



TOWN OF LISBON

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SEWER BOARD OF APPEALS

Applicant: _____

Address: _____

Property Owner (if different): _____

Address: _____

Property Location: _____

Zone: _____

Map: _____

Lot: _____

Description of Appeal

Signature: _____

Date: _____

This Appeal Request application must be presented to the Public Works Director with a fee of \$25.00 (Acct. #20-4215 Type 37) to cover the costs of Notice and Advertising. The Board of Appeals meets, as needed, on the third Monday of each month unless otherwise scheduled. Completed applications must be received (2) two weeks prior to the scheduled meeting.

Town of Lisbon

Board of Sewer Appeals

- **Sec. 34-61. - Creation and appointment.**

The establishment of a board of sewer appeals is authorized. The members of the board shall be appointed by the town council and be the same board as hears the appeals of zoning. They shall be residents of the town and shall serve without compensation. In accordance with the laws of the state, the following provisions shall apply:

(1) Composition. The board shall consist of five members and one associate member.

(2) Municipal officers prohibited. No municipal officer shall be a member or associate member of the board of sewer appeals.

(3) Associate members to act. When a member is unable to act because of conflict of interest, physical incapacity or absence from the state, the associate member shall act in his stead.

(4) Vacancy. When there is a permanent vacancy, the town council shall appoint a person to serve for the unexpired term.

(5) Officers. The board of sewer appeals shall elect a chairman and a secretary from its own membership annually in the month of April.

- **Sec. 34-62. - Jurisdiction.**

(a) Powers and duties. The board of sewer appeals shall have the following powers and duties, to be exercised only upon written appeal by a person aggrieved by a decision of the superintendent, the town health officer, the town engineer, or the plumbing inspector insofar as each decision arises from requirements of this chapter:

(1) Review decisions; chapter interpretation. To determine whether the decisions of the officers are in conformity with the provisions of this chapter, and to interpret the meaning of this chapter in cases of uncertainty.

(2) Variances. To grant variances from the terms of this chapter where necessary to avoid undue hardship, provided there is no substantial departure from the intent of this chapter.

(3) Exceptions. To permit an exception to this chapter only when the terms of the exception have been specifically set forth by the town.

(b) Federal categorical standards and prohibited discharges. The board of sewer appeals shall have no jurisdiction over imposition of either federal categorical standards or prohibited discharges. The discharge requirements of the Clean Water Act and the town's National Pollution Discharge Elimination System permit may not be contravened by local initiative.

- **Sec. 34-63. - Hearings.**

(a) The board of sewer appeals shall annually determine a regular monthly meeting date. All appeals or other matters to come before the board requiring a notice shall be filed with the town clerk at least 15 days prior to the next monthly meeting day. The town clerk shall cause to be advertised in a newspaper of general circulation in the town 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. The public hearing shall not be earlier than ten days after the date of such publications. Owners of properties within 300 feet of the property for which the appeal is made shall be notified by registered mail. Failure of any such owner to receive this notice shall not invalidate the proceedings prescribed in this division.

(b) The superintendent shall attend all hearings pertaining to the public sewer system. The health officer shall attend all hearings pertaining to the private sewer systems. The plumbing inspector shall attend such hearings as he may be involved in.

(c) The officer concerned shall present to the board of sewer appeals all plans, photographs or other factual material which is appropriate to an understanding of the appeal.

(d) The board of sewer 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 days of the date of the hearing shall constitute a denial of the appeal.

• **Sec. 34-64. - Appeal procedure.**

(a) Appealable decisions. Any person and any municipal department aggrieved by the decision of the superintendent, the town health officer and/or the plumbing inspector, which decisions arise from provisions of this chapter, may appeal such decision to the board of sewer appeals.

(b) Appeal deadline. Within 30 days of the date of the decisions of the superintendent, health officer and/or plumbing inspector, the appeal shall be entered at the office of the town clerk upon forms to be approved by the board of appeals. The appellant shall set forth in the form the grounds of his appeal and shall refer to the specific provisions of this chapter that are 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 of \$25.00.

(c) Appeal to superior court. An aggrieved person may appeal from the decision of the board of sewer appeals to the superior court as provided by the laws of the state.

• **Sec. 34-65. - Successive appeals.**

After a decision has been made by the board of sewer appeals, a new appeal of similar import shall not be entertained by the board until one year shall have elapsed from the date of the 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.

• **Sec. 34-101. - Authorized.**

(a) Source of revenues. The source of the revenues needed for retiring debt services, capital expenditures, operation and maintenance of the public sewer works shall be a sewer service charge assigned to owners of property located within the limits of the town whose residence or place of business is connected to the public sewer system.

(b) Establishment of rates. Sewer service charge rates, including readiness-to-serve charges, shall be determined by the town council after notice and hearing. This charge will be computed and billed on a quarterly basis throughout each calendar year and will be based on the volume of water consumed, as determined by records of the water department. In the event the water supply is not metered, the customer shall be billed at a flat rate

determined by multiplying together the number of bedrooms in the dwelling unit, 1,100 cubic feet per quarter per bedroom, and the prevailing user charge per cubic foot. Each dwelling unit shall be deemed to have at least two bedrooms.

(c) Changes in rates. The town council reserves the right to change the rates of sewer service charges originally or previously assigned to any property owner.

(d) Collection. Each sewer charge levied pursuant to this division which remains unpaid shall be collected as provided in 30-A M.R.S.A. § 3406(3).

(e) Special industrial rates. A special sewer service charge shall be assigned to any firm or organization which discharges industrial wastes to the POTW.

• **Sec. 34-102. - Fees.**

(a) The town may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;

(2) Fees for monitoring, inspections and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for permit applications;

(5) Fees for filing appeals;

(6) Fees for consistent removal by the town of pollutants otherwise subject to federal pretreatment standards;
and

(7) Other fees as the town may deem necessary to carry out the requirements contained in this chapter.

(b) These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the town.

• **Sec. 34-251. - Permit**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the public sewer or appurtenance of the sewer without first obtaining a written permit from the superintendent.

