

ORDINANCE NO. 18-05

INTRODUCED BY: Councilperson Robert Jarrell, 13 Nov 2018

**AN ORDINANCE OF THE TOWN OF GOLDSBORO TO ESTABLISH REGULATIONS CONCERNING THE CONNECTIONS TO AND THE USE AND PROTECTION OF THE PUBLIC SEWER SYSTEM, AND TO ESTALISH AN ALLOCATION POLICY FOR FUTURE CONNECTIONS TO THE PUBLIC SEWER SYSTEM AND REPEALING ALL PREVIOUS ORDINANCES INCONSISTENT WITH THIS ORDINANCE**

WHEREAS, The Town of Goldsboro is authorized by Md. Code Ann. Local Government Article § 5-202 to enact such ordinances as it deems necessary in order to assure the good government of the municipality, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Town of Greensboro (“Greensboro”) and the Town of Goldsboro (“Goldsboro”) entered into an Intergovernmental Agreement for Wastewater Services, dated April 18, 2013 (the “Intergovernmental Agreement”), whereby Greensboro agreed to extend its wastewater treatment system and to provide wastewater collection, conveyance and treatment services to properties located within the incorporated limits of Goldsboro; and

WHEREAS, pursuant to the Intergovernmental Agreement, the Goldsboro Sewer Service District has been allocated total capacity in the Greensboro Wastewater Treatment Plant of approximately 52,000 gallons per day (gpd), of which the Town of Goldsboro has been allocated 45,750 gpd, and 25 properties located within Caroline County outside of the incorporated boundaries of Goldsboro have been allocated 6,250 gpd; and

WHEREAS, the Town of Goldsboro has determined that a policy is necessary for requests for allocation of sewer capacity subsequent to the completion of the connections of the existing properties to the Greensboro Wastewater Disposal System and the septic systems are decommissioned.

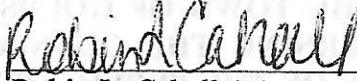
WHEREAS, the Town of Goldsboro has determined that it is desirable and in the public interest to adopt an ordinance to establish regulations concerning connections to the system, use of the system, and an allocation policy for future allocations and connections.

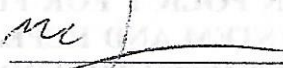
NOW, THEREFORE, the Mayor and Council of Goldsboro hereby ordains as follows:


**Section 1.** The ordinance attached hereto titled the “Goldsboro Sewer Ordinance”, which is attached hereto and incorporated herein, is hereby adopted.

**Section 2.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Ordinance are hereby declared to be severable.


This Ordinance shall become effective on the 31<sup>st</sup> day of December, 2018.

  
Robin L. Cahall, Mayor

  
Robert Jarrell

  
Eugene R. Carver

I hereby certify that the foregoing Ordinance Number 18-05 of the Town of Goldsboro was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Goldsboro.

Attest:   
Virginia Albers, Clerk/Treasurer  
Town of Goldsboro

# GOLDSBORO SEWER ORDINANCE

## TITLE 1

### Sewer Connections within the Town

#### **101. Explanatory Statement.**

In accordance with Md. Code Ann., Environmental Article § 9-701, the Town of Goldsboro is authorized to enter into an agreement with another municipality to provide wastewater services within the Town of Goldsboro. Pursuant to that authority, the Town has entered into an Intergovernmental Agreement dated April 18, 2013 (the “Intergovernmental Agreement”), whereby Greensboro agreed to extend its wastewater treatment system, and to provide wastewater collection, conveyance and treatment services to properties located within the Town of Goldsboro.

The Town of Greensboro is the owner and operator of the Greensboro Sewage Disposal System, which includes all equipment, property, transmission mains or pipes, treatment facilities, discharge lines, and related items used to convey, pre-treat, treat, settle, and/or discharge sewerage effluent lying within the Goldsboro Sewer Service District. Under the Intergovernmental Agreement, Greensboro and Goldsboro have authorized the discharge and treatment of sewage effluent from the Goldsboro Sewer Service District into the wastewater treatment plant owned and operated by the Town of Greensboro.

As a bulk user of the Greensboro Sewage Disposal System, the Town of Goldsboro has determined that it is desirable and in the public interest to adopt an ordinance to establish regulations concerning the connection to and use and protection of the Greensboro Sewage Disposal System by users of the system within the Town of Goldsboro.

#### **102. Connections to Greensboro Sewage Disposal System required.**

(a) As the owner of the wastewater system, the Town of Greensboro has agreed to maintain for each property in the Goldsboro Sewer Service District abutting on a street or right-of-way in which a wastewater main is laid, a wastewater service access connection or service valve, subject to the terms of the Intergovernmental Agreement. The service valve shall connect to the individual property at the street or right-of-way and shall be maintained by the Town of Greensboro. The Town of Greensboro shall maintain the sewer lines and infrastructure located within the public right of way up to the service valve. The property owner is responsible for the installation, maintenance and repair of service lines from the service valve to his or her premises.

(b) Any property owner requesting a new connection within the Town shall pay all costs associated with the installation of a service valve (where no such service valve was previously constructed), the grinder pump, and any costs associated with the extension of lines or infrastructure from the public way.

(b) All houses, buildings or properties used for human occupancy, employment, recreation or other purposes within the Town's corporate limits shall be required to connect to the Greensboro Sewage Disposal System.

(c) All connections must be made under Greensboro's permit and to Greensboro's specifications, as amended from time to time. Greensboro may require plans, specifications, and any necessary information or engineering opinions in its discretion for the purpose of evaluating the permit application.

(d) All costs and expenses incidental to the installation and connection of a building sewer service shall be borne by the owner. The owner shall indemnify and hold the towns of Greensboro and Goldsboro harmless from any loss or damage that may directly or indirectly be caused by the installation of utility service. A licensed plumber shall be used for all installation of sewer lines and said lines shall be inspected by Greensboro's agent or representative before any backfilling or coverage takes place.

**103. Permission required to make extensions.**

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or sewer treatment works, or appurtenance thereof, without first obtaining a written permission from the Town of Greensboro and/or its duly authorized agent.

(b) In each case where the property owner is seeking sewer service for any residential, commercial or industrial service, the owner or his/her agents shall apply to the Town of Goldsboro for a sewer allocation in accordance with Title III of this Ordinance.

(c) When a property owner or private contractor has completed utility installations, all such installations must be inspected and approved by Greensboro's authorized representatives prior to any backfilling or covering of the fixtures, pipes, lines or other apparatus installed.

**104. Grinder Pumps Owned by Town of Greensboro; Replacement.**

The Town of Greensboro is the owner of all grinder pumps connected to the wastewater system. Grinder pumps will be maintained, repaired and replaced by the Town of Greensboro where the pump is not functioning because of ordinary wear and tear. The property owner is responsible for damage, including the replacement cost of the grinder pump, caused by the property owner's negligence or tampering with the grinder pump.

## TITLE II Sewer Restrictions

### **201. Prohibited Connections.**

(a) A user may not make connection to the Greensboro Sewage Disposal System without permission from the Town of Greensboro and without having complied with connection permit and connection application requirements.

(b) No user of the wastewater system shall introduce or cause to be introduced into the system any pollutant or wastewater which causes pass through of the treatment process or interference with the treatment process.

(c) The following connections to the Greensboro Sewage Disposal System are prohibited: storm drains, roof drains, roof gutters, yard drains, cellar drains, cellar pumps, swimming pool drains, and any other connection that may be restricted by law or as determined by the Town of Greensboro from time to time.

### **202. Discharge of Nonacceptable Wastes.**

(a) The discharge of nonacceptable wastes into the Greensboro Sewage Disposal System, whether directly or indirectly is prohibited. Where investigation reveals the presence in the system of nonacceptable wastes emanating from any lot, land, building or premises, the owner of such lot, land, building or premises shall be required at his/her own expense to treat, neutralize or in other ways prepare the noxious substance therein to the satisfaction of the Town of Greensboro in order to convert the same into acceptable wastes.

(b) Nonacceptable wastes include:

(1) Materials which cause or exert on an overall basis, as tested in the manner hereinabove provided, unusual BOD<sub>5</sub>, chemical oxygen demand, or disinfection requirements in quantities in excess of that found in domestic wastewater.

(2) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.

(3) Any pollutant which creates a fire or explosive hazard, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21.

(4) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil original, in an amount that cause interference or pass through.

(5) Any garbage that has not been properly shredded or solid material having any dimension greater than one-half inch.

(6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grit, brick, cement, onyx, carbide or any other solid or viscous substance capable of obstruction of the flow of the wastewater lines or other interference with the proper operation of the wastewater system.

(7) Any water or waste having a pH lower than five and one-half (5.5) or higher than nine (9), or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater system.

(8) Any substance containing a toxic or poisonous substance in sufficient quantities to injure or interfere with the wastewater process, constituting a hazard to humans or animals or creating any hazard in the receiving water at the Greensboro wastewater treatment facility.

(9) Any water or waste containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at Greensboro's wastewater treatment facility.

(10) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

(11) Any landfill leachate.

(12) Any septic pump-outs.

(13) Holding Tank Waste.

(14) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewerage treatment process employed, or are amenable to treatment only to such degree that the sewerage treatment plant effluent cannot be the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(c) In the event the above-described nonacceptable wastes cannot be treated, neutralized or in other ways prepared to the satisfaction of the Town of Greensboro, the Town may order that the building discharging such nonacceptable wastes be disconnected from the wastewater system until such wastes can be eliminated, treated, neutralized or in other ways

prepared to the satisfaction of the Town of Greensboro. If disconnected, the building must be vacated/abandoned/lose occupancy permission until the Town of Greensboro attests to the system compliance.

**203. Action by Greensboro upon certain discharges.**

(a) If any waters or wastes are discharged, or are proposed to be discharged to the Greensboro Sewage Disposal System, which waters contain the substances or possess the characteristics enumerated in Section 202 of this Ordinance, and which, in the judgment of the towns of Greensboro or Goldsboro, may have a deleterious effect upon the sewerage treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town of Greensboro may:

- (1) Reject the wastes;
- (2) Require pretreatment, at the owner's expense, to an acceptable condition for discharge to the sewerage system;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing rates or charges.

(b) If Greensboro permits the pretreatment or equalization of waste flows, the design and installation of plants and equipment shall be subject to review and approval of Greensboro, and subject to the requirements of all applicable codes, ordinances, regulations and laws.

**204. Amalgam Management at Dental Offices.**

All dental offices and dental clinics shall conform to best management practices as established by the Environmental Protection Agency, in the handling and process of material containing amalgam and prevent the discharge of untreated amalgam into the wastewater system.

**205. Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Town of Greensboro, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes and/or other harmful ingredients, except that such interceptors shall not be required but are recommended for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by Greensboro and shall be located as to be readily and easily accessible for cleaning and inspection.

**206. Preliminary treatment or flow equalizing facilities.**

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/her expense.

**207. Control structures and observation facilities.**

When required by the Town of Greensboro, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances, in the building sewer or control structure to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by Greensboro. The structure shall be installed by the owner at his/her expense and shall be maintained by the owner so as to be safe and accessible at all times.

**208. Measurements, tests, and analyses.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, " published by the American Public Health Association, and shall be determined at the control structure provided or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage treatment works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended-solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

**209. Industrial Wastewater.**

Users shall not discharge industrial wastewater, unless and until the appropriate pre-treatment or other preparations are undertaken by the user to ensure that such industrial wastewater shall not increase operations, maintenance, or treatment costs and shall not cause the degradation of any component of the wastewater treatment system. All such pre-treatment and other preparations shall be in strict compliance with applicable law.



**210. Damaging, destroying or tampering with works; penalties.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage treatment works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or for violation of any of the laws of the State of Maryland.

**TITLE III  
Sewer Allocation Policy**

**301. Purpose.** This policy is intended to established a balanced, coordinated planning process to allocate limited capacity and maintain an adequate reserve capacity. The policy promotes health, safety and welfare through a process that will:

(a) Ensure sufficient revenue is available to make timely payments on the debt service owed to the Town of Greensboro.

(b) Ensure that properties paying a vacant lot fee have committed capacity reserved to accommodate allocation of sewer service.

(c) Ensure that the Town of Goldsboro does not exceed its allocated capacity as established by the Intergovernmental Agreement.

(d) Provide adequate public facilities for public services necessary to maintain a desirable quality of life for Goldsboro residents.

(e) Provide a reasonable and equitable procedure for obtaining sewer allocation in coordination with subdivision, site plan and building approval.

**302. Definitions.** The following definitions apply to this Ordinance.

**Allocate, allocated or allocation** -- the process by which sewer service is made available.

**Building Permit** – Any permit that allows any building construction issued by the Town of Goldsboro.

**Capacity** – the capability of the Greensboro wastewater treatment plant to process wastewater expressed in terms of gallons per day (“gpd”).

**Committed Capacity** – Capacity committed to Lots of Record within the Town of Goldsboro with a service valve installed as of the effective date of this Ordinance and which are being assessed and are paying the vacant lot fee.

**Equivalent Dwelling Unit or “EDU”** –the estimated gallons per day generally expected to be introduced into a system by the average residence and is based upon 250 gallons per day (gpd).

**Intergovernmental Agreement** -- the Agreement between the Town of Greensboro and the Town of Goldsboro dated April 18, 2013, for the wastewater treatment services within the Town of Goldsboro.

**Lot** –A contiguous area of land separated from other areas of land by separate description in a recorded deed or plat; or a parcel of land, which may include one or more platted lots occupied or intended for occupancy by a single principle use or establishment.

**Lot of Record** – a lot appearing on a subdivision plat recorded among the plat records of Caroline County on or before the effective date of this policy, or an existing lot or parcel created or recognized prior to the effective date of this policy under all applicable subdivision laws, ordinances or regulations.

**Subdivision** – the division of a single tract, tracts, or other parcels of land, or a part of it, into two or more lots, for the purpose, whether immediate or future, of sale or of building development.

**Town of Goldsboro Capacity** – The total capacity that has been allocated to the Town of Goldsboro pursuant to the Intergovernmental Agreement.

**303. Allocation Procedure.** The Town of Goldsboro shall not issue any building permit within the Town unless the property has received sewer allocation in accordance with this Ordinance. The following process shall govern all requests for new allocation of sewer services within the Town of Goldsboro.

(a) A property owner or applicant seeking sewer service within the Town of Goldsboro shall make application to the Mayor and Council of Goldsboro for an allocation by a letter or designated form, signed by the property owner or his/her legal designee, along with the accompanying fee for the connection as established by the Mayor and Council of Goldsboro.

(b) The Mayor and Council of Goldsboro will review the application and shall make an initial determination whether to approve the allocation in accordance with the provisions of this Ordinance, subject to confirmation by the Town of Greensboro that there is sufficient capacity for the allocation as set forth in subsection (c) below.

(c) Once the Mayor and Council determine that the request for allocation complies with the allocation provisions of this Title III, the Town of Goldsboro shall notify the Town of Greensboro, which will verify the availability of Goldsboro Capacity. Upon verification of capacity, the Town of Greensboro shall submit the application to the Caroline County Health Department for the issuance of a sewage allocation certificate, with a copy to the Town of Goldsboro. Upon receipt of the sewage allocation certificate by the Caroline County Health Department, the Town of Greensboro shall submit the sewage allocation certificate to Goldsboro.

**Intergovernmental Agreement** -- the Agreement between the Town of Greensboro and the Town of Goldsboro dated April 18, 2013, for the wastewater treatment services within the Town of Goldsboro.

**Lot** –A contiguous area of land separated from other areas of land by separate description in a recorded deed or plat; or a parcel of land, which may include one or more platted lots occupied or intended for occupancy by a single principle use or establishment.

**Lot of Record** – a lot appearing on a subdivision plat recorded among the plat records of Caroline County on or before the effective date of this policy, or an existing lot or parcel created or recognized prior to the effective date of this policy under all applicable subdivision laws, ordinances or regulations.

**Subdivision** – the division of a single tract, tracts, or other parcels of land, or a part of it, into two or more lots, for the purpose, whether immediate or future, of sale or of building development.

**Town of Goldsboro Capacity** – The total capacity that has been allocated to the Town of Goldsboro pursuant to the Intergovernmental Agreement.

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(b) The Mayor and Council of Goldsboro will review the application and shall make an initial determination whether to approve the allocation in accordance with the provisions of this Ordinance, subject to confirmation by the Town of Greensboro that there is sufficient capacity for the allocation as set forth in subsection (c) below.

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(d) Upon the receipt of the sewage allocation certificate, the Town of Goldsboro may issue a building permit in accordance with the Town's applicable building codes and subdivision regulations.

**304. Allocations for New Construction, Lots and Uses.** The following applications shall receive approval by the Mayor and Council of Goldsboro, provided that all wastewater charges and other fees are paid, the application is in compliance with all applicable laws, ordinances and regulations, and all other permits and approvals have been obtained:

(a) Lots of Record that are part of the Committed Capacity. At all times, the Mayor and Council of Goldsboro shall reserve and maintain the Committed Capacity for the Lots of Record with service valves installed that have been assessed and are paying the vacant lot fee as of the effective date of this Ordinance.

(b) Expansions of existing uses existing on the effective date of this Ordinance.

(c) Unimproved Lots of Record which have not been paying a vacant lot fee, provided that that property owner pays all applicable capacity and connection charges and accumulated monthly vacant lot service fees.

(d) New subdivisions, commercial, industrial, institutional or other development created after the effective date of this Ordinance in accordance with this subsection. Before receiving an allocation, a property owner or applicant shall apply for and obtain all other zoning, subdivision, site plan and other reviews, approvals and permits required for recordation of a subdivision plat, final site plan approval, or issuance of a building permit. Where sewer service is required, allocation shall be a condition precedent to recordation of a subdivision plan, obtaining final site plan approval, or issuance of a building permit.

**305. Commercial, industrial and institutional flows.** Commercial, industrial and institutional flows shall be determined by the Town of Goldsboro on a case-by-case basis utilizing the Maryland Department of the Environment flow projections for water and wastewater systems converted to EDU's.

**306. Effective date.** This allocation policy shall become effective at the expiration of (20) calendar days following approval and shall apply to all connections approved after all of the existing properties with septic systems are connected to the Greensboro Wastewater Disposal System and the septic systems are decommissioned.

#### **TITLE IV Establishment of Fees**

**401. Establishment of Fees.** As a large or bulk user of the Greensboro Wastewater System, the Town of Goldsboro is required to pay Greensboro for the use, operation and maintenance, capital improvements and replacement, and debt service arising from its citizen's

use of the system, as well as the capacity reserved for future use by the Town of Goldsboro. The Mayor and Council of Goldsboro shall have the authority to establish fees and charges to cover the Town's cost to use the Greensboro Wastewater Treatment System, which may be adopted by Ordinance after a public hearing.

**402. Vacant Lot Fees; Agriculturally Assessed Properties and Undevelopable Properties.**

A property that is unimproved and is in agricultural use, or is deemed to be undevelopable because of site constraints or conditions, will not be required to pay a vacant lot fee or other fee to cover the availability of sewer service. However, if a request is made for a sewer connection for the property in the future, then the property owner will be required to pay all vacant lot fees or capacity charges that would have been incurred without the exemption.

**TITLE V  
Right of Entry; Penalties**

**501. Enforcement.** The Town of Goldsboro shall have the right to enforce any applicable provision of this Ordinance. As the owner of the Greensboro Sewage Disposal System, the Town of Greensboro shall have the right to enforce any provision of this Ordinance relating to the use or operation of its system.

**502. Right of Entry.** The Town of Goldsboro, and the Town of Greensboro, as the owner of the Greensboro Sewage Disposal System, shall have the right to enter onto any private property connected to or served by the Greensboro Sewage Disposal System to enforce the provisions of this Ordinance. In the event that the property owner fails to consent to such entry, the towns of Goldsboro and Greensboro shall have the right to seek entry by securing an administrative search warrant authorizing entry.

**503. Municipal Infraction: Payment of Fines, Penalties.**

(a) Any persons in violation of this Ordinance shall be guilty of a municipal infraction. The penalty for the first infraction shall be One Hundred Dollars (\$100.00), and Two Hundred Dollars (\$200.00) for the second violation. Each and every day such violation occurs shall be considered a separate offense, and subject to separate penalties and fines.

(b) If the Town of Greensboro or Goldsboro, or either of them, are subjected to fines or penalties for a wastewater spill caused by a property owner or his designated agent or tenant damaging or failing to maintain sewer pipes, including but not limited to keeping cleanout caps in place, the property owner shall reimburse the Town(s) in full for any fines, penalties or other costs or expenses arising from such a spill.