

TOWN OF NEW GLOUCESTER UPPER VILLAGE WATER SERVICE ORDINANCE

This “Town of New Gloucester Upper Village Water Service Ordinance” is enacted to read as follows:

I. Purpose.

It is the purpose of this Town of New Gloucester Upper Village Water Service Ordinance (“Ordinance”) to prevent exposure by humans and other animals to hydrocarbon, salt and chloride contamination of groundwater that has been identified on properties in the Upper Village area of the Town of New Gloucester. Because such contamination potentially could migrate to other properties in this area, the Town wishes to require all property owners in the Upper Village within the Project Area to connect to the public water system to be constructed, operated and maintained by the New Gloucester Water District and to prohibit the use of contaminated wells and the installation of new Contaminated wells for use and consumption of groundwater by humans and other animals, all as provided in this Ordinance.

II. Authority.

The Town of New Gloucester enacts this Ordinance under its home rule authority in 30-A MRS § 3001 *et seq.*, as an exercise of its police power to protect the public health, safety and welfare.

III. Definitions.

For the purpose of this Section, the terms and words listed below shall be specifically interpreted or defined as follows:

A. “Contaminated” shall mean that groundwater has been shown to contain pollutants at levels that exceed State and Federal drinking water standards.

B. “Cross Connections” shall mean a connection or arrangement of piping or appurtenances through which water of questionable quality or from a source other than the Water System, wastes or other contaminants possibly could flow back into the Water System because of reversal of flow.

C. “New Gloucester Water District or “District” shall mean a quasi-municipal corporation created by the Maine Legislature through enactment of P&SL 2011, c. 19 as approved by residents of the Upper Village of the Town of New Gloucester.

D. “New Gloucester Water District Service Area” shall mean the territorial limits of the New Gloucester Water District as set forth in P&S L 2011, c. 19, Sec. 1.

E. “Owner” shall mean the owner of record of a property according to the Town Assessor’s property tax records.

F. “Project Area” shall mean those lots or parcels within the New Gloucester Water District Service Area which abut on any town way, street, road or right-of-way in which is located a Water System main or pipeline depicted upon a map attached as Appendix 1 hereto and hereby enacted as a part of this Ordinance.

G. “Town” shall mean the Town of New Gloucester.

H. “Water System” shall mean the public water supply system, including but not limited to wells, mains, pipelines, equipment and appurtenances, as well as any replacements or extensions thereof, constructed and installed by the New Gloucester Water District.

IV. Restrictions.

The restrictions set forth in this Ordinance shall apply to any property or portion of property located within the Project Area.

A. The Owner of any building, dwelling, structure or property used for human occupancy, employment, recreation or otherwise containing indoor plumbing facilities for the provision of drinking water for humans and other animals the Project Area is hereby required to connect said indoor plumbing facilities or such uses and activities directly to the Water System within 180 days after receipt by the owner of notice from the New Gloucester Water District to do so.

B. After connection to the Water System under Section IV A above, the removal and/or use by an Owner of property required to connect to the Water System under Section IV A above of Contaminated groundwater from existing wells on that Owner’s property for purposes of drinking water for humans and other animals, or for agriculture, gardens and animal husbandry uses or activities, and the installation of new wells on that owner’s property for such purposes, is prohibited.

C. Except as provided in Section IV.B. above, the Owner of any property located within the District may use groundwater from existing wells and may install new wells upon that property (uses which may include human consumption, agriculture, and industrial) so long as the groundwater is not Contaminated.

D. No Cross Connections between the Water System and any private well or water system shall be allowed and no plumbing shall, at any time, be connected to the Water System which is in any manner connected on a private well or water system.

E. No owner of property that is connected to and served by the Water System may disconnect from the Water Service or terminate that service, except as provided below:

1. An Owner is entitled to drain the indoor plumbing facilities for repairs only to an occupied building, dwelling, structure, property, use or activity so long as that owner continues to pay the user rates, fees and charges imposed for use of the Water System;

2. An Owner or tenant may terminate Water District service temporarily to a building, dwelling, structure or property for any time period that the building, dwelling, structure or property used for human occupancy, employment, recreation or otherwise containing indoor plumbing facilities for the provision of drinking water for humans and other animals is not so used and occupied, or upon sale or lease of the building, dwelling, structure or property or upon a tenant's termination or transfer or sublease of a lease of the building, dwelling, structure or property, so long as the Owner, new owner, tenant or new tenant, as applicable, resumes Water System service prior to the resumption of use or occupancy of that building, dwelling, structure or property.

F. The Owner of any building, dwelling or structure or of any use or activity required by this Ordinance to connect to the Water System shall make such connection in compliance with the Maine State Plumbing Code.

V. Violations.

A. Failure of an owner to connect to the Water System as required under Section IV A above is a violation of this Ordinance.

B. It is unlawful and a violation of this Ordinance to disconnect any building, dwelling, structure, use or activity that has connected to the Water System as required under Section IV A above except to make repairs or alterations to the Water System; provided, however, that this prohibition shall not apply to the New Gloucester Water District.

C. Removal of groundwater in violation of Section IV B above is a violation of this Ordinance.

D. The connection or continuation of Cross-Connections in violation of Section IV D above is a violation of this Ordinance.

E. The termination of Water System service in violation of Section IV E above is a violation of this Ordinance.

F. Failure of an owner to connect to the Water System in a manner that complies with the Maine State Plumbing Code in violation of Section IV F above is a violation of the Ordinance.

VI. Administration and Enforcement.

A. Administration. It shall be the duty of the Town's Local Plumbing Inspector to administer the provisions of this Ordinance.

B. Enforcement.

1. Local Plumbing Inspector. It shall be the duty of the Town's Local Plumbing Inspector ("LPI") to enforce the provisions of this Ordinance. If the LPI shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The LPI shall order the connection or reconnection of buildings, dwellings, structures, uses or activities to the Water System; the discontinuance of removal or use of well water; the discontinuance of Cross Connections; the resumption of Water System service; connection to the Water System in compliance with the Maine State Plumbing Code; discontinuance of any illegal work being done and abatement of nuisance conditions; or shall take any other action authorized by this Ordinance to insure compliance with this Ordinance or to prevent violation of its provisions. A copy of such notices shall be submitted to the Board of Selectmen and be maintained as a permanent record.

2. Inspections and Investigations. The LPI shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The LPI shall also investigate all complaints of alleged violations of this Ordinance.

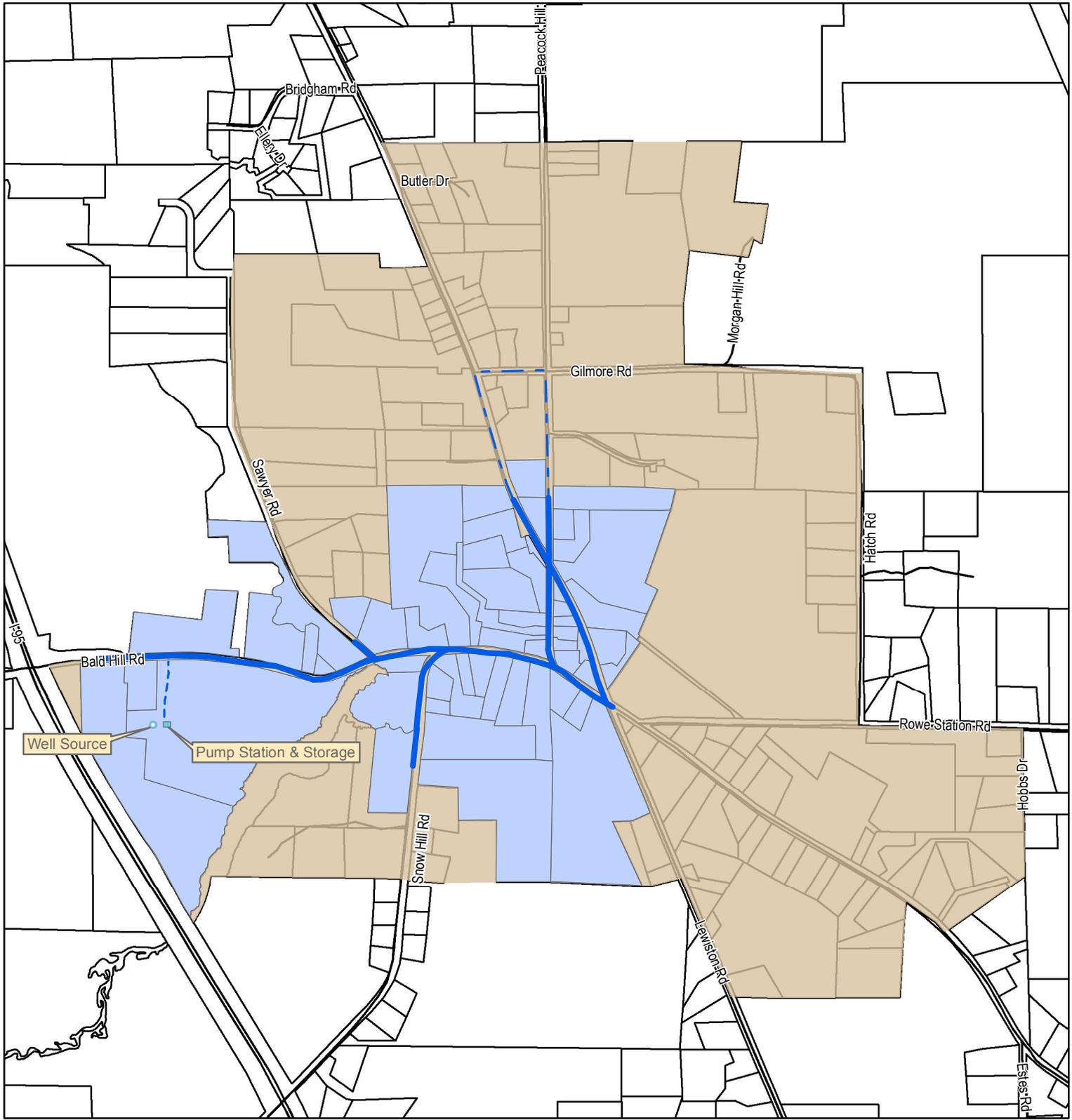
3. Violations, Consent Agreement and Legal Action. When the above action does not result in correction or abatement of the violation or nuisance, the Board of Selectmen, upon notice from the LPI, is authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines and penalties, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Board of Selectmen, or their authorized agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action.

4. Fines, Penalties and Relief. Any person, including but not limited to a land owner, a land owner's agent, a contractor, firm or corporation who violates any of the provisions of this Ordinance, or any condition imposed by the LPI pursuant to the provisions of this Ordinance, shall be penalized, and the Town may seek such other and additional relief, in accordance with Title 30-A M.R.S.A. Section 4452. Each day such a violation is permitted to exist after notification thereof, shall constitute a separate offense. All fines collected hereunder shall inure to the Town of New Gloucester.

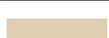
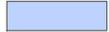
VII. Severability.

If any part of this Ordinance is held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining part of this Ordinance.

Appendix I: Project Area



Legend

-  Water District
-  Distribution Mains (Service offered to abutting properties)
-  Possible Future Mains
-  Properties Abutting Distribution Mains

