

Preface

For many years the Maine Association of Site Evaluators has recognized the occasional difficulty practicing site evaluators may have working in communities which have regulations and ordinances different from the State of Maine Subsurface Wastewater Disposal Rules. This document is intended to assist you in knowing which cities and towns in Maine have regulations different from the State's rules. The last MASE municipal survey was conducted in 1996.

This publication is broken into 2 sections. The first section is an index of municipalities and their rule status. The second section is the most current ordinances from the municipalities which have more stringent regulations than the State's rules. Some of the Towns that did not reply to our latest survey however replied to our 1996 survey. Their 1996 ordinances are listed to show that their town ordinances are more stringent than the State rules.

This document is the beginning of an evolving database that will be online at our website www.maineese.com. The intent is to have instant access to all the municipalities' current ordinances. It will be each site evaluator's responsibility to be sure that the data presented is current and accurate. Any new information on any municipality is welcome. Please send any new information to your Board of Directors.

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	Website
ACTON					
ALTON	NO		YES	NO	
ANSON	NO	NO	YES	NO	YES
APPLETOWN '96	YES	YES / See Comment(s)	YES	YES	YES
ARROWSIC					
ARUNDEL	NO	NO	YES	NO	YES
AUBURN					
AUGUSTA	NO	NO	YES	NO	YES
BALDWIN					
BANGOR	NO	NO	YES	NO	YES
BAR HARBOR	NO	NO	YES	NO	YES
BATH					
BELFAST	NO	NO	YES	NO	YES
BELGRADE					
BERWICK	NO	NO	YES	NO	YES
BETHEL	NO	NO	YES	NO	YES
BIDDEFORD	NO	NO	YES	NO	YES
BOWDOINHAM	NO		YES	NO	
BREMEN					
BRIDGTON					
BRISTOL					
BROOKLIN					
BROOKSVILLE					
BROWNFIELD					

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	website
BRUNSWICK	YES / See Comment(s)	YES / See Comment(s)	YES	NO	YES
BUCKFIELD	NO	NO	YES	NO	YES
BUXTON	NO	NO / SEE COMMENT(S)	YES	NO	YES
CALAIS					
CAMBRIDGE	NO	NO	YES	NO	YES
CAMDEN					
CAPE ELIZABETH	YES	YES		NO	YES
CARATUNK	NO	NO	NO/Requested state review	NO	NO
CARRABASETT VALLEY					
CARTHAGE					
CASCO					
CASTINE	NO	NO	NO/Requested state review	YES	YES
CHEBEAGUE ISL					
CHERRYFIELD					
CHINA 1996	YES		NO	NO	
CLINTON					
CORNISH					
COUSINS ISLAND					
CUMBERLAND	YES		NO	NO	
CUSHING ISLAND	NO	NO	NO/did not request state review	NO	NO
DAMARISCOTTA	NO	NO	YES	NO	YES
DAYTON 1996	YES		NO	NO	

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	website
DEER ISLE 1996	YES	NO	NO	NO	NO
DENMARK					
DIXFIELD					
DRESDEN					
DURHAM					
EASTPORT	NO	NO	YES / See Comment(s)	NO	YES
EDGECOMB					
ELIOT					
ELLSWORTH					
EMBDEN					
ENFIELD 1996	YES		YES	NO	
FAIRFIELD	NO	NO	NO/did not request state review	NO	N/A
FALMOUTH	NO	NO	YES	NO	YES
FARMINGTON	NO	NO	NO / Requested state review	NO	YES
FAYETTE	YES / See Comment(s)	NO	YES	NO	YES
FORT KENT	NO	NO	NO / SEE COMMENTS	YES / See Comment(s)	NO
FREEPOR	NO	NO	YES	NO	YES
FREEPOR BUSTINS					
FRENCHVILLE	NO	NO	NO/did not request state review	NO	YES
FRIENDSHIP	NO	NO	YES	NO	NO
FRYE ISLAND					

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	website
FRYEBURG					
GARDINER					
GEORGETOWN	NO	NO	YES	YES	YES
GLENBURN	YES	NO	NO / Requested state review	NO	YES
GORHAM	NO	NO	NO / Requested state review	YES / See Comment(s)	YES
GOULDSBORO					
GRAND ISLE	NO	NO	NO/did not request state review	NO	YES
GRAY					
GREAT DIAMOND ISLAND					
GREENBUSH	NO	NO	YES	NO	NO
GREENE					
GREENEVILLE					
GUILFORD	NO	NO	NO / Requested state review	YES	YES
HALLOWELL	NO	NO	YES	NO	YES
HAMPDEN	NO	NO	NO / Requested state review	NO	YES
HANOVER					
HARPSWELL	NO / SEE COMMENT(S)	YES / See Comment(s)	YES / See Comment(s)	NO	YES
HARRISON	NO	NO	NO / Requested state review	N/A	YES

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	website
HEBRON					
HIRAM	NO	NO	NO/Did not request state review	NO	NO
HOLDEN	NO	NO	YES	NO	YES
HOLLIS	NO	NO	NO / SEE COMMENT(S)	NO	YES
HOPE	NO	NO	YES	NO	NO
HOULTON	NO	NO	N/A	NO	YES
ISLESBORO 1996	YES		YES	NO	
JACKMAN	NO	NO	NO/did not request state review	NO	YES
JEFFERSON	NO	NO	YES	NO	YES
JONESPORT					
KENNEBUNK	NO	YES / See Comment(s)	YES	NO	YES
KENNEBUNKPORT	NO	NO	NO/did not request state review	NO	YES
KITTERY 1996	YES		NO	NO	
LAMOINE					
LEBANON	NO	NO	YES	NO	YES
LEVANT	NO	NO	YES / See Comment(s)	NO	YES
LEWISTON	YES	NO	YES	NO	YES
LIMERICK					
LIMERICK	NO	NO	YES	NO	YES
LIMESTONE					
LIMINGTON	NO	NO	YES	NO	YES
LINCOLN					
LINCOLNVILLE	YES / See Comment(s)	YES / See Comment(s)	NO	YES	YES
LISBON	NO	NO	NO / Requested state review	NO	YES

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	website
LITCHFIELD					
LITTLETON	NO	NO	YES	NO	NO
LITTLE DIAMOND ISLAND					
LITTLEJOHN ISLAND					
LONG ISLAND					
LOVELL					
LUBEC					
LUDLOW	NO	NO	NO/did not request state review	NO	
LYMAN					
MACHIAS					
MADAWASKA	NO	NO	NO/did not request state review	NO	YES
MADISON	NO	NO	YES	NO	YES
MARIAVILLE	NO	NO	YES	NO	YES
MECHANIC FALLS	NO	NO	YES	NO	YES
MEXICO	NO	NO	YES	NO	YES
MOUNT DESERT '96	YES		NO	NO	
MOUNT VERNON 1996	YES				
NAPLES	NO	NO	YES	NO	YES
NEW GLOUCESTER	YES		NO	NO	
NEW LIMERICK	NO	NO	YES	NO	NO
NEW PORTLAND	NO	NO	YES	NO	YES

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	website
NEW SHARON					
NEW VINEYARD					
NEWCASTLE	NO	NO	YES	NO	YES
NEWFIELD					
NEWPORT	NO	NO	YES	NO	YES
NEWRY	NO	NO	YES	NO	YES
NOBLEBORO	NO	NO	YES / See Comment(s)	NO	YES
NORTH BERWICK					
NORTH YARMOUTH					
NORTH-HAVEN					
NORTHPORT					
NORRIDEWOCK	NO	NO	YES	NO	YES
NORWAY	NO	NO	YES	NO	YES
OAKLAND	NO	NO	YES	YES	YES
OGUNQUIT	NO / SEE COMMENT(S)	NO	NO/Did not request state review	NO	YES
OLD ORCHARD BEACH					
OLD TOWN	NO	NO	YES	NO	YES
ORLAND	NO	NO	NO / Requested state review	NO	YES
ORRINGTON	NO	NO	YES / NO	NO	YES
OTISFIELD					
OWLS HEAD					
OXFORD					

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	website
PALERMO					
PALMYRA					
PARIS					
PARSONSFIELD					
PEAKS ISLAND					
PENOBSCOT	NO	NO	NO / Requested state review	NO	YES
PERHAM	NO	NO	NO/Did not request state review	NO	YES
PERRY	NO	NO	NO / Requested state review	NO	NO
PHIPPSBURG					
POLAND	NO	See Comment(s)	NO	NO	YES
PORTER					
PORTLAND	NO	NO	YES	NO	YES
POWNAI					
PRESQUE ISLE	NO	NO	YES	NO	NO
RANGELEY	NO	NO	YES	NO	NO
RAYMOND					
READFIELD					
RICHMOND					
RIPLEY	NO	NO	YES	NO	NO
ROCKLAND					
ROCKPORT					
ROCKWOOD					
ROME	NO	NO	YES	NO	NO

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	website
SABATTUS					
SACO	NO	NO	NO / Requested state review	NO	YES
SALEM					
SANFORD	NO	NO	YES	NO	YES
SCARBOROUGH '96	YES	NO	YES	NO	YES
SEBAGO					
SHAPLEIGH	NO	NO	YES	NO	YES
SIDNEY					
SO. THOMASTON					
SOMERVILLE					
SOUTH BERWICK	NO	NO	YES	NO	YES
SOUTH BRISTOL					
SOUTH CASCO					
SOUTH PORTLAND	NO	NO	NO / Requested state review	NO	YES
SOUTHPORT					
SOUTHWEST HARBOR	NO	NO	YES	NO	YES
ST. AGATHA	NO	NO	NO/Did not request state review	YES	YES
ST. FRANCIS	NO	NO	YES	NO	NO
ST. GEORGE	NO	NO	YES	NO	YES
STANDISH					
STARKS 1996	YES		YES	NO	
STEUBEN					
STOCKTON SPRINGS					
STONEHAM					

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	website
STONINGTON	NO	NO	YES	NO	NO
STOW					
STRATTON					
STRONG	NO	NO	NO	NO	YES
SURRY					
SWANS ISLE	NO	NO	NO	NO	YES
SWEDEN					
THOMASTON	NO	YES / See Comment(s)	YES	NO	YES
TOPSHAM					
TOWNSHIPS					
TREMONT	NO	NO	YES	YES	YES
TRENTON	NO	NO	NO / Requested state review	NO	YES
TROY					
TURNER 1996	NO	NO	YES	NO	YES
UNION	NO	NO	YES	NO	NO
VAN BUREN	NO	NO	NO/Did not request state review	NO	YES
VASSALBORO	NO	NO	YES	NO	YES
VEAZIE					
VERONA	NO	NO	NO / Requested state review	NO	YES
VIENNA	NO	NO	YES	N/A	NO
VINALHAVEN '96	YES		YES	NO	
WALDOBORO	NO	NO	YES	NO	YES
WALPOLE					
WALTHAM	NO	NO	YES	NO	NO
WARREN					
WASHBURN	NO	NO	YES	NO	YES

TOWNS	Town rules more stringent than the State for WWD	Does town have more stringent setbacks to wetlands	Accept first time system variance	Holding tanks for new construction	website
WASHINGTON	NO	NO	YES	YES	YES
WATERBORO					
WATERFORD	NO	NO	NO / Requested state review	NO	YES
WATERVILLE	NO	NO	YES	NO	YES
WELD	NO	NO	YES	NO	YES
WELLS 1996	YES		YES	NO	
WEST BATH					
WEST GARDINER	NO	NO	YES	NO	NO
WEST PARIS	NO	NO	NO / Requested state review	NO	YES
WESTBROOK					
WESTPORT	NO	NO	YES / See Comment(s)	NO	YES
WILTON	NO	NO	YES	NO	YES
WINDHAM	NO	NO	YES	NO	YES
WINTHROP	NO	NO	NO / Requested state review	NO	YES
WISCASSET	NO	NO	YES	NO	YES
WOODSTOCK	NO	NO	NO / Requested state review	NO	YES
WOOLWICH					
YARMOUTH	YES	NO	YES	YES	YES
YORK	YES	YES / See Comment(s)	YES	NO	YES

TOWN OF Appleton
LOCAL PLUMBING INSPECTOR: David P. Cichowski
Mailing Address: 2915 Sennebec Road
Appleton Maine 04862
Phone #: 785-4722

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐ YES

☒ NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS: _____

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☒ YES

☐ NO

COMMENTS: But they were repaired this year

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☒ YES

☐ NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☐ YES

☐ NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments: _____

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☒ YES

☐ NO

IF YES, please attach a copy of adopted ordinance and effective date Please obtain on the Web site

Does your municipality have a website?

☒ YES

☐ NO

If YES, are the town tax maps on-line?

☐ YES

☐ NO

D. P. Cichowski 10-5-05
L.P.I. signature Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

Appleton Shoreland Zoning Ordinance

Table 1. Land Uses	DISTRICTS			
LAND USES	SP	RP	LR	LC
1. Non-intensive recreational uses not requiring structure, such as hunting, fishing & hiking	Y	Y	Y	Y
2. Motorized vehicular traffic on existing roads & trails, snowmobiling	Y	Y	Y	Y
3. Forest management activities except timber harvesting	Y	Y	Y	Y
4. Timber harvesting *	Y	CEO1	Y	Y
5. Clearing of vegetation for approved construction & other allowed uses	CEO	CEO1	Y	Y
6. Fire prevention activities	Y	Y	Y	Y
7. Wildlife management practices	Y	Y	Y	Y
8. Soil & water conservation practices	Y	Y	Y	Y
9. Mineral exploration *	N	Y2	Y2	Y2
10. Mineral extraction, including sand & gravel extraction	N	PB3	PB	PB
11. Surveying & resource analysis	Y	Y	Y	Y
12. Emergency operations as defined in Section 17	Y	Y	Y	Y
13. Agriculture *	Y	PB	Y	Y
14. Aquaculture *	PB	PB	PB	Y
15. Principle structures, uses & activities				
a. One & Two-family residential	PB4	N	CEO	CEO
b. Multi-unit residential	N	N	PB	PB
c. Commercial	N	N	N	PB
d. Industrial	N	N	N	N
e. Governmental & institutional	N	N	N	PB
f. Small nonresidential facilities for educational, scientific or nature interpretation purposes	PB4	PB	CEO	CEO
16. Structures accessory to allowed uses	PB4	PB	CEO	CEO
17. Piers, docks, wharves, bridges & other structures & uses extending over or below the normal high water line or within a wetland				
a. Temporary	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	N	LPI	LPI
19. Home occupations	PB	N	PB	CEO
20. Private sewage disposal systems for allowed uses	LPI	N	LPI	LPI
21. Essential services	PB5	PB5	PB	PB
22. Service drops as defined to allowed uses	Y	Y	Y	Y
23. Public & private recreational facilities involving minimal structural development	PB	PB	PB	CEO
24. Individual private campsites	CEO	CEO	CEO	CEO
25. Campgrounds	N	N6	PB	PB
26. Road & driveway construction	PB	N7	PB	PB
27. Parking facilities	N	N6	PB	PB
28. Marinas	PB	N	PB	PB
29. Filling & earthmoving of less than 10 cubic yds.	CEO	CEO	Y	Y
30. Filling & earthmoving of more than 10 cubic yds.	PB	PB	CEO	CEO
31. Signs *	Y	Y	Y	Y
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring CEO permit	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring PB permit	PB	PB	PB	PB

TOWN OF Buxton
LOCAL PLUMBING INSPECTOR: FRED FARNHAM
Mailing Address: 185 PORTLAND ROAD
BUXTON, ME 04093

Phone #: 929-3046

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐ YES

☒ NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS: _____

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐ YES

☒ NO

COMMENTS: HOWEVER, OUR SHORELAND ZONE IS 300' not 250'

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☒ YES

☐ NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☐ YES

☐ NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments: _____

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☐ YES

☒ NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☒ YES

☐ NO

If YES, are the town tax maps on-line?

☐ YES

☒ NO

Fred A. Farnham #989
L.P.I. signature Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)



TOWN OF CAPE ELIZABETH

ERNEST W. MacVANE, JR. CEO
CODE ENFORCEMENT OFFICER
BUILDING/PLUMBING INSPECTOR
320 OCEAN HOUSE ROAD
CAPE ELIZABETH, MAINE 04107

799-1619
AREA CODE 207

October 23, 1995

Albert Frick
Albert Frick Associates
95A Country Road
Gorham, Maine 04038

Re: Municipal Sewerage Systems

Dear Al:

Attached please find a copy of the sewerage disposal system standards for the Town of Cape Elizabeth. The town still requires a minimum depth to the limiting factor of 15" for all new systems.

A separated laundry system is required for new systems with a minimum depth to limited factor of less than 25". The ordinance will be updated to reflect state plumbing code changes pertaining to sections referenced.

If you need further information, please call.

Sincerely,

Ernest W. MacVane, Jr.
Code Enforcement Officer

enc.

Article II, Private Sewage Disposal Ordinance [Adopted eff. 12/10/80 under R.S. 1964, T.30, Sec. 2151 & Sec. 3221 revised eff. 4/8/81]

Sec. 15-2-1. Findings. It is found that a high percentage of the soils throughout the Town hold significant limitations or subsurface sewage disposal, including shallow bedrock and water tables and highly permeable soils. It is further found that subsurface sewage disposal systems and sewage treatment systems with discharge to tidal waters are necessary and can be economical and healthful, but only if they are properly located, installed, operated and maintained, and that the failure to address such requirements can create a public nuisance, jeopardizing public health and safety and water quality.

Sec. 15-2-2. Purpose. This ordinance is therefore enacted to further the protection of the public health, safety and welfare, to protect and enhance the quality of the surface and groundwaters within the Town, and to encourage utilization of the full range of lawful individual and combined waste disposal systems appropriate and effective under differing conditions. In addition to the septic tank-absorption bed systems listed in Subsurface Wastewater Disposal Rules of the Maine Department Human Services, Division of Health Engineering (hereafter, in this Article II, "Disposal Rules") and the mechanical or sand filter treatment systems licensed by the Department of In the of Environmental Protection, these options include the separation of human wastes from other domestic wastewater, and use of composting, incinerating, chemical, recirculating, vacuum and other non-water using toilets. It is the further purpose of this ordinance to encourage a variety of approaches to subsurface waste disposal, to be utilized where qualified soils evaluators and the plumbing inspector deem such approaches appropriate and effective and where any variance required to permit such approaches is granted, including but not limited to the foregoing options, the use of dual disposal filed designs, and the construction of common disposal fields to serve clusters of dwellings and structures.

Sec. 15-2-3. Local Plumbing Inspector.

(a) The plumbing inspector shall administer and enforce this ordinance and shall perform all duties required by statute (presently by 30 M.R.S.A., Sec. 3222(3)); throughout this Article II the term "Plumbing Inspector" shall include any one or more alternate, licensed plumbing inspectors duly appointed and sworn and, for duties not designated for the plumbing inspector under the Disposal Rules, the town engineer and any other employee of the Town designated by the

promptly remove from the list of soils evaluators the name of any evaluator whose license is suspended or revoked by the Administrative Court. He shall also remove from this list the name of any soils evaluator who has knowingly or recklessly misrepresented or omitted any relevant data in or from his report, or who has violated any requirement of this Article II which exceeds or is additional to the requirements of the Disposal Rules, such violations including, by way of example and without limitation, failure to comply with the soils investigation procedures set forth in Sec. 15-2-6(a), failure to indicate any limiting factor found within a proposed disposal bed site at the depths set forth in Sec. 15-2-7(a) or (b), failure to comply with any reasonable direction of the plumbing inspector given in accordance with Sec. 15-2-6(a) or Sec. 15-2-7(a), and failure to comply fully with any other requirement under this Article II which is not clearly set forth in the Disposal Rules. Removal from the list of authorized soils evaluators shall be effective upon mailing written notice of removal to the soils evaluator. Such soils evaluator shall be entitled to appeal this decision in a hearing before the town manager by filing a written notice of appeal within ten days after receipt of notice of removal. Removal shall remain effective for a period of three (3) years after its effective date, or after the final determination of all appeals therefrom, whichever shall be later.

Sec. 15-2-5. Permits Required.

(a) No person shall perform work in the construction or installation of a subsurface wastewater disposal system for a newly constructed building, or an alteration of or replacement for an existing system or any part thereof, or in the repair of an existing system, until the plumbing inspector has issued a plumbing permit for such work. The owner of the premises upon which any such work is proposed or his authorized contractor shall apply for such permit by filing with the plumbing inspector an application signed by such owner in the form provided by the plumbing inspector together with such plans, specifications, drawings and other relevant data as the plumbing inspector may require, and the report of a solid evaluation properly conducted to determine the appropriate type, size and location of such system in accordance with Sec. 15-2-6.

(b) No building permits shall be issued for the new construction of any building discharging sewage (1) unless a plumbing permit for a subsurface wastewater disposal system has first been issued, or (2) unless the applicant submits a valid wastewater discharge license for the sewage from such building, or (3) unless such building will be connected to a public sewer prior to occupancy or use.

Sec. 15-2-6. Soils Evaluation.

In the event the proposed subsurface disposal system is to serve a lot with marginal soils, the soil evaluator shall design a separate laundry system in accordance with the Maine State Plumbing Code and the following requirements:

- i. Wastewater from a washing machine only may be discharged into a separate laundry disposal area;
- ii. A treatment tank is not required for laundry waste;
- iii. The minimum design flow for a laundry disposal system shall not be less than 55 gallons per day or 20% of the design flow, whichever is greater.
- iv. The discharge line to a laundry system shall not be less than two inches in diameter; and
- v. The laundry drainage piping shall be properly vented. [Amended eff. June 10, 1987]

(b) Where a soils investigation indicates seasonal high ground water table or restrictive layer anywhere within the proposed subsurface wastewater disposal system at a depth 12" to 15" below the bottom of the organic horizon, the plumbing inspector shall issue a plumbing permit as follows:

(i) for a replacement of an existing subsurface system for which no secondary alternative bedsite was originally required under Sec. 15-2-6 (b) in compliance with the Maine Subsurface Water Disposal Rules; or

(ii) for a new system only upon the Town Council endorsing a New System Variance Request to the State of Maine, Department of Human Services, after the Town Council has determined that the applicant has fulfilled the conditions listed in paragraphs A through F below, and the Department of Human Services has thereafter granted the New System Variance Request.

(A) The proposed system is sought for the building of a single family residence;

(B) The land for which the system is proposed can not have a single family residence built upon it unless the variance is granted;

(C) The need for the variance is not the result of action taken by the applicant or the previous owner of the land since December 10, 1980;

(D) There does not exist contiguous undeveloped land which the applicant could reasonably be expected to acquire

(E) In the event of findings which would fail to support the issuance of the permit, the plumbing inspector shall suspend the permit until final determination from State of Maine, Department of Human Services, Division of Health Engineering is obtained.

(ii) Refusal of entry for purposes of a second soils evaluation of the above conditions by the property owner will result in the issued plumbing permit being revoked.

(e) Decision

(i) A written notice of the decision of the plumbing inspector upon each appeal or application with the reason therefore, shall be issued to the appellant or applicant and to the Town Manager within 30 days following the date of final determination of the plumbing inspector or decision from State of Maine, Department of Human Services, Division of Health Engineering.

(ii) The appellant or applicant may seek judicial review of the decision of the plumbing inspector or Health Engineering in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure. [Amended eff. 4/18/86]

Sec. 15-2-8. Equipment Location. Every septic tank shall be installed in a location readily accessible for periodic pumping. Every sewage disposal system shall, where practicable, be located on the street side of the building to be served thereby.

Sec. 15-2-9. Sewage System Warranties.

(a) Any person, firm, corporation or other entity which shall fabricate and/or install on site a wastewater disposal or treatment system or any portion thereof (hereafter, "the builder"), and any person, firm, corporation or other entity for which such installation is performed other than the occupant end-user of such system (hereafter, "the developer"), whether for use in connection with a new or existing building and whether purchased as part of such building or contracted for separately, shall upon completion of such installation issue to the owner of such premises first using such facilities, for the benefit of such owner, his heirs, and assigns, a joint and several written warranty upon the terms and conditions set forth in the following subsections of this Sec. 15-2-9. Attached to and made a part of such warranty shall be a full description of such system or portion, including plans thereof, as installed and finally approved by the plumbing inspector, and a copy of such warranty, with description and plans, manually signed by the owner acknowledging his receipt of the original thereof, shall be filed with the plumbing inspector.

Sec. 15-2-10. Sewer System Information. The Town shall make available to its citizens, through the plumbing inspector and its other personnel, information regarding sewage treatment and disposal system design, installation, maintenance and replacement, including State and local requirements for the same.

Sec. 15-2-11. Sewage System Inspection.

(a) The Conservation Commission and the plumbing inspector may assess water quality data regarding waters found in ditches, streams, brooks, ponds, estuaries and tidal waters in and around the town in order to identify areas where sewage treatment and disposal system failures are causing violations of State water quality standards or where such failures may be causing a hazard to the public health and safety. Inspections made under the provisions of this Sec. 15-2-11 shall be directed first to the areas identified through such assessments, unless a contract for the construction of public sewers serving any such area shall have been executed by the Town.

(b) Every subsurface wastewater disposal system within the Town shall be inspected by the plumbing inspector within six years following the effective date of this ordinance, and each such system shall be inspected every six years after such initial inspection or after the installation of a new system made after the effective date of this ordinance. The plumbing inspector shall inspect, or review State inspection data for, all private sewage treatment systems licensed by the State to discharge effluent within two years following the effective date of this ordinance, and each such system shall be inspected every three years after such initial inspection or after the installation of a new system made after the effective date of this ordinance. Such inspections shall be made to determine whether the sewage is being disposed of or treated in accordance with this ordinance and with the Disposal Rules and the regulations issued under 38 M.R.S.A. §413. Any violation discovered during any such inspection shall be reported promptly to the owner of such system, who shall promptly undertake appropriate corrective action.

Sec. 15-2-12. Inspection Reports.

(a) The plumbing inspector shall prepare a report for each system inspected, including the name and address of the owner, a description of the location and type of the system, and whether the system or any of its components appears to be operating improperly. One copy of the report shall be forwarded promptly to the owner and another shall be made a part of the permanent records of the plumbing inspector.

Article III. Management of Private, Clustered Sewerage Systems [Adopted eff. 12/10/80 under R.S. 1965, T.30, Sec. 1917, Sec. 215 & Sec. 4956]

Sec. 15-3-1. Definitions. The following terms shall have the following meanings for the purpose of this Article III:

(a) **Clustered Sewerage System:** One or more sewage treatment or disposal systems serving a part or all of a contiguous area or development owned by the same developer, disposing of sewage and other wastewater from more than one separate, privately owned dwelling, lot, unit or plumbed building;

(b) **Developer:** Any person, firm, corporation or other entity proposing to establish one or more private, clustered sewerage 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;

(c) **Owner:** The record owner of a dwelling unit, lot or building served or to be served by a clustered sewerage system.

Sec. 15-3-2. Clustered Systems Permitted. No private clustered sewerage system shall be permitted unless the owner or owners of all properties to be served thereby are parties to, and their said properties are made subject to, an effective, recorded declaration or agreement (hereinafter, the "Agreement") providing for continuous, responsible management of such systems in accordance with the terms of this Article III, the provisions of which Agreement shall be covenants running with the land of each such owner. Any private clustered sewerage system intended to serve more than three dwelling units shall be designed by a registered engineer.

Sec. 15-3-3. Establishment of Association. The Agreement shall require the formation of a non-profit Maine corporation having its principal place of business within the Town, which shall be an automatic, compulsory association of all owners from time to time of all properties to be served by the private, clustered sewerage system, to be formed and funded, with moneys equal to its anticipated expenses for one year, by the developer not later than the sale of the last property to be served by such system, and which shall have the powers and responsibilities set forth in this Article III (hereinafter, the "Association").

Sec. 15-3-4. 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,

(e) It shall pay in a timely fashion all expenses necessary or incidental to the performance of its functions and responsibilities under this Article III.

Sec. 15-3-7. Charges to Owners. The Association shall establish and collect from its members charges sufficient to perform its duties hereunder and as provided in the Agreement, including supplemental or emergency assessments upon its members to cover any deficits or emergency requirements. The charges shall include amounts for additions to reserves for major periodic repairs, contingencies and for replacements based upon the full, life-cycle cost of the clustered sewerage system. The Association shall also establish procedures by which it can compel any owner to correct any deficiency, malfunction or other problem on his own property which affects the operation or integrity of the clustered sewerage system, or can correct the same itself and recover its expense therefor by special assessment against that owner.

Sec. 15-3-8. Collection Procedures. The Association shall establish and enforce in a timely manner procedures lawful and effective to compel payment of all of the foregoing charges, assessments, interest and costs of collection both by court action and by lien against the property of any delinquent owner, including the recording of Notice of Lien or Delinquency and the foreclosure thereof by civil action or other means.

Sec. 15-3-9. Additional Powers. The Association shall adopt and may amend by-laws for the conduct of its internal affairs and may have and exercise powers and functions additional to the foregoing, provided that no by-law, power, function or other action of the Association shall vary, interfere with or jeopardize its compliance with this Article III, or diminish its capacity lawfully to manage said clustered sewerage system in a continuous, responsible manner.

Sec. 15-3-10. Inspection by Town.

(a) Upon request by the town manager, the Association shall produce for inspection and copying at the Cape Elizabeth Town Hall, or permit the inspection and copying at its own office of, 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 and compliance with the requirements of this Article III.

(b) The plumbing inspector or his authorized representative, including the town engineer, and other duly authorized employees of the town bearing proper credentials identification, shall be permitted to enter at all reasonable

In the event the proposed subsurface disposal system is to serve a lot with marginal soils, the soil evaluator shall design a separate laundry system in accordance with the Maine State Plumbing Code and the following requirements:

- i. Wastewater from a washing machine only may be discharged into a separate laundry disposal area;
- ii. A treatment tank is not required for laundry waste;
- iii. The minimum design flow for a laundry disposal system shall not be less than 55 gallons per day or 20% of the design flow, whichever is greater.
- iv. The discharge line to a laundry system shall not be less than two inches in diameter; and
- v. The laundry drainage piping shall be properly vented. [Amended eff. June 10, 1987]

(b) Where a soils investigation indicates seasonal high ground water table or restrictive layer anywhere within the proposed subsurface wastewater disposal system at a depth 12" to 15" below the bottom of the organic horizon, the plumbing inspector shall issue a plumbing permit as follows:

(i) for a replacement of an existing subsurface system for which no secondary alternative bedsite was originally required under Sec. 15-2-6 (b) in compliance with the Maine Subsurface Water Disposal Rules; or

(ii) for a new system only upon the Town Council endorsing a New System Variance Request to the State of Maine, Department of Human Services, after the Town Council has determined that the applicant has fulfilled the conditions listed in paragraphs A through F below, and the Department of Human Services has thereafter granted the New System Variance Request.

(A) The proposed system is sought for the building of a single family residence;

(B) The land for which the system is proposed can not have a single family residence built upon it unless the variance is granted;

(C) The need for the variance is not the result of action taken by the applicant or the previous owner of the land since December 10, 1980;

(D) There does not exist contiguous undeveloped land which the applicant could reasonably be expected to acquire

in fee or by easement which would allow the installation of a system not requiring a New System Variance;

(E) The land for which the system is proposed was not part of a larger parcel of land at any time since December 10, 1980, including as one of several contiguous lots under common ownership in an approved or grandfathered subdivision, which in combination with such other lots or land would allow the installation of a system not requiring a New Systems Variance; and

(F) The application for the variance has a minimum of sixty-five (65) points on the State of Maine New System Variance Request form, with at least ten of the points based on the "Soils Profile" of the State application.

(c) Where a soils investigation indicates bedrock less than 15" below the bottom of the organic horizon, or seasonal ground water or other limiting factor less than 12" below the bottom of the organic horizon, the plumbing inspector shall issue a plumbing permit only for the replacement of an existing subsurface system for which no secondary alternative bedsite was originally required under Sec. 15-2-6 (b) in compliance with the Maine Subsurface Wastewater Disposal Rules.

(d) Appeal Procedure

(i) Any person or municipal department aggrieved by the issuance of a subsurface disposal plumbing permit to serve a new building may appeal such permit providing the following procedures are complied with.

(A) The appeal shall be filed with the Town Manager in writing anytime from the issuance of plumbing permit up and until 10 days from the beginning of any type of construction.

(B) The Town Manager shall determine from all existing records and the notice of appeal whether there is an actual dispute that could be resolved by a second soils evaluation. If the Town Manager determines that there is an actual dispute, the Town Manager shall then transmit the written appeal to the Plumbing Inspector.

(C) Upon receipt of the written appeal, the Plumbing Inspector shall obtain, at the expense of the appellant, a second independent soil evaluation in the same area of the proposed disposal system.

(D) In the event the second evaluation indicates that a plumbing permit can be issued in accordance with minimum standards then the permit will remain in effect.

CHAPTER 2. LAND USE ORDINANCE

with landings not to exceed 4 feet by 4 feet, leading to the normal high water line are not required to meet the shoreline setback requirement.

Other minimum setbacks: 75 feet, horizontal distance, from normal high water mark of all other water bodies, tributary streams, or the upland edge of a wetland.

III. Maximum lot coverage for all structures:

Resource Protection, Stream Protection and Shoreland District: 15%

Rural District: 20% Note:

Impervious surfaces, driveways, parking areas, etc. do not apply to lot coverage:

IV. Minimum road setback: 25 feet.

V. Minimum side setback: 10 feet.

VI. Minimum rear setback: 15 feet.

VII. Maximum building height: 35 feet.

VIII. Piers, docks, and retaining walls which require direct access or proximity of the water line as an operational necessity are not required to meet the shoreline setback requirement.

IX. Structures, including but not limited to fences and signs, shall not be created along any right-of-way line so as to obstruct the view of motorists approaching any intersection of public ways or of any driveway.

C. Sanitary Standards

I. All subsurface wastewater disposal facilities shall be installed in conformance with the Maine Subsurface Wastewater Disposal Rules. The following additional standards shall apply to new construction:

a. All subsurface wastewater disposal facilities shall be located in areas of suitable soil of at least 1,000 square feet in size within which there shall have been dug at least five (5) observation holes, one in each corner and one near the center. The observation hole in the center shall be a test pit with a minimum opening of nine (9) square feet.

b. The minimum setback for subsurface wastewater disposal facilities shall be no less than 100

horizontal feet from the normal high water mark of a water body.

- c. Applications for a plumbing permit containing a request for a reduction of plumbing code standards shall not be approved by the Plumbing Inspector or the Municipal Officers.

II. No well may be drilled, dug, or constructed except in accordance with a permit issued by the CEO. No replacement well may be located within the following distances from sewage treatment tanks or sewage disposal areas:

- a. 80 feet from tanks or area on abutting property, and
- b. 50 feet from tanks or areas on the owner's property. No well to be used for a new structure may be located within 100 feet of any sewage treatment tank or any sewage disposal area.

If an applicant demonstrates to the CEO by clear and convincing evidence that satisfaction of these requirements would result in substantial hardship to the applicant, then the CEO may vary these requirements to the minimum extent necessary, consistent with safe and sound engineering practice as determined by the CEO.

D. Soils

I. All Land Uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution whether during or after construction. Subsurface wastewater disposal system designs shall be prepared by State certified soil scientists, geologists, or licensed site evaluators, as required by State law. Commercial or industrial development and other similar intensive Land Uses, shall require a soils report prepared by a State certified soil scientist or geologist based on an on-site investigation. Suitability considerations shall be based primarily on criteria employed in the National Cooperative Soil Survey as modified by on-site factors such as depth-to-water table and depth-to-refusal.

II. Commercial or industrial development and intensive Land Uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water

TOWN OF EASTPORT
LOCAL PLUMBING INSPECTOR: CARL YOUNG
Mailing Address: 78 HIGHT ST.
EASTPORT, ME. 04631
Phone #: 853-2300

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐ YES

☒ NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS: _____

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐ YES

☒ NO

COMMENTS: _____

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☒ YES

☐ NO

Sec 1902.0
1st system - soil condition
variance requests only
IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☐ YES

☐ NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments: _____

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☐ YES

☒ NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☒ YES

☐ NO

If YES, are the town tax maps on-line?

☐ YES

☒ NO

Carl Young
L.P.I. signature

5/10/05
Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

TOWN OF Fayette

LOCAL PLUMBING INSPECTOR: David R. Giroux

Mailing Address: 2569 Main St
Fayette, ME 04849

Phone #: _____

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☒

YES

☐

NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS: Earthmoving 100.Y or more requires
P.B. approval in shoreland zone

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐

YES

☒

NO

COMMENTS: _____

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☐

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☒

NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☒

YES

☐

NO

If YES, are the town tax maps on-line?

☐

YES

☒

NO

David R. Giroux

L.P.I. signature

Date

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Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

TOWN OF

LOCAL PLUMBING INSPECTOR:

Glenburn

E.M. RAFAEL + Richard Watson

Mailing Address:

144 Lakeview Rd.

Glenburn, Me 04401

Phone #:

207-942-2905

Fax ²⁰⁷ 990-2953

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☒ YES

☐ NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS:

See attachment

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐ YES

☒ NO

COMMENTS:

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HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☐ YES

☒ NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☒ YES

☐ NO

If YES, are the town tax maps on-line?

☐ YES

☒ NO

LPI Does not have email

E.M. Rafael
L.P.I. signature CEO/LPI

10/19/05
Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

Copy

Town of Glenburn
Code Enforcement/Local Plumbing Inspector
144 Lakeview Road
Glenburn, Maine 04401
207-947-8623 207-942-2905 or FAX 207-990-2953
erafuse@aol.com

To: MASE – attn: Brady Frick, Vice President/MASE

Ref: a) Your Survey request for wastewater disposal in municipalities that differ from DHS/DEP rules

Encl: 1) Copy of Glenburn's Supplemental Plumbing Code
2) Excerpt from Glenburn's Subdivision Ordinance, Section 8.6 Sewage Disposal and Section 8.14 Freshwater Wetlands

The Town of Glenburn has a Supplemental Plumbing Code that requires all new system variances be reviewed and approved by the Division of Health Engineering. It also requires that upon the sale of any dwelling in shoreland zoned areas the septic system be inspected and before an occupancy permit is issued the system must be in substantial compliance with the current State plumbing code (this includes internal plumbing).

Our Subdivision Ordinance requires the LSE/CSS to ***"certify in writing that all test pits, which meet the requirements for a new system, represent an area large enough to accommodate a 3-bedroom stone disposal area on soils, which meet the Disposal Rules"***. Also within our Subdivision Ordinance is an expansion of the definition of ***"All freshwater wetlands must be identified"***. ***"The term 'regardless of the size' shall be a discretionary judgment of the individual performing the wetland delineation. In a "Pit and Mound" topography the predominance of hydric/non-hydric soils shall be the determining factor. In those situations***

only a State of Maine Certified Soil Scientist shall make the hydric/non-hydric soil percentage determinations".

If you have any questions or would like to discuss this matter I can be reached at the town office during my normal working hours which are:

Tuesday, Wednesday, and Thursday

8: a.m. to Noon

Yours in health,

A handwritten signature in dark ink, appearing to read 'Earle M. Rafuse', written over a horizontal line.

Earle M. Rafuse
CEO/LPI

SUPPLEMENTAL PLUMBING CODE ORDINANCE

This ordinance is intended to serve as a local supplement to the State of Maine Subsurface Wastewater Disposal Rules. It provides for the inspection of existing systems prior to a property sale with a private sewage disposal system within 250 feet of a classified body of water, for the inspection of all such systems, and for the maintenance of comprehensive records regarding all such systems.

Therefore, THE TOWN OF GLENBURN HEREBY ORDAINS:

Section I. Purpose

- A. This ordinance is enacted pursuant to the powers granted to municipalities in Title 30-A M.R.S.A. Section 4211. The purpose of the Ordinance is to provide for the avoidance and elimination of nuisances in the Glenburn Shoreland Zone created by malfunctioning sewage disposal units including septic tanks, cesspools, cisterns, dry wells, drainage beds, and other types of private sewage disposal systems as delineated in the State of Maine Subsurface Wastewater Disposal Rules. It is also the purpose of this ordinance to provide for the collection and maintenance of records at the Town Office in order to assist property owners in preventing and correcting malfunctioning systems and also to be of assistance in carrying out the purposes of this Ordinance.

Section II. Requirements

- A. No owner of a property with an existing private sewage disposal system within 250 feet of a classified body of water shall convert to a primary place (or) residency (30-A M.R.S.A. 4215, Subsection 2, as amended) or sell or have titles transferred for the purpose of habitation by a new owner until certification that the system is legal or properly functioning is granted by the Local Plumbing Inspector. This certification shall be forwarded to the Town Office for filing and shall not be granted until there is conformance with the following:
 - 1. A copy of the most accurate diagram possible of the type, extent, and location of the sewage disposal system shall be provided to the Town Office to be filed by tax map and lot number.
 - 2. A water tight pump-out port shall be installed on holding tanks.
- B. Occupancy by an individual(s) of any dwelling covered under the terms of this Ordinance prior to the receipt of the proper certifications, permits and/or validations as required by this Ordinance shall be a violation of this Ordinance.
- C. A fee of \$25.00 shall be paid to the Town of Glenburn by the seller or the seller's agent for the services of the Local Plumbing Inspector to conduct investigations for the purpose of ascertaining adequacy of existing systems and/or compliance with the provisions of this Ordinance.

Section III. Administration, Enforcement, and Fines

- A. It shall be the duty of the Municipal Officers or other appointed officials to organize and maintain a filing system in the Town Offices based on tax map and lot number or some other system capable of receiving such information that is generated by compliance with the requirements of this Ordinance.
- B. Starting on December 1, 1993, the Local Plumbing Inspector or agent shall develop and implement a schedule for the inspection and testing of all private sewage disposal systems serving properties within the Shoreland

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**REQUEST FOR PLUMBING INSPECTION
SHORELAND ZONING**

REQUESTOR'S

NAME: _____

ADDRESS: _____

PHONE NO. _____

ADDRESS OF LOT TO BE INSPECTED: _____

TAX MAP: _____ **LOT:** _____

ATTACHED DOCUMENTS:

1) COPY OF THE MOST ACCURATE DIAGRAM POSSIBLE OF THE TYPE, EXTENT, AND LOCATION AND COPY OF THE SEWAGE DISPOSAL SYSTEM PERMIT;

2) CHECK or MONEY ORDER FOR THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) MADE OUT TO THE TREASURER, TOWN OF GLENBURN BY THE SELLER OR THE SELLER'S AGENT.

RE: GLENBURN'S SUPPLEMENTAL PLUMBING CODE ORDINANCE

THE GLENBURN PLANNING BOARD HAS, BY UNANIMOUS VOTE, ENDORSED THE FOLLOWING STANDARDS TO BE USED BY THE LOCAL PLUMBING INSPECTOR: CONTINUATION: THE USE OF ANY LEGAL SYSTEM WHICH EXISTED ON THE EFFECTIVE DATE OF THIS ORDINANCE (06/08/78), OR WHICH HAD BEEN PREVIOUSLY APPROVED FOR INSTALLATION, MAY BE CONTINUED WITHOUT CHANGE EXCEPT AS MAY BE SPECIFICALLY COVERED IN THE PLUMBING CODE (10 CMR 241) OR DEEMED NECESSARY BY THE PLUMBING INSPECTOR FOR THE GENERAL SAFETY AND WELFARE OF THE OCCUPANTS AND THE PUBLIC.

CONTACT THE LOCAL PLUMBING INSPECTOR TO SET UP A TIME AND DATE FOR INSPECTION.

CEO/LPI TOWN OF GLENBURN
144 LAKEVIEW ROAD
GLENBURN, MAINE 04401
207-942-2905

Streets, which join and are in alignment with streets of abutting or neighboring properties, shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. Prior to approval of the proposed names of streets, the names shall be submitted to the U.S. Postal Service for review and comment. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation.

f. Clean-up.

Following street construction, the developer or contractor shall conduct a thorough clean up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the disposal/debris site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

8.6 Sewage Disposal.

A. Statutory Criteria – The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized

B. Performance Standards – Sewage Disposal -

1. Public System. (In the event that such municipal infrastructure, facilities and organizations are established and available)

a. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.

b. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.

c. The sewer district shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sewer district or department as appropriate.

2. Private Systems.

a. When a proposed subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface wastewater disposal systems or a

private treatment facility with sub-surface discharge. Surface discharge (i.e. spray irrigation) shall only be by Planning Board waiver and MDEP permit.

- b. The applicant shall submit evidence of site suitability for subsurface sewage disposal on each lot prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - i. The site evaluator shall certify in writing that all test pits, which meet the requirements for a new system, represent an area large enough to accommodate a 3-bedroom stone disposal area on soils, which meet the Disposal Rules.
 - ii. In no instance shall a disposal system be located on any lot different than the dwelling for which it was designed to serve.
 - iii. No subsurface wastewater disposal system shall be installed within the 100-year flood, or land containing flood plain soils. For the purpose of this chapter "Flood plain Soils" are soils formed in Alluvial Deposits and include: *Fryburg (Hadley), Lovewell (Winooski), Cornish, Charles (Limerick), Medomak (Saco, Lille, Oudawa, Podunk and Rumney* soils.

8.7 Municipal Solid Waste Disposal.

A. Statutory Criteria: The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are utilized.

B. Performance Standards – Municipal Solid Waste Disposal –

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility that is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

8.8 Aesthetic, Cultural and Natural Values.

- A. Statutory Criteria – The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

8.14 Freshwater Wetlands.

A. Statutory Criteria: All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

B. Performance Standards – Freshwater Wetlands

Freshwater wetlands shall be identified in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers. The term “regardless of the size” shall be a discretionary judgment of the individual performing the wetland delineation. In a “Pit and Mound” topography the predominance of hydric/non-hydric soils shall be the determining factor. In those situations only a State of Maine Certified Soil Scientist shall make the hydric/non-hydric soil percentage determinations.

8.15 River, Stream or Brook.

A. Statutory Criteria: Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

B. Performance Standards – River Stream or Brook

All rivers, streams and brooks as defined in Title referenced above shall be identified.

8.16 Storm Water Management.

A. Statutory Criteria: The proposed subdivision will provide for adequate storm water management.

B. Design Guidelines – Storm Water Management

1. Design of best management practices shall be substantially equivalent to those described in the *Storm Water Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995.
2. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.

TOWN OF Gorham

LOCAL PLUMBING INSPECTOR: Clint Cushman & Freeman Abbott

Mailing Address: 270 Main St.
Gorham, ME 04038

Phone #: 839-5039

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐

YES

☒

NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS: _____

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐

YES

☒

NO

COMMENTS: _____

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☐

YES

☒

NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☒

YES

☐

NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments: _____

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☒

YES

☐

NO

for commercial/Industrial Development

IF YES, please attach a copy of adopted ordinance and effective date

1/3/95

Does your municipality have a website?

☒

YES

☐

NO

If YES, are the town tax maps on-line?

☒

YES

☐

NO

Clint Cushman 10/12/05
L.P.I. signature Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

TOWN OF GORHAM
POLICY FOR NEW SYSTEM VARIANCE REQUESTS
ON VACANT PROPERTY

COPY

The Town Council of Gorham, Maine in Town Council assembled that the following Ordinance be and hereby is adopted, January 3, 1995: ORDINANCE REGARDING NEW SYSTEM VARIANCE REQUESTS ON VACANT PROPERTY

Section 1: Subsurface Wastewater Disposal Variances for Residential Development

For an application for a New System Variance under the Maine State Plumbing Code to be approved and signed by the Town Manager on behalf of the Town Council prior to submission to the Department of Human Services, all of the following conditions must be met:

- A. The site must score a minimum of 75 points on the variance rating system of said Code or there must be two sites that each score between 65 to 74 points on the variance rating system of said Code and that both are accessible to the proposed structure, as determined by the Code Enforcement Officer;
- B. The site must be a lot which has existed in its present size and shape since January 1, 1980: and
- C. The lot must meet the minimum lot size for the zoning district in which it is located.

This Section (1) applied to improved properties proposed to be improved by residential dwellings or by non-residential structures or buildings requiring a New System Variance for Subsurface Waste Disposal System.

As part of the approval, the Town of Gorham requires that deed covenants be established which:

A. Note that the Subsurface Wastewater Disposal System was installed with a variance and has a possibility of failure or that the holding tank was installed with a variance and requires regular maintenance; and

B. Require that the lot remain the same in terms of use, size and shape unless changes are approved by the Planning Board or the dwelling, structure, or building is connected to a public sewer system.

The "Policy for New System Variance Requests on Vacant Property" adopted by the Gorham Town Council on September 3, 1985 and amended on November 12, 1985 is hereby repealed. 6 years. 1 nay

TOWN OF Harperswell
LOCAL PLUMBING INSPECTOR: Terry Sawyer
Mailing Address: Bill Wells
PO Box 39
Harperswell ME 04079
Phone #: 833 5771

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐ YES

☒ NO However

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS: We use the State SSWD Rules but a Section (15.11) in our Shoreland Zoning Ordinance further restricts some items

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☒ YES

☐ NO

COMMENTS: IF zoned a Resource Protection area

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☒ YES IF the Rules allow at local level

☐ NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☐ YES

☐ NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments:

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☐ YES

☒ NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☒ YES

☐ NO

If YES, are the town tax maps on-line?

☐ YES

☒ NO

www.harperswell.maine.gov Terry Sawyer
L.P.I. signature

10/12/05
Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

15.10. Storm Water Runoff

15.10.1. All new construction and development shall manage runoff from the site in accordance with the existing natural runoff conditions. Runoff shall be retained in order to reduce erosion.

15.10.2. Storm water runoff control systems shall be functioning.

15.11. Subsurface Wastewater Disposal

15.11.1. All subsurface sewage disposal systems shall comply with the State of Maine Subsurface Wastewater Disposal Rules to protect ground water quality.

15.11.2. All new, replacement, renovated or modified systems shall provide evidence of the type specified in the Rules. If an adequate wastewater disposal system cannot be installed, the disposal system already exists.

15.11.3. Existing use - continuation of use - Any system in use on the effective date of this ordinance, or which was previously used, shall be continued without change except as may be required by the Code or deemed necessary by the plumbing inspector to protect the health, safety, and the public.

15.11.4. Change in use - it shall be unlawful to make any change in the use of any system, or to erect, enlarge, or change the use of a structure that uses an existing system without the

24

approval of the plumbing inspector and certification that such change does not result in any hazard to public health, safety, and welfare.

15.11.5. The minimum setback for new subsurface sewage disposal systems shall be not less than one hundred (100) horizontal feet from the maximum high-water line of a perennial water body. The minimum setback distances from the water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

15.11.6. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

15.11.7. When two or more lots or structures in different ownership share the use of a common subsurface wastewater disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system. The Code Enforcement Officer may require evidence that these covenants and deeds have been recorded at the Cumberland County Registry of Deeds prior to issuing a plumbing permit.

Citizen's Note: The Town recommends that all new and replacement system owners install low-flow flushes and shower heads.

Minor subdivision is the division of a tract or parcel of land into four (4) or fewer lots within any five (5) year period and which does not trigger State Site Location of Development review.

Substantial/Substantial Start of/Construction - substantial construction of an individual structure means completion of the foundation and capping over for water tightness. Where there will be no foundation or no structure is proposed, substantial start means completion of at least 25% of the value of the work for which a building or other permit has been secured. In the case of a subdivision, substantial start means the completion of no less than thirty (30) percent of the costs of proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased, the cost of construction of buildings on those lots shall not be included. When the construction involves use of a slab as the foundation, the slab must be completed within one year of the date on which the permit or approval was granted and a permanent roof completed within two years of the date on which the permit or approval was granted.

Subsurface Sewage Disposal System - a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devised and associated piping designed to function as a unit for the purpose of disposing of wastes and wastewater on or beneath the surface of the earth. The term shall not include a wastewater disposal system designed to treat wastewater which in whole or is in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

Sustained Slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber Harvesting - the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Tributary Stream - a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics:

- A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
- B. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
- C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

TOWN OF ISLESBORO

LOCAL PLUMBING INSPECTOR:

DAVID STUDER

Mailing Address:

P.O. Box 76ISLESBORO ME 04848Phone #: 734-2253**HOLDING TANKS**

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

4

☐ YES☒ NO

IF YES, please attach a copy of adopted ordinance and effective date

NEW SYSTEM VARIANCES

3

Does your municipality accept new system variance applications for review?

☒ YES☐ NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☐ YES☒ NO

Please attach any specific policies, etc. that govern approvals of N.S.V. (e.g. minimum points required, etc.), or general comments: follow state guidelines

This issue has not been fully resolved and might change in future. No Variance approved yet like this.

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

1

☒ YES☐ NO

IF YES, would you please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinance, etc.).

COMMENTS: LAND USE ORDINANCE REQUIRES 5' set back

from PROPERTY LINE FOR SYSTEM INCLUDING ALL

PILL EXTENSIONS - i.e. 5' FROM TOE OF Slope -

YOU CAN GET A VARIANCE FROM APPEALS BOARD IF

NO ALTERNATIVE OR HARDSHIP

David Studer
L.P.I. Signature

10/31/95
Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators Technical Review Committee
c/o Albert Frick/95A County Road/Gorham, Maine 04038
839-5563 (Office) 839-5564 (Fax)



LOCAL PLUMBING INSPECTOR:

Mailing Address:

KEP HUTCHINSON
BRUNSWICK TOWN HALL
CODES DEPT.
28 FEDERAL STREET
BRUNSWICK, ME 04011

Phone #: _____

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?



YES



NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS:

SEE ATTACHMENT

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?



YES



NO

COMMENTS:

NRP2 (Shoreland) 125'

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?



YES



NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?



YES



NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments:

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?



YES



NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?



YES



NO

If YES, are the town tax maps on-line?



YES



NO

[Signature]
L.P.I. signature

Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

1. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings, shall be set back a minimum horizontal distance of one hundred twenty-five (125) feet from the normal high-water mark line of a river or tidal area, or the upland edge of a coastal or freshwater wetland; seventy-five (75) feet from the normal high water line of a stream .
2. All campgrounds are subject to approval of the Planning Board through site plan review and the Department of Human Services.

211.2.K

SANITARY STANDARDS

As well as meeting all requirements of the State of Maine Subsurface Wastewater Disposal Rules, all on-site septic systems located within the Shoreland Area shall meet the following additional standards:

211.2.K.1

All parts of all types of subsurface wastewater disposal systems shall be setback a minimum horizontal distance of one hundred twenty-five (125) feet from the normal high water line of a river or tidal area; one hundred twenty-five feet from the upland edge of a coastal or freshwater wetland; seventy-five (75) feet from the normal high water line of a stream (Amended 5/21/01)

211.2.K.2

The Local Plumbing Inspector may approve a request concerning the setback of a replacement subsurface wastewater disposal system, if a report, prepared by a soils scientist or site evaluator registered in the State of Maine, is submitted and accepted stating that

- a. the existing system is failing
- b. no suitable location exists outside the setbacks and
- c. the proposed location meets the required setbacks to the great extent.

(Amended 5/21/01)

211.2.K.3

Setbacks for new subsurface wastewater disposal facilities in the Shoreland Zone cannot be reduced by variances.

211.2.L

OVERBOARD DISCHARGE SYSTEMS

Overboard discharge from a sewage disposal system, in which sewage, chlorinated or otherwise, flows into a protected resource is prohibited. Systems licensed prior to the passage of this amendment may continue as long as they are in compliance with all appropriate state law and do not involve expansion of the existing system.

211.2.M

WATER QUALITY

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body.

211.2. N

SIGNS

Identification signs cannot be more than 10 square feet and rental signs can not be more than 3 square feet. All other signs shall not exceed 6 square feet in size.

ARTICLE 9 - DISTRICT REGULATIONS

9.1 Village District (V).

These are areas where units of residential, commercial and municipal activities currently exist and are to be encouraged in the future, to provide for the continuation of Buxton's Village centers and provide economies in providing municipal services.

9.2 Residential District (Res).

These are areas which will not be sewered and therefore will provide for residential development at a lower density in a rural environment.

9.3 Rural District (Ru).

It is the intent of this Ordinance to protect the natural rural quality of the community by prescribing the most appropriate uses and standards. It is proposed that these areas remain in very low density of development in order to prevent future land-use problems.

9.4 Shoreland Zones (S).

9.4.A. Shoreland District (S). The purpose of this district is to guarantee the safe and healthful conditions of our water bodies and shoreland areas by preventing and controlling water pollution; protecting spawning grounds, fish, aquatic life, waterfowl, birds, wildlife and wildlife habitat; conserving the natural tree canopy and shore cover along the shoreline; retaining ground vegetation to protect against erosion; providing access (visual as well as actual) to the inland waters and their natural beauty and controlling building sites and land uses. This district applies to all land areas within 300 feet horizontal distance of the normal high water mark around all the following bodies of water and streams which flow into these bodies of water. In addition, the Shoreland District shall include the land area within 300 feet horizontal distance of freshwater wetlands as indicated on the Official Zoning Map.

1. Bonny Eagle Pond
2. Little River
3. Duck Pond
4. Stroudwater River
5. The Bog (Groveville)
6. McKenney Brook
7. Saco River
8. Stackpole Creek
9. Deering Brook

The Shoreland District is an overlay zone and all land uses and buildings shall conform to the stricter requirements where there are conflicts between Sections of this Ordinance.

9.4.B. Resource Protection District (RP). The purpose of this district is to protect environmentally sensitive areas adjacent to water bodies and significant wildlife habitat adjacent to water bodies and wetlands from the impacts of development.

LOCAL PLUMBING INSPECTOR:

Mailing Address:

Robert Ouellet
P.O. Box 374
Exeter, ME 04743

Hona

Phone #: 207-834-6488 H-

728-6351-W

Town of Madawaska

Madawaska
Wallagrass
Frenchville
St. Agatha
V. Buren
Grand Isle
Kusham

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐

YES

☒

NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS:

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐

YES

☒

NO

COMMENTS:

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☐

YES

☒

NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☒

YES

☐

NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments:

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☒

YES

☐

NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☒

YES

☐

NO

If YES, are the town tax maps on-line?

☐

YES

☒

NO

Robert Ouellet 10/6/05
L.P.I. signature Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

MUNICIPAL HOLDING TANK ORDINANCE SAINT AGATHA, MAINE

BE IT ENACTED AND ORDAINED by the Board of Selectmen of the Town of St. Agatha, Maine and it is hereby enacted and ordained as follows:

Section 1. Purpose. The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain waste water from residential or commercial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this municipality.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

"Authority" shall mean the Board of Selectmen of St. Agatha.

Holding Tank: A closed, watertight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

"Improved property" shall mean any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure waste water shall or may be discharged.

"Municipality" shall mean the Town of St. Agatha, Maine.

"Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

"Person" shall mean any individual, partnership, company, association, corporation, or other group or entity.

"Waste water" shall mean any domestic waste water, or other waste water from commercial, industrial, or residential sources which has constituents similar to that of domestic waste water. The term specifically excludes industrial, hazardous, or toxic wastes and materials.

Section 3. Rights and privileges granted. The Authority is hereby authorized and empowered to undertake, within the municipality, the control of and methods of disposal of holding tank waste water and the collection and transportation thereof.

impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

Section 13. Effective date. This ordinance shall become effective five days after its adoption.

ENACTED AND ORDAINED into an Ordinance this June 27 day of 2000 A.D., 2000 of the Board of Selectmen of the Town of St. Agatha, Maine in lawful session duly assembled.

Board of Selectmen of the Town of St. Agatha

Mr. Dan LaBrie, Chairman

Mr. David Dubois

Ms. Diane Castonguay

ATTEST:

A true copy of the original Ordinance entitled, the "Municipal Holding Tank Ordinance" as certified to me by the Board of Selectmen of St. Agatha, Maine.

Ryan D. Pelletier, Town Clerk
St. Agatha, Maine

LOCAL PLUMBING INSPECTOR:

Mailing Address:

Jana Wood, LPI 0923
493 Hope Road
Lincolnville, ME 04849

Phone #: 763-3601

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?



YES



NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS:

See Lincolnville Land Use Ord.
Sec 16.K.2

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?



YES



NO

COMMENTS:

Sec 16.K.2

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?



YES



NO

We accept and send to DHE for approval

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?



YES

1901.1 Code



NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments:

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?



YES



NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?



YES

Town Lincolnville, Me. US



NO

If YES, are the town tax maps on-line?



YES



NO

Jana Wood
L.P.I. signature Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

6. No sign shall be permitted within thirty-three (33) feet of the centerline of any public way if the highway is less than sixty-six (66) feet in width.
7. No sign shall extend higher than twenty (20) feet above the ground.
8. No sign shall be permitted within the full width of the right-of-way of any public way.
9. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules) as amended.

The Rules, among other requirements, include:

- a. The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. Where daily sewage flow exceeds 2,000 gals. daily, the minimum setback shall be 300 feet from any shoreline. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
 - b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.
2. Within areas zoned for Resource Conservation, the setback for new subsurface sewage disposal systems shall be no less than two-hundred (200) feet from the upland edge of the protected resource.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services is not permitted in Resource Protection, Resource Conservation, or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

M. Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal

TOWN OF

LOCAL PLUMBING INSPECTOR:

Mailing Address:

Phone #:

985-7270 ext 1311

Kennebunk (Your Favorite)

PAUL DEMERS

1 Summer St.

Kennebunk ME 04043

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐ YES

☒ NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS:

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☒ YES

☐ NO

COMMENTS:

3 Priorities - Check out online prior to design

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☒ YES

☐ NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☐ YES

☐ NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments:

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☐ YES

☒ NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☒ YES

☐ NO

If YES, are the town tax maps on-line?

☒ YES

☐ NO

Paul A Demers 10/12/05
L.P.I. signature Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

Sorry, you forgot to envelope

CONTRACT TOWNS
JACK CARMICHAEL
CEO/LPI

89 Hemore Road
Ludlow, Maine 04730

PHONE 532-3241

#	NAME	2001 POP	LIST AS OF 11/19/04	
126	BANCROFT	66	CEO/LPI	1
154	BRIDGEWATER	611	CEO/LPI	2
181	CARY	272	CEO/LPI	3
229	DREW PTL.	47	LPI	4
231	DYER BROOK	227	LPI	5
270	GLENWOOD	3	LPI	6
285	HAMMOND	84	LPI	7
295	HAYNESVILLE	233	LPI	8
298	HERSEY	66	CEO/LPI	9
301	HODGDON	1269	CEO/LPI	10
341	LINNEUS	825	CEO/LPI	11
351	LUDLOW	410	CEO/LPI	12
373	MERRILL	304	CEO/LPI	13
384	MONTICELLO	816	CEO/LPI	14
387	MORO	36	LPI	15
390	MOUNT CHASE	215	LPI	16
438	PATTEN	1256	CEO/LPI	17
464	REED PTL.	289	LPI	18
491	SHERMAN	994	CEO/LPI	19
496	SMYRNA	373	CEO/LPI	20
507	STACYVILLE	421	LPI	21

POP. TOTAL 8,817

FILE CONTRACT TOWNS

SECTION 6. STANDARDS FOR USES AND ISSUANCE OF PERMITS

6.1 Expert Testimony: The Planning Board or code enforcing officer(s) in deciding whether or not to issue a permit shall be governed by the standards set forth in this section. The Planning Board or code enforcing officer(s) may reasonably require an applicant for a permit to furnish at the applicant's expense expert testimony, including documentary material, to prove compliance with such standards. The land use standards in this ordinance shall be applied to permitted as well as to conditional uses in all zoning districts.

6.2 Land Suitability: All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface wastewater disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report, prepared by a State-certified soil scientist or geologist based on an on-site investigation. Within the shoreland zone, the persons qualified to prepare these reports shall be certified by the Department of Human Services. Suitability considerations shall be based primarily on criteria employed in the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.

6.3 Sanitary Standards:

1. All plumbing systems within two hundred (200) feet of a public sewer shall be connected to public sewer where available in accordance with local, state, and federal laws and regulations. The Planning Board may waive this requirement if all other standards of Section 6 are met.

2. All subsurface sewage disposal facilities shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following:

1. All subsurface sewage disposal systems shall be located in areas of suitable soil of at least one thousand (1,000) square feet in size (which is defined by State of Maine Wastewater Disposal Rules, Chapter 241, Table 6-1) except for replacement systems.

2. The minimum setback for subsurface sewage disposal systems shall be no less than one hundred (100) horizontal feet from the normal high water mark of a water body. This requirement shall not be reduced by variance except for replacement systems.

3. Holding tanks for sanitary wastes will be permitted only when approved by the Plumbing Inspector, and only if arrangements have been made for periodic removal and disposal of wastes in accordance with all laws and the tank is constructed of impervious material.

6.4 Erosion Control:

1. Filling, grading, lagooning, dredging, earth-moving activities, and other land use activities shall be conducted in such a manner to prevent, to the maximum extent possible, erosion and sedimentation.

2. Removal of sand or gravel from natural beaches or the

MOUNT VERNON

TOWN OF MOUNT VERNON

**LAND
USE
ORDINANCE**

**Town of Mt. Vernon
June 1995**

SECTION 7. SUBDIVISION REVIEW

G. PERFORMANCE STANDARDS

In reviewing all subdivision applications, the Planning Board shall consider the following standards and make findings that each has been met prior to the approval of a Final Plan. In all instances the burden of proof shall be upon the Applicant.

6. Required Improvements.

c. Wastewater Disposal.

i. The Applicant shall submit evidence of soil suitability for subsurface waste water disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Waste water Disposal Rules. In addition, when the limiting factor has been identified as being at or within 15 inches of surface in the area of the designated subsurface waste water system, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

ii. In no instance shall a disposal area be permitted on soils or on a lot which requires a holding tank or a New System Variance from the Subsurface Waste water Disposal Rules.

SECTION 11. ADMINISTRATION, ENFORCEMENT AND PENALTIES

D. Fees

Treatment Tank (connected to other than subsurface disposal)	\$30
Extra Inspection	\$20/inspection

2. Fees for plumbing inspection shall be as set forth in the State of Maine Subsurface Wastewater Disposal Rules, Chapter

241 (current version), except that a minimum fee of \$20 shall apply to all permits. A \$30 fee shall be charged for treatment tanks to be connected to other than Subsurface Wastewater Disposal Systems. When the Plumbing Inspector is required to make more than one inspection before a plumbing permit can be certified as inspected, the applicant shall be charged \$20 per subsequent inspection.

TOWN OF OAKLAND
LOCAL PLUMBING INSPECTOR: ROBERT L. ELLIS
Mailing Address: P.O. BOX 187
OAKLAND, ME 04963

Phone #: 465-2842

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐ YES

☒ NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS: _____

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐ YES

☒ NO

COMMENTS: _____

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☒ YES

☐ NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☐ YES

☐ NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments: _____

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☒ YES

☐ NO

IF YES, please attach a copy of adopted ordinance and effective date

10/22/96 (ATTACHED)

Does your municipality have a website?

☒ YES

☐ NO

If YES, are the town tax maps on-line?

☐ YES

☐ NO

Robert L. Ellis
L.P.I. signature

10/14/05
Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

Holding Tank Ordinance

Be it enacted and ordained by the Councilmen of the Town of Oakland, Kennebec County, and it is hereby enacted and ordained as follows:

SECTION 1 Purpose

The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive waste water from residential or commercial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of the Town of Oakland

Section 2 Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follow:

Agent - Shall mean any person or persons officially designated by the Authority to act in its behalf.

Approved Pumper - Shall mean a pumping contractor who is properly licensed with the Department of Environmental Protection.

Authority - Shall mean the Town Council of the Town of Oakland, Kennebec County, Maine.

Holding Tank - Shall mean a closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

Improved Property - Shall mean any property within the municipality upon which there is a structure intended for seasonal use or as a primary place of residence (year-round), and from which structure waste water shall or may be discharged.

Municipality - shall mean the Town of Oakland, Kennebec County, Maine.

Owner - Shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

Person - Shall mean any individual, partnership, company, association, corporation, or other group or entity.

Records - Shall mean all information pertinent to the holding tank, specifically the name of the installer, the date of the installation, the individual components, the pumping dates, the amount of wastewater pumped, the name of the pumper, and the notification and records of any required or necessary maintenance of the owner's holding tank.

Waste Water - Shall mean any liquid waste containing animal or vegetable matter in suspension or solution, of the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

SECTION 3 Rights and Privileges Granted

The Authority is hereby authorized and empowered to undertake, within the Municipality, the control of and methods of disposal of holding tank waste water and the collection and transportation thereof.

SECTION 4 Rules and Regulations

A All such rules and regulation adopted by the Authority shall be in conformance with the provisions herein. All other ordinances of the Town of Oakland, and all applicable rules and regulations of the administrative agencies of the State of Maine.

B Holding tanks may be used for seasonal structures, either existing , or newly constructed. Existing structures unable to install a replacement septic system may install a holding tank.

C Holding tanks cannot be used for seasonal conversion or for new construction of a principal place of residence.

SECTION 5 System Requirements

A Follow the normal process for a new or replacement septic system design as required by the Maine State Plumbing Code and obtain a completed septic system design plan. In the event a new or replacement septic system cannot be installed submit a holding tank application from a State Licensed Site Evaluator. (see Maine State Plumbing Code).

B Obtain a holding tank permit from the Town of Oakland, and a renewal permit each year thereafter. Site Evaluator plans must be submitted to the Code Enforcement Office. The Local Plumbing Inspector or designee may issue a permit if the plans meet the requirements of the Maine State Plumbing Code and all other law, regulations and ordinances related to the proposed project.

C Submit the required review fee with the application.

SECTION 6 Renewal Permits

Improved properties having a legally permitted holding tank shall renew their permit on a yearly basis. The expiration date of all permits will be the 28th of February. Permit fees will not be pro-rated for tanks installed less than 12 months before the February expiration date. Renewal permits will only be issued after the following conditions have been met.

A Showing documentation from an approved pumping contractor that the holding tank system has been pumped and serviced during the previous permit year.

B Notify the Code Enforcement Office with the name of the approved pumping contractor that will service the holding tank system for the upcoming year.

C The Code Enforcement Office has been given the opportunity to inspect the holding tank system during the current year, and that the system complies with all the requirements of this Ordinance.

SECTION 7 Collection and Transportation

The collection and transportation of all waste water from any improved property utilizing a holding tank shall only be completed by an approved pumping contractor. The Town's Code Enforcement Officer shall maintain a list of approved pumping contractors.

SECTION 8 Duties of Owner of Holding Tank Permit

The owner of an improved property that utilizes a holding tank agrees to conform with the following conditions and other conditions that may be made to this Ordinance in the future.

A Maintain the holding tank in conformance with this and any other ordinance of the Town of Oakland, the provisions of any applicable law, the rules of the Authority, the State of Maine Plumbing Code, and administrative agencies of the State of Maine.

B Notify the Office of Code Enforcement with the name of the authorized pumper that will service the holding tank and the expected date of service.

C Permit only approved pumping contractors to collect, transport, and dispose of the contents therein to a site approved by the Maine Department of Environmental Protection

D Supply the Code Enforcement Office a yearly record of pumping and other maintenance records performed on the holding tank prior to, and as a condition to yearly renewal.

E Have a copy of the original holding tank permit referencing the owners deed properly recorded at the Kennebec County Registry of Deeds.

SECTION 9 Fees

The Oakland Town Council shall have the right and power to fix or alter the holding tank permit fees (see fee schedule).

SECTION 10 Violations

Any person who violates any provision of this Ordinance shall be subject to the penalties outlined in the Maine Revised Statutes Annotated Title 30-A Section 4452, plus the cost of enforcement. All fines collected shall be returned to the Town of Oakland.

SECTION 11 Abatement of Nuisances

In addition to any other remedies provided in this Ordinances, any violation of this Ordinance which may constitute a nuisance may, if necessary, be abated by the Municipality under MRSA Title 30 - A Section 3428. At its descretion the Authority may also seek enforcement of this ordinance under the provisions of MRSA Title 30 - A Section 4452, as well as seeking appropriate equitable legal relief from a court of competent jurisdiction.

SECTION 12 Repeal

All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

SECTION 13 Severability

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not effect or impair any of the remaining provisions, sentences, clause, sections, or parts of this ordinance.

SECTION 14 Effective Date

This Ordinance shall become effective on the date of its adoption.

Enacted this 22nd Day of October, 1996

Oakland Town Council Members

/s/ _____	Ralph Farnham, Chairman
/s/ _____	David Wooley
/s/ _____	J. Hobart Pierce, Jr.
/s/ _____	Robert Knowlton
/s/ _____	Jane Sturk

Fee Schedule

Plan Review _____	\$15.00
Yearly Renewal Permit Fee _____	\$25.00

data:ord/hldtnk

TOWN OF Scarborough
 LOCAL PLUMBING INSPECTOR: Tom Reinsborough
 Mailing Address: P.O. Box 360
Scarborough ME.
04070-0360
 Phone #: 207 730 4052

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?



YES



NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS:

I think you have them in your office.

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?



YES



NO

COMMENTS:

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?



YES



NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?



YES



NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments:

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?



YES



NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?



YES



NO

If YES, are the town tax maps on-line?



YES



NO

L.P.I. signature

J. E. Reinsborough

C.E.O.
L.P.I.

Date 591

10-5-05

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
 c/o Brady Frick/ 95A County Road/Gorham, ME 04038
 839-5563 (office) 839-5564 (fax)

SCARBOROUGH PLUMBING ORDINANCE
Approved by the Town Council on March 21, 1979
Amended June 21, 1989
Repeals the Private Sewage Disposal Ordinance
Amended November 17, 1993
Amended September 6, 1995

An ordinance regulating sewage disposal.

Article 1. TITLE.

This ordinance shall be known, and may be cited as the "Plumbing Ordinance of Scarborough, Maine."

Article 2. FINDINGS AND INTENT.

Section 1. Findings

It is found that the use of subsurface waste disposal systems is a necessary and, if properly installed, operated, and maintained, economical and healthy means of disposing of domestic waste in the Town of Scarborough, Maine. It is found further, that subsurface waste disposal systems which are improperly designed, installed, maintained, or used, or placed in unsuitable soils, are a nuisance and a menace to public health and to water quality.

Acknowledging that the State of Maine has chosen to issue a Consent Order in the matter of the inhabitants of the Town of Scarborough, requiring the strict administration and enforcement of provisions of any local Plumbing Ordinance which are more restrictive than the State Plumbing Code, this ordinance is therefore enacted to further the protection of the public health, safety, and welfare and to protect and enhance the quality of surface waters and groundwater within the Town of Scarborough, Maine.

Section 2. Intent

It is the intent of this ordinance to encourage utilization of the full range of options for individual waste disposal systems listed in Chapter 9 of the Maine State Plumbing Code, Part II. These options include the separation of human wastes from other domestic wastewater, and use of composting, incinerating, chemical, recirculation, vacuum, and other non-water using equipment. It is further the intent of this Ordinance to encourage a variety of approaches to subsurface disposal systems, to be utilized where qualified site investigators and the Plumbing Inspector deem such approaches appropriate and desirable, and where the Maine Department of Human Services, Division of Health Engineering approves of or grants a variance (if required) to permit such approaches, including the use of dual leaching area designs. The construction of common disposal areas to serve clusters of dwellings and

structures shall be encouraged only where existing developments have malfunctioning subsurface disposal systems and where soil conditions do not allow replacement systems on individual lots in compliance with the Maine State Plumbing Code.

Section 3. Responsibility to Users

Nothing in this ordinance shall relieve the users of subsurface waste disposal systems from the responsibility of complying with all provisions of the Maine State Plumbing Code, except in those instances in which the provisions herein are more stringent, in which cases this ordinance shall have precedence over the Maine State Plumbing Code.

Article III. DEFINITIONS.

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

1. An existing Subsurface Disposal System shall be deemed to be in compliance with the Code if any portion of the system regulated by the code was installed and maintained in accordance with the law in effect prior to the effective date of this code, unless the system is determined by the Plumbing Inspector to be dangerous, unsafe, unsanitary, or a nuisance.
2. "Subsurface Disposal Systems" means all private sewage disposal systems consisting of a treatment tank with the effluent discharging into an absorption area and holding tanks or other facilities as may be permitted under the procedures set forth elsewhere in this code.
3. Black waste water means wastewater containing human excrement, feces, and/or urine.
4. Gray waste water means all domestic liquid waste exclusive of black waste water.
5. Public sewer means a common sewer controlled by a governmental agency or public utility.
6. "Sewage" means any liquid waste containing animal or vegetable matter in suspension of solution and may include liquids containing chemicals in solution. For the purposes of this code, the term sewage shall include industrial wastes, black waste water or gray waste water.
7. Sewer means a pipe or conduit that carries waste water or drainage water.
8. Shall is a mandatory term.
9. May is a permissive term.
10. Leaching area means that portion of the subsurface disposal system that is designed for

the final disposal of the effluent from a septic tank or other treatment facility into the underlying soil.

11. Septic Tank means a watertight receptacle which receives sewage, and is designed and constructed so as to separate solids from liquids, digest organic matter through a period of detention, and allow the liquids to discharge into some system of final disposal outside of the tank which meets the requirements of this code.

12. Local Plumbing Inspector (LPI) is that individual properly certified by the State of Maine and appointed by the Town of Scarborough for the enforcement of the State Plumbing Code and the Scarborough Plumbing Ordinance.

13. Plumbing permits are a printed form furnished by the State of Maine and issued by the Local Plumbing Inspector for any plumbing installed in the Town of Scarborough.

14. "Conversion of a dwelling to a year-round dwelling means the installation of sufficient insulation, heating system or year-round habitation". A year-round use is a dwelling so constructed, including but not limited to the use of insulation throughout a substantial part of the dwelling, or the use of a central heating system so as to be suitable for occupancy 365 days of the year.

15. "A conversion permit is not required for any dwelling which will not be occupied on a year-round basis or is not the principal dwelling place of the occupant". A conversion permit means a permit to convert a seasonal dwelling to year-round use, and governed by the Maine State Plumbing Code.

16. Septage is the mixed liquid and solids pumped from septic tanks and cesspools receiving sewage.

17. Licensed soil evaluator means an individual licensed by the Department of Human Services as a site evaluator, (who has verified in writing that he is familiar with this ordinance).

18. Holding tank means a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of sewage at another site. A holding tank is a storage tank retaining sewage conveyed to it by a water carrying system.

Article IV. LOCAL PLUMBING INSPECTOR.

Section 1. Appointment

There shall be appointed a Plumbing Inspector in accordance with "Article VII, Section 701,

Administrative Code of the Town of Scarborough", who shall carry out all duties assigned to local plumbing inspectors by the Maine State Plumbing Code or this ordinance.

Section 2. Liability

The Local Plumbing Inspector or any employee charged with the enforcement of this ordinance acting for the Town in good faith and without malice in discharge of his or her duties, is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act or omission in the discharge of such duties. Any suit brought against the LPI or employee, because of such act or omission performed by him in the enforcement of any provisions or ordinances or of the Maine State Plumbing Code shall be defended by the Town until final termination of the proceedings. The Town shall indemnify and hold said LPI or employee harmless from any such suit.

Section 3. Right of Entry

The Plumbing Inspector, in the discharge of his official duties and upon proper identification, may with the consent of the owner or occupant enter any buildings, structures, or premises at any reasonable hours. The District Court Civil Rule 80E outlines the procedures an inspector or other state or municipal official must go through to gain entry if the owner or occupant refuses to permit entry.

Section 4. Reports by Site Evaluator

The results of any site investigation performed by a soil evaluator in accordance with Chapter 4 of the Maine State Plumbing Code shall be signed by the soil evaluator and delivered to the Local Plumbing Inspector. In the event that a properly conducted soil investigation fails to locate an acceptable area for the installation of a subsurface disposal system, no plumbing permit shall be issued, and no subsurface disposal installed on that property. However, alternatives such as the option described in Article II, Section 2 of the ordinance may be considered.

Section 5. Files and Records

The Plumbing Inspector shall maintain a system of files and records in which are kept copies of subsurface waste disposal system plans as required in Article VIII, Section 4 of this ordinance; copies of violation reports as described in Article VIII, Section 3 of this ordinance; and copies of site investigation reports as described in Article IV, Section 4 of this ordinance.

Article V. SOILS ANALYSIS AND SYSTEM DESIGN.

Section 1. Soil Analysis and Design

A. All sites proposed for subsurface disposal systems shall be tested for soil suitability in accordance with the Maine State Plumbing Code and this ordinance. The Plumbing Inspector shall be notified of the location, date, and time of all site evaluations to be performed in his presence, and sufficient test pits to be made in a minimum area of 1,000 square feet *uniformly encompassing the disposal site), indicating the minimum depth to bedrock, impervious strata or groundwater. In no case, shall a plumbing permit for a subsurface waste disposal system be issued if the depth of bedrock, groundwater, or impervious strata is less than 15 inches in original soil, except that the Local Plumbing Inspector may grant waivers in accordance with the provisions of the Maine State Plumbing Code, Part II.

B. When a subsurface disposal system is proposed, it shall be designed in conformance with the standards of the Maine State Plumbing Code and this ordinance. The maximum elevation of the seasonal high water table at any time of the year, bedrock, or other impervious strata shall be at least three feet below the bottom of the absorption trench.

Section 2. Building Permit

Where soils are found to be unsuitable for subsurface waste disposal, as defined in the Maine State Plumbing Code, or where underground waste disposal systems are otherwise prohibited by this ordinance or the Maine State Plumbing Code, a building permit shall not be issued for new construction unless public sewer is available or experimental systems are utilized.

Section 3. Experimental System

A. Experimental System means a system or part thereof that is not considered in the code.

B. Design and Installation

A system shall be designed and installed in accordance with criteria established by the Division of Health Engineering, Maine Department of Human Services, and this ordinance taking into account the topography of the site.

Section 4. Prohibited Systems

A. Holding tanks are not permitted for new construction.

B. Common disposal areas serving multiple units are not permitted for new construction. The use of common disposal areas to serve clusters of dwellings and structures shall be allowed only where existing developments have malfunctioning subsurface disposal systems and where soil conditions do not allow replacement systems on individual lots in compliance with the Maine State Plumbing Code and this Ordinance.

C. The use of easements to locate new systems on neighboring properties is prohibited. All new systems shall be located on the property occupied by the structure to be served.

Article VI. SEASONAL DWELLINGS.

Section 1. Seasonal Dwellings

A person or persons proposing to convert a seasonal dwelling to a year-round dwelling shall obtain a conversion permit, and shall conform to the standards set forth by the Maine State Plumbing Code.

Section 2. Waiver

Requirements of this article may be waived in accordance with Section 3:12 of the Maine State Plumbing Code (May 15, 1978). Owners of seasonal dwellings which have been converted to year-round use prior to the effective date of this ordinance, in accordance with laws then in effect, shall be exempt from the requirements of the Article and shall be required to upgrade, alter, or replace their underground waste disposal systems only if such systems are found to be unsafe, unsanitary, or a nuisance to life, health, or property.

Section 3. Enforcement

Any person who converts a seasonal dwelling to year-round or permanent use after the effective date of this ordinance in violation of this section shall be required to comply with the provisions of this article. No waiver from this ordinance shall be issued by the Local Plumbing Inspector or the Maine Department of Human Services until consideration of all other options have been exhausted, including installation of composting, incinerating, chemical, recirculating or vacuum toilets. In addition, any person who violates this article, whether or not his or her waste disposal system is found deficient shall be guilty of a misdemeanor as prescribed in Article VIII of this ordinance.

Article VII. MAINTENANCE.

Section 1. Recommended Maintenance

The LPI shall issue with all permits for subsurface disposal systems, an informational brochure to advise property owners of the nature of the subsurface disposal system, and of important operational and maintenance practices.

Section 2. Septic Tank Pumping

All septic tank pumpers must be licensed in accordance with State of Maine Law. Septic tank pumpers shall issue to owners of the septic tanks which they pump out a signed receipt, showing the date of pumping, the name and address of the septic tank owner and a description of the location and the capacity of the septic tank.

Section 3. Disposal of Septage

The disposal of all septage shall be at a municipally approved site as required by the State of Maine Law (38 MRSA SS 4104-4105) or disposed of as otherwise permitted by State of Maine Law.

Article VIII. INSPECTION, EVALUATION AND RECORDS FOR EXISTING SYSTEMS.

Section 1. Inspection

Any subsurface disposal system or component thereof which is found to be malfunctioning or a nuisance to public health, safety, and welfare, or to the quality of surface waters or groundwater shall be ordered remedied by the owner in accordance with State of Maine Law and this Ordinance.

Section 2. Site Inspection for Existing Structures Required

For any system which is serving an existing dwelling or structure and which must be upgraded or replaced, a site investigation in accordance with the Maine State Plumbing Code and this Ordinance shall be conducted to determine the appropriate type, size, or location of the system.

Section 3. Violations

All violations of this ordinance discovered during any inspections shall be reported and appropriate corrective and enforcement actions shall be taken by the municipality.

Section 4. Filing

The Plumbing Inspector shall retain a file, in accordance with Article IV, Section 5 of this Ordinance including a copy of all site investigation reports, a description of the location of all subsurface disposal systems which are approved for new construction within the municipality and information regarding violations and enforcement actions.

Article IX. MISCELLANEOUS.

Section 1. Application for Local Plumbing Permit and Fee

No application for a permit to construct or install a subsurface disposal system will be accepted by the Local Plumbing Inspector unless it is complete in every detail as prescribed by this ordinance and the Maine State Plumbing Code. Internal Plumbing Code Fees are as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. [09/06/95]

A. A person who starts construction without first obtaining a permit shall pay double the permit fee.

B. Restrictions

1. A permit is valid only for the named applicant and is non-transferable.
2. A permit shall become void if construction has not been started within six months from the date of issue.
3. The issuance of a permit shall not be construed to give authority to violate the provisions of the rules and shall not prevent the LPI from requiring a correction of an error in the application or from stopping construction when it is in violation of the rules.

Section 2. Penalties

Any person, firm, partnership, or corporation who violates any provision of this ordinance, shall, upon conviction, be fined in an amount not less than one hundred dollars or more than five hundred dollars for each violation. Each day in which any such violation shall continue, shall be deemed a separated violation.

Section 3. Severability

In the event that any section, subsection, or any portion of this ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this ordinance.

Section 4. Applicability

The construction of new subsurface disposal systems or repairs, replacement or alterations of existing subsurface disposal systems shall conform to the requirements of the Maine State Plumbing Code and this Ordinance.

Section 5. Appeals

"Section 1 Appeals from the decision of the Plumbing Inspector shall be to the Town Planner/Engineer and then to the Town Council. No appeals shall be granted from matters governed by the State Plumbing Code until after approval has been granted by the Department of Human Services in accordance with the provisions of the Maine State Plumbing Code".

Site Plan Review & Subdivision Ordinance Town of Starks

III. APPLICABILITY

A. The following activities do not require a permit under the provisions of this Ordinance:

1. All construction, re-construction, conversion or expansion of no more than two residential units on a single lot, whether attached or detached, and all structures accessory to such residential construction are exempt.
2. All agricultural, animal husbandry, home occupation and forest management activities as defined herein at Section XII, are exempt. All structures immediately incident to agricultural and animal husbandry activity and any sand and gravel extraction activities are also exempt.
3. All new structures or expansions of existing structures or expansions of existing permitted uses of less than 400 square feet in size within any five year period are exempt.

B. Except as exempted in Part A, above, all land use activities and the construction, reconstruction, expansion or conversion of any structure in the Town of Starks must receive a site plan review permit and/or subdivision permit pursuant to the provisions of this ordinance including:

1. All new structure or expansions to structures, or changes in use of structures, and all uses of land, not exempted in Section III (A).
2. The construction of any multi-family housing project of structure.
3. Groundwater extraction facilities which remove more than 10,000 gallons per day of groundwater or the expansion of any groundwater extraction facility which increase its extractive capacity by more than 10,000 gallons per day of groundwater.
4. All Changes in Use of Land or Structures as Follows:
 - a. Residential structures and land uses to commercial or industrial structures or land uses including the use of a residence for paid foster care or nursing care of two or more clients.
 - b. Conversion of any use to an amusement center, automobile graveyard, commercial recreation area, mobile home park, neighborhood convenience store, nursing home, professional office, veterinary hospital or clinic or institutional use, automobile service station, or retail gasoline supply facility.
 - c. The creation of any subdivision as defined herein including the division of any existing building or the construction of any new structures or buildings containing three or more units.

Code For Safety to Life in Buildings and Structures, 1985 (ANSI/NFPA 101) published by the National Fire Protection Association.

The BOCA Basic National Building Code, 1985 (BOCA) published by the Building Officials and Code Administrators.

4. Explosive Materials

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least 75 feet from any lot line, or 40 feet for underground storage, and all materials shall be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

5. Glare

Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 footcandles upon abutting residential properties.

6. Lot Size, Dimensional and Setback Requirements

a. All lots shall be a minimum of one acre in size.

b. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream or road to meet the minimum lot size.

c. For any lot in a proposed subdivision, the ratio of lot length to lot width shall not be more than three to one. The lot size ratio shall not be construed to prohibit the grant of a strip or rights necessary to gain access to rear lots however, systems of odd shaped lots such as flag lots in which narrow strips are joined to other parcels to meet minimum lot size requirements or to circumvent the lot size ratio are prohibited.

d. No building or structure shall be erected, reconstructed, expanded or moved onto a lot within 60 feet from the centerline of any adjoining public rights-of-way or within 15 feet of any side or rear lot line. No subsurface disposal sewerage systems, or portions thereof shall be located within 30 feet of any lot line.

7. Hydrogeologic Assessment of Groundwater Impacts

a. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

(1) A map showing the basic soil types.

Stricter
than State
Law

TOWN OF STARKS
Ordinance Establishing
Plumbing and Septic System Permit Fees
Enacted March 12, 1994

EMERGENCY PREAMBLE:

Whereas, State statute (30-A M.R.S.A. §§ 4211 and 4215) requires the Town of Starks (Town) to issue plumbing and subsurface waste water disposal system permits in accordance with the State Plumbing Code promulgated by the Maine Department of Human Services (DHS) and to enforce the State Plumbing Code; and

Whereas, the Town has no ordinance establishing fees for plumbing and subsurface waste water disposal permits and instead relies upon the permit fees set by the State Plumbing Code in charging fees for such permits; and

Whereas, State legislation (P.L. 1993, c.404) that will become effective on October 12, 1993 repeals DHS' authority to establish minimum permit fees by rule and establishes much lower fees for such permits; and

Whereas, the Town will lose significant amounts of revenue if it were to charge only the fees for plumbing and subsurface waste water disposal permits established by the Legislature; and

Whereas, the Town, pursuant to its home rule authority (Art. VIII, Pt. 2d § 1 of the Maine Constitution and 30-A M.R.S.A. § 3001 et. seq.) and 30-A M.R.S.A. § 4215(4) may establish the fee for plumbing and subsurface waste water disposal permits; and

Whereas, the Town finds that enactment of an ordinance establishing a schedule of fees for plumbing and subsurface waste water disposal is therefore necessary; and

Whereas, in the judgment of the Selectmen, these facts create an emergency and require the following ordinance as immediately necessary for the preservation of the public health, safety and welfare;

Now, Therefore, the Town of Starks hereby enacts an Ordinance entitled "Ordinance Establishing Plumbing and Septic System Permit Fees", as follows:

PLUMBING AND SEPTIC SYSTEM PERMIT FEES

Sec. 1 Applicability

Sec. 2 Plumbing Permit Fees

Sec. 3 Subsurface Waste Water Disposal System Fees

Sec. 1 Applicability

This Section applies to fees charged by the Town of Starks for plumbing and subsurface waste water disposal system permits issued by the Town of Starks pursuant to 30-A M.R.S.A. § 4201 et. seq. and pursuant to rules promulgated by the Department

**Town of Starks - Ordinance Establishing
Plumbing and Septic System Permit Fees
Page 2**

of Human Services (DHS) under the authority of 30-A M.R.S.A. § 4201 et. seq. (State Plumbing Code). For purposes of this Section, the terms contained in this Section shall have the meanings given to them in the State Plumbing Code.

Sect. 2 Plumbing Permit Fees

At the time of issuance by the Town of a plumbing permit pursuant to 30-A M.R.S.A. § 1201 et. seq. and the State Plumbing Code, the plumbing permit applicant shall pay a fee in accordance with the following schedule and at the rate provided for each classification shown herein:

(A) Any person who shall begin any work for which a permit is required by the State Plumbing Code without first having obtained a permit therefor shall, if subsequently eligible to obtain a permit, pay double the permit fee fixed by this Section for such work. However, this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Local Plumbing Inspector that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all emergency cases, a permit must be obtained within four (4) working days or else a double permit fee as hereinabove provided shall be charged.

(B) For the purpose of this Section a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, water heaters, etc., involved.

(C) The following permit fees shall be charged:

- (1) Minimum fee for all permits, \$20.00.
- (2) Fixture fee shall be \$4.00 per fixture.
- (3) Re-inspection fee, \$20.00. A reinspection fee shall be charged by the Local Plumbing Inspector in those instances when work has not been completed upon an inspection or when work was not in compliance with the State Plumbing Code.
- (4) When only new water distribution and/or drainage pipes are installed or relocated in a building, but no fixtures installed, the fee shall be \$20.00.
- (5) A hook-up fee of \$20.00 shall be charged for the connection of a mobile home which bears the Housing and Urban Development (HUD) seal or a modular home which bears the Manufactured Housing Board seal to a building sewer.
- (6) Relocated mobile home, modular homes or any other similar structures shall be considered as new conventional stick built structures. A plumbing fixture fee shall be charged based on this Section.
- (7) A permit is valid only for the named applicant and may be transferred by payment of a \$6.00 transfer fee.

TOWN OF Swan's Island
LOCAL PLUMBING INSPECTOR: Thomas H. Rowland
Mailing Address: 29 Seaside Lane
0944
Phone #: 526-4488

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐

YES

☒

NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS: _____

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐

YES

☒

NO

COMMENTS: _____

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☐

YES

☒

NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☐

YES

☒

NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments: As LPI I check this

+ 1.5 weeks I request assistance + review by DHE before approving

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☐

YES

☒

NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☒

YES

☐

NO

If YES, are the town tax maps on-line?

☐

YES

☒

NO

Thomas H. Rowland
L.P.I. signature

10/5/05
Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

- (g) All lots shall have deed covenants noting the financial obligation of the owner to pay his pro rata share of all system maintenance, repair and replacement; and
 - (h) All sewer lines shall be installed within easements outside the limits of roadways in the subdivision.
- (2) No on-site sewage treatment and disposal system of greater than two thousand (2,000) gallon-per-day capacity shall be approved until the applicant has conducted a hydrogeologic analysis which demonstrates to the satisfaction of the Planning Board that:
- (a) The soils are suitable for the expected volume and characteristics of waste;
 - (b) Adequate land exists on the lot for complete replacement of the leaching facility;
 - (c) The direction of groundwater flow and subsurface conditions are such as not to imperil proposed on-site water supplies; and
 - (d) The quality of groundwater at the property line is maintained within federal drinking water standards. The applicant shall base hydrogeologic analysis on soil borings and monitoring wells sufficient to document existing soil, bedrock and groundwater conditions. As a condition of approval, the applicant shall agree to install sufficient monitoring wells [as least one (1) up-gradient and two (2) down-gradient] and to provide for adequate sampling and analysis therefrom over an appropriate time period to demonstrate that groundwater quality is maintained.
- B. Off-site disposal.** Industrial wastewaters may be discharged to municipal sewers only and in such quantities and/or of such quality as to be compatible with commonly accepted municipal sewage treatment operations. Such wastes may require pretreatment at the industrial site in order to render them amenable to municipal treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The disposal of industrial wastewaters by means other than the municipal sewerage system must comply with the laws of the State of Maine concerning water pollution. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted into the municipal system.
- (1) **Prohibited wastes.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary sewers or, except as set forth in Subsection B(1)(a) below, to any storm drains or any part thereof:
- (a) Water from roof downspouts, foundation drains or areaway drains or any other sources of surface runoff or groundwater; nor discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters, except into storm drains.
 - (b) Any gasoline, benzene, naphtha, fuel, oil or other flammable or explosive liquid, solid or gas.

Section 4, P, Septic Waste, TURNER
TOWN OF TURNER Zoning Ordinance.

N. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body.

O. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

P. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules); and
2. Before the Building Permit is issued for construction, a soil suitability report shall be prepared by a Maine Licensed Site Evaluator showing full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, documentation shall be provided that a replacement system is possible or a second site with suitable soils shall be shown as a reserve area for future replacement of disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

Q. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of 5,000 sq.ft. of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 100 feet from the normal high-water line of a great pond, and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

Chapter 120

SEPTIC SYSTEMS

§ 120-1. Title.

§ 120-2. Compliance required.

§ 120-3. Establishment and use of facilities.

§ 120-4. Private systems.

§ 120-5. Disposal permit.

§ 120-6. Application information.

§ 120-7. Licensing of septic tank pumpers and conveyors.

§ 120-8. Permit fees.

§ 120-9. Violations and penalties.

§ 120-10. Certain disposal deemed nuisances.

[HISTORY: Adopted 9-13-79 STM. Art. 3. Amendments noted where applicable.]

§ 120-1. Title.

This chapter shall be known as the "Septage Effluent Disposal Ordinance of the Town of Wells."

§ 120-2. Compliance required.

It is unlawful and in violation of this chapter for any person, firm, corporation or other legal entity to dispose of septic tank effluent and/or cesspool effluent at any location within the municipal boundaries of this town except in compliance with the terms of this chapter.

§ 120-3. Establishment and use of facilities.

The town shall establish designated effluent disposal facilities with the town or, through contract, with other municipalities, which facilities shall be utilized, on a permit basis, for the disposal of septic or cesspool effluent. Said disposal facilities shall be available to residents of the town, real estate property owners within the town and conveyors and pumpers of septic and cesspool effluent from subsurface waste disposal systems situated within the town.

§ 120-4. Private systems.

Nothing in this chapter shall be construed to prevent a private owner from dispensing of effluent on private

property, if said site is approved by the state regulatory body and said effluent originates with the Town of Wells.

§ 120-5. Disposal permit.

A. Any person, firm, corporation or other legal entity seeking to dispose of septic and/or cesspool effluent at the designated effluent disposal facility shall, prior to each disposal, secure a permit for such disposal. Said permit may be secured by making application to the office of the Town Manager on forms prescribed by the Town Manager.

B. At such time as the application is filed, the applicant will be advised as to whether immediate disposal is available at a designated disposal facility. In the event that immediate disposal is not available, the town shall, to the extent practicable and if requested by the applicant, provide temporary retention facilities for such effluent and shall assess an additional fee to the applicant.

§ 120-6. Application information.

The application for an effluent disposal permit shall, among other things, include:

- A. Property owner's name, address and telephone number.
- B. Location of subsurface system pumped.
- C. Quantity of effluent.
- D. Name of pumper and/or conveyor.
- E. State license number of pumper and/or conveyor and expiration date of license, if applicable.
- F. Signature of applicant.

§ 120-7. Licensing of septic tank pumpers and conveyors.

Any septic tank pumper or conveyor operating pursuant to a permit issued under this chapter shall secure such licenses for pumping or conveying as are required by state law.

§ 120-8. Permit fees.

A. At the time of issuance of the permit contemplated herein, the town shall collect from the applicant the permit fee, as such fee is determined from time to time by the Board of Selectmen, for each one-thousand-gallon quantity, or less, of effluent to be disposed of in the disposal facility and, where applicable, the fees, as set from time to time by the Board of Selectmen, for utilization of the town's temporary retention facilities.

B. Any applicant who intends to apply for a series of applications may, with the consent of the Town Manager, deposit with the town, to the applicant's account, a sum of money against which individual permit fees may be credited.

C. The Selectmen are authorized to utilize revenues derived from permit fees for the purpose of compensating other contracting parties for the utilization of designated effluent disposal facilities and for the purpose of providing temporary retention facilities.

§ 120-9. Violations and penalties.

Any person, firm, corporation or other legal entity who violates any of the terms or provisions of this chapter shall be punished by a fine of not more than one hundred dollars (\$100.) to be paid to the town, and furthermore, no violator shall be eligible to receive any subsequent permits within one (1) year of the date of the violation.

§ 120-10. Certain disposal deemed nuisances.

The disposal of septic tank and/or cesspool effluent at any location within the town except as authorized by this chapter shall be deemed to constitute a nuisance.

TOWN OF

LOCAL PLUMBING INSPECTOR:

YARMOUTH

Wm. "Bill" Longley

Mailing Address:

200 MAIN ST.

Phone #:

207-846-2401

YARMOUTH, ME 04096

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☒ YES

☐ NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS:

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐ YES

☒ NO

COMMENTS:

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☒ YES

☐ NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☐ YES

☐ NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments:

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☒ YES

☐ NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☒ YES

☐ NO

If YES, are the town tax maps on-line?

☒ YES

☐ NO

YARMOUTH.ME.US

L.P.I. signature

Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)



CHAPTER 304
SEWERAGE ORDINANCE

Town of Yarmouth, Maine
Recodified: 01/15/98



SEWER ORDINANCE
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**CHAPTER 304
SEWERAGE ORDINANCE**

I. ARTICLE I. TITLE

A. TITLE

This Ordinance shall be known, and may be cited as "The Sewerage Ordinance of Yarmouth, Maine".

II. ARTICLE II. PURPOSE

A. PURPOSE

The purpose of this Ordinance is to promote the health and general welfare of the people of the Town of Yarmouth by regulating and restricting the construction and use of sewerage systems and the accumulation, transportation, treatment and disposal of sewage, including commercial and industrial wastewater, in such manner that the creation and operation of any sewerage system, whether public or private shall not result in pollution, health hazard or nuisance conditions.

III. ARTICLE III. SCOPE

A. SCOPE

Hereafter, any person owning any building or structure within the Town of Yarmouth, Maine, which is the source of sewage and/or of industrial and commercial wastes, or who proposes to erect such building or structure, shall conform to the requirements of this Ordinance, of the State Plumbing Code and of regulations of the State Department of Environmental Protection.

IV. ARTICLE IV. PUBLIC SEWERAGE REQUIREMENTS-SERVICE CONNECTIONS

A. PUBLIC SEWERAGE REQUIREMENTS-SERVICE CONNECTIONS

1. Public Sewer Connection Permit in the form indicated in Appendix I shall be applied for and shall be issued by the Town Engineer before any person shall uncover, make any connection to, enter, work near, use, alter, or disturb any part of the Public Sewerage System.
2. 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, if required, and a Public Sewer Connection Permit has been issued. 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 has been issued.

V. ARTICLE V. CONSTRUCTION REQUIREMENTS FOR PUBLIC SEWER CONNECTIONS

A. CONSTRUCTION REQUIREMENTS FOR PUBLIC SEWER CONNECTIONS

Any new or replaced building sewer shall meet the following material requirements:

1. Cast iron soil pipe shall be service weight where the cover over the pipe does not exceed 8 feet, and shall be extra heavy if cover over the pipe exceeds 8 feet. Pipe shall meet the requirements of ASTM Designation A74-69. Joints may be caulked with oakum and pure lead not less than 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.
2. 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 D1869-C1.
3. 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.
4. The size and slope of the building sewer shall be determined by the connected fixture units as in the Maine State Internal Plumbing Chapter 238, but in no event shall the diameter be less than 4" nor the pitch less than 1/8 inch per foot.
5. If a building drain is laid parallel to a bearing wall of a building it shall be no less than 5 feet from it and should be laid on either undisturbed soil or on well compacted fill.
6. 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 pipe being used. Such changes in grade and alignment shall be subject to the approval of the Town Engineer upon submission of a dimensioned plan showing the location of such fittings.
7. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Town Engineer. Pipe laying and backfilling shall be performed to the satisfaction of the Town Engineer and no backfill shall be placed until the pipe has been inspected. All excavations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Width of trench shall be a maximum of 3 feet at the crown of pipe level. All pipe shall be bedded in granular material extending at least 4 inches below the pipe and 4 inches above the crown of pipe. Such bedding shall contain no stones larger than 3/4 inch.

- c. Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- d. Garbage that has not been properly shredded.
- e. Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood or any other solid or viscous substances capable of causing obstruction to the flow in a sewer, or other interference with the normal operation of the sanitary sewer or the pollution control plant of the Town.
- f. Waters, or wastes having a Ph lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to the sanitary sewer or the pollution control plant of the Town, or to the personnel of the Sewer Division.
- g. Noxious or malodorous gas or substance capable of creating a nuisance either singly or by interaction with other wastes, or any other substance which in the opinion of the Town Engineer will damage the sewerage system of the Town.
- h. Wastewaters with a biochemical oxygen demand or suspended solids in excess of 350 mg/l.
- i. Wastewaters containing any toxic substances which would interfere with the Town's biologic treatment system or to be hazardous to humans or animals, or in any way adversely affect the receiving waters within the Town.
- j. Wastewaters with a chloride content in excess of 300 mg/l.
- k. Septic tank pumpage except as specifically authorized by the Town Engineer as provided in this Ordinance.

- d. Manholes shall be installed on all sewers at all breaks in grade, changes in alignment and at the point of tangency and point of curvature of any curvilinear sewers. On straight runs or along a curvilinear sewers, manholes shall be provided at a maximum spacing of 400 foot intervals. Manholes shall be of precast concrete construction conforming to the requirements of ASTM Designation C-478. Barrel section shall be four (4) foot diameter. Cones shall be truncated to a 2 foot diameter top opening. Cone depth shall be a minimum of 4 feet. Manhole section joints shall be watertight utilizing rubber gasket of preformed mastic type joints approved by the Town Engineer. Forged aluminum steps shall be cast into the sections. Manhole bases shall be cast in place concrete or precast concrete. If precast concrete is used, a gasket connection assembly acceptable to the Town Engineer shall be used to assure watertightness. Brick or concrete masonry channels shall be provided in all manholes. Masonry shall extend to the crown of the pipe. Brick for channel construction shall meet the requirements of AASHTO Designation M 91-42, Grade SA, size No. 1, wirecut. Drop manholes shall be provided whenever an elevation change of 15 inches or more is required. Detailed plans of such manholes will be required. Manhole frames and covers shall be of cast iron and shall be designed to carry an H-20 highway load. The cover shall have the word "Sewer" cast thereon.
- e. Building sewer stubs shall be installed from T or Y fittings installed at appropriate locations. Such stubs shall extend to the limit of the public right of way.
- f. All sewers and service stubs shall be laid on a granular bed extending a minimum of 4 inches below the barrel of the pipe. Bedding material shall be free draining and contain no stones larger than $\frac{3}{4}$ inch. Bedding material shall also extend at least 4 inches above the pipe crown. Above this level the trench shall be backfilled with excavated material, except that if the Town Engineer deems the material unsuitable for backfill, a granular material shall be used. Trench width at the crown of the pipe shall be limited to three (3) feet. Backfill shall be placed in 8-inch layers and compacted by mechanical means to the satisfaction of the Town Engineer.
- g. The sewer, including such service stubs as are installed, shall be tested upon completion. Testing leakage in gravity sewers shall be after installation of house service fittings and leads, and after completion of backfill of the gravity sewer trench. Infiltration testing shall only be permitted and performed in areas approved by the Town Engineer. The Town Engineer shall be present during all testing.
- h. Testing methods and procedures shall be approved by the Town Engineer.
- i. In any subdivision which cannot be connected to the public sewer as defined above, private disposal systems, as set forth in ARTICLE VIII shall be installed.

- C. If the Town Engineer deems the proposed wastewater compatible with the Town's sewerage system, the wastewaters shall be connected to the public system.
- D. The Town Engineer may require that the industrial waste be pretreated to a degree sufficient to make it compatible with the Town's sewerage system. Such pretreatment facilities shall be designed by a registered professional engineer licensed to practice in the State of Maine. Plans for pretreatment facilities shall be submitted to the Town Engineer for review and approval. Upon such pretreatment, the wastewater shall be connected to the public sewer.
- E. If the Town Engineer deems that the industrial wastewater cannot be pretreated so as to be compatible with the Town's sewerage system, the wastewater shall not be connected to the public sewer system.
- F. Subsurface disposal of an industrial waste shall not be permitted.
- G. The connection of an industrial waste service line to the public sewer shall be designed by a registered professional engineer and shall be sized to accept the flow generated. The requirements of ARTICLE V of this Ordinance shall be met unless written exception is granted by the Town Engineer.
- H. Each industrial waste connection to the public sewer system shall be equipped with an access manhole or chamber which is easily accessible for the purpose of allowing sampling and gaging of the waste flow. The Town Engineer may require an automatic flow recording device at his/her option. The Town Engineer 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 industry.
- I. Prior to acceptance of any industrial wastewater into the public system, the Town will require a service contract with the industry. Such service contract will specifically indicate the conditions under which the industrial waste may enter system including limits on quantity and characteristics.
- J. If the Town deems that acceptance of the industrial wastewater will create an operational cost of the system in excess of that normally expected, it may establish a service fee reflecting such cost based on quantity of flow, BOD load or other parameters. If such a fee is established, its method of measurement and computation shall be spelled out in the service contract. The form of service contract shall be acceptable to the Town Attorney.

VIII. ARTICLE VIII. PRIVATE SEWERAGE SYSTEMS

A. PRIVATE SEWERAGE SYSTEMS

- 1. Sewerage from any building or structure not discharged into a public sewer shall be discharged into an approved private system.
- 2. Private sewerage systems shall be under the jurisdiction of the Plumbing Inspector.

- b. Any subsurface disposal system of over 2,000 gallons per day shall be designed by a registered professional engineer.
 - c. A plan shall be prepared for each subsurface disposal system accurately locating the septic tank, subsurface disposal system, building location and other appurtenances in relation to lot lines and building location. The location of facilities on the lot shall be subject to the approval of the Plumbing Inspector and shall not be changed after construction has begun. The location of soil tests shall be filed in the Town Office and with the Plumbing Inspector prior to issuance of a permit.
 - d. Twenty-four hour notices shall be given to the Plumbing Inspector for inspection of subsurface disposal fields prior to backfilling. The Plumbing Inspector shall have the right to require the owner to modify a disposal system to bring it into compliance with the approved design. If upon inspection he/she, the Plumbing inspector, finds the soil or site conditions differ from those indicated on the application, or if the system is not in compliance with this Ordinance, he/she shall notify the permittee to require modifications and or additions to the system as are appropriate.
6. Any collection or interception sewers in any private sewerage system shall meet the requirements of ARTICLE VI of this Ordinance. House connections to such sewers shall meet the requirements of ARTICLE V of this Ordinance.
7. No lagoon treatment and spray disposal systems shall be permitted.
8. If a private sewerage system consists of a complete workable system of collection sewers, interception sewers, treatment works, and outfall, and is installed in compliance with this Ordinance, the owner may petition the Council for the Town to accept said system into public ownership. Prior to acceptance by the Town, the following conditions must be met:
- a. The system has operated satisfactorily for a minimum period of six (6) months prior to acceptance.
 - b. The Town undertakes a series of three 24-hour composite samples taken of the influent and effluent and said samples are tested to indicate total flow and five day BOD and suspended solids removal efficiency. Cost of testing shall be borne by the owner.
 - c. Complete design data, record drawings, and operation manuals are submitted to the Town for approval. Such documents shall become the property of the Town upon acceptance.
 - d. The Town must be issued a license for discharge by the Department of Environmental Protection. Any legal, engineering or other costs incurred by the Town in securing such license shall be borne by the owner.

- c. The Plumbing Inspector shall have the right of entry to inspect a holding tank during the daylight hours to assure no overflow occurs. If such inspection indicates an overflow occurring, the Plumbing Inspector shall arrange to have the tank emptied immediately with the costs of such removal to be borne by the owner of the premises. Should the Plumbing Inspector find such overflows occurring more than twice in any summer season, he shall so notify the Health Officer who shall order the premises vacated for the remainder of the calendar year.
10. Every person shall maintain his/her sewerage system so that it will not result in a nuisance or health hazard, and the responsibility for the correction of any malfunction of a private sewerage system shall be that of the person owning the same. Whenever it becomes necessary to pump out the contents of a private system, the owner shall engage a commercial septic tank cleaner to accomplish such work. The disposal of this material shall be the responsibility of the cleaner and shall not be deposited in the Disposal site. The septic tank cleaning contractor shall notify the Town Engineer of his/her intent to discharge at the designated, approved Town disposal site at least 24 hours prior to such discharge. The Town Engineer will designate the location and time that such discharge will be permitted. Prior to any septage discharge to the public sewer system the contractor shall present an application for such discharge signed by the owner of the property from which the septage was pumped to the Town Engineer.
 11. No private communal sewerage system shall be constructed in the LDR and RR Zones.
 12. A person shall indemnify the Town for any loss or damage to the Town that may directly or indirectly be occasioned by the installation or repair of any private sewerage system owned by him/her.
 13. The issuance of any permit or approval in connection with the construction of a private sewerage system shall not be construed to mean that the proposed sewerage system will, necessarily, function properly. The person causing the installation of the sewerage system shall make his/her own personal investigation to the suitability of his/her proposed system, and shall assume all responsibility for its proper operation.
 14. The Plumbing Inspector shall have the right during any daylight hour, to enter upon the premises where a private sewerage system is located for the purpose of investigating the functioning of the same. If the Plumbing Inspector deems that an immediate health hazard of such a nature as to pose a threat to the health of the Town, or its inhabitants, and the owner or owners of the same cannot be located, or are unable or unwilling to correct such hazard, he/she may adequately remedy such hazard in accordance with the provision set forth in Title 30, MRSA Chapter 237, Section 4359 as amended 1967, Chapter 122 appearing as Appendix IV of this Ordinance.

IX. ARTICLE IX. NON-CONFORMING USES

A. NON-CONFORMING USES

Any sewerage system existing at the time of enactment of this Ordinance shall be exempt from the requirements of this Ordinance except as follows:

1. When any sewerage system is replaced or enlarged the new work shall conform to the requirements of this Ordinance.
2. Whenever a private sewerage system shall become malfunctioning as determined by the Plumbing Inspector, the owner of such system shall correct the malfunction to meet the requirements of this Ordinance. If such corrective action is not taken, the Plumbing Inspector may direct the Town to take corrective action.
3. Whenever a building sewer that is connected to a public sewer malfunctions, the owner of such building sewer shall correct the malfunction to the satisfaction of the Town Engineer.
4. Whenever running water from any source is installed in a building or structure, where, prior to the enactment of this Ordinance, a vault or pit privy was in use, the plumbing shall be connected to the public sewer or to a private sewerage system as required and the vault or pit privy shall be removed and/or filled.
5. Whenever running water either from the public water system or from a private water supply is in use in a building at the time of enactment of this Ordinance, and a vault privy is also in conjunction with said building, the person owning said building shall, within six months of said enactment, either connect said building to the public sewer or install a private sewerage system as provided for in this Ordinance, and shall remove such vault privy and/or pump it out and fill it with sand to the satisfaction of the Plumbing Inspector.
6. In situations where it is impossible to install a private sewerage system and a vault privy must be used, such privies on or before January 1, 1978 shall be brought into conformance with the recommendations of the Division of Health Engineering, Department of Human Services, State of Maine.
7. Whenever additional fixture units or bedrooms are added to an existing building and should the Plumbing Inspector determine such addition will exceed the capacity of the existing disposal system, the Plumbing Inspector shall require additional disposal facilities. Facilities thus added shall meet the requirements of this Ordinance or the applicable State laws and rules, whichever is the more stringent.

- (h) to periodically report to the Town Manager and the Council on the activities of the Sewer Division and to recommend to the Town Manager and the Council changes in sewerage facilities, Sewer Division Personnel, or Town ordinances or administrative codes necessary to assure the proper operation of the Public Sewerage System and the provision of necessary to assure the proper operation of the Public Sewerage System and the provision of necessary sewage collection and treatment services to the citizens of the Town of Yarmouth.
- b. The office of Sewerage Division Superintendent is hereby created in accordance with ARTICLE XIV of the Administrative Code.
- (1) The Superintendent shall be appointed by the Town Manager in accordance with the provisions of the Town Charter.
 - (2) Jurisdiction: The Superintendent shall have the following powers and duties:
 - (a) to supervise the construction, cleaning, inspection, and repair of public sanitary sewers, and maintenance, operation and repair of public pump stations and treatment facilities.
 - (b) to determine the needs and requisition tools, materials, and equipment for repair and maintenance work.
 - (c) to organize, direct, and evaluate the performance of subordinates initiating improvement programs as deemed appropriate.
 - (d) to supervise and participate in the inspection of private sewer connections to Town sewer lines and secure compliance with this Ordinance.
 - (e) to prepare periodic reports pertaining to plant operation for the Town Engineer, Town Manager and regulatory agencies.
 - (f) to assist the Town Engineer in the preparation of the division budget and the administration of the same.
 - (g) to assist the Public Works Administrator in the preparation of records of location and connection to the public sewer system.
 - (h) to confer with citizens and specialized groups regarding sewer maintenance and inspection.
 - (i) to issue permits for connections to the public sewerage system in the absence of the Town Engineer.

- a. Plumbing permits shall issued by the Plumbing Inspector or the Alternate Plumbing Inspector. Permits shall be valid for six months from the date of issue if construction has no commenced. An extension period may not be granted.
- b. Permits for actions also covered by a state permit of shorter duration than that provided below shall expire simultaneously with the applicable state permit of shorter duration. All other permits shall be valid for a period of 12 months from the date of issue. If construction has not been commenced during that time, the permit shall be subject to review by the issuing officer, with out charge, at the end of twelve months, and if site conditions or statutes have not changed, a six month extension may be granted. If construction has not commenced in a total of 28 months, the permit shall lapse.

C. PENALTIES

1. Any person found to violating any provision of this Ordinance shall be served by the Town Engineer or by the Plumbing Inspector with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease such violation
2. Any person who shall continue such violation beyond the time limit shall be deemed to have committed a civil violation and, after adjudication thereof, shall be fined an amount not less than \$100 nor more than \$500 for each such violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. The proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including injunctive relief to prevent any unlawful use, construction or maintenance of cesspools, septic tanks, sewerage disposal systems, pipes or drains, to restrain, correct or abate such violation or to permit the occupancy of any building, structure or land on which said violations are found.

D. FEES

1. All fees or cost reimbursements which are required for any actions taken by either the Town Engineer or the Plumbing Inspector in connection with any requirements in this Ordinance shall be paid to the Town Treasurer to the credit of the Town.
2. All fees which are required by the State Department of Environmental Protection in connection with any requirements in this Ordinance shall be paid to the State Treasurer.
3. Fees for plumbing permits issued under the Maine Subsurface Wastewater Disposal Rules shall be set by the Department of Human Service.
4. The Town Council shall from time to time establish fee for issuance of the permits required by this Ordinance. The current schedule of fees shall be on file in the Town Office.

C. Hearings. For all appeals from decisions of the Town Engineer or the Plumbing Inspector and other appeals under Section XI.B of this ARTICLE, the Board shall hold a public hearing as prescribed herein. The Town Clerk shall cause to be published and posted seven (7) days prior to the hearing a notice which shall indicate the property involved, the nature of the appeal, and the time and place of public hearing; owners of properties within three hundred feet of the property for which the appeal is made shall be individually notified. Failure of any such owner to receive this notice shall not invalidate the proceedings herein described.

1. Unless prevented by illness or absence from the State,
 - a. the Town Engineer shall attend all hearings pertaining to the public sewerage system.
 - b. the Plumbing Inspector shall attend all hearings pertaining to the private sewerage systems.
2. The officer concerned shall present to the Board all plans, photographs or other factual material which is appropriate to an understanding of the appeal.
3. The Board shall not continue hearings on an appeal to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned, forthwith. Failure of the Board to issue such notice within 30 days of the date of the hearing shall constitute a denial of said appeal.
4. The Board shall schedule meetings once a month. The Board shall not be required to hold a meeting if no appeals are pending at the scheduled date.

D. APPEAL PROCEDURE

1. Any person and any Municipal Department aggrieved by the decision of the Town Engineer or the Plumbing Inspector, which decision arises from provisions of this Ordinance, may appeal such decision to the Board.
2. Within 30 days of the date of the decisions of the Town Engineer or Plumbing Inspector, the appeal shall be entered at the office of the Town Clerk upon forms to be approved by the Board. See Exhibit V. The appellant shall set forth in said form the grounds of his/her appeal and shall refer to the specific provisions of the Ordinance involved. Following the receipt of any appeal, the Town Clerk shall notify forthwith the officer concerned and the Chairman of the Board. The appeal shall be in order for hearing at the next meeting of the Board, following by at least seven (7) days the publication and posting of the notice of appeal and of the mailing of notices as prescribed above. The appellant shall pay to the Town Treasurer, to the credit of the Town, a fee in the amount prescribed by the Town Council in the Fee Schedule on file in the Town Office.
3. An aggrieved party may appeal from the decision of the Board to the Superior Court as provided by the laws of the State of Maine.

CONSTRUCTION: Construction of any structure shall be considered to include any excavation or site preparation other than clearing of vegetation.

COUNCIL: The Council of the Town of Yarmouth.

EFFLUENT: All substances issuing from a sewerage system or from a broken sewer pipe.

GARBAGE (see "PROPERLY SHREDDED GARBAGE"): Solid wastes from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce.

INDUSTRIAL WASTES: Any waste materials resulting from the operation of an industrial plant or similar works, or wastes which exceed the strength characteristics contained in the Ordinance.

Mg/L: Milligrams per liter or parts per million.

MAY: Is to be understood as "PERMISSIVE."

NATURAL OUTLET: Any passage into a water course, pond, ditch, lake, or other body or surface or ground water, or into tidal waters.

NUISANCE: Any condition created by a malfunction of any sewerage 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 so as to cause odors or unsightly conditions.

ORDINANCE: This Sewerage Ordinance of Yarmouth.

PERSON: An individual, firm, company, association, society, group or corporation.

"Ph": The degree of acidity or alkalinity of any substance. A Ph of 7 indicates neutrality.

PLUMBING INSPECTOR: The Plumbing Inspector of the Town of Yarmouth or an Alternate Licensed Plumbing Inspector, duly sworn, or for duties not restricted to the Plumbing Inspector under Maine Subsurface Wastewater Disposal Rules, another employee of the Town of Yarmouth designated by the Plumbing Inspector in accordance with the Town's Administrative Code.

PLUMBING PERMIT: As defined in the Maine Subsurface Wastewater Disposal Rules.

PRIVATE: That which is owned or controlled by a person, business, or corporation rather than by the Town.

PROPERLY SHREDDED GARBAGE: Wastes from garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions prevailing normally in public sewers, with no particle greater than one half inch in any dimension, such as is attained by an acceptable and well working disposal attachment to a kitchen sink.

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endnotes

1. Adopted 10/17/96

TOWN OF York
LOCAL PLUMBING INSPECTOR: Tina DeCoteau
Mailing Address: 149 York St
York ME
03905-1314
Phone #: 363-1002

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?



YES



NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS: _____

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?



YES



NO

COMMENTS: _____

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?



YES



NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?



YES



NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments: _____

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?



YES



NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?



YES



NO

If YES, are the town tax maps on-line?



YES



NO

Tina DeCoteau
L.P.I. signature

10/6/05
Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

SUPPLEMENTAL SUBSURFACE WASTEWATER DISPOSAL RULES

TOWN OF YORK, MAINE

Outline for Supplemental Subsurface Wastewater Disposal Rules

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SUPPLEMENTAL SUBSURFACE WASTEWATER DISPOSAL RULES

TOWN OF YORK, MAINE

SECTION 1 TITLE

This Ordinance shall be known as the Supplemental Subsurface Wastewater Disposal Ordinance for the Town of York, Maine and is referred to herein as the "Ordinance".

SECTION 2 LEGAL AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, MRSA, Section 3001. This Ordinance is also pursuant to the Municipalities' Plumbing Laws (Title 30-A, MRSA, Section 4211) which allows municipalities to enact regulations which exceed the minimum requirement of the Department of Health and Welfare (now renamed Department of Human Services).

SECTION 3 PURPOSE

The Town of York finds that the Maine State Plumbing code is inadequate to ensure the proper design, construction, operation and maintenance of large subsurface disposal systems. This ordinance establishes guidelines and rules that better ensure the proper design, construction, operation and maintenance of these systems. This Ordinance upgrades certain of the "minimum" standards contained in the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241, relating to subsurface wastewater disposal for the protection of the public health, safety and welfare.

SECTION 4 MAINE SUBSURFACE WASTEWATER DISPOSAL RULES, CHAPTER 241

This Ordinance supplements but does not replace the Maine Subsurface Wastewater Disposal Rules, Chapter 241. The provisions of the Maine Subsurface Wastewater Disposal Rules, Chapter 241 shall govern except where the provisions of this Ordinance are stricter.

SECTION 5 DEFINITIONS

- 5.1 Bedroom – The term "bedroom" shall include any and all of the following: 1) any room designed to be used as sleeping accommodations for one or more persons, 2) any room designated as a bedroom on any application for any local, state, or federal building, plumbing, electrical, zoning, and/or environmental permit 3) any room described as a bedroom in any advertising or sales literature, and 4) any room actually used for sleeping accommodations by one or more persons on other than an occasional basis. For the purposes of this definition, use of a room for sleeping accommodations shall not be deemed "occasional" if that use occurs on more than fourteen days during any single year, or if the room is used in exchange for compensation of any kind.

- 5.2 Individual System – A non-residential subsurface wastewater disposal system with a design flow less than 1500 gpd or a residential system serving one or two dwelling units.
- 5.3 State Code – The Maine Subsurface Wastewater Disposal Rules, Section 10-144A CMR 241 and any supplements or subsequent amendments to same.
- 5.4 Test Pit – A test pit is an excavation with a minimum dimension of 4'x2' at the bottom or wider as to maintain safe working conditions and excavated to a minimum depth of 6' or refusal, whichever is first.
- 5.5 Town Engineer – A person or firm with a background in sanitary engineering selected by the Town to review septic system designs, review Operation and Maintenance Programs, advise the Local Plumbing Inspector and perform inspections of septic system installations. The Town Engineer may be appointed as the Local Plumbing Inspector.
- 5.6 Controlled System – A non-residential subsurface wastewater disposal system with a design flow greater than or equal to 1500 gpd or a residential subsurface disposal system serving three (3) or more dwelling units. Design flows shall be determined by the methods described in Section 7.1 of this Supplemental Code.
- 5.7 Dwelling Unit – A group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating.
- 5.8 Marginal System – A marginal system is defined as a septic system having one or several problems, including but not limited to records demonstrating excessive pumping (more than two times within any ninety day period for residential or commercial property except for required great trap maintenance for commercial property), the presence of visible ferric sulfide stains, the system is inadequate under this ordinance of the State Code to service the structure(s) or uses to which it is connected.

SECTION 6 ADMINISTRATION

- 6.1 No person shall construct or expand a subsurface wastewater disposal system until a permit has been issued in accordance with the requirements of this ordinance. No person shall erect or expand a structure requiring a system or change the use of an existing structure to a use which requires an expanded system until a permit for such expanded system has been issued in accordance with these regulations.
- 6.2 An application for a permit for an individual system shall be completed by a Licensed Site Evaluator who shall be responsible for all aspects of the site evaluation and system design.
- 6.3 All applications for Controlled Systems shall include the following documents, plans, and information:

- 6.3.1 A monitoring program by which the performance of the wastewater disposal system may be evaluated. The requirements for this program are more specifically described in Section 9.4.
- 6.3.2 An operations and maintenance manual which shall contain all information necessary to properly operate and maintain the entire collection, treatment and disposal system. The requirements for this manual are specifically described in Section 9.2.
- 6.3.3 Documentation of the proposed ownership and legal authority agreements for all actions and expenditures related to the operation, maintenance, repair or replacement of the wastewater collection and disposal facilities. The requirements for this documentation are more specifically described in Section 11.
- 6.3.4 Evidence of adequate financial security for all expenses and charges related to the operation, maintenance, repair or replacement of any or all components of the wastewater collection and disposal facilities for the life of the development. The requirements for this documentation are more specifically described in Section 12.
- 6.3.5 Rules and Regulations for use of common facilities to apply to all users of said facilities. The required Rules and Regulations are more specifically described in Section 14.
- 6.4 For a Controlled System the LPI shall review the application and submissions required under this Ordinance and when complete, submit them to the Town Engineer for review. The Town Engineer shall review the submitted information for compliance with the State Plumbing code, these regulations, and good engineering practice. His written report shall be returned to the LPI within 14 working days. The LPI shall issue a permit for a Controlled System only after approval by the Town Engineer.
- 6.5 Fee for Permit – Upon application the applicant must submit a fee of \$500 per 2,000 gallons of sewage. This money will be deposited into a special account used solely for the purpose of obtaining technical review by the Town Engineer. Whenever the services of the Town Engineer consume the amount of funds available, the applicant must submit an additional fee equal to the amount of the initial deposit or as determined by the LPI. All further processing of the application by the Town will cease until the additional deposit has been received. Any balance remaining in the account after a final decision on the issuance of the plumbing permit shall be returned to the applicant within 30 days. Any interest accrued shall remain with the Town.

SECTION 7 SYSTEM DESIGN

- 7.1 Wastewater Design Flows
 - 7.1.1 In calculating the design flow and determining whether or not additional treatment processes are necessary, the design flow estimates contained in Table 7-1 or Table 7-

2 of the State Plumbing Code, modified as follows, shall be used. This calculation shall be based upon the estimated maximum contributory population for the entire development. In the case of phased projects the existing as well as all planned future phases shall be included.

7.1.2 Design flows from Table 7-1 shall be increased by 33.3%.

7.1.3 Design flows from Table 7-2 shall be increased as follows:

	% Increase
Multiple residential	33.3
Commercial (except shopping centers and stores)	20
Shopping centers and stores	50
Institutional (except schools)	33.3
Schools	50
Commercial seasonal	0

7.1.4 Reduction in design flows for water conservation devices will not be allowed.

7.1.5 When due to physical constraints of the lot a replacement septic system cannot be designed using the design flows required in this section, the minimum design flows from Table 7-1 or Table 7-2 of the State Plumbing code may be used. This provision may only be implemented when the replacement system is replacing a failed system without any increase in use of the system.

7.1.6 Increases in design flows are based on recommendations of engineering studies, EPA design guidelines and comparison to neighboring states.

7.2 Specifications for Septic Tanks

7.2.1 Any septic system constructed, expanded or repaired shall have a septic tank of at least one thousand (1,000) gallons capacity or as required by Section 9E of the State Code, whichever is greater. All Controlled Systems shall have a septic tank capacity of at least two thousand (2,000) gallons or at least 1.5 times the estimated design flow, whichever is greater.

7.3 Disposal System Size, Width and Separation

7.3.1 Maximum size of any one individual disposal bed shall be 5,000 square feet.

7.3.2 Maximum width of any subsurface infiltration or leaching area shall be 50 feet (modified Table 11-1 of the State Code).

7.3.3 Infiltration or leaching areas for Controlled Systems disposal beds shall be separated by 1) at least two times the minimum dimension of the infiltration areas, or 2) the width necessary to prevent groundwater mounding interference between the systems whichever is greater.

7.4 Reserve Areas

- 7.4.1 A reserve area sufficient to duplicate the original leaching area must be provided and permanently dedicated to this purpose.
- 7.4.2 Any expansion of the original disposal area necessary to support a change or increase in intensity in the land use which discharges to the disposal system will require an equal expansion of the reserve area.

7.5 Stone Size and Covering

- 7.5.1 Stone Size – All stone used as the principal material in a septic system shall have a uniform size of 1 ½ inches and shall be free of organics, fines, dust, ashes, clay or other similar durable and insoluble material.
- 7.5.2 Stone Covering – Any disposal area of stone shall be covered in one layer of approved non-woven filter fabric.

7.6 ADDITIONAL DESIGN CRITERIA FOR CONTROLLED SYSTEMS

- 7.6.1 Controlled systems shall be designed by an engineer registered in the State of Maine. All reports, contracts and design documents submitted to the Town shall bear the engineers stamp.
- 7.6.2 Duplicate pumping equipment shall be provided. If only two pumps are provided, either shall be capable of handling peak design flows. Where three or more pumps are provided, they shall be designed to fit actual flow conditions and must be so designed so that with any one pump out of service the remaining pumps will have capacity to pump peak design flows.
- 7.6.3 Level Controls and Capacity. Level sensing devices shall be located in the wet well so as not to be unduly affected by flows entering the chamber or by the suction of the pumps. Provisions shall be made to automatically alternate the pumps in use. An emergency storage capacity above the working level equal to the daily design flow shall be provided.
- 7.6.4 Alarms – An alarm system shall be provided for all pump stations. The alarm on-site shall be both visual and audible. The alarm shall be activated in any one of the following cases:
 - ☐ Low water in the wet well
 - ☐ High water in the wet well
 - ☐ Loss of one or more phases of power supply
 - ☐ Loss of the alarm transmission line, or
 - ☐ Pump failure

The alarm shall signal at the pump station and at a facility that is manned 24 hours a day. An automatic telephone dialer capable of dialing several numbers will be accepted as an alternative to the secondary alarm at a manned facility.

- 7.6.5 Emergency Storage – Pump stations shall be provided with standby storage tanks or wet wells must be capable of storing sewage flows for a period of at least 6 hours without overflowing or causing backups.
- 7.6.6 Peat disposal areas are not allowed for systems defined as “controlled” by this Supplemental Code.

SECTION 8 INSPECTION OF SYSTEM CONSTRUCTION

- 8.1 Upon issuance of a permit for construction of a system the LPI or Town Engineer will inform the applicant of the inspections which will be required. The inspections may involve any or all of the following phases of construction:
 - 8.1.1 When the area of the disposal field and fill extension has been cleared of organics and scarified and before any fill is placed on the area.
 - 8.1.2 Review of materials to be used for fill and review of the location to be filled.
 - 8.1.3 Installation of the septic tank with connection to the house sewer and manholes open.
 - 8.1.4 Installation of the distribution box(es) with connection to the septic tank, top open and distribution lines in place.
 - 8.1.5 Completion of the trenches, field, chambers with stone in place, but distribution pipes uncovered and manholes open.
 - 8.1.6 Other inspections or tests as may be required by the LPI or Town Engineer to ensure compliance with this ordinance and the State Code.
- 8.2 Controlled systems will be inspected by the Town Engineer at the applicants' expense. Upon receipt of a permit for a controlled system the applicant shall submit an inspection fee equal to 2% of the estimated cost of construction of the system. This money will be deposited into a special account used solely for the purpose of obtaining inspection assistance from the Town Engineer. Whenever the services of the Town Engineer consume the amount of funds available, the applicant must submit an additional fee equal to the amount of the initial deposit, or as determined by the LPI. All additional construction must cease until the additional deposit has been received. This may be enforced by a Stop Work notice by the CEO if necessary. Any balance remaining in the account after a final inspection and approval by both the Town Engineer and the LPI shall be returned to the applicant within 30 days. Any interest accrued shall remain with the Town.
- 8.3 Final Approval

- 8.3.1 No occupancy permit for a building serviced by a subsurface wastewater disposal system may be issued until the LPI has granted final approval to the system.
- 8.3.2 For controlled system the applicant shall submit "as built" plans to the LPI prior to issuance of a final approval. Such plans shall show field measurements of locations of all system components, water lines, wells, finished grades and structures, etc. They must be prepared by the owner's engineer who shall certify their accuracy by his seal.

SECTION 9 OPERATION AND MAINTENANCE OF CONTROLLED SYSTEMS

- 9.1 Plans for the continued proper operation, maintenance, monitoring and inspection must be submitted with the application for a controlled system. These plans shall be designed to insure that the system operates at peak performance, that such information related to the operation and maintenance of the system is easily available and understandable by the users and owner of the system and to provide clear indication that the components of the complete system are performing according to design, to provide continued reporting to the Town that the system is operating properly.
- 9.2 Operation and Maintenance Manual
 - 9.2.1 An operation and maintenance manual shall be required which must address the operation and maintenance of the entire wastewater disposal system including the programmed removal and disposal of sludge produced by primary treatment process (i.e. septic tank or tanks) located ahead of the subsurface disposal system (per Section 9.3).
 - 9.2.2 The owner of a system shall be responsible to follow the maintenance program as an integral part of the operation of the approved system.
 - 9.2.3 A copy of the approved O&M Manual shall be accessible to the owner(s), users and LPI at all times.
 - 9.2.4 The O&M Manual shall include the following at a minimum:
 - 9.2.4.1 The manufacturer's operating, maintenance and repair instructions for all motors, pumps, valves, blowers, bearings, drive assemblies, control panels, electrical systems, alarms, piping, tankage, and equipment.
 - 9.2.4.2 A summary chart which details for all equipment routine inspections, lubrication and adjustment which must be performed by the operator.
 - 9.2.4.3 Copies of all permits and approvals and a detailed description of responsibilities of the owner, operator and the owner's consultant engineer necessary to meet all permit conditions.

9.2.4.4 A description of the sludge handling and disposal requirements, including the name and telephone number of the sludge hauler, name and telephone number of the sludge disposal facility and record keeping requirements.

9.2.4.5 An emergency operating and response program which details the procedures to be followed in the event of power failures, flooding, peak loads, fire, equipment failure and maintenance shutdowns. A description of who should be notified, how notified, and when in emergency situations shall be provided along with an appropriate telephone director.

9.2.4.6 A listing and directory providing names and notification requirements for water, electric, gas and telephone services

9.2.4.7 Cost projections for operation, maintenance, emergency repairs and capital reserves for facility replacement.

9.3 Maintenance Requirements

9.3.1 A septic tank shall be pumped when the accumulated scum and sludge solids occupy one third or more of the liquid depth. Septic tanks shall be inspected at least annually to determine the extent of solids accumulation.

9.3.2 Regularly scheduled pumping performed on a schedule agreed to by the LPI and based on actual use experience may be used in place of the requirement in 9.3.1 above.

9.4 Monitoring Program

9.4.1 For the length of time that the system remains in operation, the owner shall maintain a monitoring program for the purposes of determining that the system is achieving the design objectives. If the monitoring program indicates that the system is not performing to meet the public health and environmental requirements of this Code, the owner of the system must promptly notify the LPI of the failure and undertake to alter the system so as to bring it into compliance. The submitted monitoring program shall include at a minimum the following:

9.4.1.2 Monitoring of groundwater with respect to quality and water table elevation is specifically to be included in all such monitoring programs. Submissions must include the numbers and types of monitoring facilities and shall specify construction requirements for such facilities.

9.4.1.3 A timetable for data collection at each of the monitoring points shall be specified. The frequency of data collection shall be sufficiently high during the start-up period to prove the system is performing as planned. Thereafter, monitoring frequency shall be sufficient to verify that operation is stable within satisfactory limits and to determine that there are no adverse trends which would eventually cause the system to be out of compliance unless changes are undertaken.

9.4.1.4 Forms for the recording of data to be collected at each of the several monitoring points shall be included in the applicant's submission as part of the monitoring program.

9.4.1.5 Copies of all monitoring program reports, signed and dated by the owner or by the qualified agent who conducted the monitoring activities shall be submitted to the LPI annually (on or by June 30th).

9.5 PERIODIC INSPECTION OF CONTROLLED SYSTEMS

9.5.1 An inspection of a controlled system is required every 2 years and shall be submitted on or by June 30 of those years it is required. The written report must be submitted to the LPI, the owner of the system and the homeowners association.

9.5.2 In addition to a physical inspection of the system the inspection shall include a review of the Monitoring Program described in Section 9.4 and the Operation and Maintenance procedures described in Section 9.2.

9.5.3 The inspection must be performed by a Registered Professional Engineer or licensed site evaluator who will issue a written report containing his findings, the condition of the system, an evaluation of how the system is or is not in compliance with this Ordinance and any recommended changes to the Operation and Maintenance Manual or the monitoring program.

9.5.4 If the inspection finds evidence of sewage on the surface or draining into any waterways or wetlands, the LPI shall be notified immediately. The LPI shall notify the owner by Certified Mail within 5 days that the system must be repaired/replaced.

9.5.5 Within 14 days of receipt of the inspection report, the LPI shall determine if the system is a "marginal system" as defined in Section 5.1 and if it constitutes a danger to the public health or to the quality of waterbodies. The LPI shall order the owner to make any repairs/replacement of the system as he determines necessary to correct any deficiencies and shall affix an appropriate deadline for such repairs/replacement. Such notification shall be by Certified Mail.

SECTION 10 HYDROGEOLOGIC REPORT FOR CONTROLLED SYSTEMS

10.1 When either of the following conditions are encountered a Hydrogeologic Report prepared by a Professional Engineer registered in the State of Maine with a background in hydrogeology shall be submitted with the application:

Perched or apparent groundwater as observed or as estimated by soil mottling is less than 2 feet below grade, or

Bedrock or ledge is less than 3 feet below grade.

- 10.2 The report shall minimally include determination of groundwater elevations, seasonally predominate groundwater flow direction, groundwater flow velocities and an assessment of the hydraulic impacts and resultant groundwater mound caused by the injection of the proposed volume of wastewater to the ground water system. The computed groundwater mound elevation shall be considered the limiting factor for purposes of minimum separation.
- 10.3 The report shall address the qualitative effect of the proposed effluent discharge on public and private ground and surface water, ponds, wetlands, coastal waters and associated sensitive receptors. The LPI may require that the report shall also present for review a groundwater monitoring well network downgradient of the proposed discharge. The number of monitoring wells, well installation and development techniques, well construction details, proposed well locations and groundwater sampling parameters and techniques shall be discussed in the report.
- 10.4 Any proposed system may be required to be modified or relocated to protect a public or private well or wells, based on the potential for pollution as determined by:
1. The sewage treatment capabilities of the proposed system and soils
 2. The attenuation of pathogens
 3. Travel time of the effluent from the disposal system and dispersion in the soils and groundwater
 4. Dilution of the chemical contaminants found in the effluent

The Planning Board, Town Engineer or LPI may request information addressing these points to be included in the Hydrogeologic Report when a private or public water supply is in the vicinity of the proposed system.

SECTION 11 DOCUMENTATION OF OWNERSHIP AND LEGAL AUTHORITY

- 11.1 Documentation must be submitted that defines who is the owner of the system and at a minimum provides the following:
- 11.1.1 The owner shall be a single entity responsible for the facilities operation and maintenance, repair and replacement.
- 11.1.2 The owner must own the land on which the wastewater disposal facilities are located or which discharges to said facilities and either owns or is allowed access through valid easements to the land above and for 10 feet on either side of all sewer lines and appurtenances.
- 11.1.3 The owner is responsible for the facilities for as long as its use is necessary.
- 11.1.4 The owner has the requisite financial resources and rights against the users so that all responsibilities for operation, maintenance, repair and replacement under the approved documents are met.

- 11.1.5 The owner has the authority to impose restrictions on the use of the wastewater collection and disposal facilities including if necessary the ability to promulgate and enforce regulations or bylaws concerning the use of the facilities and
- 11.1.6 The owner has the ability to enter into contracts and make purchase of equipment, supplies and land as necessary.
- 11.2 If the owner is other than an individual, organizational documents which specify the owner's legal authority shall be included in the submittal. This documentation shall include at a minimum the following:
 - 11.2.1 For a private corporation or authority the article of incorporation.
 - 11.2.2 For a partnership or a limited partnership the partnership agreement.
 - 11.2.3 For a condominium association the master deed.
 - 11.2.4 For a trust the declaration of trust, and
 - 11.2.5 For a residential homeowners association or cooperative the cooperative agreement.

SECTION 12 FINANCIAL SECURITY

12.1 Cost Recovery

- 12.1.1 The owner of facilities which service multiple users shall establish and submit to the Town a system of assessments for all expenses and charges related to the operation, maintenance, repair, replacement and financing of the wastewater collection and disposal facilities prior to approval of the system by the LPI. These expenses shall include all permit and inspection fees, and fines or penalties which may be assessed as a result of violations of any applicable statute, regulation or permit condition. An update to these submissions shall be submitted to the LPI with the periodic inspection report.
- 12.1.2 The system of assessments shall also be adequate to generate revenues sufficient to fund and replenish the accounts listed in 12.2. However, before the commencement of the operation of the facilities, the minimum amount of funds within full amount specified for the purposes of the accounts as determine by the Town.

12.2 Required Accounts or Funds

- 12.2.1 For all controlled systems, the following accounts or securities shall be established to the satisfaction of the Town. Upon approval of the LPI two or all of these funds may be located in a single account.
 - 12.2.1.1 Emergency Repair – The owner or owners shall provide adequate security to serve as a source of funding for the repair and replacement of components of the facilities. The security amount shall be determined by the LPI and shall be based upon such

factors as the system size and construction costs. Such security shall be provide by the owner in a form satisfactory to the Town including but not limited to an interest bearing bank escrow account, bank loan agreement or letter of credit. The owner or owners shall maintain such security throughout the useful life of the wastewater collection and disposal facilities replenishing the amount set forth by the Town within ninety days of any disbursements.

12.2.1.2 Capital Reserve – The owner or owners shall establish an interest bearing capital reserve account(s). Such account(s) shall be maintained at financial institutions which provide insurance for the full amount on deposit. The capital reserve account shall be dedicated to wastewater collection and disposal system improvements and shall provide for the complete replacement of the system within twenty years from the date of initial operation.

12.2.1.3 Operation and Maintenance Account – The owner or owners shall establish and maintain throughout the useful life of the facilities adequate accounts from which all expenditures for operation and normal maintenance of the facilities can be made. Records of deposits to and disbursements from such accounts shall be maintained by the owner for at lest seven years from the date of the transaction.

SECTION 13 RULES AND REGULATIONS FOR USERS OF CONTROLLED SYSTEMS

13.1 No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off or subsurface drainage, or discharge from a sump pump to the septic system.

13.2 No person shall discharge or cause to be discharged any of the following described waters or wastes to the system;

1. any gasoline, kerosene, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. any non-latex paints, paint thinners, paint removers or strippers.
3. any organic solvent or any liquid containing any organic solvent.
4. any acid, enzyme, emulsifier or any other chemical substance not approved for discharge to the facilities by the LPI.

13.3 Use or connection of garbage disposals is prohibited.

13.4 The owners of facilities which service multiple users shall establish and submit a copy of rules and regulations regarding the use of common sanitary sewers prior to the commencement of operation of the facilities. Said rules and regulations shall be contained within the owners' organization documents and in the case of tenant use said rules and regulations shall be included in the lease or rental agreements. The rules and regulations shall contain at a minimum specific reference to the above restrictions.

SECTION 14 EXISTING CONTROLLED SYSTEMS

- 14.1 Systems existing as of the date of passage of this ordinance which meet the definition of controlled systems in this ordinance shall comply with the following sections of this ordinance within two years of its adoption:

Section 9.2 Operation and Maintenance Manual
Section 9.3 Maintenance Requirements
Section 9.5 Periodic Inspections

SECTION 15 PUMPING OF SEPTIC TANKS

- 15.1 Septic tanks serving individual systems shall be pumped out not less than once every 5 years.
- 15.2 Septic tanks serving controlled systems shall be pumped out in accordance with the approved Operation and Maintenance Plan.

SECTION 16 SYSTEM VARIANCE

- 16.1 Replacement System Variance – Minimum setback distance for replacement systems from all waterbodies, wells, and property lines shall not be less than the setback that would be required for a new system or the setback of the existing system whichever is less.
- 16.2 New System Variance – Pursuant to Section 16.C of the Maine Subsurface Disposal Rules, an application for a New System Variance must receive:
- a. LPI approval.
 - b. An indication from the Municipal Officers that the application is in compliance with Town of York ordinances relating to disposal systems.

In making this determination the Municipal Officers in addition to considering all other relevant local ordinances must insure that the application is in conformance with the following criteria:

- 16.2.1 The soils test, variance application data, point score and system design have been verified by an independent site evaluator, licensed in the State of Maine working on behalf of the Town at the expense of the applicant.
- 16.2.2 A minimum point score of 75 is achieved.

SECTION 17 HOLDING TANKS

- 17.1 Per the regulations of the Maine Department of Human Services all applications for holding tanks within the Town of York shall be reviewed by the York Board of Selectmen.

- 17.2 The Board of Selectmen may endorse a holding tank application only if it meets all of the following criteria:
- 17.3 The holding tank will be replacing a malfunctioning septic system or overboard discharge.
- 17.4 There are not adequate soils on the property to install a replacement septic system. This must be documented with an HHE-200 form signed by a licensed Site Evaluator and verified by the Code Enforcement Officer.
- 17.5 The holding tank will be used as a temporary measure until Town sewer becomes available. The residence must connect to the Town sewer as soon as it becomes available.
- 17.6 The residents will install low volume toilets and flow restrictors so that water usage is kept to a minimum.
- 17.7 The homeowner will present a contract with a license septage hauler indicating that the holding tank will be pumped on a regular basis.
- 17.8 Dumping stations at campgrounds existing prior to the effective date of this ordinance may be approved by the Board of Selectmen.

SECTION 18 AMENDMENTS

- 18.1 This Ordinance may be amended by a meeting of the Town of York legally warned, called and conducted provided that a public hearing first be held as required by Section 61, Chapter 90A of the Revised Statutes of the State of Maine, as amended.

SECTION 19 EFFECTIVE DATE

- 19.1 The effective date of this ordinance is the date of adoption by Town vote.

SECTION 20 VIOLATIONS AND ENFORCEMENT

- 20.1 Enforcement of this ordinance shall be the responsibility of the Code Enforcement Officer as per Section X of the York Zoning Ordinance.

SECTION 21 VALIDITY AND SEVERABILITY

- 21.1 Where the terms of this Ordinance conflict with any other ordinance or code the stricter of the two shall apply.
- 21.2 The provisions of this code are severable. If any provision of this ordinance should be declared by the courts to be invalid such decision shall not invalidate any other provision of this Ordinance.

- c. Lots of record existing prior to November 20, 1984 may be exempted from the provisions of this section if lot size or geologic features make it impossible to construct an Individual System in compliance with the provisions herein. The Local Plumbing Inspector shall ensure that provisions of this section are met to the greatest extent possible. However, new system variances for new construction shall be prohibited where the soil depth to limiting factor is less than 15 inches. **AMENDED 11/06/01**

8.3.10 Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. When reviewing proposed uses requiring subsurface waste disposal, and non-residential development of greater than 5,000 sq. ft., the Planning Board may require a soils report, prepared by a State certified professional based on an on-site investigation. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, and Maine State Certified Geologists. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum groundwater elevation, presence of ledge, drainage conditions and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed methodology to counteract soil limitations where they exist.

8.3.11 Structures

Setbacks from the normal high water mark of any waterbody or wetland shall be as follows. The waterbody or wetland setback shall not apply to structures which require direct access to the water as an operational necessity, such as piers, docks, and retaining walls.

8.3.11.1 Resource Protection Subdistrict

Within the Resource Protection Subdistrict, all allowed principal or accessory structures and expansions of such structures shall set back one hundred (100) feet from the normal high water mark of any waterbody, tributary stream, coastal wetland, or inland wetland with a contiguous area of 4 or more acres. **AMENDED 11/2/2004**

Within the Resource Protection Subdistrict, existing single family residences may expand, regardless of their setback from the normal high water mark, provided all expansions comply with requirements of 8.3.11.4. **AMENDED 11/05/96**

8.3.11.2 Limited Residential Subdistrict

Within the Limited Residential Subdistrict, all principal and accessory structures and expansions of such structures shall set back one hundred (100) feet from the normal high water mark of any waterbody, tributary stream, coastal wetland, or any inland wetland with a contiguous area of 10 or more acres. For Inland Wetlands with a contiguous area of 4 acres or more, but less than 10 acres, the setback shall be 75 feet. **AMENDED 11/2/2004**

Within the Limited Residential Subdistrict, all principal and accessory structures that do not comply with the above setback requirement may expand, provided all expansions comply with requirements of 8.3.11.4. **AMENDED 11/05/96**

8.3.11.3 Mixed-Use Subdistrict

Within the Mixed Use Subdistrict, all principal and accessory structures and substantial expansions of such structures shall set back 100 feet (but 35 feet on Harris Island only) from the normal high water mark of any

- 8.3.9.2 All subsurface sewage disposal systems must be installed in accordance with the Maine Subsurface Wastewater Disposal Rules, Chapter 241, and the Town of York Supplemental Subsurface Wastewater Disposal Rules, except where the provisions of this section are stricter.
- 8.3.9.3 Terms used in reference to the Maine Subsurface Wastewater Disposal Rules, Chapter 241, and the Town of York Supplemental Subsurface Wastewater Disposal Rules, shall have the same meaning as defined in those regulations.
- 8.3.9.4 Minimum Separation Distances
- All Individual Systems, and Controlled Systems (pursuant to the Supplemental Subsurface Wastewater Disposal rules), shall be set back from the Normal High Water Mark of both perennial and intermittent waterbodies not less than the minimum distances (measured horizontally) which are specified below in Table A.
 - On the rapidly permeable, deep sandy soils identified on Table 6-1 of the Maine Subsurface Wastewater Disposal Rules, Chapter 241, the minimal horizontal setback from the normal high water mark shall be 200 feet for Individual Systems and 400 feet for Controlled Systems.

TABLE A
Minimum Setback Distances

<u>Depth to Limiting Factor</u>	<u>Individual Systems</u>	<u>Controlled Systems</u>
over 35"	100'	300'
over 30" to 35"	125'	300'
over 25" to 30"	150'	325'
over 20" to 25"	175'	350'
15" to 20"	200'	400'
less than 15"	not allowed	not allowed

- 8.3.9.5 There shall be a minimum separation distance of 24 inches (61 cm) between the bottom of the disposal area and the limiting factor.
- 8.3.9.6 Reserved
- 8.3.9.7 Waivers and Variances – No waiver or variance of any provision of Article 8.3.9 shall be granted unless specifically permitted in this section, as follows:
- For replacement systems serving an existing building(s) constructed and occupied prior to March 15, 1978, the Local Plumbing Inspector may issue waivers on the subsurface wastewater disposal applications where the soil's most limiting factor is between 15 inches and 24 inches from the organic horizon, if both of the following conditions are met:
 - The Licensed Soil Evaluator can document to the satisfaction of the Local Plumbing Inspector that, because of lot size, location, soil texture, topography, etc., the proposed system will adequately treat and dispose of the wastewater with no threat to the public health and safety, and
 - Compliance with this section would cause unusual hardship or would not result in construction of the best practicable system. Plans and a completed subsurface wastewater disposal application must be submitted to the Local Plumbing Inspector for review.
 - For replacement systems serving an existing building constructed and occupied prior to November 20, 1984 where the soil's limiting factor is less than 15 inches of the organic horizon, the variance procedure described in the Maine Subsurface Wastewater Disposal Rules, Chapter 241, shall be followed.

AMENDED 11/05/96

8.3.7.2 If more than one residential dwelling unit or more than one principal non-residential structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

8.3.8 Road and Driveway Construction

8.3.8.1 Roads shall be located, constructed, and maintained in such a manner that minimal erosion hazard results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters. Appropriate techniques to prevent sedimentation of the waterbody may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the waterbody, tributary, stream or wetland. **AMENDED 11/05/96**

8.3.8.2 Roads and driveways shall be setback from the normal high water mark of any waterbody, tributary stream, or wetland by the same distance required for structures under section 8.3.11, unless no reasonable alternative exists as determined by the Code Enforcement Officer or Planning Board. If no reasonable alternative exists, the Code Enforcement Officer or Planning Board may reduce the road and/or driveway setback requirement by the minimum amount necessary to both allow necessary access and protect wetland values, but shall never reduce the setback to less than 50' in width. The applicant shall provide adequate mitigation, as determined by the Code Enforcement Officer or Planning Board, for any and all projected adverse impacts to the value or functioning of any wetlands that result from locating the road or driveway less than the required setback. **AMENDED 05/20/00, 05/18/02**

On slopes of greater than twenty (20) percent, the road and/or driveway setback shall be increased by ten (10) feet for each five(5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

8.3.8.3 Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a waterbody or wetland. Adequate mitigation, as determined by the Code Enforcement Officer or Planning Board, may be required to lessen any projected adverse impacts to the value or functioning of any wetlands which may result from an expansion. **AMENDED 11/05/96**

8.3.8.4 When there is no reasonable alternative, existing private roads that are less than the minimum setback required by 8.3.8.2 may be expanded within the legal road right-of-way. Adequate mitigation, as determined by the Code Enforcement Officer or Planning Board, shall be required for any projected adverse impacts to the value or functioning of any wetlands which may result from an expansion. **AMENDED 11/05/96**

8.3.8.5 New roads and driveways are prohibited in a Resource Protection Subdistrict except to provide access to permitted uses within the district, or as approved by the Code Enforcement Officer or Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high water mark of a waterbody, tributary stream, or upland edge of a wetland, but shall never reduce the setback to less than 50' in width. Adequate mitigation, as determined by the Code Enforcement Officer or Planning Board, shall be required for any projected adverse impacts to the value or functioning of any wetlands that result from locating the road or driveway less than the required setback. **AMENDED 05/20/00, 05/18/02**

8.3.8.6 Road crossings of water courses shall be kept to the minimum number necessary.

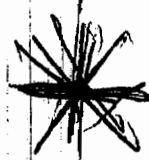
8.3.9 Subsurface Sewage Disposal Standards

8.3.9.1 Subsurface sewage disposal systems are prohibited in the Resource Protection Subdistrict.

TOWN OF Lewiston, Maine, Caplin
LOCAL PLUMBING INSPECTOR:

Mailing Address: PO Box 837
Ramsey
ME 04470

Phone #: _____



LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐ YES

☒ NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS: _____

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐ YES

☒ NO

COMMENTS: _____

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☒ YES

☐ NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☐ YES

☐ NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments: _____

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☐ YES

☒ NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☐ YES

☒ NO

If YES, are the town tax maps on-line?

☐ YES

☐ NO

C.S. Emery
L.P.I. signature

10/5/05
Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:



Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

LOCAL PLUMBING INSPECTOR:

Mailing Address:

Robert Ouellet
P.O. Box 374
Excelsior, ME 04743

Hon

Phone #:

207-834-6488 H-

728-6351 - W - Town of Madawaska

Madawaska
Wallagrass
Frenchville
St. Agatha
V. Buren
Grand Isle
Kiham

LOCAL SUBSURFACE WASTEWATER DISPOSAL RULES (MORE STRINGENT)

Has your municipality adopted local Subsurface Wastewater Disposal Rules that are more stringent than the State Rules?

☐ YES

☒ NO

IF YES, please attach a copy of the specific Rule(s) that apply in your municipality with the citation of the rule, regulation, ordinance (e.g. Local Subsurface Wastewater Disposal, Subdivision Regulations, Zoning Ordinances, etc.)

COMMENTS:

WETLAND SETBACKS

Has your municipality adopted more stringent setbacks to wetlands than the State requirements (i.e. Subsurface Wastewater Disposal Rules or DEP Regulations)?

☐ YES

☒ NO

COMMENTS:

FIRST TIME SYSTEM VARIANCES

Does your municipality accept first time system variance applications for review?

☐ YES

☒ NO

IF NO, has your municipality requested the State (DHE) to review in behalf of the town?

☒ YES

☐ NO

Please attach any specific policies, etc. that govern approvals of F.T.S.V. (e.g. minimum points required, etc.), or general comments:

HOLDING TANKS

Has your municipality adopted a holding tank ordinance allowing holding tanks to be used for new construction?

☒ YES

☐ NO

IF YES, please attach a copy of adopted ordinance and effective date

Does your municipality have a website?

☒ YES

☐ NO

IF YES, are the town tax maps on-line?

☐ YES

☒ NO

Robert Ouellet 10/6/05
L.P.I. signature Date

Please return in self-addressed envelope with attachment of specific sections of current municipal ordinance to:

Maine Association of Site Evaluators
c/o Brady Frick/ 95A County Road/Gorham, ME 04038
839-5563 (office) 839-5564 (fax)

MUNICIPAL HOLDING TANK ORDINANCE SAINT AGATHA, MAINE

BE IT ENACTED AND ORDAINED by the Board of Selectmen of the Town of St. Agatha, Maine and it is hereby enacted and ordained as follows:

Section 1. Purpose. The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain waste water from residential or commercial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this municipality.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

"Authority" shall mean the Board of Selectmen of St. Agatha.

Holding Tank: A closed, watertight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

"Improved property" shall mean any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure waste water shall or may be discharged.

"Municipality" shall mean the Town of St. Agatha, Maine.

"Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

"Person" shall mean any individual, partnership, company, association, corporation, or other group or entity.

"Waste water" shall mean any domestic waste water, or other waste water from commercial, industrial, or residential sources which has constituents similar to that of domestic waste water. The term specifically excludes industrial, hazardous, or toxic wastes and materials.

Section 3. Rights and privileges granted. The Authority is hereby authorized and empowered to undertake, within the municipality, the control of and methods of disposal of holding tank waste water and the collection and transportation thereof.

Section 4. Rules and regulations to be in conformity with applicable law. All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Town of St. Agatha, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine.

Section 5. Rates and charges. The Authority shall have the right and power to fix, alter, change, and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

Section 6. Exclusiveness of rights and privileges. The collection and transportation of all waste water from any improved property utilizing a holding tank shall be done solely by, or under the direction and control of, the Authority, and the disposal thereof shall be made at such site or sites as may be approved by the Maine Department of Environmental Protection.

Section 7. Duties of owner(s) of improved property. The owner of an improved property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any other Ordinance of the Town of St. Agatha, the provisions of any applicable law, the rules and regulations of the Authority, and any administrative agency of the State of Maine; and

B. Permit only the Authority, or its agent, to collect, transport, and dispose of the contents therein.

Section 8. Violations. Any person who violates any provisions of Section 7 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred and not more than Three Hundred dollars, plus costs.

Section 9. Abatement of nuisances. In addition to any other remedies provided in this Ordinance, any violation of Section 7 above shall constitute a nuisance and shall be abated by the municipality or Authority by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 10. Alternative disposal. An alternative means of waste water disposal shall meet first time system criteria if possible. Replacement system criteria shall not be considered.

Section 11. Repeal. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

Section 12. Severability. If any sentence, clause, Section, or part of this ordinance is for any reason found to be unconstitutionality, illegality, or invalidity shall not affect or