

Chapter 18 UTILITIES*

- Art. I. In General, §§ 18-1-18-20
 Art. II Water Pollution Control Commission, §§ 18-21-18-30
 Art. III Regulation of On-Site Sewage Disposal Systems, §§ 18-31-18-45

ARTICLE I. IN GENERAL

Sec. 18-1. Reserved

Editor's note-A resolution of Aug. 29, 1995, repealed § 18-1, pertaining to approval of sewerage facilities, as derived from a resolution of Feb. 10, 1961, § 3.

Secs. 18-2-18-20. Reserved.

ARTICLE II. WATER POLLUTION CONTROL COMMISSION†

Sec. 18-21. Establishment.

Pursuant to the provisions of section 7-246(a) of the General Statutes; the town hereby adopts an ordinance establishing a water pollution control commission for the town.

Sec. 18-22. Membership; organization; rules.

The water pollution control commission shall consist of seven (7) members, each of whom shall be an elector in the town, to be appointed by the board of selectmen as follows: three (3) of the members shall be appointed for a term of three (3) years; two (2) of the members shall be appointed for a term of two (2) years; and two (2) of the members shall be appointed for a term of one (1) year. The terms of the original members appointed to the commission shall all commence on February 1, 1990; and all subsequent appointments upon the terms expiring

*Cross references-Buildings and building regulations, Ch. 5; water and sewage requirements for marinas, § 8-82; streets and sidewalks, Ch. 16; subdivision regulations, App. A.

State law references-Power of town to layout, construct, etc., sewer and drainage systems and sewage disposal plants, G.S. § 7-148(c)(6)(B)(i); power of town to contract for the furnishing of water, G.S. § 7-148(c)(4)(G); power of town to create, etc., all things in the nature of public works and improvements, G.S. § 7-148(c)(6)(A)(ii); power of town to regulate the laying, etc., of water pipes, drains, sewers, etc., in the streets and public places, G.S. § 7-148(c)(6)(B)(iii); power of town to regulate and prohibit the construction, etc., of sinks, cesspools, G.S. § 7-148(c)(7)(C); municipal waterworks systems, G.S. § 7-324 et seq.; municipal sewerage systems, G.S. § 7-245 et seq.; sewer districts, G.S. § 7-324 et seq.; water resources, G.S. § 25-1 et seq.; sewer revenue bonds, G.B. §§ 7-259-7-266.

†Cross reference-Boards, commissions and committees, § 2-150 et seq. shall be for a term of three (3) years. Any vacancy in the membership of the commission shall be filled for the unexpired portion of the term by the board of selectmen. The commission may adopt rules for the conduct of its business and elect such officers as the commission may deem appropriate. Any member may be removed by the board of selectmen for cause after hearing.

Sec. 18-23. Compensation of members.

The members of the water pollution control commission shall receive no compensation for their services but shall be reimbursed for the necessary expenses incurred in the performance of their official duties, provided such expenses were authorized by the commission.

Sec. 18-24. Function.

The town hereby designates the water pollution control commission as the water pollution control authority for the town, and the commission shall have all of the rights, powers, duties and obligations set forth in sections 7-245 et seq., of the General Statutes. This designation shall supersede the designation of the board of selectmen as the water pollution control authority of the town, adopted at a special town meeting on June 21, 1981, and the town does hereby ratify any and all actions taken pursuant to such designation by the board of selectmen to January 16, 1990, and the designation of the water pollution control commission as such authority as of January 16, 1990, shall in no manner rescind, abrogate or make ineffective any of the actions by the board of selectmen in such capacity.

Sec. 18-25 Agents of the Water Pollution Control Commission.

The Director of Health and His or Her authorized Agent shall be agents of the Water Pollution Control Commission.

18-26-18-28. Reserved.

ARTICLE III. REGULATION OF ON-SITE SEWAGE DISPOSAL SYSTEMS

Sec. 18-29. Purpose.

It is hereby declared that there be established a program for the regulation of On-Site Sewage Disposal Systems for the Town of Westbrook. The purpose of this Ordinance is to promote the health and welfare of the residents of the Town of Westbrook, through the prevention of public health nuisances and environmental degradation that may have a detrimental impact on the quality of the Town's groundwater and surface water resources. To this end the Town of Westbrook, acting under the advice and guidance of its Sewer Avoidance Plan Advisory Committee, the Water Pollution Control Commission, the Connecticut Department of Public Health, the Connecticut Department of Environmental Protection, and the Westbrook Director of Health, has developed

this Ordinance with the intent to eliminate the need for sewers in the Town, wherever and to the maximum extent possible by:

1. Affirming that a policy of sewer avoidance should be applied to all areas of the Town of Westbrook where on-site treatment and disposal of Sewage is deemed feasible.
2. Educating Property Owners and operators on the purpose, use, and care of Septic Systems.
3. Coordinating state regulations, local health regulations and planning and zoning regulations to effectively manage Septic Systems, and to regulate Building Conversions and Changes in Use, Building Additions, Renovations, and Accessory Structures to preserve and enhance proper Septic System operation.
4. Maintaining a current listing of properly licensed and registered Septic Tank Cleaners, Septic System Installers and Licensed Professional Engineers.
5. Regulating and controlling the design, construction, operation and maintenance of Septic Systems in the Town.
6. Issuing Permits to Discharge for newly constructed and existing Septic Systems which meet or exceed the minimum requirements of performance designated in the Public Health Code and this Ordinance and issuing renewals of Permits to Discharge on a periodic basis.
7. Ensuring proper collection and disposal of Septic System Septage in conformance with Connecticut General Statutes, the Public Health Code, and this Ordinance.
8. Bringing On-Site Sewage Disposal Systems more nearly into compliance with the Public Health Code.
9. Inspecting Septic Systems to ensure compliance with the Public Health Code, the goals of the Sewer Avoidance Plan for the Town of Westbrook and this Ordinance.
10. Maintaining records relating to On-site Sewage Disposal Systems and developing Town-wide inspection data, both of which shall be in accordance with the Public Health Code and this Ordinance.

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

Sections 19-13-B100a, 19-13-B103 and 19-13-B104 of the Public Health Code, and all amendments including the Technical Standards for Subsurface Disposal Systems appended thereto hereinafter

adopted, are hereby incorporated by reference in this Ordinance and made a part hereof, and are hereinafter referred to in this Ordinance as the Public Health Code. Any On-site Sewage Disposal System that is found to be a Failed System shall be Repaired in accordance with all requirements of the Public Health Code subject to variances which may be granted pursuant to the provisions of Section 19-13-B103d of said Code; and any new Septic System shall be constructed in accordance with the Public Health Code.

Sec. 18-31. Definitions.

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

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

Agent of the Director of Health means a person authorized by the Westbrook Director of Health and approved by the Commissioner of Public Health to investigate, inspect and approve plans relating to On-Site Sewage Disposal Systems.

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

Building Addition means any structural modification or alteration that results in an increase in habitable floor area of the building served that does not increase the design flow or required effective leaching area of the On-site Sewage Disposal System including but not limited to the modification of attic, basement or garage space into habitable space.

Building Conversion means the act of winterizing a seasonal use building or portion thereof into year round use by providing one or more of the following: (A) a positive heating supply to the converted area; or

(B) a potable water supply which is protected from freezing; or (C) energy conservation in the form of insulation to protect from heat loss.

Building Renovation means any internal change to a building which, while not increasing the square footage of habitable space, changes the configuration in such a way that there is an increase in design flow of the septic system. A “Renovation” constitutes a “Change in Use.” See “Change in Use.”

Cesspool means a buried structure which receives Sewage from a building sewer for the purpose of collecting solids and discharging liquid to the surrounding soil. Cesspools are not recognized as a Septic System in the Public Health Code.

Change in Use means any structural, mechanical or physical change to a building which allows the occupancy to increase; or any change in the activities within a building to expand or alter such building or the use thereof such that, when the building is fully utilized, the design flow or required effective leaching area of the On-Site Sewage Disposal System will increase within any time frame. A Change in Use includes a “Building Renovation.” See above.

Code-complying area means an area on a property where a Septic System can be installed which meets all requirements of Section 19-13-B103 without any exceptions by the Director of Health per Section 19-13-B103d(a)(1) of the Regulations of Connecticut State Agencies; and without any exceptions for well location by the Commissioner of Public Health per Section 19-13-B103d(a)(3); and which Septic System also meets the Technical Standards except for the one hundred per cent reserve area referred to in Section VIII of the Technical Standards.

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

Director of Health means the Director of Health of the Town of Westbrook or an Agent of the Director of Health.

Environmentally Sensitive Areas means one or more

areas designated by the Water Pollution Control Commission where the risks of pollution of watercourses or hypoxia in Long Island Sound are deemed to merit special precautions.

Failed System means any On-site Sewage Disposal System that allows Sewage to discharge or flow from it into the interior of any building served or into any storm drain, stream, water body, gutter, street, roadway or public place, or if sewage discharges from said system to the surface or subsurface of any property or otherwise so as to create a nuisance or condition detrimental to health as determined by the Director of Health or as designated by the Public Health Code.

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

Liquid Waste Disposal Ticket means the document prepared by a registered Septic Tank Cleaner or Septic System Installer provided to the Town which states the following: (1) date of Pump-Out; (2) address of residence; (3) quantity of Septage removed from Septic Tank; and (4) destination for disposal of the Septage removed from the Septic Tank;

Maintenance means the regular cleaning of the Septic Tank, Cesspool, building sewer, distribution line, or any other component of an On-Site Sewage Disposal System for the purpose of removing any accumulated liquids, scum or sludge. The term Maintenance shall also mean any regularly required servicing or replacement of related mechanical, electrical or other equipment.

Malfunctioning System or Malfunction means any On-Site Sewage Disposal System that exhibits a condition or conditions which, if not timely corrected, will, in the judgment of the Director of Health, result in a Failed System. Substantial backflow from the Leaching System into the Septic Tank during a Septic Tank Pump-Out is an indication of a Malfunctioning System.

Nitrogen Renovation Analysis means a determination of the concentration of total nitrogen in surface or subsurface waters utilizing the Connecticut

Department of Environmental Protection's guidance document for pollution renovation analysis, or a methodology published by the Commissioner of Public Health.

On-Site Sewage Disposal System means a Septic System, a Cesspool, privy, or any other system or lack thereof which receives Sewage, except for any such system for which a permit has been issued by the Connecticut Department of Environmental Protection pursuant to Connecticut General State Statutes. § 22a-430.

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

Permit to Construct means the approval to construct issued and administered by the Director of Health in accordance with Section 19-13-B103e of the Public Health Code and the approved plans.

Permit to Discharge means the approval of the Director of Health issued in accordance with Section 18-32 of this Ordinance upon determination that the Septic System has been installed in compliance with the requirements of Section 19-13-B103e of the Public Health Code and the approved plans, if applicable or found to be in compliance with the Public Health Code.

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

Pump-out, or to Pump Out means the removal of Septage from an On-Site Sewage Disposal System by a Septic Tank Cleaner or Septic System Installer.

Repair means any work performed on an existing On-site Sewage Disposal System after installation thereof, regardless of the purpose for such work.

Septage means the solid or liquid materials which are pumped out of an On-Site Sewage Disposal System.

Septic System means a Subsurface Sewage Disposal System.

Sewer Avoidance Plan means the plan developed by the Westbrook Water Pollution Control Commission as adopted on August 25, 2005. To this end the Town of Westbrook, acting under the advice and guidance of its Sewer Avoidance Plan Advisory Committee, the Water Pollution Control Commission, the Connecticut Department of Public Health, the Connecticut Department of Environmental Protection, and the Westbrook Director of Health.

Septic Tank means the water-tight receptacle which is used for the treatment of Sewage and is designed and constructed so as to permit the settling of solids, the digestion of organic matter by detention and the discharge of the liquid portion to a Leaching System.

Septic Tank Cleaner means any individual who cleans On-Site Sewage Disposal Systems and is licensed by the State of Connecticut Department of Public Health pursuant to General Statute §20-341a, as amended.

Septic Tank Inspection means the assessment of an On-Site Sewage Disposal System by pumping and visually inspecting and determining the size of the Septic Tank, Cesspool, or other the structure.

Septic System Installer means any individual who installs Septic Systems and is licensed by the State of Connecticut Department of Public Health pursuant to General Statute §20-341a, as amended.

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

Sewer Avoidance Plan Advisory Committee means the Committee appointed by the Water Pollution Control Commission, in consultation with the Director of Health, and including representatives of the Connecticut Department of Environmental Protection, the State Health Department, licensed Professional

Engineers, licensed installers or cleaners, interested citizens, and such other persons as the Water Pollution Control Committee may deem appropriate. The Committee shall determine its size, term of its members, schedule of its meetings, and other procedural matters as required.

Subsurface Sewage Disposal System means a system consisting of a house sewer; a septic tank followed by a leaching system, any necessary pumps and siphons, and any groundwater control system on which the operation of the leaching system is dependent, and in accordance with the Public Health Code as the same may be amended from time to time.

Upgrade means a Repair to an On-Site Sewage Disposal System which brings the system into, or more nearly into, compliance with the requirements of the Public Health Code as then in effect.

Violation means (1) the failure to comply with and adhere to the rules and regulations set forth in this Ordinance or the Public Health Code or (2) the improper discharge of Sewage from a Failed or Malfunctioning On-Site Sewage Disposal System.

Any term used in this Ordinance that is not defined above shall, where applicable, be defined in accordance with the Public Health Code.

Sec. 18-32. Permit to discharge.

a. It shall be unlawful for an Owner or occupant of any building or the user of any land served by an On-Site Sewage Disposal System newly constructed or Repaired to discharge Sewage into said System unless a Permit to Discharge authorizing said discharge has been obtained from the Director of Health. Permits to Discharge shall be valid, unless revoked or suspended, for a period of five years or less, or as specified by the Director of Health. Permits to Discharge shall be issued or renewed by the Director of Health to owners whose Septic Systems meet the conditions listed below. Permits to Discharge will permit the owner to discharge a specified number of gallons per day (peak or average) to the Septic System described on the permit.

A Permit to Discharge shall be issued or renewed by the Director of Health:

1. Upon the final inspection of a newly constructed Septic System which is deemed by the Director of Health to meet at that time all

the requirements of this Ordinance and the Public Health Code, or

2. Upon Repair or Upgrade of an On-Site Sewage Disposal System and final inspection of a Malfunctioning System or a Failed System which is deemed by the Director of Health to meet at that time all the requirements of this Ordinance and the Public Health Code, or
3. Upon verification that an existing Septic System is in accordance with this Ordinance and the Public Health Code.
4. After a Complete Inspection has been conducted and the results approved by the Director of Health in compliance with this Ordinance and provided that no malfunction is detected during the inspection.
5. Upon Repair or Upgrade of an On-Site Sewage Disposal System which is deemed by the Director of Health to meet, to the greatest extent possible, all the requirements of this Ordinance and the Public Health Code.
6. For On-Site Sewage Disposal Systems for which a permit has been issued, or is the process of being issued, by the Connecticut Department of Environmental Protection pursuant to Connecticut General Statutes §22a-430, no Permit to Discharge under this Ordinance is required.

A Permit to Discharge may be revoked or suspended due to a Malfunction or Failure. If a Malfunction or Failure has been identified, a Permit to Discharge shall not be renewed until the Director of Health determines that the Septic System has been Repaired or Upgraded in accordance with the applicable sections of this ordinance.

The Director of Health shall issue a Notice of Revocation or a Notice of Suspension of a Permit to Discharge to the Owner of the property by Certified Mail. No Building Permit for any Building Conversion, Change in Use, Building Addition, Building Renovation, or Accessory Structure shall be granted for a property on which the Permit to Discharge has been revoked or suspended.

Sec. 18-33. Inspection.

The Director of Health shall have the right of entry to any land in the Town of Westbrook for the purpose of conducting inspections of On-Site Sewage Disposal Systems and performing such tasks as the Director of Health determines are advisable for the purpose of

determining whether or not an inspected system should be designated as a Malfunctioning System or a Failed System. If access to the interior of a structure is required, the Director of Health shall send a written notice to the Property Owner of said intention to evaluate the On-Site Sewage Disposal System. Except in emergency situations, said notice shall be sent by certified mail at least five (5) days prior to the scheduled date of inspection. If access to the property or structure is denied, the Director of Health shall notify the Owner in writing that the Permit to Discharge for that property may be revoked. The Director of Health may revoke the Permit to Discharge immediately if he/she deems this appropriate for the protection of the public health and environment.

Sec. 18-34. Approval.

No residential building, residential institution, or nonresidential building shall be constructed in the Town without an approval to construct a Septic System issued by the Director of Health, in accordance with the Public Health Code and this Ordinance. For any residential building, residential institution, or nonresidential building there shall be no Building Conversion, and there shall be no Change of Use that increases the design flow by 50% or greater, and no existing On-Site Sewage Disposal System for any such existing buildings shall be Repaired, or Upgraded, without the issuance of a new Permit to Discharge for an existing Septic System or a Permit to Construct a Septic System issued by the Director of Health, in accordance with the Public Health Code and this Ordinance. All applications for approval shall be filed with the Director of Health and shall be accompanied by a sufficient plan, as may be required by the Director of Health, of the proposed Septic System. For On-Site Sewage Disposal Systems under the jurisdiction of the Connecticut Department of Environmental Protection pursuant to Connecticut General Statutes §22a-430, no residential building, residential institution, or nonresidential building shall be constructed in the Town, and there shall be no Building Conversion or Change of Use, and no existing On-Site Sewage System for any such existing buildings shall be Repaired, or Upgraded without a permit from said Department under such Section.

Sec. 18-35. Design, Construction, and Operation of Septic Systems.

All new Septic Systems and Upgrades or Repairs to existing On-Site Sewage Disposal Systems, in the

Town of Westbrook shall be designed and constructed in compliance with the Public Health Code, Ordinances of the Town of Westbrook, or any regulations and standards of the Connecticut Department of Environmental Protection, whichever standards may be applicable to the said System.

- (a) New Construction: Prior to the issuance of a building permit for any new structure requiring a Septic System, there shall be a plan of the proposed Septic System prepared by a Professional Engineer. Such plan shall include a report of all soil testing done on said property. No building permit shall be issued until such plan has been approved by the Director of Health. A record drawing of the system shall be prepared by the Professional Engineer and certified as meeting the requirements of this Ordinance and the Public Health Code.
- (b) Building Conversions, Changes in Use: There shall be no Building Conversion (i.e., to allow continuous occupancy/ winterization) or any Change in Use (i.e., that will increase design flow) unless the Owner or the Owner's authorized agent submits to the Director of Health soil test data and scaled drawings of the property showing all existing and proposed improvements or a Professional Engineer designed plan, which demonstrates that after the Building Conversion or Change of Use, a Code-Complying Area exists on the lot. The Property Owner or the Owner's authorized agent must also submit documentation that the current Septic System has been pumped within the previous five years, and that the System is neither a Malfunctioning System nor a Failed System. The Director of Health shall require expansion of the existing Septic System to bring it into compliance with the Public Health Code or installation of a Code-Complying Septic System at the time of Conversion or Change of Use: (1) where the existing On-Site Sewage Disposal System is not a Septic System; (2) where the existing Septic System is a Malfunctioning or Failed System; (3) for all Building Conversions; and (4) for all Changes in Use which result in a 50% or greater increase in design flow. No Building Conversion or Change in Use shall be permitted for Septic Systems utilizing steel

tanks unless and until such tanks are replaced with tanks complying with the Public Health Code.

- (c) Additions: No Addition to a building shall be permitted unless the Owner or the Owner's authorized agent submits to the Director of Health soil test data, and a scaled drawing of the property showing all existing and proposed improvements or a Professional Engineer designed plan which demonstrates that after such Addition a Code-Complying Area exists on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the Property Owner shall be required to perform soil testing. The Property Owner or the Owner's authorized agent must also submit documentation that the current Septic System has been pumped within the previous five years, and that the System is neither a Malfunctioning System nor a Failed System. The Director of Health shall require expansion of the existing On-site Sewage Disposal System to bring it into compliance with the Public Health Code or installation of a new Code-complying Septic System at the time of Building Addition for those properties; (1) where the existing On-Site Sewage Disposal System is not a Septic System; and (2) where the existing Septic System is a Malfunctioning or Failed System. If a Code-Complying Area cannot be demonstrated, such Building Addition may still be permitted provided: (1) the size of the replacement system shown on the design plans or sketch provides a minimum of 50% of the required effective leaching area per the Technical Standards; (2) the replacement system shown on the plans or sketch provides a minimum of 50% of the required Minimum Leaching System Spread as per the Technical Standards; (3) the proposed design does not require an exception to Section 19-13-B103d (a)(3) of the Regulations of Connecticut State Agencies, regarding separation distances to wells; (4) the addition does not reduce the potential repair area. Separating distances from such a Building Addition to any part of the existing Septic System shall comply with the requirements of the Public Health Code.

- (d) Accessory Structures and swimming pools:

No Accessory Structure or in-ground or above-ground swimming pool, hot tub or similar structure shall be permitted unless the Owner or the Owner's authorized agent submits to the Director of Health soil test data and a scaled drawing of the property showing all existing and proposed improvements or Professional Engineer designed plan which demonstrates that after such construction a Code-Complying Area exists on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the Property Owner shall be required to perform soil testing. If a Code Complying Area cannot be demonstrated, such Accessory Structure or pool may still be permitted if the structure does not reduce the potential repair area available on the lot for Septic System Repair. Separating distances from such a structure to any part of the existing Septic System shall comply with the requirements of the Public Health Code.

- (e) Sewage Disposal Area Preservation: No lot line shall be modified or any other activity performed that affects soil characteristics or hydraulic conditions so as to reduce the potential repair area to repair an existing Septic System, unless the Property Owner or the owner's authorized agent submits soil test data, a scaled drawing of the property showing all existing and proposed improvements or an engineer design plan to the Director of Health or his or her agent that demonstrates that after the proposed lot line change or other activity, a code-complying area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the Property Owner shall be required to perform soil testing. In no case shall a modified lot line violate Subsection (d) of Section 19-13-B103d of the Public Health Code which requires that each Septic System shall be located on the same lot as the building served.

Sec. 18-36. Maintenance.

All On-Site Sewage Disposal Systems located within the Town shall be Pumped-Out and a Septic Tank inspection performed by a Septic Tank Cleaner or Septic System Installer not less than once in every five (5) year period. During the Septic Tank Inspection, if it is determined that the Septic Tank requires the

addition of risers or repair of the baffles, this work shall be done within 30 days from the date of notification by the Town. The Septic Tank Cleaner or Septic System Installer shall provide required information to the Director of Health on forms provided by the Director of Health for input into the Town's database. The inspection form shall be submitted to the Director of Health within thirty (30) days of the Pump-Out. The Director of Health in the exercise of his/her discretion may require more frequent Pump-outs for those On-Site Sewage Disposal Systems which he/she believes warrants more frequent Maintenance. Properties which may require more frequent Maintenance include, but are not limited to, food service establishments, marinas, institutional establishments, day care facilities and multi-family dwellings. More frequent pumping may be required if the Septic Tank or Cesspool is undersized for the use. Conversely, the Director of Health may waive the required Pump-out frequency if he/she determines that a Pump-out is not necessary every five (5) years. The Director of Health shall have the right to oversee said Pump-out and conduct or observe an Inspection.

Sec. 18-37. Registration of Septic Tank Cleaners and Septic System Installers.

Any Septic Tank Cleaner or Septic System Installer providing services under this Ordinance shall be licensed by the State of Connecticut and be registered with the Town of Westbrook. The criteria and standards for such registration shall be adopted by the Commission pursuant Section 18-44.

Sec. 18-38. Water Usage.

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

Sec. 18-39. Public information.

The Water Pollution Control Commission and the Director of Health may develop a public information program which may include, but not be limited to the use, operation and maintenance of Septic Systems and the Town of Westbrook Sewer Avoidance Plan.

Sec. 18-40. Enforcement.

A. Enforcement of this Ordinance and of the Public Health Code shall be the responsibility of the Director of Health.–

B. If an On-Site Sewage Disposal System is determined by the Director of Health to be a Failed System, or if scheduled Maintenance of the system provided for in Section 18-36 of this Ordinance is not performed, the following actions may be taken by the Director of Health:

1. The Permit to Discharge may be revoked or suspended and the Owner of the premises served by said On-Site Sewage Disposal System shall be given a notice of such revocation or suspension of the Permit to Discharge, by issuance of a Notice of Violation and an Abatement Order. Copies of the Notice of Violation and Abatement Order may be filed in the Westbrook Land Records, indexed under the name of the record Owner of the property.
2. When the Notice of Violation has been fully complied with, a new Permit to Discharge may be issued.
3. The Director of Health shall have the right to seek judicial relief to enforce the Notice of Violation and Abatement Orders and to seek such other relief at law or equity, in accordance with the provisions of the Connecticut General Statutes, the Public Health Code or of this Ordinance.

Sec. 18-41 Right of Appeal.

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

Sec. 18-42 Fines and Penalties.

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

Sec. 18-43 Fees.

The Director of Health is hereby authorized to establish a schedule of application fees for Permits to Discharge, Renewals of Permits to Discharge and Permits to Construct. The fee schedule shall be in writing and shall be effective upon majority vote of the Board of Selectmen following a public hearing, of which legal notice has then published in a newspaper having a general circulation in the Town not less than five (5) days prior to such hearing, and upon

subsequent publication of notice of such adoption in a newspaper having a general circulation in the Town.

Sec. 18-44. Adoption of regulations.

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

Sec. 18-45. Conflicting provisions.

In any case where this article or any regulation enacted herein under is found to be in conflict with any provision of the Public Health Code or any State Statute, the more restrictive shall apply.

Sec. 18-46. Implementation.

- A. The Director of Health and the Water Pollution Control Commission shall develop a strategy which will facilitate an orderly procedure for collecting data regarding the Septic System Inspection and Maintenance of On-Site Sewage Disposal Systems on a regular basis and to allow for the issuance of required Permits.
- B. The Director of Health and the Water Pollution Control Commission shall establish a schedule of phasing and priorities for the Maintenance of On-Site Sewage Disposal Systems. The Property Owner will be mailed a notice of the scheduled maintenance period established for each area of Town. The Owner or contracted Septic Tank Cleaner or Septic System Installer shall obtain a Pump-Out Permit which is to be filled out by the Septic Tank Cleaner or Septic System Installer and returned within thirty (30) days to the Westbrook Health Department. The form of such Permit and the method of filing shall be established by the Director of Health.
- C. On or before January 1, 2007 all Septic Tank Cleaners and Septic System Installers shall file the report of Septic Tank Inspection through the Towns' web based tracking and reporting system. Any Septic Tank Cleaner or Septic System Installer filing reports using any other method will

be fined by the Town per report filed. The Director of Health and the Water Pollution Control Commission shall provide training on the web based program at no cost to the Septic Tank Cleaner or Septic System Installer.

- D. The Property Owner may choose any Septic Tank Cleaner or Septic System Installer to Pump-out and inspect the On-Site Sewage Disposal System; provided that the selected Septic Tank Cleaner or Septic System Installer is registered with the Director of Health in accordance with this Ordinance.
- E. The Water Pollution Control Commission may require that any Septic Tank Cleaner or Septic System Installer planning to Pump-out any On-Site Sewage Disposal System in the Town of Westbrook shall notify the Director of Health's office no later than the last working day prior to the Pump-out and advise the office of which properties are to be Pumped Out.

Sec. 18-47 Effective Date.

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

Ordinance Adopted At A Special Town Meeting Held on December 14, 2006.

Published on December 28, 2006 in the Middletown Press.

Amended Ordinance becomes effective January 12, 2007.