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**Chap. 155**

ing which he was regularly and permanently employed by said sheriff's department count toward his vacation benefits in the trial court.

Approved July 28, 2000.

**Chapter 156. AN ACT PLACING THE MEMBERS OF THE POLICE FORCE AND THE FIRE DEPARTMENT OF THE TOWN OF HOPEDALE UNDER THE CIVIL SERVICE LAW.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 262 of the acts of 1984 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

*Section 1.* The positions of regular or permanent members of the police force, including intermittent reserve officers and regular or permanent members of the fire department of the town of Hopedale, shall be subject to the provisions of chapter 31 of the General Laws and the tenure of any incumbent thereof shall be unlimited, subject to the provisions of said chapter 31.

**SECTION 2.** Section 2 of said chapter 262 is hereby repealed.

**SECTION 3.** Public safety personnel hired during the six month period preceding the effective date of this act shall be included as civil service employees under chapter 31 of the General Laws, subject to any applicable probationary period.

**SECTION 4.** This act shall take effect upon its passage.

Approved July 28, 2000.

**Chapter 157. AN ACT AUTHORIZING THE TOWN OF PROVINCETOWN TO OPERATE A SEWER SYSTEM.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of sections 1 and 3 of chapter 83 of the General Laws to the contrary, the town of Provincetown is hereby authorized to lay out, construct, maintain and operate a system or systems of common sewers and main drains in public or private ways for that part of its territory as it adjudges necessary for the public convenience or the public health with such connections and other works as may be required for a system or systems of sewerage and drainage, and sewage treatment and disposal.

**SECTION 2.** At the commencement of operation of the town's sewer system, the owner of land abutting upon a private or public way in which a common sewer has been laid

shall be required by the board or officer having charge of the maintenance and repair of sewers to connect such land with a common sewer only if: (1) the on-site subsurface sewage disposal system serving said land fails to comply with the provisions of 310 CMR 15.000, et seq.; (2) an on-site subsurface sewage disposal system cannot be constructed on the property in compliance with said regulations, except pursuant to a variance from property line setbacks, cellar wall or slab foundation setbacks, or swimming pool setbacks; or (3) if the property is located landward of the velocity zone area and the line which is 100 feet from the historic high water line, an enhanced treatment system under remedial use cannot be designed and constructed to adequately treat sewage from said property. The town shall not allow an abutting property owner utilizing an enhanced treatment system under remedial use to opt out of connecting to the sewer system unless the town implements a monitoring and inspection plan approved by the department of environmental protection for such remedial system or systems. Such plan may include the assessment of a reasonable fee by the board of health to implement the monitoring and inspection plan. All other owners of land within the final area of concern as identified in the final wastewater treatment facilities plan approved by the department of environmental protection and on file in the office of the town clerk may, at the owner's option, connect to the town's sewer system only if said owner notifies the town of the owner's intent to connect therewith prior to commencement of final design and construction of said sewer system.

Notwithstanding any provision of this act to the contrary, owners of land not within said final area of concern shall not be permitted to connect to the town's sewer system at the commencement of operation thereof. Said plan may be amended from time to time by the board or officer having charge of sewers, after a public hearing conducted to consider such amendment, and upon approval of the department of environmental protection. The board or officer having charge of sewers shall adopt regulations within 120 days after the effective date of this act establishing publication and notification procedures to carry out the purposes of this section. Notwithstanding anything to the contrary in the foregoing, the board or officer having charge of sewers may adopt regulations allowing delayed connections for those properties which do not fail to comply with the provisions of 310 CMR 15.000, et seq. but upon which an on-site subsurface sewage disposal system cannot be constructed on the property in compliance with said regulations, except pursuant to a variance from property line setbacks, cellar wall or slab foundation setbacks, or swimming pool setbacks, or, if the property is located landward of the velocity zone area and the line which is 100 feet from the historic high water line, an enhanced treatment system under remedial use cannot be designed and constructed to adequately treat sewage from said property.

**SECTION 3.** After commencement of operations of the sewer system, additional connections shall be permitted within the final area of concern by such board or officer having charge of the maintenance and repair of sewers, subject to available capacity, only upon certification by the board of health that the on-site subsurface sewage disposal system on land abutting upon a private or public way in which a common sewer has been laid cannot comply with the provisions of 310 CMR 15.000, et seq., or in the case of new construction,

expansion of an existing structure, a change in use, or increases in flow from said land, such expansion, change in use, or increase in flow does not result in sewage flow in excess of the amount of said regulations flow capacity or actual flow resulting from a legal use of said land, whichever is greater, which existed on the effective date of this act as determined by the board of health. Those owners of land within the final area of concern abutting upon a private or public way in which a common sewer has been laid who choose to opt out of connection to the common sewer pursuant to section 2 of this act, and who do not qualify for connection pursuant to this section, shall only be permitted to connect to the common sewer as capacity of the sewer system allows and at the sole discretion of the board or officer having charge of the maintenance and repair of sewers in accordance with criteria as contained within rules and regulations adopted by said board or officer. Notwithstanding anything to the contrary contained herein, the board or officer having charge of the maintenance and repair of sewers may at any time permit extensions, new connections or increases in flow to the sewer system, subject to capacity, to serve municipal buildings, public restrooms, laundromats, or, subject to approval of town meeting, other public service uses.

**SECTION 4.** Notwithstanding the provisions of chapters 80 and 83 of the General Laws to the contrary, the town of Provincetown may make assessments upon owners of land abutting upon a private or public way in which a common sewer has been laid only at the time of actual connection to the common sewer. Nothing herein shall preclude the town from making estimated sewer assessments pursuant to section 15B of said chapter 83. The town may make equitable adjustments to the annual charges established pursuant to section 16 of said chapter 83 for the use of common sewers by owners of land who connect under section 3 of this act for the purpose of insuring an equitable distribution of the total sewer system costs, including assessments and sewer use charges.

**SECTION 5.** Every decision by the board or officer having charge of sewers permitting or denying a connection to the sewer system shall be made in writing. Any person aggrieved by such a decision may appeal said decision within 30 days of issuance pursuant to the provisions of section 14 of chapter 30A.

**SECTION 6.** In carrying out the provisions of this act, the town shall not discriminate against any person on the grounds of race, color, marital status, physical disability, age, sex, sexual orientation, religion, ancestry or national origin in any manner prohibited by the laws of the United States, the commonwealth or the town of Provincetown.

**SECTION 7.** Chapter 476 of the acts of 1947 is hereby repealed.

**SECTION 8.** This act shall take effect upon its passage.

Approved July 28, 2000.