

HIGH-IMPACT ELECTRIC TRANSMISSION LINE MORATORIUM
ORDINANCE
TOWN OF BENTON

SECTION ONE

Authority, Definition and Effective Date

- A. Authority. This Moratorium Ordinance is enacted pursuant to 30-A M.R.S.A. 53001, g! seq., 30-A M.R.S.A. 54356 and Article VIII, Part Second, of the Maine Constitution.
- B. Definition. The definition of a High-Impact Electric Transmission Line is as stated in 35-A M.R.S.A. {3131, Section 4-A, as amended.
- c. Effective Date. This High-impact Moratorium Ordinance shall take effect immediately, and notwithstanding the provisions of 1 M.R.S.A. 5302, to the maximum extent permitted by law, apply to all proceedings, applications, and petitions not pending within the meaning of 1 M.R.S.A. 902 as of the date of adoption of this Ordinance.

SECTION TWO

Term

This Ordinance shall remain in effect for a period of 180 days from the date of its adoption and expire on the 180th day unless the select board votes, after notice and hearing, to extend the moratorium for additional 180-day periods.

SECTION THREE

Need and Purpose

The Town currently has no ordinance addressing the regulation of high-impact electric transmission lines. The purpose of this moratorium ordinance is to allow the Town a reasonable period of time to evaluate any concerns raised regarding the installation of a high-impact electric transmission line, and to develop necessary ordinances, or amendments to ordinances, to prevent serious harm. Serious harm includes, but is not limited to, visual impact, noise, environmental degradation and public health.

SECTION FOUR

Moratorium

During the term of this moratorium, no official, officer, board, body, agency, agent, or employee of the Town of Benton shall accept, process, or act upon any application for any approval, including, but not limited to, a building permit, certificate of occupancy, site plan review, conditional use, or any other approval related to the establishment or operation of a high-impact electric transmission line. No person shall test for the suitability or develop a high-impact electrical transmission line within the Town of Benton during the time this moratorium is in effect. Thereafter, no person shall test for suitability, or develop a high-impact electrical

transmission line within the Town of Benton without complying with applicable Town ordinances.

SECTION FIVE
Enforcement

For any violation of this ordinance, the select board is hereby authorized to institute all actions, either legal or equitable, deemed necessary or appropriate to enforce the provisions of this moratorium ordinance. Any violation of this moratorium ordinance is subject to an enforcement action under 30-A M.R.S.A. {4452. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Benton. Any violation of this moratorium ordinance constitutes a nuisance.

SECTION SIX
Severability

Should any provision of this moratorium ordinance be declared by any court to be invalid, such decision shall not invalidate any other section.

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Town of

Article I: Preamble

A. Authority

The regulations contained in this Public & Private Sewer Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the March 26, 2022, Annual Town Meeting.

B. Title

This Ordinance shall be known and cited as the "Public & Private Sewer Ordinance, Town of Benton, Maine."

C. Purpose

The purpose of this ordinance is to promote the health and general welfare of the citizens of the Town of Benton by regulating and restricting the construction and use of sewerage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public, private or industrial, shall not result in pollution, health hazard or other nuisance.

This ordinance will replace the Public and Private Sewers and Drains Ordinance (January 28, 1974).

D. Administrative Body

The provisions of this ordinance shall be administered by the Select Board.

E. Rules of Construction

Captions and headings within this Ordinance are intended to form a part of the Ordinance and to be utilized in determining the meaning and applicability of the sections they identify.

F. Conflict with other Ordinance(s)

This Ordinance is intended to be used in combination with the other ordinances adopted by the Town of Benton. In circumstances where the provisions of two or more ordinances are similar or conflicting, the town shall enforce the provisions which are more restrictive.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the provision imposing the greater restriction shall control.

G. Severability

In the event of an authoritative finding that a provision of this Ordinance is invalid, the validity of the remaining provisions shall not be affected.

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H. Repeal or Prior Ordinance

The prior Public Sewer Ordinance of the Town of Benton, together with all amendments currently in force, is hereby repealed and replaced, as of the effective date of this ordinance.

1. Effective Date

This ordinance shall take effect and be in force from the date of its adoption.

J. Revisions

To preserve the integrity of this document starting in calendar year 2022 revisions to this ordinance will be maintained in an addendum labeled Addendum A — Public Sewer Ordinance Town of Benton Maine Revision History. Each revision will denote:

1. Warrant Article Language
2. Date of Town Hearing
3. Date of Town's Approval and Adoption by the Select Board
4. Detail of the revision including reference to Section, etc. The revision will be reflected as follows, to ensure the revision is understood:
 - a. Language additions are reflected with underline text, e.g. TEXT ADDITION
 - b. Language removal are reflected with strike-thru text, e.g.

Article II: Scope

Hereafter any person owning any building or structure within the Town of Benton which is the source of sewage and/or industrial wastes or who proposes to erect such building or structure shall conform to the requirements of this ordinance.

Article III: Definitions

Unless the context specifically indicates otherwise the meaning of terms used in this ordinance shall be as follows:

Appeals Board: Shall mean that Board appointed according to provision of Article XI.

BOD (denoting Biochemical Oxygen Demand): Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

Building Drain: Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight (8) feet outside the inner face of the building wall.

Building Sewer: Shall mean the extension from the building drain to the public sewer or other place of disposal.

Categorical Pretreatment Standards: Shall mean discharge limitations for specific industrial user categories promulgated by the U.S. Environmental Protection Agency under Sections 307 of the Act.

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Combined Sewer: Shall mean a sewer receiving both surface runoff and sewage.

Developer: Shall mean any Person or Persons who undertake to construct simultaneously or in planned sequence more than one housing unit on a given tract or

land subdivision.

Engineer: Shall mean a Professional Engineer retained by the Town of Benton.

Fee(s): Shall mean a fee set and revised in the Town of Benton Fee Schedule.

Garbage: Shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Industrial User: Shall mean any person connected to a public sewer and discharging industrial waste.

Industrial Wastes: Shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Interfere: Shall mean an inhibition or disruption of the treatment works, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal in accordance with the following Statutory provisions and regulations or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State Regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, and the Toxic Substances Control Act. A user significantly contributes to such a permit violation or prevention of sludge use or disposal violation or prevention of sludge use or disposal in accordance with above-cited authorities whenever such user:

- 1) Discharges a daily pollutant loading in excess of that allowed by contract with the Town or by Federal, or State law;
- 2) Discharges waste water which substantially differs in nature or constituent from the user's average discharge, or;
- 3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the selected method of sludge management.

KSTD: Shall mean the Kennebec Sanitary Treatment District.

May: Is permissive.

Natural Outlet: Shall mean any outlet into a watercourse, pond, ditch, lake, river, or other body of surface or groundwater.

Person: Shall mean any individual, firm, company, association, society, corporation, or group.

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PH: Shall mean the logarithm of the reciprocal of the weight of Hydrogen ions in grams per liter of solution.

Plumbing Inspector: Shall mean the Plumbing Inspector of the Town of Benton, Maine.

Properly Shredded Garbage: Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half () inch in any dimension.

Public Sewer: Shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Sanitary Sewer: Shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Select Board: Shall mean the duly elected Select Board of the Town of Benton.

Sewage: Shall mean a combination of the water—carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sewage Treatment Plant: Shall mean any arrangement of devices and structures used for treating sewage.

Sewage Works: Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer: Shall mean a pipe or conduit for carrying sewage.

Shall: Is mandatory;

Slug Loading: Shall mean discharge at a flow rate or pollutant concentration that may interfere with the public sewer or wastewater treatment facilities.

Storm Drain (sometimes termed "Storm sewer"): Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent: Shall mean the Superintendent of the Public Water and Public Sewer of the Town of Benton.

Suspended Solids: Shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Town: Shall mean the Town of Benton, Maine.

Watercourse: Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

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Article IV: General Provisions

Section 1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Benton, or in any area under the jurisdiction of said town, any human or animal excrement, garbage, or other objectionable waste.

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Section 2 It shall be unlawful to discharge to any natural outlet within the Town of Benton, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 4 The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes requiring the disposal of sewage situated within the town and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said, public sewer is within one hundred (100) feet of the property line as measured along any public way. When gravity flow cannot be obtained from the building or the property, the connection to said public sewer is not required. However, this does not preclude waste flows from being pumped to the public sewer should the property owner so wish.

Article V: Private Sewage Disposal

Section 1 Where a public sanitary sewer is not available under the provisions of Section 4, Article IV, the building sewer shall be connected to a private disposal system complying with State Law and the rules and regulations of the Maine Departments of Health and Human Services and Environmental Protection dealing with septic tank installations and system operation.

Section 2 Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Plumbing Inspector. The application for such permit shall be made on an HHE-200 SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION form as required by the State of Maine, and other information as deemed necessary by the Plumbing Inspector.

Section 3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. The Plumbing Inspector shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Plumbing Inspector.

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Section 4 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

Section 5 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Section 6 When a public sewer becomes available, the building sewer shall be connected to the public sewer upon the failure of the private septic system and within ninety days (90) after date of official notice. The private septic tank or cesspool shall be cleaned of sludge and filled with clean bank mn gravel or dirt, as soon as possible, and not to exceed 180 days.

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Section 7 The contents from septic tanks of Fairfield properties or boat holding tanks located anywhere in Benton must be frucked to the KSTD. A fee set by the KSTD shall be paid directly to the KSTD prior to discharge.

Article VI: Building Sewers and Connections

Section 1 No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Section 2 There shall be two (2) classes of building sewer permits; (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. This permit application shall be supplemented by any plans specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for a residential or commercial building sewer permit and industrial building sewer permit shall be paid to the Town at the time the application is filed.

Section 3 All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4 A separate and independent sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley courtyard, or driveway, the Building sewer from the front building may be extended to the rear build in and whole considered as one building sewer

except for purposes of Article XII and if approved by the Superintendent.

Section 5 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

Section 6 The building sewer shall be tar-coated polyvinylchloride (PVC) pipe conforming to the following standards: PVC pipe shall be schedule 40 or SDR 35 or ASTM D3034.

Section 7 The diameter of the building sewer shall not be less than four (4) inches nor shall the slope of the pipe be less than one-quarter (1/4) in. per ft.

Section 8 The depth of building sewers installed after January 1, 1973 shall be sufficient to afford protection from frost, but in no event shall be less than three (3) feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made

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only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

Section 9 In all buildings, constructed after January 1, 1973, in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means (pumped) and discharged to the building sewer. The pump and facility shall be installed on private property and owned and operated by the property owner.

Section 10 All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM Specifications except that no backfill shall be placed until the work has been inspected and except that trench width measured at the top of the installed pipe shall not exceed twenty— four (24) inches.

Section 11 All joints and connections shall be made gas tight and water tight. The transition joint between pipes of different materials shall be made with adaptors and joint materials approved by the Superintendent. Pre-molded gasket joints shall be used and shall be neoprene compression type gaskets which provides a positive double seal in the assembled joint. The gasket shall be a pre—molded, one piece unit designed for joining the pipe material used. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled and special pipe coupling tools designed for that purpose. Lubricant shall be a bland, flax base, non-toxic material, and shall not chemically attack the gasket material.

Section 12 The connection of the building sewer into an existing public sewer shall be made at the existing public sewer. All costs and expense incidental to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Superintendent. The connection of the building sewer into the public sewer shall be made at the "Y" or "T" branch. If none is available a connection may be made by tapping the existing sewer by a method approved by the Superintendent.

Section 13 The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the

Superintendent before the trenches are filled; and the person performing such work shall notify the Superintendent when the installation of the building sewer is completed. If the trench is filled before inspection, the Superintendent shall require it to be re-excavated for inspection.

Section 14 When any building sewer is to serve a school, hospital, or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of

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the Superintendent will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Superintendent. If required a new manhole shall be installed in the public sewer pursuant to Article VII, Section 3 and the building sewer connection made thereto as directed by the Superintendent.

Section 15 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, park— ways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

Article VII: Sewer Extension

Section 1 Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Select Board, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for and install the building sewer from the public sewer to his residence or place of business in accordance with the requirements of Article IV. Property owners may propose sewer extensions within the incorporated town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Select Board. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Select Board.

Section 2 If the town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the Select Board in accordance with the requirements of Section 1. The property owner must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 3, Article VII. The installation of the sewer extension must be subject to periodic inspection by the Superintendent and the expenses for this inspection shall be paid for by the owner, builder or developer. The Superintendent's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in Section 4, Article VII before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers.

Section 3 Sewer design shall be in accordance with the following provisions. Pipe material shall be polyvinylchloride (PVC). No standard strength clay pipe or concrete pipe shall be used. Minimum internal pipe diameter shall be 8 inches. Joints for each kind of pipe shall be designed and manufactured such that "O" ring gaskets of the "snap— on" type are employed. Gaskets shall be continuous solid natural or synthetic rubber and shall provide a positive compression seal in the assembled joints such that the requirements of Section 4, Article VII are met. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations. Wye or Tee branch fittings shall be installed for connection to building sewers in accordance with Section 4, Article VI. Trench widths, as measured just

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above the crown of the pipe, shall not exceed $\frac{4}{3}$ O.D.+ 1.5 ft. If the trench widths are found during field inspection to exceed the above limits the sewer pipe shall be encased with a minimum of 6 inches of concrete. Pipe shall be firmly and evenly bedded on a minimum of 6 inches of free draining granular base with a stone size not exceeding 1 inch. Pipe thickness and field strength shall be calculated on the following criteria:

- Safety Factor 1.9
- Load Factor 1.7
- Weight of Soil 120 lbs. per cu. ft. • Wheel Loading 16,000 lbs.

Utilizing the above information, the design shall then be made as outlined in Chapter IX of the Pollution Control Federation Manual, Practice No. 9 "Design and Construction of Sanitary and Storm Sewers."

Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall be constructed with 4 ft. diameter monolithic pre-cast base sections and 4 ft. diameter pre-cast concrete manhole barrel sections with concentric tapered top sections as specified by ASTM Specification 0-478. The tongue and groove in manhole sections shall be formed of concrete so as to receive an "O" ring rubber gasket, or Ram-Nek joint, as required by the Superintendent. The manhole frame and cover shall be as approved by the Superintendent and shall be set with no less than two courses of brick underneath to allow for later adjustments and elevations. All manholes shall be constructed with forged aluminum safety type steps cast into the walls of the precast sections.

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Section 4 Leakage in the gravity sewers shall not exceed 100 gals, per in. dia. per day per mile of pipe when tested by either internal pressure or external pressure means. Where ground water is high the Superintendent may elect to accept infiltration measurements in lieu of exfiltration tests. All manholes shall be tested as to water tightness, if required by the Superintendent as follows:

The inlet and outlet of the manhole shall be plugged by watertight plugs and the manhole shall have 4 feet of water placed therein. The water shall remain for sufficient time to allow for absorption into the concrete pipe. The amount of water loss from the manhole shall then be determined. The rate shall not exceed 5 gals. per manhole per 24 hours for 4 ft. diameter manholes. All infiltration leaks shall be repaired by excavation outside of the manhole if required.

If approved by the Superintendent, a low pressure air test may be used to test the gravity sewers. The test shall be performed using the equipment stated below, according to stated procedures and under the supervision of the Superintendent. The equipment used shall meet the following minimum requirements:

- a) Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
- b) Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
- c) All air used shall pass through a single control panel.
- d) Three individual holes shall be used for the following connections:
 - From control panel to pneumatic plugs for inflation.
 - From control panel to sealed line for introducing the low pressure air.
 - From sealed line to control panel for continuously monitoring the air pressure rise in the seal line.

After a manhole to manhole reach of pipe has been backfilled and cleaned the plugs shall be placed in the line at each manhole and inflated to 25 PSIG. Low pressure air shall be introduced into the sealed line until the internal air pressure reaches 4 PSIG greater than the average back pressure of any ground water that may be over the pipe. After this stabilization period (3.5 PSIG minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed acceptable if the time required in minutes for the pressure to decrease from 3.5 to 2.5 PSIG (greater than the average back pressure of any ground water that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

Pipe Diameter (inches)	Minutes
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11/5

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In areas where ground water is known to exist its height over the invert of the pipe shall be determined. The height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings (i.e. if the height of water is 11 h ft. then the added pressure will be 5 PSIG. The allowable drop of 1 lb. and the timing remain the same).

All testing of sewer shall be conducted in the presence of the Superintendent. If the installation fails any test, the source of leakage shall be found and repaired and all defective materials shall be replaced.

Section 5 All sewer extensions constructed at the property owner's, builder's or developer's expense, after final approval and acceptance by the Superintendent, shall become the property of the town and shall thereafter be maintained by the town. Said sewers, after their acceptance by the town, shall be guaranteed against defects in materials or workmanship for twelve (12) months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than 10% of the Engineer's estimate of the cost of the extension.

Section 6 No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the town, unless a suitable and approved method of sewage disposal is proposed.

Article VIII: Use of Public Sewers

Section 1 No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub- surface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer except in those instances where private associations have allowed storm water connections to be made to their sewer and which associations have deeded their rights to the town.

Section 2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, or natural outlet.

Section 3 Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

- a) Any liquid or vapor having a temperature higher than 104 degrees F.
- b) Any waters or wastes which contain grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32 and 104 degrees F.
- c) Any waters or wastes containing fats, grease, or oils, whether emulsified or not, exceeding an average of 50 parts per million (417 pounds per million gallons) ether soluble matter, including waters or wastes from grease traps.
- d) Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid, or gas.

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- e) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- t) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Superintendent.
- g) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.
- h) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalis must be neutralized, at all times, within a permissible pH range of 6.0 to 9.5.
- i) Any cyanides, in excess of 2 parts per million by weight as CN.
- j) Any long half-life (over 100 days) of toxic radioactive isotopes, without a special permit.
- k) Any waters or wastes that for a duration of 15 minutes has a concentration greater than 5 times that of "normal" sewage as measured by suspended solids and B.O.D. and/or which is discharged continuously at a rate exceeding 1,000 gallons per minute except by special permit. Normal sewage shall be construed to fall within the following ranges:

Constituents	Permissible Range
Suspended Solids	180 to 350 mg
B.O.D.	140 to 300 mg
Chlorine Requirements	5 to 15 mg

- l) Any storm water, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge or effluent from any air conditioning machine or refrigeration unit except as provided in Article VIII, Section 1.

No person shall discharge or cause to be discharged any waters or wastes in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the Town's sewage treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it arrives at the treatment and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the Engineer in volume and concentration of wastes discharged. For Limits of Toxic Substances in Sewage, refer to KSTD Local Limit, Appendix B.

Section 4 Grease, oil and sand interceptors shall be provided when the above set limits or those substances are exceeded or when, in the opinion of the Superintendent or Engineer, they are necessary

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for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

Section 5 Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Superintendent at any time.

Section 6 The admission into the public sewers of any waters or wastes having (a) a 5 day Biochemical Oxygen Demand greater than 300 parts per million or (b) containing more than 350 parts per million of suspended solids, or (c) containing more than 15 parts per million of chlorine requirement, or (d)

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containing any quantity of substances having the characteristics described in Section 3, Article VIII or (e) having an average daily flow greater than 2% of the average daily sewage flow of the Town, shall be subject to the review and approval of the Engineer. There necessary, in the opinion of the Engineer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to, (1) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (2) reduce the Chlorine requirements to 15 parts per million, or (3) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 3, or (4) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Engineer will constitute a violation of this ordinance. In addition to the aforementioned limits set by the Town of Benton, additional limits may be set by the KSTD.

Section 7 Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 8 When required by the Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 9 All measurements, tests, and analyses of the Characteristics of waters and wastes to which reference is made in Sections 3 and 6, shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," upon suitable samples taken at control manhole provided for in

Section 8. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Section 10 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern.

Section 11 All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage," published by the American Public Health Association. However, alternate methods for the analysis of industrial wastes

Town of Benton, Maine – Public & Private Sewer Ordinance

may be used subject to mutual agreement between the Select Board and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a 24 hour period. However, more frequent and longer periods may be required at the discretion of the Select Board.

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Article IX: Miscellaneous Industrial Pretreatment Requirements

Section 1 All persons discharging wastes into the public shall comply with applicable requirements of federal and state industrial pretreatment regulations and the Industrial Pretreatment Program of the KSTD.

Section 2 Industrial users shall comply with federal and state general pretreatment standards and applicable categorical pretreatment standards. Such noncompliance with categorical standards shall be achieved within three years of the date such standard is effective, unless a shorter compliance time is specified, but in no case later than July 1, 1984.

Section 3 The Superintendent may, after formal notice to the public sewer user, immediately halt or prevent any discharge of pollutants reasonably appearing to present an imminent endangerment of the health and welfare of persons, or any discharge presenting, or which may present, endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the Superintendent include seeking ex-parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the discharger.

Section 4 The Superintendent shall investigate instances of non-compliance with industrial pretreatment standards and requirements, as requested by the KSTD.

Section 5 Within 180 days after the effective date of a categorical pretreatment standard, existing industrial users subject to such standards shall submit to the KSTD an application for a categorical permit containing information required under applicable federal and state industrial pretreatment regulations.

Such information, as a minimum, shall include:

1. The name and address of the facility, including the name of the operators and owners;
2. A list of all environmental permits held by or for the facility;
3. A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility;
4. A schedule of actions to be taken to comply with the categorical standards;

Town of Benton, Maine – Public & Private Sewer Ordinance

5. Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams;
6. An identification of the industrial pre-treatment standards applicable to each regulated process; and
7. An analysis identifying the nature and concentration of pollutants in the discharge.

The Superintendent may require additional information to be included in such application.

Section 6 Within 90 days after the date for final compliance by existing industrial users with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the public sewer, industrial users shall submit to the KSTD a report indicating the nature and concentration of pollutants in the discharge from the regulated process(es) governed by pretreatment standards and the average and maximum daily flow for these process units. Such report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices or pre-treatment is necessary. Such industrial users shall submit to the KSTD during the months of June and December, unless required more frequently, a report indicating the nature and concentration of pollutants in the discharge. Additional requirements for such report may be imposed by the Superintendent.

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Section 7 Industrial users shall give written notice to the Superintendent and the KSTD at least 45 calendar days before making significant changes in the nature, quantity, or rate of discharge of industrial waste,

Section 8 Industrial users shall immediately notify the Superintendent and the KSTD of any slug loading discharged by such user.

Section 9 All reports submitted by industrial users under this Article shall be signed by an authorized representative. An authorized representative may be:

1. A principal executive officer of at least a level of vice president, if the industrial user is a corporation; or
2. A duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operation of the subject facility.

Section 10 Industrial users subject to the reporting requirements under this Article shall maintain records of all information resulting from any monitoring activities required to prepare such reports. Such records shall include for each sample:

1. the date, exact place, method, and time of sampling and the names of person or persons taking the sample;
2. the dates analyses were performed;
3. who performed the analyses;
4. the analytical techniques and methods used; and the results of such analyses.

Such records shall be maintained for a minimum of three years and shall be made available for inspection and copying by the Superintendent and the KSTD.

Town of Benton, Maine – Public & Private Sewer Ordinance

Section 11 Information and data submitted to the Superintendent and the KSTD under this Article relating to waste water discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR Section 2.302.

Section 12 The Superintendent may temporarily exclude from the public sewer industrial wastes from one or more industrial users, whether pretreated or not, if necessary or helpful in determining the effects of such wastes upon the public sewer or KSTD facilities.

Article X: Protection From Damage

Section 1 A contractor must present a certificate of insurance showing minimum liability coverage of \$100,000/\$300,000 for bodily injury and a \$25,000 limit for property damage including collapse and underground coverage before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer.

Article XI: Inspection

Section 1 The Superintendent, the Engineer, or other duly authorized employees of the Town bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance,

Town of Benton, Maine – Public & Private Sewer Ordinance

Section 2 The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Article XI: Board of Appeals

Section 1 Jurisdiction. The Board of Appeals shall have the following powers and duties and be exercised only upon written appeal by a party aggrieved by a decision of the Superintendent, the Town Health

Officer and/or the Plumbing Inspector insofar as such decision arises from requirements of this ordinance.

- a) To determine whether the decisions of the said officers are in conformity with the provisions of this ordinance, and to interpret the meaning of this ordinance in cases of uncertainty.
- b) To grant variances from the terms of the ordinance where there is no substantial departure from the intent of the ordinance and/or where necessary to avoid undue hardship. A projected expenditure of an amount exceeding 15% of the assessed value of the buildings on the land to be served by the public sewer shall be considered as prima facie evidence of undue hardship.
- c) To permit an exception to this ordinance only when the terms of the exception have been specifically set forth by this ordinance.

Section 2 Hearings. All appeals or other matters to come before the Board requiring a notice as prescribed herein shall be filed with the Town Clerk at least fifteen days notice who shall cause to be advertised in a newspaper of general circulation in the Town of Benton a notice of such appeal identifying the property involved, the nature of the appeal and stating the time and place of a public hearing of such appeal which shall not be earlier than ten (10) days after the date of such publications.

Owners of properties within three hundred feet of the property for which the appeal is made shall be notified by certified mail. Failure of any such owner to receive this notice shall not invalidate the proceedings herein prescribed. The Board of Appeals shall not continue hearings on an appeal to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned, forthwith. Failure of the Board to issue such notice within 30 day-s of the date of the hearing shall constitute a denial of said appeal.

Section 3 Appeal Procedure.

- a) Any person and any municipal department aggrieved by the decision of the Superintendent, the Town Health Officer and/or the Plumbing Inspector, which decision arises from provisions of this ordinance, may appeal such decision to the Board of Appeals.
- b) Within 30 days of the date of the decisions of the Superintendent, Health Officer and/or Plumbing

Town of Benton, Maine – Public & Private Sewer Ordinance

Inspector, the appeal shall be entered at the office of the Clerk upon forms to be approved by the Board of Appeals. The appellant shall set forth in said form the grounds of his appeal and shall refer to the specific provisions of the Sewerage Ordinance involved. Following the receipt of any appeal, the Town Clerk shall notify forthwith the officer concerned and the Chairman of the Board of Appeals. The appellant shall pay to the Town Treasurer a fee, refer to Town of Benton

Fee Schedule

- c) An aggrieved party may appeal from the decision of the Board of Appeals to the Superior Court as provided by the laws of the State of Maine.

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Section 4 Successive Appeals. After a decision has been made by the Board of Appeals, a new appeal of similar import shall not be entertained by the Board until one year shall have elapsed from the date of said decision, except that the Board may entertain a new appeal if the Chairman believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if he believes that a change has taken place in some essential aspect of the appeal.

Article XIII: Sewer Service Charges

Section 1 The source of fee will not exceed the amount to cover the KSTD sewer use charges.

Section 2 Sewer Service Charge rates including readiness to serve charges shall be determined by the Select Board and detailed in the Town of Benton Fee Schedule. The Select Board will set fees based on volume of waste; residential fees shall be set lower than the fees for business, commercial or industrial fees to cover the increased volume of waste. This charge will be billed on a quarterly basis throughout each calendar year, regardless of water consumption.

Section 3 The Select Board reserves the right, from time to time, to change Sewer Service Charges originally or previously assigned to any property owner.

Section 4 All sewer charges shall be collected by the Treasurer of the Town on a quarterly basis and shall be due and payable 30 days after date of billing.

Section 5 There shall be a lien on real estate served or benefited by a municipal sewer and sewer disposal system to secure the payment of service charges duly established hereunder which shall take precedence over all other claims on such real estate excepting only claims for taxes. The Treasurer of the municipality shall have the same authority and power to collect such service charges as are granted by Title 38, Section 1208, to treasurers of sanitary sewer districts. In addition to the lien established hereby, the town may maintain a civil action against the party so charged for the amount of said sewer charge in any court competent to try the same, and in such action may recover the amount of such charge with legal interest on the same from the date of said charge and costs.

Town of Benton, Maine – Public & Private Sewer Ordinance

Section 6 An interest charge at the same rate as established by the Select Board for uncollected taxes will be made on all bills not paid within 31 days after date of billing.

Section 7 A special Sewer Service Charge shall be established for any business, commercial or industrial firm or organization who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the sewerage works or any part thereof if such waste entered the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The Select Board, after appropriate study, and advice from the Engineer, shall establish a Special Sewer Service Charge to the business, commercial or industrial firm by separate agreement with said firm. The applicable portions of the preceding sections, as well as the equitable rights of the public shall be the basis for such an arrangement.

Section 8 In the event that a rate payer will be using a substantial amount of water that will not be entering
entering the sewer system, ~~an external flow meter may be rented from the Town, under certain terms and conditions, so that a credit towards consumption amounts may be calculated. Example: pool fill-up. A~~
the sewer system,
standard credit will be applied to the rate payer's account. The amount not to exceed \$10.40. The amount may be changed at the discretion of the Select Board on rate increases and fees.

Article XIV: PENALTY

Section 1 Any person found to be violating any provision of this ordinance except Section 1, Article IX shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2 Any person, individual, firm, corporation, or partnership who fails to comply with the provisions of this ordinance other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of disorderly conduct and shall be subject to fine not exceeding \$100 dollars for each offense. The continued violation of any provision of any section of this ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

Section 3 The proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains to restrain, correct or abate such violation to prevent the occupancy of any building structure or land where said violations of this ordinance are found.

Town of Benton, Maine – Public & Private Sewer Ordinance

Article W: VALIDITY

Section 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

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Addendum A — Public Sewer Ordinance Town of Benton Maine Revision History

Date	Authorized By	Section	Change Description
March 26, 2022	Annual Town Meeting		Original Adoption Date
March 31, 2022	Select Board		Original Adoption Date
January 17, 2022	Annual Town Meeting	Article MH, Sewer Sewice Charge, Section 8	Section 8 In the event that a rate payer will be using a substantial amount of water that Mill not be entering the sewer system, <u>standard credit will be applied to the rate payer's account. The amount not to exceed \$10.40. The amount may be changed at the discretion of the Select Board on rate increases and fees.</u>

ORDINANCE TO REGULATE
AUTOMOBILE GRAVEYARDS,
JUNKYARD AND AUTOMOBILE
RECYCLING BUSINESS
TOWN OF BENTON, MAINE

Adopted: January 17, 2024 Annual Town Meeting

January 22, 2024 Select Board Adoption

Revised:

Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards,
Junkyard and Automobile Recycling Businesses

1

Section I: Preamble

A. Authority

The regulations contained in this Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses is enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the January 17, 2024.

B. Title

This Ordinance shall be known and cited as the "Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses, Town of Benton, Maine."

C. Applicability

This ordinance shall apply to all automobile graveyards, junkyards and automobile recycling business as defined in 30-A M.R.S.A. section 3752.

D. Purpose

This ordinance shall be known and cited as the Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses, Town of Benton.

The purpose of this ordinance is to ensure that automobile graveyards, junkyards and automobile recycling businesses do not have a deleterious impact on the health, safety, and general welfare.

E. Administrative Body

The provisions of this ordinance shall be administered by the Select Board.

F. Rules of Construction

Captions and headings within this Ordinance are intended to form a part of the Ordinance and to be utilized in determination the meaning and applicability of the sections they identify.

G. Conflict with other Ordinance(s)

This Ordinance is intended to be used in combination with the other ordinances adopted by the Town of Benton. In circumstances where the provisions of two or more ordinance are similar or conflicting, the town shall enforce the provisions which are more restrictive.

Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards,
Junkyard and Automobile Recycling Businesses

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the provision imposing the greater restriction shall control.

H. Severability

Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses

In the event of an authoritative finding that a provision of this Ordinance is invalid, the validity of the remaining provisions shall not be affected.

I. Repeal or Prior Ordinance

The prior ordinance titled "Junkyard and/or Automobile Graveyard Ordinance for the Town of Benton, March 9, 1985", together with all amendments currently in force, is hereby repealed and replaced, as of the effective date of this ordinance.

J. Effective Date and Amendments

Amendments This Ordinance shall become effective on the date of adoption, and may be amended by a majority of the legally constituted municipal governing body. Amendments may be initiated by the municipal officers, a majority vote of the Planning Board, or citizen petition.

K. Revisions

To preserve the integrity of this document revisions to this ordinance will be maintained in an addendum labeled Addendum A — Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses, Town of Benton Maine Revision History. Each revision will denote:

1. Warrant Article Language
2. Date of Town Hearing
3. Date of Town's Approval and Adoption by the Select Board
4. Detail of the revision including reference to Section, etc. The revision will be reflected as follows, to ensure the revision is understood:
 - a. Language additions are reflected with underline text, e.g. TEXT ADDITION
 - b. Language removal are reflected with strike-thru text, e.g.

Section II: Definitions

Intentionally Omitted

Section III. Permit Required

No person may establish, operate or maintain an automobile graveyard, junkyard or automobile recycling business without first obtaining a nontransferable permit from the municipal officers which permit shall be valid for a period of one year.

Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses

Section IV. Administration

4. I. This ordinance shall be administered by the municipal officers. No automobile graveyard, junkyard or automobile recycling business permit shall be issued unless the provisions of this ordinance are met.
- 4.2. Upon receipt of an application, the municipal officers shall provide notice and hold a hearing in accordance with 30-A M.R.S.A section 3754.
- 4.3. Permits issued to an automobile graveyard or junkyard are valid until the first day of October of the following year. Permits issued to an automobile recycling business shall be valid for 5 years from the date of issuance and are renewable as provided in 30-A M.R.S.A. section 3753. The municipal officers shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with and in the case of automobile graveyard or junkyard the municipal officers based on that review will consider issuing a permit.
- 4.4. Fees are determined by the municipal officers.

Section V. Submission Requirements

The original permit for the establishment of a junkyard, graveyard, or automobile recycling business maybe issued by the Select Board after a conditional use permit application is approved by the Planning Board. A conditional use permit application for an automobile graveyard, junkyard or automobile recycling business permit may contain requirements the Board deems necessary as a condition of its approval in order to adequately serve the public health and welfare, and to protect the appearance of the area. The following information will also be provided:

- 5.1. The property owner's name and address and the name and address of the person or entity who will operate the site.
- 5.2. A site plan drawn to a scale not to exceed I - 100', on which is shown:
 - a. the boundary lines of the property
 - b. the soils
 - c. the location of any sand and gravel aquifer recharge area, as mapped by the Maine Biological Survey, or a licensed geologist
 - d. the location of any well that serves as a private or public water supply that is located within 300 feet of the proposed licensed site
 - e. the location of any public building, public park, public playground, public bathing beach, school, church or cemetery located within 300 feet of the proposed licensed site
 - f. the location of all roads within 1,000 feet of the proposed licensed site
 - g. the location of any body of water or freshwater wetland within property boundaries of proposed licensed premises
 - h. the boundaries of the 100-year flood plain

Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses

Section VI: Performance Standards

The following performance standards are required of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing:

- 6.1 The site must be adequately screened, as provided by 30-A M.R.S.A. section 3754-A (I). Either the Planning Board or the Select Board, or both, may require the applicant to submit drawings or written specifications for the fencing or screening to be used.
- 6.2 No automobile graveyard or junkyard may be located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery or within ordinary view from the same.
- 6.3 No automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste may be located within 300 feet of a public or private water supply, as provided by 30-A M.R.S.A. section 3754-A (4).
- 6.4 A vehicle containing fluids may not be stored or dismantled within 100 feet of any body of water or freshwater wetland, as defined by 39 M.R.S.A. section 436-A (5).
- 6.5 A vehicle containing fluids may not be stored or dismantled within the 100-year floodplain.
- 6.6 A vehicle containing fluids may not be stored or dismantled over a mapped sand and gravel aquifer.
- 6.7 All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, battery acid, engine coolant, gasoline and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water.
- 6.8 No junk, scrap metal, vehicles or other solid wastes may be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters.
- 6.9 No vehicle may be located closer than 100 feet from any lot line.

Section VII: Enforcement

The municipal officers or their agents shall enforce this ordinance in accordance with State law. Any violation of this ordinance shall also be deemed a nuisance within the meaning of 17 M.R.S.A. section 2802, or as littering under the Maine Litter Control Act, 17 M.R.S.A. section 2261, et. Seq. Violations of this ordinance shall be subject to the provisions of 30-A M.R.S.A. section 3758-A.

Addendum A —Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses, Town of Benton Maine Revision History

Date	Authorized By	Section	Change Description
January 17, 2024	Town of Benton by Secret Ballot		Original Approval Date

ORDINANCE TO REGULATE
AUTOMOBILE GRAVEYARDS,
J04KYARD AND AUTOMOBILE
RECYCLING BUSINESS
TOWN OF BENTON, MAINE

Adopted: January 17, 2024 Annual Town Meeting

January 22, 2024 Select Board Adoption

Revised:

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Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards,
Junkyard and Automobile Recycling Businesses

Preamble

A. Authority

The regulations contained in this Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses is enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and as adopted by the Town of Benton Residents at the January 17, 2024.

B. Title

This Ordinance shall be known and cited as the "Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses, Town of Benton, Maine."

C. Applicability

This ordinance shall apply to all automobile graveyards, junkyards and automobile recycling business as defined in 30-A M.R.S.A. section 3752.

D. Purpose **Section 1 Purpose**

This ordinance shall be known and cited as the Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses, Town of Benton.

The purpose of ~~junkyard licensing~~ this ordinance is to regulate the placement of junkyards and/or automobile graveyard in the Town of Benton and to establish minimum requirements for such junkyards and/or automobile graveyards to protect ensure that automobile graveyards, junkyards and ensure that automobile graveyards, junkyards and automobile recycling businesses do not have a deleterious impact on the health, safety, and general welfare.

E. Administrative Body

The provisions of this ordinance shall be administered by the Select Board.

F. Rules of Construction

Captions and headings within this Ordinance are intended to form a part of the Ordinance and to be utilized in determination the meaning and applicability of the sections they identify.

Section 11. ~~Validity and Severability and Conflict~~

~~Should any section or provision of this Ordinance be declared by the courts to be invalid such decision shall not invalidate any other section or provision of this Ordinance. In the event that any provision of this ordinance is ruled to be invalid by a Court of competent jurisdiction, the remaining provisions shall continue in full force and effect. In the event that any provision of this ordinance conflicts with State statute, the State statute shall govern.~~

Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards,
Junkyard and Automobile Recycling Businesses

Section I:

G. Conflict with other Ordinance(s)

This Ordinance is intended to be used in combination with the other ordinances adopted by the Town of Benton. In circumstances where the provisions of two or more ordinance are similar or conflicting, the town shall enforce the provisions which are more restrictive.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the provision imposing the greater restriction shall control.

H. Severability

In the event of an authoritative finding that a provision of this Ordinance is invalid, the validity of the remaining provisions shall not be affected.

I. Repeal or Prior Ordinance

The prior ordinance titled "Junkyard and/or Automobile Graveyard Ordinance for the Town of Benton, March 9, 1985", together with all amendments currently in force, is hereby repealed and replaced, as of the effective date of this ordinance.

Effective Date and Amendments-Section 10h-94 amendment-s
Amendments This Ordinance shall become effective on the date of adoption, and may be amended by a majority of the legally constituted municipal governing body. Amendments may be initiated by the municipal officers, a majority vote of the Planning Board, or pecc+:citizen petition.

K. Revisions

To preserve the integrity of this document revisions to this ordinance will be maintained in an addendum labeled Addendum A — Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses. Town of Benton Maine Revision History. Each revision will denote:

1. Warrant Article Language
2. Date of Town Hearing
3. Date of Town's Approval and Adoption by the Select Board
4. Detail of the revision including reference to Section, etc. The revision will be reflected as follows to ensure the revision is understood:
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 - b. Language removal are reflected with strike-thru text. e.g.

Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards,
Junkyard and Automobile Recycling Businesses

Definitions

Intentionally Omitted

~~Section 3 Planning Board Approval~~

~~A license for the establishment of a junkyard and/or automobile graveyard shall not be issued by the Selectmen until the location of such junkyard and/or automobile graveyard shall have been approved under this Section by the Planning Board and unless the application for such license is accompanied by a certificate from the Board stating its approval as such location and setting forth such special requirements for fencing, screening, setback, etc. as the Board may deem necessary as a condition of its approval in order to adequately serve the public health and welfare, and to protect the appearance of the area.~~

~~Section 4 Screening~~

~~Any area to be used as a junkyard or occupied by junkyard automobiles, or parts thereof, shall be kept entirely screened to view from highways and streets, residences, and from any place of public assembly or recreation by natural objects or well-constructed and properly maintained fences at least six (6") feet high. Either the Planning Board or the Selectmen, or both, may require the applicant to submit drawings or written specifications for the fencing or screening to be used, and approval by the Planning Board or issuance of a license by the Selectmen may be made conditional upon the applicant's promise that he will provide fencing or screening as specified. Failure to do so within six (6) months from the date of issuance of the license shall constitute a violation of this Ordinance and shall be punishable by law.~~

~~Section 5 Care of Inflammable Gases and/or Liquids~~

~~In conducting the business of junkyard and/or automobile graveyards, no inflammable gases and/or liquids shall be left exposed or handled in such a manner as to create a danger of fire or explosion.~~

~~Section 6 Prohibition Against Burning~~

~~All open or outside burning shall be prohibited.~~

~~Section 7 Prohibit Obstructions to Traffic~~

~~No road or sidewalk adjoining the licensed premises of a junkyard and/or automobile graveyard shall be obstructed to the inconvenience of pedestrians and/or vehicular traffic.~~

~~Section 10 Enforcement~~

~~Any person who violates any provision of this Ordinance may be punished by a fine of not less than \$100. Each day a violation exists shall be considered a separate offense. Enforcement of this Ordinance shall be the responsibility of the municipal officials or the Code Enforcement Officer.~~

Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards,
Junkyard and Automobile Recycling Businesses

Section I:

Section III. Screening-Permit Required

No person may establish, operate or maintain an automobile graveyard, junkyard or automobile recycling business without first obtaining a nontransferable permit from the municipal officers which permit shall be valid for a period of one year.

Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards,
Junkyard and Automobile Recycling Businesses

Section

IV. Administration

4.1. This ordinance shall be administered by the municipal officers. No automobile graveyard, junkyard or automobile recycling business permit shall be issued unless the provisions of this ordinance are met.

4.2. Upon receipt of an application, the municipal officers shall provide notice and hold a hearing in accordance with 30-A M.R.S.A section 3754.

4.3. Permits issued to an automobile graveyard or junkyard are valid until the first day of October of the following year. Permits issued to an automobile recycling business shall be valid for 5 years from the date of issuance and are renewable as provided in 30-A M.R.S.A. section 3753. The municipal officers shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with and in the case of automobile graveyard or junkyard the municipal officers based on that review will consider issuing a permit.

4.4. Fees are determined by the municipal officers.

Section V. Submission Requirements

The original permit for the establishment of a junkyard, graveyard, or automobile recycling business maybe issued by the Select Board after a conditional use permit application is approved by the Planning Board. A conditional use permit application for an automobile graveyard, junkyard or automobile recycling business permit may contain requirements the Board deems necessary as a condition of its approval in order to adequately serve the public health and welfare, and to protect the appearance of the area. The following information will also be provided:

5. I. The property owner's name and address and the name and address of the person or entity who will operate the site.

5.2. A site plan drawn to a scale not to exceed 1 - 100', on which is shown:

- a. the boundary lines of the property
- b. the soils
- c. the location of any sand and gravel aquifer recharge area, as mapped by the Maine Biological Survey, or a licensed geologist
- d. the location of any well that serves as a private or public water supply that is located within 300 feet of the proposed licensed site
- e. the location of any public building, public park, public playground, public bathing beach, school, church or cemetery located within 300 feet of the proposed licensed site.
- f. the location of all roads within 1,000 feet of the proposed licensed site
- g. the location of any body of water or freshwater wetland within property boundaries of proposed licensed premises
- h. the boundaries of the 100-year flood plain

Town of Benton, Maine – Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Businesses

Section I: Performance Standards

The following performance standards are required of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing:

6.1 The site must be adequately screened, as provided by 30-A M.R.S.A. section 3754-A (1). Either the Planning Board or the Select Board, or both, may require the applicant to submit drawings or written specifications for the fencing or screening to be used.

6.2 No automobile graveyard or junkyard may be located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery or within ordinary view from the same.

6.3 No automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste may be located within 300 feet of a public or private water supply, as provided by 30-A M.R.S.A. section 3754-A (4).

6.4 A vehicle containing fluids may not be stored or dismantled within 100 feet of any body of water or freshwater wetland, as defined by 39 M.R.S.A. section 436-A (5).

6.5 A vehicle containing fluids may not be stored or dismantled within the 100-year floodplain.

6.6 A vehicle containing fluids may not be stored or dismantled over a mapped sand and gravel aquifer.

6.7 All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, battery acid, engine coolant, gasoline and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water.

6.8 No junk, scrap metal, vehicles or other solid wastes may be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters.

6.9 No vehicle may be located closer than 100 feet from any lot line.

Section VII: State Law Enforcement

All other pertinent provisions of the State Law on junkyards and/or automobile graveyards Title 30-A M.R.S.A., Sections 3751 through 3760 as amended shall be observed. The municipal officers or their agents shall enforce this ordinance in accordance with State law. Any violation of this ordinance shall be within the meaning of 17 M.R.S.A. section 2802, or as littering under the Maine Litter Control Act, 17 M.R.S.A. section 2261, et. Seg. Violations of this ordinance shall be subject to the provisions of 30-A M.R.S.A. section 3758-A.