

**SECTION 100 AUTHORITY, PURPOSE AND SCOPE**

**101. Title**

This Ordinance shall be known and may be cited as the “Town of Rockport Sewer Use Ordinance” and shall be referred to hereafter as this Ordinance.

**102. Authority**

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, and provisions of 30-A, M.R.S.A. Section M.R.S.A. Section 3001.

**103. Purpose**

The purpose of this Ordinance is to promote the health, safety, and welfare of the citizens of the Town of Rockport by elimination existing pollution, preventing further pollution and controlling sewerage systems through regulations.

**104. Scope**

Any person owning any building or structure within the Town which is the source of sewage and/or industrial wastes situated within the Town and abutting on any street, alley, or right-of-way in which there is located a public sewer or who proposes to erect such building or structure shall comply with the requirements of this Ordinance.

**105. Applicability**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner on public or private property within the Town, or in any lake, pond, stream or harbor or in any area under the jurisdiction of said Town, any human excrement, garbage, or other non-permitted waste.

It shall be unlawful to discharge to any outlet within the Town of Rockport, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

**106. Separability**

In the event that any section, subsection or any portion of this Ordinance shall be declared invalid for any reason, such a decision shall not affect the validity of any other section, subsection or other portion of this Ordinance.

**107. Conflict with Other Ordinances**

Wherever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

**108. Amendments**

This Ordinance may be amended by the Sewer Commissioners after a public hearing and voter approval by the Town Meeting.

The Commissioners may adopt and amend technical regulations dealing with sewer design construction, installation and similar items after holding a public hearing and upon a majority vote of the Commissioners.

**SECTION 200 ADMINISTRATION**

**201 Wastewater Commissioners**

The Wastewater Commissioners, herein referred to as the Commissioners, shall be responsible for administering and enforcing the provisions of this Ordinance including all adopted regulations. The Commissioners shall appoint, designate, or hire persons to perform work as required in this Ordinance including such items as, but not limited to inspections, testing, engineering, construction and repair.

**202 Adoption of Regulations**

The Commissioners shall adopt regulations for the design, installation, operations and maintenance of the municipal system.

**203 Fee Schedule**

The Commissioners shall adopt a fee schedule for the operation, maintenance and installation of sewers and related equipment of the municipal sewer system.

**204 Sewer Charges**

1. The source of revenues for retiring debt costs of the wastewater collection, transport and treatment facilities shall be recovered by assessing the Annual Debt Service to the users and to owners of property, where the gravity sewer main, in the road right-of-way, is located in whole or in part along the road frontage of the property.
2. The operations and maintenance costs will be recovered from sewer use charges assigned to the residences and places of business connected to the public sewer system based upon water usage.
  - a) User charges for seasonal customers shall not be prorated based upon part-time occupation for either the Annual Debt Service or the operation and maintenance cost.
  - b) The Sewer Use Charge assigned to any property owner who contributes a significant quantity of commercial or industrial wastes to the public sewer, or who contributes a combination of sewage and industrial wastes to the public sewers shall be determined on a special rate structure based on water consumption where possible, or as set by the Commissioners.

3. The Commissioners reserve the right, from time to time, to adjust the Sewer Charges for originally or previously assigned to any property owner.

**205 Special Sewer Use Charge**

A special sewer use charge shall be assigned to any user (commercial establishment, industrial firm or organization) who by virtue of the volume, strength or unusual characteristics of their waste alone, would overload or upset the capacity or efficiency of the wastewater treatment facilities, or any part thereof, if such waste entered the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the requirements of this Ordinance. The Commissioners, after appropriate study, and advice from the Town's consulting engineer, shall assign a special sewer use charge to the commercial establishment, industrial firm or organization by separate agreement with the user. The applicable portions of this section, as well as the equitable rights of the public shall be the basis for such an arrangement.

**206 Sewer Liens**

In cases where the property owner or another party is in arrears, there shall be a lien to secure the payment of sewer charges legally assessed on associated real estate within the Town. Sewer Liens shall take precedence over all other claims on such real estate, excepting only claims for property taxes. The Treasurer of the Town shall have the authority and power to file liens, sue for and collect the sewer charges.

**207 Authorization to Borrow Funds**

The Commissioners are authorized to borrow up to \$100,000 for capital expenditures and/or emergency expenditures.

**208 Abatements**

The Commissioners or their Authorized Representative may consider abatements of sewer use charges in the event that a person produces satisfactory evidence that metered water did not enter the sewer collection system. A person requesting an abatement shall follow the procedures established by the Commissioners as set forth in the Rules and Regulations.

**209 Meters**

A person may place on their property, at their own expense, a meter which shall be approved and inspected by the Commissioner's Authorized Representative to measure the amount of water used on the property which does not enter the public sewer. An adjustment of the sewer charge shall be made which conforms to the said meter use.

**210 Planning**

The Commissioners shall be responsible for planning the financing, maintenance and future expansion of the municipal system. The Commissioners shall, as they deem necessary, develop and/or revise plans, procedures, and policies pertaining to the operation, financing and expansion of the municipal system. The most current adopted version of the Town of Rockport Comprehensive Plan and other applicable municipal planning documents shall be considered by the Commissioners.

## **211 Violations and Penalties**

1. Any person found to be violating any provision of this Ordinance including all adopted regulations, shall be served by the Commissioners or their Authorized Representative with written notice stating the nature of the failure or violation and providing a limit for the satisfactory correction or cessation thereof. The persons notified of the violation shall within the period of time stated permanently cease or correct all such failures or violations.
2. Any violation which continues beyond the time limit set forth in a written notice to cease or correct the violation shall constitute a violation subject to a fine of not less than \$100 or more than \$2,500 for each violation. Each day a violation continues shall be considered a separate offense. Fines, costs, and legal fees may be recovered as provided under title 30-A, M.R.S.A. section 4452.
3. Any person violating this Ordinance including all adopted regulations shall become liable to the town for any expenses, loss or damage caused to the Town by reason of such violation, including but not limited to cost and reasonable legal fees to enforce this Ordinance and adopted regulations.
4. Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunctions, consent agreements or other proceeding to prevent, restrain, or abate a violation hereof.

## **SECTION 301 MEANING OF WORDS**

Unless specifically defined below, words and phrases used in this Sewer Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

### **302 Definitions**

**Abutting Property:** Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public street or way from the lot in question.

**Annual Debt Service:** The fee established each year by the Commissioners to pay the debt retirement for the year. The Annual Debt Service will be prorated for new users for the portion of the year that sewer service was provided.

**"BOD" (Biochemical Oxygen Demand):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C., expressed in milligrams per liter.

**Building Sewer:** The extension from the building drain to the public sewer or other place of disposal.

**Combined Sewer:** A sewer receiving a combination of subsurface, subsurface, groundwater runoff and sewage or other wastewater.

**Commercial Use:** The nonresidential use of lands, buildings, or structures, other than a home occupation defined in the Town of Rockport Land Use Ordinance, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**Sewer Commissioners:** The Select Board of the Town of Rockport

**Commissioners' Authorized Representative:** Persons identified in the Rules and Regulations that are referred to in this Ordinance and are charged by the Commissioners with specific responsibilities for the Sewer system.

**Compatible Pollutant:** BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the Town of Camden's and the City of Rockland's NPDES permits for its wastewater treatment works.

**Contractor:** The person, firm or corporation with whom the owner has entered into an agreement to construct and/or start up a sewer extension.

**Contractor's Supervisor:** The Contractor's construction project representative who is responsible for field supervision of the construction of the sewer extension project.

**Cooling Water:** Water discharged from any use such as air-conditioning, cooling or refrigeration, during which the only pollutant added to the water, is heat.

**Corrosive Wastes:** Any waste which will cause corrosion or deterioration of the treatment system. Includes waste which has a pH value less than 6.0 or greater than 8.5 standard units.

**Discharge:** Outflow from a sewer or sewage system.

**Discolored Material:** Waste with objectionable color not removable by the treatment process.

**Domestic Wastes:** Liquid wastes from the non-commercial preparation, cooking and handling of food, or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

**Drawings:** Shall mean the drawings which show the character and scope of the sewer extension work to be performed and which have been prepared by the Owner's Engineer and approved by the Town and/or its Consulting Engineer.

**Dwelling/Dwelling Unit** as defined in the Rockport Land Use Ordinance

**Easement (or Sewer Easement)**: Acquired legal right for the specific use of land owned by others.

**Effluent**: All substances issuing from a sewage system or from a broken sewer pipe.

**Engineer (Consulting Engineer(s) and Engineering Consultant(s))**: The professional engineer or engineering firm or corporation hired to design and/or oversee the construction and start-up of the sewer extension project or hired by the Town to assist with review of the Sewer Extension design and oversight of construction of said project.

**Equivalent User**: The gallon amount of waste water flow using the current State of Maine Subsurface Waste Water Rules 10-144 Chapter 241 for a flow as found in the design criteria E. Table 4A & 4C with a minimum requirement for a three bedroom dwelling if a residential dwelling or if a facility as seen in the tables (the same minimum will be applied as for a dwelling unit).

**Excavation and Trenching**: The removal and/or filling of earth by mechanical equipment or by hand tools for the exposure of, or laying of, sewer infrastructure after a permit if applicable, have been issued.

**Excessive Discharge Rate**: Wastewater at a flow rate or containing such concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than 5 times the average 24-hour concentration, quantities, or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency.

**Explosive Mixtures**: Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone, or by interaction with other substances, to cause fire or explosion, or be injurious in any other way to the wastewater treatment facility, or to the operation of that facility.

**Fee Schedule**: A list of fees permissible under this Ordinance. The fee schedule shall be adopted and revised from time to time by vote of the Commissioners as part of an appropriate set of regulations.

**Floatable Oil**: Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

**Garbage**: Solid wastes discharged to the sewer from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

**Hazardous Waste**: Hazardous Waste is defined in 38 M.R.S. § 1303-C, and means a waste substance of material, in any physical state, designated as hazardous by the Board of Environment Protection under 38 M.R.S. § 1319-0. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent thereof may have value or other use or may be sold or exchanged, does not exclude it from this definition.

**Incompatible Pollutant**: Any pollutant, other than biochemical oxygen demand, suspended solids; pH, coliform bacteria, or additional pollutants in the permit which the treatment works are not designed to treat and does not remove to a substantial degree.

**Industrial Discharge Report**: A Discharge Monitoring Report (DMR) is a United States regulatory term for a periodic water pollution report prepared by industries, municipalities and other facilities discharging to surface waters. The facilities collect wastewater samples, conduct chemical and/or biological tests of

the samples, and submit reports to a state agency or the United States Environmental Protection Agency (EPA). All point source dischargers to "Waters of the U.S." must obtain a National Pollution Discharge Elimination System (NPDES) permit from the appropriate agency, and many permittees are required to file DMRs.

**Industrial User:** A source of industrial wastewater.

**Industrial Waste or Industrial Wastewater:** Liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments.

**Inflow and Infiltration (I & I):** The seepage of groundwater into a sewer system, including service connections. (Rockland – Ch. 14, Sec. 14-401)

**National Pollutant Discharge Elimination System (NPDES):** The program for issuing, conditioning and denying permits for the discharge of pollutants from sources into the navigable water, the contiguous zone and the oceans pursuant to Section 402 of the Act.

**Natural Outlet:** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**Noxious Material:** Noxious malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life.

**Oils and Grease:** Oil and grease concentrations or amounts which violate Federal/State /Local pretreatment standards.

**Owner(s):** The person, firm or corporation who (which) is financing and/or proposing to construct a Sewer Extension project; or the owner of property adjacent to a public sewer.

**Person:** Person means any individual, firm, company partnership, corporation, association, group or society, and includes the State of Maine, and agencies, districts, and commissions and political subdivisions created by or pursuant to state law.

**PH:** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**Plumbing Code:** The current Uniform Plumbing Code and the Maine Subsurface Wastewater Disposal Rules published by the State of Maine, as amended.

**Plumbing Inspector:** The Local Plumbing Inspector for the Town of Rockport.

**Pollutant:** Shall include, but is not limited to, dredged soil, solid waste, junk, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked, or discarded equipment, rock, sand, dirt, and industrial, municipal, domestic, commercial, or agricultural wastes of any kind.

**Pretreatment:** Pretreatment means application of physical, chemical or biological processes to reduce the amount of pollutants in wastewater or alter the nature of the pollutant properties of wastewater prior to discharging such wastewater into the publically owned wastewater treatment system.

**Pretreatment Standards:** Pretreatment standards mean all applicable federal rules and regulations implementing Section 307 of the Act, as well as any non-conflicting state or local standards.

**Pretreatment Standards of a Particular Industry:** Shall mean the pretreatment standards and proposed guidelines for that particular industry as set out more fully in the Code of Federal Regulations.

**Private Wastewater System:** Shall have the same meaning as defined in the State of Maine Subsurface Wastewater Disposal Rules, as most recently amended for a "Subsurface Wastewater Disposal System".

**Public Sewer:** A sewer in which all owners of abutting properties have equal rights, and are controlled by public authority.

**Pump Station:** Pumping stations are facilities, including pumps and equipment, for pumping fluids to processing sites.

**Radioactive Wastes:** Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the Administrator of the United States Environmental Protection Agency.

**Resident Engineer:** The authorized representative of the Town or the Town's Consulting Engineer who observes construction of the sewer extension and whose duties are defined in the Sewer Extension Design and Construction Standards.

**Residential User:** a user whose premises are used solely for non-transient human habitation.

**Regulations:** Rules and requirements adopted by the Commissioners to govern the installation, maintenance, permitting, planning and other technical areas related to the Rockport Sewer System.

**Sanitary Sewer:** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**Sewage:** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as allowed by the Commissioners' Authorized Representative.

**Sewage Treatment Plant, Water Pollution Abatement Plant, or Wastewater Treatment Facility/Plant:** Any arrangement of devices and structures used for treating sewage.

**Sewage Works:** All facilities infrastructure for collecting, pumping, treating, and disposing of sewage.

**Sewer Connection Permit Fee:** This is a one-time fee that covers the cost of the permit application and the sewer connection inspection. The Owner/Contractor must pay this cost before the LPI will issue the Sewer Connection Permit.

**Sewer Extension:** Any addition to the public sewer of the Town of Rockport whether located in a public way or on private property and whether constructed at public or private expenses

**Sewer Use Charge:** Charge based on actual usage of the Town's wastewater collection system.

**Significant Industrial User:** "Significant Industrial Users" means:

- A. All industrial users subject to Categorical Pretreatment Standards under 40 C.F.R. §403.6 and 40 C.F.R. Ch. I, subchapter N; and
- B. Any other industrial user that:
  - (1) discharges an average of 25,000 gallons per day or more process wastewater to the Wastewater Treatment System (excluding sanitary, non-contact cooling, and boiler blow down wastewater);
  - (2) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the Wastewater Treatment System; or
  - (3) Is designated as such by the Commissioners' Authorized Representative on the basis that the industrial user has a reasonable potential for adversely affecting the Wastewater Treatment System's operation or for violating any pretreatment standard or requirement in this ordinance.

**Slug:** See Excessive Discharge Rate.

**Solid or Viscous Wastes:** Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. The classification of materials in this category shall include, but are not limited to, grease, uncommitted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar asphalt residues, residues from refining or processing of fuel or lubricating oil. There shall be presumption that any material in the foregoing classification obstructs or interferes with the proper operation of the wastewater treatment system.

**Storm Drain:** A pipe which carries storm and surface waters and drainage.

**Storm Water:** Any flow occurring during or immediately following any form of natural precipitation and resulting there from.

**Suspended Solids:** Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

**Town:** The Town of Rockport, Maine.

**Toxic Substances:** Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 of the Act, and chemical elements or compounds, phenols or other taste or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system.

**Unpolluted Water:** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**User:** User means any property owner of a dwelling, dwelling unit, or other facility discharging, causing or permitting the discharge of wastewater in the Town of Rockport's wastewater collection system.

**Wastewater Commissioners:** The Select Board of the Town of Rockport.

**Watercourse:** A channel in which a flow of water occurs, either continuously or intermittently.

**Water Pollution Control Facility:** The arrangement of devices and structures used for treating sewage and sludge.

**Wastewater:** The liquid and water-carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into, or permitted to enter, the Town's wastewater collection system.

**Wastewater Treatment System:** Any devices, facilities, structures, equipment or works owned or used by the Town for the purposes of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic waste, or is used for ultimate disposal of sludge resulting from such treatment. (See Sewage Treatment Plant)

## SECTION 400 USE OF PUBLIC SEWERS

### 401. Required Use of Public Sewers

The owners of all houses, buildings, or properties used for human occupancy, employment, or recreation, situated within the Town and abutting on any street, alley, or right-of-way in which there is located a public sewer are hereby required, at their own expense, to connect to the public sewer in accordance with the provisions of this Ordinance, except that:

1. Existing houses, buildings or properties serviced by a private subsurface waste water disposal system, shall not be required to connect to the public sewer until 90 days after the date when the subsurface waste water disposal system fails to adequately treat the wastewater as determined by the Local Plumbing Inspector.
2. Owners shall not be required to connect to public sewer at a location more than 100 feet from the property line.

### 402. BUILDING SEWERS AND CONNECTIONS

1. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Commissioners' Authorized Representative. Persons applying for a permit shall conform to all requirements contained in this Ordinance in order to perform work on the Sewer System including obtaining any required insurance. All the work related to the installation of building sewers, and the connection to the public sewers shall be performed according to the provisions of this Ordinance and applicable Sewer Design and Installation Regulations.

2. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Commissioners' Authorized Representative at least 45 days prior to the proposed change or connection.
3. To obtain a permit, the owner or his agent shall submit a complete application with a non-refundable permit and inspection fee including all applicable plans and specifications to show the proposed work. The Commissioner's Authorized Representative may request additional information to make sure the work meets the provisions of this Ordinance and after reviewing the application shall grant a permit, grant the permit with conditions or deny the permit. All decisions of the Commissioner's Authorized Representative shall be in writing. There shall be the following three classes of sewer permits; residential, commercial and industrial. Certain industrial users also require a Discharge Permit as described in Section 800. One copy of the permit shall be available for inspection at all times at the site while the work is being performed.
4. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
5. A separate and independent building sewer shall be provided for every building and enter separately into the town sewer except where one building stands at the rear of another or on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley courtyard or driveway, the building sewer from the front building may be extended to the rear building if approved by the Commissioners and if it conforms to the following:
  - A. The sewer from the rear building shall have a separate cleanout and shall not pass through the front building.
  - B. A written plan or protocol shall be prepared with provisions acceptable to the Commissioners to address the maintenance, repair and similar work for the sewer shall be developed and may include, but are not limited to, easements or covenants which may be required to be recorded in the Knox County Register of Deeds.
6. For commercial or industrial connections, the Commissioners' Authorized Representative may require the installation of a sewer manhole to access the service for wastewater monitoring purposes, or the Commissioners' Authorized Representative may require connection directly to a manhole in the sewer main.
7. Old building sewers or portions thereof may be used in connection with new building sewers only when they are found, on examination by the Commissioners' Authorized Representative, to meet all requirements of this Ordinance.
8. The applicant for the building sewer permit shall notify the Commissioners' Authorized Representative at least 24 hours before beginning the work and also when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Commissioners' Authorized Representative.
9. All excavations for a building sewer installation shall be adequately guarded with barricades to protect the public from hazard. Streets, sidewalks, parkways, and other public

property disturbed in the course of the work shall be restored in a manner satisfactory to the Commissioners' Authorized Representative and/or the Maine Department of Transportation.

10. Work on the sewer system may be authorized in an emergency to fix or repair a sewer line or connection under the following conditions:
  - A. The Commissioners' Authorized Representative shall be notified prior to commencing any work of the nature of the emergency and the need to proceed immediately. Verbal authorization shall be obtained and arrangements shall be made to inspect the work.
  - B. A permit shall be obtained within the first working day after starting the emergency work.

#### **403. AUTHORIZATION TO MAKE CONNECTIONS TO PUBLIC SEWERS**

1. The owner or persons authorized to make connections to the Public Sewer shall be required to pay all fees and obtain all permits necessary prior to installation. The Owner or persons authorized to make connections to Public Sewers shall also file with the Commissioners' Authorized Representative a Certificate of Insurance to cover Public Liability, Personal Injury, and Property Damage. Said Insurance shall indemnify the Commission, Commissioners' Authorized Representatives, and the Town of Rockport against any and all claims, liability or action for damages, incurred in or in any way connected with the performance of the work of the applicant, and for or by any reason of any acts or omissions of the applicant in the performance of his work.
2. Inspection of the installation shall be made by the Commissioners' Authorized Representative

#### **404. USE OF THE PUBLIC SEWERS**

- 1 No person shall make connections to the public sewer of roof drains, downspouts, foundation drains, areaway drains, basement drains; dehumidifiers, floor drains (except where required by the Maine State Plumbing Code and approved by the Commissioners' Authorized Representative) sump pumps; or other sources of clean water, surface runoff, groundwater to a building sewer or building drain, or any other non-metered use which in turn is connected directly or indirectly to a public sanitary sewer.
- 2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Commissioners' Authorized Representative. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Commissioners' Authorized Representative, to a storm sewer or natural outlet, and such discharge shall comply with the Maine Revised Statutes Annotated, Title 38, M. R. S. A. Chapter 3, Section 13, as amended or revised.
- 3 No wastes shall be discharged or caused to be discharged which will cause harm or damage to the public sewer or treatment system. The following shall not be discharged into the public sewers:

- A. Oil and grease concentrations or amounts which violate federal, state or local pretreatment standards.
- B. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- C. Any waters or pollutants containing iron, chromium, copper, zinc, and similar objectionable or toxic substances in such quantities or concentrations that any such material received in the composite wastewater at the wastewater treatment works exceed limits established by the Superintendent for such materials.
- D. Any waters or pollutants containing odor-producing substances exceeding limits which may be established by the Commissioner's Authorized Representative.
- E. Waters or wastes containing toxic, infectious or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of a sewage treatment plant.
- F. Waters or wastes having a PH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of sewage works.
- G. Solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as , but not limited to stone or marble dust, gravel, ashes, cinders, sand, concrete, paving materials, mud, straw, sticks, plaster, cement, mortar, shavings, metal glass, rags, feathers, tar, plastics, grass clippings, spent grains, spent hops, waste paper, tar asphalt residues, residues from refining or processing fuel or lubricating oils, wood, ungrounded garbage, paunch, manure, hair, and fleshings, entrails, and paper dishes cups, milk containers, etc. either whole or ground by garbage grinders.
- H. Any waters or pollutants, including oxygen demanding pollutants (BOD etc.) which, released in quantities of flow, or concentrations, or both, constitute a "slug" as defined in this Ordinance.
- I. Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the wastewater treatment works, but in no case heated waters or pollutants in such quantities that the temperature at the wastewater treatment works influent exceeds 105 Degrees Fahrenheit (40 Degrees Celsius); unless the wastewater treatment works is designed to accommodate such heat.
- J. Liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient, either alone or by interaction with other substances to cause fire or explosion, or be injurious in any way to the wastewater treatment facility, or to the operation of the facility.
- K. Noxious malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are, or may be, sufficient to prevent entry into a sewer for its maintenance and repair.
- L. Radioactive wastes or isotopes of such half-life or concentrations that they do not comply with regulations or orders issued by the Administrator of the United States Environmental Protection Agency.

- M. Wastewater at a flow rate or containing such concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than 5 times the average 24-hour concentration, quantities, or flow during normal operation and that would cause a treatment process upset and subsequent loss or treatment efficiency.
- N. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 of the Act, and chemical elements or compounds, phenols or other taste or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system.
- O. Any unpolluted water including, but not limited to, water from cooling systems which will increase the hydraulic load on the system.
- P. Waste with objectionable color including dye wastes and vegetable tanning solutions not removable by the treatment process.
- Q. Waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- R. Unusual concentrations of inert suspended solids such as, but not limited to Fullers earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to sodium chloride and sodium sulfate.
- S. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- T. Overflow from cesspools or other receptacles storing organic wastes.
- U. Steam exhausts, boiler blow offs, sediment traps, or pipes carrying hot circulating water.
- V. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- W. Waters or wastes having a PH in excess of 8.5.

## **SECTION 500 PRIVATE SEWAGE DISPOSAL**

### **501. Private Sewage Disposal**

1. Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the applicable provisions of this Ordinance and the requirements of the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241, as most recently amended.
2. At such time as a property served by a private waste water disposal system connects to a public sewer, a direct connection from the building sewer to the public sewer shall be made. Any septic tanks, cesspools and similar private wastewater disposal facilities shall no longer be used. The

septage shall be pumped out and disposed of at a facility licensed to receive septage. The tank shall be removed or the top crushed and the void filled in with suitable material.

## **SECTION 600 SEWER EXTENSIONS**

### **601 Public Initiated Sewer Extensions**

1. The Commissioners may propose sewer extensions to be designed, constructed and financed by the Town, when in the Commissioners opinion such extension serves the public interest, the extension is recommend in the comprehensive plan or the extension is part of a sewer priority area as defined in this Ordinance.
2. The Commissioners may develop a financing plan for an extension which includes but is not limited to a combination of public and private financing and grants. The Commissioners may establish fees to be assessed to current and potential future sewer users to pay the costs of the expansion.
3. A person may also submit a written request for a sewer extension to the Commissioners for consideration. The Commissioners, upon a request for a sewer extension may agree to extend the sewer and bill the property owner or owners in one or more payments subject to a mutually agreed upon payment agreement.

### **602 Privately Initiated Sewer Extensions**

1. A person may request permission from the Commissioners to construct a sewer extension at their own expense. The Commissioners may grant, deny or modify the request as it deems necessary to be in the best interest of the Town.
2. The Commissioners may impose conditions on the proposed extension to protect or further the interests of the Town including but not limited to credit and financial assurances to make sure the project is completed as designed in a timely manner, installation of manholes, sewer stubs, pump stations and sewer pipes extending beyond the front of the building.
3. Unless otherwise specified in the private initiated sewer extension plan with the Town of Rockport, the persons or persons requesting the sewer extension shall be responsible for the entire cost of the extension and shall design and construct the project in conformance with this Ordinance.

### **603 Ownership of Sewer Extensions**

All sewer extensions shall become property of the Town after obtaining final inspection and approval from the Commissioners unless the sewer is located on private property and the intent is to remain under private ownership. Any sewer gravity or force piping, pump stations and similar feature not located

within a public right-of-way shall have all appropriate easements acceptable to the Commissioners prior to acceptance by the Town. The sewers, pumping stations and all other features shall be guaranteed against defects in materials and workmanship for 12 months from the date of Acceptance by the Town. The guarantee shall be in the form of a maintenance guarantee bond acceptable to the Commissioners in an amount not less than 10% of the engineer's estimate of the cost of the extension. A complete as-built set of plans in digital format and one Mylar set of plans shall be provided to the Town upon acceptance.

**604 Cost and Construction of the Building Sewer**

The property owner shall be responsibility for the complete costs and construction of the building sewer.

**605 Design and Construction**

All proposed sewer extensions shall be designed and constructed according to the applicable requirements of this Ordinance and adopted regulations. The preferred design for the sewer extension is to use the road right-of-way and extend the sewer to a point perpendicular to the front of the existing or proposed building to be served. The Commissioners may consider an alternative based upon limitations or restraints of the site.

**606 Sewer Extension Priority Areas**

Sewer extension priority areas may include but are not limited to growth areas as identified in the Town of Rockport Comprehensive Plan, as amended, areas containing sensitive environmental features, areas with poor soils or non-performing subsurface waste water disposal systems or areas designated for economic development. The Commissioners may designate certain areas of the Town as priority areas for sewer expansions and shall seek grants, loans, TIF districts and other financial instruments including private and public partnerships and cost sharing agreements between the Town and private property owners to construct the expansion.

**SECTION 700 POWERS AND DUTIES OF INSPECTORS****701. Powers and Duties of Inspectors**

1. The Commissioners' Authorized Representatives of the Town bearing proper credentials and identification shall be permitted to enter all properties at reasonable times for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The Commissioners' authorized representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond the point having direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. While performing the necessary work on private properties, the Commissioners' Authorized Representative shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town Employees and the Town shall indemnify the company against loss or damage to its property by Town

employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions.

3. The Commissioners' Authorized Representative bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a recorded easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

## **SECTION 800 INDUSTRIAL USES**

### **801. Purpose**

The purpose of this section is to provide for the use of the wastewater collection system of the Town of Rockport by industries served by that system in conformity with federal law, the applicable rules of the appropriate federal agencies, laws of the State of Maine, Rules of the Department of Environmental Protection, and Ordinances of the Town of Rockport.

### **802 Maximum Concentration of Pollutants**

The maximum concentration of pollutants allowable in wastewater discharges to the wastewater collection system shall conform with all the existing federal, state and local guidelines and standards. In the event of a conflict between said standards and guidelines, the most restrictive shall apply. In the event of a change in federal state and local guidelines and standards, the amended or modified version shall be applied.

### **803 Special Agreements**

Nothing in this section shall be construed as preventing any special agreement or arrangement between the Town and any user of the wastewater collection system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be required by the Commissioners.

### **804 Enforcement Actions**

If wastewater containing any substances described in Section 400 of this Ordinance are discharged into the sewer system of the Town of Rockport in violation of this Ordinance the Town may take the following action or actions:

- A. Prohibit the discharge of such wastewater.

- B. Require pretreatment, including provision of storage facilities by the user, or flow equalization necessary to remove or eliminate any objectionable characteristics or substances being discharged in violation of this Ordinance.
- C. Require the person making, causing or allowing any discharge in violation of this Ordinance to pay any additional cost or expense incurred by the Town for handling and treatment of such discharge.
- D. Take such other remedial action as may be deemed to be desirable or necessary to achieve the objectives of this Ordinance.

**805 Pretreatment Requirements**

In the event that pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater system is required, the Town may require the affected users, at their own cost, to submit plans, specifications, and other pertinent data or information relating to such pretreatment or flow control facilities to the Town for review and approval. A fee shall be assessed to the user for review of said documents. Said fee shall be based on the current fee schedule adopted by the Commissioners. Such approval shall not be deemed to exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, statute or order of any governmental authority. After the provision of such plans, specifications and other pertinent data or information, the user shall not make any subsequent alterations or additions to such pretreatment or flow control facilities without first obtaining the approval of the Town.

**806 Pretreatment Facility Operations**

In the event that a user is required to engage in pretreatment or control of waste flows, such pretreatment or control facilities shall be maintained in good working order and operated at the cost and expense of that owner or operator, subject to the requirements of this Ordinance and all other applicable codes, ordinances, and laws.

**807 Inspections**

Whenever inspections of any property or premises of a user shall be deemed necessary by the Commissioners' Authorized Representative for the purposes of this Ordinance, or are reasonably necessary to secure compliance with any ordinance provision, state law, or other municipal rules and regulations, it shall be the duty of the user, or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town authorized to make inspection at any reasonable time that admission is required. The purposes for which inspection may be required may include but shall not be limited to the following:

- A. Copying any records required to be kept under the provisions of this Ordinance;
- B. Inspection of any monitoring equipment or method;
- C. Sampling of any discharge of wastewater into the collection system; and

- D. Inspecting the condition and operation of any pretreatment facility: The Commissioner's Authorized Representative may enter upon the property or premises of the user at any hour under emergency circumstances. Whenever an analysis of any monitoring material is reasonably necessary to secure conformance with any ordinance provision herein or federal and state law, it shall be the duty of the user, or employee or person in charge of the premises of a user, to give to any Commissioners' Authorized Representative permission to enter the premises and to make an inspection or to take sufficient samples for analysis. Any interference with such Commissioners' Authorized Representative shall be deemed a violation of this Ordinance by the user.

### **808 Protection from Accidental Discharge**

Each industrial user shall provide protection from accidental discharge of materials or other wastes regulated by this Ordinance. Facilities and procedures to prevent accidental discharge of prohibited materials shall be provided and maintained at the expense of the user or operator. Detailed plans showing such facilities and operating procedures to provide this protection from accidental discharge shall be submitted to the Commissioners' Authorized Representative for review and approval. All costs for review shall be borne by the user. In the event that the Commissioners' Authorized Representative does not approve said plans, the Commissioners' Authorized Representative may require the user to provide an adequate facility or procedure to protect against such accidental discharge. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance; and further, such review and approval shall not relieve the industrial user from responsibility for any accidental discharge that may nonetheless occur.

### **809 Reporting of Accidental Discharge**

If, for any reason, a facility fails to comply with, or will be unable to comply with, any provision concerning accidental discharge in this Ordinance, then the owner, employee or person responsible for the premises shall immediately notify the Commissioners' Authorized Representative of such incident. In addition, a written report addressed to the Commissioners' Authorized Representative detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the industrial user within 5 days of the occurrence of the non-complying discharge.

### **810 Discharge Reports**

Every Significant Industrial User and listed industrial users shall file a periodic discharge report at such intervals as are designated by the Commissioners' Authorized Representative. Any Significant Industrial User and any industrial user listed by the Commissioners' Authorized Representative on the official list of Significant Industrial User and industrial users shall be considered a listed industrial user for purposes of this section. All Significant Industrial Users must submit Semi-Annual Baseline Monitoring reports to the Commissioners' Authorized Representative.

A discharge report may include, but need not be limited to, the following information: nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of

controlled pollutants, chemical constituents and quantity of liquid materials stored on the site even though they are not normally discharged, or other information which related to the generation of waste. In addition to discharge reports, the Commissioners' Authorized Representative may require other information that he considers material to compliance by the user under this Ordinance.

### **811 Records and Monitoring**

Industrial users shall comply with the following record keeping and monitoring requirements:

- A. All Industrial users, including Significant Industrial Users who discharge, or propose to discharge, wastewater into the wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Ordinance and any applicable state or federal pretreatment standards or requirements.
- B. Such records shall be made available upon the request of the Commissioners' Authorized Representative. All such records relating to compliance with pretreatment standards shall be made available to the Commissioners' Authorized Representative upon request. Such records shall also be made available to appropriate agencies of the State of Maine and the federal government. A summary of such data indicating the industrial user's compliance with this Ordinance shall be prepared monthly as of the 30th day following the last day of each sampling and submitted to the Commissioners' Authorized Representative on or before the 20th day of the following month. A penalty shall be assessed to any industrial user who does not file a quarterly report on or before said date. Said penalty shall be based on the current fee schedule adopted by the Commissioners.
- C. The owner or operator of any premises or facility discharging industrial waste into the system shall install, at his/her own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of waste. Such equipment shall be maintained in proper working order and kept safe and accessible at all times. Such equipment shall at all times be available for inspection by the Commissioners' Authorized Representative.
- D. The monitoring equipment shall be located or maintained on the industrial user's premises. In the event that such a location would be impractical, or cause undue hardship on the user, the town may allow such facility to be constructed off the premises of the user but only in the event that the location of the facility will not be obstructed by any public utilities, landscaping or parked vehicles.
- E. When more than one user or facility can discharge into a common sewer, the Commissioners' Authorized Representative may require installation of separate monitoring equipment for each user or facility. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Commissioners' Authorized Representative may require that separate monitoring facilities be installed for each separate discharge.

- F. Whether monitoring facilities are constructed on public or private property, the monitoring facility shall be constructed in accordance with the Commissioners' Authorized Representative's requirements and also applicable construction standards and specifications and said construction shall require the approval of the Commissioners' Authorized Representative. All costs shall be borne by the user.

## **812 Inspection, Sampling and Analysis**

Industrial users shall comply with the following inspection, sampling and analysis requirements:

- A. Compliance determinations with regard to the prohibitions and limitations contained in Section 404 may be made on the basis of composite samples of wastewater. Flow-weighted composite samples shall be taken hourly over a 24-hour period of 3 consecutive days, or over a longer or shorter time span, as is determined necessary by the Commissioners' Authorized Representative. Grab samples may also be required by the Commissioners' Authorized Representative.
- B. Laboratory analysis of industrial wastewater samples shall be determined in accordance with the procedures of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, or "Annual Book of Standards, Part 23, Water, Atmospheric Analysis" published by the American Society for Testing and Materials. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures established by the State Department of Environmental Protection.
- C. Sampling of industrial wastewater for the purpose of compliance determination with respect to Section 404 will be done at such intervals as the Commissioners' Authorized Representative may designate in the industrial discharge permit. The user shall notify the Commissioners' Authorized Representative at least 48 hours in advance of proposed sampling to decide whether the Commissioners' Authorized Representative would like split or concurrent samples. All costs for split sample taking shall be borne by the user.

## **813 Wastewater Discharge Permits**

All Significant Industrial Users and industrial users proposing to connect to, or to discharge into, any part of the wastewater collection system must first obtain a discharge permit. All existing Industrial Users connected to, or discharging to, any part of the wastewater system shall apply for a wastewater discharge permit within 30 days of the date of enactment of this Ordinance.

## **814 Permit Application**

Users seeking a wastewater discharge permit shall complete and file with the Commissioners' Authorized Representative an application on a form prescribed by the Commissioners' Authorized Representative, and accompanied by the applicable fee. In support of any such applications, all Industrial Users, including Significant Industrial Users, shall submit the following information:

- A. Any Significant Industrial User and industrial user may also be required to submit any other information as may be deemed by the Commissioners' Authorized Representative to be necessary to evaluate the permit application.
- B. The Commissioners' Authorized Representative shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Commissioners' Authorized Representative may issue a wastewater discharge permit subject to terms and conditions provided herein.

**815 Permit Conditions**

Wastewater discharge permits shall be expressly subject to all provisions of this Ordinance and all of the regulations, federal and state law, user charges and fees established by the Town. Permit conditions may include, but are not limited to, any of the following conditions:

- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system.
- B. The average and maximum wastewater constituents and characteristics.
- C. Limits on rate and time of discharge or requirements for flow regulations and equalization.
- D. Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs.
- E. Requirements for maintaining and submitting technical reports and plan records relating to wastewater discharges.
- F. Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.
- G. Compliance schedules.
- H. Wastewater discharge permits may impose effluent restrictions or limits on the discharger if the Commissioners' Authorized Representative determines that such limits are necessary to protect the quality of the treatment plant influent, effluent, or sludge, or to maintain compliance with any applicable Federal or State Law.
- I. Other conditions to ensure compliance with this Ordinance.

**816 Duration of Permits**

Permits shall be issued for a period of 5 years. The terms and conditions of the permit may be subject to modification and change by the Town prior to expiration of the permit. The user shall be notified in writing, by certified mail, of any proposed changes in that user's permit at least 30 days prior to the effective date of such changes. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

**817 Transfer of a Permit**

A wastewater discharge permit shall not be reassigned or transferred or sold to any other person and shall not be transferred to a new user or to a user for a different premises, or to a new or revised operation which does not conform to the user's permit.

**818 Revocation of Permit**

Any user, who violates any condition of his permit, or of this Ordinance, is subject to revocation of that user's permit. Specific violations which may result in revocation of a permit include, but are not limited to, the following:

- A. Failure of a user to accurately report the wastewater constituents and characteristics of that user's discharge;
- B. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- C. Refusal of the user to permit reasonable access to the user's premises for the purpose of inspection or monitoring;
- D. Ineffective and improper operation and maintenance of the user's monitoring, sampling or pretreatment facilities; or
- E. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Ordinance, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities for review and acceptance by the Commissioners' Authorized Representative.
  - (1) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this Ordinance including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance.
  - (2) Under no circumstances shall the Commissioners' Authorized Representative permit a time increment for any single step directed toward compliance which exceeds 9 months.
  - (3) No later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Commissioners' Authorized Representative no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than 9 months elapse between such progress reports to the Commissioners' Authorized Representative.

- (4) Non-compliance with regard to agreed implementation schedule may subject the user to revocation of their use permit.

## **SECTION 900 APPEAL PROCESS**

### **901 Appeals**

The Commissioners shall be responsible for hearing and deciding upon any appeal arising from the administration, enforcement or use of this Ordinance. The Commissioners shall hear and decide upon the following types of appeals:

- A. Administrative Appeal: To hear and decide where there is an alleged error in any order, decision, requirement, or determination made by the Commissioners or Commissioners' Authorized Representative.
- B. Appeal to use an Alternative Method, Equipment or Process: To hear and decide whether an alternative design, construction, engineering or installation method or process not specified or allowed in this Ordinance may be used.
- C. Hardship Appeal: To hear and decide whether there exists unique circumstances of the site which create a hardship if one or more provisions of this Ordinance must be followed.

### **902 Appeal Procedure**

Any person, filing an appeal shall submit an application and fee as applicable to the Commissioners' Authorized Representative within 30 days of receiving a written decision. Any person may request a written decision from the Commissioners or their Authorized Representative concerning the administration, enforcement or technical requirements of this Ordinance. A written decision shall be provided upon a request within 5 working days.

Upon receipt of an appeal request the Commissioners' Authorized Representative shall place the appeal on the agenda of the next monthly meeting of the Commissioners. The Commissioners shall hold a public hearing on the appeal application and shall notify in writing of such an appeal: property abutters, Town Manager, Public Works Director, LPI, and any other affected municipal employees or officials.

### **903 Decision**

The Commissioners shall review the appeal request and may accept testimony from the applicant, municipal officials and employees or the public. The appeal hearing may be continued until the next scheduled meeting in order to obtain additional information. The Commissioners shall make a final decision within 60 days of the appeal hearing. The Commissioners may establish conditions and shall make a written decision according to the following types of appeal request:

- A. The Commissioners may decide in an administrative appeal to uphold, modify or revoke an order or decision in cases of applicability or interpretation of the Ordinance.
- B. The Commissioners may allow an alternative method which is not included in this ordinance if it finds that the alternative meets the intent of the Ordinance.
- C. The Commissioners may decide in a hardship appeal, that due to the unique circumstances of the site one or more provisions of this Ordinance may be waived if such a waiver will not create any adverse environmental impacts and will not cause harm to the public health, safety and welfare.

## **904 Appeal to Superior Court**

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