

Town of New Shoreham
Regulations under the Wastewater Management Ordinance

It is ordained by the Town Council of the Town of New Shoreham to adopt Regulations under the Wastewater Management Ordinance as follows:

Regulation 1
Wastewater Management Office

1. This regulation is adopted to clarify the role of the “Wastewater Management Office” as to Notices of Violation.
2. The New Shoreham Wastewater Management Ordinance (“WWMO”) delegates to the “Wastewater Management Office” (“Office”) the enforcement of the WWMO, in the first instance. The head of the Office is the Wastewater Inspector. There is also a Clerk. There may be Notices of Violation issued without consultation with the claimed violator.
3. The WWMO provides for an “administrative meeting” with the Office for a person aggrieved by a Notice of Violation. The intention is that this “administrative meeting” will be with the Wastewater Inspector. If the Wastewater Inspector is unavailable, or has a conflict of interest, the Town Manager shall designate another person to preside at the meeting.
4. The WWMO provides an appeal to the New Shoreham Board of Sewer Commissioners (“Board” or “Commissioners”), whether or not a person has had an “administrative meeting.” At this appeal hearing, the Wastewater Inspector, or his/her designee, shall present the factual and legal position of the Office as to the claimed violation.

Regulation 2
Wastewater Fines

1. This regulation is adopted to implement a system of fines for violation of the New Shoreham Wastewater Management Ordinance (“WWMO”). The Wastewater Management Ordinance delegates to the New Shoreham Board of Sewer Commissioners (“Board” or “Commissioners”), the overall enforcement of the WWMO.
2. The WWMO provides an appeal to the Board, whether or not a person has had an “administrative meeting.” If an alleged violator either has not requested a hearing, or there has been an adverse decision at hearing against a violator, the Board may levy fines.
3. The Board has adopted a series of progressively greater fines for violators who have not responded to a Second Notice of Violation.
4. The system of fines is hereby adopted and ratified as a regulation.
5. The fines, unless rebated after hearing, are as follows:
 - a. First thirty days – Fifty dollars (\$50) per day of outstanding violation.
 - b. Second thirty days – One hundred dollars (\$100) per day of outstanding violation.
 - c. Third and subsequent thirty-day periods – An additional fifty dollars per day for each thirty day period until the fine reaches Five hundred dollars (\$500) per day.
 - d. The five hundred dollar (\$500) per day fine shall continue to accrue until the violation is corrected.

6. In the event a violation is not willful, and repair or replacement has been delayed for causes beyond the violator's control, upon proof, by clear and convincing evidence, the Commissioners may rebate some or all of a fine, which has been assessed.
7. The fines shall be considered "charges" and be treated as "assessments" for purposes of a municipal lien certificate ("MLC"), and enforcement as if it was a property tax lien. See P.A. 1972 Chapter 146, Section 6; R.I.G.L. Section 44-7-11(a).

Attest:

Fiona Fitzpatrick, CMC
Town Clerk

Sewer Commissioner Hearing: February 13, 2007
Adopted by the Commissioners: February 13, 2007
Hearing by the Town Council: March 5, 2007
Adopted by the Town Council: March 5, 2007
Posted: March 14, 2007 – March 24, 2007
Effective: March 5, 2007