

SEWER USE REGULATIONS

Revised November 16, 2005
Revised, April 20, 2004
Revised January 21, 2004
Revised November 17, 2003
Revised July 28, 2003
Revised April 15, 2003
Revised May 6, 2002

REGULATIONS GOVERNING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL. THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE TOWN OF CHELMSFORD, MIDDLESEX COUNTY, COMMONWEALTH OF MASSACHUSETTS.

Be it ordained and enacted by the Sewer Commission of the Town of Chelmsford, Commonwealth of Massachusetts, as follows:

ARTICLE I – DEFINITIONS

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

- 1.1 “Board” shall mean the Sewer Commission of the Town of Chelmsford, or any agent or officer duly authorized to act in its place.
- 1.2 “BOD” (denoting Biochemical Oxygen Demand” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- 1.3 “Building Drain” shall mean that part of the lowest piping of a drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, ending five (5) feet outside the inner face of the building wall.
- 1.4 “Building Sewer” shall mean the extension from the building to the public sewer or other place of disposal, also called house connection, and is generally a 6-inch pipe.
- 1.5 “Combined Sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.
 - 1.5.1 “Drainlayer” shall mean a person or corporation who has an active license to install sewer connections in the Town.
- 1.6 “Easement” shall mean an acquired legal right for the specific use of land owned by others.

- 1.7 “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 pretreated and the wastewater does not interfere with the collection system.
- 1.8 “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- 1.9 “Industrial Wastes” shall mean the wastewater from industrial processes, trade, or business as distinct from domestic (sanitary) wastes.
- 1.10 “Natural Outlet” shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 1.11 “May” is permissive (see “Shall”, 1.19).
- 1.12 “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- 1.13 “pH” shall mean the negative logarithm of the hydrogenion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogenion concentration of 10^{-7} .
- 1.14 “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 1/2 inch in any dimension.
- 1.15 “Public Sewer” shall mean a common sewer controlled by a governmental agency or public utility.
- 1.16 “(Sanitary) Sewer” shall mean a conduit that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- 1.17 “Sewage” is the used water of a community. The preferred term is “wastewater”, 1.26.
- 1.18 “Sewer” shall mean a pipe or conduit that carries wastewater.
- 1.19 “Shall” is mandatory (see “May”, 1.11).
- 1.20 “Slug” shall mean any discharge of water or wastewater which is 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 and shall adversely affect the collection system and/or performance of the wastewater treatment works.

- 1.21 “Storm Drain” (sometimes termed “storm sewer”) shall mean a conduit for conveying stormwater., groundwater, subsurface water, or unpolluted water from any source.
- 1.22 “Superintendent” or the Operations supervisor, or the designee appointed by the Director of the DPW shall mean the Superintendent of the Sewer Department of the Town of Chelmsford or his authorized deputy, agent, or representative.
- 1.23 “Suspended Solids” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as nonfilterable residue.
- 1.24 “Town” shall mean the Town of Chelmsford, Massachusetts or any duly authorized officer, agent or representative of the Town of Chelmsford.
- 1.25 “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 benefited by discharge to the sewers and wastewater treatment facilities provided.
- 1.26 “Wastewater” shall mean the used water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
- 1.27 “Wastewater Facilities” shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent.
- 1.28 “Wastewater Treatment Works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge, sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant”.
- 1.29 “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II – USE OF PUBLIC SEWERS REQUIRED

- 2.1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Chelmsford, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.
- 2.2 It shall be unlawful to discharge to any natural outlet within the Town of Chelmsford, or in any area under the jurisdiction of said Town, any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of these regulations.

- 2.3 Except as hereinafter provided, it shall be unlawful for property owners to construct or repair any privy, privy vault, septic tank, cesspool, or “Sewage” or regulations relative thereto. Said connections shall be made without exception, unless for reasons as determined by the Board.
- 2.4 The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer of the Town, are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these regulations within one year after date of official notice that said public sewer system is “approved for use”. A property owner required to connect to the public sewer hereunder may make written application to the Sewer Commission for an extension to the time limits imposed herein if there exists a special hardship. Special hardships may include extraordinary financial hardships or circumstances unique to the property making connection to the public sewer impossible or extraordinarily burdensome. The granting of an extension hereunder is within the discretion of the Sewer Commission.

ARTICLE III – PRIVATE SEWAGE DISPOSAL

- 3.1 Where a public sewer is not available under the provisions of Section 2.4, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of either or both the Board of Health of the Town of Chelmsford and the Department of Environmental Protection.

ARTICLE IV – BUILDING SEWERS AND INSTALLATION

- 4.1 No person or persons shall uncover (excavate), make any connections to , or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. “Any person proposing a new discharge into the public sewer or a substantial change in the volume or character of pollutants that are being discharged into the public sewer shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection.”
- 4.2 There shall be two (2) classes of building sewer installation permits: (a) for residential and commercial service whose sewage flow is less than 25,000 gallons per day, and (c) for service to establishments producing industrial waste flow or any flow greater than 25,000 gallons per day. In either case, the owner(s) or his agent shall make a permit application on a special form furnished by the Town. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit application fee which shall include all costs associated with the inspection of the building sewer installation, shall be paid to the Town at the time the application is filed.

- 4.3 All costs and expenses incidental to the installation of the building sewer and connection to the public sewer shall be borne by the owner(s). The owner(s) unless otherwise provided here, shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 4.4 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- 4.5 Existing (old) building sewers may be used in connection with new building construction only when they are found, on examination and test by the Superintendent, to meet all requirements of these regulations.
- 4.6 The size, slope, alignment, materials of construction of the building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the Sewer Commission in the Chelmsford Sewer Service Connection Specifications, and the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 7 “ Operation and Maintenance of Wastewater Collection Systems” shall apply.
- 4.7 Whenever possible, the building sewer shall be installed to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the wastewater carried by such building drain shall be pumped by an approved means and discharged to the building sewer. In commercial applications a written plan and profile of pump system must be submitted and approved by the Superintendent before connections.
- 4.8 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to the public sewer.
- 4.9 The connection of the building sewer to the public sewer shall conform to the requirements of the Chelmsford Sewer Commission Service Connection Specifications and the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 7. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

- 4.10 After approval of the Application for a Residential or Commercial Building Sewer Installation Permit, the drainlayer shall notify the Superintendent a minimum 24 hours in advance of starting work. The connection and testing shall be made under the supervision of the Superintendent.
- 4.11 All excavations for building sewer installation 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.
- 4.12 Sewer Use Ordinance
Any existing residential dwelling that fronts a public sewer and will require a connection length greater than 300 feet may file for an abatement of betterment. The Commission will consider such abatement request on a case by case basis. If granted an abatement, the Commission will start the process of rebating the homeowner's betterment fee. The final abatement will take place when the homeowner presents proof of connection to the Chelmsford Municipal Sewer System.
Any existing residential dwelling that fronts a public sewer and will require a connection length of greater than 300 feet may make written application to the Sewer Commission for an extension to the time limits imposed by Article II, Section 2.4 of these Regulations. The granting of an extension under this Section is within the discretion of the Sewer Commission. Any extension granted solely under this Section shall terminate upon the earliest occurrence of the following:
- 1) Issuance of a building permit for the property that will cause the design flow for that property to increase in accordance with Title V, 310 CMR 15.203 as in effect as of the date of this Article and as hereafter amended;
 - 2) The sale of the property for value, if beyond the one-year date of the Chelmsford Sewer Commission's notification letter of acceptance of the Municipal Sewer System line.
 - 3) Failure of the On-site Subsurface Sewage Disposal System.

ARTICLE V – USE OF THE PUBLIC SEWERS

- 5.1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, and runoff, subsurface drainage, or cooling water to any sewer .
- 5.2 Stormwater and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as storm sewers or to a natural outlet approved by the Director of Public Works and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Director of Public Works to a storm sewer, combined sewer, or natural outlet.
- 5.3 No peron(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- 5.3.1 Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - 5.3.2 Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure, or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
 - 5.3.3 Any water or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities.
 - 5.3.4 Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited, to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- 5.4 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- 5.4.1 Any liquid or vapor having a temperature higher than one hundred fifty (150) °F (65°C).
 - 5.4.2 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 thirty-two (32) and one hundred fifty (150) °F (0 and 65°C).
 - 5.4.3 Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

- 5.4.4 Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- 5.4.5 Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- 5.4.6 Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.
- 5.4.7 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- 5.4.8 Any waters or wastes having a pH in excess of (8.0).
- 5.4.9 Material which exert or cause:
 - 5.4.9.1 Any concentration of invert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) that exceeds 250 parts per million or 250 mg/L.
 - 5.4.9.2 Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 5.4.9.3 Unusual chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - 5.4.9.4 Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
 - 5.4.9.5 Concentrations of BOD (biochemical oxygen demand) not to exceed 250 parts per million or 250mg/L.
- 5.4.10 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 degree that the wastewater treatment works effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- 5.5 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 5.4, and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- 5.5.1 Reject the wastes.
 - 5.5.2 Require pretreatment to an acceptable condition for discharge to the public sewers.
 - 5.5.3 Require control over the quantities and rates of discharge, and/or
 - 5.5.4 Require payment to cover added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 5.10.
 - 5.5.5 Require a change in the frequency of pumping grease traps and/or require pumping/cleaning records be submitted to the superintendent upon request. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, regulations and laws.
- 5.6 Grease, Oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, as specified in Section 5.4.2, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and handling of the collected materials must be performed by currently licensed waste disposal firms.
- 5.7 Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.
- 5.8 When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved

by the Superintendent. The structure 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.

5.9 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these 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 at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a property is appropriate or whether a grab sample or grab samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples.)

5.9.1 All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.

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

ARTICLE VI – PROTECTION FROM DAMAGE

6.1 No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or temper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII – POWERS AND AUTHORITY OF SUPERINTENDENT

7.1 The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of these regulations.

- 7.2 The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater facilities. The industry may withhold information considered confidential. However, the industry must establish that disclosure of the information in question to the public might result in an advantage to competitors.
- 7.3 While performing the necessary work on private properties referred to in Section 7.1. the Superintendent or duly authorized employees of the Town shall be informed of and observe all safety rules applicable to the premises established by the companies, and the companies shall be held harmless for injury or death to the Town employees, and the town shall indemnify the companies against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the companies and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the companies to maintain safe conditions as required in Section 5.8.
- 7.4 The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities 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

- 8.1 Any person found to be violating any provision of this ordinance except Article VIII 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.
- 8.2 Any person who shall continue any violation beyond the time limit provided for in Section 8.1. shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding \$5,000. Each day in which any such violation shall continue shall be deemed a separate offense.
- 8.3 Any person violating any of the provisions of these regulations shall become liable to the town for any expense, loss, or damage occasioned the Town by reason of such violation.
- 8.4 The Superintendent has the authority to levy penalties against any drainlayer found in violation of any of these articles. Penalties or fines can range from temporary suspension of license to monetary damages including, but not limited to any expense, loss, or damage occasioned by the Town by reason of such violation.

ARTICLE IX – VALIDITY

- 9.1 All regulations or parts of regulations of the Town of Chelmsford, Massachusetts in conflict herewith are hereby repealed.
- 9.2 The invalidity of any section, clause, sentence, or provisions of these regulations shall not affect the validity of any other part of these regulations which can be given effect without such invalid part or parts.
- 9.3 All applicable rules and regulations administered under the Lowell Pretreatment Program shall apply. The invalidity of any Section, Clause, Sentence or provision within said Program shall be determined by the Superintendent.

ARTICLE X – APPEALS

- 10.1 The Sewer commission shall receive appeals for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of these regulations by the Superintendent.
- 10.2 A drainlayer who has been penalized or fined has ten working days to request an appeal, in writing, to the Chelmsford Sewer Commission. Upon receipt of an appeal a hearing date will be set in a timely manner. Any penalties or fines accorded will be enforced following the outcome of the hearing, or in the case of no appeal, on the eleventh working day after written notification.

ARTICLE XI – ASSESSMENTS

- 11.1 The Sewer Commission shall determine the method of assessment of the cost of public sewers to sewer users.

ARTICLE XII – CHANGES IN THESE REGULATIONS

- 12.1 These regulations may be rescinded or modified or added to by the Sewer Commission at any time where, in their opinion, such action is for the best interests of the Town of Chelmsford.

ARTICLE XIII – REGULATIONS IN FORCE

- 13.1 These regulations shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.
- 13.2 Passed and adopted by the Sewer Commission of the Town of Chelmsford, Commonwealth of Massachusetts, as revised through April 20, 2004.

ARTICLE XIV – CONNECTION TO THE PUBLIC SEWER

This Article is promulgated pursuant to the authority granted to the Sewer Commission by Chapter 92 of the Acts of 2003.

14.1 Effective Date

The effective date of this Article shall be April 30, 2004.

14.2 Definitions

When used in this Article, the following terms shall have the following meanings:

- (a) The Act: Chapter 92 of the Acts of 2003.
- (b) Improved Property: Property upon which there exists a dwelling or building suitable for lawful occupancy or for which an occupancy permit has been granted and is still in force.
- (c) Changed Property: Reserved Property, as hereafter defined, that has not connected to the System as of the effective date of this Article, for which after July 1997, there has been either (1) a change of use; (2) an additional dwelling(s) or building(s) built upon such property; or (3) an addition(s) to any building or dwelling situated on the property; causing an increase in the daily wastewater flow from the property as calculated in accordance with Section 14.4 of this Article.
- (d) Changing Event: A change in a property's use, addition of a dwelling(s) or building(s), or addition(s) to any building or dwelling on a property that causes an increase in the daily wastewater flow from the property as calculated in accordance with Section 14.4 of this Article.
- (e) Connected Property: Property that is connected to the System.
- (f) Unconnected Property: Property that is not connected to the System.
- (g) Post-1997 Increase: For a Changed Property, the Post-1997 Increase shall be the combined total increase, over and above 250 gallons per day, in wastewater flow caused by all Changing Events occurring on the property after July 1997. For an Expanding Property, the Post-1997 Increase shall be the combined total increase, over and above 250 gallons per day, in wastewater flow caused by all Changing Events and all Expansions occurring on the property after July 1997.
- (h) Expanding Property: Any Connected Property upon which, after the effective date of this Article, there is either: 1) a change of use; (2) a dwelling(s) or building(s) built upon such property; or (3) an addition(s) to any building or dwelling situated on the property; causing an increase in the daily wastewater flow from the property as calculated in accordance with Section 14.4 of this Article.
- (i) Expansion: A change in a Connected Property's use, addition of a dwelling(s) or building(s), or addition(s) to any building or dwelling on a Connected Property that causes an increase in the daily wastewater flow from the property as calculated in accordance with Section 14.4 of this Article.
- (j) Reserved Property: Property that, as of July 1997, (1) was an Improved Property, and (2) was either situated on and fronted a street that was designated as receiving public sewer service under the July 1997 Wastewater Facilities Plan Update or was situated on a Common Driveway

Property. A copy of the July 1997 Wastewater Facilities Plan Update is available for inspection by the public at the Sewer Commission Office. In the event of a subdivision of a Reserved Property, only the one lot remaining and containing the original dwelling or building shall be considered a Reserved Property lawfully thereon as of July 1997.

(k) Unimproved Fronting Residential Property: Property that, as of July 1997, (1) was not an Improved Property, (2) was either situated on and fronted a street that was designated as receiving public sewer service under the July 1997 Wastewater Facilities Plan Update or was situated on a Common Driveway Property, and (3) was located in any Residential Zoning District.

(l) Unimproved Fronting Commercial/Industrial Property: Property that, as of July 1997, (1) was not an Improved Property, (2) was either situated on and fronted a street that was designated as receiving public sewer service under the July 1997 Wastewater Facilities Plan Update or was situated on a Common Driveway Property, and (3) was located in any zoning district other than a Residential District, including all commercial and industrial districts, or any districts which are not limited exclusively to residential uses under the Town Zoning Bylaws.

(m) Non-Fronting Properties: Properties that do not have street frontage on a street that was designated as receiving public sewer service under the July 1997 Wastewater Facilities Plan Update.

(n) Common Driveway Properties: Single family lots served by a common driveway that:

- 1) adjoins a street that was designated as receiving public sewer service under the July 1997 Wastewater Facilities Plan Update;
- 2) serves a maximum of two single-family homes; and
- 3) are either Improved Properties or Approved Properties.

(o) Approved Properties: Lots in a subdivision that received Planning Board approval prior to July 1997.

(p) High Volume Unconnected Properties: Any Unconnected Property with daily wastewater flows in excess of 15,000 gallons per day as calculated in accordance with Section 14.4 of this Article.

(q) High Volume Expansion: Any Expansion that causes an increase in the daily wastewater flow from the property in excess of 15,000 gallons per day as calculated in accordance with Section 14.4 of this Article

(r) System: The public sewer system located within the Town of Chelmsford.

14.3 General Provisions

(a) Any property that is not a Reserved Property seeking to connect to the public sewer shall be required to pay a Capacity Impact Fee. With the exception of the following types of properties, the Capacity Impact Fee shall be payable based on the property's total gallons per day of wastewater flow as calculated in accordance with Section 14.4:

- 1) Capacity Impact Fee for Changed Properties. A Changed Property shall only be required to pay the Capacity Impact Fee on account of its Post-1997 Increase.

- 2) Capacity Impact Fee for Expanding Properties. Each time there is an Expansion, an Expanding Property shall pay a Capacity Impact Fee based on the increase in the property's Post-1997 Increase caused by the Expansion.
- 3) Capacity Fee for Unimproved Fronting Residential Properties. For the purposes of calculating the Capacity Impact Fee for an Unimproved Fronting Residential Property, the total gallons per day of wastewater flow calculated in accordance with Section 14.4 shall be reduced by the total acreage of the property multiplied by 330.
- 4) Capacity Fee for Unimproved Fronting Commercial/Industrial Properties. For the purposes of calculating the Capacity Impact Fee for an Unimproved Fronting Commercial/Industrial Property, the total gallons per day of wastewater flow calculated in accordance with Section 14.4 shall be reduced by the total acreage of the property multiplied by 600.

(b) Calculation of the Capacity Impact Fee. The Capacity Impact Fee calculated by multiplying the property's gallons per day of wastewater flow by the estimated cost per gallon as set forth in the Section 14.5.

(c) Calculation of Capacity Impact Fee for High Volume Unconnected Properties and High Volume Expansions: The Capacity Impact Fee for High Volume Unconnected Properties and High Volume Expansions shall be based on the actual cost on a gallon per day basis to obtain additional treatment facility capacity. If the actual cost is not determined, the Capacity Impact Fee shall be based on the estimated cost on a gallon per day basis to obtain additional treatment facility capacity. A property's wastewater flow in gallons per day shall be calculated in accordance with Section 14.4.

(d) With the exception of Approved Properties, all Non-Fronting Properties seeking to connect to the System must pay the Capacity Impact Fee, even if the property was formerly part of another property having frontage on a street that was designated as receiving public sewer service under the July 1997 Wastewater Facilities Plan Update.

(e) No property shall be allowed to connect to the System if the Sewer Commission determines that allowing the connection has the potential of causing the System to exceed its treatment facility capacity.

(f) Any property that is required to pay the Capacity Impact Fee shall still be responsible for all other fees, sewer betterment assessments, sewer privilege fees, compensatory sewer privilege fees, sewer connection charges and sewer use fees, all in accordance with the appropriate Sewer Commission Rules and Regulations.

(g) High Volume Unconnected Properties. No High Volume Unconnected Property will be allowed entrance to the public sewer at any cost unless and until (1) the Sewer Commission has determined a means of obtaining at least as much additional daily treatment facility capacity as the property's daily flows as calculated in accordance with Section 14.4; (2) the owner of the property has paid its Capacity Impact Fee; and (3) the Town has actually obtained the additional capacity. The Sewer Commission shall have the discretion to waive the third enumerated condition in the preceding sentence.

(h) High Volume Expansions: No High Volume Expansions shall be allowed at any cost unless and until the following conditions have been satisfied:

- 1) the Sewer Commission has determined a means of obtaining at least as much additional daily treatment facility capacity as the increase in the property's Post-1997 Increase caused by the High Volume Expansion, as calculated in accordance with Section 14.4;
- 2) the owner of the property has paid its Capacity Impact Fee; and
- 3) the Town has actually obtained the additional capacity.

The Sewer Commission shall have the discretion to waive the third enumerated condition in the preceding sentence.

(i) If the actual wastewater flow of any property required to pay a Capacity Impact Fee, at any time after connection to the System, for any reason, exceeds the gallons per day of wastewater flow that was used to calculate the Capacity Impact Fee, that property shall pay an additional capacity fee based on its additional actual flow, and the Capacity Impact Fee shall be calculated in accordance with the Schedule of Estimated Costs established by the Sewer Commission on the date that the Sewer Commission first discovered the increase or received notice of the increase.

(j) For the purposes of this Article, a change in a property's use shall be any event causing an increase in the property's wastewater flow as calculated in accordance with Section 14.4, or any event causing the property's actual wastewater flow to increase.

(k) Special Account. All Capacity Impact Fees collected shall be held in a special account in accordance with the Act.

14.4 Calculation of Gallons Per Day of Wastewater Flow

For the purposes of this Article, the gallons per day of wastewater flow for a property shall be calculated in accordance with the following table, unless otherwise specified:

Type of Establishment	Unit	Gallons Per Day (GPD)	Minimum Gallons Per Day
<u>I. RESIDENTIAL</u>			
Bed & Breakfast	per bedroom	110	440
Bed & Breakfast with restaurant open to public	per bedroom	110	1000
plus add an additional	per seat	35	
Camp, resident, mess hall	per person per day	10	
Camp, day, washroom & toilets	per person per day	10	
Camp, day, mess hall	per person per day	3	
Campground, showers & toilets	per site	90	
Family Dwelling, Single	per bedroom	110	330
Family Dwelling, Multiple	per bedroom	110	
Family Mobile Home Park	per mobile home	300	

Motel, Hotel, Boarding House	per bedroom	110	
Retirement Mobile Home Park	per site	150	
Housing for the Elderly	per unit	150	
Work or Construction Camp	per person per day	50	

II. COMMERCIAL

Amusement Center	per sq. ft.	2	
Airport	per passenger	5	1000
Barber Shop/Beauty Salon	per chair	100	150
Bowling Alley	per alley	100	
Country Club, dining room	per seat	10	
Country Club, snack bar or lunch room	per seat	10	
Country Club, lockers and showers	per locker	20	
Doctor Office	per doctor	250	
Dentist Office	per chair	200	
Factory or Industrial Plant without Cafeteria	per person per day	15	
Factory or Industrial Plant with Cafeteria	per person per day	20	
Gasoline Station	per island	75	
Gasoline Station with service bays plus add an additional	per island per bay	75 125	
Kennel/Veterinary Office	per kennel	50	
Lounge, Tavern	per seat	20	
Marina	per slip	10	500
Movie Theater	per seat	5	
Non Single-family/automatic clothes washer	Per washing machine	400	
Office Building	per 1000 sq. ft.	75	200
Retail Store	per 1000 sq. ft.	50	200
Restaurant	per seat	35	1000
Restaurant, thruway service area	per seat	150	1000
Restaurant, Fast Food	per seat	20	1000

Restaurant, kitchen flow [for sizing of grease trap only]	per seat	15	
Service Station [no gas]	per bay	150	450
Skating Rink	per seat	5	3000
Swimming Pool	per person per day	10	
Tennis Club	per court	250	
Theater, Auditorium	per seat	3	
Trailer, dump station	per trailer	75	

III. INSTITUTIONAL

Church or Temple	per seat	3	
Correctional Facility	per bedroom	200	
Function Hall	per seat	15	
Gymnasium	per participant	25	
Gymnasium	per spectator	3	
Hospital	per bed	200	
Nursing Home/Rest Home	per bed	150	
Public Park, toilet waste only	per person per day	5	
Public Park, bathhouse, showers and flush toilets	per person per day	10	

IV. SCHOOLS

Elementary School, without cafeteria, gymnasium or showers	per person per day	5	
Elementary School, with cafeteria, no gymnasium or showers	per person per day	8	
Elementary School, with cafeteria, gymnasium, showers	per person per day	10	
Secondary/Middle School, no cafeteria, gymnasium or showers	per person per day	10	
Secondary/Middle School, with cafeteria/no gymnasium or showers	per person per day	15	
Secondary/Middle School, with cafeteria, gymnasium, showers	per person per day	20	
Boarding Schools, colleges	per person per day	65	

V. OTHER ESTABLISHMENTS

Wastewater Flows for facilities other than those listed above shall be established based on actual meter readings and shall be adjusted from time to time, and, in the case of new construction, shall be established based on actual meter readings of established flows from similar facilities, and shall be adjusted when actual meter readings are available, and thereafter, adjusted from time to time based on actual meter readings.

VI. BEDROOM CALCULATION

For the purposes of this Table, the number of bedrooms per dwelling or building shall be determined as follows:

- 1) Any room providing privacy, intended primarily for sleeping and consisting of all of the following shall be considered a bedroom:
 - (a) floor space of no less than 70 square feet;
 - (b) for new construction, a ceiling height of no less than 7'3";
 - (c) for existing houses and for mobile homes, a ceiling height of no less than 7'0";
 - (d) an electrical service and ventilation; and
 - (e) at least one window.
- 2) Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered bedrooms.
- 3) Single-family dwellings shall be presumed to have at least three bedrooms. Where the total number of rooms for single family dwellings exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number.

14.5 Schedule of Estimated Costs

As required by the Act, the Sewer Commission establishes as the estimated cost of increasing the treatment facility capacity of the System to be \$15.00 per gallon of daily wastewater flow.