

**TOWN OF CLINTON
ENACTMENT OF AN ORDINANCE**

The Board of Selectmen of the Town of Clinton, Connecticut, at their meeting on Wednesday, October 13, 2010, enacted the following Ordinance;

**On-site Sewage Disposal System Maintenance Ordinance
Town of Clinton Connecticut**

Section 1 Authority and Purpose

- A. Commission Authority. The Clinton Water Pollution Control Commission is the Town's designated Water Pollution Control Authority, as provided in Chapter 103, § 7-245 et seq. of the Connecticut General Statutes, as amended, and has the powers and responsibilities conferred by said statutes, along with the Town ordinance creating the WPCC, which became effective on March 26, 1983. The WPCC is directly responsible for the planning, design, and oversight of all water pollution control facilities in the Town of Clinton, in accordance with federal, state, and local regulations.
- B. Purpose.
1. To protect the health and welfare of the residents of the Town of Clinton 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.
 2. To establish a program for the mandatory Cleaning and Inspection of Septic Tanks, and other Sewage Receiving Structures on a timely basis.
 3. To compile statistical data, by the Town of Clinton and the Director of Health, using records provided by the Septic Tank Cleaners, concerning the frequency of Pump-outs and condition of Sewage Receiving Structures.
 4. To establish and maintain a current listing of properly licensed and registered Septic Tank Cleaners and Septic System Installers.
 5. To promote the proper collection and disposal of sewage in conformance with the Public Health Code, the Connecticut General Statutes and this Ordinance, all as may be amended.
 6. To educate Property Owners and septic system users on the purpose, use and care of On-site Sewage Disposal Systems.

Section 2 Adoption of the Connecticut Public Health Code

The provisions of the Public Health Code, including but not limited to Sections 19-13-B100a, 19-13-B103 and 19-13-B104 of the Code Regulations of Connecticut State Agencies, and the "Technical Standards for Subsurface Sewage Disposal Systems," all as may be amended, are hereby incorporated by reference into this Ordinance and made a part hereof.

Section 3 **Definitions**

For the purpose of this chapter, the following words and terms shall have the meaning hereto assigned.

Clean(ed) and Inspect[ed] or Cleaning and Inspection shall mean in addition to the requirements of Section 19-13-B103c(e), a visual evaluation of the integrity of the Septic Tank or other Sewage Receiving Structure for water- tightness, evidence of damage to the structure, the presence of structurally sound covers over inspection ports and inlet and outlet baffles as appropriate, the cleaning of the outlet filter if present, and measurement of the liquid capacity of the tank

DEP means the State of Connecticut, Department of Environmental Protection, acting by its Commissioner or duly authorized representative.

DPH means the State of Connecticut, Department of Public Health, acting by its Commissioner or duly authorized representative.

Director of Health means the Director of Health for the Town of Clinton, or his/her authorized agents.

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 DEP pursuant to Connecticut General Statutes § 22a-430.

Property Owner means any person or legal entity that alone, jointly, or severally with others has legal title to any real property in the Town of Clinton.

Public Health Code means the State of Connecticut Public Health Code, including, but not limited to the "Technical Standards for Subsurface Sewage Disposal Systems" established pursuant to Section 19-13-B103d(b) of the Regulations of Connecticut State Agencies, as established pursuant to Connecticut General Statutes § 19a-36, as may be amended.

Pump-out means the removal of septage from an On-site Sewage Disposal System by a Septic Tank Cleaner or Septic System Installer.

Septic System Installer means any individual who installs septic systems and is licensed by the DPH pursuant to Connecticut General Statutes § 20-341a et seq., as amended.

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 DPH pursuant to Connecticut General Statutes § 20-341a et seq., 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 nonresidential 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.

Sewage Receiving Structure means a Septic Tank or other receptacle that receives sewage from the house sewer pipe.

WPCC means the Town of Clinton Water Pollution Control Commission acting by its duly authorized agents.

Section 4 Cleaning, Inspection, Maintenance and Disposal Requirements.

- A. Each Property Owner whose real property within the Town of Clinton has an On-site Sewage Disposal System shall have the Septic Tank or other Septic Receiving Structure Cleaned and Inspected by a Septic Tank Cleaner or Septic System Installer at least once in every five (5) year period.
- B. If it is determined by the Septic Tank Cleaner or Septic System Installer that the Septic Tank requires the addition of risers or repair of the baffles, this work shall be completed and/or inspected by a Septic Tank Cleaner or Septic System Installer within sixty (60) days from the date of the Cleaning and Inspection.
- C. The Director of Health shall have the right to observe the above stated Cleaning and Inspection.
- D. The Director of Health, in his/her reasonable discretion, may require more frequent Cleaning and Inspection for any On-site Sewage Disposal System that, because of its current use, requires more frequent maintenance. Properties that may require more frequent Cleaning and Inspection include, but are not limited to, food service establishments, marinas, institutional establishments, day care facilities and multifamily dwellings. More frequent Cleaning and Inspection may be required by the Director of Health if the Sewage Receiving Structure for any On-site Sewage Disposal System is undersized for its current use.

- E. Nothing in this Ordinance shall be construed to absolve any Property Owner or occupant from complying with the conditions of any permit issued by the DEP or the Director of Health.

Section 5 Registration and Reporting.

- A. Any Septic Tank Cleaner or Septic System Installer providing services under this Ordinance shall be registered with the Town of Clinton. The criteria and standards for such registration shall be adopted by the WPCC in consultation with the Director of Health, and such registration criteria and standards shall be available at the offices of the WPCC and the Director of Health.
- B. All Septic Tank Cleaners and Septic System Installers shall file reports as required by the WPCC within thirty (30) calendar days of such Cleaning and Inspection, through a reporting system as prescribed by the WPCC. The report of Septic Tank Cleaning and Inspection shall satisfy the requirement for an application for and issuance of a written permit for disposal of the contents of the Septic Tank or other Sewage Receiving Structure per Section 19-13-B103c(c) of the Public Health Code.
- C. The Director of Health and the WPCC shall provide training on the reporting system at no cost to the Septic Tank Cleaner or Septic System Installer.
- D. The Septic Tank Cleaner or Septic System Installer shall notify the Director of Health and the Property Owner in writing within five (5) business days if in the course of Cleaning and Inspection there is evidence of a failure of the system as defined by Section 19-13-B103c(f) of the Public Health Code. .

Section 6 Implementation

- A. The WPCC shall develop an implementation schedule to facilitate an orderly procedure for the scheduling of the Cleaning and Inspection of On-site Sewage Disposal Systems on a defined basis. The implementation schedule shall begin with those On-site Sewage Disposal Systems for which the WPCC has no record of Cleaning or Inspection.
- B. A notice with a deadline will be sent out within sixty (60) days of the next required Cleaning and Inspection by the WPCC. The schedule of these deadlines shall be established based on a five (5) year period from the latest reported maintenance in the WPCC records.
- C. For Property Owners or renters who occupy their homes or place of business on a seasonal basis, Cleaning and Inspection shall be scheduled to allow the maintenance to be performed while their home or business is occupied.

Section 7 **Maintenance**

- A. The Property Owner may choose any Septic Tank Cleaner or Septic System Installer to inspect the On-site Sewage Disposal System, and clean and inspect the Septic Tank or Septic Receiving Structure, provided the Septic Tank Cleaner or Septic System Installer is registered with the Town of Clinton as provided in Section 5 herein.

- B. The Property Owner shall have the On-site Sewage Disposal System Cleaned and Inspected within sixty (60) days of the date of written notification from the WPCC. Upon written request to the WPCC from a Property Owner, the WPCC shall grant one (1) extension of no more than sixty (60) days. The WPCC shall not grant more than one (1) such extension.

Section 8 **Penalties**

- A. Any Septic Tank Cleaner or Septic System Installer in violation of this Chapter may be subject to the following:
 - 1. First offense: letter of warning.
 - 2. Second offense: requirement that Septic Tank Cleaner or Septic System Installer post a bond of \$500 in form satisfactory to the Town for a period of one year.
 - 3. Third offense: forfeiture of bond of \$500 and/or registration suspension for one year.

- B. As authorized in Connecticut General Statutes § 7-148(c)10, any Property Owner who shall violate any provision of this Ordinance may be subject to a civil penalty of \$100 for each day of each violation. Such penalty shall be enforced by citation issued by the First Selectman; provided, however, that the First Selectman shall issue to such Property Owner a written warning providing notice of the specific violation no less than ten (10) days prior to issuing the citation.

- C. The penalties set forth in this section are not exclusive and, when the violation is also a violation of the provisions of any federal, state or local law, then such additional penalty, or remedy or enforcement set forth in any such statute, regulation or ordinance, shall pertain in addition to the penalty provisions of this section.

Section 9 **Appeals**

- A. Any Property Owner notified in accordance with Section 8B above may appeal said notice of violation(s) to the Board of Selectmen, in writing, within fifteen (15) days of the date of said citation. If an appeal is taken as aforesaid, the first day of violation shall be considered to be the date that is seven (7) days after the decision of the Board of Selectmen or on such later date as established by the Board of Selectmen.

- B. The Town hereby specifically adopts the provisions of C.G.S. § 7-152c for the establishment of an appeal and citation hearing process for considering all appeals under this chapter.

Section 10 **Conflicting Provisions**

In any case where this Ordinance or any regulation enacted hereunder is deemed to be in conflict with any provision of the Public Health Code or the Connecticut General Statutes, the applicable provision of the Public Health Code or the Connecticut General Statutes shall apply.

Section 11 **Severability**

The invalidity of any section, paragraph or provision of this Ordinance shall not invalidate any other section, paragraph or provision hereof.

Section 12 **Effective Date**

Upon passage of this Ordinance, it shall become effective on the date that is thirty (30) days following publication in a newspaper having general circulation in the Town of Clinton.
Dated at Clinton, Connecticut the 14th day of October 2010

FOR PUBLICATION IN THE HARBOR NEWS ON OCTOBER 21, 2010

William W. Fritz, Jr., Dolly G. Mezzetti, Carol Walter, Raymond Apel and Thomas Vicino.

EFFECTIVE DATE: NOVEMBER 20, 2010