



*City of Marlborough*  
**Department of Public Works**

135 NEIL STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. 508-624-6910  
\*TDD 508-460-3610

SEAN M. DIVOLL, P.E.  
COMMISSIONER

1/27/2022

RE: Sewer Ordinance - When to Connect to Public Sewer System

Dear Property Owner:

Our records indicate that the City of Marlborough sewer system currently exists within the street abutting your property, and that the building on your property is not currently connected to the system. As the City recently further clarified longstanding requirements on when sewer connections are to be made, this notice is to provide you with general information regarding when your property may need to connect to the City sewer system.

Please be advised that the City Ordinance 510-2(D) requires **that you must connect the building on your property to the public sewer system on or before any of the following events:**

- (a) prior to sale or transfer of the property,**
- (b) prior to any change in the use of the building,**
- (c) prior to an increase in the sewage design flow of the building, or**
- (d) upon failure of any septic system serving the building, whichever occurs first.**

Please note this is a summary; see the ordinance for complete requirements, including definitions and eligibility for limited exemptions. A copy of Ord. 510-2(D) is enclosed.

Please contact the DPW Engineering Division at (508) 624-6910 with any questions regarding the sewer connection process for your property. We thank you in advance for your cooperation.

Sincerely,

Sean M. Divoll, P.E.  
Commissioner of Public Works

Enclosure

cc: Thomas DiPersio, Jr., P.E., P.L.S., City Engineer  
Mayor's Office



# IN CITY COUNCIL

Marlborough, Mass., JUNE 21, 2021

## 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:
  - 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:
    - (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.
    - (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.



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JUNE 21, 2021

ORDERED:

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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 either: (a) 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, or (b) for a period of five (5) 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.

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. 21-1008230C

Approved by Mayor  
Arthur G. Vigeant  
Date: June 23, 2021

A TRUE COPY  
ATTEST:



City Clerk