

2018

Town of Dixfield Maine Ordinances

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ATV

**Certification of Proposed Ordinances by
the Municipal Officers**

This certifies to the municipal clerk of DIXFIELD
that the within ordinance is a true copy of an ordinance entitled
DIXFIELD, MAINE ATV ORDINANCE to be acted upon by the voters at a town
meeting to be held on MAY 24, 2012.

Dated: MAY 14, 2012 Municipal Officers of DIXFIELD
Stephen G. Dora
Norman H. Clark
Robert W. White
Katherine N. Harvey
Malcolm Isitt

Section I. Title

This Ordinance shall be known and may be cited as the ATV Ordinance of the Town of Dixfield, Maine.

Section II. Purpose and Findings

This is an ordinance prescribing, in accordance with prevailing community standards, regulations for the operation of ATVs (All-Terrain Vehicles) on highways, roads and streets within the town including what will be heretofore referred to as the ATV-access route.

1. Intent of Ordinance

- a) It is the intent of this ordinance to allow persons of legal age to operate their properly registered ATVs, including off-road bikes (commonly known as dirt bikes), from 6:00AM to 10:00PM, in a safe manner @ 10 mph for up to 500 yards on the extreme right of the traveled way, for the purpose of accessing the properly designated and posted ATV-access route in order to obtain fuel, and other services, while at the same time giving the local area law enforcement guidelines to work within for the purpose of enforcing this ordinance.
- b) It is also the intent of this ordinance to assure that operation of an ATV that is not equipped at all times with an effective and suitable muffling device on its engine to effectively deaden or muffle the noise of the exhaust and meet noise emission standards of the United States Environmental Protection Agency which in no case exceed 96 decibels of sound pressure level when measured from a distance of 20 inches using test procedures established by the commissioner of the Maine Department of Inland Fisheries and Wildlife shall be **strictly** prohibited.

2. Use of ATVs (All Terrain Vehicles)

The Dixfield Board of Selectmen ban the use of All Terrain Vehicles in excess of 500 yards on town owned property other than to access the following ways maintained for vehicular traffic marked and posted as an ATV Access Route. Dixfield residents who are located more than 500 yards from the ATV Access Route may request a waiver of the 500 yard limitation from the Chief of Police. Waivers will be granted at the sole discretion of the Chief of Police on a case by case basis and if granted must be renewed annually.

ATV Access Route defined

All-terrain vehicle access route is a public way designated by the appropriate governmental unit within a municipality or an unorganized or unincorporated township. A public way designated as an ATV-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the ATV- access route. The ATV-access route must travel in the same direction as motor vehicle traffic on a public way designated as an ATV-access route. (Map of Town of Dixfield ATV Access Route attached to this ordinance.)

The designated ATV Access Route will be properly signed from the west end of town to Ellis' Variety Store as follows:

- from the end of Backkingdom Road where it meets Coburn Avenue
- east the entire length of Coburn Avenue to Weld Street
- south on Weld Street to Ellis' variety Store or
- from the end of Webb River Drive east to Blayne Street
- east on Blayne Street to Bradley Street and continuing to Brackett Street
- south on Brackett Street to Coburn Avenue
- east on Coburn Avenue to Weld Street
- south on Weld Street to Ellis' variety Store

The designated ATV Access Route will be properly signed from the east end of town to Ellis' Variety Store as follows:

- from the end of Hall Hill Road where it turns to asphalt west to what is now known as the Buggy Trail
- north on the Buggy Trail to Nash Street
- west on Nash Street to Weld Street
- south on Weld Street to Ellis' Variety Store

Prohibited Use of ATVs (All Terrain Vehicles) on Main and Weld Street

The operation of ATVs (All Terrain Vehicles) and dirt bikes registered as an ATV on Main Street (US Route 2) from the Mexico town line to the Canton Point Road intersection and on Weld Street (Route 142) from its intersection with Main Street to Averill Hill Road is strictly prohibited with the exception of operation from Nash Street and Coburn Avenue on Weld Street to Ellis' Variety Store which is part of the established ATV Access Route.

Section III. Authority

This ordinance is enacted pursuant to the authority granted municipalities in Title 30-A M.R.S.A., Section 3001.

Section IV. Applicability

This ordinance shall apply to owners and operators of ATVs in the Town of Dixfield, whether or not they are residents of the Town of Dixfield.

Section V. Severability

If any provision or section of this ordinance, or the application thereof to any person or circumstance, is determined to be invalid or void by a court of competent jurisdiction, such determination shall not affect other provisions or applications of this ordinance that can be given effect in whole or in part without the invalid provision or application, and to this end each provision of this ordinance is declared to be severable and independent. It is the intent of the Town of Dixfield that each and every part, clause, paragraph, section and subsection of this ordinance be given effect to the greatest degree possible.

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the Town of Dixfield, the provision which established or establishes the higher standard for the promotion and protection of health and welfare for the community shall prevail.

Section VI. Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

1. "Town" is the Town of Dixfield, Oxford County, Maine.
2. All-terrain vehicle or ATV is a motor driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. (For purposes of this ordinance a Pocket Bike or other similar vehicle that does not meet the definition of a motorized scooter, moped, or motorcycle is considered an off-road vehicle but not an ATV by definition. Operation of these type vehicles is not permitted on the ATV Access Route with the exception of those bikes commonly referred to as dirt bikes.

3. Off-road recreational vehicles capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain (commonly referred to as dirt bikes) properly registered as an ATV will be allowed to operate on the ATV Access Route.
4. "Street" is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term "street" includes the legal right of way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right of way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street. The term "street" applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise.
5. "Time of Night" referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the Town of Dixfield, prima facie the time then observed in the Dixfield Town Office and Police Station.
6. "Year of Age" continues from 12:01 A.M. on one's birthday to midnight (12:00 A.M.) of the day immediately preceding the next birthday. For example, 10 or less years of age means a person who has not yet attained his/her 11th birthday and 16 years of age that period of time which extends from 12:01 A.M. on the person's sixteenth (16th) birthday until midnight on the day immediately preceding that person's (17th) birthday.
7. Restricted time for the purpose of this ordinance means the hours from 10:00 P.M. until 6:00 A.M.
8. Accompanied by adult means within visual and voice contact and under the effective control of a child's parent or guardian or another person 21 years of age or older.
9. Operate in all its moods and tenses, when it refers to an ATV, means to use an ATV in any manner within the jurisdiction of the municipality, whether or not the vehicle is moving.
10. Operator means the person who is in control or in charge of an ATV while in use.
11. Owner means for the purposes of registration of an ATV, a person holding title to an ATV.

12. Protective headgear means a helmet that conforms to minimum standards of construction and performance as prescribed by the American National Standards Institute specification Z90.1 or by the Federal Motor vehicle Safety Standard No. 218.

Section VII. Age Requirements

1. Age Requirements

- A person of **tender age** (defined as less than 10 years of age) may not operate an ATV.
- A person 10 years of age or older but less than 16 years of age may not operate an ATV unless that person has successfully completed a training course approved by the department and is accompanied by an adult (21 years of age or older.)
- A person less than 16 years of age may not cross a public way maintained for travel unless the crossing is in accordance with section 13157-A, subsection 6, paragraph A and the person satisfies the requirements of 13154-A, subsection 3.

Section VIII. Police Procedures

1. General

A Dixfield Police Officer, upon finding or having attention called to any violation of of State of Maine ATV Laws & Rules governed by Title 12, Chapter 933 shall thoroughly investigate the offense(s) and apply the applicable law.

Refinement

Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver a juvenile with ATV to his parent under appropriate circumstances. For example, it may be more appropriate in the case of a juvenile of **tender age** who is near his home and whose identity and address may readily be ascertained or are known, to deliver the juvenile with ATV directly to his parent(s) at his home. Second or subsequent offenses will result in the ATV being removed to the Dixfield Police Department at the owner's expense where it will be stored until such time as the adult owner meets with a member of the Dixfield Police to go over the details of the violation. The ATV will be released to the adult owner upon submission of a paid receipt from the towing company which removed it.

2. Written Report

In any incident involving an ATV violation by a juvenile, the investigating police officer shall file a written report with the Chief of Police within 48 work-hours of the incident. Or, the officer shall participate (to the extent that the information for which he is responsible is an element in a report to be created by or in conjunction with another officer) in the preparation and filing of such report within 48 hours.

3. First Violation

In the case of a first violation by a juvenile, the Chief of Police shall by certified mail, send to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of this ordinance and enforcement of parental responsibility to include expenses for removal of the ATV by a towing company.

Section IX. Continuing Evaluation

The Town will continue its evaluation and updating of this ordinance as follows:

1. Reports to Selectmen:

The Chief of Police shall compile a report not less than once each calendar quarter, for submission to the Board of Selectmen and the Town Manager, noting any exceptional cases of ATV violations by juveniles. The Police Chief shall also include his advisory opinions for consideration by the appropriate committee and by the Selectmen in further updating and continuing evaluation of this ordinance.

TOWN OF DIXFIELD CURFEW ORDINANCE



November 2, 2010

TOWN OF DIXFIELD CURFEW ORDINANCE

Section I. Title

This Ordinance shall be known and may be cited as the Curfew Ordinance of the Town of Dixfield, Maine.

Section II. Purpose and Findings

This is an update of the Town of Dixfield ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of juveniles on streets and in other public places at night, effectively enforced, taught in the homes, internalized and adhered to for generations, all for the good of juveniles, for the furtherance of family responsibility, and for the public good, safety and welfare.

1. Effect on Juvenile Delinquency:

The Dixfield Board of Selectmen finds that the curfew meets a very real local need. Juveniles are and have been particularly susceptible, because of their lack of maturity and experience, to participation in unlawful activities and to victimization by older perpetrators of crime. Enforcement of a curfew for juveniles has been recognized over the years as a significant factor in minimizing juvenile delinquency in Dixfield as well as in many other jurisdictions. Therefore, in order that parents, guardians and town officials may have adequate tools for management of juveniles at their disposal, the Dixfield Curfew Ordinance should be updated and amplified in light of the Town's local situation and facts, including the following:

2. Proper Time for Outdoor Activities:

This community's sense of the proper time for cessation of outdoor activities by juveniles on the streets is reflected in the curfew hours declared by this Article which takes into consideration also the danger hours for nocturnal crime and for accumulations of juveniles with potential risks incident to immaturity.

3. No Commercial Recreational Facilities:

Commercial recreational facilities for juveniles are almost nonexistent and there is little or nothing for juveniles to do outdoors but roam the streets after the curfew hours which this ordinance declares.

4. Parental Responsibility:

Parental responsibility for the whereabouts of children is the norm. Legal sanctions to enforce such responsibility have had a demonstrated effectiveness over the years. As parental control increases, likelihood of juvenile delinquency

decreases, and there is a continuing need for the nocturnal curfew for juveniles which has achieved and will continue to achieve under local conditions the purposes hereinbefore stated,

Section III. Authority

This ordinance is enacted pursuant to the authority granted municipalities in Title 30-A M.R.S.A., Section 3001.

Section IV. Applicability

This ordinance shall apply to juveniles in the Town of Dixfield, whether or not they are residents of the Town of Dixfield, and shall also apply to the parents and guardians of juveniles in the Town of Dixfield, whether or not those parents and/or guardians are residents of the Town of Dixfield.

Wherever reference is made to gender in any form (he, him, his, etc.) , both genders are included.

Section V. Severability

If any provision or section of this ordinance, or the application thereof to any person or circumstance, is determined to be invalid or void by a court of competent jurisdiction, such determination shall not affect other provisions or applications of this ordinance that can be given effect in whole or in part without the invalid provision or application, and to this end each provision of this ordinance is declared to be severable and independent. It is the intent of the Town of Dixfield that each and every part, clause, paragraph, section and subsection of this ordinance be given effect to the greatest degree possible.

In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the Town of Dixfield, the provision which established or establishes the higher standard for the promotion and protection of health and welfare for the community shall prevail.

Section VI. Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is

always mandatory and not merely directory.

1. "Town" is the Town of Dixfield, Oxford County, Maine.
2. "Juvenile", as defined in Maine law, is any person who has not yet attained his/her eighteenth birthday.
3. "Parent" is any person having legal custody of a juvenile,
 - a. As a natural or adoptive parent,
 - b. As a legal guardian,
 - c. As a person who stands in loco parentis, or
 - d. As a person to whom legal custody has been given by order of a court.
4. "Remain" means to linger, to stay behind, to tarry or to refuse to leave any place when requested to do so by a police officer or the owner or other person in control of a public place. Remain also means to stay unnecessarily upon the streets and includes the congregating of groups (or of interacting juveniles) totaling four or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined in Section VIII so that this is not a mere prohibitory or presence-type curfew ordinance. More and more exceptions become available with increasing years and advancing maturity as appropriate in the interest of reasonable regulation which is intended by use of the meaningful phrase "be or remain" as relating to a curfew ordinance of the "remaining" type.
5. "Street" is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term "street" includes the legal right of way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right of way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street. The term "street" applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise.
6. "Public Place" shall mean a place located in the Town of Dixfield to which the general public, or a substantial group of the general public, has access. "Public Place" includes but is not limited to streets, highways, sidewalks, parking lots, vacant lots, parks and the common areas in and about apartment buildings, schools, shops and other places of business or

entertainment.

7. "Emergency" shall mean unforeseen circumstances or the resulting situation calling for immediate action. This includes but is not limited to the following: fire, natural disaster, vehicular accident or any situation requiring immediate action to avert serious injury or loss of life.
8. "Time of Night" referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the Town of Dixfield, prima facie the time then observed in the Dixfield Town Office and Police Station.
9. "Year of Age" continues from 12:01 A.M. on one's birthday to midnight (12:00 A.M.) of the day immediately preceding the next birthday. For example, 11 or less years of age means a person who has not yet attained his/her 12th birthday and 17 years of age that period of time which extends from 12:01 A.M. on the person's seventeenth (17th) birthday until midnight on the day immediately preceding that person's (18th) birthday.
10. Curfew hours means the hours from:
 - 9:01 P.M. until 6:00 A.M. for juveniles 11 or less years of age.
 - 9:31 P.M. until 6:00 A.M. for juveniles 12 or 13 years of age, and
 - 10:01 P.M. until 6:00 A.M. for juveniles 14 or more years of age until reaching their eighteenth birthday.
 - On Friday and Saturday evenings, the hours specified above shall be extended by one (1) hour.

Section VII. Curfew for Juveniles:

It shall be unlawful for any person under the age of 18 to be or remain in or upon the streets of the Town of Dixfield during the periods of curfew as described in Section VI.

Section VIII. Exceptions:

In the following exceptional cases a juvenile on a Town street during the nocturnal hours for which Section VI is intended to provide the maximum limits of regulation

(and a clear general guide for juveniles, their parents and their fellow citizens) shall not, however, be considered in violation of this ordinance;

1. Parent

When accompanied by a parent of such juvenile.

2. Authorized Adult

When accompanied by an adult authorized by a parent of such juvenile to take the parent's place in accompanying the juvenile for a designated period of time and purpose within a specified area.

3. First Amendment Rights

When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such juvenile shall evidence the bona fides of such exercise by first delivering to the Chief of Police or his/her designee at the Police Station a written communication, signed by such juvenile and countersigned if practicable by a parent of such juvenile, together with their home address and telephone number, addressed to the Police Chief, specifying when, where and in what manner the juvenile will be on the streets at night (during hours when this ordinance is otherwise applicable to the juvenile) in the exercise of a First Amendment right specified in such communication.

4. Reasonable Necessity

In case of reasonable necessity but only after such juvenile's parent has communicated to the Town Police Station personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose, including points of origin and destination. A copy of such communication, or of the Police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and address of such parent and juvenile, shall be admissible evidence.

5. Sidewalk Near Residence

When the juvenile is on the sidewalk of the place where such juvenile resides, or on the sidewalk of either next-door neighbor not communicating an objection to the Police Officer.

6. Returning Home

When returning home, by a direct route from (and within 30 minutes of the termination of) a school activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probable time of

termination, has been given in writing to, and duly filed for immediate reference by, the Chief of Police or the officer assigned by him on duty at the Police Station, thus encouraging (here as in other exceptional situations) conduct on the part of juveniles involved in such activities and striking a fair balance for any somewhat conflicting interests.

7. Special Permit: Police Chief

When authorized by special permit from the Police Chief, carried on the person of the juvenile thus authorized, as follows: When necessary nighttime activities of a juvenile may be inadequately provided for by other provisions of this article, the recourse may be had to the Police Chief, either for a regulation as provided in Subsection 8 or for a special permit as the circumstances warrant. Upon the Police Chief's finding of necessity for the use of the streets to the extent warranted by a written application signed by a juvenile and by a parent of such juvenile if feasible, stating a) the name, age and address of such juvenile, b) the name, address and telephone number of a parent thereof, c) the height, weight, sex, color of eyes and hair and other physical characteristics of such juvenile, d) the necessity which requires such juvenile to remain upon the streets during the curfew hours otherwise applicable, and e) the street or route and the beginning and ending of the period of time involved by date and hour, the Police Chief may grant a permit in writing for the use by such juvenile of such streets at such hours as may be necessary. In an emergency this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to the Police Chief, or if unavailable, to the police officer authorized by the Chief to act on his behalf in an emergency, at the Police Station.

8. By Regulation

When authorized, by regulation issued by the Police Chief, in other similar cases of reasonable necessity, similarly handled but adapted to normal or necessary nighttime activities of more juveniles than can readily be dealt with on an individual special permit basis. Normally such regulation by the Police Chief or permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved, not to extend more than 30 minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this ordinance.

9. Employment

When authorized, by means of a certified card of employment. Such card shall be renewable each calendar year, signed by the Chief of Police and briefly identifying the juvenile. The card shall include the address of the juvenile's

home, of his place of employment, and of his hours of employment.

10. In Motor Vehicle

When the juvenile is, with parental consent, in a motor vehicle, this contemplates normal travel. From excess of caution, this clearly exempts bona fide interstate movement through Dixfield, particularly on normal routes. This also exempts interstate travel beginning or ending in Dixfield.

11. Additional Exceptions

Each of the foregoing exceptions, and their several limitations such as provisions for notification, are severable, as hereinafter provided, but here reemphasized; and additional, also severable, exceptions, broadening with the progress toward maturity of juveniles enrolled respectively in elementary, junior high and high schools, will be considered by the Selectmen as warranted by future experience illuminated by the views of student government associations, school personnel, citizens, associations and neighborhood spokesmen, parents, officers and persons in authority concerned positively with juveniles as well as with juvenile delinquency.

Section IX. Parental Responsibility

It shall be unlawful for a parent having legal custody of a juvenile knowingly to permit or by inefficient control, to allow, such juvenile to be or remain upon any Town street under circumstances not constituting an exception to, or otherwise beyond the scope of this ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

Section X. Police Procedures

1. General

A Dixfield Police Officer, upon finding or having attention called to any juvenile on the streets in prima facie violation of this ordinance, normally shall take the juvenile to the Police Station. A parent shall immediately be notified to come for the juvenile, whereupon they shall be interrogated. This is intended to permit ascertainment of relevant facts, under constitutional safeguards, and to centralize responsibility in the on-duty officer for accurate, effective, fair, impartial and uniform enforcement of this ordinance and recording of the

incident and the action(s) taken by the officer. Thus, reliable information is made available to experienced supervisory personnel, the best of facilities are afforded to the juvenile offender and his family and access to information and records is afforded. In the absence of convincing evidence such as a driver's license, State of Maine Identification Card, birth certificate or other reliable means of identification, a police officer on the street shall in each instance use his best judgment in determining age.

2. Refinement

Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver a juvenile to his parent under appropriate circumstances. For example, it may be more appropriate in the case of a juvenile of tender age who is near his home and whose identity and address may readily be ascertained or are known, to deliver the juvenile directly to his parent(s) at his home.

3. Written Report

In any incident involving a curfew violation, the investigating police officer shall file a written report with the Chief of Police within 24 work-hours of the incident. Or, the officer shall participate (to the extent that the information for which he is responsible is an element in a report to be created by or in conjunction with another officer) in the preparation and filing of such report within 24 hours.

4. Release of Juvenile

When a parent, immediately called, has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of his parent. If the parent cannot be located, or fails to take charge of the juvenile, then the juvenile shall be released to appropriate juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the juvenile may temporarily be entrusted to a relative, neighbor or other person who will on behalf of a parent assume the responsibility of caring for the juvenile pending the availability or arrival of a parent.

5. First Violation

In the case of a first violation by a juvenile, the Chief of Police shall by certified mail, send to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of this ordinance, including enforcement of parental responsibility and of applicable penalties.

Section XI. Penalties

Prevailing community standards and the real internalization thereof; or, interpersonal sanctions therefore that in practice count for much as to when juveniles should be off the streets, reflected in this ordinance, are hereby undergirded with the following legal sanctions.

1. First Offense By Parent

If, after the issuance and delivery of a written warning notice pursuant to Section X of a first violation by a juvenile, a parent violated Section (in connection with a second violation by the juvenile), this shall be treated as a first offense by the parent. For such first parental offense, a parent shall be fined Fifty dollars (\$50.00) and for each subsequent offense by a parent, the fine shall be increased by an additional Fifty dollars (\$50.00), e.g., \$100.00 for the second, \$150.00 for the third offense. The Twelfth District Court Judge, upon finding a parent guilty, shall sentence the parent to pay such fine and the costs of prosecution, and upon refusal to pay such fine and costs to be imprisoned in the jail of Oxford County for a period not exceeding ten (10) days.

2. Third Offense by Juvenile

Any juvenile who shall violate any of the provisions of this ordinance more than three times shall be reported by the Police Chief to a society or organization whose purpose it is to take charge of incorrigibles and delinquents and proceedings shall then be taken before the juvenile court for the treatment, supervision and rehabilitation of such juvenile.

3. Fines ineffective

A like procedure, before the juvenile authorities, shall be followed in any case where the imposing of a fine upon a parent shall not be effective, or where for any other reason the provisions of this ordinance cannot be made effective by the imposing of penalties under this section.

Section XII. Continuing Evaluation

The Town will continue its evaluation and updating of this ordinance as follows:

1. Reports to Selectmen:

The Chief of Police shall compile a report not less than once each calendar quarter, for submission to the Board of Selectmen and the Town Manager, noting any exceptional cases of curfew violations by juveniles or their parents. These reports shall include, whenever the information is available, notices of school and other activities, the Police Chief's special permits and the Chief's

regulations hereinbefore authorized. The Police Chief shall also include his advisory opinions for consideration by the appropriate committee and by the Selectmen in further updating and continuing evaluation of this ordinance.

2. Volunteer Programs:

For the same reasons, as well as for the implementation beyond these legal aspects of the basic purposes hereof, the Town Manager and relevant committees of the Town, through their respective chairmen in coordinated efforts, shall work with existing groups and may from time to time organize other groups on a volunteer basis. These officers, persons and organizations shall endeavor to stimulate volunteer leadership in programs or research and of action dealing constructively on neighborhood and local bases, with juvenile delinquency, and prevention, control, or containment thereof, in all its ramifications and with practicable steps toward the good life, and a better life, for juveniles. With the working of this ordinance, community-wide and in individual cases, as one much needed legal tool toward that end as well as for continuing present protection of juveniles and of other persons, and of property and other interests, important to the welfare of the people of the Town of Dixfield.



Town of Dixfield, Maine

SEWER USE ORDINANCE

REGULATION OF SEWER USE

FOR THE TOWN OF DIXFIELD, Maine

June 12, 2018

Replaces June 30, 1979 and amendments November 15, 1979 and June 8, 1996

INDEX

	<u>Page No.</u>
SECTION 1 General Provisions	3
SECTION 2 Definitions	4
SECTION 3 Use of Public Sewers Required	14
SECTION 4 Private Wastewater Disposal	14
SECTION 5 Building Sewers and Connections To Public Sewers	16
SECTION 6 Sewer Extensions	19
SECTION 7 Guidelines for Materials and Construction of Sewer Mains	24
SECTION 8 Use of Public Sewers	27
SECTION 9 Pretreatment of Wastewater	30
SECTION 10 Individual Wastewater Discharge Permits	32
SECTION 11 Protection from Damage	34
SECTION 12 Powers and Authority of Inspectors	35
SECTION 13 Administrative Enforcement Remedies	35
SECTION 14 Sewer Service Charge	37
SECTION 15 Payment of Outstanding Fees & Penalties	40
SECTION 16 Validity of Ordinance	40
SECTION 17 Ordinance in Force	40

DIXFIELD SEWER ORDINANCE

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Sanitary Sewer Collection System for the Town of Dixfield and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- 1). To prevent the introduction of pollutants into the Sanitary Sewer Collection System and the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- 2). To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Sanitary Sewer Collection System; and
- 3). To apply to all Users of the Sanitary Sewer Collection System;
This ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to a duly authorized employee.

SECTION 2 - DEFINITIONS

2.1 **ABBREVIATIONS:** The following abbreviations, when used in this ordinance, shall have the designated meanings:

AASHTO shall mean American Association of State Highway and Transportation Officials

ANSI shall mean American National Standards Institute

APHA shall mean American Public Health Association

ASTM shall mean American Society of Testing and Materials

AWWA shall mean American Water Works Association

BOD shall mean Biochemical Oxygen Demand

BMP shall mean Best Management Practice

BMR shall mean Baseline Monitoring Report

CCTV Closed Caption Television (used to refer to robotic video pipe inspection)

CFR shall mean Code of Federal Regulations

CIU shall mean Categorical Industrial User

COD shall mean Chemical Oxygen Demand

DEP shall mean the Maine Department of Environmental Protection

EPA shall mean U.S. Environmental Protection Agency

GPD shall mean gallons per day

GPM shall mean gallons per minute

IU shall mean Industrial User

mg/l shall mean milligrams per liter

MGD shall mean million gallons per day

MEPDES shall mean Maine Pollutant Discharge Elimination System

NPDES shall mean National Pollutant Discharge Elimination System

NSCIU shall mean Non-Significant Categorical Industrial User

PACP Pipeline Assessment Certification Program (NASSCO) National Association of Sewer Service Companies

POTW shall mean Publicly Owned Treatment Works

RCRA shall mean Resource Conservation and Recovery Act

RMSD Rumford Mexico Sewerage District

SIU shall mean Significant Industrial User

SNC shall mean Significant Noncompliance

TSS shall mean Total Suspended Solids

USC shall mean United States Code

WEF shall mean Water Environmental Federation.

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

Act or “the Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

Authorized or Duly Authorized Representative of the User:

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

Biochemical Oxygen Demand or BOD shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, expressed as a mg/l concentration.

Best Management Practices or BMPs shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Building shall mean a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals or property of any kind.

Building Contractor shall mean any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.

Building Drain shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes within the walls of the building and conveys it to the building sewer, ending eight (8) feet (by BOCA code) outside the inner face of the building wall.

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

Categorical Pretreatment Standard or Categorical Standard shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical Industrial User shall mean an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

Combined Sewer shall mean a sewer receiving both surface runoff and sewage. Specified composite sample shall mean a collection of grab samples collected over a period of time of flow event combined into one sample.

Contractor shall mean any person, firm or corporation approved by the Governing Body to do work in the Town.

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

DOT HANDBOOK is defined as the State of Maine, Department of Transportation, Standard Specifications, Highways and Bridges publication, most recent edition.

Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the

arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Developer shall mean any person, persons, or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.

Dwelling Unit: A room or group of rooms designed and equipped containing cooking, sleeping and toilet facilities exclusively for use as living quarters for only one (1) family. The term includes manufactured housing and mobile homes, but not recreational vehicles, motel units, cabins or cottages. Each unit of a multi-family or condominium unit shall be considered a single dwelling unit.

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

Engineer shall mean the Professional Engineer retained by the Town. In the event the Town has not retained an Engineer, the term “Engineer” as used herein will be construed to mean the Board of Selectmen of the Town of Dixfield.

Existing Source shall mean any source of discharge that is not a “New Source.”

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

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

Governing Body shall mean the duly elected Board of Selectmen of the Town of Dixfield or their authorized deputy or representative.

Grab Sample shall mean a sample that is taken from a waste stream without regard to the flow in the waste stream instantaneously.

House Connection shall mean the extension from the building drain to the public sewer, or other place of disposal, also called Building Sewer.

Indirect Discharge or Discharge shall mean the introduction of pollutants into the POTW from any non-domestic source.

Instantaneous Limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the RMSD’s MEPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid

Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limit shall mean specific discharge limits developed and enforced by the Town upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Manager shall mean the Town Manager of Dixfield, or the individual designated by the Governing Body to perform this function, or the authorized deputy, agent, or representative of this individual.

Mass Limitations or Mass Based Standards shall mean a discharge limit that is measured in a mass unit such as pounds.

May is permissive.

Medical Waste shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Minimum Charge – see Ready to Serve Charge.

Monthly Average shall mean the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Monthly Average Limit shall mean the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

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

New Source shall mean:

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing

Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or
(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-contact Cooling Water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Owner shall mean any individual, company, firm, association, society or group having title to the referenced real property.

Pass Through shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the RMSD's MEPDES permit, including an increase in the magnitude or duration of a violation.

Person(s) shall mean any individual, company, firm, association, society or group.

pH. shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

Plumbing Inspector shall mean the individual duly appointed by the Board of Selectmen who is responsible to perform duties as outlined in Title 30, Section 3222 of the Maine Revised Statutes.

Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, metals, or odor).

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards shall mean Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

Properly Shredded Garbage shall mean 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 ½ inch in any dimension.

Property Line shall mean 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 a public sewer in a sewer right-of-way.

Public Sewer shall mean a common sewer owned, operated, and maintained by public authority, or governmental agency. Public Sewer does not include the Building Sewer or its connection to the Public Sewer.

Publicly Owned Treatment Works or POTW shall mean a treatment works, as defined by section 212(2)(A) of the Act (33 U.S.C. section 1292), which is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Ready to Serve Charge or Minimum Charge is that portion of the fee related to capital expenditures and retirement of debt service.

Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

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 8 feet away from the outside face of the structure.

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 the inside diameters of the pipe.

Holding Tank Waste shall mean any sewage from tanks such as vessels, chemical toilets, campers, and trailers.

Septic Tank Waste shall mean anaerobic sewerage waste collected in a tank or vessel that retains solid matter and allows effluent to emanate to a POTW or drainage field.

Sewage shall mean human excrement (toilet waste) and gray water (household showers, dishwashing operations, etc.).

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory

Significant Industrial User (SIU) shall mean:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW .
 - (b) Contributes a process waste-stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (3) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Town may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6). This includes "someone" in Dixfield must research to comply with 403.3(v)(1), 403.0(v)(2), 403.9, 403.18(d), and 403.12(i)(1) determine that such User should not be considered a Significant Industrial User.

Slug Load or Slug Discharge shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Standard Methods shall mean the latest edition of the publication approved by EPA Standard Methods for the Examination of Water and Wastewater, published by APHA, AWWA and WEF.

State Plumbing Code shall mean the State of Maine Plumbing Code, as amended from time to time.

Storm Water shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Storm Sewer or **Storm Ditch** shall mean a pipe, conduit or swale which carries storm and surface waters and drainage but excludes sewage and industrial wastes.

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:

- (1) Base Gravel: As described in section 703.06(a) Type A of the DOT Handbook.
- (2) Sub-base Gravel: As described in Section 703.06(b) Type D of the DOT Handbook.
- (3) 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.
- (4) 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:
 - (a) $\frac{3}{4}$ -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.
 - (b) 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.
- (5) Sand: Sand shall conform to the gradation requirements as described in Section 703.01 of the DOT Handbook.
- (6) 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.

Superintendent shall mean the company or person designated by the Town Manager to supervise the operation of the sanitary sewer collection system , and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Superintendent.

Total Suspended Solids or Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by filtration.

Town shall mean The Town of Dixfield, Maine.

Unpolluted Water is 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 improved by discharge to the sanitary sewers and wastewater facilities provided.

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 classification 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.

User shall mean an owner of real estate which is connected to the Town’s sewer or drain system.

Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, businesses, buildings, institutions and industrial establishments, together with such ground, surface and storm waters, as may be present. Also termed “Sewage”.

Wastewater Treatment Plant or Treatment Plant shall mean that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Water Course shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 3 – USE OF PUBLIC SEWERS REQUIRED

- 3.1 **Sewer Connection Required** – The owner of any house, building or property used for human occupancy, employment, recreation or other purpose, 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 gravity sanitary sewer of the Town is hereby required, at the Owner(s) expense to install suitable toilet facilities therein, and to connect such facilities to the proper public sewer, in accordance with the provisions of this local law, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within 300 feet of the structure to be served. 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 Governing Body may grant exceptions upon specific application of the owner or lessee of such properties, with such conditions as the said Governing Body may impose.
- 3.2 **Unusual Industrial Wastewaters** – No statement contained in this Section 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, provided that such agreements do not contravene any requirements of existing Federal or State laws and/or regulations promulgated thereunder, and are compatible with any User Charge in effect.

SECTION 4– PRIVATE WASTEWATER DISPOSAL

- 4.1 **On-Site System Required** – Where the POTW is not available under the provisions of **Section 3.1**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article and the Maine State Plumbing Code Subsurface Wastewater Disposal Rules.
- 4.2 **Notification to Town** – Construction of private sewage disposal systems shall comply in all respects with requirements of the Maine State Plumbing Code. In addition, a written notice shall be filed with the Town Office giving notice and details of said installation.
- 4.3 **On-Site System Standards** – The type, capacities, location and lay-out of a private sewage disposal system shall comply with the Maine State Plumbing Code Subsurface Wastewater Disposal Rules and the Minimum Lot Size Law (Maine Revised Statutes Annotated Title 12, Chapter 423-A). No private wastewater disposal system shall be permitted to discharge to any natural outlet.
- 4.4 **Holding Tank Rights and Privileges Granted** – The Selectmen are authorized and empowered to undertake, within the Town, control of the methods of disposal of holding tank and septic tank wastewater and the collection and transportation thereof. All such rules and regulations adopted by the Selectmen shall be in conformity with the provisions herein, all other ordinances of the Town, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine.

- a. Holding tanks shall not be used for conversion from seasonal to full-time use or for new construction within the Shoreland Zone or a major watercourse.
- b. The Selectmen have the right and power to fix, alter, change and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.
- c. The collection and transport of all wastewater from any property utilizing a holding or septic tank shall be done solely under the direction and control of a facility that holds an appropriate Maine State license and disposed of at such site or sites as are approved by the Maine Department of Environmental Protection.

4.5 **Duties of Property Owners** – The owner of property that utilizes a holding tank or septic tank shall:

- a. Maintain the holding tank in conformance with this or any other Ordinance of this Town, the provisions of any applicable law, the rules and regulations of the Town and any administrative agency of the State of Maine; and
- b. Comply with all the provisions of the Maine State Subsurface Wastewater Disposal Rules.

4.6 **On-Site System Operation** – The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

4.7 **Connection Required** – At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in SECTION 3.1, connection shall be made to the public sewer in compliance with this Ordinance within ninety (90) days and any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable material or completely removed. All costs associated with this shall be borne by the owner.

4.8 **Plumbing Inspector Authority** – No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Plumbing Inspector.

SECTION 5– BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS

- 5.1 **Coordination with State Plumbing Code** – 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 conflicts between this Article and the State Plumbing Code, the provisions of this Article 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.
- 5.2 **Building Sewer Permit Required** – No person shall uncover, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written building sewer connection permit as provided in SECTION 6.3 provided by the Superintendent. The building sewer permit application form shall be available at the Town Office. Any person proposing a new or additional discharge into the system, or a change in the volume or character of pollutants that are being discharged into the system shall be required to obtain a permit from the Superintendent.
- 5.3 **Types of Permits and Fee Requirement** – There shall be two (2) classes of building sewer permit – (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 Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

For residential permits, a permit application fee for each single residential sewer and for each additional dwelling unit shall be paid to the Town Treasurer at the time an application is filed, as indicated on the permit application form. Also, an inspection fee for each service connection, plus a connection fee for each dwelling unit shall be paid to the Town as indicated on the permit application form.

The Board of Selectmen shall fix a permit, inspection and connection fee, for each commercial, industrial, or other non-residential building, after recommendation of the Manager and Superintendent based on the size and nature of the operation proposed in such commercial, industrial or other non-residential building as compared to the demands of a residential structure.

- 5.4 **Individual Building Sewers Required** – A separate and independent building sewer shall be required for every building requiring a sewer connection except where one building stands at the rear of another or on an interior lot where no public sewer is available nor can such 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. Except that the owner(s) will be required to pay the minimum applicable charge for each dwelling unit connected to the building sewer. __For example, a home with two apartments upstairs and a garage apartment would pay the fee for four (4) dwelling units. A house with a separate guesthouse would pay the minimum charge for two units. Where dwelling units are owned by different people, individual owners will be billed. Record in Registry of Deeds the common sewer is responsibility of owners, not Town in the event either of the properties are sold.

- 5.5 **Use of Existing Building Sewers** – Existing building sewers may be used only when they are determined by the Town to meet all requirements of this ordinance. When existing buildings which are connected to the public sewer are abandoned or destroyed, the building sewer shall be capped at the edge of the public way or easement containing public sewer, in the presence of a representative of the Town.
- 5.6 **Building Sewer Material** – The building sewer shall be constructed using either SDR 35 PVC, SCH 40 PVC, HDPE or other material approved by the Town.
- 5.7 **Building Sewer Diameter** – The size and slope of the building sewer shall be subject to the approval of the Town, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-fourth (1/4) inch per foot.
- 5.8 **Building Sewer Testing** – CCTV inspection of the building sewer installation may be done at no cost to the Town, in the presence of the Superintendent or his/her designee. CCTV inspection shall be recorded with footage that can later be viewed by the Superintendent or his/her designee.
- 5.9 **Building Sewer Depth** – Whenever possible, the building sewer shall be brought to the building at an elevation sufficient to avoid the need for protection from frost, but in no event shall be less than three (3) feet deep. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be constructed only with approved pipe and fittings. The ends of building sewers, which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration with a suitable stopper, plug or other approved means approved by the Superintendent.
- 5.10 **Private Lift Station Required** – In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage or industrial wastes carried by such drain shall be lifted by approved artificial means and discharged to the building sewer at the expense of the owner.
- 5.11 **Building Sewer Excavation** – All excavations required for the installations of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with the appropriate ASTM specifications with suitable backfill material except that no backfill shall be placed until the work has been inspected.
- 5.12 **Prohibited Connections to Building Sewer**
- a. No person shall make connection of roof down spouts, sump pumps, exterior foundation drains, areaway drains, cellar 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 Town for purposes of disposal of polluted drainage water.
 - b. Where such connections already exist, the Owner must, notify the Town.
- 5.13 **Building Sewer Joints** – All joints and connections shall be made gas tight and water tight.
- 5.14 **Building Sewer General Requirements** – The connection of the building sewer into the public sewer shall conform to the requirements of this ordinance and the procedures set forth

in the appropriate ASTM standards. All such connections shall be made gas tight and water tight. The Town may require CCTV testing at owners expense if need is identified by the Superintendent. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.

- 5.15 **Building Sewer Inspection Notification** – The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. No public sewer shall be disturbed except under the supervision of the Superintendent. The Superintendent shall be available to supervise and inspect the connection, during normal business hours, within forty-eight (48) hours of notification of readiness.
- 5.16 **Building Sewer Excavation Safety** – 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 and/or the Maine Department of Transportation.
- 5.17 **Manhole Required** – 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 Superintendent, 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 location of this manhole and the building sewer connection to it or to an existing manhole shall be as specified by the Superintendent.
- 5.18 **Building Sewer Costs and Indemnification** – All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. These costs include, but are not limited to, materials, excavation, permits, inspection fees, and connection fees. 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.

For the purpose of this section, the building sewer shall terminate at the main sewer line, regardless of the location of the main sewer line or who initially installed all or part of the building sewer. In cases where more than one owner is on the same building sewer line, it shall be the responsibility of the owners to coordinate any and all maintenance and repair.

SECTION 6 – SEWER EXTENTIONS

- 6.1 **Town Constructed Sewer Extensions** – Public sewer extensions may be constructed by the Town under public contract if, in the opinion of the Board of Selectmen, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for the installation and be responsible for the maintenance of the building sewer from the public sewer including the service connection to the residence or place of business in accordance with the requirements of this Ordinance.
- a. When abutting property owners wish to have public sewer facilities extended beyond the existing service area, a majority of the property owners must petition the Board of Selectmen by written petition.
 - b. The signed petition must be presented to the Board of Selectmen at a regular or special meeting of the Board for their consideration.
 - c. Upon receipt of the petition, the Board of Selectmen shall request a recommendation on the proposed project from the Department of Public Works.
 - d. The Department of Public Works will prepare a report concerning the feasibility as well as an estimated cost of the construction which shall be submitted to the Board of Selectmen. Any and all cost incurred by the Public Works Department in preparing a cost estimate and feasibility finding will be borne by the petitioning body.
 - e. The Board of Selectmen shall, if they deem the project feasible both from a construction and a financial standpoint, request the Town Manager to submit a recommendation for financing.
 - f. The Board of Selectmen, when in agreement with the proposed financing, shall request the Town Assessor, in conjunction with the Department of Public Works to prepare a list of the abutters to be benefited, and to submit this list to the Town for mailing of the estimated assessments. The estimated assessments will be based upon 100% of the estimated construction costs.
 - g. The Board of Selectmen shall set the annual simple interest rate to be charged on those assessments which are paid on a term basis.
 - h. All property owners within 300 feet of the new POTW must connect.
 - i. The Town shall send notices of the estimated assessments and the interest rate to be charged on the assessments paid over an extended period of time to all abutting property owners to be benefited by the proposed project. Benefited property owners may choose to pay their assessment in a lump sum or over an extended period of time not to exceed five (5) years, or some other period of time that is agreeable to the Board of Selectmen. The assessment plus interest shall be payable in four equal payments per year at the rate previously set by the Board of Selectmen. The Town shall require all benefited property owners who choose to pay their assessment over an extended period of time to execute an agreement which shall be filed at the Oxford County and Town of Dixfield. Non-payment shall result in sewer lien on property.

- j. The Board of Selectmen will authorize the construction of the project when 75% of the estimated assessments have been signed and returned by the benefited property owners.
- k. The Department of Public Works will have final plans and specifications prepared and will determine if the project can be done by Town forces or by contract. (If by contract, the usual bidding procedure will be followed as required by Maine Municipal Law).
- l. Once the project is complete, the Superintendent will determine the construction cost.
- m. The Town Assessor will determine the name of the owners of the property to be assessed.
- n. The Superintendent will prepare an assessment list containing the benefited property owners and the gallons per day of effluent generated by each benefited property owner. (Gallons per day generated by each benefited property owner shall be determined in accordance with the State of Maine Wastewater Disposal Rules, "Design Flows and Facilities" tables.
- o. The Town will prepare and mail the actual amount of the assessment to be made to each benefited property owner. The assessment shall be based upon 100% of the actual project cost. The benefited property owner assessment (PA) shall be calculated using the following formula:

$$C \text{ divided by } TE = CG$$

$$CG \text{ multiplied by } GD = PA$$

where

C	=	actual cost of sewer extension project
TE	=	total gallons of effluent generated by all benefited property owners (see m. above)
CG	=	cost per gallon of effluent
GD	=	gallons per day generated by each benefited property owner (see m. above)
PA	=	benefited property owner assessment

- p. A public hearing will be held by the Board of Selectmen at which time the actual assessment will be considered legally established and any benefited property owner's grievances will be heard.
- q. Upon completion of the project, the Department of Public Works shall notify the Board of Selectmen, in writing, that the sewer extension is complete and usable.
- r. Benefited property owners shall make their applications for sewer connection at the Town Office. Upon application, the benefited property owner shall pay to the Town, the sewer connection fee in addition to the sewer extension assessment fee. All benefited property owners shall have connected to said sewer within two (2) years after the sewer extension was deemed usable or immediately in the case of a septic system that has failed as determined by the Plumbing Inspector.

- s. The Town will make sewer assessment refunds without interest if additional benefited property owners are connected to the requested sewer extension. The sewer extension assessment refunds will be made to the benefited property owners of record at the time of the refund.
- t. The newly benefited property owner assessment (NPA) and the original benefited property owner refund shall be calculated using the following formula:

$$C \text{ divided by } NTE = NCG \quad NCG \text{ multiplied by } GD = NPA$$

$$PA \text{ less } NPA = \text{REFUND}$$

where

C	=	cost of sewer extension project
NTE	=	total gallons of effluent generated by original plus new <u>benefited</u> property owners (see m. above)
NCG	=	new cost per gallon of effluent
GD	=	gallons per day generated by each benefited property owner (see m. above)
NPA	=	new benefited property owner assessment
PA	=	original benefited property owner assessment

- u. No benefited property owner refunds will be made after a period of ten (10) years from the date the Board of Selectmen deem the sewer extension complete and useable.

6.2 **PRIVATE SEWER EXTENSIONS CONSTRUCTED WITHIN PRIVATE WAY** – If the Town does not elect to construct a sewer extension under Public Contract, the Developer (property owner, building contractor, etc.) may construct the necessary extension, if such extension is approved by the Board of Selectmen in accordance with the requirements. Said developer must pay for the entire installation including all expenses incidental thereto. The design of the sewer extension shall be as specified in **GUIDELINES FOR MATERIALS AND CONSTRUCTION OF SEWER MAINS**. The installation of the sewer extension shall be subject to periodic inspection by its agent. The decision of the Superintendent shall be final in matters of quality and methods of construction. The cost of sewer extensions thus made shall be totally absorbed by the developer.

- a. The developer shall prepare a detailed report with substantiated data included concerning the estimated cost of the proposed sewer extension construction versus the estimated cost of the installation of a complete non-engineered subsurface wastewater disposal system(s) designed and installed in conformance with the State of Maine Plumbing Code that would serve the structures with a design flow that meets the requirements of the State of Maine Wastewater Disposal Rules “Design Flows and Facilities” tables.
- b. The assessor in conjunction with the Superintendent shall prepare a list of abutters to be benefited by the proposed private sewer extension.
- c. Upon receipt of the report from the developer, the Board of Selectmen shall schedule a Public Hearing on the proposed sewer extension.

- d. The Board of Selectmen, when in agreement with the proposed private sewer extension construction, the proposed construction specifications, the proposed construction costs and installation costs of the wastewater disposal system, will authorize the construction of the project either utilizing a sewer extension or installing subsurface disposal systems.
- e. The developer shall notify the Town when the private sewer extension project is complete if that is the option chosen in (d) above. The Superintendent shall make final inspection of the construction project and prepare a report to the Board of Selectmen stating the status of the project and whether the sewer extension has been installed and constructed in conformity with the specification. Any and all costs of inspection, including CCTV shall be borne by the developer.
- f. The developer shall prepare and execute all necessary documents to the Board of Selectmen's satisfaction for the dedication of the private constructed sewer to the Town, including a R.O.W. or Easement for O & M of the Public Sewer.
- g. Upon receipt of the executed dedication documents and a satisfactory report from the Superintendent regarding its final inspections, the Board of Selectmen shall accept such sewer extension and deem the sewer extension usable.
- h. Existing benefited property owners requesting connection to the sewer extension shall make application for connection to the sewer at the Town Office. Benefited property owners shall pay upon application the sewer connection fee and a sewer extension assessment fee. The sewer extension assessment fee will not be charged after ten (10) years from the date the Board accepted the sewer from the developer.
- i. The sewer extension assessment fee (SCF) shall be calculated as follows

$$\text{CS divided by DFT} = \text{CG} \qquad \text{CG multiplied by DFB} = \text{SCF}$$

where

CS = cost of a typical 3 bedroom dwelling subsurface wastewater disposal system (see a. above)

DFT= design flow of a typical 3 bedroom dwelling

CG = design flow cost/gallon/day

DFB= design flow of benefited property owner in gallons/day/connection (see m. in paragraph 6.1)

SCF= sewer extension assessment fee
- j. The Town shall make sewer assessment fee refunds to the developer, as calculated in paragraph 6.1.s if and when benefited property owners are connected to the sewer extension.
- k. No sewer extension assessment fee refunds will be made after a period of ten (10) years from the date the Board of Selectmen accepted the dedication of said sewer extension from the developer.

6.3 Privately Constructed Sewer Extension – If the Town does not elect to construct a sewer extension under public contract, the developer (property owner, building contractor, etc.) may construct the necessary sewer extension, if such extension is approved by the Board of

Selectmen in accordance with the requirements of this Ordinance. The cost of sewer extensions thus made, including all building sewers, shall be absorbed by the developer. Each building sewer must be installed and inspected as previously required and the inspection costs shall be paid by the developer. Design of sewers shall be as specified in this Ordinance. The installation of the sewer extension shall be subject to periodic inspection by the Superintendent and the expenses for this inspection shall be paid for by the developer. The Superintendent's decision shall be final in matters of quality and methods of construction. Before it is accepted, the sewer, as constructed, must be CCTV'd and approved for acceptance by the Superintendent.

- 6.4 **Sewer Extension Ownership** – All sewer extensions constructed at the property owner's, builder's or developer's expense, after final approval and letter of acceptance by the Selectmen, shall become the property of the Town and shall thereafter be maintained by the Town. The sewers, after their acceptance by the Town, shall be guaranteed against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than ten percent (10%) of the Engineer's estimate of the cost of the extension.
- 6.5 **Building Permit Requirement** – No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of waste disposal is proposed.

SECTION 7 – GUIDELINES FOR MATERIALS AND CONSTRUCTION OF SEWER MAINS

7.1 **Materials and Design of Sewer Extensions** – Sewer design shall be in accordance with the following provisions:

- a. All extensions to the sanitary sewer system shall be properly designed by a Registered Professional Engineer of the State of Maine.
- b. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Town before construction may proceed.
- c. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

7.2 **Gravity Main Sewer Design** shall be in accordance with the following provisions:

- a. Pipe material shall be polyvinyl chloride pipe (PVC), couplings and fittings shall conform to the ASTM designation D3034 with an SDR 35.
- b. The minimum internal pipe diameter shall be eight (8) inches.
- c. The joints for each kind of pipe shall be push-on joints using "O" rings gaskets provided by the pipe manufacturer and installed in accordance with the pipe manufacturer's recommendations.
- d. Six (6) inch wye branches or tees shall be installed for connection to building sewer. A six (6) inch building sewer shall be run from the sewer main to the property line. The location of the end of the sewer shall be tied to a minimum of three points.
- e. Upon acceptance of the sewer extension by the Town, the building sewers may be extended in accordance with the provisions of this Ordinance and the Code.
- f. Sewers shall be laid in granular fill from the bottom of the excavation to the mid-diameter of the pipe for the full width of the trench and compacted to a minimum density of 90% of the maximum density determined by ASTM Method D1557, (Modified Proctor). The type of granular fill to be used and the thickness of same will be determined in the field based on the sub-grade soil and the groundwater conditions encountered along the pipeline route.
 - (1) Where the bottom of the excavated trench is above the natural groundwater level four (4) to six (6) inches of crushed stone or a minimum of six (6) inches of gravel borrow shall be placed beneath all barrels, bells or couplings of all pipes installed.
 - (2) Where the bottom of the trench excavation is below the groundwater level and pumping of water is done from within the excavation, the contractor shall use a bedding system which provides a stable working surface, will limit disturbance of the subgrade and will limit as much as practicable the piping or washing of fine soil grains from the subgrade soils due to the flow of water into the trench. In all cases where groundwater is present as defined herein before, crushed stone shall be installed from the mid-diameter of the pipe to a point four (4) to six

(6) inches beneath the bottom of all barrels, bells or couplings of all pipes installed. Where the subgrade soil type is a low or nonplastic silt (ML), silty or clayey sand (SM, SC), fine to medium sand (SP), or silty or clayey gravel (GM, GC) as defined by the soil classification system described in ASTM Standard Method D2487 (Unified System) a two-layer bedding system shall be utilized. The top layer of this of this bedding system shall be crushed stone as described hereinbefore and the lower layer shall be a minimum of six (6) inches thick and be comprised of gravel borrow.

(3) No more than six (6) inches of crushed stone bedding shall be placed beneath the bottom of any pipe and/ or structure. If through an error in excavation by the contractor or due to a need to remove unsuitable material to depths greater than required to install the pipe bedding, the contractor shall backfill this additional excavation with a gravel borrow. Gravel borrow may be placed in a single lift if the total thickness of gravel borrow beneath the pipe does not exceed twelve (12) inches. If greater than twelve (12) inches of gravel bedding or backfill is required below the pipe barrel, second and successive lifts shall be placed in lifts not greater than eight (8) inches loose measure. Gravel shall achieve a minimum density of 90 percent of maximum density determined by ASTM Method D1557, (Modified Proctor). Clean fill material shall be installed from the mid-diameter of the pipe to a point twelve (12) inches over the top of the pipe to a minimum density of 90 percent of the maximum density determined by ASTM Method D155, (Modified Proctor).

7.3 Manholes shall be constructed at all changes in slope and alignment or at intervals not exceeding three hundred (300) linear feet. The manholes shall be constructed of precast reinforced concrete conforming to ASTM C478. Horizontal joints between sections of precast concrete manholes shall be sealed with a self-sealing butyl rubber based flexible joint sealant in rope form. Sealant shall be Kent-Seal No. 2, Ram-Nek, or equal.

- a. Manhole steps shall be of cast aluminum or steel reinforced copolymer polypropylene plastic. All steps shall be twelve (12) inches on center with abrasive step surface and safety edge, drop front design one (1) inch diameter and sixteen (16) inch wide.
- b. Pipe connections shall be made with premolded elastomeric sealant joints. Premolded elastomeric sealed joints shall be A-Lok, Res-Seal, Press Wedge II Lock Joints Flexible Manhole Sleeve, Kor-N-Seal Joint Sleeve, or approval equal.
- c. Manhole covers and frames shall be cast iron conforming to the requirement of ASTM Specification A48, Class 30, and shall be of noiseless non-rocking design with pick holes at the circumference of the cover. The word "sewer" shall be cast on each cover. Each manhole cover and frame shall have a clear opening of 24 inches. Frames and covers shall be adjusted to grade.
- d. Tables and inverts shall be constructed of hard smooth brick set in concrete made of Portland Cement. Inverts shall have the exact shape of the sewers which are connected, and any change in size or direction shall be gradual and

even.

- 7.4 CCTV Inspection. All sewer line will be inspected by an internal robotic CCTV inspection. Final CCTV inspection shall be delivered to the Town in a digital format and under the most current NASSCO PACP standards. The inspection data must be compatible with the Towns current GIS system.
- 7.5 **Force main design** shall be in accordance with the following provisions: Pipe material shall be polyvinyl chloride (FPVC) pressure pipe, Class 150, conforming to AWWA C900-75, or HDPE High Density Polyethylene DIPS pipe. The joints for each kind of pipe shall be push-on joints "O" ring gaskets provided by the pipe manufacturer and installed in accordance with the pipe manufacturer's recommendations, or butt-fused/electrofusion HDPE joints per current manufacturer's recommendations.

Concrete thrust blocks shall be placed at all force main bends 11 1/4 degrees and greater.

SECTION 8– USE OF PUBLIC SEWERS

8.1 Unpolluted Water Prohibited in Public Sanitary Sewer

- a. No person shall discharge, or cause to be discharged, any unpolluted waters such as storm water, surface water, ground water, roof run off, sump pumps, foundation drains, subsurface drainage, cooling water, or unpolluted industrial process water, to any sanitary sewer.

- 8.2 **Dilution** - No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

8.3 Prohibited Discharge Standards

- a. **General Prohibitions.** No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- b. **Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment, unless otherwise approved by the Superintendent;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference;
 - (4). Any garbage that has not been properly shredded.
 - (5) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - (6) Wastewater having a temperature greater than 120°F (120 degrees F) 50°C (50 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 86°F(86 degrees F) 30°C (30 degrees C);

- (7) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 - (8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impairs color of the treatment plant's effluent, thereby violating the RMSD's MePDES permit;
 - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
 - (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by [the Superintendent];
 - (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - (14) Medical and Dental Wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit;
 - (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
 - (16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
 - (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 ml/g;
 - (18) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between 32°F and 120°F (0° and 50°C).
 - (19) Waste from septic or holding tanks;
- c. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- d. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. **[Note: See 40 CFR 403.6(c)(7)]**

8.4 **State Pretreatment Standards** - Users must comply with State Pretreatment Standards codified at 06-096 CMR Chapter 528 Pretreatment Program pursuant to 40 CFR part 123.

8.5 **Local Limits**

- a. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c) to protect against Pass Through and Interference. Such limits shall be reviewed and modified periodically as required at the Superintendent's discretion.
- b. No person shall discharge wastewater containing concentrations in excess of the Local Limits.
- c. The above limits apply at the point where the wastewater enters the Public Sewer.
- d. All concentrations for metallic substances are for total metal unless indicated otherwise.
- e. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.
- f. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 2.1.

8.6 **The Town's Right of Revision**

The Town reserves the right to establish, by ordinance or in individual wastewater discharge permits more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

SECTION 9 - PRETREATMENT OF WASTEWATER

9.1 **Pretreatment Facilities** - Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 9.3 of this ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this ordinance. Costs associated with plan reviews will be paid by the User.

9.2 **Additional Pretreatment Measures**

- a. Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- b. The Superintendent may require any User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense. Reports of Changed Conditions - each User must notify the Superintendent of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

9.3 **Accidental Discharge/Slug Discharge Control Plans**

The Superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the Superintendent of any accidental or Slug Discharge; and
- d. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

SECTION 10—Pollutant Interceptors

10.1 Grease interceptors

- a. (1) Grease interceptors shall be required in any establishment where food is prepared or dispensed: to include, but not be limited to, restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, bed-and-breakfasts, hospitals, sanitariums, factories, school kitchens, commercial kitchens and nursing homes.

(2) The Superintendent may authorize annual waivers in those cases where one of the above commercial establishments is determined not to be a grease generator. Any establishment that generates wastewater, or other waste to enter the public sewer, which contains less than 100 parts per million by weight, of fat, oil or grease shall be considered not to be a grease generator. In reaching his determination the Superintendent may require a test. Testing fees, if necessary, shall be paid by the applicant. If inspection of a sewer service indicates grease is entering the system from a property that has previously obtained a waiver, the Superintendent may revoke the waiver and require that a grease interceptor be installed.

(3) A grease interceptor is not required for individual dwelling units or for any private living quarters. Establishments which are not on the public sewer system are exempt from the requirements of this chapter.
- b. Oil and sand interceptors shall be required when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units.
- c. Construction and design of interceptors. All grease interceptors shall be of a design conforming to the State of Maine Internal Plumbing Code. Sand interceptors, when in the opinion of the Superintendent they are necessary, shall conform to the same standards as grease interceptors. Grease and oil interceptors 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. The Superintendent shall review and approve all sizing requirements prior to application for the installation permit.
- d. Permit required for installation. A permit for installation of an interceptor shall be obtained from the Superintendent.
- e. Location. Each interceptor and grease trap cleaning record shall be so located as to be readily and easily accessible for cleaning and inspection at all times. Grease trap cleaning records shall be displayed proximal to the location of the grease interceptor. Grease interceptors shall be of the internal type.

f. Installation and maintenance.

(1) All establishments which are required to install grease interceptors must have the same installed no later than one hundred and eighty (180) days from the date of notice to do so by the Superintendent.

(2) Installation and maintenance of any interceptor shall comply with the Plumbing code. Accumulated grease shall be removed as needed, but in no case less than once per year. Owners of properties in which grease interceptors are installed must provide evidence of cleaning by mailing or delivering cleaning records to the Town Hall on a regular basis and also, maintain a record of the dates that such interceptors are cleaned. These records remain the property of the Town of Dixfield. Seasonal businesses are exempt from inspection and cleaning requirements during the times of year when they are closed.

- g. Inspection and violations. In the application for the installation of an interceptor, the owner or tenant of the premises shall grant to the Town permission to conduct unannounced inspections of such interceptor during normal business hours, which inspections shall not unreasonably interfere with normal operations of the business. Should an inspection show a violation of this, the owner and/or tenant of the premises will be advised and will be required to pay for 100% of the cost of the cleaning and any necessary fines.

10.2 Notification of the Discharge of Hazardous Waste

- a. Any User who commences the discharge of hazardous waste shall notify the POTW in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste.

10.3 Sample Collection - Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

10.4 Recordkeeping - Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance.

SECTION 11 – PROTECTION FROM DAMAGE

- 11.1 **Damage to Public Sewer Prohibited** – 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 municipal 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 13, Section 806.

SECTION 12 – POWERS AND AUTHORITY OF INSPECTORS

- 12.1 **Right of Entry** - The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying, and the performance of any additional duties.
- a. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.
 - b. Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of this ordinance and access to the POTW will be suspended.

SECTION 13—ADMINISTRATIVE ENFORCEMENT REMEDIES

- 13.1 **Failure to Comply** – Any person who fails to comply with the provisions of this ordinance other than those provisions pertaining to the payment of charges for services established herein shall, upon conviction, be subject to a fine not less than one hundred dollars (\$100) and not exceeding one thousand dollars (\$1,000) for each offense. The continued violation of any provision of any section of this ordinance 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. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated these rules and regulations.
- 13.2 **Alternative Action(s) by the Town** - As an alternative, upon identifying any violation of this ordinance, the proper authorities of the Town, 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, and other violations mentioned herein, to restrain, correct or abate such violation, or to prevent the occupancy of any building, structure or land where said violations of this ordinance are found.
- 13.3 **Compliance Orders** - When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement,

nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

a. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

13.4 **Remedies Nonexclusive** - The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

13.5 **Liability to the Town** – Any person violating any provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

SECTION 14 – SEWER SERVICE CHARGE

- 14.1 **Source of Revenues** – The board of selectman shall impose a user charge upon each building for the use of the sewage works. User charges shall be expended for the cost of maintaining, repairing and operating the sewage works and the cost of treating sewage from the Town of Dixfield at the Rumford Mexico Wastewater Treatment Facility. A building which is connected to the public sewer shall be deemed to be using the sewage works. User charges shall be calculated by multiplying the based rate and the sewage flow for each building per quarter.
- 14.2 **Establishment of Rates** – Sewer service charge rates including readiness to serve charges shall be determined by the Town Selectmen after notice and hearing. This charge will be computed and billed on a quarterly basis throughout the calendar year.
- a) **Base rate.** In establishing the base rate for user charges the board of selectman may consider any one or more of the following factors.
 - a. The cost of maintaining and operating the sewage works
 - b. The cost of treating the sewage and industrial waste of Dixfield at the Rumford Mexico Wastewater Treatment Facility.
 - c. The average total quantity of sewage and industrial waste discharged into the public sewers of the Town of Dixfield.
 - d. The number of building sewers in the Town
 - e. The number of building sewers which are connected to the public sewer and the number of persons residing in or employed in the buildings which are connected to the public sewer in the Town
 - f. The number of each type of building in the Town of Dixfield
 - g. Any other factors which in the judgement of the board affect the use of the sewage works.
- 14.3 **Billing Categories and Justification** – The sewer service area and the nature of buildings required to have sanitary facilities shall be as defined in Section 3.1 hereof.
- a) A **unit** is either of the following
 - a. A single family dwelling
 - b. (1) apartment, condominium, or town house
 - c. (1) mobile home
 - d. (1) mobile home lot or other lot connected to a public sewer
 - e. (20) school students
 - f. (20) students in a nursery school or day care
 - g. (2) motel or hotel rooms
 - h. (12) seats in a restaurant or pub
 - i. (1) church
 - j. (1) club
 - k. (10) commercial or industrial employees
 - l. (1) gas station
 - m. (40) seats in a playhouse, theater, or cinema
 - n. (1) washing machine in a laundromat
 - o. (12) seats in a cocktail lounge or bar
 - p. (1) beauty salon or barber shop

- q. (1) car wash bay
- r. (10) residents in a nursing home or boarding home/care facility
- s. Or the equivalent of a single family dwelling based upon the standard that the sewer use or water consumption of a single family dwelling is 1,500 cubic feet per quarter
- b) The **sewage flow** of each building shall be equal to the water consumption by each building as measured by the Town of Dixfield Water Department water meter readings for each building. Buildings without meters shall pay the minimum user charge.
- c) **Minimum user charge** shall equal the base rate multiplied by 1,500 cubic feet per quarter.

14.4 **Changes in Rates** – The Town Selectmen reserve the right, from time to time, to change the rates of sewer service charges originally or previously assigned to any property owner.

14.5 **Late Charge** – There shall be a late charge equal to the maximum rate allowed by state law assessed to all delinquent accounts effective thirty (30) days from the date of billing. The rate shall be established annually by the Town and is assessed at the same rate for uncollected taxes.

14.6 **Abatement** Any person may petition the Board of Selectman for an abatement of any sewer charge imposed against the person pursuant to this section. The petition shall be made to the board of selectman in writing on a form or in such a manner as may be required by the board of selectman. The person shall state the reason or reasons for the abatement request and provide such other information as the board of selectman determine is necessary to consider the petition for abatement. A person may only request an abatement of sewer user charges for the current year or the previous two years. The board of selectman shall review a petition within sixty (60) days of the date of receipt and shall approve, approve in part, or deny the petition. The decision of the board of selectman shall be in writing and shall state the findings and the reasons the board made its decision. Any person aggrieved by the decision of the board of selectman may appeal the decision to the Board of Appeals. The board of selectman may grant an abatement for the following reasons.

- a) An error in billing of any sewer user charges imposed
- b) A building against which quarterly user charges are imposed is vacant for the entire calendar year for which the quarterly charges were imposed
- c) The person is experiencing extreme hardship upon proof of a lack of ability to pay all or a part of the sewer user charges imposed
- d) A water leak which impacts on the calculation of the user charge providing the water leak does not enter the sewer
- e) Other circumstances which increase the amount of water consumption by the person but does not result in a corresponding increase to the discharge of sewer into the Dixfield sewer system

14.7 **Special Industrial Rates** – A special sewer service charge shall be assigned to any firm or organization which discharges industrial wastes to the POTW.

The Town may adopt charges and fees which may include:

- a. Fees for reimbursement of costs for setting up and operating a pretreatment program;

- b. Fees for monitoring, inspections and surveillance procedures;
- c. Fees for reviewing accidental discharge procedures and construction;
- d. Fees for permit applications;
- e. Fees for filing appeals;
- f. Fees for consistent removal (by the Town) of pollutants otherwise subject to Federal Pretreatment Standards;
- g. Other fees as the Town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Town.

- 14.8 **Unpolluted Water Surcharge:** The selectmen may impose a surcharge fee for Users known to discharge unpolluted water to the POTW. (May help with compliance to 9.1(b)).

SECTION 15 – PAYMENT OF OUTSTANDING FEES AND PENALTIES

The Superintendent may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

SECTION 16– VALIDITY OF ORDINANCE

- 16.1 **Prior Ordinances Repealed** – All ordinances or parts of ordinances, in conflict herewith are hereby repealed.
- 16.2 **Invalid Sections** – The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 17 – ORDINANCE IN FORCE

This ordinance shall be in full force and effect from and after its passage and approval.