

## **Chapter 15 SANITARY SEWERS AND STORM DRAINS\***

### **Sec. 15-1. Definitions.**

The following words and phrases, when used in this chapter, shall have the meaning ascribed to them in this section:

- (a) Public storm drains and sanitary sewers. Drains and sewers that are owned by the city.
- (b) Private storm drains and sanitary sewers. Drains and sewers that are privately owned and are connected to the public drains and sewers of the city and the Massachusetts Water Resources Authority.
  - (1) The cost of installing and maintaining these drains and sewers is the responsibility of the owner up to and including the connection to the public drains and sewers.
- (c) Lateral connections. Drains and sewers that are connected from a property to the public or private storm drains and sanitary sewers
- (d) Appurtenances. All other connections, including vents and manholes, that are connected to the public and private storm drains and sanitary sewers.

### **Sec. 15-2. Powers of board of aldermen generally.**

The board of aldermen shall have full power to authorize by order the construction of all public sanitary sewers. (Rev. Ords. 1976, Pt. 2, Ch. 16, § 1)

### **Sec. 15-3. Board of public works; powers, duties generally.**

- (a) The board of public works shall construct or cause to be constructed, public storm drains and sanitary sewers.
- (b) The Board of Public Works shall have the general control of all the public and private storm drains and sanitary sewers of the city, and of all the appurtenances thereto, and of the construction, maintenance, repair and use of the same.
  - (1) The Board of Public Works shall authorize and license a sufficient number of suitable persons to connect private storm drains and sanitary sewers to the public storm drains and sanitary sewers or to the Massachusetts Water Resources sanitary sewer system.
- (c) The board of public works shall care for all catch basins and cleanouts.

(Rev. Ords. 1976, Pt. 2, Ch. 16, §§ 2--4)

Cross reference(s)--Board of public works, § 2-161 et seq.

### **Sec. 15-4. Duties of city engineer generally.**

- (a) The city engineer shall be responsible for the laying out, and constructing, public storm drains and sanitary sewers, and he shall provide accurate plans showing the location, depth and materials, with a section plan of each storm drain or sanitary sewer, indicating its size, shape, thickness and construction.
- (b) The city engineer shall cause to be shown by such plans all existing connections as they may be made.

(Rev. Ords. 1976, Pt. 2, Ch. 16, § 5)(Ord. of 06-25-2001)

Cross reference(s)--City engineer, § 2-81 et seq.

### **Sec. 15-5. Plans, record of charges and assessments.**

Plans and descriptions of all public and private storm drains and sanitary sewers and lateral connections thereto shall be kept in the office of the city engineer.

(Rev. Ords. 1976, Pt. 2, Ch. 16, § 6)

**Sec. 15-6. Storm Drains and Sanitary Sewers designated; approval of laying, connections.**

(a) Every sewer or drain, laid in any land or street which is used or intended to be used for the purpose of draining more than one (1) house, building or estate, shall be deemed a public storm drain or sanitary sewer, or a private storm drain or sanitary sewer.

(b) No such storm drain or sanitary sewer shall be laid or connected with any existing storm drain or sanitary sewer except by the authorized order of the board of aldermen.

(Rev. Ords. 1976, Pt. 2, Ch. 16, § 7)

**Sec. 15-7. Manner of Connecting Storm drains and sanitary sewers.**

(a) Every lateral connection storm drain or sanitary sewer entering its respective main system shall be built in such manner as shall be satisfactory to the board of public works and with due observance of all regulations of the board of health, so far as applicable thereto.

(b) The openings, excavations, construction, or repair of lateral connections, storm drains or sanitary sewers shall be made by a person licensed in writing for that purpose by the Board of Public Works as provided in section 15-12, and by no other person.

(Rev. Ords. 1976, Pt. 2, Ch. 16, § 8)

**Sec. 15-8. Permit required to interfere with, obstruct or enter storm drains or sanitary sewers.**

No person shall interfere with, or obstruct a storm drain or sanitary sewer, or shall enter or attempt to enter a storm drain or sanitary sewer, except by permit of the Board of Public Works. (Rev. Ords. 1976, Pt. 2, Ch. 16, § 9)

**Sec. 15-9. Procedure where pipes for water, gas, etc. obstruct storm drains or sanitary sewers.**

(a) Whenever any street is opened for the laying of pipes for water, gas or for other purposes, such laying of pipes or other work shall be so done as not to obstruct in any way the course, capacity or construction of a storm drain or sanitary sewer.

(b) Whenever such pipes or works are found to exist, interfere with or obstruct any existing storm drain or sanitary sewer or the building of any storm drain or sanitary sewer of the required size and at the proper depth and grades, the board of public works shall notify the department, corporation or person maintaining the same, to remove, change or alter such pipes or other works at once and in such manner as the city engineer may direct.

(1) If such department, corporation or person neglects to comply immediately with the terms of such notice the board of public works may cause such removal, change or alteration, and the cost thereof shall be paid by such department, corporation or person.

(Rev. Ords. 1976, Pt. 2, Ch. 16, § 10)

**Sec. 15-10. Report of cost of construction to board of aldermen.**

The board of public works shall keep an accurate account of the cost of each public sanitary sewer constructed, and make report thereof to the board of aldermen.

(Rev. Ords. 1976, Pt. 2, Ch. 16, § 11)

**Sec. 15-11. Assessments.**

- (a) The board of aldermen shall make all assessments upon persons and estates benefited by the laying of public sanitary sewers in accordance with provisions of chapter 83 of the General Laws, and of acts in amendment thereof or addition thereto.

- (1) All persons or estates so benefited shall be assessed an amount equal to one-half the cost of construction, and for that purpose the board of public works shall furnish the board of aldermen with such facts as to cost of construction, owners of abutting estates, and other persons benefited thereby, and such other information as may be required in making such assessments.

- (b) The board of aldermen shall deliver a list of such assessments provided for in the preceding section, when made, with their warrant to the collector of taxes, who shall demand payment of the same forthwith, in writing, and proceed in the collection thereof in the manner prescribed by law.

(Rev. Ords. 1976, Pt. 2, Ch. 16, §§ 12--14)

State law reference(s)--Sewer assessments, M.G.L. c. 83, §§ 14--24.

**Sec. 15-12. Permit to construct.**

- (a) No storm drain, sanitary sewer or lateral connection shall be constructed or laid by a private drainlayer unless a written permit is first obtained from the board of public works.
- (b) Upon completion of the work of laying storm drains, sanitary sewers, or lateral connections the licensed drainlayer shall return the permit required in (a) above to the office of the board of public works with a statement thereon of the work done, and signed by him.

(Rev. Ords. 1976, Pt. 2, Ch. 16, §§ 15, 16)

**Sec. 15-13. Drainlayer licenses.**

- (a) The board of public works may license competent private drainlayers for the purpose mentioned in section 15-6 and 15-7. Such licensed drainlayer shall comply with the conditions on the permit required to construct or lay drains or sewers as set forth in section 15-12.

- (1) All licenses hereunder shall expire on the first day of May, annually, unless sooner revoked by the board of public works.

- (b) Any person licensed as provided in subsection (a) of this section, before performing any work authorized thereby, shall execute a bond to the city in such a sum as the board of aldermen may prescribe, with one (1) or more sureties satisfactory to the mayor, conditioned that he will properly make the openings into all storm drains and sanitary sewers opened by him; that he will construct or repair the lateral connections to be connected by him with the storm drains and

sanitary sewers or lateral connections, in a thorough and workmanlike manner; that he will leave no material or obstruction of any description in the storm drain or sanitary sewer which he may open, or in any storm drain, sanitary sewer or lateral connection leading into any storm drain or sanitary sewer; that he will close up the excavation properly, restore the earth and pavement taken up, regrade and repave the street, put the same in good and proper condition, and remove all superfluous material, all to the satisfaction of the Board of Public Works.

- (1) If he fails so to do, or if at any time within one (1) year from the date of the completion of any storm drain, sanitary sewer or lateral connection the surface of the street shall settle or otherwise become unsafe for public travel, then the board of public works shall repave and regrade the street at the expense of the drainlayer, and within five (5) days thereafter deliver a bill of the same to the treasurer for collection, and the drainlayer shall pay the same immediately.
  - (2) He shall not be entitled to receive another permit until such bill and all other bills of expense incurred by the city on account of his negligence or default shall be paid in full and the sureties on such bond shall be liable for such payment.
  - (3) The bond shall be upon the further condition:
    - a. that he will cause sufficient lighted barriers to be placed around the excavation and the earth, stone and other materials which may be put into the street;
    - b. that he will maintain such lighted barriers during the whole time such excavation, earth or other material may obstruct the street, and will cause the lighted barriers to function from twilight every evening and through every night during times such construction in the street may exist;
    - c. that he will comply with the ordinances which may be in force in relation to sewers, drains and streets, and with such orders and regulations as the Board of Aldermen have adopted or may from time to time adopt, for the regulation of persons licensed to construct or repair storm drains, sanitary sewers or lateral connections or open and dig in the streets for that purpose; and
    - d. he will indemnify and save harmless the city from all damages, costs and expenses which it may incur or sustain, by reason of any and all injuries resulting to anyone in person or property, from the neglect or carelessness of himself or his servants in opening, closing, making or repairing any storm drain, sanitary sewer or lateral connection in performing work connected therewith, or in the care of property, or in lighting by night any excavation or obstruction caused or made by him or his servants, or which, the city may incur or sustain in any manner or reason of the excavation or construction of any storm drain, sanitary sewer or lateral connection by him or his servants or agents, or any work or act performed or done by him or them connected therewith.
- (c) Whoever shall employ any person, not licensed to lay storm drains, sanitary sewers or lateral connections in the city, to perform any work specified in section

15-6 shall be liable for all damage caused by such person, and also be fined in accordance with section 1-8. The person so employed shall also be fined in accordance with section 1-8.

(Rev. Ords. 1976, Pt. 2, Ch. 16, §§ 17--19)

Cross reference(s)--Licenses and business regulations, Ch. 12.

State law reference(s)--Master Plumbers, M.G.L Ch. 142, § 3.

**Sec. 15-14. Tide traps and gate valves.**

No storm drain subject to the action of the tidewater shall be constructed without a tide trap or gate valve, to prevent completely the backing up or reverse flow of drainage matter, storm or tidedwaters. (Rev. Ords. 1976, Pt. 2, Ch. 16, § 20)

**Sec. 15-15. Connecting steam engine exhaust or steam boiler blow-off to storm drains or sanitary sewers, etc., prohibited.**

No exhaust from steam engines and no blow-off from steam boilers shall be connected with any storm drain, sanitary sewer, or lateral connection.

(Rev. Ords. 1976, Pt. 2, Ch. 16, § 21)

**Sec. 15-16. Prohibited discharges generally into storm drains or sanitary sewers or drains.**

No gasoline or other explosive or inflammable substance shall be caused or allowed to enter directly or indirectly into any storm drain or sanitary sewer, nor any other matter or thing which may tend to cause an obstruction thereof or deposit therein, or any injury thereto.

(Rev. Ords. 1976, Pt. 2, Ch. 16, § 22)

**Sec. 15-17. Depositing animal or vegetable matter in catch basins prohibited.**

No person shall deposit in any catch basin any animal or vegetable matter, solid or liquid.

(Rev. Ords. 1976, Pt. 2, Ch. 16, § 23)

Cross reference(s)--Animals, Ch. 3; health and sanitation, Ch. 10.

**Sec. 15-18. Connections to, discharges in sanitary sewer system.**

- (a) Connections to the city sanitary sewer system is absolutely prohibited without written approval by the board of public works.
- (b) Under no circumstances will water drainage from any source such as, but not limited to, roof leaders, cellar, yard, area drains, foundation drains, cooling water discharges, drain from springs and swampy areas, storm waters, surface runoffs, and be it city, county, district, state or federal government, be permitted to connect to the city sanitary sewer system without formal written approval by the board of public works.
- (c) If there is no storm drainage system available within close proximity of the using facility/structure, or within the immediate street/way/access, the owner/user may apply to the city for a temporary storm/sanitary connection permit to connect to the available sewer system.
  - (1) The owner/user will be responsible for all costs relating thereto and involved in completing such connection, not limited to city/municipal permit costs, bonding and public liability insurance costs, construction and reconstruction

costs, necessary and required survey costs, as well as impact studies if so required by the city engineer.

- (2) All costs relating to the flow of the above-required water drainage through the available sewer system will be assessed to the owner/user via a flow meter supplied, paid for and maintained by the owner.
- (3) The cost assessment to be paid to the city will be based upon the retail sewer use charge established by the board of public works and an administrative fee of ten (10) percent.
- (d) When a planned storm drain system becomes available in the immediate street/access, the owner/user will be responsible to pay to participating parties/contractors, etc., all costs relating to disconnecting and reconnecting the temporary system to the new available storm drainage system within a period of one (1) year following written notification of same by the board of public works; further, construction scheduling of the work shall be approved by the board of public works.

(Ord. of 11-4-87, § 24)

**Sec. 15-19. Sewer use charge.**

- (a) There is hereby established a sewer use charge, which shall be paid by every person whose lateral connection is connected to the sanitary sewers of the city.
- (b) The purpose of this sewer charge is to establish just and equitable charges for the use of the sanitary sewers.
- (c) For the purpose of this section "person" shall include, but shall not be limited to, a trust, a realty trust, tenants in common, tenants by the entirety, joint tenants, or any other entity of form of ownership by which real property is held.
- (d) The board of public works shall, establish a sewer use charge as a fixed sum per one hundred (100) cubic feet of water used by every person subject to the provisions of this section.
- (e) The board of public works shall send notice of such sewer use charge as established, to the mayor, the clerk of the board of aldermen, the clerk of the common council, the city clerk, and the treasurer/collector, and shall cause notice of such sewer use charge to be published in a newspaper of general circulation within the city.
- (f) The sewer use charge as established shall be billed to every person subject to the provisions of this section.
- (g) The board of public works, or their representatives, is hereby authorized, directed and empowered to determine and render bills for the sewer use charge against every person subject to the provisions of this section at the rate authorized.
- (h) The revenues collected as a result of user charges shall be reserved exclusively for the purpose of paying the city's sewer charges assessed by the Massachusetts Water Resources Authority (MWRA) and for other expenses incurred to maintain, repair and improve the city's sanitary sewer system.
- (i) The city treasurer/collector is hereby authorized, directed and empowered to collect any sums so determined and billed, enjoying all powers delegated to him by general law, special law, the city charter or ordinance.

- (j) Any person who is of the opinion that his sewer use charge is inequitable may make written application to the board of public works requesting a review of the use charge.
  - (1) The written request shall, when deemed necessary by the board of public works, show the actual or estimated average flow of his waste water in comparison with the factors upon which the charge is based, including a description of how the measurements or estimate were made.
  - (2) The board of public works may require, as a condition of such review, the installation of a separate sewer flow meter, at the expense of the person, in order to validate such measurements or estimates.
  - (3) The board of public works, following a thorough review of the sewer use charge being contested, may vote to abate all or a portion of such sewer use charge as may be warranted by the facts pertaining to each case.
- (k) The board of public works is authorized and directed to promulgate such regulations, service fees or conditions as may be required to effect compliance with federal, state or Massachusetts Water Resources Authority requirements, or to otherwise provide management oversight and supervision of the sanitary system of the city.

(Ord. of 11-9-87)

State law reference(s)--Charges for use of sewers, M.G.L. c. 83, § 16.