

# SENATE, NO. 2452

[SIMILAR MATTER FILED DURING PAST SESSION  
SEE NO. OF ]



## The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

### **AN ACT** AUTHORIZING THE TOWN OF ORLEANS TO OPERATE A SEWER SYSTEM

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

- 1 SECTION 1. Notwithstanding the provisions of sections 1 and 3 of chapter 83 of the  
2 General Laws to the contrary, the town of Orleans is hereby authorized to lay out, construct, maintain  
3 and operate a system or systems of common sewers and main drains in public or private ways for that  
4 part of its territory as it adjudges necessary for the public convenience or the public health with such  
5 connections and other works as may be required for a system or systems of sewerage and drainage,  
6 and sewage treatment and disposal.
- 7 SECTION 2. At the commencement of operation of the town's sewer system, the owner of land  
8 abutting upon a private or public way in which a common sewer has been laid shall be required by the  
9 board or officer having charge of the maintenance and repair of sewers to connect such land with a  
10 common sewer only if the land is included among those properties identified in the town's

11 Comprehensive Wastewater Management Plan (CWMP) as requiring connection to the town's sewer  
12 system.

13 Notwithstanding any provision of this act to the contrary, owners of land not included among those  
14 properties to be connected to the town's sewer system under the CWMP shall not be permitted to  
15 connect to the town's sewer system at the commencement of operation thereof.

16 The CWMP may be amended from time to time by the board or officer having charge of sewers, after  
17 a public hearing conducted to consider such amendment, and upon approval of the department of  
18 environmental protection (DEP). The board or officer having charge of sewers shall adopt regulations  
19 within 120 days after the effective date of this act establishing publication and notification procedures  
20 to carry out the purposes of this section.

21 SECTION 3. Notwithstanding the provisions of chapters 80 and 83 of the General Laws to the  
22 contrary, the town of Orleans may make betterment or sewer assessments upon owners of land  
23 abutting upon a private or public way in which a common sewer has been laid only at the time of  
24 actual connection to the common sewer. Nothing herein shall preclude the town from making  
25 estimated sewer assessments pursuant to section 158 of said chapter 83. The town may make equitable  
26 adjustments to the annual charges established pursuant to section 16 of said chapter 83 for the use of  
27 common sewers for the purpose of ensuring an equitable distribution of the total sewer system costs,  
28 including special assessments and sewer use charges.

29 SECTION 4. Every decision by the board or officer having charge of sewers permitting or denying a  
30 connection to the sewer system shall be made in writing. Any person aggrieved by such a decision  
31 may appeal said decision within 30 days of issuance pursuant to the provisions of section 14 of chapter  
32 30A of the General Laws.

33 SECTION 5. In carrying out the provisions of this act, the town shall not discriminate against any  
34 person on the grounds of race, color, marital status, physical disability, age, sex, sexual orientation,  
35 religion, ancestry or national origin in any manner prohibited by the laws of the United States, the  
36 commonwealth or the town of Orleans.

37 SECTION 6. This act shall take effect upon its passage.