

**TOWN OF LENOX  
REGULATION OF SEWER USE**

(Revised May 25, 2011)

"Regulation of Sewer Use: regulating the use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, authorizing the Town to establish reasonable charges for the use of sewers, and providing penalties for violations thereof: in the Town of Lenox, County of Berkshire, Commonwealth of Massachusetts, enacted in accordance with the provisions of M.G.L. Chapter 40, Section 21, No. 5 and No. 6 and Chapter 83, Section 16, all as most recently amended."

**ARTICLE I  
DEFINITIONS**

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

- Section 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.
- Section 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Section 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- Section 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- Section 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- Section 5A. "Grease Trap" shall mean watertight structure in which grease is separated from sewage. As amended A.T.M. 5/4/84.
- Section 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Section 7. "Natural Outlet" shall mean any outlet into a water-course, pond, Ditch Lake or other body of surface or groundwater.
- Section 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

- Section 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solutions.
- Section 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters ) in any dimension.
- Section 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Section 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.
- Section 13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm water as may be present.
- Section 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- Section 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- Section 16. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Section 17. "Shall" is mandatory; "May" is permissive.
- Section 18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or if quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- Section 19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- Section 20. "Suspended Solids" shall mean 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.
- Section 21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 22. "Sewage Commissioners" shall mean the Board of Selectmen of the Town of Lenox or their authorized deputy, agent, or representatives.

Section 23. "Superintendent" shall mean the Superintendent of Public Works of the Town of Lenox, or his authorized deputy, agent, or representative.

## **ARTICLE II SEWER SERVICE**

Section 1. The Board of Selectmen shall act as Sewer Commissioners. They shall have the authority to establish reasonable fees for the use of sewers.

- (a) All specifications for the facilities intended for sanitary sewer service shall be determined and/or approved by the Sewer Commissioners, but in no case shall the pipe used for a common sewer be less than six (6) inches in diameter.

Section 2. Subdivisions. Any person or agency planning a subdivision as defined in Chapter V shall submit to the Sewer Commissioners specifications of the facilities intended for sanitary sewer service. The Commissioners shall without delay prepare an estimate of the cost of such service. The developer shall then deposit a sum of money equal to such estimate, or satisfy the Commissioners of his ability to do so when the subdivision permit is granted, with the Commissioners and enter into a contract with the Commissioners providing:

- (a) He shall pay the entire cost of installing the service, making up the difference if a deficit is realized or being reimbursed if a surplus remains from the deposits.
- (b) Deleted — S.T.M. 10/4/71.
- (c) Deleted — S.T.M. 10/4/71
- (d) The Developer agrees to grant the necessary easements for installing the sewer service.

Section 3. Extensions other than Subdivisions. Any extension of a sewer main, other than is set forth in Section 2 above, whether along a private or accepted way, if duly authorized by vote of the town shall be financed as follows:

All funds for such extensions shall be provided by the town.

- (a) Any article in the Town Warrant providing for the construction of a sewer on a public way shall be submitted to the Sewer Commissioners and the Planning Board jointly at least three weeks prior to the Town Meeting. They shall make their recommendations on such Article, together with a

suggested method of financing, through the Finance Committee. The Town Meeting will decide whether the accomplishment of such capital improvements be made by bond issue, taxation, assessment against property served, and the proportion of cost to be borne by the town and the property owners served by the sewer system concerned.

- Section 4. Any storm or sanitary sewer along any public way which serves more than one property shall become a common sewer and hereafter every such sewer shall become the property of the town upon its connection with the sewerage system of the town. Before installation of the sewer along the public way is permitted it must conform to the standards of the Town of Lenox in place at that time.

### **ARTICLE III USE OF PUBLIC SEWERS REQUIRED**

- Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Lenox, or in any area under the jurisdiction of said Town, any human excrement, garbage, or other objectionable waste.
- Section 2. It shall be unlawful to discharge to any natural outlet within the Town of Lenox, 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 subsequent provisions of this regulation.
- Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- Section 4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town 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 or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this regulation, within one year after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the building to be connected. However, properties that are greater than three hundred (300) feet from the existing public sewer are prohibited from connecting.

## **ARTICLE IV PRIVATE SEWAGE DISPOSAL**

- Section 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- Section 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Board of Health or their representative. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Board of Health. A plot plan shall be submitted to the Building Inspector and shall show the location and size of the tank and field. The Board of Health shall establish a reasonable fee for such permit.
- Section 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Board of Health or its authorized representative. He shall be allowed to inspect the work at any stage of construction and, in any event, the application for the permit shall notify the Board of Health or its authorized representative when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two working days (excluding Saturdays and Sundays and holidays) of the receipt of notice.
- Section 4. The type, capacity, location and layout of a private sewage disposal system shall comply with all applicable regulations in accordance with 310 CMR 15.000 Title 5 of the State Environmental Code. No permit shall be issued for any private sewage disposal system employing sub-surface soil absorption facilities where the area of the lot is less than 30,000 square feet unless such lot was in existence on 21 February 1969 as a separately-owned parcel so recorded in the Berkshire Middle District Registry of Deeds and for which the Board of Health or its representative will grant a permit under Chapter VII, Article IV, Section 2.
- Section 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this regulation within one year and any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- Section 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- Section 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Board of Health.

## **ARTICLE V BUILDING SEWERS AND CONNECTIONS**

- Section 1. No unauthorized 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 Superintendent. 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 Sewer Commissioners at least forty-five (45) days prior to the proposed change or connection. Amended A.T.M. 5/7/76.
- Section 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A capacity fee shall be determined by the Sewer Commissioners and shall be paid to the Town at the time the application is filed.
- Section 3. All costs and expense incident 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.
- Section 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- Section 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent, to meet all requirements of this regulation.
- Section 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply, as most recently revised.
- Section 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain

is too low to permit gravity flow to the public sewer, notice shall be given to the Sewer Commissioners, and sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

- Section 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Section 9. 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 Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. The Town will not be held responsible for any damage caused by sewer back-up in private homes and places of business. A sewer back-up valve shall be installed by the owner where necessary. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Sewer Commissioners 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 Sewer Commissioners. Such records shall be made available upon request by Sewer Commissioners to other agencies having jurisdiction over discharges to the receiving water. Amended A.T.M. 5/7/76.
- Section 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public connection shall be made under the supervision of the Superintendent or his representative.
- Section 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so 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.
- Section 12. For any housing subdivision or similarly related project where the superintendent requires a pumping station and force main for sewage disposal, the developer will bear the full cost of equipment and installation of the pumping station force main system. This system must be designed and constructed according to specifications acceptable to the superintendent and subject to his review for written certification before becoming operational. All operating and maintenance costs for the pumping station force main system will be the responsibility of the developer and/or a related owners association for a period of not less than 30 years. And these estimated operating and maintenance costs over that future 30 year period must be placed in escrow with the Town Treasurer before the system is operational. Said funds may be drawn from escrow for maintenance and operation

of the pumping facility as needed with the written approval of the Department of Public Works. Also there will be an associated sewer capacity connection fee for each individual unit of the above mentioned development. A.T.M. 5/4/90.

## **ARTICLE VI USE OF THE PUBLIC SEWERS**

- Section 1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Section 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent, Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- Section 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures equipment, and personnel of the sewage works.
  - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- Section 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In

forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treat-ability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150)°F (65° C).
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)° F (0 and 65°C).
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatments of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a pH in excess of 9.5.
- i.. Materials which exert or cause:
  1. 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).

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the other agencies having jurisdiction over discharge to the receiving water.

Section 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge, and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, regulations and laws.

Section 6. Grease Traps.

1. Installation. Grease traps must be provided at installation such as restaurants, nursing homes, schools, hospitals, or other installations from which large quantities of grease can be expected to be discharged.

2. Location. Grease traps shall be installed on a separate building sewer serving that part of the plumbing system into which the grease will be discharged. The discharge from the grease trap must flow to a properly designed septic tank or a building sewer prior to the septic tank.
3. Capacities. Grease traps shall have a minimum depth of 4 feet and a minimum capacity of 1000 gallons, and shall have sufficient capacity to provide at least 24 hour detention period for the kitchen flow. Kitchen flow shall be calculated in accordance with 310 CMR-15.02 (13), a copy of which is on file in the Sewer Commissioner 's Office.
4. Construction. Grease traps shall be watertight and constructed of sound and durable materials not subject to excessive corrosion, decay, or frost damage, or to cracking or buckling due to settlement or backfilling. Tanks and covers shall be designed and constructed so as to withstand normal structural loadings. A tank installed in ground water shall be weighed to prevent the tank from floating when it is emptied.
5. Depth of tees. The inlet tee shall extend to the mid-depth of the tank. The outlet tee shall extend to within 12 inches of the bottom of the tank. Tees shall be cast iron or schedule 40 PVC and properly supported by a hanger, strap or other device.
6. Baffles. Baffles may be provided as necessary to maximize the separation of grease from the sewage. Baffles may be considered a substitute for the inlet and outlet tees.
7. Base. Grease traps shall be installed on a level stable base that will not settle.
8. Materials. Grease traps may be constructed of poured reinforced concrete, precast reinforced concrete or prefabricated material acceptable to the approving authority.
9. Access Manholes. Grease traps shall be provided with a minimum 24 inch diameter manhole frame and cover to grade over the inlet and outlet.
10. Accessibility. Grease traps shall be located on the lot so as to be accessible for servicing and cleaning.
11. Invert Elevation. The invert elevation of the inlet of a grease trap shall be at least 2 inches above the invert elevation of outlet. Inlet and outlet shall be located at the center line of the tank, and at least 12 inches above the maximum ground water elevation.

12. Backfill. Backfill around the grease trap shall be placed in such a manner as to prevent damage to the tank.
13. Cleaning. Grease traps shall be inspected monthly and shall be cleaned when the level of grease is 25 percent of the effective depth of the trap or at least every three months.

Section 6a. Oil and water interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing oil in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. As amended A.T.M. May 4, 1984.

Section 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater." Published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr composites of all outfalls whereas pH's are determined from periodic grab samples.

Section 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby

an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern.

## **ARTICLE VII PROTECTION FROM DAMAGE**

- Section 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## **ARTICLE VIII POWERS AND AUTHORITY OF INSPECTORS**

- Section 1. The Superintendent, the Board of Health, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. The Superintendent, Board of Health, or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- Section 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the Town 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 such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.
- Section 3. The Superintendent, the Board of Health, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated 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 duly negotiated easement pertaining to the private property involved.

## **ARTICLE IX PENALTIES**

- Section 1. Any person found to be violating any provision of this regulation except Article VI 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.
- Section 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$20.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Section 3. Any person violating any of the provisions of this regulation shall become liable to the Town for any expense, loss, or damage occasioned the Town by research of such violation.

## **ARTICLE X VALIDITY**

- Section 1. All regulations or parts of regulations in conflict herewith are hereby repealed.
- Section 2. The invalidity of any section, clause, sentence, or provision of this regulation shall not affect the validity of any other part of this regulation which can be given effect without such invalid part or parts.

## **ARTICLE XI RATES / IMPACT FEES**

- Section 1. Bills for sewer service will be rendered semi-annually on or about May 1, and November 1, and must be paid within thirty days of their postmark date. In the event sewer rates or other charges remain unpaid after the due date, interest will accrue at 12% per annum, a 10% penalty charge will be assessed after a ten business day grace period, the water may be shut off, and a lien may be placed on the property in accordance with the General Laws of Massachusetts. If water is shut off for non-payment, it will not be turned on again until all charges are paid including the then current charges for shutting off and turning on water. Minimum bills will be issued as long an address is physically connected to the Town main even if there is no usage.

Impact fees will be calculated based on gallons of estimated Title V sewer flows assessed at the rate in effect at the time of application for connection. Impact fees calculated on all new residential and commercial connections will be assessed at the full rate. Impact fees calculated on residential property additions will be

assessed at one half the full rate in effect at that time. The adaptive re-use of existing commercial buildings, within four years of cessation of previous occupancy, plus any addition to that existing building, the total of which does not result in a new estimated flow that exceeds 120% of the previous estimated flow for the original building, will be assessed for the net increase in gallons of estimated flow at one half the full rate in effect at that time. Impact fee for restaurant outdoor seating will be assessed at \$100 per seat and payment may be divided evenly over a five year period.