

## CODIFICATION OF ORDINANCE

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### Sec.1. GENERAL CONDITIONS

1.01 This ordinance shall be known, and may be cited as, the “Sanitary Code of Marlborough”.

1.02 The purpose of this code is to safeguard the public health of the Town of Marlborough, through reasonable requirements as may be necessary to insure the proper construction of water supply and sewage disposal facilities.

1.03 The latest revision of the “Public Health Code of the State of Connecticut”, in its entirety, is hereby made a part of the Sanitary Code of the Town of Marlborough and shall apply and govern in all cases except where such provisions of the Sanitary Code of the Town of Marlborough shall prescribe more stringent requirements.

1.04 No dwelling, apartment, boarding house, hotel, commercial or industrial building, hospital or other structure or improvement shall be constructed or approved for occupancy in the Town of Marlborough, unless the sanitation facilities are approved by the Marlborough Director of Health or his authorized representative and are in accord with the provision of this code. 1.05 Herein stated, the Department of Health shall mean the Marlborough Department of Health.

Sec.2 SPECIAL REGULATIONS

2.01 The following special regulations shall govern the construction, repair and abandonment of water wells, and the installation and repair of pumps and pumping equipment in the Town of Marlborough:

2.01.01 Herein stated, storage depth shall pertain to drilled wells only, and will be defined as that quantity of water, measured in feet of well, taken from the static water level down to the level of the pump. Should the pump not be the submersible type the storage depth will be taken from the static water level down to the pump's point of suction intake.

2.01.02 A drilled well shall have a storage depth of no less than 100 feet, or a yield, as determined from a four (4) hour yield test, of no less than one and one-half (1-1/2) gallons per minute (gpm)

2.01.03 For a drilled well at a single family dwelling, the following minimum storage depths, as defined in Section 2.01.01, must be met for the yields indicated below:

YIELD(gpm)    STORAGE DEPTH (feet)

1-1/2            180

2                160

2-1/2            140

## K. SANITARY CODE

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3 120

3-1/2 100 minimum

The diameter of a drilled well shall be six (6) inches

2.01.04 For individual wells at multifamily dwellings, the storage and yield must be approved by the Director of Health.

2.01.05 No pump shall be set within ten (10) feet of the bottom of the well.

2.01.06 Pressure tanks for individual home installations shall have a minimum capacity of forty-two (42) gallons, though a greater capacity is desirable.

2.01.07 Any owner or lessee of land upon which there is located an abandoned dug well, must fill the same with suitable fill as required by the Director of Health or his authorized representative. Abandoned wells may not be used for the disposal of sewage or wastes.

2.01.08 No water well of any type located within the area bordered easterly by Quinn Road, northwesterly by Cattle Lot Brook, westerly by the Marlborough-East Hampton town line and southerly by property owned by the Town of Marlborough, shall be used for human consumption without first obtaining a Well Use Permit from the Department of Health.

Said Well Use permit shall be signed by the Town Sanitarian or Director of Health, which permit shall only be issued after certification by the State of Connecticut or other authority acceptable to the Department of Health, that the raw water quality from said well conforms to the standards of the State of Connecticut, Department of Health Services, as set forth in the Regulations of Connecticut State Agencies, Section 19-23 -B 102, as amended.

Any person violating this ordinance shall be subject to the fines and other administrative requirements of this Section K, Sanitary Code of the Marlborough Codification of Ordinances as well as civil injunctive relief to abate the violation.

This ordinance shall apply to all wells located or first used after the effective date of this ordinance, December 7, 1983.

### Sec.3. ADMINISTRATION

3.01 The Department of Health shall adopt, and from time to time amend, rules and regulations governing the location, construction, repair and abandonment of water supply and sewage disposal facilities, and the installation and repair of pumps and pumping equipment, shall be responsible for the administration of this ordinance

3.02 The responsibility for comply with these rules and regulations as herein stated shall rest with the owner or lessee of land involved. 3.03 The Department of Health shall enforce the provisions of this ordinance, and any rules and regulations adopted pursuant thereto.

3.04 Any person constructing a well, or construction or repairing a subsurface sewage disposal system, shall be licensed as required by the State of Connecticut, and shall obtain a written permit to do such work from the Department of Health.

3.05 The Department of Health is authorized to inspect any water supply and sewage disposal facility, abandoned well or pump installation for any wells. Duly authorized representatives of the Department of Health may at reasonable times, enter upon and shall be given access to, any premises for the purposes of such inspection. Upon the basis of such inspections, if the Department of Health finds applicable laws, rules or regulations have not been complied with, or that a health hazard exists, it shall disapprove the well, sewage disposal facility, and/or pump installation with denial or suspension of applicable permits, or pump installation with denial or suspension of applicable permits, or with an order to correct the violation within a reasonable period of time. If disapproved, no well sewage disposal facility, or pump shall thereafter be

used until brought into compliance and any health hazard is eliminated.

3.06 Where the Department of health finds that compliance with all requirements of this ordinance would result in undue hardship, an exemption from any one or more such requirements may be granted by the Department of Health to the extent such exemption can be granted without impairing the intent and purpose of this ordinance.

3.07 Any person aggrieved by denial of a permit, or by suspension of of a permit, may appeal the decision of the Director of Health to a Court of competent jurisdiction.

3.08 The Department of Health shall collect a fee for permits issued, in the amounts set by the Board of Selectmen.

3.09 Any person who violates any provision of this ordinance, regulations issued hereunder, or order pursuant hereto, shall be subject to a penalty of twenty-five (\$25) dollars every day or any part thereof, in which such violation occurs. 3.10 Separability. It is hereby declared to be the legislative intent that:

3.10.01 If a court of competent jurisdiction finds any provisions of this ordinance to be invalid or ineffective in whole or part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this ordinance shall continue to be separately and fully effective.

3.10.02 Effect on other requirements. It is not intended that the requirements of any other law or ordinance, except where stated herein be repealed or otherwise made ineffective, by this ordinance, and, in case of conflict, the strictest of the relevant provisions of this and other laws and ordinances shall apply.

## UNDERGROUND FUEL STORAGE TANKS

### **K.200 The Installation of Underground Fuel Storage Tanks in New Buildings and the Repair, Alteration or Replacement of Existing Tanks.**

#### Sec. 1: Statement of Purpose

The Town of Marlborough relies entirely on groundwater for its drinking water supplies. To ensure a clean, dependable water supply for the present and future residents of the community, it is the purpose of this ordinance to protect its groundwater resources, through reasonable requirements as may be necessary to insure the proper installation of fuel storage tanks.

#### Sec. 2: Special Regulations

2.01: The building Official and/or Fire Marshal shall require that fuel storage tanks and components are located above ground in a basement or a protective structure unless safety, health or site specific conditions necessitate the use of an underground fuel storage system.

2.02: The latest revision of the Building Official's Code (BOCA) Flammable and Combustible Liquids is hereby make a part of this ordinance.

2.03: Underground fuel storage systems of all sizes for new facilities including new residential buildings as well as the repair, alteration or replacement of underground fuel storage systems of all sizes at existing facilities including residential buildings shall be in accordance with the corrosion protection, testing and monitoring provisions of the National Fire Protection Association (NFPA) publication number 30 entitled, "Flammable and Combustible Liquids Code" (Section 2-3); NFPA 31, "Standards for the Installation of Oil Burning Equipment", and the Regulations of Connecticut State Agencies, Section 22a-449(d)-1 "Control of the Non-residential Underground Storage and Handling of Oil and Petroleum Liquids" as all of the foregoing may be amended from time to time.

2.04: Commercial and industrial underground storage tanks and their components must be inspected and approved in writing by the Fire Marshal prior to being covered.

2.05: Non-commercial underground storage tanks and their components must be inspected and approved in writing by the building inspector prior to be covered.

2.06: The Marlborough Department of Health shall be required to approve in writing the location of underground storage systems to insure that the provisions of the Public Health Code of the State of Connecticut are satisfied with specific regards to the drinking water supplies.