



Thursday, June 26, 2025 | 7:00pm
American Legion Log Cabin (196 Main Street)
[Remote Access](#)
Access Code: 550-949-933
Access by Phone: [+1 \(872\) 240-3212](#)

TOWN COUNCIL REGULAR MEETING AGENDA No. 14-24/25

1. Roll call of members.
2. To approve the Minutes of the Town Council meetings 13-24/25, held May 15, 2025
3. To open the meeting to a public comment period.

Item No. 104: To hear the reports of the Council Chair, committees, delegates, liaisons, and the Town Manager.

Item No. 105: To hold a public hearing and consider issuance of a full-time malt, spirituous, and vinous liquor license to Binga's Wingas, Locally Sauced, and Days Crabmeat and Lobster.

Item No. 106: To hold a public hearing and consider amendments to Chapter 304 the Yarmouth Town Code (Sewerage).

Item No. 107: To accept \$15,000 from the AARP Community Challenge Grant program to support traffic calming improvements.

Item No. 108: To adopt a Land Acknowledgement Statement for the Town of Yarmouth.

Item No. 109: To set the due dates and interest penalties for property tax and sewer bills for the fiscal year 2026.

Item No. 110: To appropriate funds from various municipal reserve accounts for the fiscal year 2026.

Item No. 111: Ratification of the collective bargaining agreement with the Yarmouth Police Employees Association.

Item No. 112: Ratification of the collective bargaining agreement with the Wastewater Division Employees Association.

Item No. 113: Ratification of the collective bargaining agreement with the Yarmouth Parks, Public Works and Transfer Station Employees Association.

Item No. 114: Ratification of the collective bargaining agreement with the Yarmouth Fire and Rescue Employees Association.

Item No. 115: To consider or make Committee, Board, and Delegate appointments as may be needed.

CEREMONIAL SWEARING IN OF NEWLY (RE)ELECTED TOWN COUNCILORS

Item No. 16: To elect a Chair and Vice Chair for the FY26 Municipal Term.

Item No. 117: To adopt Town Council Rules for the FY26 Municipal Term.

Item No. 118: To make various committee, delegate, and liaison assignments.

Item No. 119: To hold an Executive Session, if needed.



TOWN OF YARMOUTH MINUTES OF THE TOWN COUNCIL MEETING

Meeting: 13-24/25
Date: May 15, 2025
Time: 7:00 PM
Place: American Legion Log Cabin, 196 Main Street and Remote Video Access

This meeting began at 7:00 PM

1st Order of Business: Roll Call of Members. All Councilors present appeared either in person or through remote access.

Roll Call of Members P = Present A = Absent T = Tardy R = Remote

P Heather Abbott
P Randall Bates, Chair
P Meghan Casey
P David Craig
R Michelle Cromarty
P Karin Orenstein
T Zoe Wolf

1. **2nd Order of Business:** Approval of the Minutes of Meeting 12-24/25, held April 17, 2025.

Approved 6-0 on a roll call vote.

Public Comment Period:

- No public comments were received.

Item No. 97: To hear the reports of the Council Chair, committees, delegates, liaisons, and the Town Manager

- Councilor Orenstein provided an update on the Pride sidewalk, which will be located in front of Yarmouth Town Hall. With assistance from the Yarmouth Girl Scout Troop, Councilor Abbott, and other resident volunteers, all the funds necessary to purchase paint, rollers, and other painting tools were donated. Volunteers will be painting the crosswalk during the weekend of June 1st.
- Councilor Casey shared details from the most recent Affordable Housing Committee meeting, where members discussed the Town's affordable housing trust account and potential housing development concepts for the town-owned property on Sligo Road.

- Councilor Bates provided an update from the most recent Bicycle and Pedestrian Committee meeting.
- Town Manager Scott LaFlamme shared that absentee ballots for the upcoming June election are now available to residents at the Town Office.

Item No. 98: To hold a public hearing and consider issuance of a full-time malt, spirituous, and vinous liquor license and Special Amusements Permit to Black Tie at Camp Hammond, Fox and Fiddle, and Dandelion Catering.

Approved 6-0 on a roll call vote.

Item No. 99: To recognize the 2025 Latchstring Award Recipient(s).

- The Yarmouth Town Council formally recognized David Ray as the Town's 2025 Latchstring Award recipient.
- Kay Ray, wife of David Ray, shared her family's appreciation for the recognition.

Approved 6-0 on a roll call vote.

Item No. 100: To recognize the 2025 Spirit of America Award Recipient(s).

- The Yarmouth Town Council formally recognized Amy Sinclair as the Town's 2025 Spirit of America Award recipient.
- Amy Sinclair shared her appreciation for the recognition.

Approved 6-0 on a roll call vote.

The Yarmouth Town Council held a brief recess.

Item No. 101: To adopt a Climate Superfund Resolution, as recommended by the Yarmouth Climate Action Board.

- Megan Hellsteadt provided a brief overview of YCAB's work and urged the Council to support the resolution as an opportunity to convey regional impacts to the State.
- Councilor Craig recognized the student members of YCAB for bringing this resolution forward to YCAB and the Town Council.
- Councilor Wolf joined the meeting.

Approved 7-0* on a roll call vote.

Item No. 102: To consider, or make, committee, board, and delegate appointments as may be needed.

- Members of the Nominating Committee recommended the following slate of volunteers to fill vacant positions on town boards and committees:

Lynn Hallet	Bicycle and Pedestrian Committee	3-Year Term
Alexandra Herold	Bicycle and Pedestrian Committee	3-Year Term

Ben Herold	Affordable Housing Committee	3-Year Term
Dennis Welsh	YCAB	3-Yeear Term

Item No. 90: To hold an Executive Session, if needed.


- An Executive Session was not required.

The meeting was adjourned at 7:27 PM.

Respectfully submitted,

Scott LaFlamme
Town Manager

Item No. 105: **To hold a public hearing and consider issuance of a full-time malt, spirituous, and vinous liquor license to Binga’s Wingas, Locally Sauced, and Days Crabmeat and Lobster.**

Contact	Lisa Grant, Town Clerk
Recommended Action	Approve issuance of a full-time malt, spirituous, and vinous liquor license to Binga’s Wingas, Locally Sauced, and Days Crabmeat and Lobster.
Attachment	No Attachments
Process	 <pre> graph LR A[Reviewed by Staff] --> B[Town Council Workshop] B --> C[Town Council Voting] </pre>

Background:

The Yarmouth Town Council is required to approve full-time malt, spirituous, and vinous liquor licenses and Special Amusement Permits as part of a local control process mandated by the State of Maine. Here's why:

- Title 28-A of the Maine Revised Statutes requires applicants for liquor licenses to receive approval from local municipal officers before the state can issue a license. This local approval is a prerequisite.
- For live entertainment—such as music, dancing, or other performances at establishments with liquor licenses—State law (Title 28-A §1054) also requires local approval through a Special Amusement Permit.
- This statutorily required process also allows the Yarmouth Town Council to ensure establishments meet local zoning and safety standards and give the public an opportunity to comment on potential impacts (e.g., noise, traffic, public safety).

Recommended Action: Approve issuance of a full-time malt, spirituous, and vinous liquor license to Binga’s Wingas, Locally Sauced, and Days Crabmeat and Lobster.

NOTE: Members of the public are welcome to provide public comment on this item. Opportunity for comment will be provided after staff's report and initial Council questions, prior to Town Council discussion.

Item No. 106: **To hold a public hearing and consider amendments to Chapter 304 the Yarmouth Town Code (Sewerage).**

Contact	Steve Johnson, Town Engineer
Recommended Action	Approve the slate of suggested amendments to Chapter 304.
Attachment	No Attachments
	<pre> graph LR A[Reviewed by Staff] --> B[Town Council Workshop] B --> C[Town Council Voting] </pre>

Background:

Chapter 304 of the Yarmouth Town Code, which governs the town's wastewater management, conveyance, and treatment systems, is undergoing a significant technical and administrative update. The ordinance, last revised about a decade ago, contains outdated language, typographical errors, and operational inefficiencies that need to be addressed. Key proposed updates include:

- **Technical Corrections and Best Practices:** Multiple articles are being revised to reflect current construction materials, engineering terminology (e.g., replacing "registered" with "licensed" engineers), and best practices for safety, durability, and long-term infrastructure performance.
- **Clarification of Service Connection Rules:** Amendments clarify that each building must have a separate sewer connection unless a technical exception applies. Cost alone is not considered a valid reason for an exception.
- **Modernization of Private Wastewater Treatment:** New language is proposed to simplify permitting for small aerobic wastewater treatment systems, which are now technologically viable alternatives for certain properties where traditional systems are not feasible.
- **Septage Disposal Fee Implementation:** The Town plans to begin charging for septage disposal at the wastewater treatment plant. The proposed fee of \$0.122 per gallon reflects statewide averages and is expected to generate approximately \$19,000 annually. Historically, this service was provided at no cost.
- **Updated Sewer Connection Fees:** The fee schedule, unchanged since 1993, will be revised to reflect current market conditions. New rates, based on a CPI-U analysis and regional comparisons, will position Yarmouth in the upper half of the regional fee scale.

Recommended Action: Approve the slate of suggested amendments to Chapter 304 of the Yarmouth Town Code.

NOTE: Members of the public are welcome to provide public comment on this item. Opportunity for comment will be provided after staff's report and initial Council questions, prior to Town Council discussion.



TOWN OF YARMOUTH
INTERNAL MEMORANDUM

TO: Scott LaFlamme, Town Manager
FROM: Steven S. Johnson, P.E., Town Engineer
DATE: May 8, 2025
RE: Chapter 304 Sewage Ordinance Update

Scott:

Yarmouth's Chapter 304 Sewage Ordinance, which codifies the requirements for the management, conveyance, and treatment of wastewater (sewage) in Yarmouth, was last updated about ten years ago and requires significant technical update including typographical error fixes as well as changes to reflect current best practices and operational needs. Additionally, it is proposed to update the sewer connection permit fee to reflect current pricing since the fee has not been updated since 1993 and commence charging for the discharge of Yarmouth septage at the wastewater plant, which has historically not been done. I have formulated this memorandum to highlight the proposed Chapter 304 redlines/strikeout to provide for context in the Council review and consideration.

Article IV, A Public Sewerage Requirements – Service Connections, paragraph 4: Yarmouth Code requires separate sewer services for each building from the building to the sewer main. There is an exception to this requirement for technical reasons, such as grade change or significant obstruction. However, when an exception is granted, cost is not considered a technical reason for the exception.

Article V, A Construction Requirements for Public Sewer Connections – there are several technical updates to this section that outlines the use of current materials and construction practices as well as typographical fixes. These updates should be straight forward and self-explanatory.

Article VI, A Subdivision or Multi-Unit Development Sewerage – Again, the proposed changes are a technical update to current industry requirements and practice. For

example, Maine professional engineers are no longer referred to as “registered” but now as “licensed.” Additional changes pertain to current best construction practices for durability, quality, safety, and long-term life of the infrastructure.

Article VIII, A Private Sewage Systems, Section 5a (4) – There is the occasional situation in Yarmouth where an existing property is unable to support the installation of a replacement subsurface wastewater disposal system (septic system), due to lot size, configuration, existing site soil conditions or other technical reason(s). Plumbing Code and State Subsurface Wastewater Disposal rules do allow on a case-by-case basis the use of small aerobic wastewater treatment systems that provide point treatment of the wastewater before discharge to receiving waters. The technology of these systems has improved over the decades and can provide acceptable treatment solutions in specific cases. Chapter 304 does not allow use of these systems which creates an onerous permitting path process for property owners to potentially use them. Currently, an applicant must receive approval from the State for use of an aerobic tank then apply to the Town for its use. The Town Engineer must then deny the application, requiring the applicant to appeal my decision to the General Board of Appeals (Board) who must then support the applicant’s request. Typically, both the Code Enforcement Officer and I would support the applicant in their appeal argument before the Board. However, approval is certainly not guaranteed, and the process is quite expensive for the applicant.

To simplify this process, both the Code Enforcement Officer (CEO) and I are proposing language to allow staff approval of these small systems by requiring a detailed submission package of the technical system design and an associated maintenance plan that will allow use of this technology in Yarmouth.

Article VIII, A Private Sewage Systems, Section 10 – As mentioned above, Yarmouth has not historically charged for septage disposal at the wastewater treatment plant, which is rare in Maine. The wastewater treatment plant is licensed to accept septage which is then fed into the plant headworks for treatment during specific times. As such, we only accept septage from Yarmouth residents. While we do accept the waste, there is a cost for treatment and staff recommend that a charge for service be implemented to provide revenue for capital maintenance. The proposed rate of \$0.122 per gallon of discharge is about average across Maine for this service and we anticipate a revenue of about \$19,000 per year for this change. Please see my memorandum to you dated May 8th, 2025, for more information.

Article X, A. Administration – The changes proposed to this section updates the Code to reflect the current organizational structure of the Town Departments. Currently there is no Public Works Administrator which was changed to a Public Works Director title about 25 years ago.

Article X, E. User Fees, section 2 – At the request of the Finance Director the data collection quarter is proposed to be updated to conform with the Yarmouth Water District (YWD) billing quarter which was a month off in the original code change. The months of December, January and February are the correct quarter used for the calculation.

Appendix I – The Department is proposing to update the sewer connection permit fee schedule to current market conditions. The existing fees were set in 1993 and have not

been updated since. In reviewing area fees of other facilities and performing a CPI-U index increase analysis, the proposed fee rates would place Yarmouth in the top half of the area fee range. This will provide an equitable fee structure for the next few years.

Also, the application form should be updated to remove a specific person's name and reference a department position.

If you have any questions, please see me.

CHAPTER 304

SEWERAGE ORDINANCE

Town of Yarmouth, Maine

Recodified: 1/15/98

Amended: 4/15/10

Amended: 2/20/14

Amended: 6/18/15

Amended: X/X/20XX

CHAPTER 304

SEWERAGE ORDINANCE

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SEWERAGE ORDINANCE

ARTICLE I

A. TITLE

This Ordinance shall be known, and may be cited as "The Sewerage Ordinance of Yarmouth, Maine."

ARTICLE II

A. PURPOSE

The purpose of this Ordinance is to promote the health and general welfare of the people of the Town of Yarmouth by regulating and restricting the construction and use of sewerage systems and the accumulation, transportation, treatment and disposal of sewage, including commercial and industrial wastewater, in such manner that the creation and operation of any sewerage system, whether public or private shall not result in pollution, health hazard or nuisance conditions.

ARTICLE III

A. SCOPE

Hereafter, any person owning any building or structure within the Town of Yarmouth, Maine, which is the source of sewage and/or of industrial and commercial wastes, or who proposes to erect such building or structure, shall conform to the requirements of this Ordinance, of the State Plumbing Code and of regulations of the State Department of Environmental Protection.

ARTICLE IV

A. PUBLIC SEWERAGE REQUIREMENTS-SERVICE CONNECTIONS

1. Public Sewer Connection Permit in the form indicated in Appendix I shall be applied for and shall be issued by the Town Engineer before any person shall uncover, make any connection to, enter, work near, use, alter, or disturb any part of the Public Sewerage System.
2. Construction of a sewer service from a public sewer or service stub if provided, to an existing building shall not begin until a Plumbing Permit, if required, and a Public Sewer Connection Permit has been issued. Construction of a new building which will be connected to the public sewer shall not begin until both a Public Sewer Connection Permit and a Building Permit has been issued.
3. Any person proposing to install plumbing for the collection and transportation of sewage in or from a building or structure standing on premises abutting a street in which there is a public sanitary sewer, or is located within 200 feet of public sanitary sewer, and access rights of way can be obtained, shall install a sewer to

transport the sewage to the public sewer, provided that the Town Engineer is satisfied that the expected load can be carried by the adjacent public sewer, and is compatible with the public pollution control facility. If not, a private sewerage system shall be required. See ARTICLE VIII.

4. A separate and independent building sewer shall be provided for each building except where written permission has been obtained from Town Engineer to do otherwise. The Town Engineer will not consider such exception until a detailed plan showing the proposed multi-building sewer is submitted. Multiple building connections will be considered only when such buildings are under single ownership. Cost shall not be a consideration for any exception.
5. Discharge from roof drains, exterior runoff, or sump pump discharges shall not be permitted to enter a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. The Town Engineer reserves the right to require owners of existing buildings to divert such water from the sewer.
6. Foundation drains or tile fields installed in new building or additions to existing structures shall not be connected to the public sanitary sewer. Foundation drains of existing buildings may remain connected to the public sewer providing no roof drains, yard drains, or other surface water inlets are connected thereto.
7. An existing building sewer may be used in connection with new construction providing it meets the requirements of this Ordinance and the State Plumbing Rules. The burden of proof that an existing line meets the requirements of this Ordinance shall rest with the property owner, and shall be satisfactory to the Town Engineer.
8. A building sewer which has been abandoned shall be capped to the satisfaction of the Town Engineer.
9. Every person owning a building or structure that is connected to the public sewer, shall maintain his/her building sewer from house to the public sewer in such a condition that it will not cause pollution, nuisance conditions, or allow excessive ground water to enter the public sewer. The Town Engineer may check the condition of the line, and ground water infiltration in excess of 200 gallons per day shall be deemed excessive.
10. Every person owning a building or structure that is connected to the public sewer, or otherwise discharges wastewater to the public sewer system shall pay all rates, charges and fees as established pursuant to Article X of this Chapter and Article XXVI of Chapter 401.

ARTICLE V

A. CONSTRUCTION REQUIREMENTS FOR PUBLIC SEWER CONNECTIONS

Any new or replaced building sewer shall meet the following material requirements:

1. Cast iron soil pipe shall be service weight where the cover over the pipe does not exceed 8 feet, and shall be extra heavy if cover over the pipe exceeds 8 feet. Pipe shall meet the requirements of ASTM Designation A74-69. Joints ~~may be caulked with oakum and pure lead not less than 1 inch deep, or may~~ shall be of the rubber gasket type meeting the requirements of ASTM Designation C564-68. Hubless cast iron may be used with stainless steel clamp assemblies meeting the requirements of the Cast Iron Soil Pipe Institute Standard 301-69. Pipe fittings shall be asphalt coated ~~with asphaltum or coal tar~~.
2. Polyvinyl chloride (PVC) pipe shall meet the requirements of ASTM Designation D-3034, SDR35. Where the soil overburden exceeds ten (10) feet above the pipe crown, SDR 26 shall be used. Joints shall be solvent welded or shall use rubber compression ring gaskets meeting ASTM D-1860.
3. The size and slope of the building sewer shall be determined by the connected fixture units as in the Maine State Internal Plumbing Chapter 238, but in no event shall the diameter be less than 4" nor the pitch less than 1/8 inch per foot.
4. If a building ~~drain-sewer~~ is laid parallel to a bearing wall of a building it shall be no less than 5 feet from it and should be laid on either undisturbed soil or on well compacted fill.
5. A building sewer shall be laid at a uniform grade and in straight alignment. Any unavoidable changes in direction shall be made with appropriate fittings compatible with the type pipe being used. Such changes in grade and alignment shall be subject to the approval of the Town Engineer upon submission of a dimensioned plan showing the location of such fittings. Sewer mains shall be installed using a pipe laser to ensure line and grade are maintained. All pressure mains, including pressure services, shall be installed with a co-located tracer wire per Town Standards for future field location.
6. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Town Engineer. Pipe laying and backfilling shall be performed to the satisfaction of the Town Engineer, or their designee and no backfill shall be placed until the pipe has been inspected. All excavations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Width of trench shall be a maximum of 3 feet at the crown of pipe level. All pipe shall be bedded in granular material extending at least 4-6 inches below the pipe and 4-6 inches above the crown of pipe. Such bedding shall contain no stones larger than 3/4 inch.
7. The persons causing the construction shall give the Town Engineer a forty-eight hour written notice of the time that construction will start in a public way or public easement. Sidewalks, parkways and public property disturbed in the course of the work shall be restored to its original condition and to the satisfaction of the Town Engineer who will make a final inspection of the completed work.

Commented [SL1]: I assume that these are the new industry standards?

Commented [SJ2R1]: Correct.

Commented [SL3]: Current standards?

Commented [SJ4R3]: Correct. On pressure pipe we require a tracer wire to ensure we can locate it in the future.

Construction within the public way shall be completed within 5 days. All backfill within a paved area in a public right of way shall be placed in eight (8) inch layers and thoroughly compacted by mechanical means to the satisfaction of the Town Engineer.

8. Any excavation which may disturb the root system of any shade trees in the public way shall be approved by the Tree Warden prior to commencement of work. If the Tree Warden determines that the work be supervised by a licensed arborist, the costs of such supervision shall be borne by the person making the excavation.
9. Sewer construction and work incidental thereto in any public way or public easement shall be performed under the supervision of, and to the satisfaction of the Town Engineer or their designee. The cost of supervision shall be borne by the person accomplishing the construction.
10. Excavation shall not be made over or immediately adjacent to any public sewer unless the Town Engineer has given his/her approval and work is done under his/her supervision. The person accomplishing the excavation shall be fully responsible for locating and protecting all utilities under or above any public way, including but not limited to water mains, storm drains, power lines, telephone lines, gas lines, telegraph lines or fire call cables. Any damage to such utilities shall be repaired to the satisfaction of the utility involved at no expense to the Town.
11. If a Y- or T-branch in the public sewer is available at a suitable location, the connection of the building sewer shall be made to such branch. Where no branch is available, a neat hole shall be cut into the public sewer and the building sewer connected thereto with a saddle compatible with the public sewer in accordance with accepted practice. The use of an Inserta-Tee fitting for lateral connection is acceptable when using the correct type for the existing sewer main material. All such joints shall be inspected by the Town Engineer prior to backfilling. No protrusion of the service line into the main sewer will be permitted.
12. A person installing a sewer connection shall defend, indemnify and hold harmless the Town and its officers, officials and employees in their public and individual capacities for any loss or damage that may directly or indirectly be caused the Town or any private or public utility by the installation or repair of any building sewer which is owned by him/her.
13. Except as specifically provided in ARTICLE VII, Section VII.D of this Ordinance, no person shall discharge or cause to be discharged any of the following substances into any public sewer:
 - a. Liquid or vapor having a temperature higher than 180 degrees F.

- b. Water or waste which contains more than 50 mg/l of fat, oil or grease.
- c. Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- d. Garbage that has not been properly shredded.
- e. Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, single use wipes of any kind, or any other solid or viscous substances capable of causing obstruction to the flow in a sewer, or other interference with the normal operation of the sanitary sewer or the ~~pollution control~~wastewater treatment plant of the Town.
- f. Waters, or wastes having a Ph-pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to the sanitary sewer or the ~~pollution control~~wastewater treatment plant of the Town, or ~~to the personnel of the Sewer Division~~employees.
- g. Noxious or malodorous gas or substance capable of creating a nuisance either singly or by interaction with other wastes, or any other substance which in the opinion of the Town Engineer will damage the sewerage system of the Town.
- h. Wastewaters with a biochemical oxygen demand or suspended solids in excess of 350 mg/l.
- i. Wastewaters containing any toxic substances which would interfere with the Town's biologic treatment system or to be hazardous to humans or animals, or in any way adversely affect the receiving waters within the Town.
- j. Wastewaters with a chloride content in excess of 300 mg/l.
- k. Septic tank pumpage except as specifically authorized by the Town Engineer as provided in this Ordinance.

Commented [SL5]: Good call.

ARTICLE VI

A. SUBDIVISION OR ~~MULTI~~MULTI-UNIT DEVELOPMENT SEWERAGE

1. Whenever a subdivision or a multi-unit development is established within 500 feet of an accessible public sewer or is located so that a sewer system constructed in the subdivision may be reasonably connected to a public sewer as determined by the Planning Board, and the existing sewer system has adequate capacity to receive the flow, the developer shall construct a sewer system to serve the subdivision. The sewer system in the development and the connection to the public sewer shall be designed by a professional engineer legally ~~registered~~licensed to practice in the State of Maine. Preliminary design plans

including tentative size, lines, grades, and manhole locations shall be filed with the Town prior to acceptance of the Final Development Plan by the Planning Board. Final detailed design plans must be submitted and approved by the Town prior to issuance of building permits. The following minimum standards shall be met.

a. Sewer pipe shall be of one of the following materials:

(1) Polyvinyl chloride pipe meeting the requirements of ASTM Designation D3034-73-SDR35. Joints shall be rubber compression ring gaskets meeting ASTM D-1869.

(2) Sewer pipe shall have a minimum diameter of eight inches. Actual pipe sizes and grades shall be determined by the projected maximum flow, except that a minimum slope of ~~0-5~~1.0% shall be required.

~~(2)(3) Pressure mains and services shall be installed with a collocated tracer wire per Town Standards to facilitate future field location.~~

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b. Design shall be based on a Manning coefficient of 0.013. Should the Town require a pipe size larger than that required to serve the projected full population of the development, due to potential future development of areas in the vicinity of the planned system, the added cost of such pipe shall be borne by the Town.

c. The sewer shall be straight in both horizontal and vertical alignment, unless specific approval of a curvilinear sewer is obtained in writing from the Town Engineer. Any curvilinear sewer shall be laid on a true circle with a minimum radius 150 feet.

d. Manholes shall be installed on all sewers at all breaks in grade, changes in alignment and at the point of tangency and point of curvature of any curvilinear sewers. On straight runs or along a curvilinear sewers, manholes shall be provided at a maximum spacing of 400 foot intervals. Manholes shall be of precast concrete construction conforming to the requirements of ASTM Designation C-478. Barrel section shall be four (4) foot diameter. Cones shall be truncated to a 2 foot diameter top opening. Cone depth shall be a minimum of 4 feet. Manhole section joints shall be watertight utilizing rubber gasket of preformed mastic type joints approved by the Town Engineer. ~~Forged aluminum stops shall be cast into the sections.~~ Manhole bases shall be cast in place concrete or precast concrete. If precast concrete is used, a gasket connection assembly acceptable to the Town Engineer shall be used to assure watertightness. Brick or concrete masonry channels shall be provided in all manholes. Masonry shall extend to the crown of the pipe. Brick for channel construction shall meet the requirements of AASHTO Designation M 91-42,

Grade SA, size No. 1, wire cut. Drop manholes shall be provided whenever an elevation change of 15 inches or more is required. Detailed plans of such manholes will be required. Manhole frames and covers shall be of cast iron or ductile iron and shall be designed to carry an H-~~20-25~~ highway load. The cover shall have the word "Sewer" cast thereon.

- e. Building sewer stubs shall be installed from T or Y fittings installed at appropriate locations. Such stubs shall extend to the limit of the public right of way and shall include a watertight cap until put into service.
- f. All sewers and service stubs shall be laid on a granular bed extending a minimum of 4-6 inches below the barrel of the pipe. Bedding material shall be free draining and contain no stones larger than 3/4 inch. Bedding material shall also extend at least 4-6 inches above the pipe crown. Above this level the trench shall be backfilled with excavated material, except that if the Town Engineer deems the material unsuitable for backfill, a granular material shall be used. Trench width at the crown of the pipe shall be limited to three (3) feet. Backfill shall be placed in 8-inch layers and compacted by mechanical means to the satisfaction of the Town Engineer. In areas of soils having poor bearing capacity, additional bedding material or geotextile augmentation may be required at the direction of the Town Engineer or designee.
- g. The sewer, including such service stubs as are installed, shall be tested upon completion. Testing leakage in gravity sewers shall be after installation of house service fittings and leads, and after completion of backfill of the gravity sewer trench. Infiltration testing shall only be permitted and performed in areas approved by the Town Engineer. The Town Engineer or designee shall be present during all testing.
- h. Testing methods and procedures shall be approved by the Town Engineer.
- i. In any subdivision which cannot be connected to the public sewer as defined above, private disposal systems as set forth in ARTICLE VIII shall be installed.

ARTICLE VII

A. DISPOSAL REQUIREMENTS FOR INDUSTRIAL WASTES

For the purpose of this Ordinance a waste water shall be classified as an industrial waste if it has any of the following characteristics:

1. A unit BOD5 in excess of 350 MG/L.
2. A unit suspended solids in excess of 350 MG/L.

3. A total flow of more than 25,000 gallons per day entering the public system at one or more points from a single commercial or industrial enterprise.
 4. A total of BOD5 load, or suspended solids load of more than 50 pounds per day entering the public system at one or more points from a single commercial or industrial enterprise.
 5. Any waste water with a ~~Ph~~pH below 5.5 or above 9.0.
 6. Any waste water containing any toxic substances which would interfere with the Town's biologic treatment system, or be hazardous to humans or animals, or in any way affect the receiving waters of the Town.
 7. Any waste water which is excluded from entry to the public sewer by ARTICLE V, Section A.14.
- B.** Any establishment or firm which will generate an industrial waste as defined above shall, prior to commencing construction of such facility, file with the Town Engineer a complete characterization of the expected waste water flow, including but not limited to the following:
1. Average volume of waste water in gallons per day.
 2. Maximum daily waste water flow in gallons per day.
 3. Time schedule of discharge, including estimated hours of production, average hourly flow during production, and estimated peak flow.
 4. Unit BOD5 and suspended solids in MG/L of waste flow and estimated average and maximum pounds per day.
 5. BOD5 grab sample of waste flow.
 6. pH range of wastes.
 7. Designation of any heavy metals or other substances not typically found in domestic wastewater, including estimated quantity to be discharged.
- C.** If the Town Engineer deems the proposed wastewater compatible with the Town's sewerage system, the wastewaters shall be connected to the public system.
- D.** The Town Engineer may require that the industrial waste be pretreated to a degree sufficient to make it compatible with the Town's sewerage system. Such pretreatment facilities shall be designed by a ~~registered~~licensed professional engineer licensed to practice in the State of Maine. Plans for pretreatment facilities shall be submitted to the Town Engineer for review and approval. Upon such pretreatment, the wastewater shall be connected to the public sewer.

- E. If the Town Engineer deems that the industrial wastewater cannot be pretreated so as to be compatible with the Town's sewerage system, the wastewater shall not be connected to the public sewer system.
- F. Subsurface disposal of an industrial waste shall not be permitted.
- G. The connection of an industrial waste service line to the public sewer shall be designed by a Maine registered-licensed professional engineer and shall be sized to accept the flow generated. The requirements of ARTICLE V of this Ordinance shall be met unless written exception is granted by the Town Engineer.
- H. Each industrial waste connection to the public sewer system shall be equipped with an access manhole or chamber which is easily accessible for the purpose of allowing sampling and gauging of the waste flow. The Town Engineer may require an automatic flow recording device at his/her option. The Town Engineer shall have rights of access to this chamber at all times. The cost of installation and maintenance of the access chamber and any measuring equipment shall be borne by the industry.
- I. Prior to acceptance of any industrial wastewater into the public system, the Town will require a service contract with the industry. Such service contract will specifically indicate the conditions under which the industrial waste may enter system including limits on quantity and characteristics.
- J. If the Town deems that acceptance of the industrial wastewater will create an operational cost of the system in excess of that normally expected, it may establish a service fee reflecting such cost based on quantity of flow, BOD load or other parameters. If such a fee is established, its method of measurement and computation shall be spelled out in the service contract. The form of service contract shall be acceptable to the Town Attorney.

ARTICLE VIII

A. PRIVATE SEWERAGE SYSTEMS

1. Sewerage from any building or structure not discharged into a public sewer shall be discharged into an approved private system.
2. Private sewerage systems shall be under the jurisdiction of the Plumbing Inspector.
3. Construction of any building to be served by a private sewerage system shall not be commenced until the following permits are obtained:
 - a. Private Sewerage System Permit from the Plumbing Inspector.

- b. Plumbing Permit from the Plumbing Inspector.
 - c. Building Permit from the Building Inspector.
4. If the effluent from a private sewerage system is to be discharged to a surface water, a Private Sewerage System Permit will not be issued until the owner of such a proposed system has secured a valid discharge license from the Maine Department of Environmental Protection and a copy has been filed in the Town Hall. The Plumbing Inspector shall have access to the outfall of such system at all times to sample, test or gage the effluent and reserves the right to forward such test data to the Department of Environmental Protection. Should the results of such test indicate the effluent does not meet the conditions of the license, the owner shall take immediate corrective action.
5. If the effluent from a private sewerage system is to be discharged underground by subsurface disposal means, the following criteria shall be met:
- a. The subsurface disposal facility shall meet the requirements of State of Maine Subsurface Wastewater Disposal Rules Chapter 241 with the following exceptions:
 - (1) The local Plumbing Inspector shall consider devices or systems which require a state variance or experimental systems or engineered systems only after written approval from the State is presented. However, such approval by the State in no way obliges the local Plumbing Inspector to approve such device, and nothing in this Section shall be taken to limit the Plumbing Inspector's or Town Official's participation in the permitting and variance procedures of the Maine State Department of Human Services, Division of Health Engineering.
 - (2) Use of cesspools or dry wells for treatment of wastewater shall not be permitted and industrial waste disposed by subsurface means shall not be permitted.
 - (3) Where conflicts exist between the State Code and this Ordinance relative to the location and construction of building sewers, the provisions of this Ordinance shall govern, when more restrictive than the Maine Subsurface Wastewater Disposal Rules.
 - (4) Aerobic tanks shall not be permitted unless the following conditions are met by the property owner and are approved by the Town Engineer at his/her sole discretion:
 - i. The property owner shall submit full design drawings, data and calculations performed by a Professional Engineer licensed in the

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State of Maine ensuring the system meets all federal, state and local discharge requirements acceptable to the Town Engineer;

ii. The property owner shall install, operate and maintain the system per the design requirements and manufacturers' recommendations of the system;

iii. The property owner shall enter into an agreement with a qualified professional third-party inspection and maintenance vendor having experience in the specific system installed to provide annual inspection and maintenance of the system per their professional judgement and the manufacturers' recommendations. The property owner shall submit an annual report detailing any maintenance required and maintenance performed on the system to the Plumbing Inspector. Required maintenance and repair shall be completed within forty-eight (48) hours of discovery unless a specific completion scheduled is otherwise approved by the Plumbing Inspector;

iv. The property owner shall be responsible for all repairs, maintenance, upgrade, and replacement as required by the Town Engineer and/or Plumbing Inspector;

(4)v. Prior to any increase in bedroom living space to a dwelling served by an aerobic tank system, the property owner shall submit evidence to the Town Engineer that the system is capable to treat the projected increase in sewage flow or provide information for the system expansion appropriate to treat the additional projected flow. Flow projections shall use Table 5A, Design Flows for Single Family Dwelling Units from Chapter 241 State of Maine Subsurface Wastewater Disposal Rules, latest amendment.-

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- b. Any subsurface disposal system of over 2,000 gallons per day shall be designed by a Maine registered-licensed professional engineer.
- c. A plan shall be prepared for each subsurface disposal system accurately locating the septic tank, subsurface disposal system, building location and other appurtenances in relation to lot lines and building location. The location of facilities on the lot shall be subject to the approval of the Plumbing Inspector and shall not be changed after construction has begun. The location of soil tests shall be filed in the Town Office and with the Plumbing Inspector prior to issuance of a permit.
- d. Twenty-four hour notices shall be given to the Plumbing Inspector for inspection of subsurface disposal fields prior to backfilling. The Plumbing Inspector shall have the right to require the owner to modify a disposal system to bring it into compliance with the approved design. If upon inspection ~~he/she~~, the Plumbing ~~inspector~~Inspector, finds the soil or site conditions differ from those indicated on the application, or if the system is not in compliance with this Ordinance, ~~he/she~~the Plumbing Inspector shall

notify the permittee to require modifications and or additions to the system as are appropriate.

6. Any collection or interception sewers in any private sewerage system shall meet the requirements of ARTICLE VI of this Ordinance. House connections to such sewers shall meet the requirements of ARTICLE V of this Ordinance.
7. No lagoon treatment and spray disposal systems shall be permitted.
8. If a private sewerage system consists of a complete workable system of collection sewers, interception sewers, treatment works, and outfall, and is installed in compliance with this Ordinance, the owner may petition the Council for the Town to accept said system into public ownership. Prior to acceptance by the Town, the following conditions must be met:
 - a. The system has operated satisfactorily for a minimum period of six (6) months prior to acceptance.
 - b. The Town undertakes a series of three 24-hour composite samples taken of the influent and effluent and said samples are tested to indicate total flow and five day BOD and suspended solids removal efficiency. Cost of testing shall be borne by the owner.
 - c. Complete design data, record drawings, and operation manuals are submitted to the Town for approval. Such documents shall become the property of the Town upon acceptance.
 - d. The Town must be issued a license for discharge by the Department of Environmental Protection. Any legal, engineering or other costs incurred by the Town in securing such license shall be borne by the owner.
 - e. At least 50 percent of the proposed buildings or structures for which the private sewerage system was designed shall be occupied and connected to the system.
 - f. System design shall be such that undue operation and/or maintenance costs will not be incurred, especially during the winter months. This determination shall be made solely by the Town upon the advice of a Maine registered-licensed professional engineer selected by the Town.
 - g. In no case will the Town consider acceptance of any system whose design average daily flow is less than 5,000 gallons.
 - h. A guarantee bond in an amount of at least 50 percent of the system construction cost shall be obtained and posted in the Town Office. Should the Town be required to repair, expand, improve or otherwise expend funds beyond normal maintenance to assure system operation and compliance

with water quality standards, the sums so expended shall be taken from the posted bond. The term of the bond shall be ~~two~~five years.

- i. Systems to be considered for acceptance into public ownership shall not be located within the LDR or RR zones.
9. In the event that it is not possible to meet the requirements for subsurface disposal, and a license for surface water discharge from the Department of Environmental Protection is not granted, and no other alternative is available, the Plumbing Inspector shall not issue a private sewerage system permit, except for existing structures and under the following conditions:
- a. Gas fired, electric or composting toilet units shall be provided to receive toilet wastes, and a watertight receiving tank shall be provided with a minimum capacity of 2,000 gallons, plus an additional 400 gallons for each bedroom in excess of three. The provisions of the Maine Subsurface Wastewater Disposal Rules shall apply to holding tank installation.
 - b. The owner of such seasonal dwelling shall be responsible for removing the contents of the receiving tank periodically to assure that no overflow occurs. The wastewater pumped from such tanks may be placed into the public sewer system at such places and at such times as may be determined suitable by the Town Engineer. Such disposal shall meet the requirements of Section VIII.A.9 of this ARTICLE.
 - c. The Plumbing Inspector shall have the right of entry to inspect a holding tank during the daylight hours to ~~assure~~ensure no overflow occurs. If such inspection indicates an overflow occurring, the Plumbing Inspector shall arrange to have the tank emptied immediately with the costs of such removal to be borne by the owner of the premises. Should the Plumbing Inspector find such overflows occurring more than twice in any summer season, he shall so notify the Health Officer who shall order the premises vacated for the remainder of the calendar year.
10. Every person shall maintain his/her sewerage system so that it will not result in a nuisance or health hazard, and the responsibility for the correction of any malfunction of a private sewerage system shall be that of the person or persons owning the same, or, in the case of a private communal sewerage system, owners of all lots, parcels of land, or individual units in a multi-unit development served by the same. Whenever it becomes necessary to pump out the contents of a private system, the owner or owners shall engage a commercial septic tank cleaner to accomplish such work. The disposal of this material shall be the responsibility of the cleaner and shall not be deposited in the Disposal site. The septic tank cleaning contractor shall notify the Town Engineer of his/her intent to discharge at the designated, approved Town disposal site at least 24 hours prior to such discharge. The Town Engineer will designate the location and time that such discharge will be permitted. Prior to any septage discharge to the public

sewer system the contractor shall present an application for such discharge signed by the owner or owners of the property from which the septage was pumped to the Town Engineer. The fee for discharge of septage to the Town system shall be set at \$0.122 per gallon of septage discharged and may be updated as required from time to time. Septage fee revenue shall be dedicated to the Wastewater Capital Reserve (4009) or as designated by the Town Council.

Commented [SJ8]: Scott: I don't see in the charter where this assignment of fee setting authority to a staff person is prohibited, but I would welcome Phil's input on that issue and his suggested language if this is allowable.

11. No private communal sewerage system shall be constructed unless the applicant proposing to construct a communal sewerage system submits for Town approval a Declaration of Restrictions and Covenants (or other similarly titled document) (the "Declaration"), which Declaration shall be recorded in the Cumberland County Registry of Deeds prior to the sewerage system being put into service, and shall incorporate and require the following:
- a. The formation of a homeowner's association (the "Association") to enforce the terms of the Declaration;
 - b. That the terms, conditions, obligations and restrictions set forth in the Declaration shall be binding upon owners of all lots or parcels of land served by the communal sewerage system, and that all deeds conveying the lots utilizing the communal sewerage system shall expressly indicate that the property is subject to the Declaration;
 - c. That all owners of lots or parcels of land served by the communal sewerage system are members of the Association (the "Members");
 - d. That the Association shall be responsible for customary periodic maintenance, repair and, if necessary, replacement of the communal sewerage system, all as may be required to meet applicable governmental standards, including those established by the Maine Department of Health and Human Services and the Town of Yarmouth as the same may be amended from time to time (the "Maintenance Standards") and that the Members are subject to all enforcement rights of the State and the Town as set forth in the Maintenance Standards;
 - e. That the Association shall establish and maintain an adequate fund for the regular maintenance, repair, and, if necessary, replacement of the communal sewerage system (the "Maintenance Budget") and shall assess each Member to fund the Maintenance Budget, which assessment shall be made by the Association on an annual, monthly, or other periodic basis as the Association shall from time to time determine;
 - f. That all sums assessed by the Association to fund the Maintenance Budget shall constitute the personal liability of the Member so assessed and also, from the time such sums become due until fully paid, shall constitute a lien against the lot or parcel of land of such Member in favor of the Association, provided, however, that the Declaration may provide that such lien may be

subordinate to any first mortgage recorded before such assessment became due;

- g. That the Association shall take prompt action to remedy a Member's failure to pay any assessment or other charge, including without limitation, special assessments of the other Members, foreclosing the lien, taking a deed in lieu of foreclosure, or bringing an action to recover unpaid assessments; and
- h. That upon written request of the Town, the Association shall promptly provide the Town with evidence of compliance with the Maintenance Standards.

Nothing set forth above shall be construed to prohibit the Declaration from addressing additional matters pertaining to the subject property, including without limitation, requiring and authorizing the Association to have responsibilities beyond stewardship of a private communal sewerage system. If there is an existing declaration in place because of existing common facilities serving the property owners to be served by the communal sewerage system, the requirements of this section may be satisfied by an amendment to the existing declaration.

- 12. A person shall defend, indemnify and hold harmless the Town and its officers, officials and employees in their public and individual capacities for any loss or damage to the Town that may directly or indirectly be occasioned by the installation or repair of any private sewerage system owned by him/her.
- 13. The issuance of any permit or approval in connection with the construction of a private sewerage system shall not be construed to mean that the proposed sewerage system will, necessarily, function properly. The person causing the installation of the sewerage system shall make his/her own personal investigation to the suitability of his/her proposed system, and shall assume all responsibility for its proper operation.
- 14. The Plumbing Inspector shall have the right during any daylight hour, to enter upon the premises where a private sewerage system is located for the purpose of investigating the functioning of the same. If the Plumbing Inspector deems that an immediate health hazard of such a nature as to pose a threat to the health of the Town, or its inhabitants, and the owner or owners of the same, or, in the case of a private communal sewerage system, owners of all lots or parcels of land served by the same, cannot be located, or are unable or unwilling to correct such hazard, he/she may adequately remedy such hazard in accordance with the provision set forth in Title 30-A, MRSA Chapter 161, Section 3428 as amended from time to time.
- 15. The Plumbing Inspector shall retain a record of each system inspected, including the name and address of the subsurface waste disposal system owner, a description of the location and the type of system (if available) and whether or not

the system or any of its components is operating improperly. For any system found to be operating improperly, the report shall also include a copy of the site investigation report. The inspection shall consist of visual reconnaissance followed by a more detailed investigation as the Plumbing Inspector deems necessary.

16. For any subsurface disposal system which is serving an existing dwelling or structure and which must be upgraded, altered, or replaced, a site evaluation in accordance with the Maine State Plumbing Rules and this Ordinance shall be conducted to determine the appropriate type, size or location of the system. The Plumbing Inspector shall maintain a list of site evaluators permitted to conduct site evaluations in Yarmouth. Site evaluators shall be included in this list upon the presentation, to the Plumbing Inspector, of a state license to conduct site evaluations, and evidence that the site evaluator has read this Ordinance. Site evaluators shall be removed from this list for violation of the Maine State Subsurface Wastewater Disposal Rules and/or this Ordinance. The results of any site evaluation performed by a site evaluator in accordance with Chapter 4 of the Maine State Plumbing Code shall be signed and numbered by the site evaluator and a copy of all evaluations performed shall be provided to the Plumbing Inspector. In the event that a properly conducted site evaluation fails to locate an area for the installation of a subsurface disposal system no plumbing permit shall be issued, and no subsurface disposal system installed on that property, until the owner submits another satisfactory site evaluation which does locate an acceptable area, or until the owner presents the Plumbing Inspector with a valid wastewater discharge license.
17. All sites proposed for subsurface disposal system shall be tested for soil suitability in accordance with the Maine State Subsurface Wastewater Disposal Rules and this Ordinance. The Plumbing Inspector shall be notified of the location, date and time of all site evaluations to be performed. At his/her discretion, he/she may require site evaluations to be performed in his/her presence. At least one test pit within the proposed absorption field and four test borings or test pits spaces at the proposed absorption field corners shall be made to assure that the minimum depth to bedrock, impervious strata, or ground water exists throughout the proposed absorption field. The location of all test pits and borings shall be determined by the site evaluator with a transit or engineer's level, and these reference points shall be shown on the HHE-200 form.
18. Subsurface wastewater disposal systems shall be designed in accordance with the most recent revision of the "Maine Subsurface Wastewater Rules", 144A CMR 241, except where the Ordinance imposes a more restrictive requirement.
19. The local Plumbing Inspector shall maintain records of site investigation.

ARTICLE IX

A. NON-CONFORMING USES

Any sewerage system existing at the time of enactment of this Ordinance shall be exempt from the requirements of this Ordinance except as follows:

1. When any sewerage system is replaced or enlarged the new work shall conform to the requirements of this Ordinance.
2. Whenever a private sewerage system shall become malfunctioning as determined by the Plumbing Inspector, the owner of such system shall correct the malfunction to meet the requirements of this Ordinance. If such corrective action is not taken, the Plumbing Inspector may direct the Town to take corrective action.
3. Whenever a building sewer that is connected to a public sewer malfunctions, the owner of such building sewer shall correct the malfunction to the satisfaction of the Town Engineer.
4. Whenever running water from any source is installed in a building or structure, where, prior to the enactment of this Ordinance, a vault or pit privy was in use, the plumbing shall be connected to the public sewer or to a private sewerage system as required and the vault or pit privy shall be removed and/or filled.
5. Whenever running water either from the public water system or from a private water supply is in use in a building at the time of enactment of this Ordinance, and a vault privy is also in conjunction with said building, the person owning said building shall, within six months of said enactment, either connect said building to the public sewer or install a private sewerage system as provided for in this Ordinance, and shall remove such vault privy and/or pump it out and fill it with sand to the satisfaction of the Plumbing Inspector.
6. In situations where it is impossible to install a private sewerage system and a vault privy must be used, such privies on or before January 1, 1978 shall be brought into conformance with the recommendations of the Division of Health Engineering, Department of Human Services, State of Maine.
7. Whenever additional fixture units or bedrooms are added to an existing building and should the Plumbing Inspector determine such addition will exceed the capacity of the existing disposal system, the Plumbing Inspector shall require additional disposal facilities. Facilities thus added shall meet the requirements of this Ordinance or the applicable State laws and rules, whichever is the more stringent.

ARTICLE X

A. ADMINISTRATION

- a. The office of Town Engineer is hereby created. The Town Engineer ~~is shall be the Public Works Administrator as~~ defined in ARTICLE XVI of the Administrative Code.
1. The Town Engineer shall be appointed by the Town Manager in accordance with the Town Charter.
 2. Jurisdiction: The Town Engineer/~~Public Works Administrator~~ shall have the following powers and duties:
 - (a.) to supervise the Sewer Division Superintendent.
 - (b.) to provide engineering services and technical advice to the Sewer Division & the Plumbing Inspector.
 - (c.) to oversee the construction of the public sewers, storm sewers, and treatment plant enlargement and modifications as may be authorized by the Town Council.
 - (d.) to record on plans the location and elevation of all new service connections to the public sewer.
 - (e.) to insure implementation or compliance with all Federal, State and Town laws and regulations relative to all sewerage work in the Town and to enforce this Ordinance insofar as it applies to Public Sewer Systems of Yarmouth.
 - (f.) to maintain and safely keep records, instruments, plans, profiles, records of surveys and all other property and papers relating to engineering work of every description belonging to the Town.
 - (g.) to issue permits for connections to the public sewerage system.
 - (h.) to periodically report to the Town Manager and the Council on the activities of the Sewer Division and to recommend to the Town Manager and the Council changes in sewerage facilities, Sewer Division Personnel, or Town ordinances or administrative codes necessary to assure the proper operation of the Public Sewerage System and the provision of necessary to assure the proper operation of the Public Sewerage System and the provision of necessary sewage collection and treatment services to the citizens of the Town of Yarmouth.
- b. The office of Sewerage Division Superintendent is hereby created in accordance with ARTICLE ~~XIV~~XVI of the Administrative Code.

(1) The Superintendent shall be appointed by the Town ~~Manager-Engineer~~ in accordance with the provisions of the Town Charter.

(2) Jurisdiction: The Superintendent shall have the following powers and duties:

- (a.) to supervise the construction, cleaning, inspection, and repair of public sanitary sewers, and maintenance, operation and repair of public pump stations and treatment facilities.
- (b.) to determine the needs and requisition tools, materials, and equipment for repair and maintenance work.
- (c.) to organize, direct, and evaluate the performance of subordinates initiating improvement programs as deemed appropriate.
- (d.) to supervise and participate in the inspection of private sewer connections to Town sewer lines and secure compliance with this Ordinance.
- (e.) to prepare periodic reports pertaining to plant operation for the Town Engineer, Town Manager and regulatory agencies.
- (f.) to assist the Town Engineer in the preparation of the division budget and the administration of the same.
- (g.) to assist the ~~Public Works Administrator~~Town Engineer in the preparation of records of location and connection to the public sewer system.
- (h.) to confer with citizens and specialized groups regarding sewer maintenance and inspection.
- (i.) to issue permits for connections to the public sewerage system in the absence of the Town Engineer.
- (j.) to make such recommendations to the Town Engineer as he/she deems necessary for the proper maintenance and extension of facilities.

(3) The Sewerage Division of the Department of Public Works is hereby established. The function of the Sewerage Division shall be to administer the public sewerage system of the Town and to be responsible for any and all work in connection with the public sewerage system.

c. The Town Plumbing Inspector shall have the following powers and duties:

- (1) to enforce this Ordinance insofar as it applies to private sewerage systems.
 - (2) to issue permits for the installation of private sewerage systems
 - (3) to approve all plans, tests and document submitted in application for permits, and shall maintain properly indexed files for such data.
 - (4) to be responsible for the inspection of any private sewerage system at any time in accordance with the requirements of this Ordinance and of State Statutes.
 - (5) Other duties as provided by State law.
- d. The Town Plumbing Inspector may designate an authorized agent who is a Licensed Plumbing Inspector to be sworn in as an alternate plumbing inspector to perform the above duties. The Plumbing Inspector may also designate the Town Engineer or other Town employees to perform such portions of the above duties as do not require a Licensed Plumbing Inspector for their performance. The Treasurer shall provide for the collection of all sewer service fees, charges and assessments as established pursuant to Article X of this Chapter and in accordance with 30-A MRSA Section 3406.

B. PERMITS

1. Applications: The applicant for any permit from the Town Engineer or from the Plumbing Inspector, shall include in ~~his~~^{their} application whatever descriptive data, plans, etc. as may be required by this Ordinance and as necessary to enable the officer to make a fair determination of the feasibility of the proposed construction. See Appendix I.
2. PUBLIC SEWERS - Permits issued by the Town Engineer.
 - a. Public Sewer Connection Permit.
 - b. Permit to discharge private wastes to public system.
3. Private Individual Disposal System - Permits issued by the Plumbing Inspector or his/her agent.
 - a. Plumbing permits shall issued by the Plumbing Inspector or the Alternate Plumbing Inspector. Permits shall be valid for six months from the date of issue if construction has ~~no~~^t commenced. An extension period may not be granted.
 - b. Permits for actions also covered by a state permit of shorter duration than that provided below shall expire simultaneously with the applicable state

permit of shorter duration. All other permits shall be valid for a period of 12 months from the date of issue. If construction has not been commenced during that time, the permit shall be subject to review by the issuing officer, without charge, at the end of twelve months, and if site conditions or statutes have not changed, a ~~six months~~six-month extension may be granted. If construction has not commenced in a total of ~~28-24~~ months, the permit shall lapse.

C. PENALTIES

1. Any person found violating any provision of this Ordinance shall be served by the Town Engineer or by the Plumbing Inspector with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease such violation.
2. Any person who shall continue such violation beyond the time limit shall be deemed to have committed a civil violation and, after adjudication thereof, shall be fined an amount not less than \$100 nor more than \$2,500 plus attorney's fees and costs for each such violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. The proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including injunctive relief to prevent any unlawful use, construction or maintenance of cesspools, septic tanks, sewerage disposal systems, pipes or drains, to restrain, correct or abate such violation or to permit the occupancy of any building, structure or land on which said violations are found.

D. FEES

1. All fees or cost reimbursements which are required for any actions taken by either the Town Engineer or the Plumbing Inspector in connection with any requirements in this Ordinance shall be paid to the Town Treasurer to the credit of the Town.
2. All fees which are required by the State Department of Environmental Protection in connection with any requirements in this Ordinance shall be paid to the State Treasurer.
3. Fees for plumbing permits issued under the Maine Subsurface Wastewater Disposal Rules shall be set by the Department of Human Service.
4. The Town Council shall from time to time establish fees for issuance of the permits required by this Ordinance. The current schedule of fees shall be on file in the Town Office.

E. USER FEES

Pursuant to Title 30-A MRSA Section 3406, there is hereby established a user fee imposed upon all improved real estate connected to and discharging water or wastewater to the public sewer system. Said fee rate structure shall be in accordance with the following provisions and the rates charged shall be as established by the Town Council from time to time and made as a part of Chapter 401 of the Yarmouth Town Code (Fees and Permits Ordinance).

1. Rate Structure: There shall be four rate classes or tiers for properties connected to the town sewer system:
 - **Low Users-** Defined as sewer users with an annual metered water flow of less than **2801** cubic feet per year.
 - **Standard Users-** Defined as sewer users with an annual metered water flow equal to or greater than **2801** cubic feet per year but less than **12,001** cubic feet per year.
 - **High Users-** Defined as sewer users with an annual metered water flow equal to or greater than **12,001** cubic feet per year and less than **21,901** cubic feet per year.
 - **Industrial Users-** Defined as sewer users with an annual metered water flow equal to or greater than **21,901** cubic feet per year.

A special rate structure may be established from time to time by the Town Council to establish a rate for any industrial or commercial sewer user which shall discharge to the town sewer system a significant amount of special waste of as defined in Article VII. J, hereinabove.

2. Annual metered flow shall mean the total amount of water as measured through the billing meter installed and maintained by the Yarmouth Water District or an equivalent metering system in place approved by the Town Engineer. When no metering or metering data is available, the Town Engineer shall provide an estimate of metered water flow based upon best available information.

Metering data shall be collected for the 3 month period ending in ~~November~~December, ~~December~~January or ~~January~~February (depending on the most recent meter reading date falling within those months) annually (the 4th Quarter) and multiplied by four to establish the annual metered water use. In the case where seasonal use or occupancy of the property suggests that the 4th Quarter data collection is not representative of annual use or otherwise creates an unreasonable or unreliable basis for computation, a twelve month reading or alternative representative measuring period may be substituted by the Town Engineer.

For good cause shown, the Town Engineer may make reasonable estimates and adjustments to the annual metered water use calculation. Good cause may include, but not be limited to, unusual incidents or events such as a faulty meter or missed reading, a water line break, act of vandalism, filling of a swimming pool or intense outdoor watering for irrigation purposes where a significant

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portion of the metered water flow is does not drain to the Town sewer or is an anomalous circumstance suggesting that the metered water flow in the measuring period is not representative of typical water flow and impact to the sewer system. Good cause shall not include hardship.

3. Properties owned and occupied by the Town of Yarmouth and the Yarmouth School Department primarily for public or governmental functions shall be exempt from the User Fee assessment.
4. Multi-tenanted residential, including condominiums and apartments and commercial buildings, whether or not separately metered for individual units or tenants, shall be assessed to the property as a single billing account per metered structure and in the proper rate class based on total flow to the building or structure. Except for bona-fide unoccupied accessory structures on the lot using the same meter, each building on a lot served by the Town sewer shall constitute a separate billing unit.
5. The Treasurer shall cause each property subject to the sewer user fee to be billed for the assessment which shall be payable in two equal installments semi-annually on dates to be determined by the Town Council. Collection processes and authorities, including late fees and interest penalties and lien procedures to secure delinquent assessments shall be in the same manner as granted by Title 38 MRSA Section 1208 to treasurers of sewer districts with reference to rates established and due under Title 38 MRSA Section 1202.
6. The Town may use the service, procedures and personnel of the Yarmouth Water District or a third party agent for the purpose of billing and collection of charges under this Article. All such charges billed by the Yarmouth Water District or third party agent are payable to the District or Agent as an agent of the Town.
7. Interest penalties at a rate established pursuant to Section 14, below, shall be added to all unpaid bills beginning 10 days after the due date of the bill.
8. There shall be a lien on the property served to secure payment of the charges, assessments, fees and interest penalties established herein, which shall take precedence over all other claims on such real estate, excepting only claims for property taxes.
9. All delinquent unpaid sewer charges will be turned over to the Treasurer of the Town. The Treasurer of the Town shall have the same authority and power to collect such service charges as are granted by Title 38, Section 1208, and as may be amended, to Treasurers of sanitary sewer districts. In addition to the lien established hereby, the Town may maintain a civil action against the party so charged for the amount of said sewer charge in any court competent to try the same, and in such action may recover the amount of such charge with legal interest on the same from the date of said charge and costs.

10. Each building, dwelling, unit, institution, commercial or industrial establishment discharging wastewater to the public sewer shall be subject to a sewer user charge. The user charges shall be established annually in or at such other time period as the Town Council shall establish after public notice and hearing. The Schedule of Rates, which is adopted, revised and published separately, shall be considered an integral part of this ordinance and incorporated herein as Chapter 401 Fees and Permits Ordinance.
11. All charges and rates assessed against any person shall be due from the owner of the property or premises, and the owner shall be subject to the collection of such charges, including any lien placed upon such premises as hereinafter provided.
12. A late payment and interest penalty may be applied to any rates or charges which remain unpaid, 10 days following the due date. The interest rate shall be established annually by the Town Council pursuant to Title 30-A MRSA Section 3406, and shall apply to any unpaid balance and shall become part of the rates and charges due
13. The Treasurer of the Town of Yarmouth may record a lien against the property at the Cumberland County Registry of Deeds to secure payment of rates and charges, delinquent penalties and collection fees. Such liens shall be filed in accordance with Title 30-A MRSA Section 3406(3).

ARTICLE XI

ADJUSTMENTS AND APPEALS

A. JURISDICTION OF THE GENERAL BOARD OF APPEALS

Any person and any Municipal Department aggrieved by the decision of the Town Engineer ~~ef-or~~ the Plumbing Inspector, which decision arises from provisions of this Ordinance, may appeal such decision to the General Board of Appeals within 30 days of the date of the decisions of the Town Engineer or Plumbing Inspector. All appeals under this Ordinance are pursuant to the provisions in this Ordinance and the procedures outlined in Chapter 203, General Board of Appeals Ordinance. Unless prevented by illness or absence from the State, the Town Engineer shall attend all hearings pertaining to the public sewerage system and the Plumbing Inspector shall attend all hearings pertaining to the private sewerage systems. The officer concerned shall present to the Board all plans, photographs or other factual material which is appropriate to an understanding of the appeal.

The General Board of Appeals shall have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the Town Engineer or the Plumbing Inspector in so far as such decision arises from requirements of this Ordinance:

1. To determine whether the decisions of the said officials are in conformity with the provisions of this Ordinance, and to interpret the meaning of this Ordinance in cases of uncertainty.
2. To grant variances from the terms of this Ordinance where necessary to avoid undue hardship, provided there is not substantial departure from the intent of this Ordinance and provided that no variance is granted which violates the requirements of the Maine Subsurface Wastewater Disposal Rules. Nothing in this Section shall require the Board to grant a variance under the provisions of this Ordinance when the Department of Human Services has granted a variance under State rules.
3. To permit an exception to this Ordinance only when the terms of the exception have been specifically set forth by the Town.
4. To act in any case coming under the provisions of ARTICLE IV of this Ordinance.
5. To act in any case coming under the provisions of ARTICLE VII of this Ordinance.
6. To pass upon the issuing of certain permits, subject to such restrictions as the Board may impose in accordance with the provisions of this Ordinance.
7. To consider appeals of any property owner or user regarding the assessment and collection of sewer service charges pursuant to Article X of this Chapter, and to grant relief, in whole or in part, from such charges or assessments if the board determines such assessments or charge was made in error or not consistent with the provisions of this Chapter or Chapter 401.

ARTICLE XII

A. SUPPLEMENTAL REGULATIONS AND LEGAL REQUIREMENTS

1. Nothing in this Ordinance shall be construed to negate present requirements of other ordinances or private restrictions in the Town, where such requirements and/or restrictions are more restrictive than those of the present Ordinance. However, where ever the requirements of this Ordinance are in conflict with and more restrictive than other such ordinances of the Town, such other ordinance shall be amended to remove the conflict and such requirements of this Ordinance shall predominate.
2. Separability. The invalidity of any Section or provision of this Ordinance shall not be held to invalidate any other Section or provisions of this Ordinance, provided such other Sections are still effective in the absence of such invalid Section or provision.

3. Date of Effectiveness. This Ordinance shall become effective in accordance with the provisions of the Town Charter.

ARTICLE XIII

A. DEFINITIONS

Wherever in this Ordinance the following words and phrases appear they shall be understood to have the meanings set forth in this ARTICLE.

ACCEPTED PRACTICE: A procedure used to install plumbing, etc. that is customarily considered proper under the Maine Plumbing Rules including the Subsurface Wastewater Disposal Rules.

A.S.T.M.: American Society of Testing Materials.

BUILDING DRAINS: That part of the lowest horizontal piping of a drainage system which receives the discharges from soil pipes and other drainage pipes inside the wall of a building and conveys it to a point ~~8~~2 feet outside the walls of the building.

Commented [SJ10]: Nick will check

BUILDING SEWER: That part of the piping of a sewerage system that connects the Building Drain to the public sewer or to a private sewerage system.

CF: Cubic Feet

COMBINED SEWER: A sewer receiving both sewage and surface runoff.

CONSTRUCTION: Construction of any structure shall be considered to include any excavation or site preparation other than clearing of vegetation.

COUNCIL: The Council of the Town of Yarmouth.

EFFLUENT: All substances issuing from a sewerage system or from a broken sewer pipe.

GARBAGE (see "PROPERLY SHREDDED GARBAGE"): Solid wastes from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce.

HCF: Hundred Cubic Feet

INDUSTRIAL WASTES: Any waste materials resulting from the operation of an industrial plant or similar works, or wastes which exceed the strength characteristics contained in the Ordinance.

Mg/L: Milligrams per liter or parts per million.

MAY: Is to be understood as "PERMISSIVE."

NATURAL OUTLET: Any passage into a water course, pond, ditch, lake, or other body or surface or ground water, or into tidal waters.

NUISANCE: Any condition created by a malfunction of any sewerage system which may endanger the health of any person, or which will allow inadequately treated effluent to stand on the surface, either continuously, or intermittently so as to cause odors or unsightly conditions.

ORDINANCE: This Sewerage Ordinance of Yarmouth.

PERSON: An individual, firm, company, association, society, group or corporation.

"~~Ph~~pH": The degree of acidity or alkalinity of any substance. A ~~Ph~~pH of 7 indicates neutrality.

PLUMBING INSPECTOR: The Plumbing Inspector of the Town of Yarmouth or an Alternate Licensed Plumbing Inspector, duly sworn, or for duties not restricted to the Plumbing Inspector under Maine Subsurface Wastewater Disposal Rules, another employee of the Town of Yarmouth designated by the Plumbing Inspector in accordance with the Town's Administrative Code.

PLUMBING PERMIT: As defined in the Maine Subsurface Wastewater Disposal Rules.

PRIVATE: That which is owned or controlled by a person, business, or corporation rather than by the Town.

PRIVATE COMMUNAL SEWERAGE SYSTEM: A privately owned sewerage system that serves more than one but fewer than six residential units and no more than fifteen bedrooms.

PROPERLY SHREDDED GARBAGE: Wastes from garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions prevailing normally in public sewers, with no particle greater than one half inch in any dimension, such as is attained by an acceptable and well working disposal attachment to a kitchen sink.

PUBLIC SEWER: A system of pipes which lead to the Town ~~water pollution control~~wastewater treatment plant, for carrying sewage, and which is under the control of the Sewage Division of the Department of Public Works of Yarmouth.

SANITARY SEWAGE: That part of the sewage carried in sanitary sewer which is generated primarily by human habitation.

SANITARY SEWER: Sewer which carries all sewage excepting storm, surface and/or ground waters.

SEASONAL DWELLING: A dwelling unit not intended for year round occupancy, such as summer cottage, with the period of occupancy not to exceed 6 months in any calendar year.

SEWAGE: A combination of the water-carried wastes containing animal and/or vegetable matter and properly shredded garbage in suspension or in solution originating from the sanitary conveniences, kitchen facilities or wash facilities in any building or structure intended for habitation.

SEWER: A pipe or conduit for collecting and transporting sewage, or industrial wastes.

SEWERAGE SYSTEM: All facilities, including water pollution control plants, pipes, pumps, etc, for carrying, treating and disposing of sewage industrial wastes.

SEWAGE TREATMENT PLANT OR POLLUTION CONTROL PLANT: Any facilities that reduce or alter the pollution load generated in the sewer system.

SHALL: Is to be understood as "Mandatory"

STORM DRAIN AND STORM SEWER: Pipes carrying storm and other surface and drainage waters, but excluding sewage or industrial wastes.

SUBSURFACE WASTEWATER SYSTEM RULES: The Subsurface Wastewater Disposal of the State of Maine published by the Maine State Department of Human Services, as amended.

SUPERINTENDENT: The Sewerage Division Superintendent or his authorized representative.

TOWN: The Town of Yarmouth Maine.

TOWN ENGINEER: The Town Engineer of the Town of Yarmouth, ~~Public Works Administrator~~ or his/her authorized representative.

WATER COURSE: A channel in which a flow of natural water such as rain or other run-off, occurs, either continuously or intermittently.

APPENDIX I

APPENDIX I
TOWN OF YARMOUTH
200 Main Street
Yarmouth, ME 04096

Steven S. Johnson, P.E., LEED AP
sjohnson@yarmouth.me.us

Tel: 846-2401
Fax: 846-2438

SEWER CONNECTION PERMIT

Type of Connection

Date: _____

- () Residential \$~~2,250~~4,800.00
() Commercial \$~~10.00~~21.00 per gallon of flow

Property Address

_____ **Tax Map** ____ **Lot** ____

~~Homeowner~~Applicant

Telephone

Mailing Address

Contractor Requirements

The contractor whom the ~~homeowner~~applicant eventually hires must:

1. Present the Town with a Certificate of Insurance in order to work in any Town Right of Way (\$300,000 minimum coverage).
2. Present the Town with the Dig-Safe Number for the project.
3. Obtain a Road Opening Permit from the Town Engineer.
4. Meet with the Town Engineer or Wastewater Superintendent to review material and installation requirements.
5. Provide service information and location on attached form after construction.

APPROVED: _____

DISAPPROVED: _____

DATE: _____

DATE: _____

APPENDIX I

YARMOUTH PUBLIC WORKS DEPARTMENT WASTEWATER DIVISION

Sewer Connection Permits/Installation Requirements

All pipe to be schedule 40 PVC, SDR – 35, PVC or Ductile Iron no smaller than 4" in diameter.

1. Pipe shall be bedded in $\frac{3}{4}$ " crushed stone to the property line and $\frac{3}{4}$ " crushed stone or sand from the property line to the house. Stone shall be to the top of pipe. A layer of filter fabric shall be installed between the stone and sand. Min. 12" of sand on top of fabric, then existing material.
2. The pipe shall be laid at a slope of no less than $\frac{1}{8}$ " per foot pitch. All gravity sewer runs extending more than 90 feet in length, must have clean-outs installed every 90 feet.
 - 1) All sewer lines with less than 3 $\frac{1}{2}$ ' of cover shall be insulated by 2" of Blue board Insulation. Two 1" sheets are not allowed.
 - 2) **No pipe shall be back filled prior to inspection by the Yarmouth Wastewater Department or the Town Engineer. Any pipe back filled prior to inspection shall be in Non-Compliance with the Town Ordinances and shall be uncovered for inspection. No occupancy permit shall be issued without a sewer inspection.**
 - 3) Inspections will cover the entire sewer line, from the connection to the main or manhole, back to the house.
 - 4) The **Wastewater Division shall be given 24 hours notice** on all inspections.
Office hours 6:30 AM to 3:00 PM Monday – Friday
Telephone 846-2415

Should you have any questions, please contact ~~Tom Connolly, the Wastewater Superintendent~~ ~~Water Pollution Control Supervisor~~ at 846-2415 or ~~Steve Johnson, the~~ Town Engineer at 846-2401.

I have read and understand the above policy and will comply with each item.

Signature of Contractor Representative

Company Name

Address

APPENDIX I

Phone _____

✓Sewer or ✓Drain **Service Location**

Date _____

Map _____ Lot _____

Size, Type of Service Pipe _____

Address _____

Road Station at Main _____

Owner/Occ. _____

Depth, End of Service Pipe _____

Measured by _____

Length of Service _____

Approved by _____

Project Contractor _____

LOCATION DIAGRAM

(Measure location at service and at main)

APPENDIX I

Remarks: _____



TOWN OF YARMOUTH
INTERNAL MEMORANDUM

TO: Scott LaFlamme, Town Manager
FROM: Steven Johnson, P.E., Town Engineer
DATE: May 8, 2025
RE: Septage Receiving Billing Proposal

Scott:

As you know, the Town's wastewater treatment plant located on Whitcomb's Way treats most sewage generated in Yarmouth and discharges the treated effluent to the Royal River. Additionally, the plant accepts septage, which is a high strength waste pumped from residential septic tanks, that the Department introduces into the plant flow for treatment. The plant is currently licensed to accept up to 6,000 gallons per day of septage.

Authorized septage haulers pump out Yarmouth septic tanks and transport the material to the wastewater plant, where it is metered and stored in a tank. At appropriate time frames, the septage is ground then pumped at a controlled rate into the plant headworks. It should be noted that the Town only accepts septage from Yarmouth residences or businesses and does not accept out of town wastes.

Historically, Yarmouth has not charged for the disposal of septage at the plant, which is unusual in the Maine wastewater community. Most treatment plants charge a service fee for acceptance and treatment of septage, which ranges between ten cents to fifteen cents per gallon, based on a recent survey of area facilities.

The Department respectfully recommends that the Council consider authorizing the Department to charge users for septage disposal with the revenue earmarked for the Sewer Capital Reserve fund (4009). Assuming using an average disposal fee of \$0.122 per gallon, the Department projects that about \$19,000 per year would be collected for sewer department capital projects. Additionally, the Department recommends that a lump sum fee be charged for RV and Camper waste tank disposal, which is also considered septage. Typical disposal fee costs range from ten dollars to twenty-five

dollars per tank and the Department would recommend charging a fee of \$20 per tank, which is a bit more than the area average. Historically, the plant serves fifteen and twenty RV/campers in a season, so we do not anticipate a large revenue, but this would cover our costs of managing the dumping. I would be happy to discuss this proposal at your convenience.

Area Facility Data

Facility	Accept Septage	\$/gal	Gallons offloaded - 2024	2024 Revenue	Accept RV/Camper	RV/Camper Fee	Comments
Kittery	Yes	\$0.100	1,800,000	\$180,000.00			
LAWPCA	Yes	\$0.140	4,200,000	\$588,000.00	NO		
Saco	Yes	\$0.100	5,000	\$500.00			
Scarborough	Yes	\$0.149	20,825	\$3,102.93	YES	\$0.00	
Sanford	Yes	\$0.100	7,900,000	\$790,000.00	YES	\$10.00	
Biddeford	NO			\$0.00	YES	\$0.00	Biddeford Residents Only for RV dumping
York	Yes	\$0.110		\$0.00	YES	\$20.00	
Warren	NO			\$0.00	NO		
Falmouth	Yes	\$0.130		\$0.00			
Rockland	Yes			\$0.00	YES	\$25.00	
Skowhegan	Yes			\$0.00	YES	\$0.00	
Freeport	Yes	\$0.110		\$0.00			
Wells	Yes	\$0.150		\$0.00	NO		
GAUD	NO			\$0.00	YES	\$0.00	
Brunswick	Yes	\$0.135	993,025	\$134,058.38	YES	\$20.00	Free RV Dump for Town Residents
Yarmouth	Yes	\$0.122	160,504	\$19,581.49	YES	\$20.00	Yarmouth Residents Only
South Portland	Yes			\$0.00	YES	\$0.00	So Po and Some Parts of Cape Elizabeth
				\$0.00			
Average Rate:		\$0.122		Average Fee:	\$18.75		

Septage Receiving Scenarios		
	Price per gallon	\$0.122
Year	Yarmouth Septage Recieved (Gallons)	Yarmouth
2015	141,235	\$ 17,231
2016	156,980	\$ 19,152
2017	164,412	\$ 20,058
2018	159,059	\$ 19,405
2019	169,927	\$ 20,731
2020	178,910	\$ 21,827
2021	138,641	\$ 16,914
2022	155,891	\$ 19,019
2023	149,274	\$ 18,211
2024	160,504	\$ 19,581
	Total \$ since 2015 if we charged	\$ 192,130
	Average Yearly	\$ 19,213



TOWN OF YARMOUTH
INTERNAL MEMORANDUM

TO: Scott LaFlamme, Town Manager
FROM: Steven Johnson, P.E., Town Engineer
DATE: May 8, 2025
RE: Proposed Sewer Permit Connection Application Fee

Scott:

As you know, the Town requires new sewer service connections to be permitted and requires a permit fee for connection. Currently the connection fee is \$2,250 for a single-family residential connection and \$10.00 per gallon of sewage for a commercial connection. This fee was last updated in 1993 and is intended to help fund sewer system improvements similar to an impact fee. The Department is proposing to increase the connection fee to \$4,800 for a residential connection and \$21.00 per gallon for a commercial connection to reflect current market prices and provide much needed capital funding for looming system upgrades.

The sewer permit connection fee is codified in the application form appended to Chapter 304 Sewage Ordinance. Prior updates to the ordinance did not include updating the fee amount, which is why the Town is so far behind compared to other Maine communities.

In reviewing the existing fee amount the Department used an average CPI-U cost escalator of 3% which would increase the fee from \$2,250 to approximate \$5,794 for a residential connection and \$25.75 per gallon for commercial connections. The Department then evaluated area community connection fee charges that ranged from \$6,800 to \$212 for a residential connection and \$34 to \$1 per gallon for a commercial connection. Two data points were very low comparatively, so these were removed from the average which gave an average fee of \$3,289 for residential and \$16.44 per gallon for commercial connections.

Given the fact that in Yarmouth's case, the permit fee is updated fairly infrequently, the Department recommends setting the connection permit fees roughly in the middle of the top half of the market analysis or \$4,800 for a residential connection and \$21.00 per


gallon for commercial connections. These rates will provide the Town with a period of time that our fees are competitive with other Maine communities and not require frequent updating of the ordinance.

If you have any questions, please see me.

Yarmouth Sewer Connection Permit Fee				
Cost Escalation Table				
5/8/2025		By: S Johnson		
	Residential		Commercial	
	Lump Sum Fee		Per Gallon Fee	
	CPIU	3%	CPIU	3%
1993	\$ 2,250.00	\$ 67.50	\$ 10.00	\$ 0.30
1994	\$ 2,317.50	\$ 69.53	\$ 10.30	\$ 0.31
1995	\$ 2,387.03	\$ 71.61	\$ 10.61	\$ 0.32
1996	\$ 2,458.64	\$ 73.76	\$ 10.93	\$ 0.33
1997	\$ 2,532.39	\$ 75.97	\$ 11.26	\$ 0.34
1998	\$ 2,608.37	\$ 78.25	\$ 11.59	\$ 0.35
1999	\$ 2,686.62	\$ 80.60	\$ 11.94	\$ 0.36
2000	\$ 2,767.22	\$ 83.02	\$ 12.30	\$ 0.37
2001	\$ 2,850.23	\$ 85.51	\$ 12.67	\$ 0.38
2002	\$ 2,935.74	\$ 88.07	\$ 13.05	\$ 0.39
2003	\$ 3,023.81	\$ 90.71	\$ 13.44	\$ 0.40
2004	\$ 3,114.53	\$ 93.44	\$ 13.84	\$ 0.42
2005	\$ 3,207.96	\$ 96.24	\$ 14.26	\$ 0.43
2006	\$ 3,304.20	\$ 99.13	\$ 14.69	\$ 0.44
2007	\$ 3,403.33	\$ 102.10	\$ 15.13	\$ 0.45
2008	\$ 3,505.43	\$ 105.16	\$ 15.58	\$ 0.47
2009	\$ 3,610.59	\$ 108.32	\$ 16.05	\$ 0.48
2010	\$ 3,718.91	\$ 111.57	\$ 16.53	\$ 0.50
2011	\$ 3,830.47	\$ 114.91	\$ 17.02	\$ 0.51
2012	\$ 3,945.39	\$ 118.36	\$ 17.54	\$ 0.53
2013	\$ 4,063.75	\$ 121.91	\$ 18.06	\$ 0.54
2014	\$ 4,185.66	\$ 125.57	\$ 18.60	\$ 0.56
2015	\$ 4,311.23	\$ 129.34	\$ 19.16	\$ 0.57
2016	\$ 4,440.57	\$ 133.22	\$ 19.74	\$ 0.59
2017	\$ 4,573.79	\$ 137.21	\$ 20.33	\$ 0.61
2018	\$ 4,711.00	\$ 141.33	\$ 20.94	\$ 0.63
2019	\$ 4,852.33	\$ 145.57	\$ 21.57	\$ 0.65
2020	\$ 4,997.90	\$ 149.94	\$ 22.21	\$ 0.67
2021	\$ 5,147.84	\$ 154.44	\$ 22.88	\$ 0.69
2022	\$ 5,302.27	\$ 159.07	\$ 23.57	\$ 0.71
2023	\$ 5,461.34	\$ 163.84	\$ 24.27	\$ 0.73
2024	\$ 5,625.18	\$ 168.76	\$ 25.00	\$ 0.75
2025	\$ 5,793.94		\$ 25.75	
Area				
Average	\$ 3,300.00		\$ 16.50	
Recommended				
Fee	\$ 4,800.00		\$ 21.00	

Avg Connection					Notes
Community	\$/Gallon	Permit Fee (200 GPD)			
Saco	\$ 34.31	\$ 6,862.00			
Kittery	\$ 30.00	\$ 6,000.00			Two Fees, entrance (\$3,000 to collections account), impact (\$3,000 to treatment plant accounts)
Biddeford- Proposed	\$ 26.00	\$ 5,200.00			20 \$/gal + 1200 fees
Scarborough	\$ 19.97	\$ 3,994.00			recommended indexing to construction costs (changes as avg costs change)
Biddeford- 5:1	\$ 18.60	\$ 3,720.00			Hookup fee is now 500, application fee is 200. Inspection fee is 100, pump station fee is \$1./gallon, I&I fee is 2.72/gal at 1:1 or 5 times that at 5:1
Ogunquit	\$ 18.50	\$ 3,700.00			1 BR = 1200, 2 BR = 2000, 3 BR = 2800, 4 BR = 3600. BR amount added to flat rate of 2500.
Warren	\$ 17.96	\$ 3,592.00			
Kennebunkport	\$ 17.50	\$ 3,500.00			Flat rate
Wells	\$ 16.63	\$ 3,326.00			
Portland	\$ 16.32	\$ 3,264.00			Charge by meter size. Used 3/4" costs on this table.
York	\$ 15.72	\$ 3,144.00			Charge by bedroom. See details on file.
Sanford	\$ 12.50	\$ 2,500.00			\$2500 + \$100 inspection fee for all new dwelling units. We do not assess a fee for building upgrades because we figure we will get the additional revenue from higher consumption. We do assess a larger connection fee for commercial /industrial businesses based on estimated daily consumption.
Old Orchard	\$ 12.50	\$ 2,500.00			
Rockland	\$ 12.00	\$ 2,400.00			Flat rate
Brunswick	\$ 11.59	\$ 2,318.00			
Yarmouth	\$ 11.25	\$ 2,250.00			\$2250 for residential, or \$10/gpd for commercial
Skowhegan	\$ 8.00	\$ 1,600.00			New dwelling units, \$1,760. Assuming 220 gpd per unit. No sewer user feeds. Built into tax revenue.
Biddeford- 1:1	\$ 7.72	\$ 1,544.00			Hookup fee is now 500, application fee is 200. Inspection fee is 100, pump station fee is \$1./gallon, I&I fee is 2.72/gal at 1:1 or 5 times that at 5:1
Augusta	\$ 5.38	\$ 1,076.00			Flat rate for residential (\$1,000 + \$75 application fee); or \$750 per apartment unit; or \$10 / gallon per day; https://www.greateraugustautilitydistrict.org/rates
Westbrook	\$ 1.25	\$ 250.00			Small impact fees, but has a pretreatment requirement for large residential. If developer is pushing something over its capacity, they are responsible for 100% of the cost.
Bangor	\$ 1.06	\$ 212.00			
Average	\$ 16.44	\$ 3,288.95			

Item No. 107: **To accept \$15,000 from the AARP Community Challenge Grant program to support traffic calming improvements.**

Contact	Julie Dubovsky, Assistant Town Planner
Recommended Action	Accept \$15,000 in grant proceeds through the AARP Community Challenge program.
Attachment	No Attachments
	 <pre> graph LR A[Reviewed by Staff] --> B[Town Council Workshop] B --> C[Town Council Voting] </pre>

Background:

Yarmouth, with the incredible support of the Bike & Pedestrian Committee, has been awarded a grant for a Village Gateways Demonstration Project, which will be officially announced on June 18th. This 6-month pilot initiative will test temporary traffic calming measures aimed at reducing vehicle speeds at key village entry points—West Main Street, West Elm Street, East Elm Street, Sligo Road, and North Road. The goal is to create a safer, more comfortable environment for people walking, biking, or crossing the street to reach local businesses, community services, and destinations.

Recommended Action: Accept \$15,000 in grant proceeds through the AARP Community Challenge program.

NOTE: Members of the public are welcome to provide public comment on this item. Opportunity for comment will be provided after staff's report and initial Council questions, prior to Town Council discussion.

Item No. 108: To adopt a Land Acknowledgement Statement for the Town of Yarmouth.

Contact	Zoe Wolf, Town Councilor Heather Abbott, Town Councilor
Recommended Action	Endorse a Land Acknowledgement Statement for the Town of Yarmouth.
Attachment	No Attachment
	<pre> graph LR A[Reviewed by Staff] --> B[Town Council Workshop] B --> C[Town Council Voting] </pre>

Background:

The Yarmouth Town Council has been actively working to develop a land acknowledgment statement that honors the Wabanaki peoples—particularly the Abenaki—whose ancestral lands encompass the area now known as Yarmouth, Maine. This initiative is part of a broader commitment to recognize Indigenous history, culture, and ongoing presence in the region.

Several local plans and committees in Yarmouth—such as the Climate Action Plan, Comprehensive Plan, and the Parks & Lands Committee—have introduced their own land acknowledgment statements recognizing the Wabanaki people and the area’s Indigenous history. While these efforts reflect growing community awareness, the Town Council is working toward adopting a unified, town-wide land acknowledgment statement to represent the entire community.

Members of the Town Council have been working with the Yarmouth Community Alliance for Racial Equity (YCARE) to draft land acknowledgment language for review by the full Council and the wider community.

Recommended Action: Endorse a Land Acknowledgement Statement for the Town of Yarmouth.

NOTE: Members of the public are welcome to provide public comment on this item. Opportunity for comment will be provided after staff’s report and initial Council questions, prior to Town Council discussion.



Land Acknowledgement Statement

The following has been compiled from the work of various community efforts throughout the Town of Yarmouth, including the Town of Yarmouth 2024 Comprehensive Plan, The Town of Yarmouth Parks and Lands Committee, and the Yarmouth Community Alliance for Racial Equity. We deeply appreciate the work of those individuals who came together to create this language. This acknowledgement is a living document, intended to be revisited to incorporate the inevitable evolution of our understanding of our past, present, and future.

The region where we are living, which we know as Yarmouth, Maine, is known to the original Indigenous stewards of this land as Westcustago. The Abenaki and other tribes of the modern Wabanaki Confederacy lived here and are still present in our community. It has been and continues to be their ancestral homeland. The Wabanaki stewarded these lands and waters as part of an interconnected ecosystem for thousands of years prior to European colonization. They continue to caretake this land today.

We recognize that the lands and waters we inhabit and enjoy are places in which the Wabanaki people suffered greatly due to the exploration, occupation, and settlement by colonialist powers.

Let us respectfully acknowledge and act on this significant history and let us give thanks to the Indigenous people past and present for their stewardship and resilience. As a community, let us appreciate the current beauty that exists here and recognize that the social, health, and other benefits we appreciate are derived from these unceded ancestral lands of indigenous people.


For more information on Wabanaki history and culture, visit:

<https://www.wabanakireach.org/>

<https://wabanakialliance.com>

<https://www.maine.gov/doe/innovation/wabanakistudies/resources>

Item No. 109: To set the due dates and interest penalties for property tax and sewer bills for the fiscal year 2026.

Contact	Scott LaFlamme, Town Manager Dawn Madden, Finance Director
Recommended Action	Set due dates and interest penalties for property tax and sewer bills for FY26.
Attachment	No Attachment
	 <pre> graph LR A[Reviewed by Staff] --> B[Town Council Workshop] B --> C[Town Council Voting] </pre>

Background:

The Town is authorized under state law (Title 36 of the Maine Revised Statutes) to assess interest and penalties on unpaid property taxes. Each year, the Town Council sets due dates for tax payments, along with an interest rate—within a statutory maximum—on delinquent taxes through a formal vote. This interest begins to accrue after the due date of the tax bill and continues until the balance is paid in full.


Similarly, for unpaid sewer assessments, the Town has the authority to assess interest and lien fees, consistent with provisions under Title 30-A (municipal public works regulations) and the Town's sewer ordinance (Chapter 304). If a sewer bill remains unpaid, the Town may place a lien on the property, following a process that mirrors the procedure for tax liens, including required notices and deadlines.

These mechanisms ensure the Town can enforce timely payment and maintain the financial health of its general operations and utility services.

Recommended Action: Set due dates and interest penalties for property tax and sewer bills for FY26.

NOTE: Members of the public are welcome to provide public comment on this item. Opportunity for comment will be provided after staff's report and initial Council questions, prior to Town Council discussion.

Item No. 110: **To appropriate funds from various municipal reserve accounts for the fiscal year 2026.**

Contact	Scott LaFlamme, Town Manager Dawn Madden, Finance Director
Recommended Action	Appropriate funds from various municipal reserve accounts for the fiscal year 2026.
Attachment	No Attachment
	 <pre> graph LR A[Reviewed by Staff] --> B[Town Council Workshop] B --> C[Town Council Voting] </pre>

Background:

In Yarmouth, capital improvement funds approved through Town Meeting are allocated for specific capital projects and equipment as outlined in the Capital Improvement Plan (CIP). Once voter approval is secured, the Town follows an internal authorization process to release these funds.

Departments proposing to use the approved funds must confirm that the project or purchase aligns with the adopted CIP and the approved budget. The request is then reviewed by the Finance Director and the Town Manager to ensure funding availability, compliance with procurement policies, and project readiness. Upon approval, funds are released and tracked through the Town's financial management system to ensure proper use and reporting.

Recommended Action: Appropriate funds from various municipal reserve accounts for the fiscal year 2026.

NOTE: Members of the public are welcome to provide public comment on this item. Opportunity for comment will be provided after staff's report and initial Council questions, prior to Town Council discussion.

Item No. 111: Ratification of the collective bargaining agreement with the Yarmouth Police Employees Association.

Contact	Scott LaFlamme, Town Manager Jessica Factor, Human Resources Director
Recommended Action	Ratify the proposed collective bargaining agreement with the Yarmouth Police Employees Association.
Attachment	No Attachment
	<pre> graph LR A[Reviewed by Staff] --> B[Town Council Workshop] B --> C[Town Council Voting] </pre>

Background:

The Town of Yarmouth engages in collective bargaining negotiations with its various employee unions in accordance with state labor laws and established labor relations practices. These negotiations are typically conducted between union representatives and the Town's negotiation team, which includes the Town Manager, relevant department heads, and legal or labor consultants as needed.

The goal of the process is to reach a mutually acceptable agreement that addresses wages, benefits, working conditions, and other employment terms. Negotiations often involve multiple sessions over several weeks or months, during which both parties exchange proposals and work toward compromise.

Once a tentative agreement is reached, it is subject to ratification by the union membership and final approval by the Town Council. The resulting Collective Bargaining Agreement (CBA) reflects a balanced outcome that supports fair labor practices while maintaining the Town's fiscal responsibility and service delivery goals.

Recommended Action: Ratify the proposed collective bargaining agreement with the Yarmouth Police Employees Association.

NOTE: Members of the public are welcome to provide public comment on this item. Opportunity for comment will be provided after staff's report and initial Council questions, prior to Town Council discussion.

Item No. 112: Ratification of the collective bargaining agreement with the Wastewater Division Employees Association.

Contact	Scott LaFlamme, Town Manager Jessica Factor, Human Resources Director
Recommended Action	Ratify the proposed collective bargaining agreement with the Yarmouth Wastewater Division Employees Association.
Attachment	No Attachment
	<pre> graph LR A[Reviewed by Staff] --> B[Town Council Workshop] B --> C[Town Council Voting] </pre>

Background:

The Town of Yarmouth engages in collective bargaining negotiations with its various employee unions in accordance with state labor laws and established labor relations practices. These negotiations are typically conducted between union representatives and the Town's negotiation team, which includes the Town Manager, relevant department heads, and legal or labor consultants as needed.

The goal of the process is to reach a mutually acceptable agreement that addresses wages, benefits, working conditions, and other employment terms. Negotiations often involve multiple sessions over several weeks or months, during which both parties exchange proposals and work toward compromise.

Once a tentative agreement is reached, it is subject to ratification by the union membership and final approval by the Town Council. The resulting Collective Bargaining Agreement (CBA) reflects a balanced outcome that supports fair labor practices while maintaining the Town's fiscal responsibility and service delivery goals.

Recommended Action: Ratify the proposed collective bargaining agreement with the Yarmouth Wastewater Division Employees Association.

NOTE: Members of the public are welcome to provide public comment on this item. Opportunity for comment will be provided after staff's report and initial Council questions, prior to Town Council discussion.

Item No. 113: Ratification of the collective bargaining agreement with the Yarmouth Parks, Public Works and Transfer Station Employees Association.

Contact	Scott LaFlamme, Town Manager Jessica Factor, Human Resources Director
Recommended Action	Ratify the proposed collective bargaining agreement with the Yarmouth Parks, Public Works and Transfer Station Employees Association.
Attachment	No Attachment
	<pre> graph LR A[Reviewed by Staff] --> B[Town Council Workshop] B --> C[Town Council Voting] </pre>

Background:

The Town of Yarmouth engages in collective bargaining negotiations with its various employee unions in accordance with state labor laws and established labor relations practices. These negotiations are typically conducted between union representatives and the Town's negotiation team, which includes the Town Manager, relevant department heads, and legal or labor consultants as needed.

The goal of the process is to reach a mutually acceptable agreement that addresses wages, benefits, working conditions, and other employment terms. Negotiations often involve multiple sessions over several weeks or months, during which both parties exchange proposals and work toward compromise.

Once a tentative agreement is reached, it is subject to ratification by the union membership and final approval by the Town Council. The resulting Collective Bargaining Agreement (CBA) reflects a balanced outcome that supports fair labor practices while maintaining the Town's fiscal responsibility and service delivery goals.

Recommended Action: Ratify the proposed collective bargaining agreement with the Yarmouth Parks, Public Works and Transfer Station Employees Association.

NOTE: Members of the public are welcome to provide public comment on this item. Opportunity for comment will be provided after staff's report and initial Council questions, prior to Town Council discussion.

Item No. 114: Ratification of the collective bargaining agreement with the Yarmouth Fire and Rescue Employees Association.

Contact	Scott LaFlamme, Town Manager Jessica Factor, Human Resources Director
Recommended Action	Ratify the proposed collective bargaining agreement with the Yarmouth Fire and Rescue Employees Association.
Attachment	No Attachment
	<pre> graph LR A[Reviewed by Staff] --> B[Town Council Workshop] B --> C[Town Council Voting] </pre>

Background:

The Town of Yarmouth engages in collective bargaining negotiations with its various employee unions in accordance with state labor laws and established labor relations practices. These negotiations are typically conducted between union representatives and the Town's negotiation team, which includes the Town Manager, relevant department heads, and legal or labor consultants as needed.

The goal of the process is to reach a mutually acceptable agreement that addresses wages, benefits, working conditions, and other employment terms. Negotiations often involve multiple sessions over several weeks or months, during which both parties exchange proposals and work toward compromise.

Once a tentative agreement is reached, it is subject to ratification by the union membership and final approval by the Town Council. The resulting Collective Bargaining Agreement (CBA) reflects a balanced outcome that supports fair labor practices while maintaining the Town's fiscal responsibility and service delivery goals.

Recommended Action: Ratify the proposed collective bargaining agreement with the Yarmouth Fire and Rescue Employees Association.

NOTE: Members of the public are welcome to provide public comment on this item. Opportunity for comment will be provided after staff's report and initial Council questions, prior to Town Council discussion.