

TOWN OF WEST WINDSOR WEST WINDSOR, VERMONT

SEWER USE ORDINANCE

Regulating the Use of the Town of West Windsor's Municipal Sewer System

This ORDINANCE establishes the policies, rules, and regulations necessary to govern and operate the municipal sewer system of the Town of West Windsor, Vermont (24 V.S.A, Chapters 59 and 101). Please refer to Article 2 on page 5 for the definition of words and phrases used in this ORDINANCE. This ORDINANCE supersedes all previous rules, regulations and ordinances and applies to all users within the Town of West Windsor. A copy of this ORDINANCE is available at the Town Clerk's Office. Questions about this ORDINANCE should be directed to the Town of West Windsor Selectboard.

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ARTICLE 1

General Provisions, Ownership, Authority, and Responsibilities

SECTION 1.01 – GENERAL PROVISIONS

All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "SEWER USE ORDINANCE" hereinafter sometimes referred to as this ORDINANCE.

The West Windsor Town Clerk shall file certified copies of this ORDINANCE, as well as certified copies of any additions and amendments to this ORDINANCE as may be hereafter adopted, in the municipal records and with the BOARD and the Health Officer.

The principal objective of public wastewater facilities is to collect wastewater and to provide the State regulated degree of treatment under favorable and economical conditions.

The provisions of this ORDINANCE shall be reviewed at intervals not exceeding five (5) years by the BOARD with the objective of assessing the continued applicability of these provisions; to consider any recommendations proposed for their improvement; and to determine if, and what, changes are advisable due to advances in the technical methods or processes of wastewater treatment and sewage collection available to the TOWN.

If there is a conflict between the terms of this ORDINANCE and any other applicable regulation, by-law, ORDINANCE or statute, the stricter shall apply.

SECTION 1.02 – OWNERSHIP

A. PUBLIC SEWERS

The public sewers and all main sewers (gravity and force mains), pump stations and house services are owned and controlled by the TOWN. The limits of the Public Sewers are shown on the official sewer maps (latest edition) located in the TOWN offices which are maintained and updated by the Zoning Administrator after consultation with the committee and approval of the BOARD. The limits of the Public Sewers are the areas within TOWN property, rights of way and permanent easement limits shown on the official sewer maps. Typical sewer easement limits are as follows:

- Gravity sewers, force mains and house services- Twenty (20) feet centered on the pipeline.
- Pump Stations- As shown on the official sewer maps.

The TOWN is responsible for the operation, maintenance and repair of all Public Sewers.

B. PRIVATE SEWERS

The Private Sewers are all Main Sewers (gravity and force mains), pump stations and house services not owned and controlled by the TOWN. Private sewer mains and pump stations are shown on the official sewer maps (latest edition) located in the TOWN offices which are maintained and updated by the Zoning Administrator. Private house connections are those house connections located outside of sewer easement limits shown on the official sewer maps. Property owners with private connections are responsible for their service up to the point of the town ROW or easement.

The property owner, homeowner association, developer and/or other private ownership entity is responsible for the operation, maintenance and repair of all Private Sewers. Property owners shall at all times keep their Private Sewers clean and in good repair in order not to cause excessive infiltration, exfiltration, inflow, depletion of groundwater, damage to property, odor, or harm to the TOWN's Public Sewers. Owners shall maintain, repair, modify, or replace their private sewers whenever it is determined by the BOARD that such Private Sewers may endanger public health, create a public nuisance, result in public or private property damage, harm the Public Sewers, result in excessive infiltration, exfiltration or inflow, or impair water quality or the environment and in such other circumstances as the BOARD deems appropriate.

SECTION 1.03 – AUTHORITY AND RESPONSIBILITIES

A. BOARD

The BOARD has the authority and responsibility to exercise control over, administer, make approvals, enforce, manage and operate the sewer systems of the TOWN as presently constituted or as may be enlarged hereafter; and establish rates and charges for sewer services provided by the TOWN.

B. SEWER ADVISORY COMMITTEE

The BOARD shall establish a SEWER ADVISORY COMMITTEE. The SEWER ADVISORY COMMITTEE shall consist of one (1) representative from each of the four (4) major user groups at Ascutney Mountain Resort and one (1) at-large member to be a member of the Southern Windsor County Regional Planning Commission (SWCRPC). The four (4) major user groups include, specifically, Mt. Ascutney Property Owners Association (POA), Mountains Edge Condominium Owners Association, MFW Associates LLC or its/their successor, and OLCC Vermont, LLC (Orange Lake). Each member will be elected or appointed from his or her respective user group. The initial term will be three (3) years for the Ascutney POA, two (2) years for the Mountains Edge group, one (1) year for MFW, three (3) years for Orange Lake and two (2) years for the at-large member with terms to expire on December 31st of each year. All subsequent terms shall be 3 years. The SEWER ADVISORY COMMITTEE shall elect a chairperson who shall represent the SEWER ADVISORY COMMITTEE at BOARD meetings. The BOARD reserves the right to remove any member for due cause; change the representation of user groups due to change in ownership; and to appoint additional user groups and/or members to ensure appropriate representation within the committee. All committee members will be approved by the Board. The Board retains total discretion to fill a

vacancy of any user group by any individual who, in the opinion of the Board, will act in the best interest of that user group.

Duties of the committee are:

1. To apprise the BOARD of issues and opinions from within the user base of the Sewer System.
2. To prepare sewer budgets and rates for the BOARD's review and approval.
3. To review the annual audit of the Sewer Fund.
4. To negotiate operation/maintenance and treatment contracts for the BOARD's review and approval.
5. To prepare Capital Improvement Plans for the BOARD's review and approval.
6. To study issues and advise the BOARD, at the BOARD'S request, to enable the BOARD to make informed decisions.
7. To attend regular monthly meetings of the BOARD. Alternatively, the committee or its delegate can report in writing, by teleconference, or by other mutually acceptable means.
8. To review monthly reports of the system's operational and financial status and to discuss any system related issues.
9. To review quarterly financial reports with the BOARD and Town Treasurer.

ARTICLE 2

Definitions

SECTION 2.01 – DEFINITIONS

Unless specifically defined in this Article, words and phrases used in this ORDINANCE shall have their common ordinary meaning, and are intended to give this ORDINANCE its most reasonable application.

"Allocation" shall mean the assignment of a portion of the capacity of the Sewer System to a user or users.

"Allocation fee" shall be the fee levied to new users to defray the long-term costs and burden that each new user places on the Sewer System.

"Best interest" shall be defined by the BOARD and may include meeting economic development or community institutional needs.

"BOARD" shall mean the Select board of the Town of West Windsor, comprised as the Sewage Disposal Commissioners as provided for in 24 V.S.A., Chapter 101, Section 3614.

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

"Building Sewer" shall mean that part of the sewage system which receives the sewage from the building drain and conveys it to the nearest end of the house connection unless a house connection is not available, whereby the building sewer shall be extended to the nearest available "Y" branch on the main sewer.

"Clerk" shall mean the Town Clerk of the Town of West Windsor.

"Committed Reserve Capacity" shall mean the total amount of development wastewater flow (gallons per day) from all projects/buildings approved by the BOARD for discharge to the Town of Windsor, but not yet discharging at the time of the calculation.

"Completed Construction" shall mean -

1. For building development; completion of construction of all foundations, framing, siding and roofs.
2. For subdivision development; completion of infrastructure and subdivision improvements.

"Customer" means any individual, group, society, association, firm, company, or corporation who receives sewer service from the TOWN and is the property owner, whether or not that individual is the ultimate user.

"Delinquency" means a failure of the Customer to tender payment for a valid bill or other charge by a "due date" at least thirty (30) days after mailing, which due date shall be clearly printed on the bill or other charge, or, in the absence of such a printed due date, the date thirty (30) days after postmarking of such bill or charge.

"Department" shall mean the Vermont Department of Environmental Conservation.

"Development" shall mean the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial, manufacturing, farming, educational, medical, charitable, civic, recreational, religious uses, and subdivisions with the intent to subdivide.

"Development Wastewater Flow" shall mean the flow resulting from full use of the development at its build-out capacity, which flow shall be calculated using flow quantities adopted as rules by the DEPARTMENT, as promulgated at the time a connection permit application is made. The flow quantities shall be as shown in the current Vermont Environmental Protection Rules, Chapter 1.

"Equivalent User Unit (EU)" shall mean a single family home, a condominium unit, an apartment unit, a mobile home, or other single living unit. An EU is also defined as 200 gallons per day (gpd) and is equal to a single living unit. 200 gpd will be used as a "baseline" to determine the total number of EUs for non-residential users. The minimum EU is 1.0 EU. For non-residential users, the number of EUs is calculated by dividing the user's daily flow, as determined using the State of Vermont, Environmental Protection Rules, Chapter 1, Flow Tables, current edition, by 200 gpd/EU. The number of EUs is rounded up to the nearest whole number.

"FACILITY" shall mean the Town of Windsor Wastewater Treatment Facility.

"Flow Basis" shall mean the calculated wastewater flows as determined using the Environmental Protection Rules, Chapter 1, Flow Tables, current edition.

"Force Main" shall mean the pressurized sewer pipe that a sewage pumping system discharges into. The force main transports the pressurized sewage to a gravity receiving structure such as a sewer manhole or open surface tank or structure. Force main may also be known as a Low Pressure Sewer when the sewage pumping system consists of a grinder pump system and/or a Septic Tank Effluent Pump (STEP) system.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

"Health Officer" shall mean the legally designated Health Officer or Deputy Health Officer of the TOWN.

"Hearing Officer" shall mean the person appointed by the TOWN, pursuant to 24 V.S.A., Chapter 129, to act as a fact finder and to hear and investigate evidence, and to make recommendations to the BOARD for final determination of a dispute.

"House Connection" shall mean that part of the sewage system that runs from the main sewer to the property line or right-of-way limit and includes all necessary fittings. (See "Building Sewer")

"Industrial Wastes" shall mean the liquid waste from an industrial manufacturing process, trade or business. Industrial wastes do not include sanitary sewage.

"Main Sewer" shall mean the force main and gravity sewers laid longitudinally along streets or other rights-of-way, to which all owners or abutting properties have equal rights, and which is controlled by public authority.

"Municipality" shall mean the Town of West Windsor, Vermont.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"Owner" shall mean any person, who owns or possess any property connected to the municipal wastewater collection system or proposes to connect to the municipal wastewater system as applicant.

"Payment of a Bill and/or Other Charge" means receipt at the TOWN Office of cash, check or money order which is subsequently honored.

"Person" shall mean any individual, firm, company, association, society, corporation, institution, partnership, group, governmental entity or other entity.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Pretreatment Facilities" shall mean grease, oil, hair and sand interceptors, interceptors of flammable wastes, flow equalizing facilities or other facilities for reducing pollutant quantities or flow quantities. Pretreatment facilities are privately owned and operated.

"Private Sewer" shall mean all facilities for collecting, pumping, treating, and disposing of sewage that are not owned or operated by the TOWN.

"Public Sewer" shall mean all facilities for collecting and pumping of sewage that are controlled, owned and operated by the TOWN.

"Reserve Capacity" shall mean the permitted wastewater flow minus the actual FACILITY wastewater monthly average daily flow during the preceding twelve (12) months.

"Sanitary Sewer" shall mean a sewer and/or house connection which carries sewage and to which storm, surface, and ground waters are not admitted.

"Sewage" shall mean a combination of the water-carried wastes and wastewater, from residences, business buildings, institutions, industrial establishments, and other establishments. Excludes rainwater, stormwater and groundwater.

"Sewage Disposal BOARD ("or BOARD") shall mean the members of the TOWN Selectboard, or their authorized deputy, agent or representative.

"Sewer" shall mean a pipe or conduit, including manholes, for carrying sewage.

"Sewer Advisory Committee" shall mean members of the Sewer Advisory Committee.

"SEWERS" - shall mean the municipal sewer system owned by the TOWN.

"Shall" is mandatory; "May" is permissive.

"Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

"Subdivision" shall mean a tract of land, which has been divided or is intended to be divided into two (2) or more lots for any purpose, in accordance with the TOWN's current Subdivision Regulations.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

"TOWN" shall mean the Town of West Windsor, the Select board, the Sewage Disposal BOARD, or their designated agents and representatives.

"Uncommitted Reserve Capacity" shall mean the portion of the reserve capacity remaining after subtracting the development wastewater flow of all projects approved by the BOARD but not yet discharging to the SEWER.

"Wastewater" see "Sewage".

"Wastewater system" shall mean any piping, pumping, treatment or disposal system used for the conveyance and treatment of domestic, commercial or industrial waterborne wastes.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE 3

Abbreviations

SECTION 3.01 – ABBREVIATIONS

For the purpose of this ORDINANCE, the following abbreviations shall have the meaning ascribed to them under this ARTICLE. References to standards of the following organizations shall refer to the latest edition of same.

ASTM Shall mean American Society for Testing and Materials

l. shall mean liters.

m. shall mean meter.

mg/l shall mean milligrams per liter. 1 mg/l equals 1 ppm.

NPC shall mean National Plumbing Code.

ppm shall mean parts per million. 1 ppm equals 1 mg/l.

V.S.A. shall mean the Vermont Statutes Annotated.

ARTICLE 4

Public Sewers Use Requirement

SECTION 4.01 – UNLAWFUL DISCHARGE OF OBJECTIONABLE WASTE

It shall be unlawful for any person to place, deposit or permit to be placed or deposited upon public or private property within the TOWN or in any area under the jurisdiction of said BOARD, any human excrement or other objectionable waste.

It shall be unlawful to discharge to any natural outlet within the TOWN, or in any area under the jurisdiction of said BOARD, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ORDINANCE and the laws and regulations of the State of Vermont.

SECTION 4.02 – PROPERTIES REQUIRED TO CONNECT

The owner(s) of a house, building, apartment, or structure used for human occupancy, employment, recreation or other purpose that generates wastewater situated within the TOWN on a lot with fewer than twelve (12) acres, and abutting any street, road or right-of-way in which there is located a public sewer (excluding force mains) of the TOWN, is hereby required (at his/her expense) to connect all wastewater generating facilities (including, but not limited to, sinks, showers, tubs, toilets, dishwashers and washing machines) directly with the public sewer (main sewer or house connection) in accordance with the provisions of this ORDINANCE, within ninety (90) days of the date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the building(s) requiring service. Continued use of an existing private sewage system servicing a building located within two hundred (200) feet of an existing public sewer system or a voter-approved public sewer extension, is not permitted unless the existing private system meets all current design standards of the State of Vermont, Environmental Protection Rules, Chapter 1, Current Edition. Exemptions from the requirement to connect shall be temporary and shall expire five (5) years from the date that the public sewer system is operable and under TOWN ownership, or when the exempt property changes ownership, whichever comes first. Installation of a private sewage system servicing a building located within two hundred (200) feet of an existing public sewer system or a voter-approved public sewer extension is prohibited.

SECTION 4.03 – REQUIREMENT FOR ABANDONED PRIVATE SEWAGE SYSTEMS

With the availability of public sewage facilities, the BOARD may order owners of abandoned private sewage systems to thoroughly and properly clean the abandoned system(s), as well as disinfect, and fill in or remove according to good sanitation practices and State statute. These activities shall be done under the inspection and direction of the BOARD or its designee(s).

ARTICLE 5

Capacity Allocation and Connection

SECTION 5.01 – OWNERSHIP OF CAPACITY

The Town of West Windsor owns and operates a sewage collection and transmission system (Sanitary Sewer) as defined in 24 V.S.A Section 3501(6) and 3601. The BOARD is obligated by law to operate and maintain the Sanitary Sewers as governmental functions under and pursuant to 24 V.S.A, Chapters 97 and 101. The Town of West Windsor municipal sewer system discharges into the Town of Windsor municipal sewer system. The Town of West Windsor and the Town of Windsor have an Inter-Municipal Agreement. Under the Inter-Municipal Agreement, the Town of Windsor has allocated a certain amount of sewage flow to the Town of West Windsor. The TOWN maintains a running summary of equivalent users, connected flows, infiltration allotment (inflow), total system capacity, committed reserve capacity and uncommitted reserve capacity. The capacity of the system is the property of the Town of West Windsor. The uncommitted reserve capacity of the Sanitary Sewers shall be allocated by the Board in the manner described below. This Ordinance is adopted pursuant to the provisions of 24 V.S.A., Chapter 101, Section 3625, in the manner provided in 24 V.S.A., Chapter 59 (or in the manner provided for in 24 V.S.A., Chapter 117), and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the BOARD to regulate, control and supervise all means and methods of sewage collection within the TOWN, nor shall it be construed to impair or inhibit the ability of the TOWN to contract with persons for the collection and transmission of sewage.

SECTION 5.02 – SEWER EXPANSION PAID BY DEVELOPER

Any extension of the sewers to provide for new users shall be funded in the following way:

The engineering, design, construction and development costs of public sewage system expansions and extensions which have been approved by the BOARD, after consultation with the Sewer Advisory Committee, shall be borne by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansions, unless the voters of the TOWN vote at a duly warned annual or special meeting to assume all or a portion of the costs. Such costs will be paid from the collection of taxes unless the voters of the TOWN approved some other means of raising the required monies.

SECTION 5.03 – RESERVE CAPACITY ALLOCATION

A. Allocation Flow Basis

Approvals of allocated flows shall be based on the applicant's wastewater "Design Flow" not actual flows. The "Design Flow" is defined in the State of Vermont, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules. Any differential between actual flows and the design wastewater flow basis that occurs is not available to the applicant for re-allotment to another project or a project expansion.

B. Allocation Principles

Sewer allocations are intended to provide an orderly process by which the available capacity of the SEWERS can be allocated to potential users of the system in an equitable manner. All allocations are subject to regulations of the Vermont Department of Environmental Conservation. The BOARD, after consultation with the Sewer Advisory Committee, shall adopt "Allocation Priorities." Subsequent to consideration under the most recently adopted version of the "Allocation Priorities," uncommitted reserve capacity in the SEWERS may be allocated to specific projects according to the following procedure:

1. Once sewer capacity allocation applications have been received at the TOWN Office, the BOARD may review the applications on a first come, first serve basis. The total remaining uncommitted wastewater reserve capacity shall be allocated by the BOARD, in a manner consistent with the TOWN's "Allocation Priorities." The total uncommitted reserve capacity shall be reviewed by the BOARD every six (6) months and committed reserve shall be regularly recorded and updated for use in allocation decisions.
2. The BOARD retains the right to review applications and make allocations on other than a first come, first serve basis if they find such action is in the TOWN's best interest.

SECTION 5.04 – SEWER CAPACITY ALLOCATION PERMIT PROCESS

A. Owners (also referred to herein as "applicants") wishing to use the SEWERS shall apply to the BOARD on forms prescribed by the BOARD. Such applications shall:

1. Be accompanied by a calculation of the applicant's wastewater design flow basis to be generated by the project/development;
2. Include calculations for the volume, flow rate, strength, infiltration/inflow and any other characteristics determined appropriate by the BOARD;
3. Unless waived by the BOARD, all calculations required in (1) and (2) above are to be prepared by a State of Vermont Licensed Designer or Vermont registered Professional Engineer. The State of Vermont, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules provide the scope of authority for Professional Engineers and licensed designers who are not Professional Engineers.
4. Be accompanied by plans and specifications for the construction of building sewers (from the structure to the house connections/main sewers) and any municipal sewer extensions, including pump stations, required to service the development/proposed connection prepared by a State of Vermont Licensed Designer (within their scope of authority) or a Vermont registered Professional Engineer.
5. Include all application and reserve allocation fees as set forth in the TOWN's Schedule of Rates and Fees.

6. Incomplete applications, including applications without the required application and reserve allocation fees, will not be processed.

B. Preliminary Allocation Determination

1. Upon receipt of the Application for Preliminary Allocation Determination, supporting documentation and fee, the BOARD shall make a preliminary determination regarding allocation of uncommitted reserve capacity. Except as allowed under 5.03(B)(2), the BOARD shall issue a preliminary allocation upon making affirmative findings that there is sufficient reserve capacity, as of the date of the application.

2. A preliminary allocation determination for allocation capacity shall not constitute a binding commitment of capacity to the applicant and may be revoked by the BOARD before a final allocation of capacity is granted if uncommitted reserve capacity ceases to be available.

3. The preliminary allocation determination may be used by the applicant to show that the sewer system has the potential capacity for the proposed project to proceed through the design review process (local, State and Federal as required).

C. Final Capacity Allocation

1. An applicant who holds a preliminary allocation of capacity must apply for Final Capacity Allocation within one year of the preliminary allocation determination.

2. An Application for Final Capacity Allocation must be accompanied by the application fee and all supporting documentation required under Section 5.04.

3. The BOARD and/or its representatives will review the supporting documentation provided by the applicant compared to the Town Sewer Standards.

4. The BOARD will make a final determination of the applicant's supporting documentation to approve, approve with conditions, deny, request additional information, or request changes.

5. The BOARD may grant a Final Capacity Allocation if:

- a. the applicant has a preliminary allocation that has not been revoked;
- b. the BOARD has determined that the sewer system has sufficient capacity;
- c. the BOARD has determined that the design meets the Town Sewer Standards; and
- d. the applicant has obtained all required local, State and Federal permits for the development/project.

6. An approval of final allocation shall constitute a binding commitment of wastewater capacity to the permittee subject to the permittee's compliance imposed on such allocation and adherence to all local, State and Federal regulations.
7. Upon approval of final allocation, the permittee shall within thirty (30) days make payment of the Annual Sewer Allocation Fee. The Annual Sewer Allocation fee shall be stipulated in the duly adopted "Schedule of Rates and Fees".
8. Any final capacity allocation issued shall require annual renewal if the work described therein is not completed within a period of one (1) year from the date of issuance. Renewal applications must be submitted before the one (1) year permit expiration date, and will be approved by the BOARD provided that there is no change in either the proposed sewer construction or applicable TOWN, State or federal regulations governing the sewer system. The permittee shall make payment of the Annual Sewer Allocation Fee with the renewal application until such time that the project is connected to the sewer system. The permittee is allowed to renew the final capacity allocation without losing the allocated capacity for no more than three (3) years from the date of the initial final capacity allocation approval. If the permittee fails to complete construction of the sewer system within three (3) years from the date of the initial final capacity allocation approval, the allocation reverts back to the TOWN as available reserve capacity. The entity may reapply for final capacity allocation after the three (3) year period, but the entity will fall to the end of the line if there is a waiting list for reserve capacity based on a first come first serve basis.
9. The BOARD may revoke a final allocation if the permittee fails to reapply annually; the annual reserve capacity allocation fee is not paid; the project has been denied by local, State or Federal agencies; or after three (3) years if the permittee fails to complete construction per Section 5.07.

D. Connection Permit

1. An applicant who holds a final capacity allocation may apply for a Connection Permit.
2. The applicant shall submit the Connection Permit Application and fee to the BOARD at least forty-five (45) days prior to beginning construction of the sewer connection.
3. An inspector from the BOARD, a consultant working for the TOWN, or an inspector retained by the TOWN (with responsibility for the oversight of sewerage infrastructure to be installed) will be assigned to each project to ensure that all work is completed and materials are installed in compliance with all submittals, permits, and the Town Sewer Standards. The BOARD, or its representative, must approve any deviation from the approved plans or specifications before the change is incorporated into the work. All costs related to the construction inspection will be set by the BOARD and will be payable prior to the issuance of the permit.
4. The Contractor shall schedule inspection services with the TOWN a minimum of five (5) working days prior to construction. The TOWN cannot

guarantee an inspector for the project without this notice. Start-up and acceptance testing of the systems will require a three (3) working day notice. All testing shall be observed by the TOWN or its representatives.

5. The BOARD will notify the Contractor and Permittee of any non-conformances. All non-conformances shall be corrected at the Contractor's expense.

6. Within thirty (30) days of construction completion, the Owner/Contractor/Permittee must submit to the BOARD one set of as-built record drawings. The drawings shall show the actual in-place plan and profile of the public sewer as well as house service connections. Ties shall be provided for all manholes, house services, and clean-outs.

SECTION 5.05 – SEWER CAPACITY ALLOCATION PERMIT REQUIREMENTS

Upon receipt of an acceptable application and supportive documents, the BOARD may issue the permit approval of uncommitted reserve capacity/allocation upon making affirmative findings that:

- A. The proposed wastewater is of domestic, sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection; or
- B. The proposed wastewater is not of domestic sanitary origin and that sufficient evidence has been presented by the Owner to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the FACILITY and SEWERS and that the proposed wastewater shall not alone or in combination with other wastes cause a violation of the discharge permit, pass through the FACILITY without treatment, interfere or otherwise disrupt the proper quality and disposal of FACILITY sludge or be injurious in any other manner to the FACILITY or SEWERS and that there is sufficient uncommitted reserve capacity to accommodate the strength and volume of the proposed connection.
- C. The proposed use of wastewater capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the BOARD.
- D. All applicable local, State and Federal permits have been secured for the development/project;
- E. All local fees or taxes set by the BOARD have been paid in full to the TOWN. The BOARD shall establish the fees in the TOWN's Schedule of Rates and Fees. The due date for the applicable fees may be extended by the BOARD if the applicant files an extension request in writing to the BOARD and the BOARD approves the request. All fees owed, however, shall be paid by the owner/applicant at the time when the Sewer Connection Permit application is submitted to the TOWN.
- F. The Owner's "plans and specifications" for connection to and, if necessary, extension of the municipal SEWERS are acceptable to the BOARD, as presented by the Owner.

SECTION 5.06 – SEWER CAPACITY ALLOCATION PERMIT APPROVAL CONDITIONS

This permit is an agreement between the TOWN and the Owner. The Owner who is issued this permit does not own the capacity and forfeits all rights to capacity if the sewer capacity allocation permit conditions are not met. Those conditions are as follows:

- A. The permit shall specify the allowed volume, flow rate, strength frequency and any other characteristics of the proposed discharge determined appropriate by the BOARD.
- B. The committed reserve capacity allocation is not transferable to any other person or project unless a new application is submitted by the original applicant and approved by the BOARD.
- C. The construction of all connections and, if necessary, new sewer extensions, shall meet the TOWN requirement for TOWN oversight.
- D. Additional specific conditions may be required by the BOARD, if needed, to ensure that the project for which the allocation is requested can be safely connected to the existing sewer system in accordance with this ORDINANCE.

SECTION 5.07 – SEWER CAPACITY ALLOCATION PERMIT EXPIRATION, REVISION, OR EXTENSION

Sewer capacity allocation permits expire within one year of the date of issuance, and committed reserve capacity allocations revert to the TOWN within one year of permit issuance, unless the applicant completes construction or renews the permit according to the procedure outlined in Section 5.04 (C)(8).

A revised development plan and permit application may be approved by the BOARD in the same manner as the original. Such revised plans must also be approved under local bylaws and applicable State Laws and Regulations. If the BOARD approves a revised permit, it may issue the revised permit with reduced or increased capacity allocation determined in accordance with the allocation priorities and principles. Where reduced capacity is granted in a revised permit, the unused capacity shall revert to the TOWN. The BOARD shall determine the amount of unused capacity returned. With any approval of a revised permit the BOARD may consider extension of the original one year permit expiration date.

If a permit expires after one year, or after any extension of time provided by the BOARD, the unused portion of the committed capacity allocation at the time of expiration shall revert to the TOWN and **there shall be no refund** of allocation fees/deposits, permit fees or other fees paid.

Regardless of the permit expiration period above, the BOARD may extend the sewer capacity allocation permit's expiration date over a longer period if this action is in the TOWN's best interest.

SECTION 5.08 – ALLOCATION PERMITS REGARDING SUBDIVISIONS

For subdivision projects the permit holder of a proposed subdivided parcel must indicate the development planned for each lot. If all prerequisites defined for the sewer capacity allocation permit approval herein are met, permits shall be issued to the subdivision owner for each lot with a specific reserve capacity allocation associated with the proposed development. These permits shall expire three (3) years from the date of permit approval unless the developer has sold the lot for development or has completed construction in accordance with the approved development plan. The expiration at three (3) years from original issuance shall not be modified by any revisions to the subdivision or development plan subsequent to the preliminary approval. The BOARD shall notify the Vermont Agency of Natural Resources Wastewater Management Division of expired subdivision allocation permits.

The reserve capacity allotted to lots that are either unsold or do not have building construction completed at the time of permit expiration shall revert to the TOWN without refund of any fees paid. Reserve capacity shall also revert to the TOWN from any reductions made to the development wastewater flow planned for each lot subsequent to preliminary approval.

When the owner of a subdivision sells individual lots within the three (3) year time frame, the Sewer Capacity Allocation Permit shall transfer when the property transfers and the new owner becomes bound to comply with all permits issued and the plans and specifications for connecting to the municipal SEWERS. The transferred permit shall be considered a new Sewer Capacity Allocation Permit issued on the date of property transfer and shall expire three (3) years from the date of property transfer. The constraints of this ORDINANCE shall apply to the transferred permit.

SECTION 5.09 – TRANSFER OF ALLOCATION

Reserve capacity is initially allocated by the BOARD to a specific applicant, project, and parcel of land; however, the allocation does not automatically run with the land during project construction.

Except as indicated in Section 5.08, the capacity allocation belongs to the TOWN and is not transferable until the project/building/development is constructed and connected to the TOWN's main sewer line. The transfer of the capacity allocation is prohibited unless approved in writing by the BOARD at the original Owner's request.

The BOARD may approve transfer of capacity from one project to another and one Owner to another provided the new project and new Owner meet all the requirements for the Sewer Capacity Allocation Permit approval originally issued and the original Owner applies for such transfer.

SECTION 5.10 – CONNECTION PERMIT APPROVAL REQUIREMENTS

The Owner shall notify the TOWN at least forty-five (45) calendar days in advance of any proposed sewer connection construction.

The construction of the sewer wye connection and, if necessary, the municipal SEWER extension, must meet the TOWN requirement for TOWN oversight. The construction of the

house connection and tie-in to the municipal sewer shall not be performed unless the TOWN is present and shall not be covered until approved by the TOWN. Additional constraints may be found in this ORDINANCE, where applicable.

The TOWN shall have the authority to inspect activities pertaining to the construction of the house connection, building sewer and any other related facilities, such as grinder pumps, or pump stations, that may affect the Public Sewage System. Given the nature of the connection or extension project, the BOARD may contract engineering services for consultation and inspection services during construction, at the expense of the Owner.

Fees are set by the BOARD and have to be paid in full to the TOWN, prior to commencing construction.

The applicant shall file the Sewer Capacity Allocation Permit in the land records of the TOWN along with copies of all fees paid and reference to the location of the approved connection plans and specifications.

SECTION 5.11 – CHANGE OF USE

Any person proposing a change of use, whether or not this change affects the property's existing daily wastewater flow basis or character of pollutants, shall be required to complete the appropriate application process stated in this Article unless waived in part or in full by the BOARD. If the applicant is required to obtain the permit approval, the BOARD may decide to waive some or all of the fees if they determine that the change of use does not require additional allocation or treatment when compared to the property's existing wastewater strength and flow basis. For commercial, agricultural, or industrial uses, the BOARD may require laboratory analyses, technical data, treatability studies, engineering reports and any other pertinent wastewater flow information prepared by a registered Professional Engineer or a certified laboratory, as applicable, at the applicant's expense. No such change or connection shall be made without the necessary permits or written approval from the BOARD.

SECTION 5.12 – AUTHORITY OF TOWN TO REQUIRE CONNECTION

Nothing herein shall be construed as limiting or impairing the authority of the TOWN or its BOARD to require connections to the SEWERS under the general laws of the state or local ordinances.

ARTICLE 6

Building Sewers and Connections

SECTION 6.01 – UNAUTHORIZED CONNECTION TO PUBLIC SEWERS

No unauthorized person shall cover or uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written sewer capacity allocation permit from the BOARD, as discussed in Article 5 of this ORDINANCE. The permit applications shall be supplemented by plans and specifications or other information considered pertinent by the BOARD. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the TOWN and obtain the necessary permit approvals as stated in Article 5 at least forty-five (45) days prior to the proposed change or connection. No such change or connection shall be made without the written permits from the TOWN.

SECTION 6.02 – CONSTRUCTION EXPENSE BORNE BY OWNER

All costs and expenses directly related to the installation and connection to a public sewer/house connection shall be borne by the Owner. The Owner shall indemnify the TOWN from any loss or damage that may be caused directly or indirectly by the installation and connection to the public sewer system. The Owner shall hire its own contractor.

SECTION 6.03 – MULTIPLE SEWER SERVICES ON ONE SERVICE CONNECTION

A separate and independent sewer connection shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one sewer connection under common ownership. Use of private sewage facilities which accept and convey flow from more than one building may not be used except when found, on examination and test by the BOARD, to be in satisfactory condition and meeting all requirements of this ORDINANCE. The burden of proof and all expenses incurred by the BOARD to determine the condition and adequacy of the private sewer shall be borne by the Owner of said private sewer.

SECTION 6.04 – CONSTRUCTION STANDARDS TO BE FOLLOWED

The size, slope, alignment, materials of construction of a building sewer, the connection of the building sewer to the public sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the TOWN's Sewer Standards, State of Vermont Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, the National Plumbing Code (NPC), the procedures set forth in appropriate specifications of the A.S.T.M. and other applicable rules and regulations of the TOWN and the State of Vermont. Any deviation from the prescribed procedures and materials must be approved by the TOWN before installation.

SECTION 6.05 – CONSTRUCTION INSPECTION BY TOWN

The TOWN shall be notified at least forty-five (45) calendar days in advance of any proposed sewer connection for an inspection. The construction of the house connection and tie-in to the municipal sewer shall not be performed unless an inspector from the BOARD, a consultant working for the TOWN, or an inspector retained by the TOWN is present and shall not be covered until approved by the TOWN or its representative. Additional constraints may be found in this ORDINANCE, where applicable.

The Owner is committed by sewer and any other permits to construct the project/building/development to meet all specifications for which allocation/capacity was issued. The TOWN may inspect existing buildings and construction sites from time to time during each sewer construction phase to assure permit specifications are being met. A final inspection by the TOWN shall be made prior to the connection from the building to the main sewer line.

SECTION 6.06 – MAINTENANCE OF PRIVATE SEWAGE FACILITIES

A. Maintenance of all private sewage facilities shall be the responsibility of the Owner, at his or her expense. These facilities include, but are not limited to:

1. House plumbing systems;
2. Building sewers to the main sewer;
3. House connections; and
4. Sewers and appurtenances.

B. The Owner shall be solely responsible for continually maintaining such facilities in satisfactory operating condition. Maintenance shall include, but not be limited to:

1. Maintaining flow;
2. Clearing obstructions;
3. Maintaining all joints gas and water-tight;
4. Repair or replace collapsed, deteriorated or defective materials;
5. All other work which is necessary and essential to maintaining proper operation and preserving the structural integrity and water-tightness of the system.

SECTION 6.07 – UNAUTHORIZED DISCONNECTION FROM PUBLIC SEWERS

Once a building/structure has been connected to the public sewer, no person shall disconnect such building sewer from the public sewer without the written approval of the BOARD. Disconnections shall not be authorized except under extraordinary circumstances, which may include the complete demolition, intentional or unintentional, of the structure. Authorized disconnections shall be done under the supervision of the TOWN or its representative.

ARTICLE 7

Use of the Public Sewer

SECTION 7.01 – UNAUTHORIZED DISCHARGE OF UNCONTAMINATED WATERS

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff, groundwater, or uncontaminated cooling water to a building sewer which, in turn, is connected directly or indirectly to a public sanitary sewer. All such connections which exist shall be disconnected by the Owner, at his/her expense, by no later than the date of when this ORDINANCE takes effect, or within forty five (45) days upon receipt of notification by the BOARD, or its municipal designee.

Any person proposing a substantial change in the volume or character of domestic or industrial wastewater to be discharged into the system shall notify the BOARD at least forty-five (45) days prior to the proposed change.

SECTION 7.02 – UNAUTHORIZED DISCHARGE OF WASTES

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the TOWN that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the TOWN shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction in the sewers, nature of the sewage treatment process, capacity of the FACILITY, degree of treatability of wastes in the FACILITY and other pertinent factors. The substances prohibited are:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids (such as paint) or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the FACILITY, including but not limited to cyanides in excess of two (2) mg/L as CN in the waters as discharged to the public sewer.
- C. Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the public sewer or the FACILITY.
- D. Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, ground garbage, whole blood, hair, flashings, entrails and paper dishes, cups, milk containers or any other solid or viscous substance, whether whole or

ground by garbage grinders, capable of causing obstruction to the flow in sewers or other interference with the proper operation of the public sewage facilities.

- E. Any liquor or vapor having a temperature higher than 150°F (65°C).
- F. Any water or waste which may contain more than 100 parts per million (or 100 mg/L), by weight, of fat, oil, wax or grease, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32°F (0°C) and 150°F (65°C).
- G. Any garbage that has not been properly shredded. The installation and operation of a garbage grinder equipped with a motor of $\frac{3}{4}$ Hp or greater shall be subject to the review and approval of the BOARD prior to installation.
- H. Any chemicals or chemical compounds of the following nature or characteristics or having similarly objectionable characteristics: alcohols, arsenic and arsenicals, phenols or cresols, formaldehydes, iodine, manganese, cyanide, heavy metals and other metal finishing or facility wastes, acid pickling waste, mercury and mercurials, silver and silver compounds, sulfonamides, toxic dyes (organic or mineral), zinc, all strong oxidizing agents such as chromates, dichromates, permanganates, peroxide and the like, compounds producing hydrogen sulfide, or any other toxic, flammable or explosive gases, either upon acidification, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulfides, sulfites, and the like, radioactive materials or isotopes, whether neutralized or not, and carcinogenic substances and agents.
- I. Any water or wastes containing excessive settleable solids, iron, chromium, copper, zinc and similar objectionable or toxic substance or wastes exerting an excessive chlorine demand, exerting an unusual chemical oxygen demand, or containing any other material or constituent in concentrations which exceed limits which may be established by the BOARD.
- J. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the BOARD as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal or other public agencies having jurisdiction for such discharge to the receiving waters.
- K. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the TOWN in compliance with applicable State or Federal Regulations.
- L. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the FACILITY.
- M. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- N. Any waters or wastes if it appears likely, in the opinion of the BOARD, that such waste could harm the sewers or the FACILITY (process and/or equipment), could have an

adverse effect on the receiving waters, or could otherwise endanger human or animal life, limb, public property or constitute a nuisance.

- O. Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or proposed or are amenable to treatment only to such a degree that the FACILITY effluent cannot meet the requirements of its discharge permit or of other agencies having jurisdiction over discharge to the receiving waters.
- P. Materials which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, which may cause the effluent limitations of the discharge permit to be exceeded.
 - 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

SECTION 7.03 – POSSIBILITIES FOR AUTHORIZATION OF WASTE

The admission into the public sewers of any waters or wastes having (a) a five (5) day BOD greater than 300 mg/l or (b) containing more than 350 mg/l of suspended solids or (c) containing any quantity of substances having the characteristics described in SECTION 7.02 or (d) having an average daily flow greater than two percent (2%) of the average daily sewage flow received at the sewage treatment FACILITY shall be subject to the review and approval of the BOARD. The BOARD may:

- A. Reject the wastes, or
- B. Require pretreatment to an acceptable condition for discharge to the public sewers, or
- C. Require control over the quantities and rates of discharge, or
- D. Require a fine to be levied, a supplemental payment be made, or a sewer surcharge be added to the sewer bill, according to the severity of the problem or,
- E. Require any combination of the foregoing.

SECTION 7.04 – PRETREATMENT AND FLOW EQUALIZATION

If the BOARD permits the pretreatment or equalization of waste flows, the design, plans, specifications and any other pertinent information relating to proposed equipment and facilities shall be submitted for the approval of the BOARD and the Agency of Natural Resources and no construction of such facilities shall be commenced until said approvals are obtained in writing. Further, pretreatment facilities must be consistent with the requirements of any State pretreatment permit issued to the industry.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his/her expense.

SECTION 7.05 – GREASE, OIL, HAIR, AND SAND INTERCEPTORS

Grease, oil, hair, and sand interceptors shall be provided when in the opinion of the BOARD, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the BOARD and shall be located as to be readily and easily accessible for cleaning and inspection. Interceptors shall be designed per the standards in the State of Vermont, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

Where installed, all grease, oil, hair, and sand interceptors shall be maintained by the Owner, at his/her expense, in continuously efficient operation at all times. Materials collected shall not be introduced into the public sewage system.

SECTION 7.06 – ACCESSIBILITY TO PRIVATE SEWAGE STRUCTURES

When required by the BOARD, the Owner of any property served by a building sewer carrying industrial wastes shall install a suitably controlled manhole in the building sewer, at his/her expense, to facilitate observation, sampling and measurement of the wastes. Such control manhole, when required, shall be constructed and maintained in a safe, accessible location, in accordance with plans approved by the BOARD.

SECTION 7.07 – INDUSTRIES TO MONITOR THEIR OWN DISCHARGE

All industries discharging into a public sewer shall perform such monitoring of their discharges as the TOWN may reasonably require, including installation, use and maintenance of control manholes, meters and monitoring equipment, and keeping records and reporting the results of such monitoring to the TOWN. Upon request, such records shall be made available, by the TOWN, to other agencies having jurisdiction over discharging to the receiving waters. Where

industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the State in accordance with such permit. Control manholes, meters, and other monitoring equipment shall be installed and maintained by the owner at the owner's expense and shall be safe and accessible at all times.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ORDINANCE shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater" published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to detect the existence of hazards to life, limb and property. (The particular analyses involved may determine whether a twenty-four (24) hour flow composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour proportioned composites of all outfalls whereas pH is determined from periodic grab samples.)

Any industry held in violation of the provisions of this ORDINANCE may have its disposal authorization terminated and may be fined by the BOARD, as permitted by law.

Nothing herein shall be construed as preventing any special agreement or arrangement between the TOWN and any industrial concern whereby an industrial waste may be accepted by the TOWN for treatment, provided that such an agreement does not contravene applicable State and federal laws or regulations.

ARTICLE 8

Sewer Charges

SECTION 8.01 – SEWER FUND

There is hereby established a Sewer Fund which shall be used to collect, hold, invest, and disperse monies for payment of the just debts of the Sewer System. The Sewer Fund is an enterprise fund operating on a modified accrual basis. The fiscal year for the Sewer Fund runs from July 1st of each year to June 30th of the following year.

All monies collected, held, and dispersed on behalf of the Sewer System shall be identified with the Sewer Fund and will not be identified with any other fund, including the Town's General Fund. Nothing herein shall prohibit the deposit of monies into a single account with monies from other Town Funds, including the General Fund, for administrative or investment purposes.

An annual Sewer Fund audit report shall be prepared at the same time and in the same manner as the Town Audit Report. The annual report shall be made available to the Sewer Advisory Committee and the BOARD. The annual report shall also be made available to the users of the system and the public at large after its receipt and approval by the BOARD.

SECTION 8.02 – SEWER USE RATE

The Sewer Use Rate shall be determined by the BOARD, after consultation with the SEWER ADVISORY COMMITTEE, and is hereby imposed upon every person whose premises are connected to the Sewer for the costs of operating and maintaining said SEWER system. The BOARD, after consultation with the SEWER ADVISORY COMMITTEE, shall establish (a) Sewer Use Rate(s) that will allow the Town to receive sufficient revenues to pay all expenses associated with debt retirement, Town of Windsor use fees, operation and maintenance costs, capital reserve funds, and all other related expenses in operating and maintaining of the public system. The BOARD may establish separate annual charges for all or portions of bond payments.

The annual charges stipulated above shall be based upon rate structure(s) decided by the BOARD as provided for in 24 V.S.A., Chapter 101. The annual charges shall be stipulated in the duly adopted "Schedule of Rates and Fees".

SECTION 8.03 – CHARGING CONNECTED VACANT PROPERTIES

The sewer charges established in SECTION 8.02 and defined hereinafter may be charged whether or not the property is occupied, when the property is connected to the public sewage system by the necessary building sewer as required under the terms of this ORDINANCE. Properties required to connect but not connected shall also be considered as connected vacant properties and therefore, subject to the Sewer Use Charge. The rate structure shall incorporate the requirements of 24 V.S.A., Chapter 101, Sections 3612, 3615, 3616, and other statutes as appropriate and applicable.

SECTION 8.04 - CAPITAL COSTS

The design, construction and development costs of all public sewage system expansions and extensions which have been approved by the BOARD after consultation with the Sewer Advisory Committee shall be paid for by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansions unless:

1. The voters of the TOWN approve the project cost at a duly warned annual or special meeting; and/or
2. The BOARD, after consultation with the Sewer Advisory Committee, agrees that funding all, or part of, the extension with existing wastewater operating budget or system fees is advantageous to the system as a whole and is in the financial best interest of the TOWN and users.

SECTION 8.05 – COLLECTION OF DELINQUENT SEWER CHARGES

Collection of the delinquent sewer charges may be enforced by the TOWN pursuant to 24 V.S.A., Chapter 129, and 24 V.S.A., Chapter 101, Sections 3612 and 3615. In the event any sewer charge is not paid within thirty (30) days from the billing date, an interest charge shall be added to the sewer charge. The amount of the interest charge on the overdue accounts shall be the same as those applied to delinquent taxes as set forth in 32 V.S.A., Chapter 17, Section 1674, and Chapter 133, Section 5136. The TOWN has the authority to place a lien on the real estate or may refer the property for tax sale if delinquent sewer charges remain unpaid. Refer to the following SECTION of this ORDINANCE for further information on liens and tax sales.

SECTION 8.06 – TAX SALES AND LIENS ON REAL PROPERTY

Upon delinquency of payment of a valid bill for service provided to the Owner of the real estate or other charge for sewer service properly charged to the Owner of the real estate, the BOARD may file notice of a lien or notice of a tax sale upon the real estate with respect to which the sewer service was rendered, provided in 24 V.S.A., Chapter 89, Section 3306. Such notices shall be in the standard form furnished by the TOWN and recorded with the Clerk of the TOWN. A copy of the notice shall be mailed to the Owner and all lien holders or mortgagees of the property. Before filing the lien, or referring the property for tax sale, the BOARD shall give the Owner of said property an opportunity to be heard.

If the Owner fails to enter into any agreement for payment of a delinquent bill, or if the Owner fails to abide by the terms of said agreement, the BOARD has the authority to place the real estate up for tax sale, in accordance with 32 V.S.A., Chapter 133, Section 5252, regardless of the total dollar amount of the delinquency and the period of time for which the Owner has been delinquent, as the BOARD deems necessary.

If the Owner fails to comply with the TOWN's delinquent billing policy, the BOARD shall refer said property for tax sale.

The TOWN also has the authority to foreclose on liens in the same manner as provided by law for the foreclosure of mortgages on real estate, 24 V.S.A., Chapter 101, Section 3612 and 32 V.S.A., Chapter 133, Section 5061.

Upon full payment of all delinquent bills and other charges, the BOARD shall notify the Clerk of the TOWN in which the lien was filed that the lien has been discharged.

ARTICLE 9

Sewer Fund Management

SECTION 9.01 – CAPITAL RESERVE FUND

The following provides for and restricts the use of set-aside (capital reserve) funds to finance future major maintenance/replacement costs.

SECTION 9.02 – CAPITAL RESERVE FUND ESTABLISHMENT

A separate capital reserve fund may be utilized for major maintenance and/or replacement expenditures. Capital reserve fund establishment for maintenance, and/or replacement expenditures shall be based upon at least the following in writing: major maintenance/replacement identification, estimated expenditures, estimated year of expenditure, payment amount, type of account used to accumulate capital reserve fund assets, source of funding and when payments are to stop. All capital reserve funds shall be established and maintained in accordance with 24 V.S.A., Chapter 101, §3616.

SECTION 9.03 – CAPITAL RESERVE FUND MANAGEMENT

The Board reserves the right to increase or decrease regular deposits to a capital reserve fund to a minimum of 5% and a maximum of 15% of the normal total budgeted expenses for maintenance/replacement in that year. The BOARD has the authority to withdraw capital reserve fund amounts only for the purpose of paying for major maintenance and/or replacement expenditures. When capital reserve fund assets are not disbursed fully for major maintenance and/or replacement expenditures, excess money shall remain in the capital reserve fund for future major maintenance, and/or replacement expenditures.

SECTION 9.04 – CAPITAL RESERVE FUND ASSETS

At the discretion of the BOARD, after consultation with the SEWER ADVISORY COMMITTEE, the capital reserve fund may be used to finance major maintenance/replacement expenditures, but under no circumstances shall the capital reserve fund be used to finance SEWER expansion/upgrade expenses.

SECTION 9.05 – OTHER EXPANSION FUNDS

Revenues established for collection system expansion dedicated funds may be generated from system fees paid by prospective users to defray and pay for maintenance/replacement/expansion costs.

ARTICLE 10

Applications/Permits/Fees

SECTION 10.01 – APPLICATION/PERMITS/FEES

Applications for permits shall be made on forms established and provided by the BOARD as discussed in Article 5 of this ORDINANCE.

Any false or misleading statement in any application for a permit shall invalidate the permit and shall be deemed a violation of this ORDINANCE.

All fees stipulated, or referred to, in the ORDINANCE shall be determined by the BOARD and identified in the TOWN's "Schedule of Rates and Fees". The BOARD may update the schedule as they deem necessary.

Any application processing fees paid as required in this Article shall not be construed as payments towards reserve capacity.

SECTION 10.02 – AUTHORITY TO SUSPEND OR REVOKE PERMITS

- A. Any permit issued by the BOARD may be suspended or revoked at any time by the BOARD, or its municipal designee, or a BOARD member for:
1. Violation of any of the conditions of this ORDINANCE.
 2. Violation of the specific terms and conditions of the permit.
 3. Refusal to permit inspection by the BOARD or its duly authorized representatives.
- B. The BOARD, its municipal designee, or a BOARD member, may verbally suspend or revoke a permit for just cause at any time whereupon the suspension or revocation shall take effect immediately. Such action shall be confirmed in writing by the BOARD within seven (7) days. When possible, the BOARD or its municipal designee may provide a written notice to desist or make correction of any practice or operation which violates or contravenes the provisions or purpose of this ORDINANCE or the permit and shall allow sufficient time for the correction of the violation.

SECTION 10.03 – PERMITS TO BE KEPT ON PROJECT PREMISES

All permits shall be kept on the project premises and shall be made available to the BOARD or their duly authorized representatives at any time. Failure to keep permits available shall be presumptive evidence that the work or operation being conducted is without a permit and is a violation of this ORDINANCE.

SECTION 10.04 – FUNDING FOR SEWERS CONNECTION

The TOWN is not financially obligated to expand, extend, or connect the main sewers within and/or outside the original sewer service area.

The BOARD has the following option(s) for other cost recovery/funding methods, if in the “best interest” of the TOWN:

- A. The BOARD may, at its discretion, place a question for ballot vote to be approved or disapproved by a majority of the voters present and voting at a special meeting warned for that purpose.
- B. At the BOARD’s discretion, after consultation with the Sewer Advisory Committee, the project may be funded within the existing sewer operating budget, if the project is deemed by the BOARD to be in the best interest of the TOWN and the users.
- C. Any combination of options in this SECTION.

ARTICLE 11

Protection From Damage

SECTION 11.01 – PROTECTION FROM DAMAGE

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the public sewage collection system. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in 13 V.S.A., Chapter 81, Section 3701, and prosecution in accordance with the Laws of Vermont. Said violator shall also be liable for enforcement action as otherwise authorized by this ORDINANCE.

SECTION 11.02 – PROHIBITION OF BUILDINGS, STRUCTURES, OR TREES OVER SEWER SYSTEM COMPONENTS AND PERMANENT EASEMENTS

To allow for the proper maintenance of the sewer system, no person shall erect, place, install or permit to be erected, placed or installed any permanent structures or tree(s) on land that contains sewer system components or is subject to a permanent sewer easement or right-of-way.

ARTICLE 12

Powers and Authority of Inspectors

SECTION 12.01 – POWERS AND AUTHORITY OF INSPECTORS

The TOWN and their duly authorized representatives, bearing proper credentials and identification, shall be permitted to enter all properties through which the TOWN holds a duly negotiated easement for the purposes of inspection, repair, maintenance, observation, measurement, sampling and testing in accordance with the provisions of this ORDINANCE. All entry and subsequent work, within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. The Town shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

SECTION 12.02 – PROTECTION OF OWNER

While performing the necessary work on private properties referred to in SECTION 12.01 above, the TOWN and its duly authorized representatives shall observe safety rules applicable to the premises established by the Owner, and the Owner shall be held harmless against liability claims and demands for personal injury or property damage asserted against the Owner and growing out of the gauging and sampling operation, except such injury or damage as may be caused by negligence or failure of the Owner to maintain safe conditions.

SECTION 12.03 – FAILURE TO PERMIT ACCESS

Any person who impedes, interferes with, or otherwise fails to give permission to enter upon that person's private property, through which the TOWN holds a duly negotiated sewer easement, for purposes related to the operation, maintenance, repair, inspection, measurement, or sampling of the wastewater system is liable for any damages that may result, including disconnection from the wastewater system as permitted by law.

ARTICLE 13

Prohibitions and Penalties for Violation of Rules

SECTION 13.01 – PROHIBITIONS

- A. No person shall deny access to any easement area by any inspector of the TOWN or any person authorized by the TOWN to conduct an inspection with due cause and reasonable notice or perform such other duties as set forth in this ORDINANCE.
- B. No person shall violate any emergency rule adopted by the BOARD as provided in Article 1 of this ORDINANCE.
- C. No person may make, and no customer shall suffer or permit any person to make, any connection to the TOWN's sewer system, unless such connection is authorized by the BOARD.
- D. No person shall make any material misstatements of fact in any application for sewer service.
- E. No person shall complete construction of any service connection with the TOWN's sewer system in any manner other than that set forth in any plans and specifications submitted to and approved by the BOARD. No person shall fail to disclose any deviations or variations from such plans to the BOARD at the first date such variations or deviations become known to such person.
- F. No person shall violate and no customer shall suffer or permit any person to violate at the customer's service location, any provision of this ORDINANCE, or shall violate any order, direction, or emergency rule adopted by the BOARD.

SECTION 13.02 – PENALTIES FOR VIOLATION OF THIS ORDINANCE

- A. This is a civil ORDINANCE. Enforcement procedures for this civil ORDINANCE shall be in accordance with the provisions of 24 V.S.A., Chapter 59, Sections 1974a and 1977 et seq.
- B. Any person violating any of the provisions of this ORDINANCE shall be liable to the TOWN for any expenses, loss or damage caused by such offense and shall be served by the BOARD with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease the violation.
- C. Any violation of this ORDINANCE shall be a civil matter enforceable to the extent as referenced in Paragraph A of this SECTION. A civil penalty shall be assessed for each offense. The amount of the civil penalty shall be determined by the hearing officer, not to exceed five hundred dollars (\$500.00) per offense. Each day the violation continues shall constitute a separate offense. The offender can choose to pay the waiver fee on the complaint or request a hearing to contest the violation with the Judicial Bureau. The

waiver fee shall be determined by the hearing officer and shall be less than the civil penalty.

- D. Notwithstanding any of the foregoing provisions, the TOWN may institute any appropriate action including injunction, or other proceeding to prevent, restrain or abate violations hereof, and any other legal and equitable relief to seek compensatory damages and compensation for other fees and expenses as provided in this ORDINANCE.

ARTICLE 14

Validity

SECTION 14.01 – VALIDITY

All other local rules and regulations in conflict with this ORDINANCE are hereby repealed.

Each SECTION or part of a SECTION in this ORDINANCE is hereby declared to be a separate and distinct enactment. If any SECTION or portion thereof in this ORDINANCE, as adopted, is found to be void, invalid, unconstitutional, inoperative or ineffective for any cause, it shall not affect the validity of any other SECTION or part thereof which can be given effect without such invalid part or parts.

These rules may be amended at any time by the TOWN as provided by law.

ARTICLE 15

ORDINANCE in Force

SECTION 15.01 – ORDINANCE IN FORCE

This ORDINANCE shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Duly adopted, enacted and ordained by the Selectboard of the Town of West Windsor, Windsor County, State of Vermont, on the 3rd day of February, 2014, at a duly called and duly held meeting of said BOARD. This ORDINANCE shall become effective sixty (60) days from the date hereof unless a petition signed by at least five percent of the voters of West Windsor is filed with the municipal clerk within 44 days following the date of adoption asking for a vote to disapprove the ordinance. If a petition is received, the West Windsor Selectboard will warn a special meeting and the voters may vote on that question.

SELECTBOARD
TOWN OF WEST WINDSOR

[Signature]
Thomas O'Keefe
[Signature]

I, the undersigned duly elected Town Clerk for the Town of West Windsor, do acknowledge by my signature that this document is the Rules and Regulations as adopted by the Selectboard on February 3rd, 2014.

Dated this 3rd day of February, 2014.

[Signature]
Town Clerk's Signature

Cathy R. Archibald
Town Clerk's Printed Name