

**ORDINANCE NO. 13-01**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 20 OF THE CODE OF ORDINANCES, TOWN OF NORTH KINGSTOWN, ENTITLED, "UTILITIES"**

The Town Council of the Town of North Kingstown hereby ordains:

**SECTION 1.** Chapter 20, Article III of the Code of Ordinances, Town of North Kingstown, entitled, "Sanitary Sewers" is hereby amended as follows:

**ARTICLE III. SANITARY SEWERS**

**DIVISION I. AUTHORIZATION**

**SECTION 2.** Chapter 20, Article III of the Code of Ordinances, Town of North Kingstown, entitled, "Sanitary Sewers" is hereby amended by adding:

**DIVISION II. GENERAL**

**Sec. 20-90. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

"*Authorized Representative of the User*" means:

- (1) If the user is a corporation:
  - (i) The President, Secretary, Treasurer, or Vice-President of a principal business function, ~~the corporation in charge of a principal business~~ or any other person who performs similar policy or decision-making functions for the corporation; or
  - (ii) The manager of ~~one or more~~ manufacturing, production, or operation facilities employing, providing the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

- (3) If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in above Paragraphs 1 through 3 may designate another Duly Authorized Representative if the authorization is submitted to the town in writing. The authorization must specify ~~specifies~~ the individual or position responsible for either the overall operation of the facility from which the discharge originates or having overall responsibility for the company's environmental matters ~~for the company, and the written authorization is submitted to the Town.~~

*Applicant* or *customer* means the owner as defined herein as it applies to building connections and any charges or fees including user fees and may mean the lessee of property when some industrial or commercial use is involved requiring testing, analyses, monitoring, metering or pretreatment and user charges.

*BOD (biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius expressed in milligrams per liter.

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste, and other sanitary drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the property line where the discharge flows to a sewer lateral.

*Categorical standards* means the national categorical pretreatment standards and pollutant discharge limits as promulgated by EPA which apply to a specific category of industrial users.

*Categories of commercial/industrial users* means:

- (1) *Category 1:* Commercial/industrial users discharging or having the potential of discharging conventional (BOD5 and TSS) pollutant concentrations in excess of 250 mg/l.
- (2) *Category 2:* Commercial/industrial users discharging production process wastewater or using solvents, toxic chemicals and/or hazardous chemicals that could potentially be discharged into the sewers.
- (3) *Category 3:* Commercial/industrial users discharging or having the potential to discharge concentrations of oil and grease and other solids which may cause interference with the collection system or at the treatment facility.
- (4) *Category 4:* Commercial/industrial users with only sanitary wastes and/or nontoxic discharges.

*COD (chemical oxygen demand)* means the oxygen equivalent consumed by organic matter in a sample during strong chemical oxidation.

*Combined sewer* means a sewer receiving both surface runoff and sewage, which is normally disallowed.

*Commercial unit* means each unit of a commercial building separated by vertical walls.

*Commercial user* means any commercial business that discharges commercial wastes as defined in this section.

*Commercial wastes* mean the liquid wastes from a commercial trade or business as distinct from sanitary sewage.

*Council* means the Town Council of the Town of North Kingstown.

*Director* means the public works director of the Town, or his authorized deputy, agent or representative.

*Domestic wastes* means liquid wastes from the noncommercial preparation, cooking and handling of food; or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions. It shall not contain groundwater, stormwater, surface water, cooling water or industrial wastewater.

*Drainlayer* means a person who has a drainlayer's license issued by the Town.

*Enforcement response plan* means procedures established as part of the industrial pretreatment program for investigating and responding to industrial user non-compliance.

*EPA* means the Federal Environmental Protection Agency.

*Floatable oil* means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A Wastewater shall be considered free of floatable oil when it is properly pretreated prior to entry into the sewage facilities and does not interfere with the collection system.

*Garbage* means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.

*Industrial Pretreatment Program* means the Program established by the Quonset Development Corporation to regulate commercial and industrial wastewater in accordance with Federal Regulations and the State of Rhode Island Pretreatment Regulations.

*Industrial user* means a user who discharges or has the capacity to discharge industrial wastes as directly or indirectly into the sewers.

*Industrial wastes* means the liquid wastes from industrial manufacturing processes, trade or business as distinct from domestic sanitary sewage.

*Infectious Waste* means waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in disease. Under this definition, the normal microflora of the body are not classified as infections. Categories of waste designated as infectious are as follows:

- (a) *Human Blood, Body Fluids and Blood Products* means all waste human blood, blood products (such as serum, plasma and other blood components) and body fluids (such as suction fluid and wound drainage) which exist in non-absorbed liquid form in more than trace quantities.
- (b) *Contaminated Sharps* consists of discarded sharps (e.g. hypodermic needles, syringes, Pasteur pipettes, broken glass and scalpel blades) which may come into contact with infectious agents during use in patient care or in medical research, or have been removed from their original sterile container.

*Interference* means a discharge which alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the wastewater treatment facility (WASTEWATER TREATMENT FACILITY), its treatment processes operations, or its sludge processes, use or disposal; and (b) causes a violation of any requirement of the WASTEWATER TREATMENT FACILITY's and the Rhode Island Pollutant Discharge Elimination System (RIPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act [RCRA], and including State regulations contained in any State Sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.

*Lateral sewer* means ~~a sewer~~ the section of pipe that runs from the property line to the main line sewer in the street and has no other common sewer tributary.

*mg/l* means milligrams per liter.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

*New Source* means:

(1) Any source of a discharge, the construction or operation of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307 (c) [33 U.S.C. 1317 (c)] of the Act which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 (c), provided that:

- a. No other source is located at that site.
- b. The source completely replaces the process or production equipment of an existing source at the site.
- c. The new wastewater generating process of the source is substantially independent of an existing source at that site; and the construction of the source creates a new facility rather than modifying an existing source at that site.

(2) For purposes of this definition, construction or operation has commenced if the owner or operator has:

- a. Begun, or caused to begin as part of a continuous on site construction program:
  1. Any placement, assembly, or installation of facilities or equipment; or
  2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for placement, assembly, or installation of new source facilities or equipment.
- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

*Onsite Wastewater Treatment Systems (OWTS)* (formerly Individual Sewerage Disposal Systems [ISDS]) means a system approved by the Rhode Island Department of Environmental Management which provides sanitary sewage disposal by means other than public sewers.

*Owner* means any person who, alone or jointly, has a legal title to any premises, or has control of any premises, such as an agreement to purchase, agent, executor, administrator, trustee, lessee or guardian of the estate or a holder of a legal title.

*Permit* means an authorization, license or equivalent control document issued by the Town and/or QDC, unless otherwise identified.

*Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality, any other political subdivision of this state, any department or agency of the Federal government, or any other legal entity.

*pH* means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. Neutral waste, for example, has a pH value of 7 and hydrogen-ion concentration of 10.7.

*Pollutant* means dredge spoil, solid waste, incinerator residue, sewage, garbage, sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand and cellar dirt and industrial, municipal, agricultural or other pollution-causing agents.

*Pollution* means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical, or geological, except as prohibited by 40 CFR 403.6(d).

*Pretreatment Standards* means all applicable Federal rules and regulations implementing Section 403 of the Act, as well as any non-conflicting state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

*Privately owned wastewater treatment facilities* means pump stations, collection systems and/or wastewater treatment facilities privately owned by users, individuals, corporations, associations, or state or federal agencies, with said facilities ultimately being connected to the Town's wastewater collection system.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Property line* means the edge or limit of the street, highway, public way, or right of way as may be shown or platted on maps of record before entering on private property of the premises.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

*QDC* means the Quonset Development Corporation.

*QDC sewers* means a sewer regulated, operated and maintained by the QDC for the purpose of affording sewage collection service to its users.

*Rhode Island Pollutant Discharge Elimination System (RIPDES)* means the Rhode Island system for issuing, modifying, revoking and re-issuing, terminating, monitoring and enforcing discharge permits and imposing and enforcing pretreatment requirements pursuant to Title 46, Chapter 12 of the General Laws of Rhode Island and the Clean Water Act.

*Sanitary sewer* means a sewer which carries sewage or wastewater and to which storm, surface and groundwaters are not intentionally admitted.

*Septage* means the wastewater or waste solids from domestic on-site wastewater treatment systems.

*Sewage or wastewater* means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be unintentionally present.

*Sewage treatment plant (wastewater treatment plant) or (pollution control plant)* means any devices, facilities, structures, equipment or works owned or used by the Town for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewer, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances, extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clearwell facilities; and any work, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues from such treatment.

*Sewer* means a pipe or conduit for carrying wastewater.

*Shall* is mandatory; "*may*" is permissive.

*Significant Industrial User* means: (a) all industrial users subject to Categorical Pretreatment Standards; and (b) any other industrial user that: (1) discharges an average of 25,000 gallons per day or more of process wastewater to the WASTEWATER TREATMENT FACILITY; or (2) contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the WASTEWATER TREATMENT FACILITY; or (3) is designated as such by the ADC ~~the basis that the industrial user has a~~ by the QDC as having a reasonable potential for adversely affecting the WASTEWATER TREATMENT FACILITY's operation or for violating any pretreatment standard or requirement.

*Slug* means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

*Storm drain* (sometimes termed "storm sewer") means pipes that carry storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Suspended Solids* means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

*Town* means the Town of North Kingstown.

*Toxic* means any substance listed as toxic under Section 307(a)(1) of the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq., or listed under Hazardous Substances Right-to - Know Act, §§28-21-1 et seq., or as may otherwise be designated by the QDC or the Director from time to time.

*User* means the owner of any residential, commercial, or industrial property or any publicly owned building or non-profit institution with a direct or indirect connection to the sewer.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

“Y” connection means the point at which the individual sewer lateral connects into the main sewer line.

**Sec. 20-91. Damaging equipment, structures, etc.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover without authorization, deface or tamper with any structure, appurtenance, or equipment which is a part of the drainage system or sewage works. Any person convicted of violating the provisions of this article shall be fined not more than five hundred dollars (\$500.00) for each violation and for the cost of replacement or repair of any damage.

**Sec. 20-92. Enforcement.**

Each user shall provide preventative measures to protect and implement emergency responsive actions upon ~~protection from~~ accidental discharge in violation of this Ordinance. ~~For countermeasures to be taken by the Town to minimize damage to the sewerage system and receiving waters,~~ Users shall notify the Town immediately upon accidentally discharging wastes in violation of this Ordinance so that countermeasures can be taken by the Town, to minimize damage to the sewerage system and receiving waters. This notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the system. If the violation of the Ordinance is the proximate cause of any violation of the Town’s and/or QDC’s wastewater discharge permit, the Town reserves the right to seek full reimbursement of the fine(s) and any costs incurred in connection with the collection thereof.

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

When the Town finds that a discharge of wastes has ~~been taking~~ taken place, or threatens to take place, in violation of prohibitions or limitations of this Ordinance, the Town may issue an order to cease and desist, and direct that those persons not complying with such prohibitions, limits, requirements, or provisions:

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

**Sec. 20-93. Emergency suspension.**

- (a) *Termination of discharge.* The Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, the WASTEWATER TREATMENT FACILITY, or the environment. Informal notice shall consist of a telephone call to the discharging facility's owner or any agent or officer of a corporation. The order to suspend discharging shall become effective notwithstanding the inability to contact the owner.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WASTEWATER TREATMENT FACILITY, its receiving stream, or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in this article are initiated against the user.
- (2) A user which is responsible, in whole or in part, for imminent endangerment to the health and welfare of persons shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any further occurrence to the WASTEWATER TREATMENT FACILITY within ten (10) days of the occurrence that lead to the emergency suspension.

(b) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

#### **Sec. 20-94. Termination of service.**

Any user who violates [any of] the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards required by permit.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

#### **Sec. 20-95. Civil suit for injunctive relief.**

When the Director finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition the Washington County District Court through the Town's solicitor for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

In addition, violators may also be subject to enforcement and penalties through QDC's regulations.

**Sec. 20-96. Criminal prosecution.**

- (a) A user who willfully or negligently violates any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a ~~misdemeanor~~ felony, punishable by a fine of not more than twenty-five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than ten (10) years, or both. (reference authorizing authority - Clean Water Act, Section 309 - Enforcement 33 US.C Sec. 1319.- Enforcement).
- (b) ~~A user who willfully or negligently violates any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor,~~ negligently introduces any pollutant or hazardous substance into the WASTEWATER TREATMENT FACILITY which such person knew, or reasonably should have known, could cause personal injury or property damage shall, upon conviction, be guilty of a felony, punishable by a fine of not more than twenty-five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than ten (10) years, or both. (reference authorizing authority - Clean Water Act, Section 309- Enforcement 33 US.C Sec. 1319. - Enforcement).
- (c) A user who willfully or negligently introduces any substance into the WASTEWATER TREATMENT FACILITY which causes personal injury or property damage shall, upon conviction, be guilty of a ~~misdemeanor~~ felony, punishable by a fine of not more than twenty-five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than ten (10) years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law. (reference authorizing authority - Clean Water Act, Section 309 - Enforcement 33 US.C Sec. 1319. - Enforcement).
- (d) A user who knowingly makes any false statement, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this section, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this section shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than ten (10) years, or both. (reference authorizing authority - Clean Water Act, Section 309 - Enforcement 33 US.C Sec. 1319. - Enforcement).
- (e) In the event of a second conviction, a user shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000.00) per violation, per day, or imprisonment for not more than ten (10) years, or both. (reference authorizing authority - Clean Water Act, Section 309 - Enforcement 33 US.C Sec. 1319. - Enforcement).

**Sec. 20-97. Validity.**

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

(2) The Town may waive any of the requirements of the Ordinance whenever they determine that strict compliance therewith is not required in the public interest.

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

(4) The Ordinance may be added to, modified, or amended from time to time.

**Secs. 20-98 – 20-109. Reserved.**

**DIVISION III. SEWER FUND, RATES AND ASSESSMENTS**

**(Editor's note: Language for 20-116, 20-117, 20-118, 20-119 will be adopted at a future date)**

**Sec. 20-110. Sewer system established.**

A sewer fund shall be established as a depository for all annual charges, fees, assessments, and receipts obtained for the use, service or facilities generated by the sewage works including charges to state agencies or towns served.

**Sec. 20-111. Finance director to issue bills, make collections.**

The Town Finance Director shall issue bills and make collections for all charges and fees, and receipts as a result of operation of the sewage works in accordance with this article, existing agreements, and established charges and fees of the Town Council.

**Sec. 20-112. Separate account.**

The Town Finance Director will maintain in a separate account all receipts and disbursements as a result of operation of the sewage fund. Disbursements shall be for the sole purpose of costs for any or all but not limited to the following: administration, operation, maintenance, materials, supplies, equipment, depreciation, interest and principal on bonded debt, and any other annual costs directly related to ~~for the~~ sewage works and sewage treatment and collection facilities.

**Sec. 20-113. Town customers.**

Charges for sewer service will be per the Summary of Fees.

(a) The use charge for North Kingstown customers shall be based on an annual water flow, measured or computed, or the minimum service charge whichever is greater.

(b) Water flow measured shall be based on the reading of water meters.

(c) Wastewater ~~Water~~ flow computed, if no meters are available, shall be based on the estimated sewage flows calculated from the minimum design requirements for sewage flow tabulated in Rule 21 of the Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems January 1, 2008 or as amended, of the Rhode Island Department of Environmental Management.

(d) Each separate family unit in a multi-family dwelling building (more than one (1) family) and each separate commercial unit in a multi-commercial building shall be liable for ~~the~~ their proportional charges set forth in this section.

(e) The schedule of user charges is in the "Summary of Fees".

**Sec. 20-114. Large commercial customers.**

The annual charge to large commercial customers shall be on the basis of flow, either of water use through water meters to the customer or meters installed in the sewer connection outfall to measure sewage or wastewater entering the sewage system. The ~~industry~~ commercial customers shall be required to install acceptable flow measuring devices on the wastewater outfall if required by the Director.

**Sec. 20-115. Adjustments.**

If water meters are used to measure flow for industrial or large commercial customers and the amount of sewage flow, in the opinion of the Director, does not warrant the installation of a wastewater meter in the opinion of the Director and the industrial or commercial customer claims considerable consumption of water in product, process or cooling which is not returned to the wastewater flow, then the Director may adjust the flow to a lesser amount if the customer submits sufficient data and evidence to support his claim. In order to claim such reduced flow as a basis of sewer use charge, the customer shall notify the Director at least six (6) months prior to any claim for such flow adjustment and follow the directions of the Director in maintaining records to justify his claim.

**Sec. 20-116. Assessments. (TBD)**

**Sec. 20-117. Future sewer assessments. (TBD)**

**Sec. 20-118. Annual sewage system user charges. (TBD)**

**Sec. 20-119. Summary of fees.**

**Summary of fees.**

**(TBD: to be determined)**

The fees included in prior sections of this Ordinance are presented below. These fees may be amended in accordance with Sec. 311 of the Charter.

**PURPOSE**

**FEE**

**Drainlaying**

Permit Application and Annual Fee	\$50.00
Insurance Requirements:	
Property Damage & Bodily Injury Liability	\$1,000,000.00 for each occurrence
	\$2,000,000.00 Aggregate
Drainlayer's Bond	\$25,000.00

**Connection to Town Sewer System**

**DOMESTIC USERS**

Permit Application Fee	\$25.00 per unit
Connection Costs	To be paid by owner

**COMMERCIAL USERS**

Permit Application Fee	\$25.00 per unit
Connection Costs	To be paid by owner

**PRIVATELY-OWNED PUMP STATIONS**

Permit Application Fee	\$\$ TBD
Connection Costs	\$\$ TBD Site specific, based on construction costs

**SEWER EXTENSION**

Permit Application Fee	\$\$ TBD based on a percentage of construction cost
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**REPAIRS TO SERVICE CONNECTIONS**

Permit Application Fee	\$\$ TDB
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**Annual Use Charges**

Domestic, Commercial and Industrial Users	TBD: \$\$ per hundred cubic feet based on 80% of the actual water meter reading, set annually by Summary of Fees
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**DYE TESTS**

\$\$TBD  
(reimbursable if testing determines property is not connected to the sewer system)

**CHARGES FOR COPIES**

Costs for copies of documents deemed public records shall be as set forth by 38-2-4 of the Rhode Island General Laws, as may be amended.

CHECKS WRITTEN/INSUFFICIENT FUNDS

\$25.00 (RIGL 6-42-3) and any other fees assessed by the Town's financial institution

SEWER ASSESSMENT FEES

Residential  
Single family units and condominium units

TBD: Assessment of \$\$ payable over 20 years and a rate of interest on the entire unpaid balance charged yearly after the first year

Multi-Family Units  
Commercial

TBD: \$\$  
TBD: \$\$ per thousand for the first one hundred thousand dollars of assessed value and, thereafter, at a rate of \$\$ per thousand on the remaining assessed value, as established by the Assessor of the Town of North Kingstown or the community where the property is located, at a rate of interest for a period of 20 years, and which assessment amount shall be based on the date of assessment.

**Secs. 20-120 – 20-129. Reserved.**

**DIVISION IV. MAIN AND BUILDING CONNECTIONS**

**Sec. 20-130. Connection to public sewer required.**

(a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at his expense to install suitable toilet wastewater facilities therein, and connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so, except when a public sewer is greater than two hundred fifty (250) feet from the structure and a subsurface sewage disposal facility is approved by the Rhode Island Department of Environmental Management, there is a permanent, physical impediment or the property is served by a new OWTS constructed after January 1, 2010 to the most recent state and local standards and requirements. In the case of the new OWTS installed after January 1, 2010, an exemption shall be granted for a period to July 1, 2020 or until the property title is transferred.

(b) Where sewers are available, all new construction must connect into the sewerage system.

**Sec. 20-131. Privies, cesspools, etc.**

It shall be unlawful to construct or maintain any privy, cesspool, septic tank or other facility intended or used for the disposal of sewage except that it is in conformance with RIDEM regulations and Town ordinances.

**Sec. 20-132. Sewers to meet Town standards.**

All sewer construction shall be in compliance with Standard Sanitary Sewer Requirements of the Town of North Kingstown. All sewers meeting the Standards of the Town in public or private streets connected to a public sewer shall be public sewers within the meaning of this article and be subject to all the requirements of this article and of the Director. ~~and~~ All existing sewers and/or building sewers connected to public sewers shall be subject to all the requirements of this article and the Director.

**Sec. 20-133. By private parties, developers, etc.**

Sewers and appurtenances may be extended or constructed as stipulated in Section 20-89 by developers, property owners, or groups of property owners at their own cost, providing the plans, design, materials or construction and size and other required information are prepared by a licensed professional engineer and filed with the Public Works Department for final approval by the Director. Construction methods and tests must meet the approval of the Director and must be in accordance with the standards described in Section 20-132. It is further provided, if so determined by the Director in his final approval, that the developer, property owner or group of property owners, by written agreement, shall deed such sewers and appurtenances to the Town without qualification in which case, the Town Council may vote to accept the same. All easements for such main sewers and appurtenances shall be obtained by the applicant at no cost to the Town, and shall in turn be dedicated to the Town in a form approved by the Town Solicitor, in which case the Town Council may vote to accept the same. Before final approval is granted, payment of all Town fees, including but not limited to, engineering review fee and cost of construction inspection, is required of the applicant.

**Sec. 20-134. Connection policy.**

The Town hereby establishes the following policy relative to future connections to the sewer system:

- (1) *Property within the existing and/or future sewer service area.* Any parcel of land located within the existing and/or future sewer service area as defined in Figure 6.2, entitled, "Sewer Service Areas" of the Town of North Kingstown Wastewater Facility Plan dated April 16, 2012 and approved by RIDEM April 27, 2012, ~~may be allowed to~~ must connect to the sanitary sewer system. The property owner agrees to abide by all conditions, restrictions, standards, specifications, design criteria, and to pay all fees which may be established by the Town. The property owner shall also pay any cost(s) associated with sewer service connection and/or sewer main extensions.
- (2) *Properties abutting or beyond the future sewer service area.* Any applicant requesting sanitary sewers for property(s) either abutting or beyond the future sewer service area which meets the criteria delineated for such extensions in the comprehensive plan may be permitted. The applicant for said extension shall submit an application to the Town Clerk for amendment to the future sewer service area map of the Wastewater Facility Plan in accordance with the procedure set forth in Chapter 45-22.2 of the General Laws, the Rhode Island Comprehensive Planning and Land Use Regulation Act.

- (3) *Appeals.* Appeals contrary to the Director's decision regarding sanitary sewer connection shall be made to the Town Council.
- (4) The final approval for sewer connections or extensions shall expire twelve (12) months from the date of its granting if the permission granted is not utilized as evidenced by the commencement of significant sewer construction. Reapplication shall then be required and handled as a new case.
- (5) *Construction of Sewers and Connections.*
- a. Applicability. All construction procedures, materials and specifications shall conform with the "Standard Sanitary Sewer Requirements of the Town of North Kingstown" and all applicable Federal, State and Town Building and Plumbing codes. Any deviations from these prescribed procedures and materials must be approved by the Director before installation.
  - b. Location Plans. Accompanying each application for permit shall be a location plan showing the lot lines and dimensions, location of water pipes, gas lines, buried cable, location of permanent buildings and location of building sewers, storm drains and the Water Authority meter number and initial reading. The plans must be approved and stamped by a registered Professional Engineer or registered Land Surveyor.
  - c. Costs. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, including but not limited to, costs of extending the public sewer system to the nearest Town main to service private facilities. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
  - d. Size, Slope, Alignment, etc. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town including the Standard Sanitary Sewer Requirements. All connections are to be made gastight and watertight.
  - e. Elevation. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
  - f. Lint Traps. Commercial laundries shall be equipped with an interceptor having a wire basket or similar device, removable for cleaning, that will prevent passage into the drainage system of solids ½ inch (13mm) or larger in size, string, rags, buttons, or other materials detrimental to the public sewage system.
  - g. Testing. The Director shall apply appropriate tests to the pipes, and the drainlayer and contractor, at their own expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and shall remove or repair any defective materials when so ordered by the Director.

- h. Guarding of Excavation, Restoration of Streets and Sidewalks. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Town.
- i. Crossing Roads, Driveways, etc. The contractor shall not block any driveway, street, road or railroad at any time without permission of the superintendent, director of public works or other controlling agencies. Every effort shall be made to permit the movement of vehicular traffic at all times. Whenever it becomes necessary to cross or interfere with roads, walks or drives, whether public or private, the contractor shall maintain, at his own expense, and subject to the approval of the superintendent, safe bridges or other means of egress.

**Sec. 20-135. Pretreatment.**

(a) Authority. In accordance with federal regulation 40 CFR 403 and the State of Rhode Island Pretreatment Regulations, the Quonset Development Corporation (QDC) shall operate, maintain and enforce a pretreatment program. The purpose of the program shall be to implement National Pretreatment Standards or locally, generating site specific limits, in order to control pollutants which pass through or interfere with the treatment processes of the QDC's Wastewater Treatment Facility, or which may contaminate sewage sludge and/or compost.

(b) Pretreatment. Industry shall provide necessary wastewater treatment as required to comply with this Ordinance set forth by the QDC and shall achieve compliance with pretreatment requirements and/or limitations mandated by those requirements. Any facilities required to pretreat wastewater to a level acceptable to the QDC shall submit detailed plans, showing the pretreatment facilities and operating procedures to the Town for their review and comment prior to the construction of the facilities. The review of such plans and operating procedures will in no way relieve the user from the responsibility. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the QDC prior to implementation.

**Secs. 20-136 – 20-149. Reserved.**

**DIVISION V. USE REGULATIONS**

**Sec. 20-150. Permit.**

(1) No unauthorized person shall uncover, make any connections with or opening into, use, repair, disconnect, alter or disturb any public sewer or appurtenances thereof and/or building sewers without first obtaining a written permit from the Town. Said permit shall be valid for sixty (60) calendar days from date of issue. All building sewer installation work is to be performed by a drainlayer who is licensed in the Town of North Kingstown or a Master Plumber licensed in the State of Rhode Island.

(2) There shall be two (2) classes of building sewer permits:

- (a) residential services
- (b) commercial and industrial services

(3) The owner of any house, building or property wishing to obtain a sewer permit shall ~~make~~ complete an application on the prescribed forms furnished by the Town. The owner shall also submit any plans, specifications or other information considered pertinent in the judgment of the Town. The appropriate sewer permit fees shall be paid to the Town at the time of application. Separate permit applications are required for main sanitary sewer extensions, and for each individual building sewer or connection line proposed. Additional permits as described within this section of this article may apply prior to the actual use of any main or building sewer by any user. In addition, commercial and industrial users must also receive approval from the QDC, as required.

(4) Accompanying each application for a permit required by this section shall be a location plan showing the lot lines and dimensions, location of water pipes and other underground utilities or structures, location of permanent buildings and location of building sewers and storm drains, and other information as required. Any work within the Town right of way requires an excavation permit from the Public Works Department Engineering Office.

(5) For service to establishments producing industrial wastes, the owner must ~~make~~ complete an application on a special form furnished by the Quonset Development Corporation, according to the Quonset Business Park Development Package, Quonset Davisville Port and Commerce Park Sewer Treatment System User Regulations 7.4.2.

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

(7) Any person applying for a new connection of large volume or unusual character of pollutants, or any persons proposing a substantial change in volume or character of pollutants that are being discharged into the system shall notify the Director and QDC.

(8) No licensed drainlayer or Master Plumber shall have more than five (5) permits outstanding at any time.

#### **Sec. 20-151. Drainlayers.**

(1) Building sewers and connections shall be made only by drainlayers licensed to perform such work in the Town or Master Plumbers licensed by the State of Rhode Island. Application for a drainlayer's license shall be made to, and upon forms prescribed by, the Director. Upon approval by the Director, a one-year drainlayer's license shall be issued to the applicant. To obtain such a license approval each applicant, in addition to filing such application, shall:

- (a) Take and pass an exam with a score of at least 70 percent ~~an exam~~ to be administered by the Director.
- (b) Pay to the Town an annual licensing fee.
- (c) Provide three (3) certified reference letters.
- (d) Provide evidence of having a blanket bond in the amount of \$25,000.
- (e) ~~The~~ Accept responsibility for maintaining a valid license, and/or the renewal of same rests solely with the applicant.
- (f) Document at least five (5) years experience drainlaying.

- (2) A minimum of one week shall be allowed for the processing of each application, and, upon approval, a license shall be issued to the applicant. During the course of any work related to main or building sewers, the licensed drainlayer doing the work must have in his possession a valid drainlayer's license or master plumber's license. The licensed individual must be present at the site for all operations, unless otherwise released by the Director.
- (3) An accurate record of all drainlayers' licenses shall be kept ~~both~~ at the Public Works Department. Notice must be given to the Public Works Department at least 48 hours prior to the beginning of any work on a sewer. No inspections will be scheduled until the permit application has been duly signed and returned to the Town with accompanying fees. All sewer permits shall be posted in a visible manner at the site of any and all sewer work. Such information as the Town has with regard to the existence or location of main or building sewers will be furnished to drainlayers upon request, but at their risk as to the accuracy of the information. No materials shall be used or work covered until inspected and approved by the Director, and the drainlayer's return portion of each building sewer connection permit application shall be promptly returned to the Public Works Department after the work has been thoroughly inspected and the return has been signed by the inspecting authority.
- (4) Failure to comply with any provisions of this article by the drainlayer or master plumber, as determined by the Director, may result in the forfeiture of the right, as determined by the Director, to perform building or main sewer work within the Town. The Town also reserves the right to withhold the issuance of any sewer permits to any drainlayer or master plumber found in violation of any provisions of this article.
- (5) Drainlayers shall only install building sewers during the normal working hours of the Sewer Department. Emergency working hours shall be approved by the Director.
- (6) Excavation and Repaving. No person shall open any road, street or highway in the Town for the purpose of installing sewer lines without first receiving a permit and complying with all of the criteria required by the Code of Ordinances of the Town of North Kingstown and/or the State of Rhode Island, Department of Transportation. Failure to comply with these rules and regulations shall be deemed a violation of this Code. Any person or persons guilty of said violation shall be liable for a fine as specified in Section 20.97 Criminal Prosecution.
- (7) The size and slope of the building sewer shall be subject to the approval of the Town, but in no event shall the diameter be less than six (6) inches. The slope of such 6-inch pipe shall not be less than one-quarter ( $\frac{1}{4}$ ) inch per foot.
- (8) *Town's Responsibilities*. The Town shall be responsible for all repair and maintenance of all main sewer lines up to the "Y" connection for a building lateral. The property owner shall, at their expense, be responsible for the repair and maintenance of the building lateral pipe, from the building to the "Y" connection.
- (9) All plumbing outlets in any building served by a public sewer shall discharge to the building sewer.
- (10) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no branch is available, a connection may be made by tapping the existing sewer by an approved method, then inserting an approved "Y" or "T" saddle, all encased in concrete.

(11) The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. No such connection shall be made, nor any discharge to the public sewer system be made until approval ~~therefore is had from~~ is granted by the Director. The connection shall be made under the supervision of the Director.

(12) Any variation from this Ordinance shall receive the approval of the Director before implementation.

(13) The requirements of the Town Plumbing and Drainage Code shall be observed with respect to piping and fixtures inside or within five (5) feet of buildings and within the areas of jurisdiction of said Code. In the event of conflict between said Code and any Sections of this Ordinance, the requirements of this Ordinance shall apply.

(14) ~~At such time as a~~ Within 90 days of the public sewer becomes available to a property served by a private wastewater disposal system, the owner shall connect to the public sewer. All existing cesspools or septic tanks shall be emptied into licensed ~~tank truck~~ septage disposal vehicles only and disposed of at a site approved as a septage receiving station. Cesspool or septic tank is to, ~~and~~ then filled with crushed stone or gravel by a drainlayer immediately upon sewer service being placed into active service. No contents of septic tanks or cesspools shall be discharged to the public sewer by any person or septage disposal vehicle owner or operator.

**Sec. 20-152. Costs and expenses of installation for building sewers.**

All costs and expenses incidental to the installation, connection and subsequent operation and maintenance of the building sewer, including any costs related to the existence or location of any sewer, shall be borne by the owner. The owner shall indemnify the Town from any loss or damage including, but not limited to, any loss or damage to any sewer or public sewer that may directly or indirectly be occasioned by the installation, connection, operation and/or maintenance of the building sewer.

**Sec. 20-153. Separate sewers for each building and exceptions.**

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another or at an interior landlocked lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, then the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, subject to the approval of the Director. The owner of such rear or interior lot shall obtain a sewer easement from the front lot owner and shall record the same in the land evidence records of the town prior to the Town's issuance of a permit. The Town does not and will not assume any obligation or responsibility for damages caused by or resulting from any such single connection.

**Sec. 20-154. Cleanouts.**

Cleanouts shall be installed when directed by the Town, where the distance from the building to the property line is greater than 100 feet, or where bends greater than 22½ degrees are used in the building sewer, and at each property line.

**Sec. 20-155. Backflow preventers.**

All residential connections shall have backflow preventers installed at the owner's expense and to be maintained by the owner. The type of backflow preventer required for commercial and industrial facilities shall be approved by the Director and QDC.

**Sec. 20-156. Standard requirements.**

The Town shall establish standard requirements or specifications to regulate the sizes, materials, methods and workmanship to be used in the construction of sewers, house connections, and other similar work and appurtenances, thereto connected or intended to be connected or to discharge, directly or indirectly into any public sewer of the Town of North Kingstown. All construction procedures, materials and specifications shall conform to the Standard Sanitary Sewer Requirements of the Town of North Kingstown and all applicable Federal, State and Town Building and Plumbing Codes. Any deviations from these prescribed procedures and material must be approved by the Director before installation.

**Sec. 20-157. Connection of roof downspouts, floor drains, sump pumps, areaway drains, etc.**

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

**Sec. 20-158. Oil, grease and solids interceptors.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and QDC and shall be located as to be readily and easily accessible for cleaning and inspection. Restaurants, cafeterias, institution kitchens and any other kitchen serving large numbers of people shall provide a grease interceptor meeting the approval of the Director and QDC before entry to the sewer and the owner shall periodically remove grease therefrom.

**Sec. 20-159. Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Town to meet all requirements of this division. The costs of any such tests or examinations shall be borne by the applicant. Existing building sewers that are to be replaced or abandoned by virtue of a permit issued under this division shall be cut and capped, and the line either removed or filled with suitable material, as approved by the Town.

**Sec. 20-160. Privately-owned wastewater treatment facilities.**

Privately owned and operated pump stations and collection systems connected to the wastewater system must adhere to the following:

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

(b) The owner shall submit, for review and approval by the Director, an Operations and Maintenance Manual describing standards and procedures by which the Wastewater Treatment Facilities, pump station(s) and/or collection system(s) will be staffed, operated and maintained during normal and emergency conditions. Should development of the Plan include the practice of engineering, the Plan must be prepared and certified by a Registered Professional Engineer (registered in the State of Rhode Island).

(1) Owners of existing privately owned pump stations shall submit an Operations and Maintenance Manual within one (1) year of passage of this Ordinance and pay all associated fees as presented in the Summary of Fees.

(2) For newly constructed privately owned pump stations, the Operations and Maintenance Manual must be submitted prior to the Director issuing a Sewer Permit. The fee shall be submitted at the time of the submittal as presented in the Summary of Fees.

(3) The contents of the Operations and Maintenance Manual shall be as outlined in the Standard Sanitary Sewer Requirements of the Town of North Kingstown and QDC.

(c) Provide all required easements that will allow the Town access to the site for unannounced periodic inspections.

(d) The owner shall pay an annual Permit Fee for the operation of the facilities. The fee shall be adopted by the Town from time to time.

(e) The owner is required to conduct (at a minimum) monthly inspections of the pump station. The inspection reports shall be forwarded to the Director within three (3) business days after the inspection. At a minimum, the inspection report shall provide the name of the individual or firm performing the inspection, hours of operation for each pump, generator run time, summary of alarms, any maintenance undertaken during that month, condition of the station, and recommendations.

**Sec. 20-161. Installation standards and requirements.**

The size, slope, alignment and materials of construction of a building or main sewer and the methods to be used in excavation, placing of pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Quonset Davisville Port and Commerce Park Sewer Treatment System User Regulations, the Rhode Island State Building Code, the “Guides for the Design of Wastewater Treatment Works”, (TR-16; latest version), as promulgated by the New England Interstate Water Pollution Control Commission or other applicable town standards and regulations.

The provisions and any specifications and construction installation procedures promulgated by the Engineering Department shall also apply.

**Sec. 20-162. Inspections on private property; powers and authority of the Director.**

(1) *Authorized employees to be admitted.* The Director and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(2) *Monitoring by industry.* Any industry discharging into the public sewer shall perform such monitoring of its discharge as the QDC may require, including the installation, use and maintenance of monitoring equipment and methods, shall keep records of the results of such monitoring and shall report the results of such monitoring to the QDC.

**Sec. 20-163. Validity.**

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

(2) The Town may waive any of the requirements of the Ordinance whenever they determine that strict compliance therewith is not required in the public interest.

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

(4) The Ordinance may be added to, modified, or amended from time to time.

**Sec. 20-164. Schedule of fees.**

A schedule of fees and penalties shall be adopted by the Town from time to time as part of the Budget adoption process. Division III, Sec. 20-119 states the Summary of Fees.

**SECTION 3.** This Ordinance shall take effect upon passage and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

First Read and Amended at the Town Council Meeting of March 11, 2013 and referred to the Town Council Meeting of March 25, 2013 for Second Reading and Consideration of Adoption.

Amended and Adopted at the Town Council Meeting of March 25, 2013.

Jeannette Alyward  
Town Clerk

**ORDINANCE NO. 13-17**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 20 OF THE CODE OF ORDINANCES, TOWN OF NORTH KINGSTOWN, ENTITLED, "UTILITIES"**

Note: Words set as ~~strikeover~~ are to be deleted from the ordinance; all underlined text is to be added to the ordinance.

The Town Council of the Town of North Kingstown hereby ordains:

**SECTION 1.** That Section 20-116 (e) 3 of the Code of Ordinances, Town of North Kingstown, entitled, "Special Assessments" is hereby amended as follows:

Section 20-116 (e) 3. Special Assessments: All buildings used for the sole purpose of holding religious services therein, State facilities, ~~and~~ Municipal facilities and other lots zoned as Public (P) shall be assessed as one residential parcel.

**SECTION 2.** That Section 20-133 of the Code of Ordinances, Town of North Kingstown, entitled, "By private parties, developers, etc." is hereby amended as follows:

Sec. 20-133. By private parties, developers, etc.

Sewers and appurtenances may be extended or constructed as stipulated in Section ~~20-89~~ 20-116 by developers, property owners, or groups of property owners at their own cost, providing the plans, design, materials or construction and size and other required information are prepared by a licensed professional engineer and filed with the Public Works Department for final approval by the Director. Construction methods and tests must meet the approval of the Director and must be in accordance with the standards described in Section 20-132. It is further provided, if so determined by the Director in his final approval, that the developer, property owner or group of property owners, by written agreement, shall deed such sewers and appurtenances to the Town without qualification in which case, the Town Council may vote to accept the same. All easements for such main sewers and appurtenances shall be obtained by the applicant at no cost to the Town, and shall in turn be dedicated to the Town in a form approved by the Town Solicitor, in which case the Town Council may vote to accept the same. Before final approval is granted, payment of all Town fees, including but not limited to, engineering review fee and cost of construction inspection, is required of the applicant.

**SECTION 3.** This Ordinance shall take effect upon passage and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

First Read at the Town Council Meeting of November 12, 2013 and referred to the Town Council Meeting of November 25, 2013 for Second Reading and Consideration of Adoption.

Adopted at the Town Council Meeting of November 25, 2013.

Jeannette Alyward  
Town Clerk

**ORDINANCE NO. 13-13**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 20 OF THE CODE OF ORDINANCES, TOWN OF NORTH KINGSTOWN, ENTITLED, "UTILITIES"**

Note: Words set as ~~strikeover~~ are to be deleted from the ordinance; all underlined text is to be added to the ordinance.

The Town Council of the Town of North Kingstown hereby ordains:

**SECTION 1.** Chapter 20, Article III, Division I, Sec. 20-58(a) of the Code of Ordinances, Town of North Kingstown, entitled, "Imposition, collection and enforcement of charges for use of sewers" is hereby amended as follows:

- (a) Fees, charges and assessments generally. The town council shall prescribe annual just and equitable charges to be charged all users of the sewerage system, all owners of land abutting upon that portion of any street or highway or right of way in which sewers have been constructed under the provisions of this article, all owners of land abutting upon that portion of any public street, highway or right of way in which sewers have been constructed otherwise than under this chapter and all users of such other sewers. ~~Charges to owners of such abutting land as do not use the sewers shall be less than those charged to users of the sewers and shall be at a uniform rate for each front footage of land abutting on such street or highway or right of way; provided, however, that a minimum rate may be established for any lot of land having a front footage of less than 50 feet, which rate may be equal to that charged for a lot with a front footage of 50 feet; and, provided, further, that a higher rate per front footage may be charged for a lot of land upon which a dwelling house is located than for an unimproved lot of land.~~ Such annual charges shall be sufficient at all times to pay the cost of and are hereby appropriate to the operation, maintenance and repair of the sewerage works, including sewers constructed in public streets, highways or rights of way otherwise than under this chapter but not including debt service:
- (1) Where a sewer or main drain is constructed on any street abutting corner lots, the town council upon recommendation of the department of public works abate, postpone, or cancel such assessments levied on one of either of the two sides of such corner lots.
  - (2) Owners of land tied to the sewerage system prior to 2008 shall not pay an assessment; however, such owners will be subject to capital upgrades or other system wide upgrades to the infrastructure.

**SECTION 2.** Chapter 20, Article III, Division I, Sec. 20-59 of the Code of Ordinances, Town of North Kingstown, entitled, "Costs of ~~instruction~~ construction of sewerage works and laterals; annual assessments; liens created" is hereby amended as follows:

- (a) Generally. The cost of construction of the sewerage works and the debt service on obligations issued shall be met from the sewer enterprise funds of the town, except as provided in this section and in the preceding section. The cost of construction of each lateral sewer installed after the effective date of this article shall be assessed upon all owners of land abutting upon that portion of any street or highway or right of way in which such lateral sewer is constructed. ~~Such assessment shall be at a uniform rate for each front footage of land abutting on such street, highway or right of way; provided, however, that a~~

~~minimum rate may be established for any lot of land having a front footage of less than 50 feet, which rate may be equal to that charged for a lot with a front footage of 50 feet; and provided, further, that a higher rate per front footage may be charged for a lot of land upon which a dwelling house is located than for an unimproved lot of land. It is hereby determined that assessments made under this section will not exceed the benefits to the abutting owners. Lateral sewers shall include all sewers which are not designed to receive the sewerage from any other common sewers. The town council may provide that assessments may be paid in equal annual installments for a period not exceeding 20 years with interest thereon at a rate determined by the town council not exceeding six percent per annum payable at the time each installment becomes due. Any landowner shall have the privilege, however, of prepaying unpaid installments with interest to the time of prepayment.~~

- (b) *Rate of assessment.* The town council shall from time to time establish the rate of assessment for each ~~front foot of abutting land~~ lot in a designated sewer district based upon the actual cost of construction.
- (c) *Annual assessments—Lien on real estate.* The town council shall annually, on or before the first day of July, certify to the town treasurer all the assessments made by it under the authority of this section. Each assessment made by the town council pursuant to this section shall be a lien upon the lands, buildings and improvements upon which it is made in the same way and a manner as taxes are assessed on real estate, but such lien shall not expire until the assessment with all interest, costs and penalties thereon is paid in full, and if the assessment is not paid as required, it shall be collected in the same manner that taxes assessed on real estate are by law collected. Such assessments shall be due and payable at the time the regular town taxes are first due and payable next after the date of receipt by the town treasurer of the aforesaid certificate of assessments from the town council, except that installment payments shall be due beginning at such time and the town treasurer shall forthwith certify said assessments to the tax collector for collection and said tax collector shall proceed to collect such assessments in the same manner and at the same time the regular taxes of the town are first payable, with provision for installments only as provided in this section. Interest at the rate per annum fixed for nonpayment of town taxes shall be charged and collected upon all overdue assessments and installments of principal of and of interest on assessments from the date they become payable until paid.

**SECTION 3.** Chapter 20, Article III, Division I, Sec. 20-64 of the Code of Ordinances, Town of North Kingstown, entitled, "Exemptions for religious societies and cemeteries" is hereby amended as follows:

~~Sec. 20-64. Exemptions for religious societies and cemeteries.~~

~~All lands in said town held by religious corporations, and on which are located buildings used solely for the purpose of holding religious services therein, and all lands in said town held by cemetery corporations and used solely for cemetery purposes, shall be exempt from the payment of any and all assessments for the construction of sewers made in pursuant of the provisions of section 20-59 of this article.~~

Clerk's note: Sec. 20-65 through 20-72 be renumbered accordingly.

**SECTION 4.** Chapter 20, Article III, Division II, Sec. 20-90 of the Code of Ordinances, Town of North Kingstown, entitled, "Definitions" is hereby amended by adding the following:

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

"NON-BUILDABLE LAND" shall be defined as land that contains cemeteries, utility and right-of-way easements, wetlands or waterbodies. For the purpose of identifying non-buildable land, the Town of North Kingstown GIS Mapping shall be used in conjunction with any other pertinent information available.

"POST ROAD DISTRICT" is established as a mixed use, economic development center as defined in the Zoning Ordinance, Section 21.94.

"SEWER COMMISSION" shall be the North Kingstown Town Council acting as Sewer Commission as authorized by Public Laws of 2009, Chapters 25 and 37, and Public Laws of 2010, Chapters 263 and 291, which Sewer Commission shall be vested with the powers and authorities granted pursuant to the aforesaid Enabling Legislation, as may be amended from time to time, including but not limited to the power and authority to plan, acquire, construct, operate, maintain, extend and improve a sewerage disposal system for the Town or any part or parts thereof.

**SECTION 5.** Chapter 20, Article III, Division II, of the Code of Ordinances, Town of North Kingstown, entitled, "General" is hereby amended by adding the following:

Sec. 20-98. - Appeals.

If any ruling made by the Director is unsatisfactory to the person requesting reconsideration, he may, within 60 days after mailing of notice of an assessment or charge or within 30 days after giving or mailing of notice of an order under Section 17 of 1962 Public Laws, Chapter 254, any person aggrieved by such assessment, charge or order may appeal to the Town Council acting as the Sewer Board of Review Commission .

Appeals must be in writing on forms provided by the Sewer Board of Review Commission and shall be filed in with the Town Clerk within the times specified above. The Sewer Commission shall hear the appeal within 60 days of filing.

The Sewer Board of Review Commission shall have power to hear and decide appeals where it is alleged that an assessment, charge or order of the Department of Public Works city sewer authority is unwarranted in whole or in part, and shall annul or modify the same and make such order as justice may require. Otherwise it shall affirm the same.

The merits of any petition may be discussed by the Sewer Board of Review in executive session; provided, however, that all decisions of the board shall be made in open session. The

~~board in its discretion may reserve consideration and decision to a later date. All decisions shall be made by majority vote.~~

Notice of the Sewer Board's Commission decision shall be sent to the petitioner and a copy of same forwarded to the Department of Public Works ~~city sewer authority.~~

No new petition pertaining to the same premises or subject matter involved in a decision of the Sewer Board of Review Commission may be heard until the expiration of two years from the date of such decision.

Secs. 20-99 – 20-109. Reserved

**SECTION 6.** Chapter 20, Article III, Division III, of the Code of Ordinances, Town of North Kingstown, entitled, "Sewer Fund, Rates and Assessments" is hereby amended by adding the following:

Sec. 20-116. - Assessment of charges.

The Town Council shall, by Resolution, designate one or more sewer assessment districts and assess all or such portion of the project cost of the Town's sewage facilities against the properties located within each such district as is determined by the Town Council to provide special rather than general benefit to such parcels. The assessment cost is calculated by establishing the actual total of the project cost, including, but not limited to, design, construction, administration and interim financing.

- (a) Sewer Assessment Roll. At such time as the Town Council designates any sewer assessment district, the Town Council and the Town Tax Assessor shall certify to the Town Finance Director a sewer assessment roll of the estates located within such sewer assessment district that are determined by the Town Council to be subject to assessment. Such sewer assessment roll shall describe each estate, indicate the classification of user occupying each estate, and state the amount of the assessment against each estate.
- (b) Recording and Notice. Upon receipt of any sewer assessment roll from the Town Council and Tax Assessor, the Finance Director shall record a copy thereof as a public record and cause notice to be sent to the owner of each estate assessed in the manner set forth in ~~Section~~ Section \_\_\_\_\_ of the enabling legislation.
- (c) Collection of Assessments; Lien. From the date of delivery of the sewer assessment roll to the Finance Director, the amount of each assessment, including any interest thereon, shall constitute a debt payable to the Town by the owner of each estate assessed, on a parity with the lien for Town taxes. The Finance Director shall have the same powers to collect sewer assessments from the owners of lots assessed, whether or not residents of this state, and to enforce such liens against the lots assessed as the finance director has in the case of Town taxes assessed against residents of this state. At the time of transfer of title, the balance of the assessments will be transferred to the new property owner.

- (d) Payment. Each sewer assessment shall be payable in equal annual installments ~~in an amount and~~ over a period determined by the Town Council. Annual installments of sewer assessments may be paid in quarterly installments, if the owner so elects at such time. The unpaid balance of each assessment shall bear interest from the date the assessment roll is delivered to the Finance Director at a rate determined by the Town Council; provided, however, that the whole assessment against any estate may be prepaid without interest at any time prior to the due date of the first installment thereof. The unpaid balance of any sewer assessment, together with interest accrued to the date of payment, may be paid at any time.
- (e) Post Road South Sewer District. There is hereby created the Post Road South Sewer District, which encompasses portions of Camp Ave., Dana Road, Huling Road and Post Road from Route 403 to Map 103 / Lot 6 (7769 Post Road). The Town Council shall assess all or such portions of the project cost of the Towns' sewage facilities.
1. Residential Assessments: Assessments accruing to properties as the result of the construction of systems of sewers and/or systems of sewerage and sewage disposal shall be assessed as follows:
    - a. Each residential parcel of land which abuts a public highway or a highway which by use is generally believed to be a public highway or a right-of-way, and in which there has been constructed a public sanitary sewer, shall be assessed a per parcel fee adopted by the Town (see Schedule of Fees) at the time of the assessment. Whenever such a parcel of land contains a building or buildings that are, in the opinion of the Town, potential sewer connections, an additional assessment shall be levied.
    - b. Each residential parcel of land which does not abut a public highway or right-of-way but which, in the opinion of the Town, is a potential sewer connection shall be assessed as described in Section 1a of this Article. If any such parcel of land contains more than one building, each building which is a potential sewer connection in excess of one basic building shall be assessed an additional assessment in addition to the primary assessment.
    - c. Each existing or newly created residential lot, which lot shall include multi-family Units, e.g. condominiums and town houses, which are to be connected to a public sanitary sewer, shall be assessed as a separate parcel in the same manner as a residential parcel.
  2. Commercial Assessments: Each commercial property shall be assessed a "per square footage" fee adopted by the Town. In no instance shall the fee be less than a residential parcel for the district. The "square foot" assessment shall be based on the gross buildable square footage. The non-buildable area shall be limited to wetlands, cemeteries, permanent utility and right-of-way easements and waterbodies, as indicated by the Town's GIS Mapping. Whenever such a parcel of land contains a building (or buildings) that are, in the opinion of the Town, additional potential sewer connections or where additional sewer laterals have been provided, an additional assessment shall be levied as hereinbefore set forth in addition to the initial assessment for each such potential sewer connection.

3. Special Assessments: All buildings used for the sole purpose of holding religious services therein, State facilities and Municipal facilities shall be assessed as one residential parcel.
4. Notwithstanding the foregoing, the Town Council shall have discretion to defer a sewer connection for a parcel of land if the owner of such parcel, within five (5) years of the date before the sewer construction began, has installed a new septic system. Such parcel shall be assessed and begin paying the assessments as all other parcels within the district. For a period not more than five (5) years from the date of acceptance, the user fee will be suspended. If the property is sold during the five (5) year period, the parcel must be connected to the sewers and the user fee will begin upon the sale of the property.
5. If the Town Council finds it necessary to install (where proposed low pressure sewer is being created or a dwelling that is located in a low lying area along a gravity sewer system) grinder pumps as part of the project area, the Town may provide one grinder pump unit to each developed parcel at no cost to the dwelling owner. The availability of the grinder pump shall remain in effect up to one year of the project completion and acceptance of the project. For an undeveloped parcel, the Town will provide a credit to be determined by the Town Council at the time the parcel is improved. The installation of the grinder pump is the responsibility of the property owner. The operation and maintenance of the grinder pump system shall be the responsibility of the property owner. The owner shall obtain a service contract from a qualified firm to provide operation and maintenance to the system and a copy of the service contract shall be submitted with the permit application in order to receive an approval to connect to the sanitary system. The owner shall provide his own emergency power to the grinder pump system during power outages. The Town is not responsible to provide emergency power or to provide maintenance to the grinder pump system(s). The owner will be responsible for the replacement of the pump if the need arises.
6. Sewer Lot Development Assessment:
  - a. For parcels of real property, improved and unimproved, which are not included in a specific sewered district not yet connected to the Town's sewer system, but which, in the future, may connect into the public sewer system without being charged a sewer assessment, the Town intends to distribute the future cost of construction and improvement in a manner which is fair and equitable to all property owners who connect into the Town's sewer system.
  - b. A sewer development assessment will be assessed against all property owners who request to or who are required to connect into the Town's sewer system and whose lot or unit(s) has not been charged a sewer assessment on an individual basis.
7. Sewers Built by Private Parties ( Assessments): Notwithstanding any other provisions of this Ordinance, it is hereby determined that sanitary sewer lines built by and at the expense of a private party and not assessed under Section 1 shall pay the following assessment:
  - a. For each residential/commercial parcel of land which abuts a public highway or a highway which by general use is generally believed to be a public highway or a right of way, or a private road in which sanitary sewer lines are installed by a private party and which are connected to the public sanitary system the following assessment shall apply;

1. An assessment for a residential parcel shall be adopted by the Town Council
2. An assessment for a commercial parcel outside of the Post Road Zoning District shall be based on an equivalent dwelling unit as defined in this Ordinance.

Sec. 20-117. - Future sewer assessments. (TBD)

**SECTION 7.** Chapter 20, Article III, Division III, of the Code of Ordinances, Town of North Kingstown, entitled, "Sewer Fund, Rates and Assessments" is hereby amended by adding the following:

Sec. 20-118. - Annual sewage system user charges. ~~(TBD)~~

(a) Sewer Connection Fee:

1. A sewer connection fee will be imposed by the Town for the installation of the building sewer from the public sanitary sewer to the property line.
2. The sewer connection fee shall be paid at the time the permit is obtained.
3. The sewer connection fees are presented in the Schedule of Fees.
4. Whenever it is determined by the Director of Public Works that the connection of the sewer *installation requires additional inspection time, the Town shall be empowered to charge a connection fee to cover such additional costs as may be incurred over and above the fee hereinbefore set forth.*

(b) Sewer User Charge: The following annual charges for use of the sewerage system of the Town are hereby established, to be paid by every person, firm or corporation whose particular sewer enters into said system:

1. The cost of operation and maintenance of the complete sewer system shall be financed solely from sewer customer charges.
2. A sewer charge shall be levied to each customer upon connection to the public sewage system. The service charge shall be based upon the quantity of water used at the premises of the customer as measured by the water meter in use thereat, except as otherwise hereinafter provided.
3. For domestic and commercial users, the rates and charges for each billing period shall be determined by each user's annual water use. The rates shall be established from time to time by Town Council resolution. The Town may establish a minimum amount per billing period which all customers must pay for which a minimum contribution of wastewater is allowed.
4. In the event a lot, parcel of land, building or premises discharging sanitary commercial or industrial sewage or other liquids into the Town sewage system either directly or indirectly, is not a user of the public water system the property owner shall be responsible to purchase and install a water meter, at their expense. The water meter shall be purchased from the Department of Public Works.

5. In the event two or more lots, parcels of real estate, residences, dwelling units or buildings discharging sanitary sewage water or other liquids into the sanitary sewage system of the Town are users of water and the quantity of water is measured by a single water meter, then, in each case for billing purposes, the minimum charge for the sewer rates and charges shall be multiplied by the number of lots, parcels or real estate, residences, dwelling units or buildings served through the single water meter.
6. Charges for the sewage disposal service shall be billed and collected by the Town.
7. Each charge or service fee levied pursuant to this Ordinance is hereby made a lien upon the corresponding lot, land or premises served by the connection to the sanitary sewage system of the Town. Failure to pay said charge or service fee within the prescribed period time, such charge or fee shall then be collected as other Town taxes are collected. The official record of the Town shall constitute notice of penalty and of said lien as herein provided.
8. All money collected under the provisions of this Ordinance shall be deposited in a Sewer Enterprise Fund and expenditures from which are to be made only for maintenance, operation, administration, treatment, debt service and other related sewage system expenses.
9. The Town, in addition to the other remedies provided by this Ordinance may institute legal proceedings to collect overdue sewer service charges. Penalties may be added to the original sewer bill for late payment which penalties shall be set by the Town by resolution.

**SECTION 8.** Chapter 20, Article III, Division III, of the Code of Ordinances, Town of North Kingstown, entitled, "Sewer Fund, Rates and Assessments" is hereby amended as follows:

Sec. 20-119. - Summary of fees.

Summary of fees.

(TBD: to be determined)

The fees included in prior sections of this Ordinance are presented below. These fees may be amended in accordance with Sec. 311 of the Charter.

<u>PURPOSE</u>	<u>FEE</u>
<i>Drainlaying</i>	
Permit Application and Annual Fee	\$50.00
Insurance Requirements:	
Property Damage & Bodily Injury Liability	\$1,000,000.00 for each occurrence <u>naming Town as additionally insured</u>

Drainlayer's Bond \$2,000,000.00 Aggregate  
\$25,000.00

Connection to Town Sewer System

DOMESTIC USERS

Permit Application Fee \$25.00 per unit  
Connection Costs To be paid by owner

COMMERCIAL USERS

Permit Application Fee \$25.00 per unit  
Connection Costs To be paid by owner

PRIVATELY-OWNED PUMP STATIONS

Permit Application Fee \$\$ TBD  
Connection Costs \$\$ TBD Site specific, based on construction costs

SEWER EXTENSION

Permit Application Fee \$\$ TBD based on a percentage of construction cost

REPAIRS TO SERVICE CONNECTIONS

Permit Application Fee \$\$ TDB

Annual Use Charges

Domestic, Commercial and Industrial Users **TBD:** \$\$ per hundred cubic feet based on 80% of the actual water meter reading, set annually by Summary of Fees

DYE TESTS

\$\$TBD  
(reimbursable if testing determines property is not connected to the sewer system)

CHARGES FOR COPIES

Costs for copies of documents deemed public records shall be as

set forth by 38-2-4 of the Rhode Island General Laws, as may be amended.

CHECKS WRITTEN/INSUFFICIENT FUNDS

25.00 (RIGL 6-42-3) and any other fees assessed by the Town's financial institution

SEWER ASSESSMENT FEES

Residential

~~TBD: Assessment of \$\$ payable over 20 years and a rate of interest on the entire unpaid balance charged yearly after the first year~~

~~Single family units and condominium units~~

Multi Family Units

~~TBD: \$\$~~

Commercial

~~TBD: \$\$ per thousand for the first one hundred thousand dollars of assessed value and, thereafter, at a rate of \$\$ per thousand on the remaining assessed value, as established by the Assessor of the Town of North Kingstown or the community where the property is located, at a rate of interest for a period of 20 years, and which assessment amount shall be based on the date of assessment~~

POST ROAD SEWER DISTRICT ASSESSMENTS

Residential Assessment \$18,500.00\*

Commercial Assessment \$0.74 per buildable square foot\*

General Assessments:

Additional Sewer Lateral \$18,500.00

Additional Building \$18,500.00

\*All assessments will be adjusted at the conclusion of Phase II construction.

**SECTION 9.** Chapter 20, Article III, Division IV, of the Code of Ordinances, Town of North Kingstown, entitled, "Main and building connections" is hereby amended as follows:

Sec. 20-130. Connection to public sewer required.

(a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at his expense to install suitable toilet wastewater facilities therein, and connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ~~ninety (90) days~~ six (6) months after date of official notice to do so, except when a public sewer is greater than two hundred fifty (250) feet from the structure and a subsurface sewage disposal facility is approved by the Rhode Island Department of Environmental Management, there is a permanent, physical impediment or the property is served by a new OWTS constructed after January 1, 2010 to the most recent state and local standards and requirements. In the case of the new OWTS installed after January 1, 2010, an exemption shall be granted for a period to July 1, 2020 or until the property title is transferred.

(b) Where sewers are available, all new construction must connect into the sewerage system.

**SECTION 10.** This Ordinance shall take effect upon passage and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

First Read and amended at the Town Council Meeting of August 26, 2013 and referred to the Town Council Meeting of September 23, 2013 for Second Reading and Consideration of Adoption.

Amended and adopted at the Town Council Meeting of September 23, 2013.

Jeannette Alyward  
Town Clerk