

**RULES AND REGULATIONS  
GOVERNING THE  
PUBLIC SANITARY SEWER SYSTEM  
IN THE  
TOWN OF BURRILLVILLE, RHODE ISLAND**



**ADOPTED: February 10<sup>th</sup> 2009**

Supersedes Rules and Regulations adopted July 1980

Page intentionally left Blank

## TABLE OF CONTENTS

ARTICLE I	Page 4 of 33	DEFINITIONS
ARTICLE II	Page 8 of 33	USE OF PUBLIC SEWERS REQUIRED
ARTICLE III	Page 8 of 33	LICENSING OF PERSONS AUTHORIZED TO MAKE CONNECTIONS TO PUBLIC SEWERS
ARTICLE IV	Page 9 of 33	LICENSING FOR SEPTAGE DISPOSAL
ARTICLE V	Page 10 of 33	BUILDING SEWER, PERMITS AND CONNECTION REQUIREMENTS
ARTICLE VI	Page 13 of 33	USE OF PUBLIC SEWERS
ARTICLE VII	Page 18 of 33	POWERS AND AUTHORITY OF INSPECTORS
ARTICLE VIII	Page 19 of 33	PROTECTION FROM DAMAGES
ARTICLE IX	Page 19 of 33	ENFORCEMENT
ARTICLE X	Page 20 of 33	PENALTIES
ARTICLE XI	Page 21 of 33	CONSTRUCTION OF SEWERS BY PRIVATE DEVELOPERS
ARTICLE XII	Page 26 of 33	EXTENSION OF SANITARY SEWER SYSTEM TO SERVE PRIVATE DEVELOPMENT
ARTICLE XIII	Page 27 of 33	ASSESSMENTS AND USE CHARGES
ARTICLE XIV	Page 32 of 33	VALIDITY
ARTICLE XV	Page 32 of 33	SCHEDULE OF FEES
ARTICLE XVI	Page 33 of 33	RULES AND REGULATIONS IN FORCE
EXHIBIT A	Page 34 of 33	FEE SCHEDULE

**TO REGULATE AND CONTROL  
THE INSTALLATION AND MAINTENANCE  
OF  
SANITARY SEWERS**

RULES 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 IN THE TOWN OF BURRILLVILLE, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

In accordance with the authority granted by an Act numbered Chapter 25 of the Public Laws of 1974  
Be it ordained and enacted by the Board of Sewer Commissioners of the Town of Burrillville, State of Rhode Island and Providence Plantations as follows:

**ARTICLE I  
DEFINITIONS**

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

- Section 1        *"Act"* shall mean the Federal Water Pollution Control Act as amended, Public Law 92-500.
- Section 2        *"Board"* shall mean the Board of Sewer Commissioners.
- Section 3        *"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.
- Section 4        *"Building Drain"* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil and waste pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Section 5        *"Building Sewer"* shall mean the extension from the building drain to the public sewer or other place of disposal, also called "House Connection".
- Section 6        *"Compatible pollutant"* shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria.
- Section 7        *"Developer"* shall mean an individual or group of individuals who are responsible for bringing a project through the development review process and the infrastructure construction to create a new developable lot(s) or area. If the developer is not the owner, they must submit evidence that he/she is acting on behalf of the owner.

- Section 8        *"Director"* shall mean the Director of the Department of Environmental Management of the State of Rhode Island or his duly authorized agent.
- Section 9        *"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 pretreatment facility. A wastewater shall be considered free of floatable oil when it is properly pretreated prior to entry into the sewage facilities and does not interfere with the collection system.
- Section 10       *"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.
- Section 11       *"Incompatible pollutant"* shall mean any pollutant which is not compatible with the treatment process.
- Section 12       *"Industrial Wastes"* shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct as distinct from sanitary sewage.
- Section 13       *"Significant industrial user"* shall mean a user which discharges industrial wastes which:
- a. Has a flow of 25,000 gallons or more per average workday;
  - b. Has a flow greater than 5 percent of the flow carried by the wastewater facilities;
  - c. Has in its wastes a toxic pollutant in toxic amounts, as defined by standards issued under Section 307 (a) of the Federal Water Pollution Control Act, and/or
  - d. Have a significant impact, either singly or in combination with other contributing industries on the wastewater treatment works.
- Section 14       *"Natural Outlet"* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- Section 15       *"Onsite Wastewater Treatment Systems (OWTS)"* (formerly Individual Sewerage Disposal Systems [ISDS]) shall mean a system approved by the Rhode Island Department of Environmental Management which provides sanitary sewage disposal by means other than public sewers.
- Section 16       *"Owner"* shall mean any person who alone, or jointly, has a legal title to any premises or has control of any premises, executor, administrator, trustee, lessee or guardian of the estate of a holder of a legal title.
- Section 17       *"Parcel"* shall mean an area of land as marked on the assessment drawings on file in the office of the Town Assessor, Burrillville, Rhode Island.
- Section 18       *"Person"* shall mean any individual, firm, company, association, society, corporation or group.

- Section 19      *"pH"* shall mean the reciprocal of the logarithm of the hydrogen-ion 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 hydrogen-ion concentration of  $10^{-7}$ .
- Section 20      *"Privately Owned Wastewater Treatment Facilities"* shall mean pump station(s), collection system(s) and/or wastewater treatment facility(ies) owned by a user and/or association that is connected to a publicly owned wastewater treatment or collection system
- Section 21      *"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.
- Section 22      *"Public Sanitary Sewer System"* shall mean the public system of sanitary sewers installed by the Town of Burrillville pursuant to the authority conferred by an Act numbered Chapter 25 of the Public Laws 1974.
- Section 23      *"Public Sewer"* shall mean any portion of the municipal sanitary sewer system in which all owners of abutting properties have equal rights, and which is controlled by municipal authority.
- Section 24      *"Sanitary Sewer"* shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.
- Section 25      *"Septage"* shall mean the wastewater or waste solids from domestic on-site wastewater treatment systems.
- Section 26      *"Sewer"* shall mean a pipe or conduit for carrying sewage.
- Section 27      *"Shall"* is mandatory, *"May"* is permissive.
- Section 28      *"Slop Sink"* shall mean a janitor's type sink.
- Section 29      *"Slug"* shall mean any discharge of water or wastewater 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 and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Section 30      *"Storm Drain"* (sometimes termed "storm sewer") shall mean a pipe which carries storm and surface waters and drainage; but sewage and industrial wastes, other than unpolluted cooling water, are intended to be excluded.

- Section 31      *"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.
- Section 32      *"Toilet"* shall mean each individual toilet bowl.
- Section 33      *"Town"* shall mean the Town of Burrillville, Rhode Island.
- Section 34      *"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 sanitary sewers and wastewater treatment facilities provided.
- Section 35      *"User"* shall mean any person who discharges or causes or permits the discharge of wastewater into the Town's wastewater treatment system.
- Section 36      *"Wastewater"* shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater that may be present.
- Section 37      *"Wastewater facilities"* shall mean any devices, facilities, structures, equipment or works owned or used by the Town for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewer, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances, extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clearwell facilities; and any work, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues from such treatment.
- Section 38      *"Watercourse"* shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- Section 39      *"Y" Connection* shall mean the point at which the individual sewer lateral connects into the main sewer line (sometimes referred to as the chimney connection).

**ARTICLE II**  
**USE OF PUBLIC SEWERS REQUIRED**

- Section 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 Burrillville, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.
- Section 2      It shall be unlawful to discharge to any natural outlet within the Town of Burrillville, 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 this ordinance.
- Section 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 the disposal of wastewater.
- Section 4      The owner(s) 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 sanitary sewer of the Town, is hereby required at the owner(s)' 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 ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. This requirement for connection may be waived when permitted by the Board in accordance with Article XIV, Section 2.

**ARTICLE III**  
**LICENSING OF PERSONS AUTHORIZED TO MAKE CONNECTIONS TO PUBLIC SEWERS**

- Section 1      Licensed Master plumbers, Journeyman plumbers and Drain Layers of established reputation and experience will be licensed by the Board as Master Drain Layers authorized to perform work, subject to compliance with the following requirements:
- a. Applicants for licenses are required to pay a filing fee as master Drain Layer, payable to the Board, all of which will be refunded to the applicant if his application is rejected.
  - b. If approved by the Board, applicants for licenses shall file with the Board proper and acceptable Performance and Guarantee Bond (Exhibit A), which shall remain in full force and effect for a period of one year from the date of application.
  - c. Applicants for licenses, after approval by the Board, shall file with the Board a Certificate of Insurance to cover Property Damage, including explosion, underground, and collapse. In addition, a Certificate of Insurance covering Workmen's Compensation shall be filed where applicable, all of which shall remain in full force and effect for a period of at least one year from the date of approval. Said insurance shall indemnify the Board and the

Town of Burrillville against any and all claims, liability or action for damages, incurred in or in any way connected with the performance of the work by a Master Drain Layer, and for or by reason of any acts or omission of said Master Drain Layer in the performance of the work by a Master Drain Layer, and for or by reason of any acts of omission of said Master Drain Layer in the performance of his work.

- d. Applicants shall be required to pass an examination administered by the Board (Except R.I. licensed Master plumbers).

Section 2      The Board may license Master Plumbers, Journeymen Plumbers and Drain Layers who are personally engaged in the installation of sewer and drain connections upon payment of a license fee. All licensees are required to provide personal supervision during all installations.

Section 3      All licenses expire on December 31 at midnight and no licenses are transferable. The fee for each renewal shall be due and payable on or before January 15.

Section 4      Failure to renew said license by January 15 will require the filing of a new application for a license.

Section 5      The business address of all licensed drain layers must be registered with and immediate notice of change therein given to the Board.

Section 6      The Board reserves the right to revoke any license for cause or if any provision of said license is violated.

Section 7      No person, firm or corporation, except a duly licensed Master Drain Layer shall make connections to any public sewer.

**ARTICLE IV**  
**LICENSING FOR SEPTAGE DISPOSAL**

Section 1      Application for a permit to use the septage disposal station at the Wastewater Treatment Facility for the dumping of septage shall be obtained at the office of the Board of Sewer Commissioners.

Section 2      A licensing fee shall be charged per vehicle and paid at the time the application is made. The permit shall be paid annually.

Section 3      The fee for disposal of septage into the treatment facility shall be established by the Board from time to time. The disposal fee shall be based on truck capacity.

Section 4      The contractor shall comply with the following regulations:

- a. All trucks shall be watertight and shall have a gravity drainage valve with safety lock to be used during the transport of septage.

- b. All trucks shall have their state license number, company name, and capacity clearly displayed on the outside of the vehicle.
- c. Only residential septage collected within the Town of Burrillville shall be disposed of at the wastewater treatment facility. The contractor shall be required to keep a log clearly indicating the source (name and address of the owner (s) of the septage to be disposed of. Failure to provide this information for each load will result in the load being rejected.
- d. No grease, oil, gasoline, explosive fluids, toxic pollutants, garbage, or any material detrimental to the treatment facility's process or causing the effluent to exceed the maximum allowable concentration of a material to the receiving water shall be dumped into the disposal station.
- e. Any drippings occurring during discharge shall be cleaned up and washed away by the licensee as required to maintain a sanitary condition.
- f. The Commission reserves the right to establish specific hours for discharge of septage wastes at the disposal station and shall have the authority to close the facility to septage discharge for purposes or maintenance or due to treatment process operational upsets.
- g. Failure to observe regulations will result in revocation of the permit and/or a fine.

**ARTICLE V**  
**BUILDING SEWERS, PERMITS AND CONNECTION REQUIREMENTS**

Section 1 No authorized person shall uncover, make any connections with opening into, use alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board. Said permit being valid for 30 calendar days from date of issue. All building sewer installation work is to be performed by a drain layer who is licensed in the Town of Burrillville.

Section 2 There shall be two (2) classes of building sewer permits:  
(a) residential services  
(b) commercial and industrial services.

Any person proposing a new discharge into the system or a substantial change in the volume or character of wastewater being discharged into the system shall notify the Board at least forty-five (45) days prior to the proposed change or connection.

The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board. A permit fee for each user class shall be adopted by the Board from time to time. The fee shall be paid to the Board at the time the application is filed.

Section 3 No licensed drain layer shall have more than five (5) permits outstanding at any time.

- Section 4        One copy of the permit shall at all times be available for inspection at the site of the work.
- Section 5        Drainlayers shall only install building sewers during the normal working hours of the Sewer Department. Emergency working hours shall be approved by the Board.
- Section 6        No person shall break, cut or remove any pipe of the public sanitary sewer, or make or cause to be made any connection to said sewer except through the connection branches provided for that purpose.
- Section 7        All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner or his agent. The owner shall indemnify the Board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Section 8        A separate and independent building sewer shall be provided for every building.
- Section 9        Old building sewers may be used in connection with new buildings only when on examination and test authorized by the Board, they are found to meet all requirements of this ordinance.
- Section 10       The Board shall establish standard requirements or specifications to regulate the sizes, materials, methods and workmanship to be used in the construction of sewers, house connections, and other similar work and appurtenances, thereto connected or intended to be connected or to discharge, directly or indirectly, into any public sewer of the Town of Burrillville. All construction procedures, materials and specifications shall conform to the Sewer Construction Standards of the Board and all applicable Federal, State and Town Building and Plumbing codes. Any deviations from these prescribed procedures and material must be approved by the Board before installation.
- Section 11       Connection of Roof Downspouts, Floor Drains, Sump Pumps, Areaway Drains, etc.:  
No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Section 12       Backflow Valves: One backflow valve per building shall be installed prior to connection to the Town's sewer system for all residential and multi-unit dwellings. The backflow valve shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times. The quantity of backflow valves necessary for commercial and industrial establishments must be submitted to and approved by the Board prior to installation.

- Section 13     Notification of Readiness for Inspection and Connection: The applicant for the building sewer permit shall notify the Board a minimum of seven (7) days prior to the applicant requiring inspection and connection to the public sewer. The connection shall be made under the supervision of the Board.
- Section 14     Excavation and Repaving: No person shall open any road, street or highway in the Town for the purpose of installing sewer lines without first receiving permit and complying with all of the criteria required by the Code of Ordinances of the Town of Burrillville and/or the State of Rhode Island, Department of Transportation. Failure to comply with these rules and regulations shall be deemed a violation of this Code. Any person or persons guilty of said violation shall be liable for a fine as specified in Article X (Penalties).
- Section 15     The size and slope of the building sewer shall be subject to the approval of the board, but in no event shall the diameter be less than six (6) inches. The slope of such 6-inch pipe shall not be less than one-quarter ( $\frac{1}{4}$ ) inch per foot.
- Section 16     Privately Owned Pump Stations: All privately owned wastewater treatment facilities (pump stations and collection systems) that are physically connected to and so empty into a Municipal Wastewater Treatment Facility must comply with the Town's Sewer Construction Standards as it relates to design, operation and maintenance. An annual administrative (Permit) fee shall be paid by the owner on January 1<sup>st</sup> of each year.
- Section 17     Board's Responsibilities: The Board shall be responsible for all repair and maintenance of all main sewer lines up to the "Y" connection for a building lateral. The property owner shall, at their expense, be responsible for the repair and maintenance of the building lateral pipe, from the building to the "Y" connection.
- Section 18     All plumbing outlets in any building served by a public sewer shall discharge to the building sewer.
- Section 19     The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no branch is available, a connection may be made by tapping the existing sewer by an approved method, then inserting an approved "Y" or "T" saddle, all encased in concrete.
- Section 20     The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. No such connection shall be made, nor any discharge to the public sewer system be made until approval therefore is had from the Board or their representatives. The connection shall be made under the supervision of the Board or their representative.
- Section 21     Any variation from these Rules and Regulations of the Board shall receive the approval of the Board before implementation.

- Section 22 Notification of the completion of the work with certification that all conditions have been complied with shall be filed in writing with the Board within 24 hours after the completion of the work covered in each permit.
- Section 23 The requirements of the Town Plumbing and Drainage Code shall be observed with respect to piping and fixtures inside or within five (5) feet of buildings and within the areas of jurisdiction of said Code. In the event of conflict between said Code and any Article of this Ordinance, the requirements of this Ordinance shall apply.
- Section 24 At such time as a public sewer becomes available to a property served by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in Article II, Section 4. All existing cesspools or septic tanks shall be emptied into licensed tank truck septage disposal vehicles only and disposed of at a site approved as a septage receiving station, and then filled with crushed stone or gravel by a drainlayer immediately upon sewer service being placed into active service. No contents of septic tanks or cesspools shall be discharged to the public sewer by any person or septage disposal vehicle owner or operator .

**ARTICLE VI**  
**USE OF THE PUBLIC SEWERS**

- Section 1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff's, subsurface drainage, or cooling water to any sanitary sewer.
- Section 2 No person (s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - b. Any waters containing a toxic pollutant in toxic amounts as defined in standards or guidelines issued pursuant to Section 307 (a) of the Federal Water Pollution Control Act.
  - c. 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.
  - d. Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities.
  - e. 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, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- f. Any waters from a significant industrial user containing an incompatible pollutant in excess of concentrations or amounts allowed under standards or guidelines issued pursuant to Section 304, 306 and/or 307 of the Federal Water Pollution Control Act.

### Section 3

The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Board may set limitations different than the limitations established in the regulations below if in its opinion more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Board will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Board are as follows:

- a. Wastewater having a temperature higher than 150 degrees Fahrenheit or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the treatment plant to exceed 104 degrees Fahrenheit.
- b. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin (non-polar oil and grease).
- c. Commercial/ Industrial wastes containing more than 75 milligrams per liter of fats, oil or grease of animal or vegetable origin (polar oil and grease).
- d. Any garbage that has not been properly shredded (see Article I, Section 10). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. For commercial/industrial facilities, garbage grinders may only be used in conjunction with an in-ground grease interceptor specifically designed to accept such waste.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material discharged to the wastewater facilities exceeds the limits established by the Act or the Board for such materials.
- f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Board.

- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.
- h. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
- i. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving media.
- j. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release noxious or malodorous liquids, gases or solids, or form suspended solids which interface with the collection system, or create a condition deleterious to structures and treatment processes.
- k. Contents of septic tanks or equivalent facility, except at locations designated by the Board.

Section 4 Any person substantially changing their discharge in terms of volume or character of pollutants, or any changes which may affect the potential for a slug discharge, shall notify the Board in writing forty-five (45) days prior to such change.

Section 5 All significant industrial users shall submit in writing to the Board any information which the Board may request concerning discharge to the wastewater facilities. This information shall be submitted on forms supplied by the Board no later than thirty (30) days after promulgation of this ordinance and every one hundred-eighty (180) days thereafter.

Section 6 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 3 of this Article, and which in the judgment of the Board 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 Board 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, and/or
- d. Require payment to cover added cost of handling and treating the wastes.

If the Board 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 Board.

Section 7 While 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.

Section 8 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 structures shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Board. 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. In addition, the Board may require the owner, at his expense, to monitor his discharge by observation, sampling and measurement of the wastes and keep accurate and complete records of such information. Such records shall be made available upon request by the Board to other agencies having jurisdiction over discharges to the receiving waters.

Section 9 The admission into the public sewers of any water or wastes containing the following concentrations will be subject to the review and approval by the Board:

- a. a 5-day biochemical oxygen demand greater than 300 parts per million by weight,
- b. or containing more than 350 parts per million by weight of Total Suspended Solids,
- c. or contain ammonia (as N) more than 30 parts per million by weight,
- d. or contain Total Nitrogen more than 40 parts per million by weight,
- e. or contain Total Phosphorus more than 7 parts per million by weight,
- f. or containing any quantity of substances having the characteristics described in Section 3 of this Article,
- g. or having an average daily flow greater than 2 percent of the average daily sewage flow of the Town,
- h. or high chlorine demand.

Section 10 Where necessary in the opinion of the Board, the owner shall provide at his expense, such pretreatment treatment as may be necessary to

- a. reduce the biochemical oxygen demand to 300 parts per million, Total suspended solids to 350 parts per million, ammonia to 30 parts per million, total nitrogen to 40 parts per million and total phosphorous to 7 parts per million, by weight and/or
- b. reduce objectionable characteristics of constituents to within the maximum limits provided for in Section 10, paragraph 3 of this Article, and/or
- c. control the quantities and rates of discharge of such waters or wastes.

For all proposed or existing commercial, industrial or other types of discharges exceeding, or in the sole opinion of the Board having the potential to exceed the discharge parameters and limitations set forth under this Article, supporting documentation shall be provided by the generator of such discharge, or potential discharge, fully and accurately demonstrating its

acceptability for discharge under the stated parameters, or the need for developing and implementing a reliable method or methods of performing preliminary treatment of such waste to fully meet the stated limits prior to any form of discharge.

For all proposed or existing commercial, industrial or other types of discharges exceeding, or as determined by the Board having the potential to exceed the discharge parameters and limitations as set forth above under this Article, design and operational documentation for a pretreatment facility or facilities must be provided by the generator of such discharge, or potential discharge fully demonstrating the pretreatment capabilities, reliability and operational maintenance of the method(s) being proposed prior to any type of discharge. No construction and/or any other type of implementation of such pretreatment facility or facilities shall commence until formal written concurrence and acceptance is obtained from the Board allowing the ultimate discharge as proposed.

Supporting, design and operational documentation as intended under this Article shall be defined as including but not limited to items such as the following: a full quantification of the proposed discharge; flow and hydraulic capacity studies of the proposed and existing sewer systems; waste identification, characteristics and analysis (raw as well as treated); treatability-type pilot studies and analyses; hydraulic and process control diagrams; headwork analyses of existing treatment facilities; preliminary and final design data and documents; as-built record drawings of all constructed pretreatment facilities; and any other type of information deemed relevant and necessary by the Board. All supporting, design and operational documents being submitted shall be prepared by a professional engineer registered in the State of Rhode Island demonstrating relevant experience in the field of water and wastewater treatment.

No discharges to the existing sewer system whether treated or not shall be allowed until compliance with the above has been fully demonstrated and documented as determined by the Board. In regards to meeting such compliance, or the full demonstration thereof, the opinion of the Board shall be the sole and final judgment.

## Section 11

- a. Owners of Private Wastewater Treatment Facilities shall maintain the system in good working order and operate as efficiently as possible. Proper operation and maintenance shall include, but not be limited to, effective performance based on facility design, adequate operator staffing and training and adequate laboratory and process controls, including quality assurance procedures as determined to be appropriate by the Board and backup or auxiliary facilities or similar systems to assure compliance or effective performance. Proper operation and maintenance must include emergency procedures and reporting requirements in case of power outages, natural disaster, labor shortage (whether the result of intentional work stoppages or epidemic) equipment failure, acts of terrorism/vandalism or Sanitary Sewer Overflow. Reporting requirements shall include verbal notification to the Board and the RIDEM as soon as possible, but not exceeding twenty-four (24) hours of discovery of the event; a written report must be submitted to the Board and RIDEM not more than five (5) business days of the event's ending.

b. The Owner shall submit, for review and approval by the Board, and Operations and Maintenance Plan describing standards and procedures by which the Wastewater Treatment Facilities will be staffed, operated and maintained during normal and emergency conditions. Should development of the Plan include the practice of engineering, the Plan must then be prepared and certified by a Registered Professional Engineer registered in the State of Rhode Island.

Section 12 The Owner of a new Wastewater Treatment Facility shall submit three (3) copies of the Operations and Maintenance Plan to the Board for review and approval prior to commencement of the construction of the new Wastewater Treatment Facility.

Section 13 The Owner of an existing Wastewater Treatment Facility without an approved Plan must submit for approval a Plan necessary to comply with the requirements herein within six (6) months of the promulgation of these Rules and Regulations, unless extended for good cause by the Board.

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

Section 1 The Board and other duly authorized employees of the Town and the Board bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

Section 2 The Board 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 collection system. At the request of the applicant, the Board may withhold information considered confidential if the applicant establishes that the revelation to the public of the information in question might result in an advantage to competitors.

Section 3 While performing the necessary work on private properties referred to in Article VIII, Section 1, above, the Board or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town Employees, and the Town shall indemnify the company 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 company and growing out of the gaging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI.

Section 4 The Board 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 obtained 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 easement pertaining to the private property involved.

**ARTICLE VIII**  
**PROTECTION FROM DAMAGES**

Section 1 No person(s) shall maliciously, willfully, or negligently, break, damage, destroy, uncover, deface, or tamper 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, as set forth in the RI General Laws 1956 as amended.

**ARTICLE IX**  
**ENFORCEMENT**

Section 1 Each user shall provide protection from accidental discharge in violation of these Rules and Regulations. For countermeasures to be taken by the Board to minimize damage to the sewerage system and receiving waters, users shall notify the Board immediately upon accidentally discharging wastes in violation of these Rules and Regulations. This notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the system. If the violation of the Rules and Regulations is the proximate cause of any violation of the Boards wastewater discharge permit, the Board reserves the right to seek full reimbursement of the fine(s) and any costs incurred in connection with the collection thereof.

In order that employees of commercial and industrial users be more fully informed, copies of these Rules and Regulations shall be made available to all employees of these users. A notice shall be furnished and permanently posted on the owner's bulletin board advising employees who to call in case of an accidental discharge in violation of these Rules and Regulations.

Section 2 When the Board finds that a discharge of wastes has been taking place, or threatens to take place, in violation of prohibitions or limitations of these Rules and Regulations, the Board may issue an order to cease and desist, and direct that those persons not complying with such prohibitions, limits, requirements, or provisions:

- a. Comply forthwith;
- b. Comply in accordance with a time schedule set forth by the Board, or
- c. Take appropriate or remedial preventative action in the event of a threatened violation.

Section 3 When the Board finds that a discharge of wastes has been taking place, in violation of prohibitions or limitations prescribed in these Rules and Regulations, the Board may require the user to submit for approval, with such modifications as it deems necessary, a detailed time

schedule of specific actions that the user shall take in order to prevent or correct a violation of requirements.

Section 4 Any user effected by any decision, action, or determination, including Cease and Desist Orders made by the Board interpreting or implementing the provisions of these Rules and Regulations may file with the Board a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's reconsideration.

If the ruling made by the Board is unsatisfactory to the person requesting reconsideration, he may within ten (10) days after notification of the Board's action, file a written appeal to the Superior Court. The Superior Court shall make a final ruling. The Board's decision, action, or determination shall remain in effect during such period of reconsideration.

#### ARTICLE X PENALTIES

Section 1 Any septage hauler violating any provision of the Rules and Regulations shall be fined in accordance with the fee schedule adopted annually by the Board. A separate offense shall be deemed committed on each day during on or which a violation occurs or continues. The Board may also elect to suspend or revoke the license of the hauler.

Section 2 Any user or person violating any provision of Building Sewers, Permit and Connection Requirements (Article V) in accordance with the fee schedule adopted annually by the Board. A separate offense shall be deemed committed on each day during on or which a violation occurs or continues.

Section 3 Any user or person violating any provision of Use of Public Sewers (Article VI), shall be fined in accordance with the fee schedule adopted annually by the Board, or by imprisonment of not more than thirty (30) days. Each day of violation of this article shall constitute a separate offense.

Section 4 Any user or person violating any provision of Protection from Damage (Article IX) shall be fined not more than five hundred dollars (\$500.00), or by imprisonment of not more than thirty (30) days. Each day of violation of this article shall constitute a separate offense.

Section 5 When a discharge of wastes causes an obstruction, damage, or any other impairment to the sewerage system, the Board may assess a charge against the discharger for the work required to clean or repair the facility. Any person who violates the provisions of this Ordinance shall be fined not exceeding \$ 25,000 for each offense, such fine to be paid to the Board. Each day of the existence of any such violation shall be deemed a separate offense. Any person who knowingly makes any false statements, representation, record, reports, plan or other document filed with the Board or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the Rules and Regulations, shall

be punished by a fine of not more than \$ 25,000. Whenever a discharge of wastes is in violation of the provisions of the Rules and Regulations or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the Board's legal counsel may petition the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge. The Board may terminate or cause to be terminated wastewater service to any person if a violation of any provision of the Rules and Regulations is found to exist or if a discharge of wastes causes or threatens to cause a condition of contamination, pollution, or nuisance.

## ARTICLE XI CONSTRUCTION OF SEWERS BY PRIVATE DEVELOPERS

### Section 1

- A. A new development of more than two housing units shall not be approved by the Burrillville Planning Board until the developer has executed with the Board of Sewer Commissioners a permit-agreement as hereinafter provided unless requirement is waived by the Board as provided in sub-paragraph (c) below. Any such permit-agreement shall provide for installation of a sewer system as provided in Article V and as further provided below:
1. The developer shall install not only the lateral sewer in the street but also the building sewer from the lateral sewer to the property line. In addition, if the developer is constructing a new home on a lot, the building sewer shall be extended to connect with the building plumbing. In the case of new street construction, the developer shall make such installation before surfacing of the street is completed.
  2. When an owner of any lot, or his agent, applies for a building permit, the Building Inspector shall require, as a condition of the issuance of such permit, that said owner or agent show on the plot plan the layout of the future connection from the lateral sewer to the building drain, including the elevation of the building sewer at the street line, elevation of the finished first floor and/or cellar floor, and elevation of the building drain to which the future building sewer would be connected.
  3. The developer shall cap all open ends of the sewer and shall, along with completed as-built plans of the sewer, provide exact ties and elevations so that the capped ends can be readily located.
  4. The Board shall provide elevations at each point where the sewers are capped, and the developer shall design and build the sewer to these elevations.
  5. Where topography prevents installation of the sewer within the street, the developer shall install the sewer with rights-of-way that shall be of adequate width as determined by the Board and deeded to the Town of Burrillville.
  6. The Board, in considering the acceptance of a new development for sewer service into the established system of sewers, as hereinbefore defined, shall employ the

following as guidelines in determining an acceptable means and/or particular method by which said service may be achieved.

- a. Wherever and whenever possible, sewer service shall be achieved by gravity means. All proposals will be reviewed by the Board based on the system's capacity to handle additional sewerage and compliance with the Rules and Regulations and Sewer Construction Standards of the Board.
- b. If gravity sewer service is not feasible, as determined by the Board, sewer service shall be achieved by extending service to an existing pumping facility within the established system, subject to the Boards' normal review process as stated above.
- c. If an existing pumping facility is not accessible or feasible under normal engineering standards, as determined by the Board, pressure/force mains with related pumping facilities may be considered by the Board subject to the following guidelines:
  - 1) For new dwelling units and/or developments proposing fifty (50) or less dwelling units that are inaccessible for gravity sewer service, low pressure sewer mains shall be designed and installed by the developer with conveyance to the Town upon a satisfactory completion. This shall consist of individually owned and operated positive displacement grinder pump units in lieu of a common pumping facility. The grinder pump shall contain redundant check valves (one internal to the unit and one at the curb stop control panel) 70 gallon tank, high level indicator lamp assembly, manual transfer switch, generator receptacle and curb stop.
  - 2) For new dwelling units and/or developments proposing more than fifty (50) dwelling units that are inaccessible for gravity sewer service, the Board may consider the acceptance of a pumping facility into the Town's sewer system on a case by case basis. The overall need for such a facility in lieu of other viable options must be proved by the developer to the satisfaction of the Board prior to the Boards' preliminary approval. The pumping facility must be designed and installed under the supervision of an individual licensed as a Registered Professional Engineer in the State of Rhode Island. The work shall be in accordance with the Board's standards and shall include all appurtenances necessary to establish a functional and acceptable facility as determined by the Board. Upon preliminary acceptance of a facility, the Board and developer shall negotiate a permitting agreement whereby the developer shall pay to the sewer commission, prior to the new system being accepted, a sufficient sum to defray all estimated operational and maintenance costs of the facility for a period of ten (10) years after acceptance. The amount of this payment shall be based on estimates at the time of the proposal as determined and approved by the Board. Said

payment shall be in the form of a certified check payable to the Commission.

- 3) Proposed pumping facilities servicing new or proposed commercial and/or industrial developments shall not be considered for acceptance by the Board. If required and installed, the ultimate ownership and operational and maintenance responsibilities of such a facility shall remain the responsibility of the property owner.
  - d. If a pumping facility is deemed necessary by the Board to serve a new development, the Board shall require either that the developer install said pumping facility and appurtenant equipment or that the developer pay to the Board a sum sufficient to defray the cost of engineering review and inspection, constructing, equipping and installing said pumping facility. The amount of this payment shall be based on estimates developed and approved by the Board. The payment may be in the form of a certified check payable to the Board and such funds shall be used only for the engineering review and inspection, construction, equipping and installation of the pumping facility. This amount is in addition to that designated in Item C.2 above.
  - e. Upon installation and acceptance by the Board of the pumping facility and appurtenance equipment, the Developer shall deed the site, the facility and equipment to the Board and assign its' rights in all warranties and guarantees to the Board. The deed and assignment shall be in a form approved by legal counsel to the Board.
  - f. If the Developer retains ownership of the pump station or collection system, the Developer must comply with Article VI, Section 11.
7. The developer shall be required to include as a part of the capped sewer construction any pipes, pumping stations or other appurtenances which would be required for or would serve areas outside of the development in question.
- B. A new development for which a permit-agreement is required, as described under subparagraph (A) hereof, shall not be approved by the Burrillville Planning Board until the Board has approved a design of the sewers serving said development or has waived the requirement therefore pursuant to subparagraph (C) below. Said design shall be prepared by the developer at his expense, shall conform to accepted engineering practices and existing installation requirements, and shall provide for an economical and effective future installation of the sewers. Any rights-of-way called for by such design as approved by the Board shall be deeded to the Town of Burrillville.
  - C. The Board may grant relief from any of the requirements imposed by subparagraph (A) and (B) above if it determines that the need for the construction or design of sewers is impractical or remote taking into consideration (1) the date upon which the sewers might be connected to the Town wastewater facilities, (2) the estimated cost of construction, and (3) the anticipated need for sewers within the development. Such need shall be

determined after consideration of all available information, including any report or evidence submitted by the developer of such proposed development.

- D. For any development or a portion thereof, consisting of more than a single unit having individual unit ownership, whether residential or commercial, with a common sanitary sewer system that is privately owned by an ownership, community or condominium type association or entity and discharges to the Towns' publicly owned sanitary sewer system, the association or entity of record shall be fully responsible and accountable for the ownership, operation and maintenance of said sanitary sewer system in its entirety, including all regulatory compliance issues related thereto and must comply with Article VI, Section 11.

## Section 2

If a developer subdivides lots fronting on an existing town road, the Board may waive the requirement installation of capped sewers serving such lots if it finds such installation to be impracticable, provided that any easements necessary for future sewers installations are dedicated to the Town of Burrillville. The Board may by agreement with the developer provide for immediate or future construction of the capped sewers, either by the developer as provided herein with provision for reimbursement if other properties connect, by the Board with the developer defraying his share against other properties deferred, or by the Board with the developer depositing with the Town of Burrillville in the form of cash or a savings account assignment his share of the estimated cost to be held by the Town of Burrillville for construction at some future date, or by some other reasonable and equitable method. The Board is authorized to enter into agreements on behalf of the Town of Burrillville with developers or other owners of land for the engineering (design and inspection) and construction of sewers by and at the expense of such developers or owners which sewers may become part of the public sewer system under the conditions hereinafter stipulated. The Board is empowered to make, from time to time, any necessary regulations stipulating the terms and conditions of said agreement consistent with the provisions of this ordinance. The conditions under which a permit-agreement may be executed are as follows:

- a. The Chairman of the Board is authorized to sign on behalf of the Town of Burrillville all such agreements when the same have been authorized by said Board.
- b. The terms and text of an agreement for any particular project under Article XI of this ordinance shall be as approved by the Board's legal counsel.
- c. The Board shall specify in the terms of such agreements, or on plans which are made a part thereof, the limits, sizes and grades of the sewers to be built and the nature of and limitations on the waste or liquids to be conveyed. All the terms of and all subsequent amendments to this Ordinance shall be applicable to work done under such agreements.
- d. Such agreements shall provide that the full cost of engineering (design and inspection), construction of the sewer and all expense incidental thereto shall be borne by the developer or owner who shall, before commencing any work, deposit with the Treasurer of the Town of Burrillville a sum deemed by the Board or such engineers as the Board

may employ, to be sufficient to defray the cost of preliminary surveys, of the preparation of designs and plans, of other expenses of preliminary engineering, of inspection, supervisory engineering, grade staking, measuring, testing and all other expenses of the Town of Burrillville incurred prior to or during construction, or during any maintenance period stipulated, including allowances for pension, insurance and similar costs related to payroll. Such agreements shall also provide that, in case said deposit proves to be insufficient at any time during the progress of the work, further deposit shall be made upon notification by the Treasurer of said town and that, upon acceptance of the sewer, any unspent portion of said deposit shall be returned to the developer or owner.

- e. All such agreements shall provide that the developer or owner shall assume all risks and hold the Board and their agencies harmless from any and all claims for damage arising from the work or its conduct. To secure such risks, adequate liability, property damage and compensation insurance in amounts fixed by the Board shall be required of the developer or owner who shall furnish proper and acceptable certificates of insurance before starting work.
- f. The Board, whenever in its opinion there is possibility of loss by the Town of Burrillville by reason of failure of the owner or developer to complete the work contemplated in the agreement, or any part thereof, or to comply with any maintenance requirements, may require as a part of said agreement that adequate bond or other surety acceptable to the Town of Burrillville be submitted to insure completion and maintenance of the work.
- g. Such agreements shall require, whenever the work is not in a duly accepted public road, that adequate rights-of-way be conveyed to the Town of Burrillville prior to the acceptance of the sewer, the terms of conveyance being subject to the approval of the Board's legal counsel.
- h. After certification by the Board or such engineers as the Board may employ, that any sewer constructed under the terms of the Rules and Regulations has been completed in accordance with the plans, specifications, and standards of the Town of Burrillville and that the maintenance period fixed in the agreement has expired, and that all roadways, curbs, walks and other surfaces and appurtenances disturbed by the work have been properly restored, or that adequate security by bond or otherwise has been furnished to assure such restoration, the Board may, by resolution, incorporate said sewer into the town wastewater facilities, to become effective as specified in such resolution.

## **ARTICLE XII**

### **EXTENSION OF SANITARY SEWER SYSTEM TO SERVE PRIVATE DEVELOPMENT**

#### Section 1

The Burrillville Sewer System was established to eliminate severe environmental problems, which resulted in direct and indirect discharges into the rivers, streams, lakes and other natural resources within the Town. To meet those goals, the Burrillville Sewer Commission prepared a Wastewater Facility Plan and subsequent updating of the Plan consistently maintained that the elimination of pollution and the protection of the Town's natural resources

was the primary priority for the Wastewater Collection and Treatment Facilities. The Plan has been approved.

Section 2 The Plan and subsequent updates have delineated the current sewer district which identifies the planned expansion of the Town's Sewer System.

Section 3 The following requirements are hereby adopted to insure that the Burrillville Sewer System is properly protected and the Burrillville Sewer Commission has the ability to control and/or otherwise limit any future connections and/ or expansions of the system so as not to expose and/ or jeopardize the investment that the taxpayers of Burrillville have made in the overall system, and in keeping with Burrillville Comprehensive Plan.

- a. All future minor or major land subdivisions for residential purposes, as such subdivisions are defined in state law or local ordinances that seek to connect to the sewer system must affirmatively demonstrate to the Board that based on the existing zoning and planning parameters at the time of the proposed creation of the subdivision that the soils and other controlling site existing with such proposed subdivision will not allow and/or otherwise support the disposal of the sanitary waste resulting from the subdivisions in question building the number of residential units allowed as of right under the Zoning Ordinance.

Section 4 The party applying for a connection to and/or expansion of the sewer system shall fully address and document both the physical and regulatory restrictions on the parcel(s) in question and the inability to implement traditional On Site Wastewater Treatment Systems (OWTS) and/or any other types of innovative technologies for achieving the desired wastewater disposal. The applying party shall bear all resulting costs relating to the requirements set forth under this Article.

Section 5 Financial hardship shall not be considered a valid basis for requesting a waiver from the requirements set forth under this Article.

Section 6 The Board shall be the ultimate authority to determine whether the applicant has fulfilled his/her obligation as set forth in this Article.

Section 7 Upon adoption of this Article, all future approvals granted by the Board for any proposed connection to, expansion of and/ or discharge to the Town's Sewer System by private development would expire three (3) calendar years from the dated issuance of such approval unless substantial work has been commenced prior to that date. The Board shall have the sole authority to determine whether substantial work has commenced.

Section 8 Sewer lines shall be installed in a public highway and shall extend along the entire frontage of the property to be served or for a minimum distance of one hundred fifty feet of frontage along the frontage of the lot to be sewered where the frontage exceeds one hundred fifty feet.

Property that has frontage on a public highway will not be sewered by extending sewers over

private property unless the Board determines that it is not feasible to service the property by extending the sewer line along the public highway, and that failure to sewer the property could be detrimental to the public health.

### ARTICLE XIII **ASSESSMENTS AND USE CHARGES**

The following procedures have been established in order to recover the costs of constructing, operating and maintaining the wastewater collection and treatment system. These costs shall be recovered by collection of betterment assessments, sewer connection fees and sewer use charges.

Section 1      Betterment Assessments: Betterment accruing to properties as the result of the construction of systems of sewers and/or systems of sewerage and sewage disposal shall be assessed as follows:

- a. Each parcel of land which abuts a public highway or a highway which by use is generally believed to be a public highway or a right-of-way, and in which there has been constructed a public sanitary sewer, shall be assessed a per linear front foot charge, provided, however, no such parcel of land shall be assessed less than a dollar value adopted by the Board at the time of the assessment. Whenever such a parcel of land contains a building or buildings that are, in the opinion of the Board, additional potential sewer connections, a minimum assessment shall be levied as hereinbefore set forth and in addition, a lump sum assessment shall be levied for each such potential sewer connection.
- b. Each parcel of land which does not abut a public highway or right-of-way but which, in the opinion of the Board, is a potential sewer connection shall be assessed a lump sum fee. If any such parcel of land contains more than one building, each building which is a potential sewer connection in excess of one basic building shall be assessed an additional lump sum fee in addition to the primary lump-sum assessment.
- c. Each corner parcel of land abutting two or more public highways or rights-of-way in which there have been constructed a public sanitary sewer shall be assessed a per linear front foot charge along the side of the public highway or right of way on which the principal building on the parcel is connected to the common sewer, provided, however, no such parcel of land shall be assessed less than a dollar value adopted by the Board at the time of the assessment. Each other side of said corner parcel which abuts a public highway or right-of-way in which a public sanitary sewer has been constructed shall be assessed a per foot charge for each front foot in excess of one hundred fifty (150.00) feet. Each other side of said corner parcel which abuts a public highway or right-of-way in which a public sanitary sewer has been constructed may have its assessment exempted or suspended by The Board depending on the parcel's potential to be subdivided in the future.
- d. Each interior parcel of land, not a corner parcel having frontage on two or more public highways or rights-of way in which there has been constructed a public sanitary sewer shall be assessed a per linear front foot charge along the side of the public highway or

right-of-way on which the principal building on the parcel is connected to the common sewer, provided, however, no such parcel of land shall be assessed less than a dollar value adopted by the Town at the time of the assessment. In addition, the other sides of said interior parcel which abuts a public highway or rights-of-way in which a public sanitary sewer has been constructed shall be assessed a per linear foot charge for each front foot. The other sides of said interior parcel which abuts a public highway or right-of-way in which a public sanitary sewer has been constructed may have its assessment exempted or suspended by the Board depending on the parcel's potential to be subdivided in the future.

- e. Each parcel of land on which there are no buildings and which is unimproved, undeveloped or is farmland and which abuts a public highway or right-of-way in which there has been constructed a public sanitary sewer shall be assessed a per liner foot charge for each front foot, but may have its assessment or portions thereof suspended by the Board depending on the parcel's potential to be subdivided in the future.
- f. Each parcel of land which abuts a public highway or right-of-way in which there has been constructed a public sanitary sewer and which, in the opinion of the Board may not be serviced by the sanitary sewer system because of topographical or other engineering factors, may have its assessment suspended upon approval of the Board. As herein used, "topographical or other engineering factors" refers to the capacity of the property to be serviced by means of a gravity flow connection, but does not exclude the use of a forced flow to enter the sanitary sewer.
- g. Special assessments shall be levied against commercial and industrial properties on the basis of benefit received, as determined by the Board.
- h. For the purposes of these Rules and Regulations, the frontage for each benefited property shall be figured to the nearest foot as shown on the assessment drawings on file in the Office of the Town Assessor, Burrillville, Rhode Island. The starting point for the measurement of the frontage of corner lots shall be the point of the intersection of the street lines, or if the corner is an arc, the midpoint of the arc of the corner curve.
- i. Each newly created estate, which estate shall include multi-family Units, e.g. condominiums and town houses, which are to be connected to a public sanitary sewer, shall be assessed as a separate parcel in the same manner as a parcel of land described in section 1, subsection (a) of this Article.
- j. The Board may suspend payment on all footage assessed in excess of two hundred (200) feet. Any part of an assessment which has been suspended by the Board shall become payable in full upon the sale, transfer or alienation of any part of the estate of land.

## Section 2

Allowances: The Board may make reasonable allowances whenever the particular size, shape or location of any property shall require an allowance in keeping with the fundamental principle that no assessment shall be made against any property in excess of the special

benefit to accrue to such property.

Section 3 Betterment Assessment for Multi-Unit Ownership Building: Upon the issuance of a building permit by the proper Town authority for a multi-unit ownership building, the Board shall file a notice of intent to levy an assessment against each unit of ownership in any multi-ownership building to be served by the Town sewers. The notice shall indicate that upon the original transfer of ownership from the owner to a unit owner or upon the occupancy of a unit, a sewer assessment will be levied in accordance with the Rules and Regulations stated herein. This notice shall be filed in the Land Records of the Town of Burrillville and serve as notice to all prospective buyers that at the time of the original purchase or occupancy of a unit, a Betterment Assessment will become due and payable.

Section 4 Sewers Built by Private Parties (Betterment Assessments): Notwithstanding any other provisions of these Rules and Regulations, it is hereby determined that sanitary sewer lines built by and at the expense of a private party shall pay the following betterment assessment:

- a. For each parcel of land which abuts a public highway or a highway which by general use is generally believed to be a public highway or a right of way, or a private road in which sanitary sewer lines are installed by a private party and which are connected to the public sanitary system the following betterment assessment shall apply;
  1. An assessment for each foot of frontage property within the development.
  2. In addition to the front footage assessment each unit that is connected to the sanitary sewer line shall be assessed a flat charge.
- b. Better Assessment Payment:
  1. The front footage assessment charge shall be paid at the time the private party receives final approval of the "as-built record drawings" but prior to the acceptance of the private sanitary sewer system by the Commission.
  2. The individual unit charge shall be paid at the time of the request for a sewer connection permit.
  3. Allocation of Funds Received from Private Parties All funds received from the betterment charges assessed under this section shall be deposited in a Capital Account to be established by the Commission.

Section 5

Betterment assessments shall be payable by the parcel owner annually over not more than twenty (20) years commencing the year following sewer installation and acceptance for use by the Board. Interest on the unpaid balance will be set at the time of the Betterment Assessment. Any assessment may be paid in full at any time. At the time of transfer of title, the balance of the assessment must be paid in full. Unpaid assessments shall be liened and foreclosed upon in accordance with the general statutes governing the collection of property taxes. The assessment charges and corresponding interest rates shall be set by the Board.

Section 6      Sewer Connection Fee.

1. An assessment, known as the sewer connection fee will be imposed by the Board for the installation of the building sewer from the public sanitary sewer to the property line shall be made.
2. The sewer connection fee shall be paid at the time the building sewer to the parcel of land is accepted by the Board.
3. Whenever a building sewer is larger than six (6) inches in diameter, the Board shall be empowered to charge a larger connection fee to cover such additional costs as may be incurred over and above the fee hereinbefore set forth.

Section 7      Sewer Use Charge:

- a. Each year, the Board will set a sewer use charge to be assessed against each unit connected to the sanitary sewer. For Residential properties where a single sewer connection serves more than a single-family dwelling unit, the sewer use charge will be computed by multiplying the number of dwelling units by the charge for a single-family dwelling unit. Industrial, commercial, schools and other non-residential units will be charged in accordance with the metered water use. However, in no case will the sewer use charge per unit be less than the charge for a single-family dwelling unit. The purpose of this charge is to recover the operation and maintenance costs of the wastewater collection and treatment facilities.
- b. Each user shall be categorized as residential, commercial or industrial. Each category will be further subdivided as determined by the Board and the proper charge assessed.
- c. Sewer Use Charges for property not served by a public water system:
  1. Each single family residential unit shall be charged the annual user charge established for a single family residence;
  2. Multi-family dwelling shall be charged the annual user charge for each residence within the dwelling;
  3. Commercial establishments that are not required to have sanitary facilities for the use of their customers and/or where the amount of water used, in the estimate of the Board's Engineers, is equal to the average residence, shall be charged the minimum commercial rate.
  4. All other users not served by a public water system shall have water meters installed to measure their water use. The meters shall be purchased by the Board and provided without charge to the users. The cost of installation shall be borne by the

user. When installation is completed, it shall be inspected by a representative of the Board and sealed. The water meters shall be read and inspected on a periodic basis and the amount of water used shall be the basis of the Sewer Use Charge. The charge shall be on the same basis as similar facilities served by public water.

5. If the seal on a meter has been tampered with, or a determination is made that the meter has been bypassed, or rendered ineffective, the Board may suspend sewer service to the facility.

Section 8 All benefit assessments and building connection charges herein provided for shall be computed by the Board and all bills for such assessments and charges shall be prepared and sent by the Town Tax Collector. All payments shall be made to said Tax Collector and shall be deposited and used in accordance with the provisions of the General Laws. All sewer use charges shall be computed by the Board. The charges will be billed by and payment shall be made to the Town Tax Collector.

Section 9 The charges noted herein are those in effect at the time of this publication and may not reflect future charges to be made by the Board in its assessment policy.

Section 10 All properties exempt from general property taxation under the provisions of the Rhode Island General Laws by virtue of their ownership by governmental, religious, charitable or nonprofit organizations shall be exempt from the provisions of this Article except for sewer use charges as defined in Section 6.

Section 11 Any person aggrieved by any assessment and/or use charge may, within thirty (30) days after the mailing or publication of notice to him, file (with the necessary documents) a request to the Board for reconsideration of the assessment or use charge. The Board has thirty (30) days in which to provide a written response to the request. If the ruling made by the Board is unsatisfactory to the person requesting the reconsideration, he/she may appeal to Superior Court within ninety (90) days from the initial mailing or publication.

#### **ARTICLE XIV** **VALIDITY**

Section 1 The invalidity of any section, clause, sentence, or provisions of the Rules and Regulations shall not affect the validity of any other part of the Rules and Regulations which can be given effect without such invalid part or parts.

Section 2 The Board may waive any of the requirements of the Rules and Regulations whenever they determine that strict compliance therewith is not required in the public interest.

Section 3 If any provisions of the Rules and Regulations or the application thereof to any person or circumstances shall for any reason be held invalid, the remainder of the Rules and Regulations or the application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.


Section 4        The Rules and Regulations may be added to, modified, or amended from time to time.

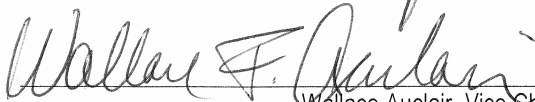
**ARTICLE XV**  
**SCHEDULE OF FEES**


Section 1        A schedule of fees and penalties shall be adopted by the Board annually as part of the Budget adoption process (see Exhibit A).

**ARTICLE XVI**  
**RULES AND REGULATIONS IN FORCE**

- Section 1      These Rules and Regulations shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.
- Section 2      Passed and adopted by the Town of Burrillville, Rhode Island, Board of Sewer Commissioners, the 10<sup>th</sup> day of February, 2009

Signed:   
Don C. Wolfe, Chairman

  
Wallace Auclair, Vice Chairman

  
William Andrews

**EXHIBIT A**

Article III	Section 1	Drainlayers License Application Fee Drainlayers Performance and Guarantee Bond Drainlayers Public Liability and Certificate of Insurance Drainlayers Property Damage Insurance Drainlayers License Fee	\$10.00 \$1,000.00 \$100,000.00 - \$300,000.00 \$50,000.00 \$100.00
Article IV	Section 2 Section 3	Septage Hauler's License Fee Septage Disposal Fee	\$50.00 per vehicle \$66.20 per 1000 gallons
Article V	Section 2    Section 16	<u>Sewer Connection Application/Permit Fee:</u> Residential (single family) Residential (multi-family) Commercial Industrial Privately Owned Wastewater Treatment Facility Permit Fee	\$20.00 \$200.00 \$200.00 \$200.00 \$250.00 per year
Article X	Section 1 Section 2 Section 3	Article III Fine Article V Fine Article VI Fine	\$50.00 \$50.00 \$50.00
Article XIII	Section 1	<u>Betterment Assessment:</u> Cost per Linear Foot Minimum lump sum assessment	\$30.00 \$2,250.00
	Section 4	<u>Betterment Assessment - Sewers Built by Private Parties:</u> Cost per Linear Foot Charge per unit	\$35.00 \$750.00
	Section 6	Sewer Connection Fee ( paid with connection application)	\$50.00
	Section 7	<u>Sewer Use Charge:</u> Residential Rate – Single family dwelling unit Commercial/Industrial	\$354.00 per year \$61.74 per 1000 Ft <sup>3</sup>