



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ MARCH 8, 2021

ORDERED:

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That the: Proposed Amendment to Code of the City of Marlborough, Chapter 510 "Sewers" §2(D) "Use of Public Sewers" as submitted by the Mayor, be and is herewith referred to the **PUBLIC SERVICES COMMITTEE**.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

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:

Chapter 510, entitled "Sewers", Section 510-2, entitled "Use of Public Sewers.", subsection (D), is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

D. 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~~within 90 days after date of official notice to do so, provided that such~~ public sewer is within 100 feet of the property line:

- (i) Where said public sewer now exists at the time of the effective date of this clause, 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.



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- (ii) Where said public sewer is constructed and/or located after the effective date of this clause, the connection shall be completed: Within 180 days after date of official notice by the commissioner that the public sewer is available for connection.

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, out right 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, unless prevented by topographical or other for reasons of extraordinary site conditions due to which the land cannot be drained into such sewer, or due to weather conditions limiting the ability to connect, 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.

ADOPTED

ORDER NO. 21-1008230



*City of Marlborough*  
*Office of the Mayor*

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Marlborough, Massachusetts 01752  
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RECEIVED  
CITY CLERK'S OFFICE  
*Arthur G. Vigeant*  
CITY OF MARLBOROUGH  
MAYOR  
2021 MAR -4 A 11: 35  
*Patricia M. Bernard*  
EXECUTIVE AIDE

*Michele A. O'Brien*  
EXECUTIVE SECRETARY

March 4, 2021

Council President Ossing  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

*Public  
saves*

RE: Sewer Ordinance Amendment

Honorable President Ossing and Councilors:

Please find enclosed for your review a draft amendment to the City's sewer ordinance in accordance with Ch. 510, Sec 2 (D).

This amendment lightens the restrictions that are currently in place and will require a sewer hookup where public sewer exists with any transfer of property with limited exceptions outlined in the draft enclosed ordinance. Additionally, any new sewer lines that are completed will require residents to hook up within 180 days after the date of official notice by the Commissioner of Public Works.

The City has been largely investing in our outdated infrastructure and can't continue to move forward with any additional sewer projects until there is a written guideline in place.

Please don't hesitate to contact me or Commissioner Divoll with questions regarding this proposed ordinance.

Thank you in advance for your consideration.

Sincerely,

  
Arthur G. Vigeant  
Mayor

Enclosure



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ADOPTED  
In City Council  
Order No. 21-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST: