

**SECTION II**  
**REGULATIONS CONCERNING**  
**THE**  
**ASSESSMENTS of**  
**SEWER BETTERMENTS**  
**AND FOR PUBLIC**  
**SEWER SERVICE CHARGES**

Town of Auburn Massachusetts

## **REGULATIONS CONCERNING THE ASSESSMENT OF SEWER BETTERMENTS AND For PUBLIC SEWER SERVICE CHARGES TOWN OF AUBURN MASSACHUSETTS**

### General

The Board of Sewer Commissioners, established under Chapter 708 of the Acts of 1963 of the General Court of the Commonwealth of Massachusetts, as amended, acting under the authority of Section Eight of said Chapter 708 and of every act enabling thereto, hereby makes regulations to provide for the assessment of sewer betterments, and for charges for the use of public sewers.

Section Six of the aforesaid Chapter 708, Acts of 1963, reads as follows:

"The Town shall, by vote, determine what proportion of the cost of said system or systems of sewerage and sewage disposal the town shall pay; provided, that it shall pay not less than one-twentieth nor more than two-thirds of the whole cost of said system or systems of sewerage disposal. In providing for the payment of the remaining portion of the cost of said system or systems of sewerage and sewage disposal by abutters, including public and private institutions, the town may avail itself of any or all of the methods permitted by the General Laws, including annual charges, as provided for in Section Sixteen of Chapter Eighty-Three thereof, which may be applied to the payment of their cost of operation, maintenance and repairs of the system or systems of sewerage and sewage disposal, and to defray the cost of such portion of the cost of the construction of said system or systems as the town shall by vote determine. The charges and assessments shall be paid by every person or institution who enters his or its particular sewer into the system or systems of sewerage and sewage disposal of the town. The provisions of said General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon, shall apply to assessments and annual charges made under this act, and the interest shall be at the rate of four percent per annum. The Collector of Taxes of the town shall certify the payment or payments of such assessments or apportionments thereof to the board, who shall preserve a record thereof."

At an Annual Town Meeting held on March 7, 1968, in action taken on Article 28, it was unanimously VOTED:

"That the Board of Sewer Commissioners be instructed to establish sewer betterment assessment rates in such a manner that approximately fifty percent of the town's cost for constructing a system or systems of sanitary sewerage and sewage disposal, including payments of principal and interest on bonds or notes issued therefor, shall be paid by the abutters and users of said system or systems, by such methods of assessment, annual rental or charges as may be permitted by the General Laws, the remainder of said construction costs to be

paid by general taxation or from such general funds as the town may from time to time determine."

Section Eight of the aforesaid Chapter 708, Acts of 1963, reads as follows:

"The Board may, in its discretion, prescribe such sewer rates and annual rentals or charges as it may deem proper, subject, however, to such rules and regulations as may be fixed by vote of the Town. The receipts from sewer assessments and annual charges and from payments made in lieu thereof shall be appropriated for and applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewage disposal, to the payment of interest on bonds or notes issued for sewer purposes, or to the payment of redemption of such bonds or notes.

## **ARTICLE I: Assessments**

**Section I.** The assessment for sewer betterments shall be computed by charging a rate per linear foot to be determined by the Board of Sewer Commissioners equal to the dollar amount of 50 percent of the total cost of construction of the public sewers. The assessment will be determined per linear foot of primary frontage on any way in which a public sewer is constructed, except that the minimum frontage on which the assessment is computed shall be one hundred feet. (Revised November 9, 1988)

**Section 1 A:** When property abuts a sewer easement but does not abut a street or way in which there is a sewer and access to the sewer by easement is given by the Town or the Sewer Commissioners. The assessment for sewer betterment shall be computed by charging a rate per linear foot to be determined by the Board of Sewer Commissioners equal to the dollar amount of 50 percent of the total cost of construction of public sewers. The assessment will be determined per linear foot of frontage abutting the sewer easement, except that the minimum frontage on which the assessment is computed shall be one hundred feet. (Revised November 9, 1988)

**Section 1 B:** When a property does not abut a street or way in which there is a public sewer, but which access to said sewer may be by easement, the assessment for sewer betterment shall be computed by charging a rate per linear foot to be determined by the Board of Sewer Commissioners equal to the dollar amount of 50 percent of total cost of construction of the public sewer. The assessment will be determined per linear foot for so much of the property as it parallels the nearest public sewer line with a minimum frontage of one hundred feet. (Revised November 9, 1988)

**Section 2.** Dimensions and measurement used in calculation of assessed frontage shall be obtained to the extent possible from the appropriate official

maps of the Board of Assessors which are current at the time of original assessment (hereinafter) called "Assessors Maps". Unless and until such dimensions or measurements are proven to be erroneous.

**Section 3.** The primary frontage of a corner lot shall be the frontage on the street designated by the Board of Sewer Commissioners for service connection to the property.

**Section 4.** The frontage of a corner lot having a rounded corner at the intersection shall include one-half the length of the arc, as determined from the Assessors maps.

**Section 5.** The frontage of a lot having a curved street line shall be the total length as measured along the curve, as determined from the Assessors maps, if the radial angle subtended by the curve is less than ninety degrees (90 degrees). If the radial angle subtended by the curve is ninety degrees (90 degrees) or greater, then the frontage assessed shall be one-half the length of the arc, plus the length of straight street line lying on the portion in which the connection is made.

**Section 6.** When the public sewer has been installed opposite only a portion of the frontage of a lot, all frontage within one hundred feet (100 feet) of that portion shall be assessed.

**Section 7.** In calculation of assessed frontage, any fractional footage resulting shall be increased to the next larger whole number.

**Section 8.** Assessments to be made under this regulation shall be determined by the Board of Sewer Commissioners, who shall file with the Board of Assessors a certificate, designating the way on which the property lies, the amount of the assessment, and the person or persons liable to assessment therefore as of the preceding January first. A copy of duplicate of said certificate shall within thirty days after the filing of the same with the Board of Assessors, be recorded in the Registry of Deeds for the County of Worcester, or, in the case of registered land, filed in the Office of the Assistant Recorder for the Worcester County Registry District. The Board of Assessors shall, upon receipt of such certificate, forthwith commit such assessment with their warrant to the Collector of Taxes, who shall forthwith serve notice upon the person or persons designated as the owner of each parcel assessed, and shall collect the assessment in accordance with Chapter Eighty of the General Laws.

## **ARTICLE II: Abatements and Exemptions**

**Section 1.** The owner of any real estate upon which betterments have been assessed may, within six months after notice of such assessment has been sent out by the collector, file with the Board of Sewer Commissioners a petition for

an abatement thereof. The Board shall thereupon process and act upon said petition in the manner prescribed in Chapter Eighty-Three of the General Laws.

**Section 2.** The owner of any real estate upon which betterments have been assessed shall have available to him all rights of abatement, appeal, apportionment and reapportionment provided by Chapter Eighty or by Chapter Eighty-Three of the General Laws.

**Section 3.** Any parcel of real estate which is fully exempted from property tax by the General Laws of the Commonwealth shall be exempted from assessment for sewer betterments.

**Section 4.** In cases of Subdivision developments, where connection of a branch or secondary sewer is made to the existing sewer by the developer or persons other than the Town, they shall be deemed to have received benefit from that existing sewer system which has previously been paid for by the abutters of said system, and will therefore be exempt from betterment assessment as described under sub section one of this section. (enacted March 16, 2006)

**Section 4.A:** The Board of Sewer Commissioners shall grant permits to applicants to connect private sewers to the public sewer in accordance with this section and any other provisions of law. However, the Board of Sewer Commissioners shall deny all applications for sewer permits unless: (enacted March 16, 2006)

**Section 4.A.1.** The applicant pays, in addition to the sewer connection permit fee imposed by sub section B5 or B6 of Section III, a connection fee determined at the rate of six dollars (\$6.00) times the number of gallons per day proposed to be introduced by all new connections. The applicant, prior to the issuance of the sewer connection permit, shall pay this connection fee for each new connection. Said connection fee will be for all new connections whether or not a betterment charge was assessed to the property. The amount of gallons per day to be introduced by the new connection shall be calculated in accordance with the sewage flow estimates contained 310 CMR 15.203, or as determined by the Board of Sewer Commissioners. (enacted March 16, 2006)

**Section 4.A.2. Pump Station Fee**

A pump station fee shall be assessed to the developer based upon the projected costs to operate and maintain the pump station for a period of 20 years. The fee shall be determined by the Auburn Sewer Department.

Said fee shall be paid prior to the issuance of any Sewer Department Permit(s). (enacted October 23, 2008)

**Section 4.A.3. Creation of System Capacity:**

Any applicant filing for 4 or more new connections requiring a sewer main extension shall be required to pay a fee for the removal/reduction of existing Infiltration and/or Inflow (I/I) from the sewer system proportionate to ten (10) gallons of I/I for every one (1) gallon of design flow for new construction. The fee shall be based upon a cost of \$2.20 per gallon per day. Said fee shall be paid prior to the issuance of any Sewer Department Permit(s). (enacted October 23, 2008)

Any applicant filing for a change of use or increased density of an existing use shall be required to pay a fee for the removal/reduction of existing I/I from the sewer system proportionate to ten (10) gallons of I/I for every one (1) gallon of increased design flow. The fee shall be based upon a cost of \$2.20 per gallon per day. Said fee shall be paid prior to the issuance of the Building Permit. (enacted October 23, 2008)

**Section 4.B.** The fee imposed by this section shall not apply to any applicant who has obtained a sewer connection or mainline extension permit prior to March 22, 2006. (enacted March 16, 2006)

**Section 4.C. Sewage Flow Estimates**

| <b>TYPES OF ESTABLISHMENTS</b>                      | <b>GALLONS PER PERSON PER DAY</b> |
|---|-----------------------------------|
| Boarding School Colleges                            | 65                                |
| Nursing/ Rest Home                                  | 100                               |
| School, without Cafeteria, Gymnasium or Showers     | 10                                |
| School with Cafeteria, but not Gymnasium or Showers | 5                                 |
| School with Cafeteria, Gymnasium and Showers        | 20                                |
| Swimming Pool                                       | 10                                |
| Camp, Resident-Washroom and Toilet                  | 25                                |
| Camp, Resident - Mess Hall                          | 10                                |
| Camp, Day-Washroom and Toilets                      | 10                                |
| Camp, Day-Mess Hall                                 | 3                                 |
| Camp Ground-Showers and Toilets per site            | 75                                |
| Gymnasium-per spectator                             | 3                                 |
| Gymnasium-per participant                           | 25                                |
| Theater, Auditorium                                 | 3                                 |
| Factory or Industrial Plant, without Cafeteria      | 15                                |
| Factory or Industrial Plant, with Cafeteria         | 20                                |

Work or Construction Camp 50

**TYPE OF ESTABLISHMENTS**

**GALLONS PER DAY**

|   |     |
|---|-----|
| Single and Multiple Dwelling Units-Per Bedroom                  | 110 |
| Motels, Hotels and Boarding Houses-Per Room                     | 110 |
| Tennis Club-Per Court   | 250 |
| Bowling Alley-Per Alley   | 100 |
| Country Club-Dining Room-Per Seat                               | 10  |
| Country Club-Snack Bar or Lunch Room Per Seat                   | 10  |
| Country Club-Locker and Showers Per Locker                      | 20  |
| Church-Per Seat   | 3   |
| Church-Vestry/ Kitchen-Per Person at Capacity                   | 5   |
| Trailer, Dump Station-Per Site or Per Trailer                   | 50  |
| Mobile Home Park-Per Site                                       | 200 |
| Office Building-Per 1,000 Sq. Ft.                               | 75  |
| Dry Goods Stores-Per 1,000 Sq. Ft.                              | 5   |
| Drive-in Per Stall  | 5   |
| Non-Single Family, Automatic Clothes Washer Per Washing Machine | 400 |
| Hospital-Per Bed  | 200 |
| Service Station, Excluding Thruway Per Island                   | 300 |
| Skating Rink-3,000 Gallons Per Day Plus 5 Gallons Per Seat      | 300 |
| Dog Pounds-Veterinary Clinics Per Pen                           | 50  |

**GALLONS PER SEAT  
OR CHAIR PER DAY**

|   |     |
|---|-----|
| Restaurant, Food Service Establishment, Lounge, or Tavern | 35  |
| Restaurant, Thruway Service Area                          | 150 |
| Restaurant, Kitchen Flow                                  | 15  |
| Barber Shop/ Beauty Salon Per Chair                       | 100 |

For purpose of this section a "Bedroom" means any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area. Such area shall not include Kitchen, Bathroom, Dining Area, Halls, or unfinished Cellar; but may include Bedroom, Den, Study, Sewing Room, or Sleeping Loft.

**ARTICLE III: Annual Use Charges**

**Section 1.** Every structure including but not limited to the following: building, dwelling, store, factory, institution or separate building, discharging directly or indirectly into the

Town of Auburn municipal sewerage system, or where a building sewer to a point in or at a building where a direct connection to inside plumbing can be made, shall be subject to a sewer use charge. (enacted October 23, 2008)

**Section 2.** The sewer use charge shall be paid by the property owner and shall be on an annual basis, from July first of each year to June thirtieth of the ensuing calendar year, except that the initial charge may be for a greater or lesser period and pro-rated according to the record date of installation of the building sewer. (enacted October 23, 2008)

**Section 3.** The sewer use charge for all individual units shall be established by the Auburn Sewer Commissioners as authorized by the Massachusetts General Laws, Chapter 83, Section 16 and Chapter 708 of the Acts of 1963. The sewer service or user charge will be based strictly on water use and will include a minimum charge as well as a per 100 cubic foot charge. This charge will be reviewed and updated yearly based on the revenue needs of the Sewer Department.

Water usage shall be determined from the records of the Water Company, water district or municipality, which supplies the water, or by such other means as the board shall consider suitable. (enacted October 23, 2008)

In the event that more than one non-residential unit shall receive its water supply through a single metered source, it shall be the responsibility of the property owner to make equitable distribution of the usage, between or among his tenants.

**Section 4.** If any water or wastes are discharged or proposed to be discharged to the public sewers which may have a deleterious effect upon the systems or processes, there may be required an additional payment to cover the added cost of handling and treating such discharge, in accordance with Article III, Section 5 (d) of "Regulations for the Installation and Connection of Building Sewers and for the Use of Public Sewers."

#### **ARTICLE IV: Amendment**

These regulations may be amended by affirmative vote of the Board of Sewer Commissioners at any regular meeting of the Board at which a quorum is present. Any proposed amendment shall be submitted in writing to all members of the board at least fourteen (14) days prior to the meeting at which said vote is to be taken.

Said amendment shall be in full force and effect from and after its passage, approval, recording, and three weeks publication as provided by law.



## **ARTICLE V: Validity of Regulations**

**Section 1.** These regulations supersede any sewer ordinances, sewer regulations, or any other statutes in conflict therewith, that are now in effect in the Town of Auburn.

**Section 2.** Sewer ordinances, sewer regulations, or other statutes concerned with sewage works in the Town of Auburn, now in effect, may continue to be effective, provided that there is no conflict of interpretation or coverage of the contents with these regulations.

**Section 3.** The invalidity of any section, clause, sentence, or provision of these regulations shall not affect the validity of any other part of these regulations which can be given effect without such invalid part or parts.

## **ARTICLE VI: Regulations in Force**

**Section 1.** These regulations shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law.

**Section 2.** These regulations were passed and adopted by the Board of Sewer Commissioners on the twenty-third day of September 1974, by the following vote:

Yeas: Three (3) namely

Ralph E Proctor, Chairman

G. Henry Utter, Vice Chairman

Kenneth W. Mansur, Secretary

Nayes: None

Approved this twenty-third day of September 1974

Attest: M. Ida Carlson, Clerk