

## SUPPLEMENTAL PLUMBING CODE ORDINANCE

This ordinance is intended to serve as a local supplement to the State of Maine Subsurface Wastewater Disposal Rules. It provides for the inspection of existing systems prior to a property sale with a private sewage disposal system within 250 feet of a classified body of water, for the inspection of all such system, and for the maintenance of comprehensive records regarding all such systems.

Therefore, THE TOWN OF GLENBURN HEREBY ORDAINS:

### Section I. Purpose

- A. This ordinance is enacted pursuant to the powers granted to municipalities in Title 30-A MRSA § 4211. The purpose of the Ordinance is to provide for the avoidance and elimination of nuisances in the Glenburn Shoreland Zone created by malfunctioning sewage disposal units including septic tanks, cesspools, cisterns, dry wells, drainage beds, and other types of private sewage disposal systems as delineated in the State of Maine Subsurface Wastewater Disposal Rules. It is also the purpose of this ordinance to provide for the collection and maintenance of records at the Town Office in order to assist property owners in preventing and correcting malfunctioning systems and also to be of assistance in carrying out the purpose of the Ordinance.

### Section II. Requirements

- A. With regard to property located within 250 feet of a classified body of water, no person may (1) convert a seasonal dwelling to a year-round or principal residence (2) sell or have title transferred for the purpose of habitation by spew owner; or (3) expand a structure used for, or to be used for, human habitation unless and until the Local Plumbing Inspector issues a written certification that one of the following conditions is met:
  - 1. A subsurface waste water disposal application, completed after July 1, 1974, exists indicating that the dwelling's waste water disposal system substantially complies with the State of Maine Department of Human Services rules and applicable municipal ordinances, provided that the disposal system was installed with the required permit and certificate of approval and is not malfunctioning; or
  - 2. A replacement for an existing wastewater disposal system has been constructed so that it substantially complies with departmental rules and applicable municipal ordinances.

A holding tank may not be used as a means of waste water disposal or storage for a new year-round or principal residence. For any use that is authorized to utilize a holding tank under the Ordinance or applicable state laws or regulations, the holding tank shall have a water tight pump-out port terminating above the 100-year flood elevation. For the purposes of the Ordinance, the terms "seasonal dwelling," "year-round or principal residence," and "subsurface wastewater disposal system" shall have the meanings as set forth in 30-A MRSA§ 4201, as may be amended.

- B. Occupancy by an individual(s) of any dwelling covered under the terms of this Ordinance prior to the receipt of the proper certifications, permits and/or validations as required by the Ordinance shall be a violation of the Ordinance.
- C. A fee of \$50.00 shall be paid to the Town of Glenburn by the seller or the seller's agent for the services of the Local Plumbing Inspector to conduct investigations for the purpose of ascertaining adequacy of existing systems and/or compliance with the provision of this Ordinance.

### Section HI. Administration, Enforcement, and Fines

- A. It shall be the duty of the Municipal Officers or other appointed officials to organize and maintain a filing system in the Town Office based on tax map and lot number or some other system capable of receiving such information that is generated by compliance with the requirements of the Ordinance.
- B. Starting on December 1, 1993, the Local Plumbing Inspector or agent shall develop and implement a schedule for the inspection and testing of all private sewage disposal systems serving properties within the Shoreland Zone surrounding Pushaw Lake by December 31, 1998. Testing shall be by dye test (or by other means at the discretion of the Local Plumbing Inspector)
- C. It shall be the duty of the Local Plumbing Inspector to enforce the provisions of this Ordinance and to notify in writing any person responsible for a violation of any provision of this Ordinance or of the State of Maine Subsurface Wastewater Disposal Rules, indicating the nature of the violation, and ordering the action necessary to correct it, including discontinuance of illegal dwellings and abatement of nuisance conditions. Commencement of corrective work shall begin within ten (10) days, 30-AMRSA § 4452 (as amended) of notification of violation.
- D. When the above action of the Local Plumbing Inspector, Section HI C of this Ordinance, does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the Local Plumbing Inspector are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable; including seeking injunction of violations and the imposition of fines not less than \$100.00 nor more than \$1,000.00 for each offense. Such actions may include having the necessary work done and the cost attached to the individuals' property tax assessment bill.
- E. Right of Entry - The Local Plumbing Inspector, or an authorized employee of the Town, shall have authority for the right of entry, with permission of the property owner or tenant, to investigate alleged conditions, which do not comply with the Ordinance and to conduct the inspection and testing program described in Section HI B of this Ordinance. If requested, the LPI, or authorized employee of the Town, shall present proper credentials prior to entering the premises. If entry is denied, an Administrative Warrant may be sought from the District Court.
- F. The installation of a subsurface waste water disposal; system shall be subject to the following three (3) inspections by the Local Plumbing Inspector:

1. After the site of the subsurface wastewater disposal system has been cleared, scarified and excavated to the depth of the bottom of the proposed system, but before any material or system components have been place in the bed for the system;
2. After installation of the system components, including stones, pipes or proprietary devices, and tanks, but before hay, filter fabric or fill covers the system components. This inspection shall include any curtain drains, diversion ditches, berms or other measures outlined in the design to improve the function of the system; and
3. After the system has been graded and seeding has been established or the system has been otherwise stabilized.

Any additional inspections shall require payment of twenty-dollars (\$20.00) to the Town of Glenburn for each inspection.

#### Section IV. Separability and Conflict

- A. If any provision of this Ordinance is held to be unconstitutional or invalid, this will not affect the remaining provision of the Ordinance.
- B. In the case of conflict with other Ordinances, the more stringent shall apply. Section

#### V. Appeals to Board of Appeals

- A The Zoning Board of Appeals may, upon written application of an aggrieved party and after public notice, hear requests for variances, from specific provisions of the Ordinance. Such hearings shall be held in accordance with State laws. Variances may be granted where it is necessary to avoid undue hardship provided it will not result in an unsafe or unhealthful condition or water pollution.

#### Ordinance History:

Adopted 06/08/78 with effective date 07/08/78  
Adopted 12/09/82 with effective date 01/08/83  
Adopted 10/14/93 with effective date 11/13/93  
Adopted 10/30/03 with effective date 12/01/03  
Adopted 12/01/04 with effective date 01/04/05