

City of Biddeford



2024.132 IN BOARD OF CITY COUNCIL...AUGUST 20, 2024

BE IT ORDAINED by the City Council of the City of Biddeford, to amend Chapter 70 of the City of Biddeford's Code of Ordinances as shown on the attached Exhibit A (by adding Tables 100, Table 200, Appendix B, and by ~~deleting~~ or adding text as shown).

NOTE:

These revised sewer permit rates were unanimously approved by Wastewater Management Commission at their 6/26/2024 meeting.

These ordinance revisions were unanimously approved by the Policy Committee at their 7/22/2024 meeting, with the specification that the revised sewer permit rates would be applicable to any project that did not have a valid Preliminary or Final Planning Board approval as of 7/22/2024.

August 20, 2024

Motion: Council Emhiser;
Second: Councilor Lessard.

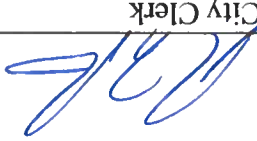
Motion to amend order under Section 70-172D to add "any project that requires an extension beyond its original approval date will no longer qualify for the grandfathered impact fee rates and will be subject to the impact fee rate listed on table 200 at the time the extension is granted."
Motion: Council President LaFountain;
Second: Councilor Belanger.
Vote: 2 yeas (LaFountain, Ortiz) and 4 nays (Lessard, Belanger, Gross, and Emhiser).
Motion to amend failed.

Vote on original motion: Unanimous in favor.
Motion passed.

September 3, 2024

Motion: Councilor Emhiser
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed

Attest by:


Robin Patterson, City Clerk

new flow into the system will be required to remove a defined percentage of the amount of the proposed new flow through the elimination of infiltration and inflow. Once the inflow and infiltration removal program is in place, the allocation system may be eliminated.

Sec. 70-129 Capacity of plant.

[Code 1975, § 19-63; amended 2-4-2020 by Ord. No. 2020.6]

(a) At the time of any reenactment or amendment of this article, and at such other times as the City Council may direct, the City Engineer shall establish the total remaining capacity of the wastewater treatment plant, determine the nature and extent of efforts to remove infiltration and inflow from the system, and report that information to the City Council.

(b) Any person who received a sewer use permit prior to September 18, 1990, or whose project appears in the documents on file in the City Clerk's office, is subject to the provisions of Section 70-127(b).

Sec. 70-130 Expiration of article; program monitoring; amendments.

[Code 1975, § 19-69; amended 2-4-2020 by Ord. No. 2020.6]

The capital improvement program shall be reviewed and monitored by the City Council through the City Engineer to determine the program's effectiveness. Amendments deemed necessary should be made at the time of renewal under this section or at such times as deemed necessary by the City Council.

Sec. 70-131 Penalties for violation of article.

[Code 1975, § 19-72]

Any person who violates this article commits a civil violation for which a forfeiture of \$2,500 shall be imposed. Each day of violation constitutes a separate violation. The City Solicitor, in addition to seeking forfeitures, may request injunctive relief, as necessary.

Sec. 70-132 Growth management program renewed.

[Ord. of 6-21-1994]

The provisions of this Article III (Wastewater System Capacity Management), of the Biddeford Code of Ordinances, as most recently revised and ordained on March 5, 1991, be renewed in its entirety in accordance with the provisions of Section 70-130 hereof, and that this measure take effect upon passage.

Sec. 70-133 through Sec. 70-140. (Reserved)

**DIVISION 2
PERMITS**

Sec. 70-141 Application; fee; determination of discharges.

[Code 1975, § 19-66]

(a) Applications for permits under this article shall be on forms provided by the ~~City Engineer~~ Engineering Department, and shall be accompanied by such plans as he may require approved utility drawings and floor plans. As the case may be, applications must be accompanied by written evidence of final approval from the Planning Board, Zoning Board or Building Inspector, where approvals of or permits for the development activity are required from those boards or officials. ~~Applications shall be accompanied by a nonrefundable fee of \$200.~~ [Amended 2-4-2020 by Ord. No. 2020.6]

(b) ~~In determining the amount of wastewater flow likely to be discharged from any development activity, the City Engineer shall be guided by the State of Maine Internal Plumbing Rules. His determination is final. Refer to 'Table 100: Estimated Sewer Design Flows' for proposed sewer design flow calculations.~~

Using the estimated design flow from Table 100, refer to 'Table 200: Sewer Permit Fees' for calculating the proposed sewer permit fee.

Sec. 70-142 Expiration of permits.

[Code 1975, § 19-67]

Permits issued under this article shall expire if construction of the development for which each permit is issued has not commenced within one year of the permit being issued, except that the City Engineer may extend the life of such permits if the holder is able to demonstrate that he has been delayed in his development by natural conditions beyond his control or that he has been diligently pursuing other licenses required for the development but has not yet received approval through no fault of his own. Decisions of the City Engineer under this section may be appealed to the City Council.

Sec. 70-143 Nontransferability.

[Code 1975, § 19-68]

Permits issued under this article may not be transferred to other development projects on other real estate but shall run with the real estate which is the subject of the proposed development for which the permit is issued, but only for the life of the permit as indicated in Section 70-142.

Sec. 70-144 through Sec. 70-155. (Reserved)

**DIVISION 3
CONSERVATION**

Sec. 70-156 Mandatory.

[Code 1975, § 19-70]

(a) Notwithstanding any other provisions of this Code, the following provisions apply to development which will create new wastewater flow into the City sewer system or which will increase existing flow from any property.

(1) All toilet fixtures, whether for residential or nonresidential uses, must have flushing volumes less than or equal to 1.6 gallons.

(2) All shower and faucet fixtures for residential and nonresidential uses must be installed with volume reduction devices. This requirement may be waived for certain nonresidential uses by the Codes Enforcement Officer at his discretion when the requirement interferes with the fixture's purpose, such as but not limited to industrial showers designed to treat burn victims.

(b) The standards of this section must be met by all units inspected by the City Plumbing Inspector as of the date of passage of the ordinance from which this article derives, in order to receive a certificate of occupancy.

Sec. 70-157 Voluntary.

[Code 1975, § 19-71]

In order to avoid requiring conversion to low-volume toilets in the City's existing households and businesses, the City requests users of the City's sewer system to, as an example, reduce discharge volumes by installing displacement devices such as bricks and milk containers in toilet holding tanks. The installation of water flow reduction devices in showerheads and faucets are other inexpensive means of reducing both residential and nonresidential wastewater discharge.

**DIVISION 4
INFLOW AND INFILTRATION REMOVAL**

Sec. 70-171 Study by City Engineer; report; amendment of article.
[Code 1975, § 19-81]

(a) The City Engineer may forthwith investigate the areas within the existing sewer system which may be changed, altered or repaired to remove infiltration and inflow, and determine both the nature and extent of such repairs, the specific amounts of gallons per day removed for any particular repair project, and the associated cost per gallon per day of any such repair. He will, in addition, determine an average cost per gallon per day of removal for all projects in such a fashion that the average cost may be adjusted from time to time to reflect changing conditions. The determinations by the City Engineer will be used to create a fee to be charged to applicants of the removal of infiltration and inflow in an amount equal to a specific percentage of the amount of new flow into the system which the applicant is proposing to create. That percentage shall conform to any requirements imposed on the City by state or federal agencies. [Amended 2-4-2020 by Ord. No. 2020.6]

(b) The City Engineer shall report the results of his study under this section to the City Council. The City Council may then, consistent with the terms of federal and state approvals, implement and adopt a mandatory inflow and infiltration removal requirement. Under the terms of the requirement, a sewer use permit may only be obtained to remove an adequate amount of inflow and infiltration from the system or if the sewer user has paid the appropriate fee in lieu of completing a project.

(c) At the time of the submittal of the results of his study under this section, the City Engineer shall present to the City Council a proposed amendment to this article setting out the method of administration of the removal requirement, and demonstrating compliance with any provisions of law restricting the creation of such a program, including the creation of any dedicated fund into which fees will be placed.

Sec. 70-172 Issuance of permit; interim fee.

[Code 1975, § 19-82; Ord. of 9-6-1994; Ord. No. 2001.1, 1-16-2001]

(a) Pending completion of the study, report and presentation set forth in Section 70-171, and subject to the availability of capacity at the treatment plant and compliance with all other provisions of this article, a sewer use permit may be given after an applicant complies with this section:

(b) An applicant for a sewer use permit shall, in addition to other information required by this article, pay the fee set out in Subsection (c) of this section. The City Engineer may require such other information as he deems necessary. [Amended 2-4-2020 by Ord. No. 2020.6]

(c) Except as indicated in Subsection (d) of this section, applicants shall pay a fee equal to five times \$.272 times the number of gallons of proposed new flow, as that flow is finally determined by the City Engineer under Section 70-141(b). Fees received under this subsection shall be segregated from the projects designed to remove inflow and infiltration from the sewer system as finally determined after the completion of the study, report and presentation set forth in Section 70-171. Fees, or any portion of those fees, actually paid, which exceed the actual cost of removal, or which are not expended according to the removal schedule to be finally adopted, shall not be refunded. These unexpended fees shall be deposited in a designated enterprise account segregated from the City's general revenues and be earmarked to help defray the cost of future more costly inflow and infiltration removal projects.

(d) Persons who had received a sewer use permit prior to September 18, 1990, projects appearing in Appendix B of this section which is on file in the City Clerk's office and lots of record as of September 18, 1990, which were within 200 feet of the existing sewer system at the time, are subject to a fee equal

CESSPOOL
A lined excavation in the ground which receives the discharge of a drainage system, or part thereof, so

Any person requesting approval to discharge septic tank sludge wastes into City facilities.

APPLICANT

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:

Sec. 70-196 Definitions.
[Code 1975, § 19-21]

ARTICLE IV SEPTIC TANK SLUDGE DISPOSAL DIVISION 1 GENERALLY

Sec. 70-173 through Sec. 70-195. (Reserved)

- (d) Unless explicitly stated elsewhere, development projects that had a valid preliminary or final planning board approval as of 07/22/2024 may use the grandfathered impact fee rates (\$2.72/GPD to \$13.6/GPD), versus the impact fee rate listed on Table 200.
- (c) Undeveloped projects listed on the previous 'Appendix B' are still subject to paying a sewer permit, but may use the grandfathered \$2.72/GPD impact fee rate (versus the impact fee rate listed on Table 200).
- (b) Refer to 'Table 100: Estimated Sewer Design Flows' for proposed sewer design flow calculations. Using the estimated design flow from Table 100, refer to 'Table 200: Sewer Permit Fees' for calculating the proposed sewer permit fee.
- (f) An applicant for a sewer use permit where said permit is proposed to be issued and includes flows to a pump station located in an area that will serve the flows to be produced from a new or upgraded project shall pay an impact fee for said pump station equal to a prorated share of the costs of any upgrades needed for the pump station and/or associated conveyance system to receive and convey the flows to be produced. The cost of the prorated share will be the ratio of the existing flows to the new flows times the cost of needed upgrades as finally determined by the City Engineer. Fees collected under this provision shall be deposited in a designated account segregated from the City's general revenues and reserved for the needed upgrades to the affected pump stations. The City reserves the right to verify the estimate of flow for up to five years and to increase the impact fee as necessary. [Added 2-4-2020 by Ord. No. 2020-6] Any connection or modification of private sewer flow to the City's public sewer requires a sewer permit from the Engineering Department.
- (e) An applicant for a sewer use permit where said permit is proposed to be issued and includes flows to the pump station located adjacent to 528 Alfred Road shall pay an impact fee for said pump station equal to \$3.35 times the number of gallons of proposed new flow as that flow is finally determined by the City Engineer under Section 70-141(b). Fees collected under this provision shall be deposited in a designated account segregated from the City's general revenues and reserved for inflow and infiltration removal projects. The City reserves the right to verify the estimate of flow for up to five years and to increase the impact fee as necessary.

Revision Date: 6/5/2024

Table 100: Estimated Sewer Design Flows

Residential:

Number of Bedrooms	Area of Bedroom	Design Flow (gpd/unit)
1	<600 SF	90
	600-800 SF	120
	In-Law Apartment	120
	801-1000 SF	135
2	>1000 SF	150
		180
3	N/A	270
4		360

Non-Residential:

Refer to the latest Maine Department of Health & Human Services Chapter 241 for non-residential flow rates. Final design flows to be determined by the City Engineer.

Notes:

1. Final floor plans are required for all sewer permit applications, verifying number/sizes of proposed uses.
2. For units exceeding 4 bedrooms, a design flow of 90 gpd shall be used for each additional bedroom.
3. For multi-use properties, the total design flow shall be the sum of each individual use design flow.
4. The residential design flows listed above are referenced from Maine Department of Health & Human Services Chapter 241.
5. Definition of bedroom and in-law apartment determined via local code enforcement/ordinance, plumbing code, and the referenced Chapter 241.
6. The above-stated flows are final; no reference flow data to be considered.

Revision Date: 6/5/2024

Table 200: Sewer Permit Fees

Sewer Fee Type	Proposed Fee
Application Fee ¹	\$200
Sewer Main Connection Fee ²	\$800/each
Single-Lot Shared Lateral Fee ³	\$100/each connection
Tying into an Existing Sewer Lateral Stub ⁴	\$100/each connection
Impact Fee ⁵	\$20/GPD
Inspection Fee ⁶	\$200

Notes:

1. All sewer permits require an application fee.
2. 'Sewer Main Connection Fee' applies for new connections to the public sewer main.
- 3A. 'Single-Lot Shared Lateral Fee' is applied to each individual unit connecting to a sewer lateral serving a single-lot (multi-family apartments, ADU, hotel rooms, etc.)
- 3B. Shared sewer laterals are not permitted for separate lots.
- 3C. Only in rare circumstances will a shared sewer lateral be allowed for multiple privately owned lots, pending Public Works Director approval and a formal easement is provided signed by all parties - negating the City of any responsibility.
4. Tying into an Existing Sewer Lateral Stub' is for undeveloped lots connecting to previously installed sewer lateral stubs.
- 5A. 'Impact Fee' is based on proposed design flows (Table 100) and is a one-time fee that covers: future infrastructure upgrades, combined sewer separation, and Inflow & Infiltration (I&I) removal.
- 5B. If an existing building is being retrofitted for the same-use and has previously paid a sewer permit within the last 15 years, existing flows can be credited towards the proposed 'Impact Fee'. No credits/refunds will be issued for decreased post-development flow.
- 5C. No existing flows can be credited towards the proposed 'Impact Fee' for any new building (i.e. demolition/rebuild) or change-in-use.
6. All sewer permits requiring exterior sewer modifications require an inspection by the Engineering Department prior to backfilling.
7. Sewer permit fees shall be collected and held separately from the operation budget, and strictly used for future sewer improvements.