all safety rules applicable to the premises. The owner shall be held harmless for injury or death to City employees, and the City shall indemnify the owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in Section 14-41. (Sewer Ord., Art. VIII, § 3, 1/21/76.)

### **Sec. 14-11. Entry onto easements.**

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds easement rights for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater treatment facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Sewer Ord., Art. VIII, § 4, 1/21/76.)



### **ARTICLE 3. USE OF PUBLIC SEWERS.**

#### **Sec. 14-12. Depositing garbage; objectionable waste prohibited.**

No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, any human or animal excrement, garbage, or objectionable waste.

(Sewer Ord., Art. III, § 1, 1/21/76.)

#### **Sec. 14-13. Discharge of wastewaters into natural outlets.**

No person shall discharge into any natural outlet within the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this Chapter.

(Sewer Ord., Art. III, §2, 1/21/76.)

#### **Sec. 14-14. Use of privy or septic tank.**

When a public sewer is available, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater, except as hereinafter provided.

(Sewer Ord., Art. III, § 3, 1/21/76.)

#### **Section 14-15. Use of public sewers required.**

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the City, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter and the Maine Plumbing Code, within one hundred eighty (180) days after the sewer is complete and ready for use. However, any owner of property which utilizes a septic system which meets all Code requirements and is functioning properly, shall not be required to connect to the City's public sewer, as long as that septic system remains in compliance with applicable Codes and does not malfunction. At any time that repair or replacement of the septic system is required or at any time that the system malfunctions, connection to the proper public sewer shall then be required. (Ord. 88-20)

#### **Sec. 14-16. Discharges into sanitary sewers prohibited.**

No person shall intentionally discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface drainage, uncontaminated

industrial cooling water, or unpolluted industrial process waters into any sanitary sewer. (Sewer Ord., Art. VI, § 1, 1/21/76.)

**Sec. 14-17. Stormwater and unpolluted industrial water; discharge into storm drains.**

Stormwater shall be discharged into storm drains or into a natural outlet approved by the City or other regulatory agency. Unpolluted industrial cooling water or process waters may be discharged, on approval of the City or other regulatory agency, into a storm drain, or natural outlet. (Sewer Ord., Art. VI, § 2, 1/21/76.)

**Sec. 14-18. Prohibited discharges into public sewers.**

(a) No person shall discharge or cause to be discharged any of the following described wastes or waters containing wastes into any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment facility, including but not limited to: cyanide, heavy metals, strong acids and basic wastes;

(3) Any waters or wastes having a Ph lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewage works; or

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Sewer Ord., Art. VI, § 3, 1/21/76.)

**Sec. 14-19. Certain discharges subject to City approval.**

(a) No person shall discharge or cause to be discharged the following described substances, materials, water or wastes if it appears likely in the opinion of the City that such waters can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the City will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment facility,

degree of treatability of wastes in the wastewater treatment facility and other pertinent factors. The substances prohibited are:

(1) Any slug of liquid or vapor having a temperature higher than one hundred forty (140°F)(60°C).

(2) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures above thirty-two (32°F)(0°C).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourth (3/4) horsepower (0,76 hp metric) or greater shall be subject to the review and approval of the City.

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, arsenic, cadmium, cyanide, lead, mercury, nickel, silver, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment facility exceeds the limits established by the City or Federal effluent limitations for such materials.

(6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite wastewater to meet the requirements of the State, Federal or other public agencies which have jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State and Federal regulations.

(8) Any waters or wastes having a Ph in excess of 9.5.

(9) Materials which exert or cause:

(A) Unusual concentrations of inert suspended solids, (such as, but not limited to, Fullers Earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(B) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(C) Unusual chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility;

(D) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;

(E) Any water or wastes having a five (5) day BOD greater than three

hundred

(300) milligrams per liter;

(F) Any water or wastes containing more than three hundred fifty (350) milligrams per liter of suspended solids; or;

(G) Any water or wastes which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition deleterious to structures and wastewater treatment processes.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(11) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin. (Sewer Ord., Art. VI, §4, 1/21/76.)

#### **Sec. 14-20. Requirements for approval.**

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or **possess** the characteristics enumerated in Section 14-19 and which in the judgment of the City may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(b) If the City or Federal effluent limitations require the pretreatment or equalization of waste flows, the design and installation of the structures and equipment shall be subject to the review and approval of the City, and subject to the requirements of all applicable codes, ordinances and laws. (Sewer Ord., Art. VI, § 5, 1/21/76.)

(c) Permit Issuance. The City of Bath may require an industrial discharger to adhere to an industrial discharge permit in order to discharge to the wastewater treatment plant.

#### **Sec. 14-21. Grease and oil interceptors.**

(a) Grease, oil and sand interceptors shall be provided by the generator when in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand

or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the City, and shall be located so as to be readily and easily accessible for cleaning and inspection.

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

(c) In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured material and, shall maintain records of the dates and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by the owner and/or his personnel must be performed by a currently licensed waste disposal firm.  
(Sewer Ord., Art. VI, § 6, 1/21/76.)

(d) FOG Program. The City of Bath Wastewater Superintendent will create and maintain a policy addressing fats, oils, and greases generated by Bath residents and businesses and potentially directed to the City sewer system.

#### **Sec. 14-22. Maintenance of preliminary treatment facilities.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Sewer Ord., Art. VI, § 6a, 1/21/76.)

#### **Sec. 14-23. Control manhole required.**

When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Sewer Ord., Art. VI, § 7, 1/21/76.)

#### **Sec. 14-24. Standards for testing.**

All measurements, test and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered

to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and a suspended solids analyses are obtained from composites of all outfalls whereas pH's are determined from periodic grab samples. The duration of the period for the composite sample shall be determined by the City based on the operating cycle of the industrial concern.

(Sewer Ord., Art. VI, § 8, 1/21/76.)

**Sec. 14-25. Determination of standards for industrial wastes.**

The City, with the advice of a consulting engineer, shall determine the quantity and quality of all industrial wastes which can be properly taken into the sewerage system and treated at the wastewater treatment facility, in addition to the sanitary wastewater from the City.

(Sewer Ord., Art. VI, § 9, 1/21/76.)

**Sec. 14-26. Special agreements for industrial wastes.**

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

(Sewer Ord., Art. VI, § 10, 1/21/76.)

**Sec. 14-27. Notification of City of change in volume or character of discharge.**

As required by Federal regulations, the City shall be notified at least forty-five (45) days prior to any proposed substantial change in volume or character of wastewater or pollutants discharged to the sewage works by any person.

(Sewer Ord., Art. VI, §11 1/21/76.)

**Sec. 14-28. Disposal of septic tank wastes at City facility.**

The Wastewater Treatment Facility shall be open to receive septic tank wastes from residents of the City of Bath and from residents of other municipalities who may contract with the City of Bath for disposal of septic tank wastes generated by their residents. The Facility shall be open and operated at times determined by the Superintendent. There shall be a disposal fee which shall be paid, in the case of Bath residents, prior to bringing wastes to the Treatment Plant. In the case of other

municipalities who contract with the City of Bath, said payment shall be the responsibility of the septic hauler and shall be paid in accordance with the terms of the contract. The charge for dumping septic tank wastes shall be set by resolution of the Bath City Council. The City of Bath further reserves, through the Superintendent of the Facility, the right to accept or reject all wastes.

#### **ARTICLE 4. BUILDING SEWERS.**

##### **Sec. 14-29. Licensed persons to work on sewer; permit required.**

Plumbers and Contractors of established reputation and experience, licensed as Master Plumbers, will be permitted by the City of Bath as Sewer Contractors authorized to perform work, subject to compliance with the following requirements:

- (a) Applicants for licenses are required to pay a filing fee as a Sewer Contractor, payable to the City of Bath; the fee shall be based on the current fee schedule adopted by the Bath City Council.
- (b) If approved by the Director of Public Works or his/her designee, applicants for a Sewer Contractor permit will remain in effect for one year from the date of application.
- (c) Applicants for a Sewer Contractor permit will be approved or disapproved within a period of thirty-one (31) calendar days after filing the application.
- (d) The following criteria shall be used by the City concerning decisions to approve or disapprove applications for the permit as a Sewer Contractor and shall serve as minimum requirements for the approval of such permits;
  - The applicant has paid the permit fee set forth
  - The applicant has complied substantially with the City of Bath Sewer Ordinance within the period of the prior twelve months.

No unauthorized person shall uncover, make connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining the proper permits as required by the City.

Contractors performing sewer and/or drain work as part of a project designed, bid, and managed by the City, shall not be required to obtain a Sewer Contractor permit.

**Sec. 14-30. Cost of installation and connection.**

All costs and expense incident to the installation and connection of the building sewer, except where originally installed by the City, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by his installation of the building sewer. (Sewer Ord., Art. V, § 1, 1/21/76.)

**Sec. 14-31. Separate sewers required; exception.**

(a) A separate and independent building sewer shall be provided for every building, except when one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

(b) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City to meet all requirements of this Chapter. All costs of such tests shall be borne by the owner. (Sewer Ord., Art.V, §1, 1/21/76.)

(c) For any change of use within a building, or expansion or alteration to a building, which results in an increase in the sewer unit charge, a new sewer connection fee is due for each additional sewer unit change.

(d) Owners of building sewers passing over or through land under separate ownership will be solely responsible for acquiring and maintaining the permission of the separate owner for the presence of the building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from malfunctioning building sewers on neighboring properties.

**Sec. 14-32. Responsibility for maintenance.**

The owner shall be responsible for the maintenance and replacement of that portion of the building sewer running from the wall of the building to a street line, or, if the connection to the public sewer is not within the street right-of-way, then to that connection. The City shall be responsible for maintenance and replacement of public sewers and private building sewers, to the extent that private sewers run under a City Street or Public Way. It is the purpose of this Ordinance to define the division line between areas of public responsibility and areas of private responsibility as the street line, or if the connection is not within a City Street, then at the connection with a public sewer.

The owner, however, shall continue to be responsible for the maintenance and replacement of any portion of a private line which is a force main, regardless of its location, and for the maintenance and replacement of private lift stations.

Maintenance shall not include services necessary due to clogged pipes but applies only to maintenance required due to broken or damaged pipes. The owner shall



be responsible for removal of such clogs in all pipes up to its connection with the City main.

It is the property owner's responsibility to promptly notify the City of Bath Public Works Department at the first sign of a possible problem or clog with the property's sewer line. Unless promptly notified, the City will not be responsible for any cost or expense incurred by the owner in the response to the problem or clog if it is later determined that the problem or clog is in the public sewer.

**Sec. 14-33. Permits; classifications; application; fee.**

(a) There shall be two (2) classes of building sewer permits: (1) Residential and commercial service; and (2) Service to establishments producing industrial wastes.

(b) All applications for a permit must be made at the Bath Public Works Department between the hours of 7:30 A.M. and 3:30 P.M. weekdays. A permit fee shall be paid for single residential buildings, commercial service, multi-unit residences, and industrial buildings. A permit fee for each classification shall be determined by Resolution of the Bath City Council.

(c) A connection charge shall be paid for each sewer connection permit in those instances where the City has already installed the building sewer to the street line. In all other cases, the full cost of connection shall be borne by the applicant, in addition to charges for sewer services established pursuant to Sections 14-18 to 14-28 of this Chapter. The connection charge may be amended from time to time by Resolution of the Bath City Council. (Ord. 8-24-88)

**Sec. 14-34. Permit issuance; revocation; renewal.**

(a) Permits will not be issued until the applicant has filed a layout plan showing the location of existing service connection, house location and route of sewer service, and the layout has been approved by the City.

(b) Permits will only be issued to sewer contractors licensed to lay drains in the City, and to homeowners qualified under Section 14-29. Permits are not transferable.

(c) Permits shall be subject to revocation when any of the rules and regulations contained in this Chapter are not being followed.

(d) If the work under the permit is not completed within ninety (90) days, renewal of the permit must be obtained.

(Sewer Ord., Art, V, § 2, 1/21/76.)

(e) Payment of a deposit fee shall be made at the time of permit issuance. Following sewer construction and/or repair, the permittee shall return to the Public Works Department a sewer tie sheet showing the location of the installed or repaired sewer service. Upon return of the completed tie sheet, the deposit will be returned to the permittee. The amount of the deposit will be as shown in the fee schedule in this chapter.

**Sec. 14-35. Sewer Contractor license; insurance.**

(a) Licenses to connect building sewers to the common sewers shall be issued to experienced and competent contractors. Licenses must be renewed annually on January 1. The fee for such license shall be as noted in the schedule of rates later in this chapter and the licenses shall be obtained at the office of the City Clerk. The fee amount may be amended from time to time by Resolution of the Bath City Council. (8/06/2003)

(b) Sewer Contractors doing work under this Chapter shall maintain minimum insurance coverage as follows:

<b>Public Liability</b>	<b>\$100,000/ \$500,000</b>
<b>Property Damage Liability</b>	<b>\$100,000/ \$500,000</b>

and shall file a certificate of the same with the City.

(c) Violation of the requirements of this Chapter shall be cause for revocation of any license and/or permits issued hereunder.

**Sec. 14-36. Specifications of material.**

(a) Pipe and fittings:

- Shall be SDR 35 PVC Sewer Pipe, six (6) inches or more in diameter.
- Pipe shall be green color.

(b) In general, sewer services will not be allowed to have more than two (2) angle points, or a total angular deviation of more than one hundred eighty (180) degrees, unless granted a variance by the City. Cleanouts shall be installed at each deflection and/or every one hundred (100) foot length.

(c) All services shall be laid in an envelope of washed, screened gravel with not less than six (6) inches of the material all around the barrel of the pipe. Maximum stone size shall be three-quarter (3/4) inch.

(d) All pipe and fittings shall be laid to a minimum slope of one-fourth (1/4) inch per foot unless otherwise approved by the City.

(e) The line and grade of the pipe and fittings shall be controlled by the use of a transit or batter boards and string lines set for this purpose. Batter boards shall not exceed a distance of thirty (30) feet apart unless otherwise allowed by the City. Batter boards are to be set by the contractor.

(f) The trenches shall be excavated from the end of the existing sewer service to its point of connection to the building plumbing outlet. Pipe and fittings laid in trench shall not be backfilled until the work is inspected by the City.

(g) Whenever possible, the building sewer should be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building

drain may be lifted by a City approved means and discharged to the building sewer.

(h) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the City for purposes of disposal of polluted surface drainage. (Sewer Ord., Art. V, §4, 1/21/76.)

#### **Section 14-37. Rock excavation; use of explosives.**

(a) When ledge is encountered in the excavations, a permit must be obtained from the Fire Chief for the use of explosives.

(b) All blasting shall be done in accordance with the requirements of Chapter 8 and all Codes included therein by reference and with such other requirements as may be necessary and appropriate for safety purposes as imposed by the Fire Chief.

(c) All blasting must be done by a person licensed by the City of Bath for this purpose in accordance with applicable State Laws. In addition, a permit for each blasting occurrence must be obtained from the Office of the City Clerk in accordance with the Fee Schedule set forth in reference to Chapter 8 of the Code. In addition, proof of public liability and property damage insurance in the amount of \$500,000 minimum is required before issuance of a blasting permit.

#### **Sec. 14-38. Barricading of excavations.**

All excavations and obstructions shall be adequately barricaded and lighted at all times to protect the public from harm. (Sewer Ord., Art. V, §6, 1/21/76.)

#### **Sec. 14-39. Repairing surfaces disturbed during work.**

(a) Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the City.

(b) Trenches shall be backfilled and compacted and the street surface repaired in accordance with requirements specified on the "Permit to Open Street", and in compliance with Article 3 of Chapter 15 of this Code.

(c) Power shovels, bulldozers, loaders, trucks and other equipment shall not be operated on or across sidewalks, berms, curbing, etc., until they have been properly protected from damage by planking or other approved means. All damage resulting from the drain layer's operations shall be repaired by them.

#### **Sec. 14-40. Sewer connections in State highways.**

When making sewer connections in State Highways, the necessary Permits from the Maine Department of Transportation must be obtained prior to the issuance of a sewer connection permit. All work shall then be done in accordance with the

requirements set forth in the permit from the Maine Department of Transportation. Any costs in connection therewith shall be borne by the applicant. (Sewer Ord., Art. V, §6, 1/21/76.)

#### **Section 14-41. Inspections.**

(a) The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the City or its representative. Requests for inspections of sewer service connections shall be made to the City before 2:00 P.M. on the day preceding installation of same.

(b) Inspections will be made only during normal working hours of the Bath Public Works Department.

(c) A charge for inspection shall be made in the amount specified in the rate chart of this ordinance. The charge for inspection may be amended from time to time by resolution of the Bath City Council.

(d) Services in excess of one hundred (100) feet in length are subject to review and such other requirements as may be found necessary to assure a functional connection.

#### **Sec. 14-42. Manner of installation.**

(a) In new construction, and where practicable in existing buildings when the common sewer is sufficiently deep, service shall be laid directly, with deflections, from the house plumbing vent stack to the connection provided at the common sewer.

(b) Tunneling shall not be allowed unless special permission for same is given.

(c) Connection made to the building plumbing system shall be upstream of any septic tanks or cesspools.

(d) Upon connection of the building plumbing system to the common sewers, existing septic tanks and cesspools shall be completely filled with suitable material to the satisfaction of the City.

(e) Connections shall not be cut into common sewers without permission.

(f) All pipe joint connections shall be watertight. (Sewer Ord., Art. V, § 7, 1/21/76.)

(g) There shall be no change diameter without the use of an appropriate fitting.

(h) Installation of a backflow prevention device is required on the building sewer and shall be installed so that it is accessible for future maintenance.

(i) Installation of a street-facing cleanout is required as close to the building as possible.

(j) When constructing a new connection or repairing or replacing an existing connection to a sewer main that has been relined, the connection shall be made with an "Inserta-T" type watertight fitting. A hole in the lined pipe shall be made with a coring machine to create a clean hole without rough edges. Service entrances to lined pipes that are to be abandoned shall be sealed with concrete

and a rubber cap.

(k) Following installation of a new or repair of an existing building sewer, the drain layer shall provide an as-built sketch of the installation on a form provided by the City. The sketch shall include at least two measurements (ties) to all bends and connections from the corners of a building and notes on the depth of the installation.

**Sec. 14-43. Warranty.**

Sewer Contractors employed by private entities and performing sewer and/or drain installation and/or repair within the public right-of-way shall offer a minimum of one-year warranty against defects in the work that require re-excavation and repair. The re-excavation and repair work shall be performed gratis at the request of the City.

**ARTICLE 5. PRIVATE WASTEWATER DISPOSAL.**

**Sec. 14-44. When required.**

Where a public sanitary or combined sewer is not available under Section 14-15, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article. (Sewer Ord., Art. IV, § 1, 1/21/76.)

**Sec. 14-45. Permit required.**

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the City. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications, and other information required by the Maine Plumbing Code. (Sewer Ord., Art. IV, §2, 1/21/76.)

**Sec. 14-46. Notification of inspection.**

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The notification for inspection shall be made twenty-four (24) hours before the disposal system is to be inspected by the local Plumbing Inspector. (Sewer Ord., Art. IV, §3, 1/21/76.)

**Sec. 14-47. Compliance with State law required; discharge from septic tank.**

(a) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all laws and regulations of the State of Maine, Department of

Health and Welfare.

(b) No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Sewer Ord., Art. IV, § 4, 1/21/76.)

**Sec. 14-48. Connection to public sewer.**

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 14-15, a direct connection shall be made to the public sewer within one hundred eighty (180) days. Any abandoned holding tank and connection thereto shall be filled and sealed in accordance with the provision of the Maine Plumbing Code.

(Sewer Ord., Art. IV, § 5, 1/21/76.)

**Sec. 14-49. Maintenance of disposal facilities.**

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City. (Sewer Ord., Art. IV, §6, 1/21/76.)

**Sec. 14-50. Licensed sewer contractor required.**

No private sewer or drain shall be laid or repaired except by an experienced sewer contractor licensed and approved by the City. The sewer contractor shall be held responsible for any expense to the City on account of any imperfect work done by him or his employees. (Sewer Ord., Art. IV, §8, 1/21/76.)

**Sec. 14-51. Applicability.**

Nothing contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer of the City. (Sewer Ord., Art. IV, §7,1/21/76.)

**ARTICLE 6. CHARGES FOR SEWER SERVICE.**

**Sec. 14-52. Betterment charges.**

(a) The owner of any house, building or other property used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley, or right-of-way in which a public sewer has been installed after the effective date of this Chapter may pay to the City a betterment charge; provided that the structure or its existing individual on-site sanitary disposal system is within two hundred (200) feet of the public sewer. The betterment charge may be applicable whether the structure or its sanitary disposal system is connected to the public sewer or not.

In cases where a structure is beyond two hundred (200) feet of the public sewer, the owner

may pay to the city a betterment charge when and if such structure or its individual on-site sanitary disposal system is connected to the public sewer system.

(b) The amounts of the betterment charges may be as established by the City from time to time. The betterment charges may be determined so that the total of such charges will not be greater than the actual net cost to the city of the wastewater collection system constructed by the city, including the portion of the building sewers in public streets and rights-of-way, the collecting sewers and other facilities required to convey the wastewater to the treatment facility of the city. Costs associated with the capacity of such facilities provided for expansion of the collection system to presently unsewered areas will be excluded from the current betterment charges. (Sewer Ord., Art. VII, § 1, 1- 21-76) (Ord. 88-20 - 8-24-88)

### **Sec. 14-53. Use charges.**

(a) Each user connected to the wastewater system shall pay a sewer user charge (sewer rental charge). From time to time, the Council, upon recommendation from the City Manager, shall establish by Resolution a schedule of rates for the sewerage system use charges together with any surcharges which may be applicable. The normal sewer user charges shall be based on water use wherever possible but may include a minimum rate. If records of metered use are not available, or do not properly reflect the quantity of waste discharged, the sewer user charge shall be based upon estimated water use or an actual measurement of the volume of waste discharged into the sewerage system. In instances where it may be demonstrated by the User that water use readings do not reasonably reflect the quantity of waste discharged, and the User can further demonstrate that water is being deferred for other uses before being discharged into the waste system, the User may install a dedicated water meter the purpose of which shall be exclusively to measure the quantity of water consumed for those other purposes. One Hundred percent (100%) of the volume of such metered water used for other purposes and not discharged into the system, shall be subtracted from incoming water meter reading to arrive at the volume used for billing purposes. The type of meter to be installed and its installation, shall be with specific advanced approval of the Bath Water District. All costs associated with the installation and proper maintenance of the meter shall be borne by the User without liability to the City and Bath Water District. The City of Bath reserves the right to access the premises currently being served by these meters for any purpose related to calculation of the user charge. This provision is intended to grandfather those meters which are now in use. Surcharges may be levied to users whose waste characteristics are above normal strength, the formula or other method for levying such surcharges to be established by Resolution of the City Council in the same manner as sewer user charges. In addition, the City Council, by Resolution, is also authorized to establish an interest charge for all sewer user charges or surcharges which have not been paid. Interest shall be assessed on the day after the due date of the bill. The said interest rate shall be set from time to time by Resolution of the City Council. (Sewer Ord., Art. VII, 1-21-76; Ord. 11-10-

76; Ord. 10-4-78; Ord. 9-23-92; Ord. 7-9-12)

(b) The sewer user charge shall be calculated so that the total of such charges will not be greater than the actual cost to the City of the operation and maintenance (including replacement) of the wastewater collection system and the wastewater treatment plant. No portion of the rate shall be calculated to include, nor shall funds raised through the user charge be used to separate the wastewater system of the City from the storm water system, nor to maintain, repair or replace the storm drain system of the City.

(c) In the event that the revenues received from the sewer user charge exceed the actual cost to the city for the operation and maintenance (including the replacement) of the wastewater collection system and wastewater treatment plant, then any such surplus shall be rebated to the user in such manner as the City Council, upon recommendation of the Finance Director, shall require by Resolution. The amount of such surplus is to be determined by the Finance Director and is not to include, under any circumstances, any monies included in the budget as a rate stabilization amount. (Sewer Ord., Art. VII, 1/21/76; Ord. of 11/10/76; Ord. of 10/4/78)

#### **Sec. 14-54. Billing; failure to pay; responsibility for payment.**

(a) Sewerage system use charges shall be billed periodically as determined by the city council, by resolution, upon the recommendation of the finance director. Where sewerage system rates, fees or use charges provided for herein are not paid within thirty (30) days, these rates, fees or charges shall be collected in accordance with Sections 4263, 4355, and 4453 to 4455 of Title 30, M.R.S.A.

(b) The sewerage system use charges herein established shall be collected from the owners, occupants and users of premises within the city from and after the effective date of this chapter. The ultimate responsibility for payment of such charges is upon the owner of such premises. (Sewer Ord., Art. VII, 1-21-76; Ord. of 11-10-76)

(c) Charges for use of the sewerage system may be abated by action of the City of Bath Finance Director. The abatement process and standards for abatements shall be in accordance with the procedure for infirmity or poverty abatements as indicated in 36 M.R.S.A. Section 841 and shall be specifically subject to the confidentiality provisions of Section 841(2)(E). (Sewer Ord. 9/20/00)

#### **Sec. 14-55. Impact fee.**

In instances where the development of any parcel of land within the City of Bath results in the need to construct, replace, upgrade, reconstruct, enlarge, or repair, any sewerage facility, including but not limited to any pipe, pumping station/ or treatment plant, or any stormwater drainage facility, then the costs of that activity shall be borne by the developer. The Bath City Council may waive such impact fee or portion thereof when it is deemed to be in the best interests of the City to do so. Development shall be any change in use of a parcel of land or the addition or replacement of any structures on a



parcel of land.

The developer shall indicate the number of gallons per day (GPD) expected to be introduced to the sewer system from the new development. The GPD appropriate for the size and type of development shall be based on well-accepted industry standards or actual measurements. The impact fee in dollars will be calculated to be N times the GPD for the entire development, as calculated from time to time.

## **ARTICLE 7. PRIVATE LIFT STATIONS**

### **Sec. 14.56. Definition - private lift station.**

A private lift station shall be defined as a facility for the purpose of collecting sewerage and wastewater and conveying same under force into the City's public sewer through the use of pumps or other similar devices.

### **Section 14.57. Standards.**

The construction, repair and maintenance of any private lift station and any portion of any private wastewater disposal system connected thereto, shall be in conformity with standards promulgated by Resolution of the Bath City Council, which said standards may be from time to time amended by further Resolution of the Bath City Council.

### **Section 14.58 Maintenance Requirements**

All private pump stations, lift stations and ejector stations and attendant facilities shall be properly maintained by a qualified mechanic or operator, and a proposed schedule and method of maintenance shall be subject to the approval of the City. Records of runtimes, maintenance, etc. will be supplied to the City upon request.

### **Section 14.59 System Design.**

Any new, repaired, or replaced private pump station will be designed by a registered professional engineer. An engineered drawing indicating the following shall be submitted to the City with an application for a sewer permit:

- a. Pump design parameters and sizing
- b. Pressure pipe design, location, and details showing the connection to the City sewer system
- c. Pipe sizes, materials, fittings, slopes, cleanouts, etc. shall be shown
- d. Backfill and pavement restoration within the City right-of-way shall be as required by the Public Works Director

### **Section 14.60 Entry to City Sewer System.**

All private lift station pressure service pipes shall transition to gravity flow outside the City right-of-way. The use of a control manhole or other access structure may be utilized. The gravity pipe shall be constructed as per the requirements of section 14-36. If the local topography and site constraints cause a gravity transition to be impossible, the service may enter the City system in a pressure state. Details for this type of entry will be as required by the Public Works Director. The easement procedures in the next section will be followed for any such instance.

### **Section 14.61. Easement Required.**

The construction within the public right-of-way of any private lift station and any portion of any private wastewater disposal system connected thereto, shall require the granting of an easement by the City to the system owner. All expenses associated with the creation of the easement shall be borne by the owner. The easement shall be accepted by the City Manager or his designee and be properly recorded in the Sagadahoc County Registry of Deeds. Construction of components of the wastewater system within the public right-of-way shall not be started until the easement has been accepted by the City Manager.