



IN CITY COUNCIL

Marlborough, Mass., APRIL 25, 2022

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ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 510, ENTITLED "SEWERS," AS FOLLOWS:

- I. Chapter 510, entitled "Sewers", Section 510-2, entitled "Use of Public Sewers.", subsection (D), is hereby amended to read as follows:

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated with the City and abutting on any street, alley or right-of-way in which there is now or may in the future be located a public sanitary sewer of the City, are hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within the following time limits:

- (1) Where said public sewer now exists at the time of the effective date of this clause, or is constructed and/or located after said effective date with official notice by the Commissioner that the public sewer is available for connection, the connection shall be completed: (a) prior to transfer of the property, (b) prior to change in use of a structure as set forth in Chapter 650, Zoning, (c) prior to an increase in the sewage design flow applicable to a structure for purposes of Title 5, 310 CMR 15.000, of the State Environmental Code, or (d) upon failure of any system under said Title 5, 310 CMR 15.000, whichever shall occur first.

For purposes of this subsection, the term "transfer" shall mean the conveyance of any interest in real property, with or without consideration, including by deed, lease, or assignment, but excluding: (a) taking a security interest in a property, including but not limited to issuance of a mortgage; (b) refinancing a mortgage or similar instrument, whether or not the identity of the lender remains the same; (c) a change in the form of ownership among the same owners, such as placing the property within a family trust of which the owners are the beneficiaries, or changing the proportionate interests among a group of owners or beneficiaries; (d) adding or deleting a spouse as an owner or beneficiary; or a transfer between spouses during life, outright or in trust; or the death of a spouse; and (e) the appointment of or a change in a guardian, conservator, or trustee.

An exemption from the connection requirement in this section may only be granted upon application to the Board of Health, and with the recommendation of the City Engineer for reasons of: (a) extraordinary site conditions that prohibit or severely limit the feasibility of connection to such public sewer, provided that the exemption shall apply only until such incapacity is removed and subject to a private disposal system meeting all applicable requirements and any other conditions imposed by the board; (b) an escrow or other acceptable agreement is in place requiring the connection be completed within six (6) months after a property transfer; or (c) for a period of five years from the date of installation of a new or replacement private disposal system which fully complies with Title 5, provided that the exemption shall expire upon the failure of any such system under said Title 5.



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ORDERED:

Be and is herewith **APPROVED**.

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted;
Passage to Ordain; adopted. No objection to passage in one evening.**

ADOPTED
In City Council
Order No. 22-1008537B
X 21-1008230C

Approved by Mayor
Arthur G. Vigeant
Date: April 28, 2022

A TRUE COPY
ATTEST:


City Clerk