

TOWN OF MOUNT DESERT  
SEWER ORDINANCE  
*(Repeals and Replaces the Town Sewers and Drains Ordinance adopted October 25, 1988)*  
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**TOWN OF MOUNT DESERT**  
**SEWER ORDINANCE**  
**RULES AND REGULATIONS**

It is the intent of these rules and regulations to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the Town of Mount Desert, County of Hancock, State of Maine.

**Article 1– DEFINITIONS**

**1.01 CONSTRUCTION OF LANGUAGE –**

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

**1.02 DEFINITIONS**

**1.03.1 Abbreviations**

**A.S.T.M.** - American Society for Testing and Materials.

**B.O.D. - (denoting Biochemical Oxygen Demand)** –The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Centigrade, expressed in parts per million by weight.

**C. E. O.** – Code Enforcement Officer

**D.E.P.** – Maine Department of Environmental Protection.

**L. P. I.** - Local Plumbing Inspector

**pH** – The logarithm of the reciprocal of the concentration of the hydrogen ions in grams-ionic weight per liter of solution, and is a term used to express the relative acidity or alkalinity of a substance or solution.

**1.03.2 AGENT** – The Public Works Director or the individual designated by the Board of Selectmen to perform this function, or the authorized deputy, agent, or representative of this individual.

**1.03.3 BUILDING DRAIN** - The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage

pipes within the footprint of the building and conveys it to the building sewer beginning eight (8) feet outside the inner face of the building wall.

- 1.03.4 BUILDER** - Any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.
- 1.03.5 BUILDING SEWER** – The extension from the building drain to the public sewer or other place of disposal.
- 1.03.6 CODE ENFORCEMENT OFFICER** – Person appointed by the Town and certified by the State of Maine to locally administer State Statutes and local codes in the areas of Shoreland Zoning, Comprehensive Planning and Land Use, Internal Plumbing, Subsurface Wastewater Disposal, and Building Standards.
- 1.03.7 COMBINED SEWER** - A sewer receiving both surface runoff and sewage.
- 1.03.8 CONTRACTOR** - Any person, firm, or corporation approved by the Selectmen to do work in the Town.
- 1.03.9 DEPARTMENT** – The Mount Desert Public Works Department.
- 1.03.10 DEVELOPER** - Any person, persons, or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.
- 1.03.11 DINING AREA** - That area commonly known as the “Dining Room,” being the gross area used for the consumption of food within a restaurant, including aisles and walkways used by the diners and wait staff for circulation to, from and around dining tables and chairs; but excluding food preparation areas, kitchens, dishwashing areas, wait staff stations, storage rooms, staff break rooms, retail space, cloakrooms, restrooms, offices and checkout counters.
- 1.03.12 GARBAGE** – Solid wastes from the retail preparation, cooking and dispensing of food, and from the retail handling, storage and sale of produce.
- 1.03.13 GOVERNING BODY** – The duly elected Board of Selectmen of the Town of Mount Desert.
- 1.03.13a Gross Retail Area** – The total floor area designed for the retailer’s occupancy and exclusive uses, including any basements and mezzanines. The area of the retailer’s occupancy is measured from the inside wall or building partition wall to the inside of the opposing wall.

- 1.03.14 INDUSTRIAL WASTES** – The liquid wastes from industrial processes as distinct from sewage.
- 1.03.15 LOCAL PLUMBING INSPECTOR** – Person certified by the State of Maine to administer and enforce the State’s internal plumbing code and subsurface wastewater disposal rules.
- 1.03.16 MAY** - is permissive.
- 1.03.17 NATURAL OUTLET** – Any outlet into a watercourse, ditch, pond, lake or other body of surface or ground water.
- 1.03.18 OWNER** – Any individual, firm, company, association, society, or group having title to real property.
- 1.03.19 PERSON** – Any individual, firm, company, association, society or group.
- 1.03.20 PROPERLY SHREDDED GARBAGE** - The wastes from the preparation, cooking and dispensing of food or produce that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- 1.03.21 PROPERTY LINE** - The property boundary line if the building sewer is to connect with the public sewer in a public street. “Property Line” shall mean the edge of a sewer right-of-way in those instances where the building sewers connect to the public sewer in a right-of-way.
- 1.03.22 PUBLIC SEWER** - A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.
- 1.03.23 SANITARY SEWER** - A sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- 1.03.24 SCHEDULE 40 - SDR 35 PVC**  
 A. **SCH 40:** SCH (schedule) 40 is the designation for polyvinyl chloride (PVC) pipe typically specified for use as gravity sewer lines inside a structure e.g. home, business, etc. and to a distance equal to 10 feet away from the outside face of the structure. It is typically installed to a maximum depth as recommended by the manufacturer. The SCH 40 designation defines the wall thickness of the pipe. Generally accepted specifications associated with SCH 40 pipe include, but are not necessarily limited to, the following: The pipe shall conform to ASTM D-2665 for PVC plastic drain, waste and vent pipe. PVC

material used in the manufacturing of this pipe shall conform to ASTM D-1784 specification for Type 1, Grade 1 material.

- B. **SDR 35:** SDR (standard dimension ratio) 35 is the designation for polyvinyl chloride (PVC) pipe typically specified for use as gravity sewer lines installed to a maximum depth as recommended by the manufacturer. The SDR 35 notation defines the wall thickness of the pipe based on the relationship between the outside and inside diameters of the pipe. Generally accepted specifications associated with SDR 35 pipe include, but are not necessarily limited to, the following: The pipe shall conform to ASTM D 3034 for sizes 4 to 15 inches in diameter and ASTM for sizes 18 to 27 inches in diameter. PVC resin compound shall conform to ASTM D 1784 and rubber gaskets shall conform to ASTM D 3212 and F 477. Standard laying lengths shall be 13 feet. The pipe shall be colored green to identify it for sewer applications.

- 1.03.25 SEWAGE** – A combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm water that may be present.
- 1.03.26 SEWAGE TREATMENT PLANT** - Any arrangement of devices and structures used for treating sewage and industrial wastes.
- 1.03.27 SEWAGE WORKS** - All Town facilities for collecting, conveying, pumping, treating, and disposing of sewage and industrial wastes.
- 1.02.28 SEWER** – A pipe or conduit for carrying sewage.
- 1.02.29 SHALL** – is mandatory.
- 1.02.30 STANDARD METHODS** - The latest edition of the publication Standard Methods for the Examination of Water and Wastewater, published by A.P.H.A., A.W.W.A, and W.P.C.F.
- 1.02.31 STATE PLUMBING CODE** – The State of Maine Plumbing Code, as amended from time to time.
- 1.02.32 STORM SEWER or STORM DITCH** - A pipe or conduit that carries storm and surface waters and drainage but excludes sewage and industrial wastes.
- 1.02.33 SUITABLE MATERIAL** - In general, suitable materials for fill, backfill, and embankment materials shall be composed of clean, fine earth, rock, or sand, free from grass, roots, brush, or other vegetation. The following types

of suitable materials are designated and defined as follows. The DOT Handbook as used below is defined as the State of Maine, Department of Transportation, Standard Specifications, Highways, and Bridges publication, Revision of April 1995.

- A. Base Gravel: As described in Section 703.06(a) Type A of the DOT Handbook.
- B. Subbase Gravel: As described in Section 703.06(b) Type D of the DOT Handbook.
- C. Common Borrow: Common borrow shall consist of earth, suitable for embankment construction, free from frozen material, perishable rubbish, peat and other unsuitable material. The moisture content shall be sufficient to provide the required compaction and stable embankment. In no case shall the moisture content exceed 4 percent above or below optimum. The optimum moisture content shall be determined in accordance with ASTM D698.
- D. Crushed Stone: Crushed stone shall be durable crushed rock consisting of the angular fragments obtained by breaking and crushing solid or shattered natural rock and reasonably free from thin, flat, elongated, or other objectionable pieces. It shall be reasonably free from sand, clay, loam, chemical decay, or deleterious materials and not more than one percent of materials passing a No. 200 sieve will be allowed to adhere to the crushed stone. The stone shall meet the following gradation requirements:
  - i.  $\frac{3}{4}$ -inch crushed stone: 100% passing the 1-inch sieve; 95-100% passing the  $\frac{3}{4}$ -inch sieve; 35-70% passing the  $\frac{1}{2}$ -inch sieve; 0-25% passing the  $\frac{3}{8}$ -inch sieve.
  - ii.  $1\frac{1}{2}$ -inch crushed stone: 100% passing the 2-inch sieve; 95-100% passing the  $1\frac{1}{2}$ -inch sieve; 35-70% passing the 1-inch sieve; 0-25% passing the  $\frac{3}{4}$ -inch sieve.
- E. Sand: Sand shall conform to the gradation requirements as described in Section 703.01 of the DOT Handbook.
- F. Where any of the above materials are to be used for bedding materials, it shall further meet the following additional criteria: bedding material shall be so graded that 100% will pass a 1-inch screen and not more than 10% will pass a 200-mesh sieve. In the event abnormally unstable or wet conditions are encountered, bedding material shall be crushed stone.

- 1.02.34 SUPERINTENDENT/CHIEF OPERATOR** - The individual(s) retained or designated by the Agent to supervise and oversee the operation and maintenance of the Municipal sewer system and Wastewater treatment facilities.
- 1.02.35 SUSPENDED SOLIDS** - In general, solids are matter that is suspended, suspended solids, or dissolved, dissolved solids, in water or wastewater. Specifically, solids are as defined in the Environmental Protection Agency's 40 CFR Part 136 and/or Edition 20 of Standard Methods for the Examination of Water and Wastewater, edited by Andrew D. Eaton, Lenores S. Clesceri and Arnold E. Greenberg, and published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.
- 1.02.36 UNSUITABLE MATERIALS** - Unsuitable materials for fill and backfill materials shall include soils which, when classified under the standard method for "Classification of Soils for Engineering Purposes", ASTM D2487, fall in the classifications of Pt, OH, CH, MH, or OL. Also, any soil, which cannot be made to conform with its intended use, shall be classified as unsuitable.
- 1.02.37 WATERCOURSE** – A channel in which a flow of water occurs, either continuously or intermittently.

**Article 2 – USE OF PUBLIC SEWERS REQUIRED**

- 2.01** The owner of any house, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Town of Mount Desert and abutting on any street, alley or right-of-way, in which there is now located, or may in the future be located, a public sanitary sewer of the Town of Mount Desert, is hereby required, at property owner's expense, to install suitable toilet facilities therein, and to connect such facilities, if located within two hundred feet (200') in accordance with § 6.3(1) of the Mount Desert Land Use Zoning Ordinance, to the proper public sewer, in accordance with the provisions of these rules and regulations, within ninety (90) consecutive calendar days after the date of official notice to do so, provided that said public sewer is located opposite to any portion of the frontage of the property to be served by said sewer. Provided, however, that where excavation of the public highway is otherwise prohibited by state law or regulation, or where unusual hardship exists due to the presence of ledge, incompatible elevations, or other causes, the Board of Selectmen may grant exceptions upon specific application of the owner or lessee of such properties, which such conditions as the said Selectmen may impose.

### **Article 3– PRIVATE SEWAGE DISPOSAL**

- 3.01** The Mount Desert Public Works Department is legally responsible for providing wastewater treatment and disposal in the sewered area of the Town of Mount Desert. The Town of Mount Desert, through its Code Enforcement Officer, is responsible for ensuring that private wastewater treatment and disposal systems comply with State laws and regulations and Town ordinances. Sections 3.01 and 3.02 are included here as guidance to direct the reader to the proper government entity for assistance with private sewage disposal.
- 3.02** Where a public sanitary or combined sewer is not available under the provision of Section 2.01, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article and the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Rules 144A CMR 241.
- 3.03** Before commencement of construction of a private wastewater disposal system designed by a qualified individual licensed in the State of Maine, the owner(s) shall first obtain a written permit signed by the Local Plumbing Inspector for the Town of Mount Desert. The application for such permit shall be made on a form furnished by the Division of Health Engineering, Maine Department of Human Services, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the plumbing inspector. A permit and inspection fee shall be paid to the plumbing inspector at the time the application is filed.
- 3.04** The owner shall operate and maintain the private sewage disposal facilities at no expense to the Town.
- 3.05** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2.01, connection shall be made to the public sewer in compliance with these rules and regulations and any septic tanks, cesspools or similar private sewage disposal facilities shall be abandoned and filled with suitable material at the property owner's expense.
- 3.06** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town's Code Enforcement Officer

- 3.07** The type, capacities, location, and layout of a private wastewater disposal system shall comply with the State of Maine's Plumbing Code, Part II – Subsurface Wastewater Disposal Rules and the Minimum Lot Size Law (Maine Revised Statutes Annotated, Titles 12 Chapter 4807-A). No private wastewater disposal system shall be permitted to discharge to any natural outlet.

#### **Article 4– BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS**

- 4.01** The provisions of this Article shall be deemed to supplement provisions of the State Plumbing Code with respect to Building Sewers and connections thereof to Public Sewers. In the event of a conflict between this Article and the State Plumbing Code, the more restrictive provision shall be deemed to apply. Permits and Fees stipulated hereunder are additional to any permits or fees, or both, required under the State Plumbing Code.
- 4.02** No person shall uncover, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Local Plumbing Inspector. 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 Agent at least forty-five (45) consecutive calendar days prior to the proposed change or connection and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, Section 361. Any person violating this section is subject to a minimum fine of \$500 per violation and any Town legal fees.
- 4.03** There shall be two (2) classes of building sewer permits – (1) for residential service, and (2) for commercial, industrial, and other non-residential service. In either case, the owner or his agent shall make application on a special form furnished by the Local Plumbing Inspector. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Local Plumbing Inspector. All building sewers shall be equivalent to Schedule 40 PVC, SDR-35 PVC, or equivalent in conformance with State of Maine Plumbing Code and have a minimum diameter of four (4) inches, unless otherwise approved by the Department. It shall be the applicant's responsibility to complete the building sewer from the foundation to the sewer line.
- 4.04** A separate and independent building sewer shall be provided for every principal "building" as defined in Section 8 (Definitions) of the Mount Desert Land Use Zoning Ordinance.

Waivers related to this paragraph of the Sewer Ordinance may be requested in writing from the Public Works Director ("Director"). Final

determination of the granting of a waiver will be solely at the discretion of the Director.

In acting on any waiver request, the circumstances to be considered by the Director when considering an application for a waiver include but will not necessarily be limited to: (A) the ease of access of the proposed building sewer to the public sewer main; (B) whether the connection of the new building sewer to the public sewer will require crossing the public way, or other property, requiring excavation of said public way, or other property, thereby adversely affecting said public way, or other property; (C) the practicality of, and ability to, connect the proposed building sewer to the public sewer main, in the opinion of the Director; and (D) if a building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

The Director may choose to attach conditions to a waiver if one is granted. In the event a waiver is granted, all other portions of the Sewer Ordinance still apply. At a minimum, required conditions for granting a waiver may include, but not necessarily be limited to: (A) the Applicant has proven in writing to the satisfaction of the Director that the existing building sewer is adequate to accommodate the proposed additional discharge; (B) the Applicant has demonstrated to the satisfaction of the Director that the Applicant has the right, title, or interest to use the existing building sewer; (C) the owner(s) of the existing private sewer shall register the connection of the new private building sewer to their existing private sewer with the Hancock County Registry of Deeds within 60 (sixty) calendar days of said connection being made; (D) documentation of the filing of the connection with the Registry shall be provided to the Director and include a copy of the actual registry filing document; and (E) the Applicant agrees in writing to assume all liability for the installation and maintenance of their proposed building sewer and for restoring public areas disturbed by the construction of the proposed building sewer to preconstruction condition.

All costs associated with (A) through (E) above shall be borne by the Applicant.

- 4.05** Existing building sewers may be used in connection with new buildings only when they are found, on examination and test, to meet all requirements of this ordinance.
- 4.06** The building sewer shall be, Polyvinyl Chloride pipe (PVC), or other suitable material approved by the Agent. The quality and weight of

materials shall conform to the specifications of the State Plumbing Code. All joints shall be tight and waterproof. Where the building sewer is exposed to damage by tree roots or is installed in filled or unstable ground, the Agent shall have the authority to stipulate such special pipe materials or installation provisions, as he deems necessary for the circumstances. Testing of the building sewer installation shall be done by the owner/contractor in the presence of the Agent and using such methods as he shall stipulate.

- 4.07** The size and slope of the building sewer shall be subject to the approval of the Agent, but in no event shall the diameter be less than four (4) inches. The slope of a four inch pipe shall not be less than one-quarter (1/4) inch per foot. The slope of a six inch pipe shall not be less than one-eighth (1/8) inch per foot.
- 4.08** Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved pipe and fittings.
- 4.09** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
- 4.10** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Agent. Pipe laying and backfill shall be performed in accordance with ASTM specifications C12, as the same may be amended, except that no backfill shall be placed until representatives of the Town have inspected the work.
- 4.11** All pipe shall be Polyvinyl Chloride (PVC) non-pressure sewer pipe or equal as approved by the Agent. All joints shall be tight and waterproof and be an integral part of the pipe bell, as applicable. All pipe fittings are to be of the same material as the pipe and be molded and formed to suit the pipe size and end design. Couplings as manufactured by Fernco, Inc. are permissible. Install pipe, fittings and accessories in conformance with manufacturer's recommendations. Place all pipe on a minimum four-inch deep bedding layer of material in conformance with the lines and grades described elsewhere in this ordinance. Manually chink bedding around pipe haunches for lateral support. Do not mechanically compact crushed stone over the pipe. Install and bed the pipe up to the centerline of the pipe and proceed as described elsewhere in this ordinance. Other jointing materials and methods may be used only by approval of the Agent.

- 4.12** The applicant for the building sewer permit shall notify the Agent when the building sewer is ready for inspection and connection to the public sewer. The Agent shall be available to supervise and inspect the connection within two (2) business days of notification of readiness.
- 4.13** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town of Mount Desert.
- 4.14** Any building sewer serving a school, hospital, or similar institution or public building, or serving a complex of commercial or industrial buildings, or which, in the opinion of the Agent will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the locations of this manhole and the building sewer connection to it or to an existing manhole shall be as specified by the Agent. The cost of such new manhole or connection to an existing manhole will be included in the computation of the connection fee.
- 4.15** All costs and expense incident to the installation, connection, and maintenance 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 such building sewer.
- 4.16** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Agent for purposes of collecting and treating polluted surface drainage.
- 4.17** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Department or Town, or the procedures set forth in appropriate specification of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 as the same may be amended. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Agent before installation.

## **Article 5 – SEWER EXTENSIONS**

- 5.01** After the date of adoption of this Ordinance, no sewer or sewer extension, other than individual building sewers, shall be constructed within the Town of Mount Desert, unless construction of such sewer or sewer extension has been approved in advance by the Board of Selectmen. It is the intention of this ordinance that all sewers or sewer extensions approved and constructed within the public rights-of-way or upon other property of the Town shall become public sewers of the Town of Mount Desert, upon satisfactory testing, approval and acceptance in accordance with this Article. Sewers and sewer extensions to be located entirely upon private property and not within the public rights-of-way may be approved by the Selectmen for construction as public or private sewers. If approved for construction as a public sewer, the Selectmen, as a condition of their approval, shall require conveyance of all necessary easements to the Town for this purpose. All sewers and sewer extensions approved by the Selectmen, whether public or private, shall be constructed in accordance with the standards set out in sections 5.02 and 5.03 below. All private sewers and sewer extensions authorized by the Selectmen must satisfy the testing requirements of section 5.05 below, before a permit may be issued allowing connection of the private sewer or sewer extension to the public sewer system.
- 5.02** If the Town does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension, if such extension is approved by the Selectmen in accordance with the requirements of Section 5.03. The developers or property owners shall be responsible for all costs associated with any and all sewer extensions thus made, including building sewers. Design of sewers shall be as specified in Section 5.03 of this ordinance. The installation of the sewer extension shall be subject to inspection by the Agent and the owner, builder or developer shall pay for any and all expenses related to this inspection. Before it may be used, the sewer, as-constructed, must pass the exfiltration test required in Section 5.04.
- 5.03** All extensions to the sanitary sewer system shall be properly designed and constructed in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes – Upper Mississippi River Board of State Sanitary Engineers and to the specific requirements of the Town as it may choose to specify. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Agent before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

- 5.04** All public sewers shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the Department. This test can either be conducted hydraulically or pneumatically. The latter is the preferred method.
- 5.05** The hydraulic test consists of filling the pipe with water to provide a head of at least five (5) feet above the top of the pipe or five (5) feet above groundwater, whichever is higher, at the highest point of the pipe line under test, and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled for at least twenty-four (24) hours prior to taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end or in one of the sewer manholes available for convenient measuring. When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The length of sewer shall in no event exceed one thousand (1,000) feet for either type of test, and in the case of sewers laid on a steep grade, may be limited by the maximum allowable internal pressure on the pipe and joinings at the lower end of the line. The test period, wherein the measurements are taken, shall not be less than two (2) hours in either test and the maximum allowable rate of leakage shall not exceed one hundred (100) gallon per mile of pipe per twenty-four (24) per inch of nominal pipe diameter. For purposes of determining this maximum allowable rate of leakage, manholes shall be considered as a section of forty-eight (48) inch diameter pipe five (5) feet long, and the equivalent leakage allowance shall be 4.5 gallons per manhole per twenty-four (24) hours.
- 5.06** The pneumatic test consists of blocking both ends of the pipe with air locks and introducing air through a mechanism in one of the air lock units to 3.5 pounds per square inch pressure. With a known permeability of the pipe, the only variable is the pipe diameter, and the minimum allowable time in minutes for a 1.0-pound per square inch pressure drop is found by multiplying the pipe diameter in inches by 0.472.
- 5.07** If leakage exceeds the specified amount by either test, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit.
- 5.08** All extensions of public sewers constructed at the expense of the property owner, builder, or developer, after approval and acceptance by the Agent, shall become the property of the Town and shall thereafter be maintained by the Town. Said sewers, after their acceptance by the Town, shall be guaranteed against defects in materials or workmanship for eighteen (18)

months, the guarantee being in a form stipulated by the Town. At the sole discretion of the Town, a completion bond or certified check may be demanded as part of the guarantee.

## **Article 6 – USE OF PUBLIC SEWERS**

- 6.01** No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water, to any sanitary sewer.
- 6.02** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
- A. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
  - B. Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil or grease.
  - C. Any gasoline, benzene, naphtha, fuel, oil, lubricating oils, or other flammable or explosive liquids, solids or gases.
  - D. Any garbage that has not been properly shredded.
  - E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
  - F. Any water or wastes having a pH lower than 6.5 or higher than 8.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  - G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters or the sewage treatment plant.
  - H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- 6.03** Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Agent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not

be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Agent and shall be located so as to be readily and easily accessible for cleaning and inspection.

- 6.04** Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- 6.05** Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- 6.06** The admission into the public sewers of any waters or wastes having (a) a five (5) day B.O.D. greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) containing any quantity of substances having the characteristics described in Section 6.01, or (d) having any average daily flow greater than two percent (2%) of the average daily flow of an individual plant shall be subject to the review and approval of the Agent. Where necessary in the opinion of the Agent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (a) reduce the Biochemical Oxygen Demand to three hundred (300) parts per million, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 6.02, or (d) control the quantities and rates or discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Agent and of the Department of Environmental Protection of the State of Maine. No construction of such facilities shall be commenced until said approvals are obtained in writing.
- 6.07** Where preliminary treatment facilities are provided for any waters or wastes, the owner at his expense shall maintain them continuously in satisfactory and effective operation.
- 6.08** All industries discharging into a public sewer shall perform such monitoring of their discharges as the Agent and/or other duly authorized employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Agent. Such records shall be made available upon request by the Agent or to other Agencies having jurisdiction over discharges to the receiving waters.

- 6.09** All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 6.02 and 6.06 shall be determined in accordance with “Standard Methods for the Examination of Water and Wastewater”, and shall be determined at the control manhole provided for in Section 4.15, or upon suitable samples taken at said control structure.
- 6.10** For industrial wastes of unusual volume, strength or character as defined in Section 6.06, special agreements shall be required between the Department and the industry concerned providing for the acceptance of such wastes in the municipal system.

### **Article 7 – PROTECTION FROM DAMAGE**

- 7.01** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Department sewage works. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 22, Section 806.
- 7.02** A contractor must present a certificate showing proof of liability insurance to the Code Enforcement Officer before a permit will be issued for construction of building sewer or sewer extensions.

### **Article 8 – POWERS AND AUTHORITY OF INSPECTIONS**

- 8.01** The Agent and other duly authorized employees of the Department bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose of inspection, observations and measurement sampling and testing in accordance with the provisions of these rules and regulations.

### **Article 9 – PENALTIES AND ENFORCEMENT**

- 9.01** Any person found to be violating any provision of these rules and regulations, except Section 7.01, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 9.02** Any person who fails to comply with the provisions of these rules and regulations other than those provisions pertaining to the payment of charges for services established herein shall, upon conviction, be subject to a fine

not exceeding five hundred dollars (\$500) for each offense. The continued violation of any provision of any section of these rules and regulations, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue and such fines may be assessed on a per diem basis

- 9.03** Upon violation of these rules and regulations, the proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to restrain, correct, or abate such violation, or to prevent the occupancy of any buildings, structure or land where said violations of these rules and regulations are found.
- 9.04** Any person violating any of the provisions of these rules and regulations shall be liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.
- 9.05** This ordinance may be enforced under 30-A M.R.S. A. Section 4452 and appropriate sections of the Mount Desert Code.

#### **Article 10– VALIDITY OF RULES AND REGULATIONS**

- 10.01** All prior rules and regulations or parts thereof in conflict herewith are hereby repealed.
- 10.02** The validity of any section, clauses, sentence or provision of these rules and regulations shall not affect the validity of any other part, which can be given effect without such invalid part or parts.

#### **Article 11 – RULES AND REGULATIONS**

- 11.01** These rules and regulations shall be in full force and effect from and after their passage, approval, and recording.

#### **Article 12 – ESTABLISHMENT OF SEWER CONNECTION FEES**

##### **12.01 Sewer Connection Permits and Fees:**

Permit Required: No person shall connect a building sewer to the public sewer, increase the flow of their existing sewer connection or change the use of any property connected to the sewer without first receiving a connection permit from the Agent and paying the appropriate connection fee if any.

**12.02 Establishment of Sewer Connection Fee Rate:**

From time to time, the Board of Selectmen shall, following a public hearing, establish a sewer connection fee rate to remain in effect until such rate is further revised pursuant to this ordinance.

**12.03 Application:**

All persons required by this ordinance to obtain a connection permit shall apply to the Agent on forms provided by the Agent. Said application shall state the name and service address of the owner, the proposed use of the property, the estimated volume of the waste, a copy of any required building permit, and such other information as the Agent may reasonably deem necessary to administer this ordinance. The Agent shall either approve or deny the application within thirty (30) calendar days of receipt of a complete application. The permit shall not be issued until the connection fee, if any, has been paid.

**12.04 Calculation of Connection Fee:**

The connection fee shall be calculated by multiplying the sewer connection fee rate established by the Board of Selectmen by the daily design flow of the proposed facility as determined by the Agent with reference to the following.

**12.05 New Facility:**

For any new facility, the Agent shall determine the daily design flow by referring to the Design Flows for Facilities table in Article 13 and assuming the maximum estimated population. In cases where the proposed use is not listed, the Agent shall make his/her determination of a reasonable design flow, after consultation with the Maine Department of Human Services and any other appropriate authorities or references.

**12.06 Increase of Volume or Change of Use of Existing Facility:**

For the expansion of a facility or use, increase of sewage, discharge or change of use of a property, the Agent shall determine whether the proposed design flow will increase over the current flow, the current flow being the highest design flow based on the actual use of the property in the past two (2) years. The Agent shall first calculate the proposed design flow using the method outlined in section 12.05, and then subtract there from the current design flow which shall be calculated using the same method used to calculate the proposed design flow. The resulting number shall be the design flow on which the connection fee shall be based.

**12.07 Inspection Permitted:**

The Agent or Code Enforcement Officer may inspect any system for which a permit is granted pursuant to this ordinance to ensure continued

compliance with same. Upon the finding of a violation, such official shall take all necessary enforcement action.

**12.08 Appeals:**

The Board of Appeals may, upon written application of an aggrieved party received by the Planning Board within thirty calendar days (30) of the Agent's decision on a connection permit, hear appeals from said decision. All appeals procedures shall be as provided by Mount Desert Land Use Ordinance –Administrative Appeals. Connection fee appeals shall be as handled as in Title 30-A MRSA sec. 3424, which provides for a mandatory arbitration process. Assessment disputes shall be handled under 30-A MRSA sec. 3443, which also provides for a mandatory arbitration process.

**12.09 Term of Permit:**

A connection permit shall expire and all fees shall be forfeited eighteen (18) months from the date the permit was issued if within such time (a) the new building sewer is not connected to the public sewer, (b) the flow of the existing sewer connection is not increased, or (c) the use of the property has not changed: as provided in the connection permit application.

**12.10 Refunds:**

Within eighteen (18) months from the date of issuance the Treasurer may refund to the permit tee the connection fee paid, less a \$100 administrative fee, upon the return of the unused connection permit. A permit shall be considered unused if, within eighteen (18) months from the date the permit was issued, (a) the new building sewer is not connected to the public sewer, (b) the flow of the existing sewer connection is not increased, or (c) the use of the property has not changed; as provided in the connection permit application. Upon payment of the refund, the sewer connection permit shall become null and void.

**12.11 Denial of Permit:**

The Agent shall deny a sewer connection permit if the sewer lines or any pump stations servicing the subject property have insufficient capacity to carry the proposed flow or if the proposed project will provide sewage which would cause the wastewater treatment plant to receive influent in excess of its design capacity for flow, biochemical oxygen demand or other design parameter.

**Article 13 - DESIGN FLOWS FOR FACILITIES**

The design flows for facilities shall be based on the resultant daily flows of wastewater as determined from the following table:

Type of Facility	GPD
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	Design Flow
<b>SINGLE FAMILY RESIDENTIAL</b>	
Each one or Two Bedroom Unit	180/unit
Each Additional Bedroom	90/Bedroom
<b>MULTIPLE FAMILY RESIDENTIAL</b>	
Boarding Houses (incl. meals)	50/bedroom
Rooming Houses (without meals)	40/bedroom
Transient Accommodations with:	
Shared bathrooms	60/bedroom
Private bathrooms	100/bedroom
Mobile Home Parks	235/site
Multifamily Homes (except retirement homes):	
1 bedroom unit	120/unit
2 bedroom unit	180/unit
3 bedroom unit	270/unit
Multifamily Homes (retirement homes limited to persons older than 50 yrs.)	
Each 1-2 bedroom unit	120/unit
<b>COMMERCIAL ESTABLISHMENTS</b>	
Beauty Salon (E)	10/customer
Bus Service Areas (E)	
Factories & Plants (e)	
With showers	15/person
Without showers	25/person
Laundry, self-service	600/washer
Offices (E)	15/person
Restaurants:	
Eat in with conventional utensils (B)	30/15 sq. ft.
Eat in with disposable utensils (B)	15/15 sq. ft.
24 hour operation (B)	50/15 sq. ft.
Take-out only (C)	8/15 sq. ft.
Retail (D)	6/100 sq. ft.
Service Station (F)	125/vehicle
Tavern (B)	20/15sq.ft.
Tennis, Racquetball Courts	300/court
Visitor Center	6/visitor/day
<b>INSTITUTIONAL</b>	
Assembly Halls, Public Buildings	5/seat
Churches	5/seat
Hospitals	150/bed
Institutions: (other than hospitals)	100/bed
Nursing Homes	1.76/sq. ft.
Schools (Boarding)	100/bed

Schools (Day) (E)	75/bed
Elementary	7/student +15/employee
Junior High	9/student +15/employee
SEASONAL COMMERCIAL	
Camps: (E)	
Day (no meal served)	10/person
Day (only lunch served)	15/person
Resort (limited plumbing)	50/bed
Fairgrounds, Parks and Picnic Areas (w/ bath, showers, & Toilets) (E)	10/person
Swimming Pools & Bathhouses (E)	10/person
Campgrounds:	
No sewer hookups	50/site
With sewer hookups	75/site

#### Design Flow Notes

- A. For facilities that constitute a composite of one or more of the following types of facilities, the design flow shall be calculated by adding the design flow for each type of facility that comprise the entire facility.
- B. Sq. Ft. refers to the square feet of the dining area as defined by this ordinance.
- C. Sq. ft. refers to square feet of serving area.
- D. Sq. ft. refers to square feet of gross retail area as defined in this Sewer Ordinance.
- E. Estimated maximum occupancy per day, as shown on Land Use Ordinance permit, application, or site plan.
- F. Per vehicle that can be fueled simultaneously.

GPD means Gallons per Day.

### **Article 14 – EFFECTIVE DATE AND DURATION**

**14.01** This Ordinance shall become effective after its adoption by the municipality.

### **AMENDMENT TO ADDENDUM 1**

### **ABOVEGROUND PRIVATE SEWERS**

#### **PURPOSE:**

This is an addendum to the Town of Mount Desert’s Sewer Ordinance and is hereby incorporated into and made a part of such Ordinance. It presents mandatory requirements related to the inspection, maintenance, and construction of aboveground private sewers.

Any person in violation of this Addendum is subject to penalties and enforcement as provided for in Article 9 of this Ordinance.

**DEFINED TERMS IN THIS ADDENDUM:**

**Benefitted Owner**– An owner who is connected to a private sewer.

**Private Sewer** – Any sanitary sewer other than a public sewer. The term, “aboveground private sewer” refers to a private sewer which is not entirely buried.

**Responsible** – Means to inspect, repair, maintain and/or replace, and, as used in connection with an owner/benefitted owner, means performance of the duty to inspect, repair, maintain and/or replace as such duty is imposed upon that owner/benefitted owner pursuant to this Ordinance.

**INSPECTIONS:**

All private sewers, any portion of which is above the surface of the ground, on private and/or public lands, shall be subject to an annual inspection over the entire aboveground length. The length of the aboveground private sewer is equal to the distance measured along the horizontal access of the pipe, through and including any and all fittings, comprising the sewer. Aboveground private sewer inspections are to be conducted by the responsible property owner or benefitted owner(s) and shall be completed on or before June 1st of each and every year.

**MULTIPLE BENEFITTED OWNERS OF A PRIVATE SEWER AND BENEFITTED OWNER(S) OF A PRIVATE SEWER ON THE PROPERTY OF ANOTHER:**

An owner upon whose property any portion of an aboveground private sewer is located is responsible under this Ordinance for the entire portion of said aboveground private sewer located on such owner’s property regardless of the number of sewers that are connected to it, on or off said owner’s property, unless the owner is not a benefitted owner of the aboveground private sewer, in which instance the benefitted owner(s) of the private sewer shall be responsible for the portion of an aboveground private sewer located on the property of an owner who is not a benefitted owner.

**REPORTING:**

An owner upon whose property an aboveground private sewer is located but who is not a benefitted owner shall notify the Town of such in writing. The notice shall additionally state the names of the benefitted owner(s) known to the owner giving notice, and a copy of such notice shall be provided to those benefitted owners at the time of mailing.

Following completion of the aboveground private sewer inspection, and prior to June 15th of each year, a written report, in the form prescribed and furnished by the Town, presenting the results of the inspection and any action taken as a result of the inspection is to be submitted by the responsible owner or benefitted owners to the Town's Code Enforcement Officer.

### **REPAIRS AND CORRECTIONS:**

Repairs and corrections of identified deficiencies of the aboveground private sewers shall be in conformance with generally accepted construction methods and materials and in conformance with all Local, State and Federal regulations. Upon a benefitted owner's discovery or notification that an aboveground private sewer is broken, cracked, disjointed, leaking, etc. or otherwise releases or poses a material risk of releasing sewage in violation of applicable laws or regulations, the private sewer must be repaired within 24 hours.

### **CONSTRUCTION:**

Construction of new aboveground private sewers or reconstruction of an existing aboveground private sewer shall conform to all Local, State and Federal regulations. Prior to construction or reconstruction of an aboveground private sewer, benefitted owners shall submit to the Town an agreement, in substance and form acceptable to the Town, among the benefitted owners addressing inspections, maintenance and compliance with this Ordinance.

### **SEWER PIPE MATERIALS AND INSTALLATION:**

Materials for sewer pipe composition shall be high-density polyethylene (HDPE) or PVC (polyvinylchloride) or ductile iron as described below.

#### **A. HDPE single wall sewer pipe:**

1. The pipe shall be made from high density, extra high molecular weight compounds equaling a PE 3408 designation and conforming to ASTM-1248 and ASTM-3350 with a cell classification of 345434C.
2. HDPE pipe and fittings shall be from the same manufacturer and shall be resin compatible and shall be for the application at hand.
3. The pipe shall be a minimum of SDR17.
4. The individual sections of pipe and HDPE fittings comprising the sewer shall be butt-welded using the fusion welding process.
5. Ductile iron mechanical joint fittings may be used in place of HDPE fittings. Fernco-style couplings are not allowed.
6. Fittings specifically manufactured for HDPE pipe are allowed.

#### **B. DR-25 PVC Pressure Pipe:**

1. The pipe shall conform to AWWA C-900 and shall be UL and FM approved.
2. The pipe shall be bell and spigot, push on joint type.
3. The fittings shall be PVC pressure fittings for C-900 PVC pipe or ductile iron mechanical joint fittings.

**C. Class 51 Ductile Iron Pipe:**

1. The pipe shall be Tyton Joint pressure class manufactured in conformance with all AWWA and ANSI standards.
2. The fittings shall be ductile iron mechanical joint fittings.

**D. Regardless of the type of pipe used for sewer construction:**

1. Expansion joints are to be used to minimize the effects of thermal expansion and contraction of the sewer.
2. The sewer shall be constructed to minimize the number of joints from its beginning to its end and shall be sufficiently supported to maintain the required lines and grades and to reduce tension of the sewer joints.

**PROHIBITED PRACTICES:**

**A.** Except with prior Town approval and as necessary to connect a private sewer to a public sewer, new aboveground private sewers shall be constructed solely on private property, outside of any Town right-of-way, whether owned in fee by the Town or held as easement.

Private sewers are not allowed to be constructed in any Town-owned and maintained drainage structures e.g. roadway stone drains, roadway culverts, driveway culverts, etc.

**B.** Reconstruction of an existing aboveground private sewer will not be allowed within any Town way or inside any Town-owned and maintained drainage structures e.g. roadway stone drains, roadway culverts, driveway culverts, etc. Any existing private sewers inside such a structure at the time of sewer reconstruction shall be relocated outside of the Town right-of-way on private property in conformance with part A above of the "Prohibited Practices".

**LAST PAGE OF SEWER ORDINANCE**