
ARTICLE 23

SEWERS

SECTION 1. The owner or occupant of any buildings upon land abutting a public way, private way, easement or right-of-way in which there is a common sewer and has an inadequate septic system, as defined by the health department, shall, within two years of said sewer being declared available, or sooner at the sole discretion of the Board of Health, connect the building or buildings to the common sewer by a sufficient drain. Upon failure of the owner or occupant to comply with the requirement of this by-law or upon failure of the owner or occupant to receive a variance from the by-law, the Board of Sewer Commissioners shall request permission from the Board of Selectmen to initiate legal proceedings within thirty (30) calendar days, through Town Counsel, to cause said owner or occupant to connect the building or buildings to the common sewer.

A variance from this requirement may be granted by the Board of Sewer Commissioners upon recommendation of the Board of Health, on the following conditions:

- a. That said land, by reason of its grade or level or any other cause cannot be drained into such sewer, until such incapacity is removed and further provided, that a private septic system is installed which meets the requirements of the Board of Health, said variance to be only so long as said septic system continues to meet those requirements, as they may be amended or revised.
- b. In the case of hardship, the tie-in requirement may be waived until such time as the septic system fails or the said property is sold or transferred.
- c. Reference Sewer Use Ordinance, Town of Grafton, Article I, Section 2. "Available" A Public Sewer shall be considered Available when the property upon which a building is situated abuts a public way, private way, easement, or right-of-way in which a Public Sewer is located. If said building is a Class A user as defined in Article VII, Section 5, and is more than one hundred fifty (150) feet (45.7 meters) from the nearest Public Sewer, application may be made in writing to the Board to declare the public sewer "Not Available".

Any action taken under paragraphs A, B or C will be recorded in the Worcester District Registry of Deeds as a marginal reference on the affected property.

SECTION 2. Penalty. Whoever violates any provision of this Article of the By-laws shall be liable to a penalty of Fifty Dollars (\$50.00) for each offense. Each day on which the violation continues after due notice thereof may be deemed a separate offense. (T.M. 7/29/85)

SECTION 3. Sewer Connection Charge. In the case of any building abutting public or private ways, easements or rights-of-way along which developers or persons other than the Town of Grafton have installed sewer lines to service developments and subdivisions including any of their property and said line has been accepted by the Board of Sewer Commissioners as Town property, said dwellings shall be assessed a connection charge, said charge to be determined annually by the Board of Sewer Commissioners to cover the cost of providing a connection to their property line. Said connection charge is intended to cover all costs incurred by the Town in extending the sewer to the property line from the sewer line in the street. Further that a lien for unpaid connection charges

will be levied against affected property and this lien will be recorded at Worcester District Deeds and this lien must be satisfied in full to secure clear title in those situations where property is conveyed.

The owner of any building upon land abutting on a public way, private way, easement, or right-of-way in which there is common sewer shall upon transfer or sale of said property cause it to be connected to the sewerage system.

A variance from this requirement may be granted by the Board of Sewer Commissioners, on the following conditions:

- a. In the case of hardship, the tie-in requirement may be waived until such time as agreed to with the Board of Sewer Commissioners.
- b. Any funds received from said sewer connection charges will be added to Sewer Betterment Assessment Fund created by vote under Article One of the Special Town Meeting on June 14, 1982.