



## **TOWN OF OAK BLUFFS**

### **SEWER RULES AND REGULATIONS**

Rules and Regulations governing the use of public and private sewers and drains, private sewage disposal, the installations and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof, in the Town of Oak Bluffs, County of Dukes County, Commonwealth of Massachusetts. Be it ordained and enacted by the Wastewater Commission of the Town of Oak Bluffs as follows:

## **ARTICLE I DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in these Rules and Regulations shall be as follows:

**‘BOD’** (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade, expressed in milligrams per liter of solution.

**‘BUILDING DRAIN’** shall mean that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage pipes inside walls of the building and conveys it to the building wall.

**‘BUILDING SEWER’** shall mean the extension from the building drain to the public sewer or other place of disposal.

**‘COMBINED SEWER’** shall mean a sewer receiving both surface runoff and sewage.

**‘COMPANY’** shall mean any industrial or commercial establishment with a liquid waste discharge.

**‘GARBAGE’** shall mean the solid waste produced from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**‘INDUSTRIAL WASTE’** shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**‘MAY’** is permissive.

**‘NATURAL OUTLET’** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**‘OPERATOR’** shall mean any licensed Operator of Sewage Works and/or Water Pollution Control Facilities acting as an agent of the Wastewater Commission.

**‘ph’** shall mean the logarithm of the weight of hydrogen ions in grams per liter of solution.

**‘PERSON’** shall mean any individual, firm, company, association, society, corporation or group.

**‘PROPERLY SHREDDED GARBAGE’** shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles

will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

**‘PUBLIC SEWER’** shall mean a sewer in which all abutting properties have equal rights and is controlled by a public authority.

**‘SANITARY SEWER’** shall mean a sewer, which carries sewage, and to which storm, surface and ground water are not intentionally admitted.

**‘SEPTAGE’** shall mean wastewater originating from an on site septic disposal system that is undergoing putrefaction under anaerobic conditions.

**‘SEWAGE’** shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

**‘SEWAGE WORKS’** shall mean all facilities for collecting, pumping, treating and disposing of sewage.

**‘SEWER’** shall mean a pipe or conduit for carrying sewage.

**‘SHALL’** is mandatory.

**‘SLUG’** shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration of flows during normal operation.

**‘STORM DRAIN’** (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**‘SUSPENDED SOLIDS’** shall mean the solids that either float on the surface of, or are in suspension in water, sewage or other liquids which are removable by laboratory filtering.

**‘TOWN’** shall mean Town of Oak Bluffs, in the County of Dukes County, Commonwealth of Massachusetts, acting through its Wastewater Commissioners.

**‘WATERCOURSE’** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**‘WATER POLLUTION CONTROL FACILITY’** shall mean the arrangement of devices and structures used for treating sewage.

The following definitions are pertaining to the Wastewater facilities plan categories for special assessment and user fees:

**Churches:**

Considered the same as residential property.

**Municipal:**

Those properties identified as belonging to the Town of Oak Bluffs will be exempt from assessment fees but will pay user fees.

**Residential:**

This is a single-family or multi-family dwelling not used for commercial purposes other than small home businesses located in residential areas. Each unit in a condominium is considered to be a single-family dwelling.

**Commercial A:**

A commercial business licensed through the Town of Oak Bluffs and located in the Business District (B-1 or B-2). These are considered to be retail (example: T-shirt shops, clothing stores, hardware store, theaters, package stores, bed and breakfasts' with 9 or less rooms).

**Commercial B:**

A commercial business licensed through the Town of Oak Bluffs but not located in the B-1 or B-2 Business District.

**Commercial C:**

A business licensed through the Town of Oak Bluffs doing business as a Restaurant.

**Commercial D:**

A business licensed through the Town of Oak Bluffs doing business as a Hotel or Inn or B & B consisting of 30 rooms or more.

**Sewered:**

Properties that have been designated to be connected to the sewer system on the design plan.

**Infill:**

Properties that have been designated to have the proper land dimensions to install a Title V septic system, which meets current standards without variances.

**ARTICLE II  
USE OF PUBLIC SEWERS REQUIRED**

**SEC. 1 UNSANITARY DISPOSAL OF OBJECTIONABLE WASTE**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.

**SEC. 2 UNLAWFUL DISCHARGE OF SEWAGE**

It shall be unlawful to discharge to any outlet in any area under the jurisdiction of the Town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these Rules and Regulations.

**SEC. 3 UNSATISFACTORY DISPOSAL FACILITIES**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

**SEC. 4 REQUIRED CONNECTION TO PUBLIC SEWER SYSTEM**

Where there is no private sewage disposal or where inadequate private disposal facilities exist, the owner of all homes, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town of Oak Bluffs and abutting on any street, alley or right of way in which there is located a public sanitary or combined sewer of the Town, is hereby required, at his expense, to connect their property directly with the proper public sewer in accordance with the provisions of these Rules and Regulations within eight (8) months of notification.

**ARTICLE III  
PRIVATE SEWAGE DISPOSAL**

**SEC. 1 DIRECT CONNECTION TO THE PUBLIC SEWER**

At such time as a public sewer becomes available to a property served by an inadequate private sewage disposal system, as provided in ARTICLE II, SEC. 4, a direct connection shall be made to the public sewer in compliance with these Rules and Regulations and any septic tanks, cesspools and similar disposal facilities shall be abandoned and filled with suitable material within six (6) months.

**SEC. 2 PRIVATE SEWAGE DISPOSAL FACILITIES**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Town.

**SEC. 3 NON INTERFERENCE OF OUTSIDE COMPLIANCE**

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by any other Board or Committee within the Town of Oak Bluffs.

**SEC. 4 TIME OF COMPLETION OF THE SEWER CONNECTION**

When a public sewer becomes available, the building sewer shall be connected to said sewer within eight (8) months and the private sewage disposal system shall be cleaned of liquid and sludge and filled in with clean bank run gravel or dirt within six (6) months after hookup.

**ARTICLE IV  
BUILDING SEWERS AND CONNECTIONS**

**SEC. 1 UNAUTHORIZED DISTURBANCE OF PUBLIC SEWERS**

No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Wastewater Commission.

## **SEC. 2 SEWER CONNECTION APPLICATIONS**

(a) **CONNECTION FEE:**

There shall be a twenty five hundred dollar (\$2,500.00) fee for new residential and commercial tie-ins to the town sewer system.

(b) **APPLICATION FORM**

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 Commission.

(c) **SEWER USER CHARGES**

The applicant shall provide a signed statement that all sewer user charges and real estate taxes assessed to the property are current.

(d) **PERMIT FEE**

A permit fee of fifty dollars (\$50.00) for change of flow or use shall be paid by all residential and commercial users at the time the application is filed and the fee will be returned if the request is denied.

(e) **APPLICATION ACCEPTED**

Applications will be accepted at the Wastewater Department office.

(f) **APPLICATION REVIEW**

Upon receipt of the application and fee, the Wastewater Commission will conduct a review of the application to determine compliance with these Rules and Regulations and compliance with all other concerned agencies before a permit will be granted. This review will be for a period not to exceed forty-five days (45) unless special conditions require additional time.

Wastewater Commission review of those applications requiring any additional approval from any outside agencies such as the Martha's Vineyard Commission or the Commonwealth of Massachusetts' Department of Environmental Protection (DEP), etc. will be suspended until such time that the application is returned to the Wastewater Commission and all conditions of the outside reviewing agency have been met.

(g) **PERMIT VALIDITY**

Sewer connection permits will be valid for twelve (12) months after the date of issue by the Wastewater Commission. Permits will expire after the twelve (12) month period, unless, they are renewed by the Wastewater Commission on the request of the applicant, for one additional twelve (12) month period, after which they will become null and void.

(h) **PERMIT CONDITIONS**

The permit is valid only for the original conditions for which it was issued. A change of use and or an increase in flow will require Wastewater Commission review and a new permit if said change or increase is granted.

(i) **SEATING CAPACITY**

Commercial applications for food service establishments (restaurants, deli's, take-outs, bakeries, etc.) will be assigned a specific number of seats (seating capacity) for wastewater flow calculation and billing purposes, based on an inspection done by either the Building Inspector and/or the Fire Marshall. Any request to increase the number of seats at any time will require another inspection and be considered a change in use due to an increase in flow and will require Wastewater Commission approval and require a new permit.

(j) **WITHDRAWAL FROM A PERMIT**

Once a permit is granted the applicant will have thirty (30) days to request in writing that the application be withdrawn, the permit voided and the fee be returned. No more than 75% of the application fee will be refunded.

**SEC. 3 ALL COSTS TO BE BORNE BY OWNER**

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**SEC. 4 SEPARATE BUILDING SEWERS**

A separate and independent building sewer shall be provided for every building; except where one building stands adjacent to another on an interior lot and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

**SEC. 5 USE OF OLD SEWERS**

Old building sewers may be used in connection with new buildings only when they are found on examination and tested by the Operator to meet all the requirements of these Rules and Regulations.

## **SEC. 6 SEWER INSTALLATION REQUIREMENTS**

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavation, placing of the pipe, jointing, testing and backfilling the trench and making a gas and water tight connection of the building sewer into the public sewer shall all conform to the requirements of the building and plumbing codes or other applicable Rules and Regulations of the Town of Oak Bluffs. In the absence of code provisions or an amplification thereof, the materials and procedures set forth in the appropriate sections of the Commonwealth of Massachusetts, Department of Environmental Protection (DEP) "GUIDELINES OF THE DESIGNS, CONSTRUCTION, OPERATION & MAINTENANCE OF SMALL SEWAGE FACILITIES" shall apply. Any deviation from the prescribed procedures and materials must be approved by the operator before installation. All connections made into the municipal sewer system shall be by a certified Wastewater installer.

## **SEC. 7 BUILDING SEWER ELEVATION**

Whenever possible, the building sewer shall be brought from the building at an elevation above the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

## **SEC. 8 CONNECTION OF UNCONTAMINATED WATER SOURCE PROHIBITED**

No person shall make a connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer system.

## **SEC. 9 INSPECTION OF BUILDING SEWER CONNECTION**

The applicant for the building sewer permit shall notify the Operator when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Operator or his representative.

## **SEC. 10 PROTECTING THE PUBLIC DURING INSTALLATION**

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

## **ARTICLE V USE OF PUBLIC SEWERS**

### **SEC. 1 UNCONTAMINATED WATER**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

### **SEC. 2 STORM SEWERS**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Operator. Commercial cooling water or unpolluted process waters may be discharged, on approval of the Operator, to a storm sewer, combined sewer or natural outlet.

### **SEC. 3 PROHIBITED WATERS OR WASTES**

No person shall discharge or cause to be discharged any of the following described waters and/or wastes to any public sewer:

(a) **FLAMMABLE SUBSTANCES**

Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) **TOXIC SUBSTANCES**

Any waters or wastes containing toxic or poisonous solids, liquids or gasses in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard in the receiving waters of the sewage treatment plant, including but not limited to, cyanide in excess of two (2) mg/l a CN in the wastes as discharged to the public sewer.

(c) **ACIDIC SUBSTANCES**

Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) **OBSTRUCTIONS**

Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, etc. either whole or ground by garbage grinders.

**SEC. 4 PROHIBITED SUBSTANCES**

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Operator that such wastes can harm either the sewers, sewage treatment process or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Operator will give consideration to such factors as the quantities of subject waste in relation to flows and velocities in the sewers, materials of construction, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and any other pertinent factors. The substances prohibited are:

(a) **TEMPERATURE**

Any liquid or vapor having a temperature higher than one hundred and fifty degree Fahrenheit (150F).

(b) **GREASE & OTHER VISCOUS SOLIDS**

Any water or waste containing fats, wax, grease or oils, weather emulsified or not, in excess of one hundred milligrams per liter (100mg/l), or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred and fifty (150) degrees Fahrenheit (0 to 65 Degrees Celsius).

(c) **GARBAGE GRINDERS & SHREDDING OF GARBAGE**

Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4HP) horsepower (0.76 metric HP), or greater shall be subject to the review and approval of the Operator.

(ARTICLE XIII, SEC. 7 supersedes ARTICLE V, SEC. 4, subsection (c) by prohibiting the new installation of garbage grinders.)

- (d) **ACIDIC WASTES**  
Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (e) **TOXIC SUBSTANCES**  
Any waters or wastes containing iron, chromium, copper, zinc, and/or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Operator for such materials.
- (f) **TASTE OR ODOR PRODUCING SUBSTANCES**  
Any waters or wastes containing phenols or other taste and/or odor producing substances, in such concentrations exceeding limits which may be established by the Operator as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) **RADIOACTIVE WASTE**  
Any radioactive waste or isotopes of such half life or concentration as may exceed limits established by the Operator in compliance with applicable State or Federal Regulations.
- (h) **HIGH pH**  
Any waters or wastes having a pH in excess of 9.5.
- (i) **EXCESSIVE LOADINGS (materials which exert or cause):**
  - a) **Inert Suspended Growth:**  
Unusual concentrations of inert suspended solids, such as, but not limited to, sodium chloride and sodium sulfate.
  - b) **Discolorization:**  
Excessive discolorization.
  - c) **BOD**  
Unusual Biochemical Demand (BOD), Chemical Demand (COD), or Chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d) **Slugs:**  
Unusual volume of flow or concentration of wastes constituting "SLUGS" as defined herein (See Article 1, Sec. 20).
- (j) **SUBSTANCES NOT AMENABLE TO TREATMENT**  
Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such a degree that the sewage treatment effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters, i.e. phosphates and nitrates.

## **SEC. 5 POWERS OF THE OPERATOR**

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

(a) REJECT THE WASTES

(b) REQUIRE PRETREATMENT:

To an acceptable condition for discharge to the public sewers. (If the Operator permits an industry to pretreat or equalize it's waste flows, the design and installation shall be subject to the review and approval of the Operator and subject to the requirements of all applicable codes, rules, regulations and laws.)

(c) REQUIRE PAYMENT

To cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of SEC. 9 of this Article.

## **SEC. 6 INTERCEPTORS REQUIRED**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Operator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptor facilities shall be of a type and capacity approved by the Operator and shall be located as to be readily and easily accessible for cleaning and inspection.

**6A:** In accordance with 310CMR, 15.230 all grease traps shall comply with the following:

- (1) Grease traps shall be provided for kitchen flows at restaurants, nursing homes, schools, hospitals and other facilities from which quantities of grease can be expected to be discharged.
- (2) Grease traps shall be installed on a separate building sewer serving kitchen flows into which the grease will be discharged. The discharge from the grease trap must flow to a properly designed septic tank or to a building sewer prior to the septic tank.
- (3) Grease traps shall have a minimum depth of four feet (4) and a minimum capacity of 1,000 gallons and shall have sufficient capacity to provide at least a 24-hour detention period for the kitchen flow.

Kitchen flow shall be calculated in accordance with 310 CMR 15.203 (System Sewage Flow Design Criteria).

- (4) Grease traps shall be watertight and constructed of the materials specified in 310 CMR 15.221 (General Construction Requirements for All system Components; and 15.226 (1) and (2) Construction of Septic Tanks).
- (5) The inlet tee shall extend to the mid depth of the tank. The outlet tee shall extend to within 12 inches of the bottom of the tank. Tees shall be cast-iron (commercial) or Schedule 40 PVC (residentially) and properly supported by a hanger, strap or other device.
- (6) Grease traps shall be installed on a level stable base that has been mechanically compacted and onto which 6 inches of crushed stone has been placed to minimize uneven settling.
- (7) Grease traps shall be provided with a minimum 20-inch diameter manhole frame and cover to grade over the inlet and outlet tees.
- (8) Grease traps shall be accessible for inspection and maintenance. No structures shall be constructed directly upon or above the grease trap access locations.
- (9) The invert elevation of the inlet of a grease trap shall be at least two inches (2") above the invert elevation of the outlet. The inlet and outlet shall be located at the centerline of the tank and at least 12 inches above the maximum groundwater elevation.
- (10) Backfill around the grease trap shall be placed in such a manner as to prevent damage to the tank.
- (11) Grease traps shall be maintained in accordance with 310 CMR 15.351 (System Pumping and Routine Maintenance).
- (12) Grease removal by other devices located within the building as part of the internal plumbing are not within the jurisdiction of 310 CMR 15.000 (State Environmental Code, Title 5) and shall not be considered for compliance with 310 CMR 15.230 except with the prior written approval of the Department.

**6B: Exceptions to 6A:**

- (1) Any restaurant within the Town of Oak Bluffs, on the Facilities Plan for the Sewer System, that does not have the land, easement or means to put in a grease trap according to 310 CMR 15.230, will come before the Wastewater Committee and be evaluated on a case-by-case basis for alternative in-house grease treatment.

**6C: Inspections:**

All grease traps within the Facilities Plan and hooked-up to the sewer system shall be inspected by the Facility Operator or his/her designee at their discretion.

## **SEC. 7 OPERATION OF PRELIMINARY TREATMENT FACILITIES**

Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, the owner at his expense shall maintain them continuously in satisfactory and effective operation.

## **SEC. 8 OBSERVATION MANHOLE REQUIRED**

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

## **SEC. 9 SAMPLING REQUIRED**

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in these Rules and Regulations shall be determined in accordance with the latest edition of 'STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER', published by the American Public Health Association, and shall be determined by the control manhole provided, or upon suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

The particular analysis involved will determine whether a twenty four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24 hour composite of all outfalls whereas pH is determined from period grab samples.

## **SEC. 10 ACCEPTANCE OF INDUSTRIAL OR COMMERCIAL WASTE**

No statement contained in this Article shall be construed as preventing any special agreement between the Town and an industrial or commercial concern whereby industrial or commercial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial or commercial establishment.

## **SEC. 11 APPLICATIONS FOR COMMERCIAL AND INDUSTRIAL SEWER CONNECTION**

Applications for commercial and industrial sewer connections will be reviewed on a case-by-case basis to determine the project's maximum expected daily quantity of sewage flow and its impact on the sewer system and the treatment facility. This flow will be computed by using the 'COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF WATER POLLUTION CONTROLS 314 CMR 7.15' – 'SEWAGE FLOW ESTIMATES'.

In addition to filing the application, the applicant will also supply the Operator with the following information if requested:

- a) The types and number of establishments that will be located in the project;
- b) The number of persons working in or using the establishment;
- c) The number of guest rooms;
- d) The square footage of each establishment;
- e) The seating capacity; and
- f) The volume of all large appliances such as commercial sinks, dishwashers, clothes washers, etc., and the daily frequency of use of each appliance.

Estimated sewage flow not listed in the engineering data will be considered in relation to actual meter readings of established flows from known or similar installations. When granting permission to connect, the Commissioners shall set a maximum allowable volume of sewage flow that will not be exceeded.

## **ARTICLE VI PROTECTION FOR DAMAGE**

### **SEC. 1 UNAUTHORIZED ACTIVITIES**

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

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

### **SEC. 1 PERMISSION TO ENTER ALL PROPERTIES**

The Operator, and other duly authorized employees of the Town bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of these Rules and Regulations. The Operator or his representatives shall not have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for waste treatment.

### **SEC. 2 COMPANY HELD HARMLESS**

While performing the necessary work on private properties referred to in ARTICLE VII, SEC. 1, above, the Operator or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the Town employee. The Town shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in ARTICLE V, SEC. 8.

### **SEC. 3 EASEMENTS HELD BY THE TOWN**

The Operator and other duly authorized employees of the Town having proper credentials and identification shall be permitted to enter all private properties through which the

Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **ARTICLE VIII PENALTIES**

### **SEC. 1 NOTICE OF VIOLATION**

Any person found to be violating any of these Rules and Regulations except ARTICLE V, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

### **SEC. 2 CONTINUING VIOLATION**

Any person who shall continue any violation beyond the time limit provided for in ARTICLE VIII, SEC. 1 shall be guilty of a misdemeanor and on conviction thereof shall be fined in an amount not exceeding twenty dollars (\$20.00) for each violation. Each day in which any such violations continue shall be deemed a separate offense. (See M.G.L. C 83, Sec. 10 and M.G.L. C 40, S.S. 21 {6}.)

### **SEC. 3 TERMINATION OF SERVICE**

Any person violating any of the provisions of these Rules and Regulations shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation and subject to termination of the sewer service.

## **ARTICLE IX USER CHARGE SCHEDULE**

### **SEC. 1 WHEN COMPUTED**

The user charge shall be computed each year to reflect actual changes in the amounts of monies needed to fund the operation and maintenance of the Wastewater Department.

## **SEC. 2 CHARGE PERIOD**

The user charge year shall be for the present fiscal year, which covers the period from July 1 to June 30.

## **SEC. 3 ALLOCATION OF USER CHARGES TO OPERATING COSTS**

The user charge shall be so computed that the revenue generated will be sufficient to defray the costs of operation and maintenance of the public sewer system, treatment facility and related equipment.

## **SEC. 4 COMPUTATION OF THE USER CHARGE**

The computation of the user charge schedule shall be based upon the actual gallons used according to readings recorded by the Oak Bluffs Water District and/or the Oak Bluffs Wastewater Department. The user charge shall take into account all revenue generated by the food service surcharges, if any, and any grants received by the Commission that they deem should be applied to the user.

## **SEC. 5 BLOCK RATE STRUCTURE**

The residential user charge for wastewater services is based on an inclining block rate. The first block rate shall cover the first 40,000 gallons of water usage, and shall be a flat fee assessed to all residential properties. The second block rate shall be a per gallon charge that will be assessed for all usage over 40,000 gallons for that billing period.

The commercial user charge for wastewater services is based on an inclining block rate. The first block rate shall cover the first 40,000 gallons of water usage and shall be a flat fee assessed to all commercial properties. The second block rate shall be a per gallon charge that will be assessed for all usage over 40,000 gallons for that billing period.

## **SEC. 6 PUBLISHING THE USER CHARGE**

The user charge schedule for each user charge year and type shall be computed, approved, recorded and published prior to July 30<sup>th</sup> of each year.

## **SEC. 7 BILLING DATE AND OVERDUE BILLS**

User charge bills will be mailed on or about August 1<sup>st</sup> of each year. All accounts not paid within sixty (60) calendar days of the billing date will be charged interest at an

annual rate of fourteen percent (14%) (July 8, 1990 – also – M.G.L. C 40, SS 42A and 42B).

## **SEC. 8 ABATEMENTS**

Abatements shall be given for errors in billing calculations provided such errors are brought to the Board's attention within sixty (60) calendar days of the billing date.

Abatements may be granted for financial hardship if it is in the opinion of the Wastewater Commissioners that such abatement is warranted.

Abatement application forms are available at the Office of the Wastewater Commission.

## **SEC. 9 RESPONSIBILITY FOR PAYMENT OF THE SEWER USER CHARGE**

The owner of record, having been issued a sewer connection permit, shall be responsible for payment of the sewer user charge. The property shall be identified by the Town of Oak Bluffs Assessors' map and parcel number. The owner of record shall be defined as that person (or those persons) whose name is listed as the property owner and is recorded at the Registry of Deeds as of July 1 of the current fiscal year. Former property owners are responsible for all unpaid sewer user charges assessed to them prior to the July 1<sup>st</sup> date. Upon notification of the sale of a property, the Town of Oak Bluffs reserves the right to impose a lien on any property having an unpaid sewer charge. Sale of the property by the original owner does not relinquish his or her responsibility.

## **SEC. 10 INACTIVE ACCOUNTS**

A sewer connection permit may be considered as an inactive account if the owner of record can provide satisfactory documentation, in the form of water or electrical usage, that the premises has been unoccupied for a period of 366 consecutive days. Those accounts that are deemed to be inactive shall be placed in an inactive file and not billed for the current fiscal year. The status of inactive accounts shall be checked from time to time and reviewed annually. When an inactive account has been reoccupied and reconnected to the utilities, the permit shall be considered active and billed from the period when the utilities were reconnected to the end of the current fiscal year, at the prevailing rate.

## **Sec. 11 ABATEMENT METERS**

Property owners can purchase and have installed abatement meters that have been approved by the Water District to measure the amount of outside water usage. There will be a yearly charge of \$50.00 per meter to read each meter. This meter measures the amount of water that is used outside of the house that does not go into the sewage system. It is the property owners responsibility that the abatement meter is reading correctly and that any incorrect meter readings due to a faulty meter or incorrect install will not receive an abatement.

## **ARTICLE X SEWER SYSTEM EXTENSION**

### **SEC. 1 REQUEST TO INSTALL SEWERS**

Upon request of one or more owners of property abutting Town streets in which a public sanitary sewer has not been installed, but along which streets future construction of sanitary sewer service lines is contemplated, the Commission will consider the installation of such service.

### **SEC. 2 REQUEST IN WRITING**

Request for installation of public sanitary sewer service under this Article, shall be submitted, in writing, by the property owner or owners desiring such installation accompanied by appropriate cost estimates.

### **SEC. 3 PAYMENT AGREEMENT**

Installation of such requested service will be dependent upon agreement by the requesting property owner or owners to pay the full cost of installation including applicable engineering fees.

### **SEC. 4 AVAILABILITY OF FUNDS**

Installation of such service will be dependent upon the availability of duly appropriated funds sufficient to defray the Town's share of the cost of installation.

## **SEC. 5 CONFORMANCE OF STANDARDS**

Public sanitary sewer service installed pursuant to ARTICLE X, SEC. 1 shall conform to specifications and standards set by the Wastewater Commission and must be compatible with any future extension of the public sanitary sewer system.

## **SEC. 6 REJECTION OF REQUEST**

Any and all requests for installation of public sanitary sewer service under this Article may be rejected by the Wastewater Commission at its entire discretion.

# **ARTICLE XI VALIDITY**

## **SEC. 1 CONFLICTING RULES**

All Rules and Regulations or parts of Rules and Regulations in conflict herewith are hereby repealed.

## **SEC. 2 INVALIDITY**

The invalidity of any section, clause, sentence or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations, which can be given effect without such invalid part or parts.

# **ARTICLE XII RULES AND REGULATIONS IN FORCE**

## **SEC. 1 REGULATIONS IN FORCE**

These Rules and Regulations shall be in force and effect from and after its passage, approval, recording and publication as provided by law.

## **SEC. 2 ADOPTION OF REGULATIONS**

Unanimously passed and adopted by the Wastewater Commission of the Town of Oak Bluffs, Commonwealth of Massachusetts on the 18<sup>th</sup> day of SEPTEMBER 2000.

**SEC. 3 APPROVAL OF REGULATIONS**

Approved this 18<sup>th</sup> day of September 2000.

**SEC. 4 AMENDMENT OF REGULATION**

Amendment to Article 13 Section 4, addition of letter (c) on May 3, 2004  
Amendment to Article 4 Section 2a, b & d, Article 9 Section 11 and added Article 15 Section 5 on January 30, 2014  
Amendment to Article 10 Section 3 on February 19, 2014

**ARTICLE XIII  
TEMPORARY RULES AND REGULATIONS  
FOR NEW SEWER CONNECTION APPLICATIONS AND  
AMENDMENTS TO EXISTING SEWER CONNECTION  
APPLICATIONS**

**SEC. 1 (Blank)**

**SEC. 2 (Blank)**

**SEC. 3 SCOPE AND DURATION OF THESE TEMPORARY RULES & REGULATIONS**

This Article XIII shall remain in force until repealed or amended by the Wastewater Commission

**SEC. 4 APPLICATIONS (New & Existing)**

- a) Residential: Applications for new residential sewer connection permits, not identified in the Facilities Plan, or modifications to existing permits that would increase the flow from said property shall not be approved.
- b) Commercial (Non Food Service and Food Service): Applications for new commercial sewer permits, not identified in the Facilities Plan or modifications to

existing permits that would increase the flow from said property shall not be approved.

- c) The Commission reserves the right to waive any and all parts of these rules and regulations if they deem such changes to be in the best interest of the town.

## **SEC. 5 APPLICATION REVIEW (Benefits)**

The Wastewater Commission may approve applications under this Article XIII if, in the Opinion of the Commissioners, the Town will benefit from such approval, as determined by the following:

- a) Reduction or potential reduction of pollution of Oak Bluffs Harbor, or other surface water body, by means of elimination of an existing on site subsurface sewage disposal system; or
- b) Determination, in accordance with Title V of the Massachusetts Environmental Code, co called, that an existing on site subsurface sewage disposal system has failed or is non-conforming and such on site subsurface sewage disposal system is within 300 feet of a public sewer; or
- c) Such application is for the purpose of public restrooms.

No such application shall be granted unless the applicant agrees as a condition of such permit to construct, at no cost to the Town and to the Town's specifications as to workmanship, design and materials, the necessary extensions to the Public Sewer.

## **SEC. 6 ADDITIONAL APPLICATIONS**

From the date of adoption of Article XIII forward, once a sewer connection application has been considered and approved relative to a certain property, any additional applications relative to that property shall be considered as new by the Wastewater Commission and require a review.

## **SEC. 7 MISCELLANEOUS**

Notwithstanding the provisions of Article V, Sec 4 (c) of these Rules and Regulations, no garbage grinders will be permitted in connection with an application under this Article XIII.

## **SEC. 8 HARDSHIP**

Notwithstanding an applicant's failure to meet one or more of the criteria set forth in this Article XIII, the Town may grant a sewer connection permit under this Article

XIII if: (i) the applicant can demonstrate that he/she would suffer immediate and severe hardship, financial or otherwise, which hardship is not self imposed; and (ii) such relief will not otherwise conflict with the purpose and intent of these Rules and Regulations.

## **SEC. 9 INITIAL CONNECTIONS TO PUBLIC SEWER SYSTEM**

Where there is no private sewage disposal or where inadequate private disposal facilities exist, the owner of all homes, buildings or properties used for human occupancy, employment, recreation or other purposes, situated with the Town of Oak Bluffs and abutting on any street, alley or right of way in which there is located a public sanitary or combined sewer of the Town, is hereby required, at his expense, to connect their property directly with the proper public sewer in accordance with the provisions of these Rules and Regulations by June 30, 2002, and the existing on-site system must be filled and abandoned within six (6) months of tying into the municipal system.

**Residential** properties that have been designated **sewered** by the design engineers on the facility plan are required to hook up to the wastewater system no later than June 30, 2002.

**Commercial** properties that have been designated **sewered** by the design engineers on the facility plan are required to be hooked up to the wastewater system within two (2) weeks of being officially notified that the system is functional.

**Residential and commercial** properties that have been designated **infill** by the design engineers on the facility plan have the option to hook up to the wastewater system or wait until their present system(s) have been failed by the Town of Oak Bluffs Board of Health (DEP 310 CMR 15.303 Title V).

## **ARTICLE XIV MARINE WASTEWATER PUMPOUT FACILITY**

### **Sec. 1 MARINE WASTEWATER PUMPOUT FACILITY**

Wastewater from marine holding tanks shall be discharged into the Marine Wastewater Pumpout Facility.

## **ARTICLE XV PENALTIES & FINES**

### **Sec. 1 FAILURE TO PAY ASSESSMENT**

The Town of Oak Bluffs will place a lien on all property that has not paid the assessment or has not signed up for the twenty- year program to pay for the assessment.

### **Sec. 2 FAILURE TO CONNECT TO THE SYSTEM**

After the eight-month (8) connection period has expired, individuals who have not connected to the system will be fined \$5.00 a day until they are connected. Hardship cases will be heard on an individual bases.

### **Sec. 3 FAILURE TO FILL IN PRESENT SEPTIC SYSTEM OR CESSPOOL**

After the ninety day (90) period has expired requiring the filling in of septic systems or cesspools there will be a \$5.00 per day fine until the systems or pools are filled. Hardship cases will be heard on an individual bases.

### **Sec. 4 FAILURE TO PAY YEARLY SEWAGE BILL**

The sewage bills will be sent out yearly. Each user has sixty-days (60) from the mailing of their sewage bill in which to pay their bill. There will be an interest charge of 12% after the sixty-days (60) have expired.

### **Sec. 5 SERVICE CHARGE**

There will be a service charge for a troubleshooting call that is determined to not be the department's responsibility. Charges will be fifty dollars (\$50.00) for calls during normal business hours and one hundred fifty dollars (\$150.00) after normal business hours. If it has been determined that the service call was through no fault of the user then there will be no service charge. For service calls that involve repairs that were determined to be caused by the user then the user will be responsible for charges incurred; i.e. parts and labor to repair a grinder pump, cost of a pump truck for removal of grease, clearing a plugged sewer line, etc.