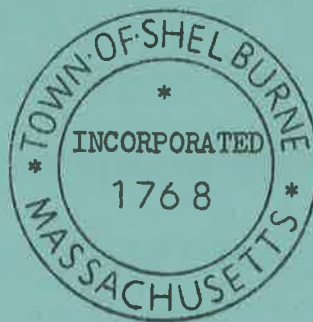


Sewer By-Law

Town of Shelburne



SEWER BY-LAW

A BY-LAW REGULATING 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 SHELBURNE, COUNTY OF FRANKLIN, COMMONWEALTH OF MASSACHUSETTS.

Be it ordained and enacted by the Town of Shelburne, Massachusetts as follows:

ARTICLE I

Definitions

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

Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 deg. C., expressed in milligrams per liter.

Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 5. "Department" shall mean the Sewer Department of the Town of Shelburne.

Sec. 6. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 7. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 8. "Natural Outlet" shall mean any outlet into a water-course, pond, ditch, lake, or other body of surface or groundwater.

Sec. 9. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Sec. 10. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 11. "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 in any dimension.

Sec. 12. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec. 13. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Sec. 14. "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.

Sec. 15. "Sewage Treatment Plant" or "Water Pollution Control Facility" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 16. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec. 17. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 18. "Shall" is mandatory; "May" is permissive.

Sec. 19. "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 or flows during normal operation.

Sec. 20. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but sewage and industrial wastes other than unpolluted cooling water are excluded.

Sec. 21. "Superintendent" shall mean the Superintendent of the Sewer Department of the town, or his authorized deputy, agent, or representative.

Sec. 22. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 23. "Town" shall mean the Town of Shelburne, Massachusetts.

Sec. 24. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Use of Public Sewers Required

Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner on public or private property within the town, or in any area under the jurisdiction of said town, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2. It shall be unlawful to discharge to any natural outlet within the Town of Shelburne, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this by-law.

Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage.

Sec. 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 located a public sanitary sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this by-law, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line, unless prevented by topographical or other reasons.

ARTICLE III

Private Sewage Disposal

Sec. 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 4,

the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec. 2. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of ~~five~~ ^{50.00} (\$5.00) dollars shall be paid to the Town at the time the application is filed.

Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the Commonwealth of Massachusetts. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, Section 4, a direct connection shall be made to the public sewer in compliance with this by-law, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within three hundred and sixty (360) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE IV

Building Sewers and Connections

Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Sec. 2. There shall be a building permit for residential and commercial services. The owner shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of five (\$5.00) dollars for a single residential building and twenty-five (\$25.00) dollars for commercial, multidwelling, or industrial building shall be paid to the Town at the time the application is filed.

One copy of the permit shall be available for inspection at all times at the site of the work.

Sec. 3. All costs and expense, incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building, if approved by the Superintendent, and the whole considered as one building sewer.

Sec. 5. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this by-law.

Sec. 6. Where possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 7. The building sewer shall be cast-iron soil pipe, ASTM Specification A74-42; vitrified clay pipe, ASTM Specification C200-64T; or asbestos-cement pipe, ASTM Specification C428-65T. Joints shall be tight and waterproof. Cement mortar joints will not be permitted. Any part of the building sewer that is located within five (5) feet of a water service pipe shall be constructed of cast-iron soil pipe with lead joints. Cast-iron pipe with lead joints may be required by the Superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast-iron soil pipe, except if laid on a suitable concrete bed or cradle. Nonmetallic material may be permitted as approved by the Superintendent.

Sec. 8. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than six (6)

inches. The slope of such 6-in. pipe shall not be less than one-quarter (1/4) inch per foot. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with manholes or properly curved pipe and fittings, as approved by the Superintendent. A clean-out shall be located a minimum of four (4) inches above the basement floor.

Sec. 9. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12-64, except that no backfill shall be placed until the work has been inspected.

Sec. 10. All joints and connections shall be made watertight.

Cast-iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications (QQ-L-156) not less than one (1) inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

All joints in vitrified clay pipe or between such pipe and metals shall be made with approved premolded gasket joints and shall utilize materials having resilient properties. Joints using materials having resilient properties shall conform to ASTM C425-64 and shall be Type I or III.

Joints for asbestos-cement pipe shall be O-ring gasket joints.

Sec. 11. The connection of the building sewer into the public sewer shall be made at the "Y" or "T" branch, if such branch or tee is available at a suitable location.

If no branch or tee is available, a connection may be made by tapping the existing sewer by an approved method, then inserting a vitrified clay "Y" or "T" saddle, all encased in concrete.

Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Sec. 12. No person shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 13. The applicant for the building sewer permit shall notify the Superintendent at least twenty-four (24) hours before beginning the work and also when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

Sec. 14. 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.

ARTICLE V

Use of the Public Sewers

Sec. 1. No stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters shall be discharged or caused to be discharged to any sanitary sewer.

Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to a natural outlet approved by the Superintendent.

Sec. 3. None of the following described waters or wastes shall be discharged or caused to be discharged to any public sewers:

- a. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b. Waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer.
- c. Waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to stone, gravel, ashes, cinders, sand, concrete, paving materials, mud, straw, sticks, plaster, cement, mortar, 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.

Sec. 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 streams, 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:

- a. Liquids or vapor having a temperature higher than one hundred fifty (150) deg. F. (65 deg. C.).
- b. 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) deg. F. (0 and 65 deg. C.).
- c. 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 or greater shall be subject to the review and approval of the Superintendent.
- d. Waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

- e. 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.
- f. 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 of jurisdiction for such discharge to the receiving waters.
- g. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Waters or wastes having a pH in excess of 9.5.
- i. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - (2) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

- (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

- j. Overflow by drainage from cesspools or other receptacles storing organic wastes.
- k. Steam exhausts, boiler blowoffs, sediment traps, or pipes carrying hot circulating water.
- l. 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 sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge.

If the Superintendent permits the pretreatment of 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, laws, and by-laws.

Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commission, 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 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.

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

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

Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this by-law shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be

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

ARTICLE VI

Protection from Damage

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

ARTICLE VII

Powers and Authority of Inspectors

Sec. 1. The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this by-law. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to

the sewers or waterways or facilities for waste treatment.

Sec. 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the property owner and the owner shall be held harmless for injury or death to the town employees and the town shall indemnify the owner 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 owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

Sec. 3. 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 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. Any person found to be violating any provision of this by-law except Article VI shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding Twenty Dollars (\$20) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 3. Any person violating any of the provisions of this by-law shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

ARTICLE IX

Validity

Sec. 1. All by-laws or parts of by-laws in conflict herewith are hereby repealed.

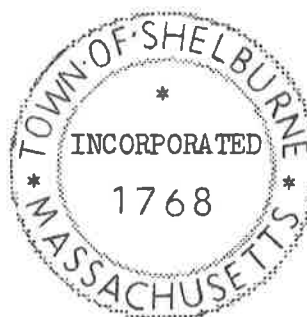
Sec. 2. The invalidity of any section, clause, sentence or provision of this by-law shall not effect the validity of any other part of this by-law which can be given effect without such invalid part or parts.

A True Copy

Attest:

Eleanor B. Shippee

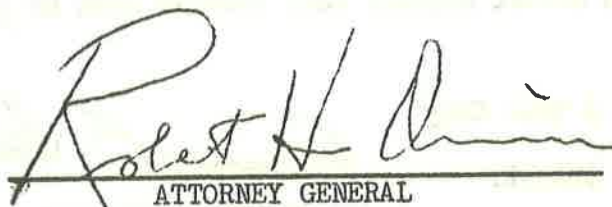
Eleanor B. Shippee
Town Clerk of Shelburne



Boston, Massachusetts

November 28, 1972

The foregoing amendment to town by-laws adopted under Article 6 is hereby approved.


ATTORNEY GENERAL

Article 5: VOTED, that the Town adopt the following amendments to the Shelburne Sewer By-Laws: _____

- (A) Article II. Section I - The following language should be added: "Any person proposing a new discharge into the system or a substantial change in the volume or characted of pollutants that are being discharged into the system shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection."
- (B) The following new article should be added as Section 9a of Article III:
"9a - 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."
- (C) The word "offense" should be substituted for "violation" in the last sentence of Section 3, Article VI.
- (D) General Note Number 3 should read "counsel" not "Council"

A True Copy, Attest.

DECEMBER 26, 1974

Eleanor B. Shippee
Town Clerk

