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***WASTEWATER FACILITIES***

***MANAGEMENT PLAN***

***PHASE II: FACILITIES PLAN***

***Appendix D***

***On-Site Sewage Management Ordinances***

# **TOWN OF OLD SAYBROOK**

## **ORDINANCE #75: MANAGEMENT OF ON-SITE SEWAGE DISPOSAL SYSTEMS**

### **SECTION I. PURPOSE**

The purpose of the Ordinance for Management of On-Site Sewage Disposal Systems is to promote the health and welfare for the residents of the Town of Old Saybrook by requiring pump-out inspection and maintenance of said on-site sewage disposal systems at least once every five- (5) years. To this end the Town of Old Saybrook Water Pollution Control Authority, has developed this ordinance with the intent to eliminate the need for sewers in the Town, wherever possible by:

1. Enforcing the State and Town Health Codes.
2. Alerting property owners of existing or potential problems with their systems, while any damage to such systems and cost of repairs or upgrade are minimized.
3. Developing town-wide-on-site inspection data, which may be used by the Water Pollution Control Authority in a wastewater management plan for the entire Town.
4. Educating property owners about proper care and maintenance procedures to follow for on-site sewage disposal systems.
5. Requiring repairs to any existing problems discovered.
6. Aggressively enforcing provisions of Section 19-13-B100a and any subsequent revisions of the Public Health Code.
7. Promoting the use of alternate technology systems approved by the State of Connecticut Department of Public Health (DPH) where available and appropriate under the Health Code. Note: This Ordinance shall apply to all on-site sewage disposal systems within the Town of Old Saybrook except those systems operating under a permit issued by the State of Connecticut Department of Environmental Protection.

### **SECTION II. ADOPTION OF PUBLIC HEALTH CODE**

Sections 19-13-B103a through 19-13-B103f and Section 19-13-B100a of the Regulations of Connecticut State Agencies, and all amendments including technical standards thereto hereinafter adopted, are hereby Incorporated by reference in this ordinance and made part hereof. Said Sections are hereinafter referred to as the Public Health Code. However, no on-site sewerage disposal system in existence prior to January 4, 1981 shall be required to conform to the design and construction provisions of the Public Health Code unless said system malfunctions, is modified, or is expanded upon. In the event of malfunction, all portions of the system which require repair shall be repaired in accordance with all requirements of the Public Health Code subject to variances which may be granted pursuant to the provisions of Section 19-13-B103d of said Code.

### **SECTION III. MALFUNCTION**

An on-site sewage disposal system shall be deemed to be a malfunctioning system if sewage is allowed to discharge or flow from it into any storm drain, stream, water body, gutter, street, roadway or public place, or if sewage discharges from said system to the surface or sub-surface of any property so as to create a nuisance or condition detrimental to health as determined by the Director of Health. Substantial backflow from the leaching area into the tank during a tank pump-out shall also be considered an indication of a malfunctioning system.

### **SECTION IV. INSPECTION**

The Director of Health shall have the right of entry to any land in the Town of Old Saybrook for the purpose of conducting inspections of on-site sewage disposal systems and performing such tasks as the Director of Health determines are advisable for the purpose of disclosing whether or not said system is malfunctioning. If access to the interior of a structure is required, the Director of Health shall send a written notice to the property owner of said intention to evaluate the on-site sewage disposal system, Except in emergency situations, said notice shall be sent by certified mail at least five (5) days prior to the scheduled date of inspection. If access to the property or structure is denied, the Director of Health shall notify the owner in writing that the Permit to Discharge for that property will be revoked. The Director of Health shall determine the severity of the complaint and can revoke the Permit to Discharge immediately if he deems this appropriate.

### **SECTION V. APPROVAL**

No residential building, residential institution, or non-residential building shall be constructed in the town, and no

existing on-site sewerage disposal system for any such existing building shall be reconstructed, repaired, expanded upon or otherwise modified unless and until the owner of such building has applied for and received approval of a Permit to Construct the sewage system for such building from the Director of Health. All facilities meeting the requirement of the Ordinance for a Permit to Construct approval shall be filed with the Director of Health and shall be accompanied by a sufficient plan, as may be required by the Director of Health, of the proposed sewerage system and such fees as may be set in accordance with Section XIV of this Ordinance. Exception: For properties on which the estimated daily waste water flow is in excess of 5,000 gallons per day, approval for the proposed sewage disposal system shall be secured from the State of Connecticut Department of Environmental Protection.

#### **SECTION VI. NEW CONSTRUCTION**

All on-site sewage disposal systems, with a design capacity under 5,000 gallons per day, constructed after the effective date of the Ordinance shall be designed and constructed in accordance with all requirements of the Public Health Code, subject to exceptions which may be granted in accordance with the provisions of Section 19-13-B103d of said Code.

No Installation shall begin until the Director of Health has approved a Permit to Construct.

#### **SECTION VII. DISCHARGE PERMITS**

A. It shall be unlawful for any owner or occupant of any building served by an on-site sewage disposal system to discharge sewage into a sewage disposal system unless a Discharge Permit authorizing said discharge has been obtained from the Director of Health.

B. Initially, a Discharge Permit shall be issued following an on-site inspection of the on-site sewage disposal system by the Director of Health, which an inspection does not disclose any malfunction of the system. Said permit shall be valid for a period of five (5) years from the date of issue unless sooner revoked due to a malfunction disclosed by an inspection by the Director of Health. When the malfunctioning system has been repaired and inspected by the Director of Health, a valid Discharge Permit shall be re-issued.

C. The Discharge Permit for any system observed to be malfunctioning as defined in Section III shall be subject to revocation by the Director of Health. Notice of revocation of the Discharge Permit shall be forwarded to the building Official. The Director of Health shall also issue notice to the owner of the property via Certified Mail.

#### **SECTION VIII. RENEWAL OF DISCHARGE PERMITS**

A. No Discharge Permit shall be renewed unless the following conditions have been satisfied:

1. The owners or occupants of the building shall have the system inspected and pumped out by a septic tank cleaner properly licensed by the State of Connecticut to perform such service. The owner, occupant, or contracted septic cleaner shall be responsible to obtain a Pump-out Permit and Liquid Waste Disposal Ticket from the Director of Health prior to the inspection and pumping of the tank. The term "septic tank cleaner" as used in this ordinance, shall mean any septic tank cleaner or installer licensed by the State of Connecticut.

2. The owner, occupant or contracted septic tank cleaner is required to inform the Director of Health as least 24 hours prior to the pump-out except in case of emergency.

3. The inspection and cleaning must be performed not later than 30 days after the expiration date of the existing Discharge Permit.

4. The Director of Health shall have the right to observe the inspection and cleaning at his discretion, and to perform such tests as the Director of Health deem appropriate to determine whether or not said system is malfunctioning.

5. The inspection and cleaning of the on-site sewage disposal system must disclose no malfunction. Any malfunction noted must be repaired within 60 days or the Director of Health may issue a temporary Permit for Discharge for a period not to exceed six (6) months.

B. The Director of Health shall have the authority to waive the inspection and cleaning of the septic tank if he determines that inspection and cleaning are not necessary because of limited use or because of a recent cleaning or inspection of the system.

C. The owners or occupants of any building shall be entitled to have the Discharge Permit renewed at any time prior to the expiration of the existing Discharge Permit, provided that the septic tank is cleaned and a field inspection of the septic system is performed by the Director of Health at the time of said cleaning, and the field test performed disclosed no malfunction.

#### **SECTION IX. MAINTENANCE**

All septic tanks, cesspools, pools and similar receptacles serving sewage disposal systems located within the Town of Old Saybrook shall be pumped out and inspected not less than once in every five (5) year period. The Director of Health shall have the right to observe said pump-out and inspection. A Liquid Waste Disposal Ticket shall be filled out by the septic tank cleaner to indicate the origin of the load, the date of pumping, the place of disposal and such data regarding the system cleaned as the Director of Health or the Water Pollution Control Authority may require. The Director of Health shall maintain a record of each pump-out and inspection, and a copy of each Liquid Waste Disposal Ticket, which shall be allowed without the appropriate ticket. The Director of Health is empowered hereby to require more frequent inspections and/or pump-outs for those systems which he has reason to believe are failing or are in danger of failure or which he believes warrants more frequent maintenance. Properties which may require more frequent maintenance include, but are not limited to, food service establishments, marinas, institutional establishments, day care facilities, etc. Considerations for this determination include any or all of the following: water usage, grease generation by the facility, high groundwater conditions, complaints regarding poor system performance, or other appropriate items. The determination of more frequent pump-outs can also apply to single family residences, if the Director of Health has concerns with the system servicing such a property.

Any subsidy paid by the Town of Old Saybrook for the disposal of septage or grease from any on-site system pumped out within the Town shall be limited to the subsidy required for the disposal of the contents of the septic tank or grease trap servicing that property once per calendar year. Any fees required for the disposal of septage or grease shall be borne totally by the owner of the property for any additional pump-outs required during a one-year period following the initial pump-out.

Nothing in this Ordinance shall be construed to absolve any property owner or operator from complying with the conditions of any Permit to Discharge issued by either the State of Connecticut Department of Public Health or the Department of Environmental Protection for on-site sewage disposal.

#### **SECTION X. IMPLEMENTATION**

A. The Old Saybrook Water Pollution Control Authority in conjunction with the Old Saybrook Environmental Health Department shall develop a map of the Town so as to facilitate an orderly procedure for collecting data regarding the inspection and cleaning of septic systems on a regular basis and to allow for the issuance of Discharge Permits and Pump-out Permits.

B. Each area of the Town will be scheduled to have maintenance performed as determined by the Water Pollution Control Authority and the Director of Health. The intent is to phase in over several years a town-wide program for managing all maintenance of on-site sewage disposal systems and of system pump-outs.

C. The owner or occupants will be mailed a notice of the scheduled maintenance period established for his area of town. The owner, occupant, or contracted septic tank cleaner shall obtain a Pump-Out Permit and Liquid Waste Disposal Ticket which is to be filled out by the septic tank cleaner and returned to the Old Saybrook Environmental Health Department for use by the Water Pollution Control Authority after the disposal of sewage.

D. The owner or occupants may choose any septic tank cleaner to pump-out and inspect the system, provided that the selected septic tank cleaner holds a current valid license issued by the State of Connecticut DPH.

E. Any Septic tank cleaner planning to pump out any system in the Town of Old Saybrook is requested to call or fax the Water Pollution Control Authority office prior to the pump-out and advise the office of which properties are to be pumped out or inspected.

#### **SECTION XI. ENFORCEMENT**

A. Enforcement of this ordinance and of the Public Health Code shall be the responsibility of the Director of Health of the Town of Old Saybrook and his/her duly authorized agents. Said agents shall include, but shall not be limited to, the Sanitarian of the town of Old Saybrook and such qualified Field Inspectors as are employed by the Town of Old Saybrook for purposes of enforcing the provisions of this ordinance. The term "Director of Health", whenever used in this ordinance, shall mean the Director of Health or his/her duly authorized agents.

B. If an on-site system is determined by the Director of Health to be malfunctioning, or if scheduled maintenance of the system provided for in Section IX of this Ordinance is not performed, the following actions shall be taken by the Director of Health:

1. The Discharge Permit shall be revoked and the owner of the premises served by said on-site system shall be given notice of said revocation and of the violation occurring and shall be ordered to immediately abate the condition(s) cited in the notice.

2. The Director of Health shall cause the Notice of Violation and a copy of the Abatement Order to be recorded on the Old Saybrook Health Department Records. Notification shall be forwarded to the Building Official of the Town. When the Abatement Order has been fully complied with a new Discharge Permit shall be issued.

3. The Director of Health shall have the right to seek judicial relief to enforce his orders for the abatement of any violations of the provisions of the Public Health Code or of this Ordinance.

#### **SECTION XII. RIGHT OF APPEAL**

Any property owner who has been issued a Notice of Violation and Abatement Order by the Director of Health shall have the right to appeal said Notice of Violation and Abatement Order to the Commissioner of Health Services of the State of Connecticut pursuant to the provisions of Section 19a-229 of the Connecticut General Statutes.

#### **SECTION XIII. FINES AND PENALTIES**

Fines and penalties shall be imposed in accordance with Section 19a-230 of the Connecticut General Statutes.

#### **SECTION XIV. FEES**

The Water Pollution Control Authority is hereby authorized to establish fees which shall be in writing and shall be effective upon majority vote of the Water Pollution Control Authority following a public hearing, of which legal notice has been published in a newspaper having a general circulation in the Town of Old Saybrook not less than five (5) days prior to such hearing, and upon subsequent publication of notice of such adoption in a newspaper having general circulation in the Town of Old Saybrook.

#### **SECTION XV. TEMPORARY DISCHARGE PERMITS**

The Director of Health is hereby authorized to issue a Temporary Discharge Permit allowing the discharge of sewage into a subsurface sewage disposal system, which is in violation of the provisions of this ordinance. Said Temporary Discharge Permit shall not be issued unless the Director of Health makes a finding that the use of said malfunctioning system will not be detrimental to the health and welfare of the residents of the Town of Old Saybrook. Said Temporary Discharge Permit shall be issued upon such conditions and stipulations as the Director of Health determine are necessary to insure that the operation of said sewage system will not be detrimental to the public health or welfare. Said permit shall be immediately revoked upon non-compliance with said conditions and stipulations as the Director of Health determine are necessary to insure that the operation of said sewage system will not be detrimental to the public health or welfare. Said permit shall be immediately revoked upon non-compliance with said conditions and stipulations. Said permit shall remain in effect only for such period of time as the Director of Health deems necessary to effect the required repairs to said sewage system to bring it into compliance with the provisions of this ordinance. In no event shall a Temporary Discharge Permit be issued for a period in excess of six (6) months. Renewal of said permit shall be discretionary with the Director of Health.

#### **SECTION XVI. EDUCATION**

The Water Pollution Control Authority shall continue and further accomplish its public information program which shall include, but not be limited to, a simple explanation of the use, operation and maintenance of an on-site sewage disposal system, the advantages of water saving devices, and requirements of the Public Health Code and Town ordinances.

#### **SECTION XVII. ADOPTION OF REGULATIONS**

The Water Pollution Control Authority is authorized to adopt rules and regulations and any amendments thereto, to put this ordinance into effect. Such rules and regulations, and any amendments thereto shall be in writing and shall be effective upon majority vote of the Water Pollution Control Authority following a public hearing held by the Water Pollution Control Authority, of which legal notice thereof has been published in a newspaper having general circulation in the Town of Old Saybrook not less than five (5) days prior to such hearing, and upon subsequent publication of notice of such adoption in a newspaper having general circulation in the Town of Old Saybrook.

**SECTION XV111. EFFECTIVE DATE**

Upon ratification by an Old Saybrook Town Meeting, this Ordinance will become effective fifteen (15) days following the publication in a newspaper having general circulation in the Town of Old Saybrook.

AMENDED ORDINANCE # 75 ADOPTED AT A SPECIAL TOWN MEETING HELD SEPTEMBER 14, 1999.

PUBLISHED on September 17, 1999 in the MIDDLETOWN PRESS.  
AMENDED ORDINANCE # 75 becomes effective OCTOBER 2, 1999.

# CODE OF ORDINANCES OF WESTBROOK, CONNECTICUT

## CHAPTER 18 – UTILITIES

### ARTICLE III. REGULATION OF ON-SITE SEWAGE DISPOSAL SYSTEMS

#### Sec. 18-29. – Purpose.

It is hereby declared that there be established a program for the regulation of on-site sewage disposal systems for the Town of Westbrook. The purpose of this article is to promote the health and welfare of the residents of the town, through the prevention of public health nuisances and environmental degradation that may have a detrimental impact on the quality of the town's groundwater and surface water resources. To this end the Town of Westbrook, acting under the advice and guidance of its sewer avoidance plan advisory committee, the water pollution control commission, the Connecticut Department of Public Health, the Connecticut Department of Environmental Protection, and the Westbrook Director of Health, has developed this article with the intent to eliminate the need for sewers in the Town, wherever and to the maximum extent possible by:

- (1) Affirming that a policy of sewer avoidance should be applied to all areas of the Town of Westbrook where on-site treatment and disposal of sewage is deemed feasible.
- (2) Educating property owners and operators on the purpose, use, and care of septic systems.
- (3) Coordinating state regulations, local health regulations and planning and zoning regulations to effectively manage septic systems, and to regulate building conversions and changes in use, building additions, renovations, and accessory structures to preserve and enhance proper septic system operation.
- (4) Maintaining a current listing of properly licensed and registered septic tank cleaners, septic system installers and licensed professional engineers.
- (5) Regulating and controlling the design, construction, operation and maintenance of septic systems in the town.
- (6) Issuing permits to discharge for newly constructed and existing septic systems which meet or exceed the minimum requirements of performance designated in the public health code and this article and issuing renewals of permits to discharge on a periodic basis.
- (7) Ensuring proper collection and disposal of septic system septage in conformance with Connecticut General Statutes, the public health code, and this article.
- (8) Bringing on-site sewage disposal systems more nearly into compliance with the public health code.
- (9) Inspecting septic systems to ensure compliance with the public health code, the goals of the sewer avoidance plan for the Town of Westbrook and this article.

- (10) Maintaining records relating to on-site sewage disposal systems and developing town-wide inspection data, both of which shall be in accordance with the public health code and this article.

(Ord. of 12-14-06)

### **Sec. 18-30. - Adoption of public health code.**

Sections 19-13-B100a, 19-13-B103 and 19-13-B104 of the public health code, and all amendments including the technical standards for subsurface disposal systems appended thereto hereinafter adopted, are hereby incorporated by reference in this article and made a part hereof, and are hereinafter referred to in this article as the public health code. Any on-site sewage disposal system that is found to be a failed system shall be repaired in accordance with all requirements of the public health code subject to variances which may be granted pursuant to the provisions of section 19-13-B103d of said code; and any new septic system shall be constructed in accordance with the public health code.

(Ord. of 12-14-06)

### **Sec. 18-31. - Definitions.**

As used in this article, the following terms are given the definitions as follows:

*Accessory structure* means a permanent non-habitable structure which is not served by a water supply and is used incidental to residential or nonresidential buildings. Accessory structures include, but are not limited to, attached and detached garages, covered entrance ways, screened and enclosed three-season (non-winterized) porches/sunrooms, open decks, tool and lawn equipment storage sheds, gazebos, and barns, etc.

*Agent of the director of health* means a person authorized by the Westbrook Director of Health and approved by the commissioner of public health to investigate, inspect and approve plans relating to on-site sewage disposal systems.

*Bedroom* means any room other than a closet, kitchen, bathroom, living room, dining room, laundry room, stairwell, or hallway. Alcoves enclosed on no more than three (3) sides and accessible only through one of the foregoing rooms shall not be considered a bedroom; nor shall a room accessed only through another bedroom be considered a bedroom.

*Building addition* means any structural modification or alteration that results in an increase in habitable floor area of the building served that does not increase the design flow or required effective leaching area of the on-site sewage disposal system including but not limited to the modification of attic, basement or garage space into habitable space.

*Building conversion* means the act of winterizing a seasonal use building or portion thereof into year round use by providing one (1) or more of the following:



- (a) A positive heating supply to the converted area; or
- (b) A potable water supply which is protected from freezing; or
- (c) Energy conservation in the form of insulation to protect from heat loss.

*Building renovation* means any internal change to a building which, while not increasing the square footage of habitable space, changes the configuration in such a way that there is an increase in design flow of the septic system. A "renovation" constitutes a "change in use." see "change in use."

*Cesspool* means a buried structure which receives sewage from a building sewer for the purpose of collecting solids and discharging liquid to the surrounding soil. Cesspools are not recognized as a septic system in the public health code.

*Change in use* means any structural, mechanical or physical change to a building which allows the occupancy to increase; or any change in the activities within a building to expand or alter such building or the use thereof such that, when the building is fully utilized, the design flow or required effective leaching area of the on-site sewage disposal system will increase within any time frame. A change in use includes a "building renovation." see above.

*Code-complying area* means an area on a property where a septic system can be installed which meets all requirements of section 19-13-B103 without any exceptions by the director of health per section 19-13-B103d(a)(1) of the Regulations of Connecticut State Agencies; and without any exceptions for well location by the commissioner of public health per section 19-13-B103d(a)(3); and which septic system also meets the technical standards except for the one hundred (100) percent reserve area referred to in section VIII of the technical standards.

*Complete inspection* means, an assessment of an existing septic system that includes a review of all system components including materials, size and location. It also includes an investigation in order to determine adequate separation distance to maximum groundwater and ledge rock and sizing of the leaching system.

*Director of health* means the Director of Health of the Town of Westbrook or an agent of the director of health.

*Environmentally sensitive areas* means one (1) or more areas designated by the water pollution control commission where the risks of pollution of watercourses or hypoxia in Long Island Sound are deemed to merit special precautions.

*Failed system* means any on-site sewage disposal system that allows sewage to discharge or flow from it into the interior of any building served or into any storm drain, stream, water body, gutter, street, roadway or public place, or if sewage discharges from said system to the surface or subsurface of any property or otherwise so as to create a nuisance or condition detrimental to health as determined by the director of health or as designated by the public health code.

*Leaching system* means a structure, excavation or other facility designed to allow settled sewage to percolate into the underlying soil without overflow and to mix with the groundwater. Leaching systems include leaching trenches, leaching galleries, leaching pits, and proprietary leaching systems.

*Liquid waste disposal ticket* means the document prepared by a registered septic tank cleaner or septic system installer provided to the town which states the following:

- (1) Date of pump-out;
- (2) Address of residence;
- (3) Quantity of septage removed from septic tank; and
- (4) Destination for disposal of the septage removed from the septic tank.

*Maintenance* means the regular cleaning of the septic tank, cesspool, building sewer, distribution line, or any other component of an on-site sewage disposal system for the purpose of removing any accumulated liquids, scum or sludge. The term maintenance shall also mean any regularly required servicing or replacement of related mechanical, electrical or other equipment.

*Malfunctioning system or malfunction* means any on-site sewage disposal system that exhibits a condition or conditions which, if not timely corrected, will, in the judgment of the director of health, result in a failed system. Substantial backflow from the leaching system into the septic tank during a septic tank pump-out is an indication of a malfunctioning system.

*Nitrogen renovation analysis* means a determination of the concentration of total nitrogen in surface or subsurface waters utilizing the Connecticut Department of Environmental Protection's guidance document for pollution renovation analysis, or a methodology published by the commissioner of public health.

*On-site sewage disposal system* means a septic system, a cesspool, privy, or any other system or lack thereof which receives sewage, except for any such system for which a permit has been issued by the Connecticut Department of Environmental Protection pursuant to Connecticut General State Statutes § 22a-430.

*Owner/property owner* means the person or legal entity which alone, jointly, or severally with others: (a) has legal title to any premises; or (b) has control of any premises. Control of premises shall include persons or legal entities which are holders of legal title, agents of the holder of legal title, executors, executrixes, administrators, administratrixes, trustees or guardians of the estate of the holder of legal title. Each of the foregoing is bound to comply with the provisions of this article.

*Permit to construct* means the approval to construct issued and administered by the director of health in accordance with section 19-13-B103e of the public health code and the approved plans.

*Permit to discharge* means the approval of the director of health issued in accordance with [section 18-32](#) of this article upon determination that the septic system has been installed in compliance with the requirements of section 19-13-B103e of the public health code and the approved plans, if applicable or found to be in compliance with the public health code.

*Professional engineer* means a professional engineer licensed by the State of Connecticut pursuant to General Statute § 20-299.

*Pump-out, or to pump out* means the removal of septage from an on-site sewage disposal system by a septic tank cleaner or septic system installer.

*Repair* means any work performed on an existing on-site sewage disposal system after installation thereof, regardless of the purpose for such work.

*Septage* means the solid or liquid materials which are pumped out of an on-site sewage disposal system.

*Septic system* means a subsurface sewage disposal system.

*Septic tank* means the water-tight receptacle which is used for the treatment of sewage and is designed and constructed so as to permit the settling of solids, the digestion of organic matter by detention and the discharge of the liquid portion to a leaching system.

*Septic tank cleaner* means any individual who cleans on-site sewage disposal systems and is licensed by the State of Connecticut Department of Public Health pursuant to General Statute § 20-341a, as amended.

*Septic tank inspection* means the assessment of an on-site sewage disposal system by pumping and visually inspecting and determining the size of the septic tank, cesspool, or other the structure.

*Septic system installer* means any individual who installs septic systems and is licensed by the State of Connecticut Department of Public Health pursuant to General Statute § 20-341a, as amended.

*Sewage* means domestic sewage consisting of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a nonresidential building, as may be detrimental to the public health or the environment, but not including manufacturing process water, cooling water, waste water from water softening equipment, blow down from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surface or yard drains.

*Sewer avoidance plan* means the plan developed by the Westbrook Water Pollution Control Commission as adopted on August 25, 2005. To this end the town, acting under the advice and

guidance of its sewer avoidance plan advisory committee, the water pollution control commission, the Connecticut Department of Public Health, the Connecticut Department of Environmental Protection, and the Westbrook Director of Health.

*Sewer avoidance plan advisory committee* means the committee appointed by the water pollution control commission, in consultation with the director of health, and including representatives of the Connecticut Department of Environmental Protection, the state health department, licensed professional engineers, licensed installers or cleaners, interested citizens, and such other persons as the water pollution control committee may deem appropriate. The committee shall determine its size, term of its members, schedule of its meetings, and other procedural matters as required.

*Subsurface sewage disposal system* means a system consisting of a house sewer; a septic tank followed by a leaching system, any necessary pumps and siphons, and any groundwater control system on which the operation of the leaching system is dependent, and in accordance with the public health code as the same may be amended from time to time.

*Upgrade* means a repair to an on-site sewage disposal system which brings the system into, or more nearly into, compliance with the requirements of the public health code as then in effect.

*Violation* means;

- (1) The failure to comply with and adhere to the rules and regulations set forth in this article or the public health code; or
- (2) The improper discharge of sewage from a failed or malfunctioning on-site sewage disposal system.

Any term used in this article that is not defined above shall, where applicable, be defined in accordance with the public health code.

(Ord. of 12-14-06)

### **Sec. 18-32. - Permit to discharge.**

- (a) it shall be unlawful for an owner or occupant of any building or the user of any land served by an on-site sewage disposal system newly constructed or repaired to discharge sewage into said system unless a permit to discharge authorizing said discharge has been obtained from the director of health. Permits to discharge shall be valid, unless revoked or suspended, for a period of five (5) years or less, or as specified by the director of health. Permits to discharge shall be issued or renewed by the director of health to owners whose septic systems meet the conditions listed below. Permits to discharge will permit the owner to discharge a specified number of gallons per day (peak or average) to the septic system described on the permit.

A permit to discharge shall be issued or renewed by the director of health:

- (1) Upon the final inspection of a newly constructed septic system which is deemed by the director of health to meet at that time all the requirements of this article and the public health code.
- (2) Upon repair or upgrade of an on-site sewage disposal system and final inspection of a malfunctioning system or a failed system which is deemed by the director of health to meet at that time all the requirements of this article and the public health code.
- (3) Upon verification that an existing septic system is in accordance with this article and the public health code.
- (4) After a complete inspection has been conducted and the results approved by the director of health in compliance with this article and provided that no malfunction is detected during the inspection.
- (5) Upon repair or upgrade of an on-site sewage disposal system which is deemed by the director of health to meet, to the greatest extent possible, all the requirements of this article and the public health code.
- (6) For on-site sewage disposal systems for which a permit has been issued, or is the process of being issued, by the Connecticut Department of Environmental Protection pursuant to Connecticut General Statutes § 22a-430, no permit to discharge under this article is required.

A permit to discharge may be revoked or suspended due to a malfunction or failure. If a malfunction or failure has been identified, a permit to discharge shall not be renewed until the director of health determines that the septic system has been repaired or upgraded in accordance with the applicable sections of this article.

The director of health shall issue a notice of revocation or a notice of suspension of a permit to discharge to the owner of the property by certified mail. No building permit for any building conversion, change in use, building addition, building renovation, or accessory structure shall be granted for a property on which the permit to discharge has been revoked or suspended.

*(Ord. of 12-14-06)*

### **Sec. 18-33. - Inspection.**

The director of health shall have the right of entry to any land in the town for the purpose of conducting inspections of on-site sewage disposal systems and performing such tasks as the director of health determines are advisable for the purpose of determining whether or not an inspected system should be designated as a malfunctioning system or a failed system. If access to the interior of a structure is required, the director of health shall send a written notice to the property owner of said intention to evaluate the on-site sewage disposal system. Except in emergency situations, said notice shall be sent by certified mail at least five (5) days prior to the scheduled date of inspection. If access to the property or structure is denied, the director of health shall notify the owner in writing that the permit to discharge for that property may be revoked. The director of health

may revoke the permit to discharge immediately if he/she deems this appropriate for the protection of the public health and environment.

*(Ord. of 12-14-06)*

### **Sec. 18-34. - Approval.**

No residential building, residential institution, or nonresidential building shall be constructed in the town without an approval to construct a septic system issued by the director of health, in accordance with the public health code and this article. For any residential building, residential institution, or nonresidential building there shall be no building conversion, and there shall be no change of use that increases the design flow by fifty (50) percent or greater, and no existing on-site sewage disposal system for any such existing buildings shall be repaired, or upgraded, without the issuance of a new permit to discharge for an existing septic system or a permit to construct a septic system issued by the director of health, in accordance with the public health code and this article. All applications for approval shall be filed with the director of health and shall be accompanied by a sufficient plan, as may be required by the director of health, of the proposed septic system. For on-site sewage disposal systems under the jurisdiction of the Connecticut Department of Environmental Protection pursuant to Connecticut General Statutes § 22a-430, no residential building, residential institution, or nonresidential building shall be constructed in the town, and there shall be no building conversion or change of use, and no existing on-site sewage system for any such existing buildings shall be repaired, or upgraded without a permit from said department under such section.

*(Ord. of 12-14-06)*

### **Sec. 18-35. - Design, construction, and operation of septic systems.**

All new septic systems and upgrades or repairs to existing on-site sewage disposal systems, in the town of westbrook shall be designed and constructed in compliance with the public health code, Ordinances of the Town of Westbrook, or any regulations and standards of the Connecticut Department of Environmental Protection, whichever standards may be applicable to the said system.

- (a) *New construction.* Prior to the issuance of a building permit for any new structure requiring a septic system, there shall be a plan of the proposed septic system prepared by a professional engineer. Such plan shall include a report of all soil testing done on said property. No building permit shall be issued until such plan has been approved by the director of health. A record drawing of the system shall be prepared by the professional engineer and certified as meeting the requirements of this article and the public health code.
- (b) *Building conversions, changes in use.* There shall be no building conversion (i.e., to allow continuous occupancy/ winterization) or any change in use (i.e., that will increase design flow) unless the owner or the owner's authorized agent submits to the director of health soil test data and scaled drawings of the property showing all existing and proposed improvements or a professional engineer designed plan, which demonstrates that after the building conversion or change of use, a code-complying area exists on the lot. The property

owner or the owner's authorized agent must also submit documentation that the current septic system has been pumped within the previous five (5) years, and that the system is neither a malfunctioning system nor a failed system. The director of health shall require expansion of the existing septic system to bring it into compliance with the public health code or installation of a code-complying septic system at the time of conversion or change of use: (1) where the existing on-site sewage disposal system is not a septic system; (2) where the existing septic system is a malfunctioning or failed system; (3) for all building conversions; and (4) for all changes in use which result in a fifty (50) percent or greater increase in design flow. No building conversion or change in use shall be permitted for septic systems utilizing steel tanks unless and until such tanks are replaced with tanks complying with the public health code.

(c) *Additions.* No addition to a building shall be permitted unless the owner or the owner's authorized agent submits to the director of health soil test data, and a scaled drawing of the property showing all existing and proposed improvements or a professional engineer designed plan which demonstrates that after such addition a code-complying area exists on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform soil testing. The property owner or the owner's authorized agent must also submit documentation that the current septic system has been pumped within the previous five (5) years, and that the system is neither a malfunctioning system nor a failed system. The director of health shall require expansion of the existing on-site sewage disposal system to bring it into compliance with the public health code or installation of a new code-complying septic system at the time of building addition for those properties;

1. Where the existing on-site sewage disposal system is not a septic system; and
2. Where the existing septic system is a malfunctioning or failed system. If a code-complying area cannot be demonstrated, such building addition may still be permitted provided:
  - a. The size of the replacement system shown on the design plans or sketch provides a minimum of fifty (50) percent of the required effective leaching area per the technical standards;
  - b. The replacement system shown on the plans or sketch provides a minimum of fifty (50) percent of the required minimum leaching system spread as per the technical standards;
3. The proposed design does not require an exception to section 19-13-B103d (a)(3) of the Regulations of Connecticut State Agencies, regarding separation distances to wells;

4. The addition does not reduce the potential repair area. Separating distances from such a building addition to any part of the existing septic system shall comply with the requirements of the public health code.

(d) *Accessory structures and swimming pools.* No accessory structure or in-ground or above-ground swimming pool, hot tub or similar structure shall be permitted unless the owner or the owner's authorized agent submits to the director of health soil test data and a scaled drawing of the property showing all existing and proposed improvements or professional engineer designed plan which demonstrates that after such construction a code-complying area exists on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform soil testing. If a code complying area cannot be demonstrated, such accessory structure or pool may still be permitted if the structure does not reduce the potential repair area available on the lot for septic system repair. Separating distances from such a structure to any part of the existing septic system shall comply with the requirements of the public health code.

(e) *Sewage disposal area preservation.* No lot line shall be modified or any other activity performed that affects soil characteristics or hydraulic conditions so as to reduce the potential repair area to repair an existing septic system, unless the property owner or the owner's authorized agent submits soil test data, a scaled drawing of the property showing all existing and proposed improvements or an engineer design plan to the director of health or his or her agent that demonstrates that after the proposed lot line change or other activity, a code-complying area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform soil testing. In no case shall a modified lot line violate subsection (d) of section 19-13-B103d of the public health code which requires that each septic system shall be located on the same lot as the building served.

(Ord. of 12-14-06)

### **Sec. 18-36. - Maintenance.**

All on-site sewage disposal systems located within the town shall be pumped-out and a septic tank inspection performed by a septic tank cleaner or septic system installer not less than once in every five-year period. During the septic tank inspection, if it is determined that the septic tank requires the addition of risers or repair of the baffles, this work shall be done within thirty (30) days from the date of notification by the town. The septic tank cleaner or septic system installer shall provide required information to the director of health on forms provided by the director of health for input into the town's database. The inspection form shall be submitted to the director of health within thirty (30) days of the pump-out. The director of health in the exercise of his/her discretion may require more frequent pump-outs for those on-site sewage disposal systems which he/she believes warrants more frequent maintenance. Properties which may require more frequent maintenance include, but are not limited to, food service establishments, marinas, institutional establishments, day care facilities and multi-family dwellings. More frequent pumping may be



required if the septic tank or cesspool is undersized for the use. Conversely, the director of health may waive the required pump-out frequency if he/she determines that a pump-out is not necessary every five (5) years. The director of health shall have the right to oversee said pump-out and conduct or observe an Inspection.

*(Ord. of 12-14-06)*

**Sec. 18-37. - Registration of septic tank cleaners and septic system installers.**

Any septic tank cleaner or septic system installer providing services under this article shall be licensed by the State of Connecticut and be registered with the Town of Westbrook. The criteria and standards for such registration shall be adopted by the commission pursuant section 18-44.

*(Ord. of 12-14-06)*

**Sec. 18-38. - Water usage.**

The director of health is authorized to obtain from any water company providing water service to users of the town, any necessary records to determine the consumption of water by customers of such companies.

*(Ord. of 12-14-06)*

**Sec. 18-39. - Public information.**

The water pollution control commission and the director of health may develop a public information program which may include, but not be limited to the use, operation and maintenance of septic systems and the Town of Westbrook Sewer Avoidance Plan.

*(Ord. of 12-14-06)*

**Sec. 18-40. - Enforcement.**

- (a) Enforcement of this article and of the public health code shall be the responsibility of the director of health.
- (b) If an on-site sewage disposal system is determined by the director of health to be a failed system, or if scheduled maintenance of the system provided for in section 18-36 of this article is not performed, the following actions may be taken by the director of health:
  - (1) The permit to discharge may be revoked or suspended and the owner of the premises served by said on-site sewage disposal system shall be given a notice of such revocation or suspension of the permit to discharge, by issuance of a notice of violation and an abatement order. Copies of the notice of violation and abatement order may be filed in the Westbrook Land Records, indexed under the name of the record owner of the property.
  - (2) When the notice of violation has been fully complied with, a new permit to discharge may be issued.

(3) The director of health shall have the right to seek judicial relief to enforce the notice of violation and abatement orders and to seek such other relief at law or equity, in accordance with the provisions of the Connecticut General Statutes, the public health code or of this article.

*(Ord. of 12-14-06)*

#### **Sec. 18-41 - Right of appeal.**

Any property owner who has been issued a notice of violation and or abatement order by the director of health shall have the right to appeal said notice to the Commissioner of Public Health of the State of Connecticut pursuant to the provisions of section 19a-229 of the Connecticut General Statutes.

*(Ord. of 12-14-06)*

#### **Sec. 18-42 - Fines and penalties.**

Fines and penalties shall be imposed in accordance with section 19a-230 of the Connecticut General Statutes.

*(Ord. of 12-14-06)*

#### **Sec. 18-43 - Fees.**

The director of health is hereby authorized to establish a schedule of application fees for permits to discharge, renewals of permits to discharge and permits to construct. The fee schedule shall be in writing and shall be effective upon majority vote of the board of selectmen following a public hearing, of which legal notice has then published in a newspaper having a general circulation in the town not less than five (5) days prior to such hearing, and upon subsequent publication of notice of such adoption in a newspaper having a general circulation in the town.

*(Ord. of 12-14-06)*

#### **Sec. 18-44. - Adoption of regulations.**

The water pollution control commission is authorized to adopt rules and regulations and any amendments thereto, to implement this article. Such rules and regulations, and any amendments thereto, shall be in writing and shall be effective following a public hearing held by such commission, of which legal notice thereof has been published in a newspaper having general circulation in the town not less than five (5) days prior to such hearing, and upon subsequent publication of notice of such adoption in a newspaper, having general circulation in the town.

*(Ord. of 12-14-06)*

#### **Sec. 18-45. - Conflicting provisions.**

In any case where this article or any regulation enacted herein under is found to be in conflict with any provision of the public health code or any state statute, the more restrictive shall apply.

*(Ord. of 12-14-06)*

**Sec. 18-46. - Implementation.**

(a) The director of health and the water pollution control commission shall develop a strategy which will facilitate an orderly procedure for collecting data regarding the septic system inspection and maintenance of on-site sewage disposal systems on a regular basis and to allow for the issuance of required permits.

(b) The director of health and the water pollution control commission shall establish a schedule of phasing and priorities for the maintenance of on-site sewage disposal systems. The property owner will be mailed a notice of the scheduled maintenance period established for each area of town. The owner or contracted septic tank cleaner or septic system installer shall obtain a pump-out permit which is to be filled out by the septic tank cleaner or septic system installer and returned within thirty (30) days to the Westbrook Health Department. The form of such permit and the method of filing shall be established by the director of health.

(c) On or before January 1, 2007 all septic tank cleaners and septic system installers shall file the report of septic tank inspection through the towns' web based tracking and reporting system. Any septic tank cleaner or septic system installer filing reports using any other method will be fined by the town per report filed. The director of health and the water pollution control commission shall provide training on the web based program at no cost to the septic tank cleaner or septic system installer.

(d) The property owner may choose any septic tank cleaner or septic system installer to pump-out and inspect the on-site sewage disposal system; provided that the selected septic tank cleaner or septic system installer is registered with the director of health in accordance with this article.

(e) The water pollution control commission may require that any septic tank cleaner or septic system installer planning to pump-out any on-site sewage disposal system in the Town of Westbrook shall notify the director of health's office no later than the last working day prior to the pump-out and advise the office of which properties are to be pumped out.

*(Ord. of 12-14-06)*