

SUBSURFACE WASTE DISPOSAL SYSTEM ORDINANCE

May 20, 1995

Section 1. Title:

This Ordinance shall be known as the Town of Raymond Subsurface Waste Disposal Ordinance.

Section 2. Authority:

This Ordinance is enacted pursuant to Title 22 §42, and Title 30A §§3001,3428, and 4201-4223.

Section 3. Purpose:

The purpose of the Ordinance is to protect and ultimately enhance the water quality in the Town of Raymond and to protect all inhabitants of the Town from the deleterious effects of diminished water quality.

Section 4. Applicability:

This Ordinance shall apply to all subsurface waste disposal systems within the Shoreland Zone as defined by State law and Town of Raymond Ordinances.

Section 5. Malfunctioning Septic Systems Within the Shoreland Zone:

No person, corporation, partnership or association, shall permit a malfunctioning subsurface waste disposal system as defined by Title 30A, Section 4201(5) to exist within the Shoreland Zone. At least once every five (5) years the local plumbing inspector may perform, or cause to be performed, a dye test on all septic systems within 250 feet of the high water mark of a lake or great pond. Malfunctioning subsurface waste disposal systems as evidenced by dye leaching or seeping into lake, rivers, streams, waterways, and wetland, or otherwise, shall be corrected by the owner as provided for in Title 30A §3428, and may be corrected by the municipal officers or their agents as provided in Title 30A §3428.

Section 6. Right of Access:

Any person, corporation, partnership or association owning a subsurface waste disposal system shall allow the plumbing inspector to enter property and buildings during reasonable hours. If the owner of a septic system violates this provision, the local plumbing inspector shall not enter the property or building, but shall obtain an administrative inspection warrant under Rule 80(E) of the Maine Rules of Civil Procedure.

Section 7. Collection of Expenses:

If the municipal officers incur expenses correcting a malfunctioning subsurface waste disposal system, and if they determine the owner does not have the financial capability to pay those expenses in a lump sum, they may negotiate payment over time pursuant to Title 30A §3444.

Section 8. Violations:

Any person, corporation, partnership or association maintaining a malfunctioning subsurface waste disposal system ten (10) days after receiving an order to remedy the malfunctioning subsurface waste disposal system or who otherwise does not follow the provisions of this Ordinance, shall be deemed to have violated this Ordinance.

Section 9. Enforcement of Penalty:

The Selectmen shall enforce the provisions of this Ordinance. A violation of any provision of this Ordinance shall be a civil violation and a civil penalty not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) shall be imposed, which shall accrue to the benefit of the Town of Raymond. Each day that a violation continues will be treated as a separate offense. The Selectmen may also seek injunctive relief where appropriate.

Section 10. Severability:

If any part or parts, section or subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this Ordinance or any rules or regulations promulgated hereunder.

Section 11. Effective Date: This Ordinance shall become effective upon passage by the legislative body of the Town of Raymond at a duly called Town Meeting.