

CHAPTER 133 SEWAGE DISPOSAL SYSTEMS

(02-19-10 Amendments Draft - Redline)

[HISTORY: Adopted by the Town Meeting of the Town of Old Lyme 5-19-1997. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 25.

Sewerage systems — See Ch. 215.

Subdivision regulations — See Ch. 219.

§ 133-1 Administration; purposes.

A. There is hereby adopted this chapter for regulation of on-site sewage disposal systems for the Town of Old Lyme (Town) to be administered by the Water Pollution Control Authority of the Town of Old Lyme (WPCA) and the Director of Health, who both shall employ a common agent, who shall be a sanitarian certified under Chapter 395 of the General Statutes of Connecticut (Sanitarian). The qualifications of the ~~agent~~ **Sanitarian** and/or personnel under his supervision who are engaged in the investigation, inspection and approval of on-site sewage disposal systems shall include the attendance at training courses and passing examinations given by the State of Connecticut Department of Public Health.

B. The purposes of this chapter are as follows:

- (1) To protect the quality and quantity of the Town's water resources;
- (2) To eliminate the need for centralized wastewater collection and treatment;
- (3) To designate a regulatory body whose primary concern is water pollution control;
- (4) To limit the Town's liability for the design, construction and performance of on-site sewage disposal systems;
- (5) To ensure the enforcement of state and Town health codes on a continuing basis in a manner that is fair to all property owners;
- (6) To alert property owners to existing or potential problems with their on-site sewage disposal systems while any damage to such systems and the costs of any repairs thereto are as minimal as possible;
- (7) To develop on-site wastewater disposal system inspection data from all areas of the Town which can be used by the Water Pollution Control Authority in a wastewater management plan for the entire Town; and

- (8) To educate property owners about the proper care and maintenance procedures to follow for on-site wastewater disposal systems.

133-2 Adoption of Public Health Code

- A. Sections 19-13-B103 and 19-13-B104 of the Regulations of Connecticut State Agencies, established pursuant to C.G.S. § 19a-36, and all amendments including technical standards thereto hereinafter adopted, are hereby incorporated by reference in this chapter and made a part hereof.
- B. The Town of Old Lyme Public Health Code, as may be adopted by ordinance by the Town of Old Lyme, as amended from time to time, including all technical standards therein, is hereby incorporated by reference in this chapter and made part hereof.
- C. The codes adopted in Subsections A and B are hereinafter collectively referred to as the "Public Health Code."

§ 133-3 Definitions

- A. As used in this chapter, the following terms shall have the meanings indicated:

APPROVED REGISTERED PROFESSIONAL ENGINEER A means a professional engineer, licensed to practice in Connecticut pursuant to General Statute §20-299 *et seq*, who provides a current professional liability policy to the Director of Health with respect to liability for loss, damage, and expense caused by any negligent act or omission of the professional engineer or his or her personnel during performance of his or her service.

APPROVED SEPTIC SYSTEM DESIGNER Licensed septic installers or registered sanitarians who are knowledgeable about the design and construction of on-site sewage disposal systems; who are approved by the WPCA to prepare designs for said systems, including their repair or expansion; and who provide a current professional liability policy with respect to liability for loss, damage, and expense caused by any negligent act or omission of the licensed septic system installer or registered sanitarian or his or her personnel during the performance of his or her service.

AREAS OF SPECIAL CONCERN Those areas designated by the WPCA from time to time in accordance with § 133-4 herein.

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 or (D) any other modification of a building to make it suitable for occupancy during the colder seasons of the year.

CESSPOOL means a buried structure which receives Domestic 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.

COMPLETE INSPECTION means an assessment of an existing On-Site Sewage Disposal System by the Director of Health, the Sanitarian or other authorized representative of the Director of Health which includes a review of all system components including construction materials, size and location; soil evaluation to determine adequate separation distance from maximum ground water level and ledge; and the sizing of the Leaching System. The Director of Health is authorized to impose additional inspection requirements based upon individual site conditions in Critical Resource Areas and upon the requirements of public health.

CRITICAL RESOURCE AREAS means those areas that may be particularly susceptible to degradation and pollution from On-Site Sewage Disposal Systems and which therefore warrant additional consideration for their protection and restoration. These may include

- (1) ___ Tidal wetlands as defined by General Statute §22a-29(2), as amended (“Tidal Wetland”);
- (2) ___ Inland wetlands and watercourses including vernal watercourses or ponds as defined by §22a-38(16), as amended (“Inland Wetlands” or “Watercourses”);
- (3) ___ coastal waters as defined by General Statute §22a-93(5), as amended (“Coastal Waters”);
- (4) ___ coastal bluffs and escarpments as defined by General Statutes §22a-93(7)(A), as amended;
- (5) ___ beaches and dunes as defined by General Statute §22a-93(7)(C), as amended;
- (6) estuarine embayments as defined by General Statutes §22a-93(7)(G), as amended;

- (7)___shellfish concentration areas as defined by General Statutes §22a-93(7)(N);
- (8)___aquifer protection areas as defined by General Statute §22a-354h(10), as amended; or
- (9)___submerged aquatic vegetation areas such as eel grass.

DIRECTOR OF HEALTH means the Director of Health of the Town of Old Lyme or such other person having powers thereof as ~~designed~~ designated by the Commissioner of Public Health.

FAILED SYSTEM OR FAILURE means any On-Site Sewage Disposal System which allows Sewage to discharge or flow from it into any storm drain, Watercourse, Inland Wetland, Tidal Wetland, gutter, street, roadway or public place; any such system which permits Sewage discharged from said System to the surface or subsurface of any property 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 or as determined pursuant to this Ordinance. A Failed System is evidenced by, but not limited to, the following conditions.

- (1) Failure of the On-Site Sewage Disposal System to accept Sewage from a building sewer.
- (2) Discharge of Wastewater either directly or indirectly to a subsurface drain, surface drain, Tidal or Inland Wetland, Watercourse or other Critical Resource Area.
- _____(3) Sewage rising to the surface of the ground over or near any part of an On-Site Sewage Disposal System or seeping down-gradient from the Leaching Field of any Septic System at any change in grade, bank or road cut.
- (4) Discharge of improperly treated Wastewater to ground or surface waters resulting in contamination of the ground or surface waters.
- (5) Inadequate treatment or disposal of Wastewater due to deterioration, damage or improper maintenance or design of any Septic System.
- (6) Any other condition of a system resulting in a public health nuisance as determined by the Director of Health.

LEACHING FIELD means (1) that portion of a parcel of property which is set aside for the installation of a Leaching System or (2) that portion of the property where the Leaching System is installed.

LEACHING SYSTEM means the drainage structure or the gallery of pipes, including pumps, siphons and ground water control system, designed to permit overflow water from a Septic Tank to percolate into the soil in the Leaching Field.

LIQUID WASTE DISPOSAL TICKET means the document prepared by a licensed and registered Septic Tank Cleaner or Septic System Installer provided to the Owner/Property Owner 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 a Septic 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. An on-site sewage disposal system shall be deemed to be a malfunctioning system if sewage is allowed to contaminate ground- or surface water or to discharge or flow from it into any storm drain, stream, gutter, street roadway or private property so as to create a nuisance or condition detrimental to health as determined by the Director of Health or his agent. **Substantial backflow from the Leaching System into the Septic Tank during a Septic Tank Pump-Out is an indication of a Malfunctioning System.**

~~**MALFUNCTIONING SYSTEM** An on-site sewage disposal system shall be deemed to be a malfunctioning system if sewage is allowed to contaminate ground- or surface water or to discharge or flow from it into any storm drain, stream, gutter, street roadway or private property so as to create a nuisance or condition detrimental to health as determined by the Director of Health or his agent.~~

MAXIMUM GROUND WATER LEVEL means the level to which ground water rises for a duration of one month or longer during the wettest season of the year.

MODIFICATION OR EXPANSION OF AN EXISTING SYSTEM Work to be done to an existing on-site sewage disposal system shall be deemed a modification or expansion of an existing system for the purposes of this chapter if the system is enlarged or modified for the purpose of

accommodating changes in the building(s) it serves. "Modification or expansion of an existing system" shall expressly not include the repair of a malfunctioning system.

ON-SITE SEWAGE DISPOSAL SYSTEM A system for the treatment and disposal of less than 2,000 gallons per day of sewage derived from residences and businesses consisting of a building 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.

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 a premises shall include persons or legal entities which are holders of legal title, agents of the holder of legal title, executors, executrixes, 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 local director of health in accordance with Section 19-13-B103d of the Connecticut Public Health Code and the approved plans.

PERMIT TO DISCHARGE means the approval of the Director of Health upon determination that the Septic System has been installed in compliance with the requirements of Section 19-13-B103d of the Connecticut Public Health Code and the approved plans.

PUMP-OUT means the removal of Septage from a Septic System by a Septic Tank Cleaner or Septic System Installer.

REPAIR means any work performed on an On-Site Sewage Disposal System in order to mend or renovate a specific defect or deficiency after a failure, injury, deterioration or partial destruction of a previously existing On-Site Sewage Disposal System or component thereof. A Repair shall not include any work performed on an existing On-Site Sewage Disposal System that increases the design capacity of the System.

SEPTAGE means the solid or liquid materials which are pumped out of a Septic Tank.

SEPTIC SYSTEM means an On-Site Sewage Disposal System consisting of a Septic Tank and Leaching System.

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 subsurface sewage disposal system cleaner licensed by the State of Connecticut pursuant to General Statute §20-341a, as amended.

SEPTIC SYSTEM INSTALLER means any subsurface sewage disposal system installer licensed by the State of Connecticut pursuant to General Statute §20-341a, as amended.

SEWAGE / DOMESTIC SEWAGE means Wastewater from domestic sewer lines 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 surfaces or yard drains.

UPGRADE means modifications to an On-Site Sewage Disposal System which brings the system into, or more nearly into, compliance with the requirements of the Connecticut 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 Connecticut Public Health Code or (2) the improper discharge of Sewage from a failed On-Site Sewage Disposal System.

VISUAL INSPECTION means the assessment of On-Site Sewage Disposal Systems by pumping and visually inspecting the structure.

WASTEWATER means Sewage / Domestic Sewage.

- B. The definition for any term for which the meaning is not already provided, or is otherwise not clear, shall be the same definition as is provided in the Public Health Code cited above.

§ 133-4 Areas of Special Concern.

The WPCA is hereby authorized to designate certain areas of the Town of Old Lyme and individual systems within the Town as areas of special concern. Such designation shall result from investigation by the WPCA or its agents which indicates that such an area of the Town or individual septic system is at risk, due to soil conditions, topography, density of population, and the like, or problems with the on-site sewage disposal systems located therein.

§ 133-5 Site evaluation and installation of new systems.

- A. All on-site sewage disposal systems constructed after the effective date of this chapter shall be designed and their construction supervised by ~~an approved~~ a registered professional engineer or approved septic system designer, and the design construction shall be done in accordance with all requirements of the Public Health Code, subject to exceptions which may be granted in accordance with the provisions of said code.
- B. No building shall be constructed, expanded, ~~or~~ substantially altered, **Building Conversion conducted or Change in Use undertaken** unless and until the owner of such building or his agent has applied for and received approval of the existing on-site sewage disposal system facilities for such building from the Director of Health or his agent. All facilities meeting the requirements of this chapter and the Public Health Code shall be so approved.
- C. No existing on-site sewage system shall be repaired, reconstructed, modified or expanded unless and until the owner of such on-site sewage system or his agent has applied for and received approval of the on-site sewage disposal system facilities for such building from the Director of Health or his agent subject to exceptions which may be granted in accordance with the provisions of the Public Health Code. The application for construction shall include all information required by said Public Health Code. All systems meeting the requirements of this chapter and the Public Health Code shall be so approved.
- D. All applications for approval for work under Subsections A through C above shall be filed with the WPCA and the Director of Health or their agent and shall be accompanied by a sufficient plan prepared by ~~an approved~~ a registered professional engineer or approved septic system designer, together with such other information as may be required by the Public Health Code and the regulations of the WPCA and such fee as may be set in accordance with § 133-8 of this chapter, payable to the Town
- E. Upon completion of construction of a new on-site sewage disposal system under Subsection A above, or the completion of the modification or expansion of an existing on-site sewage disposal system under Subsection C above, ~~an approved~~ a registered

professional engineer or the approved septic system designer who prepared the application and plan shall submit as-built drawings or provide such information as may be required by conditions of the permit, the Public Health Code, and the regulations of the WPCA. ~~An approved~~ **A registered** professional engineer or the approved septic system designer who prepared the application and plan shall also submit with said as-built plans a written certification to the Town of Old Lyme stating that:

- (1) The installed system conforms in all respects to the design drawings made part of the application;
- (2) All requirements of the design have been met; and
- (3) The location, elevation and construction of all components meet the design.

- F. As a part of the final approval of any such new on-site sewage system under Subsection A above, or the completion of the repair, reconstruction, modification or expansion of an existing sewage system under Subsection C above, the Director of Health, the WPCA and/or their agent may require, pursuant to the Public Health Code and such regulations as may be adopted by the WPCA hereunder, monitoring of the operation of said system on an ongoing basis following its completion.

§ 133-6 Site Investigations

A. Malfunctioning System Inspections

The Director of Health or the Agent of the Director of Health shall have the right of entry to any land in the Town of Old Lyme 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 will be revoked. The Director of Health shall determine the severity of the complaint and can revoke the Permit to Discharge immediately if he/she deems this appropriate for the protection of the public health and the environment.

B. Complete Inspections

The Director of Health or the Agent of the Director of Health shall conduct a Complete Inspection of all On-Site Sewage Disposal Systems ~~in Designation I Area and Designation II Area~~ within five (5) years of the effective date of this Ordinance. The Director of Health is authorized to exercise discretion in identifying and selecting systems for Complete Inspection which are located in Critical Resource Areas for expedited inspection. The Director of Health is authorized to designate licensed Septic System Installers and Registered Professional Engineers to conduct Complete Inspections provided said persons are licensed or registered in accordance with Section ~~IX~~ 133-3 of this Ordinance..

C. Visual Inspections

Licensed Septic Installers shall conduct a Visual Inspection of a Septic System at any time they access the internal structure of the Septic Tank for purposes of maintenance, Upgrade or Repair. A copy of the report of the Visual Inspection shall be provided to the Director of Health for record purposes. Licensed Septic Tank Cleaners shall conduct a Visual Inspection of a Septic System at any time a Pump-Out is provided for a Property Owner. A copy of the Visual Inspection report shall be provided to the Director of Health for record purposes.

D. Inspection Records System

The Director of Health shall maintain a system of records pertaining to each property which is served by an On-Site Sewage Disposal System. The individual property records shall include such documents as the Permit to Discharge, Complete Inspection reports, Visual Inspection reports, Notices of Violation, Notices of Revocation of Permit to Discharge, Abatement Orders, Liquid Waste Disposal Tickets, Pump-out Permits, Permits to Construct and all other correspondence pertaining to the construction, operation, maintenance and inspection of the On-Site Sewage Disposal System.

~~The Director of Health or his agent shall have, as set forth in this section, the right of entry onto any land in the Town for the purposes of conducting inspections of on-site sewage disposal systems and performing such tasks as the Director of Health or his agent, in his discretion, determines are advisable for the purpose of disclosing whether or not said system is malfunctioning. Said right of access shall be limited to those instances where a written complaint has been filed or where there is specific reason to believe that there is in existence a malfunction or a condition which violates the provisions of this chapter, in which case written record shall be made and maintained indicating said reason.~~

~~A. Except in emergency situations, the Director of Health or his agent shall, before making such entry onto such land, provide written notice to the owner of such property, as such owner's name~~

~~and address are indicated in the records of the Assessor's office of the Town, indicating that the Director of Health believes that a malfunction or other condition which violates the provisions of this chapter exists and that he intends to make such inspection(s). Such notice shall also indicate that such owner may, within five days of the date of such notice, provide such information as may be reasonably required by the Director of Health or his agent in order to assess such condition. If such information is provided within such time period and if such information is sufficient to permit the Director of Health or his agent to fully assess such alleged malfunction or other condition, then the Director of Health or his agent shall not need to make such entry. If such information is not provided within such time, or if in the discretion of the Director of Health or his agent such information is not sufficient to fully assess such matter, then the Director of Health or his agent may enter upon such property in order to make such inspections. In emergency situations, no such notice shall be required.~~

~~B. If the Director of Health or his agent determines that such system is malfunctioning or that there is in existence a condition which violates the provisions of this chapter, then he shall deliver to such property owner written notice advising of such malfunction or other condition and directing that the same be abated as required by this chapter or the Public Health Code.~~

§ 133-7 Maintenance of existing systems.

A. All septic tanks, cesspools and similar receptacles serving on-site sewage disposal systems located within the Town shall be pumped out not less than once in every ~~seven~~ **five** year period. The **Sanitarian** shall maintain a record of each such pump out and copy of each liquid waste disposal ticket, which records shall be the property of the WPCA. Each liquid waste disposal ticket shall be filled out by the cleaner to indicate the origin of the load, the date of pumping and such data regarding the system pumped as the WPCA may require.

B. The WPCA is hereby authorized to adopt regulations to effectuate the provisions of this section and may, by such regulation, require a more frequent schedule of pumping for specific systems or areas of special concern as identified pursuant to § ~~133-4~~ herein.

§ 133-8 Enforcement

A. The WPCA, the Director of Health and their agent shall be charged with the enforcement of this chapter. The agent of the WPCA and the Director of Health shall prepare reports for the WPCA, the scope of such reports shall be established by it, and he shall appear at meetings of the WPCA as deemed necessary by the WPCA.

B. The WPCA is hereby authorized to establish fees, which fees shall be in writing and shall be effective upon majority vote of the WPCA following a public hearing held by such WPCA, of which legal notice thereof has been published in a newspaper having general circulation in the Town not less than five days prior to such hearing, and upon subsequent publication of notice of such adoption in a newspaper having general circulation in the Town. Such fees shall be required by this chapter, and such fees shall be paid at the time any such application is submitted.

C. Malfunctioning Systems The Director of Health is authorized to issue Notices of Malfunction to the Owner of an On-site Sewage Disposal System which is deemed, after a Visual Inspection, a Malfunction Inspection, or a Complete Inspection is conducted, to be a Malfunctioning System. The Director of Health is authorized to direct correction of a Malfunctioning System within six (6) months of the date of the Notice of Malfunction or at such earlier time as required by public health considerations. In the event the Owner fails to take the action directed, the Director of Health may revoke the Owner's Permit to Discharge. Upon the revocation of the Permit to Discharge, the Director of Health may declare the subject building unfit for human habitation and post the same as such and may pursue any other remedy at law or equity.

D. Failed System Upon identification of a Failed System by way of a Visual Inspection, a Malfunction Inspection or a Complete Inspection, the Director of Health is authorized to issue a Notice of Revocation of the Owner's Permit to Discharge. The Director of Health is also authorized to issue a Notice of Violation to the Owner indicating the nature of the failure and an Abatement Order identifying the Repairs to be made and the time limit within which they are to be performed but the issuance of such a Notice or Order shall not be a prerequisite for the revocation of the Permit to Discharge. Upon the revocation of the Permit to Discharge, the Director of Health may declare the subject building unfit for human habitation and post the same as such and may pursue any other remedy at law or equity.

§ 133-8.1 Penalties for offenses

[Added 1-23-2006]

A. The WPCA is hereby authorized to instruct its designated agent, the Director of Health and/or the Sanitarian, to issue a notice of violation to any property owner who, in violation of § 133-7A, neglects, fails or refuses to have the on-site sewage disposal system, tank and/or cesspool located on his/her property pumped out according to the requirements of this section or any regulation adopted by the WPCA pursuant to § 133-7B.

B. Such notice shall be in writing, set forth the nature of the violation of this chapter, and be served upon the owner in accordance with the provisions of Connecticut C.G.S. § 52-57 or 52-59a, as applicable. Such notice shall specify that the property owner has 30 days in which to correct the violation by having the on-site sewage disposal system located on his/her property pumped out in accordance with the requirements of this section.

C. Any property owner notified in accordance with this section who fails to correct said violation by the date specified in said notice shall be in violation of this chapter and subject to its penalties and enforcement procedures.

D. Each violation of this chapter shall be considered a separate municipal offense. Each day any violation of this chapter continues shall constitute a separate offense. Each separate offense under

this chapter shall be punishable by a fine of \$100, payable to the Town of Old Lyme.

[Added 1-23-2006]

E. Any person who receives a notice of violation in accordance with this section may appeal said notice to the Board of Selectmen, in writing, within 10 days of the date of said notice, and request a hearing on said violations. All such appeals shall be considered, and all hearings shall be conducted, in accordance with the provisions of Subsection F below.

F. 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.

G. The WPCA, by its designated agent, the Director of Health and/or Sanitarian, is hereby authorized to initiate legal proceedings in the Superior Court for the correction of any violation, collection of any fines, and the recovery of all costs, including reasonable attorneys' fees incurred by the WPCA to enforce the terms of this chapter.

§ 133-8.2 DISCHARGE PERMITS

A. It shall be unlawful for any Owner or occupant of any building or the user of any land served by an On-Site Sewage Disposal System to discharge Sewage into said System unless, after the point in time when such Permit is required by this Ordinance, a Permit to Discharge authorizing said discharge has been obtained from the Director of Health.

B. Initially, a Permit to Discharge shall be issued following a Complete Inspection of the On-Site Sewage Disposal System by the Director of Health or the Agent of the Director of Health, which inspection does not disclose any Malfunction of the System. Said Permit to Discharge shall be valid for a period of five (5) years from the date of issue unless sooner revoked due to a Malfunction or Failure disclosed by an inspection by the Director of Health or the Agent of the Director of Health.. When Malfunctioning or Failed System has been Repaired and inspected by the Director of Health or Agent of the Director of Health, a Permit to Discharge shall be re-issued.

C. The Permit to Discharge for any On-Site Sewage Disposal System discovered to be a Failed System as defined by this Ordinance shall be subject to revocation by the Director of Health. Similarly, any failure to comply with an Abatement Order for a Failed or Malfunctioning System shall be subject to revocation of the Permit to Discharge by the Director of Health. The Director of Health shall issue a Notice of Revocation of Discharge Permit to the owner of the property by Certified Mail. The Notice of Revocation of the Discharge Permit shall also be forwarded to the Building Official. No Building Permit for any expansion or change in use of any building shall be

granted for a property on which the Permit to Discharge has been revoked.

D. Enforcement Abeyance: Enforcement of Subsection A of this Section against owners of On-Site Sewage Disposal Systems which are in existence upon the effective date of this Ordinance shall be held in abeyance until December 31, 2012. ~~for a period of _____ years after the effective date of this Ordinance.~~ This Enforcement Abeyance is for the purpose of permitting Property Owners to undertake the necessary measures to construct, reconstruct, Repair or Maintain the existing On-Site Sewage Disposal Systems.

§133-8.3 RENEWAL OF DISCHARGE PERMITS

A. No Discharge Permit shall be renewed unless the following conditions have been satisfied:

1. The Owners of the building shall have the On-Site Sewage Disposal System subject to a Complete Inspection and pumped out by a Septic Tank Cleaner. The Owner or the contracted Septic Tank Cleaner shall be responsible to obtain a Pump-out Permit and Liquid Waste Disposal Ticket from the Director of Health and/or Sanitarian prior to the Visual Inspection and Pump-out of the Septic Tank
2. _____The Owner or contracted Septic Tank Cleaner shall inform the Director of Health and/or the Sanitarian at least 24 hours prior to the Pump-Out except in cases of emergency.
3. _____The Complete Inspection and cleaning must be performed no later than 30 days before the expiration date of the existing Permit to Discharge.
4. _____The Director of Health and/or the Sanitarian shall have the right to observe the Complete Inspection and cleaning at his discretion, and to perform such tests as the Director of Health and/or the Sanitarian deems appropriate to determine whether or not said system is malfunctioning.
5. _____The Complete Inspection and cleaning of the On-Site Sewage Disposal System must disclose no Malfunction. Any Malfunction noted must be repaired within 60 days and reported to the Director of Health. Upon failure to repair and report as required, the Director of Health is authorized to issue a Notice of Violation and / or an Abatement Order in accordance with Section ~~✓~~ 133-8 of this Ordinance.

B. The Director of Health is hereby authorized to waive the Complete Inspection and cleaning of the Septic Tank if he/she determines that a Complete Inspection and cleaning are not necessary because of limited use of the System or because of a recent cleaning or Complete Inspection of the System.

C. The Owner of any building shall be entitled to have the Discharge Permit renewed at any time prior to the expiration of the existing Discharge Permit, provided the Septic Tank is cleaned and a Complete Inspection of the Septic System is performed by the Director of Health, the Sanitarian or the Authorized agent of the Director of Health at the time of said cleaning and no Malfunction is discovered.

§133-8.4 REPLACEMENT

The following On-Site Sewer Disposal Systems shall be replaced as follows:

1. Cesspools shall be replaced with Septic Systems which conform to current state and local standards by December 31, 2012. ~~within two _____ of Complete Inspection.~~

2. Septic Tanks having a capacity of less than 900 gallons or two-thirds of the required size, whichever is greater, shall be replaced by December 31, 2012 ~~within years of a Complete Inspection~~ with a tank of proper size in accordance with the State Health Code or required by local requirements.

3. Septic Tanks that are constructed of steel shall be replaced by December 31, 2012. ~~within _____ years of a Complete Inspection.~~

4. Septic Tanks that leak shall be repaired or replaced within sixty (60) days of receipt of notice of such leakage. ~~_____ years of a Visual Inspection.~~

5. Leaching Systems which are less than 50% of the required size shall be Upgraded to maximize effective leaching area by December 31, 2012. ~~within _____ years of the Complete Inspection.~~

6. Septic Systems Leaching Systems which are less than eighteen (18) inches above Maximum Ground Water Level or which are less than four (4) feet above ledge rock shall be Upgraded to maintain required separation distances by December 31, 2012. ~~within _____ years of Complete Inspection.~~

7. All non-conforming Septic System pumps and pump chambers shall be Upgraded to meet the requirements of the Public Health Code by December 31, 2012. ~~within~~
 years of .

§ 133-9 Adoption of regulations.

The WPCA is authorized to adopt reasonable rules and regulations and any amendments thereto to put this chapter into effect. Such rules and regulations, and any amendments thereto, shall be in writing and shall be effective upon a majority vote of the WPCA following a public hearing held by such WPCA, 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.

§ 133-10 Conflicting provisions.

In any case where this chapter or any regulation enacted hereinunder is found to be in conflict with any provision of the Public Health Code or any state statute, the more restrictive shall apply.