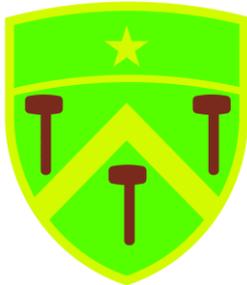


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# ***SEWER USE ORDINANCE***

PREPARED FOR:



**Town of North Smithfield**

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**TOWN OF NORTH SMITHFIELD, RHODE ISLAND  
SEWER USE ORDINANCE  
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**CHAPTER 8  
HEALTH AND SANITATION  
ARTICLE III. SEWERS AND SEWAGE DISPOSAL**

**Sec. 8-26. Definitions.**

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

"ACT" or "THE ACT" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C., 1251, et. seq.

"BIOCHEMICAL OXYGEN DEMAND" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure of five (5) days, at 20 degrees C expressed in terms of weight and concentration (milligrams per liter).

"BOARD" OR "COMMISSION" means the Board of Sewer Commissioners of the Town appointed pursuant to Chapter 84 of the Public Laws of Rhode Island, 1973, as amended. In the event that at some time in the future there be no such board, functions assigned to it hereunder shall be performed by the Town Council.

"BUILDING DRAIN" means that part of the lowest horizontal piping of a drainage system which receives the discharge from inside the walls of a building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"BUILDING SEWER" means the extension from the building drain, floor drains and sump pumps to the public sewer.

"CATEGORICAL STANDARDS" means national categorical pretreatment standards, or pretreatment standards.

"COLLECTION SYSTEM" means the equipment, structures, and processes used for the collection, transportation, and pumping of sewage.

"COMPATIBLE POLLUTANT" means BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as may be specified by the Town.

"COOLING WATER" means the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

"DIRECTOR" means the Director of Public Works of the Town, or an authorized agent or representative thereof.

"DOMESTIC WASTES" means liquid wastes (i) from the noncommercial preparation, cooking, and handling of food or (ii) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions. It shall not contain groundwater, storm water, surface water, cooling water, or industrial process wastewater.

"DWELLING UNIT" means a house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants have either:

- (a) Direct access from the outside of the building or through a common hall; or
- (b) Complete kitchen facilities for the exclusive use of the occupants.

"ENABLING LEGISLATION" means Chapter 84 of the Public Laws of Rhode Island, 1973, as amended.

"EQUIVALENT DWELLING UNIT" for assessment purposes shall be defined as a unit whose wastewater flows are equal to 345 gallons per day. The basis by which projected daily wastewater flows will be determined are based upon current RIDEM published Onsite Wastewater Treatment Systems (OWTS) (formerly ISDS) values per establishment. For flow wastewater volumes not stated in the OWTS Regulations, standard engineering values will be used.

"FLOATABLE OIL" means 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, if it is properly pretreated prior to entry into the sewage facilities and does not interfere with the sewage facilities.

"GARBAGE" means solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of food.

"INCOMPATIBLE POLLUTANT" means any pollutant which is not a "compatible pollutant" as defined in this section.

"INDUSTRIAL WASTEWATER" means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from domestic wastes.

"INFECTIOUS WASTE" means waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in disease. Under this definition, the normal microflora of the body are not classified as infectious.

Categories of waste designated as infectious are as follows:

- (a) "Human Blood, Body Fluids, and Blood Products" means all waste human blood, blood products (such as serum, plasma, and other blood components) and body fluids (such as suction fluid and wound drainage) which exist in non-absorbed liquid form in more than trace quantities.
- (b) "Contaminated Sharps" consists of discarded sharps, e.g., hypodermic needles, syringes, pasteur pipettes, broken glass and scalpel blades which may have come into contact with infectious agents during use in patient care or in medical research or have been removed from their original sterile container.
- (c) "Contaminated Animal Carcasses, Body Parts, and Bedding" refers to carcasses, body parts, and bedding of animals that were exposed to pathogens in research and in the production of biologicals or in vivo production of pharmaceuticals.

(d) "Discarded Cultures and Stocks of Infectious Agents and Associated Biological" constitute infectious wastes because pathogenic organisms are present at high concentration in these materials. Included in this category are pathological laboratories and pharmaceutical companies, wastes from the production of biological and discarded live and attenuated vaccines. Also, culture dishes and devices used to transfer, inoculate and mix cultures shall be designated as infectious waste.

(e) "Pathological Waste" consists of tissues, organs, body parts, removed during surgery and autopsy.

"INFECTIOUS WASTE TREATMENT" means any method, technique, or process designed to eliminate the infectious hazard, i.e., to change the biological character or composition of waste so as to remove any disease-causing potential and to render such waste non-infectious by killing the infectious agents present in the waste.

"INTERCEPTING SEWER" means a sewer which receives sewage flow from a number of main sewers and conducts such flow to a point for treatment.

"LATERAL SEWER" means a sewer that discharges into a main or other sewer and has no other common sewer tributary.

"ONSITE WASTEWATER TREATMENT SYSTEM (OWTS)" (formerly Individual Sewage Disposal System [ISDS]) means a system approved by the Rhode Island Department of Environmental Management which provides sanitary sewage disposal by means other than discharge into a public sewer).

"ORDINANCE" means the sewer use ordinance of the Town of North Smithfield, Chapter 8 of the Town Code of Ordinances.

"OWNER" means any person who alone, or jointly:

(a) Has a legal title to any premises, or

(b) Has control of any premises, such as an agreement to purchase, agent, executor, administrator, trustee, lessee or guardian of the estate of a holder of a legal title.

"PERSON" shall include an individual, trust, firm, joint stock company, corporation (including a quasi-government corporation) partnership, association, syndicate, municipality, municipal or state agency, fire district, club, non-profit agency or any subdivision, commission, department, bureau, agency or department of state or federal government (including quasi-government corporation) or of any interstate body.

"pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in grammoles per liter.

"PLUMBING INSPECTOR" means the plumbing inspector of the Town.

"POLLUTED WATER" means water containing man-made or man-induced alterations to its chemical, physical, biological or radiological integrity.

"POTW" means Publicly Owned Treatment Works.

"PRETREATMENT" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical, or biological processes, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6(d).

"PRETREATMENT COORDINATOR" means the representative of the City of Woonsocket who is responsible for administering the Rules and Regulations of the Commercial and Industrial Users.

"PRETREATMENT STANDARDS" means all applicable Federal rules and regulations implementing section 403 of the Act, as well as any non-conflicting State or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

"PROPERLY SHREDDED GARBAGE" means 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 the public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

"PUBLIC SEWER" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"PRIVATELY OWNED WASTEWATER TREATMENT FACILITY" shall mean a pump station, collection system and/or wastewater treatment facility owned by a user or an individual or association that is connected to a publicly owned wastewater treatment or collection system.

"RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM" (RIPDES) means the Rhode Island system for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing discharge permits and imposing and enforcing pretreatment requirements pursuant to Title 46, Chapter 12 of the General Laws of Rhode Island and the Clean Water Act.

"SANITARY SEWER" means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"SEPTAGE WASTE" means the wastewater or waste solids from a domestic on-site wastewater treatment system.

"SEWAGE" means a combination of the water-carried wastes from residences, business buildings, and industrial establishments.

"SEWER" shall mean a pipe or conduit for carrying sewage.

"SHALL" is mandatory; "may" is permissive.

"SIGNIFICANT INDUSTRIAL USER (SIU)" means any industrial user of the Town collection system whose flow exceeds (i) an average of 25,000 gallons per day of process wastewater to the collection system (excluding sanitary, non-contract cooling and boiler blowdown wastewater), or (ii) five (5) percent or more of the average dry weather hydraulic or organic capacity of the Woonsocket POTW or (iii) a Federal EPA categorical industrial or (iv) the industries discharging toxic substances, prohibited pollutants, but who are

not subject to Federal EPA Categorical Standards or (v) industries with sanitary or non-toxic discharges using solvents, toxic chemicals and/or hazardous chemicals that could potentially be discharged to the sewers.

"SLUG" means 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 (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

"STORM DRAIN" (sometimes termed "storm sewer") means a pipe or conduit which carries storm and surface waters and drainage, but excludes, sewage and industrial wastes, other than unpolluted cooling water.

"STORM WATER" means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

"SUPERINTENDENT" means the Superintendent of Sewer and Water of the Town appointed by the Board of Sewer Commissioners or a duly appointed deputy agent or representative.

"TOTAL SUSPENDED SOLIDS" means the total suspended matter that floats on the surface of, or is suspended in, wastewater, or other liquids, and which is removable by laboratory filtering.

"TOWN" means the Town of North Smithfield, Rhode Island or duly appointed representatives thereof.

"TOXIC" shall mean any substance listed as toxic under section 307(a)(1) of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., listed under the Hazardous Substances Right-to-Know Act, R.I.G.L. s28-21-1 et seq., and as may otherwise be designated by the Town.

"UNPOLLUTED WATER" is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

"USER" means any person who discharges or causes or permits the discharge of wastewater into the Town's wastewater treatment system.

"USER CLASSIFICATION" means a classification of user based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) manual prepared by the Office of Management and Budget.

"WASTEWATER" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the Town's wastewater treatment system.

"WASTEWATER TREATMENT SYSTEM" means 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 clear well 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.

“Y CONNECTION” means the point at which the individual sewer lateral connects into the main sewer line (sometimes referred to as the chimney connection).

**Sec. 8-27. Use of public sewers required, generally.**

- (a) Required Installation of Toilet Facilities. 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, right-of-way or easement in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet and waste removal facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, provided that the public sewer is determined by the Commission to be accessible and available to said property.
- (b) Connections shall be made within one (1) year from the date of notice to do so, unless a written extension of time is obtained from the Commission. The Commission may, in its sole discretion, grant such extensions up to one (1) additional year for just cause, including, without limitation, extreme and unusual weather conditions or the unavailability of contractors capable of performing the work. This shall not limit any extension granted under Section 8-35.5 subparagraph c.
- (c) Sewer Improvement Charge. The owner(s) of all property situated within the Town and abutting on any street, alley, right-of-way, or easement in which there is now located or may in the future be located an accessible and available public sanitary sewer must, before such property is improved, pay a sewer improvement charge in an amount recommended by the Commission and approved by the Town Council by ordinance. No building permit shall be issued to improve property unless the permit application is accompanied by evidence of payment of the foregoing sewer improvement charge. For purposes of this section, property shall be deemed improved whenever, after an assessment has been levied on it, any new structure containing waste removal facilities and used for any of the purposes set forth in Section 8-32 is constructed or whenever any existing structure is converted for use for any of those purposes and a substantial increase, as determined by the Commission, in the number of equivalent dwelling unit of sewage to be discharged from the structure(s) to be constructed or converted. Funds received from the sewer improvement charge shall be deposited in a separate account within the sewer budget to be used for the sole purpose of providing improvements to the existing wastewater collection system.

## **Sec. 8-28. Onsite Wastewater Treatment Systems (OWTS)**

- (a) When Permitted. Where a public sanitary sewer is not accessible and available, the building sewer shall be connected to an OWTS complying with the requirements of the Town and the State of Rhode Island Department of Environmental Management (DEM).
- (b) Required Approval. Before commencement of construction of a private sewage disposal system the owner shall first obtain approval from the Town, and the director of DEM. Evidence of such approval shall be filed with the Superintendent.
- (c) Abandoning and filling when public sewer becomes available. When it is determined by the Commission that a public sewer is accessible and available to property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge and filled with clean sand or gravel within one (1) year of the time of connection, or within such other time as may be specified by the Commission.
- (c) Operation of Private Disposal Systems. The owner shall operate and maintain private sewage disposal facilities (OWTS) in a sanitary manner at all times, at no expense to the Town.
- (d) Proper Removal and Disposal. In the maintaining of these OWTS the owner shall be responsible for the proper removal and disposal by the appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town Director of Public Works and/or the Superintendent.

## **Sec. 8-29. Building sewers and permit requirements.**

- (a) General Requirements: The following general requirements shall be applicable for all existing and proposed users of the wastewater collection system:
  - (1) It shall be unlawful for any person to connect, or permit the connection of, or authorize the connection of any service line to the wastewater collection system without obtaining a wastewater discharge permit from the Town.
  - (2) No building permit for the construction or alteration of any building or structure which requires a sewer connection shall be issued, unless the owner of the property on which such building or structure is to be situated has obtained a wastewater discharge permit.
  - (3) No permit shall be issued until the applicant has presented proof satisfactory to the Superintendent that the applicant has either made application for a building permit or notified the Building Inspector's office of the proposed change in use or occupancy, in accordance with the Town's Zoning Ordinance.
  - (4) Wastewater Discharge Permits shall be issued on a first come, first served basis.
  - (5) Any service line which was connected without a wastewater discharge permit, or which was connected as a result of any false statement, misrepresentation or nondisclosure on the application

therefore or which was connected through any means which circumvented the limitations created by this article shall be disconnected from the sanitary sewer system at the owner's expense.

(6) Any user violating any provision of Section 8-29(a) GENERAL REQUIREMENTS shall be fined in accordance with Section 8-41, SUMMARY OF PENALTIES.

(b) Classes of Permits; Applications. There shall be four (4) classes of sewer permits:

- (1) Class A permits which shall authorize the connection of residential or commercial buildings to the public sewers;
- (2) Class B permits which shall authorize the connection of establishments producing industrial wastes to the public sewer;
- (3) Class C permits which shall authorize the installation and maintenance of private sewage disposal facilities; and
- (4) Class D permits for repair work or modifications to existing sewers and connections to the public sewers.

(c) Drainlaying Permit. Building sewers and connections shall be made only by drainlayers licensed to perform such work in the Town, and/or Master Plumbers licensed by the State of R.I. in accordance with the Standard Sewer Requirements. Notice must be left at the office of the Superintendent at least forty-eight (48) hours before work is begun on a connection, and no material shall be used or work covered until inspected and approved by the plumbing inspector, the Superintendent or his agent. Such information as the Town has with regards to the position of junctions or branches will be furnished to drainlayers but at their risk as to the accuracy of the same.

Drainlayers shall complete and file application for drains in the name of the owner, obtain the owner's signature thereon, pay application and inspection fee, and complete the location plan required by Section 8-30.

Drainlayers or licensed Master Plumbers within the State of Rhode Island must complete the requirements for qualifying as a licensed drainlayer in the Town of North Smithfield as specified in the Standard Sanitary Sewer Requirements.

(d) Superintendent's power to adopt rules and regulations. The Superintendent is hereby empowered with the prior authorization of the Commission and the Town Council to:

- (1) Make and adopt such written rules and regulations as may be necessary for proper enforcement of the provisions of this article;
- (2) Establish a procedure for the application and issuance of permits to make sewer connections;
- (3) Adopt materials and workmanship standards;
- (4) Protect and indemnify the Town from damage and loss; and

(5) Interpret and secure the intent of this article.

(e) Permit Applications. Prior to connecting and/or contributing to the wastewater collection system, all users shall apply for a sewer permit.

(1) Significant Industrial User. Users classified as Significant Industrial Users shall be required to obtain a class B permit from the Town of North Smithfield and an Industrial Wastewater Discharge Permit from the Woonsocket Regional Wastewater Treatment Facility Industrial Pretreatment Program.

(2) Commercial Users: Commercial Users must apply for a sewer permit and be required, when necessary, to install pretreatment apparatus, including, but not limited to grease traps, oil separators, silver reclamation units and pH adjustment systems, as required by the Woonsocket Regional Wastewater Treatment Facility Industrial Pretreatment Program.

(f) Fees. A permit and inspection fee per unit for a domestic or commercial building sewer permit must be paid to the Town of North Smithfield at the time the application is filed. The fee provides for site inspections and is specified in Section 8-40.

The permit and inspection fee for an industrial building sewer permit must be paid to the Town of North Smithfield at the time of the application. The fee provides for site inspections, and is specified in Section 8-40.

(f) Cost of Building Sewers. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify the Town for any loss or damage which may be occasioned, directly or indirectly, by the installation of the building sewer.

(h) Permit Transfer. Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(i) Number of Building Sewers. A separate and independent building sewer shall be provided for every building, unless otherwise authorized by the Superintendent.

(j) Plugging Required. Upon the permanent discontinuance of the use of the Town's sewer system at any premises, including discontinuance caused by the abandonment of any premises, the tearing down of any building or any other cause, the property owner shall cause the connection to the sewer main of the Town to be plugged in a manner which will be strong enough to prevent any leakage of any fluids. All such plugging shall be subject to inspection and approval by the Town provided that no permit fee, inspection fee or other fee shall be charged for such inspection. If the owner of the property fails to plug the sewer connection in a satisfactory manner within thirty (30) days of the time the owner is notified in writing by the Town to plug the sewer service line, the Town shall proceed to plug the service line and bill the owner for the costs. The cost may be collected by the Town and a civil action filed in court. The collection of the costs in a civil action shall not prevent the filing of an action for a fine for the violation of this article. Any user violating the provisions of this Section shall be fined in accordance with Section 8-41, SUMMARY OF PENALTIES.

- (k) Town's Responsibilities. If the building does not have a cleanout at the property line, the Town 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. If the building has a cleanout at the property line, the Town will be responsible for all repairs and maintenance of all main sewer lines up to the property line. The property owner shall, at their expense, be responsible for repair and maintenance of the building's lateral pipe from the building to the property line.

**Sec. 8-30. Sewer construction requirements.**

- (a) General. All construction procedures, materials and specifications shall conform with the "STANDARD SANITARY SEWER REQUIREMENTS OF THE TOWN OF NORTH SMITHFIELD" and all applicable Federal, State, and Town Building and Plumbing codes. Any deviations from these prescribed procedures and materials must be approved by the Superintendent before installation.
- (b) Location Plans. Accompanying each application for permit shall be a location plan showing the lot lines and dimensions, location of water pipes, gas lines, buried cable, location of permanent buildings and location of building sewers, storm drains and the Water Authority meter number and initial reading. The plans must be approved and stamped by a registered Professional Engineer or registered Land Surveyor.
- (c) Use of Old Building Sewers. Old building sewers may be used in connection with new buildings only when the applicant provides adequate data to the Superintendent which shows that the building sewer has been examined, tested and meets all requirements of this Article.
- (d) Size, Slope, Alignment, etc. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. All connections are to be made gastight and watertight in conformance with all State and local plumbing codes.
- (e) Elevation. 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.
- (f) 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.
- (g) Pipe Size: Unless excepted below, all lateral sewer pipes shall have a minimum diameter of eight (8) inches.
- (1) Sewer pipes for house connections from the sewer main to the property line shall have a minimum diameter of six (6) inches.

- (2) Sewer pipes for single-family dwelling house from the property line to the building shall have a minimum diameter of four (4) inches.
- (h) Lint Traps. Commercial laundries shall be equipped with an interceptor having a wire basket or similar device, removable for cleaning, that will prevent passage into the drainage system of solids ½ inch (13mm) or larger in size, string, rags, buttons, or other materials detrimental to the public sewage system.
- (i) Grease, Oil and Solids Interceptors. An interceptor (trap) shall be required to receive the drainage from fixtures and equipment discharging excessive amounts of grease, oil or sand. This applies to establishments such as restaurants, clubs, hotel kitchens, bars, factory cafeterias, car washes, and any establishment which, in the opinion of the Superintendent, is necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand, or other ingredients. All costs incurred in obtaining, installing and maintaining the interceptor and appurtenances shall be borne by the establishment. Interceptors shall have a minimum capacity of 1,000 gallons and shall be approved by the Woonsocket Industrial Pretreatment Program. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. The establishment must clean the interceptor a minimum of twice per year. Maintenance records must be kept for a minimum of three years, and made available to wastewater treatment personnel. Interceptors shall not be required for private living quarters or dwelling units. Collected materials shall not be introduced into the Wastewater Collection System.
- (j) Clean Outs. Clean-outs shall be installed at the property line, at every fitting over 22 ½ degrees and at 75 foot intervals up to 150 feet. Service connections which are longer than 150 feet shall have sanitary manholes installed at a location(s) as directed by the Superintendent.
- (k) Backflow Valves. One backflow valve per unit 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 Superintendent prior to installation.
- (l) Notification of Readiness for Inspection and Connection. The applicant for the building sewer permit shall notify the Superintendent 48 hours prior to the Applicant requiring inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent.
- (m) Testing. The Superintendent shall require appropriate tests to the pipes, and the drainlayer and contractor, at their own expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and shall remove or repair any defective materials when so ordered by the Superintendent.
- (n) Guarding of Excavation, Restoration of Streets and Sidewalks. 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 work shall be restored in a manner satisfactory to the Town.
- (o) Crossing Roads, Driveways, etc. The contractor shall not block any driveway, street, road or railroad at any time without permission of the superintendent, director of public works or other controlling

agencies. Every effort shall be made to permit the movement of vehicular traffic at all times. Whenever it becomes necessary to cross or interfere with roads, walks or drives, whether public or private, the contractor shall maintain, at his own expense, and subject to the approval of the superintendent, safe bridges or other means of egress.

- (p) 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 a permit and complying with all of the criteria required by the Code of Ordinances of the Town of North Smithfield. Failure to comply with these 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 Section 8-41, SUMMARY OF PENALTIES.
- (q) Low Pressure Grinder Pumps. Low pressure grinder pumps shall be manufactured by Environment One, or equal. The unit shall consist of a grinder pump, level controls, siphon breaker, check valve and 70 gallon high density polyethylene tank. The unit shall be equipped with an electrical quick disconnect plug, a discharge line shut-off valve and a quick disconnect assembly. The alarm/disconnect panel shall contain circuit breakers, an audible and visual alarm transfer switch and generator receptacle. A second check valve shall be provided at the curb stop.
- (r) 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 Standard Sanitary Sewer Requirements as it relates to design, operation and maintenance..

#### **Sec. 8-31. Prohibitions and restrictions on wastewater discharges.**

- (a) Prohibitions on Wastewater Discharges. No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater collection system any wastewater which contains the following:
  - (1) Oil and Grease. (i) Oil and grease concentrations of 100 mg/l or greater or amounts from industrial facilities violating Federal pretreatment standards. (ii) Wastewater from industrial facilities containing floatable fats, wax, grease, petroleum oil, cutting oil, or products of mineral oil origin that may cause interference or pass-through.
  - (2) Explosive Mixtures. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Also prohibited is the discharge of wastewater, which alone or by interaction with other wastewater, has a closed cup flashpoint of less than 140°F (60°C) using test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, petroleum products, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

- (3) Noxious material. Noxious or malodorous solids, liquids, or gasses, which either singly or collectively interact with other wastes which are capable of creating a public nuisance or hazard to life, including wastewater which results in the presence of toxic substances, gasses, vapors or fumes within the wastewater treatment system in a quantity sufficient to cause worker health, safety or accessibility problems.
- (4) Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch in dimension. No commercial or industrial users shall operate a garbage grinder unless specifically approved by the Superintendent and/or the Pretreatment Coordinator. A garbage grinder may only be used in conjunction with an in-ground grease interceptor specifically designed to accept such waste.
- (5) Radioactive wastes. Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable State or Federal regulations.
- (6) Solid or viscous wastes. Solid or viscous substances which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues from refining or processing of fuel or lubricating oil, and similar substances.
- (7) Excessive discharge rate. Wastewaters at a flow rate or containing such concentrations or quantities that exceeds for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation and that would cause a treatment process upset at the Woonsocket Regional Facility and subsequent loss of treatment efficiency.
- (8) Toxic substance. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the U.S. Environmental Protection Agency pursuant to section 307 (a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment.  
  
This also includes any wastewater having a lethal concentration of fifty percent (LC<sub>50</sub>) as determined by a toxicity test of ninety-six (96) hours or less using one hundred percent (100%) of the industrial user's discharge and aquatic test species chosen by the Superintendent.
- (9) Unpolluted waters. Any unpolluted water including, but not limited to, water from cooling systems or of storm water or groundwater origin, which, in the opinion of the Superintendent, will significantly increase the hydraulic load on the collection system. This includes, but is not limited to, storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pools drainage, condensate, de-ionized water, cooling water and unpolluted wastewater.
- (10) Discolored material. Wastes with objectionable color not removable by the treatment process.

- (11) Corrosive wastes. Any waste which will cause corrosion or deterioration of the treatment system. All non-domestic wastes discharged to the public sewer system must have a pH value in the range of 6.0 to 10.0 standard units. Prohibited materials include, but are not limited to, acids, bases, hydroxides, peroxides, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form corrosive products.
- (12) Untreatable wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment system employed, or are amenable to treatment only to such a degree that the wastewater treatment system effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (13) High temperature liquids. Any liquid or vapor having temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Centigrade) or which, either singly or in combination with other discharges would cause a temperature at the introduction into the treatment plant which exceeds one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade).
- (14) Viscous wastes. Any water or waste containing fats, wax, grease or oils whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Centigrade).
- (15) Hazardous Waste. Any material identified as hazardous waste according to 40 CFR, Part 261.
- (16) Infectious Waste. Any infectious or medical waste except such waste which receives infectious waste pretreatment and meets the approval of both the Superintendent and the Industrial Pretreatment Program of the Woonsocket Regional Wastewater Treatment Facility.
- (17) Septage and Sludge. Any trucked or hauled sludge, industrial wastewater, or sludge, screening or residue from the pretreatment of industrial wastes, or cleanings from an OWTS.
- (b) Dilution. No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with this Ordinance, the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the Town or State.

### **Sec. 8-32. Pretreatment.**

- (a) Action of Superintendent or Pretreatment Coordinator. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters or wastes contain the substances or possess the characteristics enumerated in this Article, and which in the judgment of the Superintendent or Pretreatment Coordinator, may have a deleterious effect upon the sewage works, processes, equipment, receiving water, or which otherwise creates a hazard to life or constitute a public nuisance, the Superintendent may:
- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;

- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of this Ordinance.

If the Pretreatment Coordinator permits the pretreatment or equalization of waste flows for any user, the design and installation of the plant and equipment shall be subject to review and approval of the Pretreatment Coordinator, and subject to the requirements of all applicable codes, ordinances, laws, and regulations. All users which require pretreatment shall be subject to all applicable requirements of the City of Woonsocket Regional Wastewater Treatment Facility Industrial Pretreatment Program.

- (b) Maintenance. Where pretreatment or equalization facilities are required for any water or wastes, the facilities shall be installed, operated, and maintained continuously in a satisfactory and effective condition by the owner at the owner's expense.
- (c) Control Manholes; Monitoring of Discharge. When required by the Superintendent or Pretreatment Coordinator, 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 manholes, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent or Pretreatment Coordinator. The manhole 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. All industries discharging to a public sewer shall perform such monitoring of their discharge as the Pretreatment Coordinator may require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Pretreatment Coordinator. Such records shall be made available to other agencies having jurisdiction over discharges to the receiving water upon request by the Superintendent.
- (d) Laboratory Analysis of Wastes. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined by a State of Rhode Island certified laboratory in accordance with the latest edition of 40 CFR 136, at no cost to the Town. Sampling methods, location, times, durations, and frequencies shall be determined by the Pretreatment Coordinator on an individual basis.
- (e) Special Agreements. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Commission and any person whereby industrial wastes of unusual strength or character will be accepted by the Town for treatment, provided that such agreements do not contravene any requirements of existing City of Woonsocket pretreatment, state or federal regulations and are compatible with any user charge system in effect.
- (f) Changes in Discharge. Any person proposing a new discharge into the system or a substantial change in volume or character of pollutants that are being discharged into the system shall notify the Commission and the City of Woonsocket at least forty-five (45) days prior to the proposed new discharge or change in existing discharge.

(g) Powers and Authority of Inspectors.

- (1) The Superintendent, Pretreatment Coordinator or other duly authorized employees of the Town or City of Woonsocket 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 article and for the purpose of inspecting and copying the user's discharge records. The Town or City of Woonsocket shall also have the authority to set up the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.
- (2) The Superintendent, Pretreatment Coordinator or duly authorized employees of the Town or City of Woonsocket 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 or City of Woonsocket employees and the Town or City of Woonsocket shall indemnify the company against the loss or damage to its property by Town employees and against liability claims and demand for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- (3) The Superintendent, Pretreatment Coordinator or other duly authorized employees of the Town or City of Woonsocket bearing proper credentials and identification shall be permitted to enter all private properties through which the Town or City of Woonsocket 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.

**Sec. 8-33. Protection from damage.**

No 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 facilities. Any person violating this provision shall be subject to the penalties set forth in Section 8-41, in addition to whatever penalties may be provided under other applicable law.

**Sec. 8-34. Sewer use charges.**

- (a) Purpose. The Town's sewer use charges are intended to recover from users the Town's share of the annual cost of operation and, maintenance and minor capital improvements associated with replacement and repair, of the Town's wastewater facilities, as may be determined by the Board of Sewer Commissioners, annually.
- (b) User Classifications. The Superintendent, in his review of each application for a sewer connection permit, shall, with Commission approval, classify each user as one of the following, according to the number of dwelling unit equivalents of sewage discharged:

- (1) Class R - Residential. Any user whose waste is composed exclusively of domestic wastewater and who does not fall within any other of the classifications and to include those structures known as town houses and condominiums.
  - (2) Class C - Commercial. Any user identified as such in the Standard Industrial Classification Manual, Office of Management and Budget, U.S. Department of Labor (latest edition) including those structures known as commercial town houses or condominiums.
  - (3) Class M - Miscellaneous (includes institutional). Any user engaged primarily in social or community services such as schools, hospitals, museums, rest homes, and any public or governmental user.
  - (4) Class B - Manufacturing. Any user identified as such in the Standard Industrial Classification Manual, Office of Management and Budget, U.S. Department of Labor (latest edition), excluding any user identified there as commercial.
- (c) Base Use Charge. Each sewer use charge shall consist of a base charge determined annually by the Town.
- (d) Surcharge for Industrial Wastewater. A sewer use surcharge shall be assessed for the discharge of industrial wastewater in order to recover the additional cost attributable to the treatment of that wastewater. The surcharge shall be determined in accordance with the City of Woonsocket's surcharge formula for high strength industrial wastewater.
- (e) Extraneous Flow. Costs of operation and maintenance relating to flow not directly attributed to users (i.e., infiltration/inflow) shall be apportioned among all users on the same basis as the costs of operation and maintenance relating to the flow attributed to them.
- (f) Payment of Bills. Bills for sewer use charges shall be issued annually to users of record as of August 15 of each year. The Town tax collector shall cause notice of the amount and due date of each sewer use charge to be given in the manner set forth in Section 7 of the enabling legislation. Bills may be paid in full on their due date or in equal, quarterly installments. Unpaid bills shall bear interest at the rate of twelve percent (12%) per annum. The Town tax collector shall certify unpaid bills to the Town clerk, along with the description of the affected real estate. The Town clerk shall file the same as a public record in the Town's land evidence records and give notice of such filing to the owner of such real estate. From the date of such filing until paid, unpaid bills, together with any interest and charges accruing thereon, shall constitute a lien upon such real estate on a parity with the lien for Town taxes, which lien shall not be subject to termination under Section 44-9-1 of the Rhode Island General Laws, as amended.
- (g) Periodic Review. The Commission shall review not less than every two (2) years the wastewater contribution of user and user classes, the total cost of operation and maintenance of the sewage facilities and the Town's user charge system and, if necessary, revise the charges for users or user classes to:
- (1) Maintain a proportionate distribution of operation and maintenance costs among users and user classes;

- (2) Generate sufficient revenue to pay the total operation and maintenance costs; and
- (3) Apply excess revenues collected from any class of users to the costs of operation and maintenance attributable to that class in the succeeding year by means of an appropriate adjustment in the base and surcharge rates applicable to that class.

**Sec. 8-35. Assessment of charges.**

- (a) Designation of Assessment Districts. The Commission shall by resolution designate one or more sewer assessment districts and assess all or such portion of the capital cost of the Town's sewage facilities and all or such portion of the Town's share of the capital cost of the wastewater treatment plant against the dwelling unit located with each such district as is determined by the Commission to provide special rather than general benefit to such estates including those structures known as town houses or condominiums. For the Union Village Sewer District, Mendon Road Sewer District, School Street/Birch Hill Sewer District, and Ironstone Sewer District, the methodology presented in 8-35.3 and 8-35.4. For all future assessments, the methodology presented in 8-35.5 will apply.

**8-35.1 Determination of Assessment**

- (1) Sewer Assessment Roll. At such time as the Commission designates any sewer assessment district, the Commission and the Town tax assessor shall certify to the Town finance director a sewer assessment roll of the estates located within such sewer assessment district that are determined by the Commission to be subject to assessment. Such sewer assessment roll shall describe each estate, indicate the classification of user occupying each estate, and state the amount of the assessment against each estate.
- (2) Recording and Notice. Upon receipt of any sewer assessment roll from the Commission and tax assessor, the finance director shall record a copy thereof as a public record and cause notice to be sent to the owner of each estate assessed in the manner set forth in Section 6 of the enabling legislation.
- (3) Collection of Assessments; Lien. From the date of delivery of the sewer assessment roll to the finance director, the amount of each assessment, including any interest thereon, shall constitute a debt payable to the Town by the owner of each estate assessed, on a parity with the lien for Town taxes. Such liens shall not be subject to termination under Section 44-9-1 of the General Laws, as amended. The finance director shall have the same powers to collect sewer assessments from the owners of estates assessed, whether or not residents of this state, and to enforce such liens against the estates assessed as the finance director has in the case of Town taxes assessed against residents of this state.
- (4) Payment. Each sewer assessment shall be payable in equal annual installments in an amount and over a period determined by the Commission. Annual installments of sewer assessments may be paid in quarterly installments, if the owner so elects at such time or times as the annual payment of Town property taxes. The unpaid balance of each assessment shall bear interest from the date the assessment roll is delivered to the finance director at a rate determined by the Commission; provided, however, that the whole assessment against any estate may be prepaid without interest

at any time prior to the due date of the first installment thereof. The unpaid balance of any sewer assessment, together with interest accrued to the date of payment, may be paid at any time.

- (5) Lot Division. In the event that an estate is divided subsequent to its being assessed, the unpaid part of the assessment may be apportioned by the Commission among the resulting estates or upon any basis which might then be used for a new assessment, whether or not the same as that used for the assessment being apportioned.

#### Sec. 8-35.2 Union Village Sewer District Assessment.

- (a) Established. There is hereby created the Union Village Sewer District. The Commission shall assess all or such portion of the capital cost of the Town's sewage facilities and all or such portion of the Town's share of the capital cost of the wastewater treatment plant against the estates located in said district as is determined by the Commission, to provide special rather than general benefit to such estates, including those structures known as town houses or condominiums.
- (b) Determination of Assessment. Each sewer assessment shall be based upon the following factors:
  - (1) The assessment value of the land comprising each estate as determined by the Town for the purpose of assessing real estate taxes, one hundred forty dollars (\$140.00) per one thousand dollars (\$1,000.00) of assessed value. If the land is currently on the tax roles as unimproved, the principal amount paid will be applied to the new assessment, prior to the issuance of a corrected assessment. For those structures known as town houses or condominiums said assessment shall be paid by the owner of record of said property, be it an association, partnership, corporation, trust, individual or on any other legal entity; and
  - (2) The assessed value of the buildings and improvements located on each estate, as determined by the Town for the purpose of assessing real estate taxes, fifty dollars (\$50.00) per one thousand dollars (\$1,000.00) of assessed value. For those structures known as town houses or condominiums the assessment for each additional unit shall be paid by the owner of record of individual units; and
  - (3) The number of feet by which the estate abuts the street, highway, right-of-way, or easement in which the most readily accessible public sewer is located, two dollars (\$2.00) per linear foot. For those structure known as town houses or condominiums, the Commission shall assess for each additional unit from the ending vintage point to the new area, an additional two dollars (\$2.00) per linear foot, to be paid by the owner of record of said property, be it an association, partnership, trust, corporation, individual or any other legal entity; and
  - (4) The flat fee for improved property, one thousand five hundred (\$1,500.00) per single unit and four hundred fifty dollars (\$450.00) per additional residential unit. For those structures known as town houses or condominiums, the assessment for each additional unit shall be paid by the owner of record of individual residential or commercial units; and
  - (5) The classification of the user occupying the estate, as established under Section 8-34.

- (6) Unimproved lots shall pay the flat fee assessment be paid upon completion of said building, or prior to issuance of an occupancy permit by the building inspector. On improved lots, the remainder of the flat fee assessment is to be amortized for the period of years remaining on the present schedule, with option to be paid in full the first year, with no interest charge, or on a yearly assessment with five (5) percent interest on the unpaid balance, payable in quarterly payments.
- (7) Residential property: A single structure under one ownership constituting one dwelling unit as defined in Section 18.1 of the Zoning Ordinance.
- (8) Commercial or industrial property: A single structure under one ownership, either owner-occupied or having only one tenant or one rental unit.
- (9) An approved condominium structure whether residential or commercial, shall constitute more than a single unit. The determination as to the exact number of comparable dwelling units shall be set by the building and zoning officer based upon plans submitted to him.

Should multi-residential units, town house, multi-commercials or multi-industrial units or any other structure or dwellings be converted into condominium ownership, then the assessment for each additional unit so converted shall be assessed and shall be paid by the owner of record upon the transfer or sale of said units to separate ownership, and said assessment shall be the difference between the flat fee assessment and the additional unit fee previously assessed; the balance of the assessment may be amortized for the period of year(s) remaining on the present schedule, and all future assessments for said individual units shall be paid by the unit owners.

Property to be improved and with respect to which a building permit has issued on the date of assessment shall be assessed and the foregoing factors applied, as if construction were complete on the date of assessment. The assessment against such property shall be adjusted upon completion of construction, in the event the estimate upon which the assessment was based proved inaccurate.

Sec. 8-35.3. Mendon Road Sewer District Assessment.

- (a) Established. There is hereby created the Mendon Road Sewer District, which shall encompass Mendon Road, Sharon Parkway, Cynthia Drive, Oberlin Drive and Deborah Avenue. The Commission shall assess all or such portion of the capital cost of the Town's sewage facilities and all or such portion of the Town's share of the capital cost of the wastewater treatment plant against the estates located in said district as is determined by the Commission to provide special rather than general benefit to such estates, including those structures known as town houses or condominiums.
- (b) Determination of Assessment. Each sewer assessment shall be based upon the following factors:
  - (1) The assessed value of the land comprising each estate as determined by the Town for the purpose of assessing real estate taxes, one hundred forty dollars (\$140.00) per one thousand dollars (\$1,000.00) of assessed value. If the land is currently on the tax roles as unimproved, the principal amount paid will be applied to the new assessment, prior to the issuance of a corrected assessment. For those structures known as town houses or condominiums said assessment shall be paid by the owner of record of said property, be it an association, partnership, corporation, trust, individual or on any other legal entity; and

- (2) The assessed value of the buildings and improvements located on each estate, as determined by the Town for the purpose of assessing real estate taxes, twenty-eight dollars (\$28.00) per one thousand dollars (\$1,000.00) of assessed value. For those structures known as town houses or condominiums the assessment for each additional unit shall be paid by the owner of record of individual units; and
- (3) The number of feet by which the estate abuts the street, highway, right-of-way, or easement in which the most readily accessible public sewer is located, two dollars (\$2.00) per linear foot. For those structures known as town houses or condominiums, the Commission shall assess for each additional unit from the ending vintage point to the new area, an additional two dollars (\$2.00) per linear foot, to be paid by the owner of record of said property, be it an association, partnership, trust, corporation, individual or any other legal entity; and
- (4) The flat fee for improved property, one thousand five hundred (\$1,500.00) per single unit and four hundred fifty dollars (\$450.00) per additional residential unit. For those structures known as town houses or condominiums, the assessment for each additional unit shall be paid by the owner of record of individual residential or commercial units; and
- (5) The classification of the user occupying the estate, as established under Section 8-34.
- (6) Unimproved lots shall pay the flat fee assessment be paid upon completion of said building, or prior to issuance of an occupancy permit by the building inspector. On improved lots, the remainder of the flat fee assessment is to be amortized for the period of years remaining on the present schedule, with option to be paid in full the first year, with no interest charge, or on a yearly assessment with five (5) percent interest on the unpaid balance, payable in quarterly payments.
- (7) Residential property: A single structure under one ownership constituting one dwelling unit as defined in Section 18.1 of the Zoning Ordinance.
- (8) Commercial or industrial property: A single structure under one ownership, either owner-occupied or having only one tenant or one rental unit.
- (9) An approved condominium structure whether residential or commercial, shall constitute more than a single unit. The determination as to the exact number of comparable dwelling units shall be set by the building and zoning officer based upon plans submitted to him.

Should multi-residential units, town house, multi-commercials or multi-industrial units or any other structure or dwellings be converted into condominium ownership, then the assessment for each additional unit so converted shall be assessed and shall be paid by the owner of record upon the transfer or sale of said units to separate ownership, and said assessment shall be the difference between the flat fee assessment and the additional unit fee previously assessed; the balance of the assessment may be amortized for the period of year(s) remaining on the present schedule, and all future assessments for said individual units shall be paid by the unit owners.

Property to be improved and with respect to which a building permit has issued on the date of assessment shall be assessed and the foregoing factors applied, as if construction were complete on

the date of assessment. The assessment against such property shall be adjusted upon completion of construction, in the event the estimate upon which the assessment was based proved inaccurate.

Sec. 8-35.4. Ironstone Sewer District Assessment.

- (a) Established. There is hereby created the Ironstone Sewer District, which shall encompass Quaker Highway, Victory Highway, North Main Street, Florence Street, Carpenter Street, Ironstone Street, Ferrier Street, Homecrest Avenue, Pine Street, Buxton Street, Old Field Drive, Lester Street, Mechanic Street, Orchard Street, McCann Street, Highview Avenue, Belcher Avenue, Fillion Drive, Central Street, Great Road and Old Great Road. The Commission shall assess all or such portion of the town's share of the capital cost of the wastewater treatment plant against the estates located in said district as is determined by the board to provide special rather than general benefit to such estates, including those structures known as town houses or condominiums.
- (b) Determination of assessment. Each sewer assessment shall be based on the following factors:
- (1) The assessed value of the land comprising each estate as determined by the Town for the purpose of assessing real estate taxes, one hundred fifteen dollars (\$115.00) per one thousand dollars (\$1,000.00) of assessed value. If the land is currently on the tax rolls as unimproved, the principal amount paid will be applied to the new assessment, prior to the issuance of a corrected assessment. For those structures known as town houses or condominiums, said assessment shall be paid by the owner of record of said property, be an association, partnership, corporation, trust, individual or any other legal entity, and
  - (2) The assessed value for the buildings and improvements located on each estate, as determined by the town for the purpose of assessing real estate taxes, fifty two dollars and fifty cents (\$52.50) per one thousand dollars (\$1,000.00) of assessed value. For those structures known as town houses or condominiums, the assessment of each unit shall be paid for by the owner of record of individual units, and
  - (3) The number of feet by which the estate abuts the street, highway, right-of-way, or easement in which the most readily accessible public sewer is located, three dollars (\$3.00) per linear foot. For those structures known as town houses or condominiums, the Commission shall assess for each additional unit from the ending vintage point to the new area, an additional three dollars (\$3.00) per linear foot, to be paid by the owner of record of said property, be it an association, partnership, trust, corporation, individual or any other legal entity, and
  - (4) The flat fee for improved property, two thousand five hundred dollars (\$2,500.00) per single unit and seven hundred fifty dollars (\$750.00) per additional residential unit. For those structures known as town houses or condominiums, the assessment for each additional unit shall be paid by the owner of record of individual residential or commercial units. Additionally, for those structures known as town houses or condominiums, each building structure is to be assessed the first two thousand five hundred dollars (\$2,500.00) with subsequent included units within the same building assessed at the seven hundred fifty dollar (\$750.00) fee per each additional unit within the building, and
  - (5) The classification of the user occupying the estate, as established under Section 8-34.

(6) Unimproved lots shall pay the flat assessment upon completion of said building, or prior to issuance of an occupancy permit by the building inspector. On improved lots, the remainder of the flat fee assessment is to be amortized for the period of years remaining on the present schedule, with option to be paid in full the first year, with no interest charge, or on a yearly assessment with the percentage rate equal to that of the Ironstone Sewer District interest rate on the unpaid balance, payable in quarterly payments.

or

(6) Unimproved lots shall pay a flat sewer improvement fee upon completion of said building or prior to issuance of an occupancy permit by the building inspector equal to eight thousand five hundred dollars (\$8,500.00) for a single unit and an additional seven hundred fifty (\$750.00) for each additional unit as described in Section 8-35.3 (b item 4) above.

(7) Additional assessment criteria shall be determined in the same manner as set forth herein in Section 8-35.

#### Sec. 8-35.5. Future sewer assessment.

(a) The assessment program for future sewer district will be structured so that each assessment includes a principal and maximum interest amount (at the same rate that the Town pays to borrow funds), with said principal and interest payments due through the twenty-year term of the program. A participant can choose to pay the entire remaining principal balance during that period without any interest penalty. In addition, a participant may make other periodic principal payments throughout the term of the bond, if so desired.

(b) The future sewer district assessment cost is calculated by establishing the actual total of the project cost (design, construction and administration) which is divided by the actual number of affected properties contained in the district.

(c) Notwithstanding the foregoing, the Commission shall have discretion to defer sewer assessments against parcels of land if the owner of such parcel, within five (5) years of the date before the sewer assessment, has installed a new septic system, provided that such parcel shall remain subject to assessment and shall begin paying such assessment at least five (5) years from the date of initial assessment. If the property is sold during the five (5) year period, the assessment will begin upon the sale of the property.

(d) The assessment for the residential, commercial and industrial users shall be as follows:

Single Family	1 EDU charge
Two Family to Four Family	1.5 EDU charges
Multi-Family (greater than 4 – up to 10 units)	2 EDU charges
Apartments greater than 10 units	3 EDU charges
Condominiums	1 EDU charge per condominium unit

**Commercial Buildings**

Up to 5,000 s.f.	1 EDU charge
5,001 s.f. to 15,000 s.f.	2 EDU charges
15,001 s.f. to 30,000 s.f.	3 EDU charges
30,001 s.f. to 100,000 s.f.	4 EDU charges
Greater than 100,000 s.f.	5 EDU charges

**Restaurants**

0 to 100 seats	1 EDU charge
101 to 150 seats	2 EDU charges
Greater than 150 seats	3 EDU charges

**Industrial**

Based upon actual or projected flow and the Equivalent Dwelling Units

- (e) Vacant residential or commercial land shall be assessed as one single family residential user (1 EDU). If, at the time the vacant land is developed and those improvements result in greater than a single family residence, the Town will re-assess that property. The additional assessment shall be imposed for a twenty (20) year period.
  
- (f) If the Commission finds it necessary to install (where proposed low pressure sewer is being created or a dwelling that is located in a low lying area along a gravity sewer system) grinder pumps as part of the future project area, the Town will provide one grinder pump unit to each developed parcel at no cost to the dwelling owner. The availability of the grinder pump shall remain in effect up to one year of the project completion and acceptance of the project. For an undeveloped parcel, the Town will provide a credit to be determined by the Commission at the time the parcel is improved. The installation of the grinder pump is the responsibility of the dwelling owner. The operation and maintenance of the grinder pump system shall be the responsibility of the dwelling owner. The owner shall obtain a service contract from a qualified firm to provide operation and maintenance to the system and a copy of the service contract shall be submitted with the permit application in order to receive an approval to connect to the sanitary system. The owner shall provide emergency power to the grinder pump system during power outages. The Town is not responsible to provide emergency power or to provide maintenance to the grinder pump system(s). The owner will be responsible for the replacement of the pump if the need arises.

Sec. 8-35.6. Sewer lot development assessment.

- (a) For parcels of real property, improved and unimproved, which are not included in a specific sewered district not yet connected to the Town's sewer system, but which, in the future, may connect into the public sewer system without being charged a sewer assessment, the Town intends to distribute the future cost of construction and improvement in a manner which is fair and equitable to all property owners who connect into the Town's sewer system.
  
- (b) A sewer development assessment will be assessed against all property owners who request to or who are required to connect into the Town's sewer system and whose lot or unit(s) have not been charged a sewer assessment on an individual basis.

- (c) In the case of an unimproved residential lot or in the case of a lot with an existing residential building, the applicant for a sewer connection permit shall pay a Sewer Lot Development assessment of five thousand two hundred dollars (\$5,200.00) per lot or per unit(s), whichever is applicable, as a precondition to the issuance of the sewer connection permit.

At the option of the property owner, the fee of five thousand two hundred dollars (\$5,200.00) for each lot or unit(s) may be paid in four (4) annual installments of one thousand three hundred dollars (\$1,300.00) each. The first payment is due at the time the interceptor sewer is installed. The remaining three payments are paid by the property owner over the subsequent three years.

- (d) Collection of Sewer Lot Development Assessment. From the date of delivery of the sewer lot development assessment roll to the Finance Director, the amount of each assessment, including any interest thereon, shall constitute a debt payable to the Town by the owner of each estate assessed, on a parity with the lien for Town taxes. Such liens shall not be subject to termination under Section 44-9-1 of the General Laws, as amended. The Finance Director shall have the same powers to collect sewer assessments from the owners of estates assessed, whether or not residents of this state, and to enforce such liens against the estates assessed as the Finance Director has in the case of Town taxes assessed against residents of this state.
- (e) In the case of commercial and industrial units, the applicant for a sewer connection permit shall pay a sewer lot development fee based upon the number of EDU(s) as outlined in Section 8-26.

#### 8-35.7. Application of sewer lot development assessment.

- (a) Any sewer lot development assessment may be paid in full at any time. All late charges will be subject to a 12% per annum.
- (b) The Sewer Lot Development Assessment collected shall be retained in the Sewer Enterprise Fund to be used for capital improvement projects, retained in a Revolving Account for renewal and replacement of capital equipment; and/or the reduction of existing debt service. The allocation of each will be set by the Commission from time to time.

#### **Sec. 8-36. Enforcement procedures.**

- (a) General. Any owner, person, user or significant industrial user found in violation of any part of this Ordinance, discharge permit, compliance schedule or order, or any order of the Town shall be subject to enforcement procedures. Such procedures shall include but are not limited to: revocation of permit, suspension of discharge, show cause hearing, Commission Order, legal action and/or penalty costs.
- (b) Compliance Schedule. When the Superintendent finds that a user has violated or continues to violate the Ordinance or a permit or Order issued thereunder, he may issue an Order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate pretreatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including installation of pretreatment technology, addition self-monitoring and management practices.

(c) Permit Revocation.

- (1) ENFORCEMENT COSTS. The permittee agrees to reimburse the Town for the cost of enforcing the permit, including reasonable attorney's fees, if violation of the permit is found by a hearing officer during the course of a show cause hearing or if such decision is appealed, then in court of competent jurisdiction.
- (2) DAMAGE TO FACILITIES. The permittee agrees to indemnify and hold harmless the Town from and against any liability, loss, cost, expense or actual damage (including reasonable attorney's and accountants' fees incurred in defending or prosecuting any claim for any such liability, loss, cost, expense or damage) suffered by the Town and caused by discharges from the permittee, either singly or by interaction with other wastes.
- (3) Violation of any of the following conditions may result in the revocation of a Wastewater Discharge Permit.
  - Failure to accurately and fully report the wastewater volume, constituents, and characteristics of its discharge.
  - Failure to report significant changes in wastewater volume, constituents, or characteristics.
  - Failure to allow Town personnel statutorily authorized access for the purpose of inspection or monitoring.
  - Failure to pay any and all costs.
  - Violation of any condition of a permit or the Ordinance.
  - Failure to correct violations that have already resulted in the suspension of the permit.
  - Failure to adhere to compliance schedule or Order.

- (d) Suspension of Discharge. The Town may suspend the wastewater service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment or causes interference or passthrough to the Collection System or Wastewater Treatment System.

Any person notified of a suspension of the wastewater treatment service and/or a Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. The Town shall reinstate the Wastewater Discharge and/or the wastewater service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the Town within 15 days of the date of occurrence.

(e) Show Cause Hearing.

- (1) If a violation is not corrected within the time frame mandated by the Town, the Superintendent may order any person who causes or allow an unauthorized discharge to show cause before the Commission why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Commission regarding the violation and directing the offending party to show cause before said authority why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) At any public hearing, testimony taken before the hearing authority or any person designated by it, must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any part of the hearing upon payment of the usual charges.
- (3) After the Commission had reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices, or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

(f) Legal Action. Any discharge in violation of the substantive provisions of this Ordinance or an Order of the Commission shall be considered a public nuisance. If any person discharges sewage, industrial wastes or other wastes into the Town collection system contrary to the substantive provision of this Ordinance or any Order of the Commission, the Town Solicitor shall commence an action for appropriate legal and/or equitable relief in the Superior Court of this County.

(g) Penalty Costs. Any person who is found to have violated an Order of the Town Council or who has failed to comply with any provision of a discharge permit issued by the Town, or provision of this Ordinance, and the orders, rules and regulations issued hereunder, shall be fined in accordance with Section 8-41, SUMMARY OF PENALTIES. In addition, the Town may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued by the Town.

**Sec. 8-37. Appeals.**

(a) Board of Sewer Appeals. In order that the provisions of this article may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this article, the Town Council shall serve as a Board of Sewer Appeals. The Board of Sewer Appeals shall consider appeals from decisions of the Board of Sewer Commissioners and shall determine in particular cases whether any deviation from the strict enforcement of this article will violate its intent or jeopardize the public health and safety.

(b) Procedure. Any person aggrieved by any decision of the Board of Sewer Commissioners shall, in addition to any other remedy provided by law, have the right to appeal to the Board of Sewer Appeals

within thirty (30) days of the decision appealed from. The Board of Sewer Appeals shall consider the appeal and give the aggrieved person a reasonable opportunity to be heard. The final disposition of the appeal shall be in the form of a resolution reversing, modifying or affirming, the decision appealed from.

**Sec. 8-38. Saving clause.**

- (a) If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court or competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

**Sec. 8-39. Conflict.**

- (a) All ordinances and parts of ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

**Sec. 8-40. Summary of fees.**

- (a) The fees included in prior sections of this ordinance and referenced below shall be as stated in Exhibit 1.

**Sec. 8-41. Summary of penalties.**

- (a) Any user or person violating any provision of Building Sewers and Permit Requirements, Section 8-29, shall be fined up to five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during on or which a violation occurs or continues.
- (b) Any user or person violating any provision of Sewer Construction Requirements, Section 8-30, shall be fined up to five hundred (\$500.00) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (c) Any user or person violating any provision of Protection from Damage, Section 8-33 shall be fined not more than five hundred (\$500.00) dollars, or by imprisonment of not more than thirty days. Each day of violation of this article shall constitute a separate offense.
- (d) Any person who is found to have violated an Order of the Sewer Commission, Town Council or Woonsocket Pretreatment requirements, or who fails to comply with any provision of a discharge permit issued by the Superintendent or Pretreatment Coordinator, or provision of this Ordinance, and the orders, rules and regulations issued hereunder, shall be fined up to twenty-five thousand dollars (\$25,000.00) per day for each offense, for each and every day during which a violation occurs. In addition to the penalties provided herein, the Town or City of Woonsocket may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules and regulation issued hereunder, or a discharge permit issued by the Town and/or the Woonsocket Pretreatment Program.

- (e) Any user or person violating any provision of Use of Public Sewers Required, Generally (Section 8-27) shall be fined not more than five hundred (\$500.00) dollars, or by imprisonment of not more than thirty (30) days. Each day of violation of this article shall constitute a separate offense.

**Sec. 8-42. Application of fee, cost and penalties.**

- (a) Any and all monies collected in the payment of fee, cost and penalties as set forth in this Ordinance shall be retained by the Sewer Interceptor Fund.

**Sec. 8-43. Authority and applicability.**

- (a) All rules, regulations and requirements stated in this Ordinance shall be complied with by all users of the Town's sewer system, regardless of whether or not the user is located in the Town of North Smithfield. The Town has this authority, as stated in Rhode Island General Laws, Chapter 45-6-2.3, amended 1987.

**Sec. 8-44. Permits for property outside town.**

- (a) Granted for one year by Commission; extension:

Whenever the Commission grants a permit for property located outside the Town, said permit shall expire one (1) year from the date of the granting of said permit, unless the applicant exercises the permission granted, receives a building permit and commences construction or requests the Town council, acting as a sewer commission, to extend the time for performance for an additional one-year period. The granting of said extension is entirely at the discretion of the Commission, and the Commission may require the applicant to demonstrate, through testimony or other evidence, that the effect of the extension of the permit has not substantially changed since the original application.

# EXHIBIT A

<u>PURPOSE</u>	<u>FEE</u>
Drainlaying Permit Application and Annual Fee	\$ 50.00
Connection to Town Sewer System:	
CLASS R - RESIDENTIAL and CLASS M - MISCELLANEOUS USERS	
Permit Application Fee with one inspection	\$200.00 per unit
Each additional inspection	\$50.00
Connection Costs	To be paid by Owner
CLASS C - COMMERCIAL USERS	
Permit Application Fee with one inspection	\$300.00 per unit
Each additional inspection	\$100.00
Connection Costs	To be paid by Owner
CLASS B - MANUFACTURING SIGNIFICANT INDUSTRIAL USERS	
Permit Application Fee	\$500.00 per unit
Annual Permit Fee	Based on costs incurred by the Town. Assessed in annual billing.
Installation Costs	To be paid by Owner