

# VILLAGE OF MORRISVILLE / TOWN OF MORRISTOWN

## WASTEWATER ORDINANCE

### FOR THE SEWER SERVICE MARKET AREA

#### Regulating the use of Morrisville's Municipal Sewer System

This ORDINANCE establishes the policies, rules and regulations necessary to govern and operate the municipal sewer system serving the Sewer Service Market Area in the Village and Town. This ORDINANCE supersedes all previous rules, regulations and ordinances and applies to all users regardless of the municipality in which they are located. A copy of this ORDINANCE is available at the Town Clerk's Office. Questions about this ORDINANCE should be directed to the Manager of Morrisville Water & Light.

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**Article 1 General Provisions**

An ordinance regulating the use of public and private wastewater collection and treatment systems, private sewage disposal, allocation of wastewater treatment capacity, the installation and connection of building sewers, and the discharge of waters and wastes into the public wastewater collection and treatment system(s): and providing penalties for violations thereof: in the Sewer Service Market Area in the Town of Morristown and the Village of Morrisville, Vermont.

## **Article 2 Definitions**

For the purposes of this ordinance, the terms wastewater, sewer and sewage shall mean and be interpreted as the same throughout.

Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as follows, listed alphabetically:

**ASTM** shall mean American Society for Testing and Materials.

**Alternative Onsite System** shall mean an onsite wastewater disposal system other than a conventional septic tank and leach field. Alternative systems are used to accommodate a variety of site conditions (e.g. high ground water, low-permeability soil) and/or to provide additional treatment. Examples of alternative systems include, but are not limited to: alternative collection sewers, sand mounds, sand filters, anaerobic filters, disinfection systems, large flow septic tank systems, low-pressure pipe systems, recirculation sand filters, septic tank leaching chamber systems, small diameter gravity sewers, alternative filter media and cluster systems, among others as the technologies evolve. Note: many, if not all of these systems need State approval or certification prior to being used within the Town or Village.

**Application Fee** shall mean a fee assessed to reflect the Village's cost to review, approve and reserve applications to reserve uncommitted reserve hydraulic capacity.

**Authorized Representative** shall mean any duly authorized agent or designee of the Village.

**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 degrees Celsius expressed in milligrams per liter.

**Building Drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**Building Sewer** shall mean the extension from the building drain to the public sewer or other place of disposal, including any portion thereof, within public rights-of-way or easements, meaning in general the sewer line from the building to a collector or trunk sewer main.

**Capacity Allocation** shall mean a decision of Reserve Capacity set forth by the Trustees to commit a specified amount of sewage wastewater treatment capacity (measured in gallons per day or gpd) to a specific Wastewater Service Area or Areas or a specific project.

**Combined Sewer** shall mean a sewer receiving both surface runoff and sewage.

**Commercial** shall mean a wastewater generation consistent with non-manufacturing business activities.

**Commercial Building** shall mean any building or structure constructed for the preliminary purpose of housing commercial, industrial, business, multi-family or mixed uses that does not serve the function of a single family dwelling, excluding home occupations as defined in the Town of Morristown Zoning Regulations.

**Development** shall mean the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial activity.

**Development Wastewater Flow** shall mean the estimated flow resulting from full use of the development at its peak capacity, which flow shall be calculated using flow quantities, adopted as rules by the State of Vermont, as promulgated at the time a connection permit application is made.

**Excessive Strength Surcharge** shall mean a fee charged to certain discharges received at the wastewater treatment plant that are not domestic in nature and require special handling and treatment at the wastewater treatment facility.

**Failed System** shall mean any private wastewater treatment system, such as a traditional septic system, that no longer effectively treats or contains the wastes it is intended to process.

**Functioning System** or **Functioning Septic System** shall mean any private wastewater treatment system, such as a traditional septic system, that effectively treats and contains the wastes it is intended to process.

**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.

**Grease, oil and sand interceptor** shall mean a device used for the collection of grease, oil or sand to prevent their entrance to the wastewater collection system.

**Grease Trap** shall mean a device placed on appliances and discharges such as sinks, woks and any other drains that collect grease and oils.

**Incompatible Substance (pollutant)** shall mean any waste being discharged into the treatment works which interferes with, passes through without treatment, or is otherwise incompatible with said works or would have a substantial adverse effect on these works or on water quality. This includes all pollutants required to be regulated under the Federal Clean Water Act.

**Industrial** shall mean wastewater generation producing effluent characteristics significantly stronger than, or containing constituents not normally found in, residential wastewater.

**Industrial Wastes** shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**Infiltration** shall mean flow volume introduced into a wastewater collection system through leakage or other unintentional processes.

**Inflow** shall mean flow volume introduced into a wastewater collection system via unauthorized or unintentional connections to the system.

**Initiate Construction** shall mean the start of site work, to include the installation of sewer line with a connection to the Village system within six months.

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

**Owner** shall mean the person or people, or their authorized representative that possesses a property, or proposes a project that has been or will connect to the Village Wastewater Treatment System.

**Permitted Wastewater Flow** shall mean the maximum treatment facility wastewater flow authorized in the Discharge Permit on an annual average (365 day average) basis.

**Person** shall have the meaning prescribed in 1 V.S.A., Section 128.

**pH** shall mean the logarithm of the reciprocal of the mass of hydrogen ions in grams per liter of solution.

**Reserve Capacity** or **Reserve Hydraulic Capacity** shall mean the permitted wastewater flow minus the actual plant wastewater flow during the preceding 12 months (annual average flow).

**Properly Shredded Garbage** shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

**Public Sewer** shall mean a wastewater collection and treatment system in which all owners of abutting properties have equal rights, and is controlled by public authority.

**Residential** shall mean wastewater generation consistent with human household activities.

**RPE** shall mean an individual registered, in the appropriate discipline, as a Professional Engineer in the State of Vermont.

**Sanitary Sewer** shall mean a wastewater collection system which carries sewage and to which storm, surface and groundwater are not intentionally admitted, which operates by natural gravitational force.

**Secretary** shall mean the Secretary of the Agency of Natural Resources, State of Vermont or its successor, or his / her representative.

**Sewage or Wastewater Works** shall mean all facilities for collecting, pumping, treating and disposing of sewage.

**Sewer Service Market Area** shall mean the area shown on the attached plan, entitled "Sewer Service Market Area, Morristown and Morrisville, Vermont", as amended by resolution of the Morristown Selectboard and the Village Trustees.

**Shall** is mandatory and **may** is permissive.

**Single Family Dwelling** shall mean a residential structure designed and constructed to house one (1) or more persons living as a single housekeeping unit. A State licensed or registered residential care home or group home, serving not more than six (6) persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a single family dwelling.

**Slug** shall mean any discharge of water, wastewater, 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.

**Storm Drain** (sometimes termed **storm sewer**) shall mean a wastewater collection system which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**Substantial Change** shall mean a permanent increase in the water discharge volume or character from an existing connection:

- a. equivalent to one (1) gallon less than the flow quantities established in the current edition of the State of Vermont, Agency of Natural Resources Environmental Protection Rules, Standard Flow Quantities required for a single family dwelling, or greater than fifty (50%) percent of the historical use registered on the meter used for normal billing or a. above, whichever is less, or,

- b. The Conversion of an existing single-family home to a multiple residential or mixed use structure.
- c. Of pollutants that are being discharged into the system may increase the demand on the collection and/or treatment system as determined by the Village Designated Official.

**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.

**Traverse** shall mean to cross via an easement through, or to pass within a Town right-of-way along the edge of, the property in question.

**Uncommitted Reserve Hydraulic Capacity** shall mean that portion of the reserve capacity remaining after subtracting committed reserve capacity approved by the State of Vermont but not yet discharging to the sewage works.

**Wastewater** shall mean a combination of the water carrying waste from residences; business buildings; institutions and industrial establishments together with such ground, surface and storm water as may be present.

**Wastewater Collection System** shall mean a pipe or conduit, or network of such pipes or conduits for carrying wastewater.

**Wastewater Connection Fee** shall mean a fee imposed on applicants, which is based on Village's cost to fund upgrades, capital improvements and extensions to the WWTF and Collection System in order to maintain capacity for new connections. This shall include the cost of performing, supplying materials, supervising inspection and administering a connection to the sewage system including any necessary sewer service extension, upgrading sewers or for any portion of these activities.

**Wastewater Treatment Plant or WWTF** shall mean any arrangement of devices and structures used for treating sewage.

**Water Supply & Wastewater Disposal Permit** shall mean a permit issued by the State of Vermont to an individual property owner, pursuant to authority granted in 10 VSA, Chapter 47.

### **Article 3 Public Sewers Use Requirement**

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Sewer Service Market Area, or in any area under the jurisdiction of the Village or Town, any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the Village or the Town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, on-site septic system or other facility intended or used for the disposal of sewage.
4. The owners of all houses, buildings used for human occupancy, employment, recreation or business, situated within the Village or the Town and abutting on any street, alley, easement, or right-of-way in which a public wastewater collection line of the Village is located, are hereby required at his or her own expense to connect all plumbing facilities allowed by this ordinance, directly with the proper public wastewater collection line in accordance with the provisions of this ordinance provided such public sewer is within five hundred (500) feet of the nearest property line.
  - a. Notwithstanding Article 3.4 of this Ordinance, the owner of property that is served by a functioning on-site wastewater disposal system prior to public sewage being extended within 500 feet of the property shall not be required to connect to the public wastewater collection system until such time the on-site wastewater disposal system requires replacement or upgrade to provide adequate treatment of the sewage. The Town Health officer may make the determination of failure.
5. Responsibility for maintenance and repair of connections to public wastewater collection lines is the responsibility of the property owner. In the event that wastewater connection repairs or maintenance are required within the public right-of-way, the Village may perform the necessary repairs or maintenance. The responsible property owner shall reimburse all costs arising from such repairs or maintenance to the Village.
6. The use of the Public Sewer is required for all new houses, replacement structures, buildings, developments or other structures used for human occupancy, employment, industry, recreation or business, situated within the approved Sewer Service Market Area, approved for construction after the adoption of this ordinance. New connections shall be at the owner's expense.
  - a. New connections within the Sewer Service Market Area may be exempt from mandatory connections to the Public Sewer only if the proposed connection is not fronted by or adjacent to a municipal sewer collection main within 500 feet of the site.
  - b. The Trustees may waive this condition if sufficient reserve hydraulic wastewater treatment capacity is not available at the time that a site plan, sketch plan, or preliminary request is submitted to the Town to construct said structures.

7. At the discretion of the Trustees, private sewage systems which are abandoned because of the availability of public sanitary sewers may be required to be thoroughly and properly cleaned, disinfected, and filled in or removed according to good sanitation practice and under the inspection of the Trustees or their representative.
8. Where a public sewer is not available under the provisions of Article 3.4, the building sewer shall be connected to a private wastewater disposal system complying with all mandates of the State of Vermont, Agency of Natural Resources, including but not limited to, those regarding waste water treatment and disposal by individual on-site systems, and all other applicable Federal, State and local regulations. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
  - a. At such time as a property served by a private wastewater disposal system is approved for connection to the public sewer, a direct connection shall be made to the public wastewater collection system in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be pumped out, abandoned and filled with suitable material or removed.
  - b. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Village/Town.

*Note: No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the State of Vermont or the Town's Health Officer.*

#### **Article 4 Capacity Allocation and Connection**

1. The Village owns and operates a wastewater treatment and a wastewater collection and transmission system as defined in 24 V.S.A., Section 3501 (6) and 3601. Said plant has a permitted capacity, and is operated in accordance with a discharge permit issued by the Vermont Department of Environmental Conservation under the authority granted in 10 V.S.A., Chapter 47. The Village is obligated by law to comply with conditions of the permit, and to operate and manage the sewage works as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101.
2. The permitted capacity of the Plant and Sewers is the property of the Village. Trustees shall allocate the uncommitted reserve capacity of the Plant and the Sewers 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 Trustees to regulate, control, and supervise all means and methods of sewage collection, treatment and disposal within the Sewer Service Market Area nor shall it be construed to impair or inhibit the ability of the Village's Plant to contract with persons for the collection, transmission and treatment of sewage.
3. All capacity committed prior to adoption of this Ordinance shall accomplish connection in accordance with the conditions indicated at the time of issuance of the approvals.
4. Nothing herein shall be construed as limiting or impairing the authority of the Trustees to require connection to the public sewer under the general laws of the state.
5. The Village shall maintain a Report of Uncommitted Reserve Capacity, which shall be used in the administration of this ordinance.
6. **Allocation Flow Basis:** All allocation to projects shall be based on the development wastewater flow, as defined in Article 2. Any differential between actual flows and allocated development wastewater flows is not available to the development owner for re-allotment to another project or for project expansion.
7. **Allocation Priorities:** Allocation of uncommitted reserve capacity shall comply with the following priorities intended to govern the gross allocation of reserve capacity before the allocation principles are applied to specific projects. Priorities shall be:
  - a. Residential, commercial, institutional and industrial facilities existing within the Sewer Service Market Area existing on the date of adoption of this ordinance, (provided capacity exists) which are required to be connected to the municipal sewer by the municipal sewer use ordinance, or by virtue of existing pollution from the facilities to waters of the State, or existing health hazard shall be entitled to first priority in allocation of uncommitted reserve capacity.
  - b. New or substantially changed connections within the Sewer Service Market Area that are existing at the time of request for allocation.
  - c. Requests to connect to the municipal system outside the Sewer Service Market Area may be approved by the Trustees, provided there is uncommitted reserve capacity is available, and it is deemed it is in the best interests of the Village. Trustees will consider on a case-by-case basis.

8. **Service Area Map:** The approved Sewer Service Market Area can be found in Attachment 1 of this ordinance. Changes to this map may be made by resolution of the Trustees and placed in effect upon the approval of the Town and appropriate State agencies. The map will be reviewed on an annual basis by the Town and the Village and updated as agreed upon.
9. The Village will strive to review and approve the applications on a first come, first served (FCFS) basis. However, the Trustees retain the right to review applications and make allocations on other than a FCFS basis if they find such action is in the municipality's best interest.
10. Designated Village officials will normally review and may approve all applications. However, the Trustees or their delegate authorized by a resolution shall review and may approve allocations under the following circumstances:
  - a. the proposed allocation will reduce uncommitted reserve capacity to less than ten percent (10%) of the permitted wastewater flow; or
  - b. a request has been made to approve the application on other than the normal FCFS basis; or
  - c. under any other circumstances that the Trustees deems appropriate.
11. The reserve capacity shall be determined each six (6) months and committed reserve capacity will be continuously recorded for use in allocation decisions.
12. **Cost Recovery for Sewage Works Expansion:** Extensions of the sewers to provide for new users shall be funded in the following way: The Applicant shall pay the entire cost of the expansion and upgrading of the sewage works determined necessary and adequate by the Village, which may include costs borne by the Village for engineering and or staff time directly associated with the expansion. Any payments made as required by such extension shall not be construed as payments towards treatment capacity that may be provided for the development. Refer to Article 6 Public Sewer Expansion – New Construction for further information on sewer expansion costs.
13. **Application for Reserved Capacity:** Persons wishing to reserve Uncommitted Reserve Hydraulic Capacity shall apply to the Village on an application provided by the Village. Such application shall:
  - a. Include calculations for the project's wastewater volume, including infiltration, flow rate, strength and any other characteristics determined appropriate by the Village;
  - b. Unless waived by the Village, all calculations required in (a) above shall be certified by a RPE for proposed connections generating over 1,000 gallons per day and all proposed commercial, industrial and mixed uses.
  - c. Be accompanied by plans and specifications for the construction of building sewers (from the buildings to municipal sewers) and any municipal sewer extensions, including pump stations, required to service the development prepared by a RPE. This requirement to submit plans and specifications may be waived by the Trustees until final connection approval; and
  - d. Be accompanied by the Allocation Application Fee and the Reserve Allocation Fee.

**14. Allocation Approval:** Upon receipt of the allocation application and supportive documents, the Village may make approval of allocation and sewer use 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 applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the sewage works and that the proposed wastewater will not alone or in combination with other wastes cause a violation of the discharge permit, pass through the wastewater treatment plant without treatment, interfere or otherwise disrupt the proper quality and disposal of plant sludge or be injurious in any other manner to the sewage works and that there is sufficient uncommitted reserve capacity to accommodate the strength and volume of the proposed connection; or
- 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 Village.

**15. Conditions of Allocation Approval:** The Village, after making the approval findings above, may issue an allocation approval to the Applicant, which approval shall be a binding commitment of capacity to the project contingent on compliance with any conditions attached to the allocation approval. The allocation approval conditions may include:

- a. Preliminary Allocation Approvals existing at the time of this Ordinance shall remain in force in accordance with any conditions applied at the date of approval with the following exceptions:
  - i. Upon the effective date of this ordinance, allocations in force that are less than five (5) years from the date of the original allocation approval shall be automatically extended to five (5) years in length from the original date of approval.
  - ii. Prepaid Wastewater Connection Fees, collected in conjunction with previous versions of this Ordinance shall be reimbursed only if the application is withdrawn from the applicant. Any reimbursement shall be less the current Allocation Application Fee.
- b. The initial duration of time shall be five (5) years from the date of approval without subsequent approval by the Village. The Trustees may grant a renewal of the initial 5-year time frame or their representative designated by resolution. The renewal approval process will be on a case-by-case basis that will consider the reasons for the request, status of the project, the amount of reserve allocation available and any other pertinent information deemed appropriate. Any applicable fees in the "Schedule of Rates and Fees" shall apply.
- c. Incorporation of applicable permit requirements which must be fulfilled by the applicant to maintain validity of the approval;

- d. Provision for revocation by the action of the Village on failure of the applicant to fulfill requirements of the preliminary approval; and
- e. Specification that the recipient of the allocation approval may not transfer to any other lot or project, by any means, the allocation approval without express written approval of the Trustees

*Note: If the Applicant fails to receive all required approvals, or wishes to abandon the allocation approved for the project, unused allocation shall be returned to the Village without reimbursement of any application fees paid to the Village.*

**16. Committed reserve capacity allocated in conjunction with the allocation approval shall revert to the Village** if the Applicant has failed to initiate construction (as defined in Article 2) within five (5) years of the allocation approval date. Within this five (5) year period, the Village may approve a revised development plan and final allocation approval application in the same manner as the original. If the Village approves an amended application, it will issue a revised final allocation approval with reduced or increased committed reserve capacity allocation determined in accord with the allocation priorities and principles. Where reduced committed reserve capacity is granted in a revised approval, the uncommitted reserve capacity shall revert to the Village.

**17. Transfer of allocation:** The transfer of the capacity allocation is prohibited unless approved in writing by the Trustees at the original owners' request.

The Trustees may approve transfer of the capacity for a project to another owner provided the new project and new owner meet all the requirements for the final connection approval originally issued and the original owner and the new owner requests such transfer.

**18. Wastewater Connection Approval:** The applicant shall notify the Village in writing that all necessary permits and approvals have been received for the project, and shall have the approvals filed in the Town Land Records. The written notification shall include:

- a. Final volume, flow rate, strength frequency and any other characteristics of the proposed wastewater as determined appropriate by the Village.
- b. Certification that the construction of the connection and, if necessary, the municipal wastewater collection system extension, shall be overseen to assure compliance with approved plans, the Village's Public Works Specifications and good construction practice in a manner acceptable to the Village.
- c. One (1) complete set of the final approved plans for construction signed and stamped by the RPE responsible for the design.

**19. No final connection of sewer system expansions, which are intended to be irrevocably conveyed to the Village, shall be permitted until the Applicant or other record owner conveys to the Village, in a form satisfactory to the Village:**

- a. A perpetual right and easement to lay, repair, maintain and operate all sewage works over, under, and upon lands and premises which are not, or will not be, within a public right-of-way, or on public property; or
- b. A temporary right and easement to lay, repair, maintain, and operate all sewage works over, under, and upon such lands and premises prior to their acceptance by the Village as public property; and

- c. Title in fee to all sewage works, and all associated equipment and fixtures, which are or which will be within a public right-of-way or on public property.
  - d. New pump stations and/or collection system expansions may be considered for acceptance by the Village if it is constructed in accordance with Village specifications
  - e. The Village shall only operate sewer system expansions that have been conveyed to the Village by recorded deed and/or bill of sale.
  - f. The Village assumes no responsibility whatsoever for any sewage works or associated equipment and fixtures which are not within a public right-of-way or on public property, or which are not subject to one of the easements or agreements described above.
  - g. Prior to connection of each individual lot within a subdivision, a Wastewater Connection Permit shall be submitted by the applicant, and reviewed by the Villages Designated Official.
    - i. The permit shall include a site or sketch plan, which shall indicate the location of the proposed structure, the location of all proposed utilities, and the number of bedrooms or approved wastewater flow for the lot.
    - ii. The Designated official will calculate the Wastewater Connection and Meter fees.
    - iii. Upon review of the application and support documents by the Designated Official, and favorable findings thereof, and receipt of the fees as calculated., the Wastewater Connection Permit may be approved by the Designated Official.
  - h. As each lot is connected to the municipal sewer, the allocated capacity approved shall be decreased by an amount equal to that assigned said lot and/or building.
  - i. Upon issuance of the Wastewater Connection Permit, an account shall be established in the Wastewater Department billing system for said permitted connection. The permitted connection shall be subject to normal billing.
  - j. The designated Village official shall be notified in writing at least two (2) working days in advance of any proposed wastewater connection authorized by a Wastewater Connection Permit. The connection to the Village wastewater collection system shall not be performed until approved by the designated Village official. Additional constraints may be found elsewhere in this ordinance.
20. Existing Private Systems and Development Connections are permitted to connect to the municipal wastewater collection system with the following additional requirements or exceptions.
- a. Connection must be authorized by the property owners within said development in accordance with the rules and regulations established by the development.
  - b. One wastewater connection permit, including infiltration allocation, will be issued for the connection.
  - c. Connection Fees shall be assessed in one lump sum, including fees for infiltration allocation.

- d. Developments, which qualify for connection to the municipal system under this provision of the ordinance, may request a payment plan to pay the fees in quarterly installments. The terms of the payment plan shall be negotiated and agreed to in writing between the Village and the development, and the balance due shall remain a lien on all property within the development until paid in full.

## **Article 5 Building Sewer Connections**

1. No person shall uncover, make any connections or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining written permission from the Village or its authorized representative. Any person proposing a new discharge into the system shall apply for a wastewater allocation and a wastewater connection permit, in accordance with the application article of this Ordinance, at least thirty (30) days prior to the connection.
2. Any person proposing a substantial change, as defined in Article 2 of this Ordinance, in the volume or character of pollutants that are being discharged into the system shall apply for a connection review and wastewater allocation in accordance with the applicable sections of this Ordinance, at least thirty (30) calendar days prior to the proposed change or connection. Such proposed changes shall be reviewed in accordance with applicable sections of this Ordinance.
3. All costs and expenses incident to the installation, connection, maintenance and repair of the building sewer shall be borne by the owner. The owner shall indemnify the Village/Town from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance and repair of the building sewer.
4. A separate and independent building sewer connection shall be provided for every building. An exception may be granted 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, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. An exception shall require a written waiver from the Village Trustees or duly authorized agent.
5. Existing on-site septic systems may be used in connection with new building additions only when they are found, on examination and testing by a person certified by the State, to meet all requirements of this ordinance and a permit is obtained from the Town Zoning Administrator.
6. The size, slope, location, alignment, materials of construction of a building sewer , and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench, shall all conform to the requirements of the Public Works Specifications and other applicable rules and regulations of the Village/Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM, WPCF Manual of Practice No. 9, and EPR shall apply.
7. Whenever possible, the building wastewater discharge shall be installed by the owner so as to flow by gravity to the public collection line. In all buildings in which a building drain is too low to permit gravity flow to the public collection line, sanitary sewage collected by such building drain shall be lifted and discharged to the public wastewater collection system. Such lifting system shall be designed by a RPE and reviewed and approved by the Village prior to installation.
8. No person shall make connection of roof downspout, roof drain, exterior and interior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the Public Sewer.
9. The connection of the building sewer into the public sewer shall conform to the requirements of the Public Works Specifications or other applicable rules and regulations, and shall also conform to the rules and requirements of the Village/Town, or the procedures set forth in appropriate specifications of the ASTM, WPCF Manual of Practice

No. 9, and EPR shall apply, and such connections shall be made gas tight and water tight. Any deviation from the described procedures and materials must be approved by the Village/Town before installation.

10. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village/Town.
11. All excavations for building sewer installation shall be conducted in accordance with the Public Works Specifications and all governing State and Federal Regulations.
12. The applicant for the building sewer permit shall provide at least two (2) days advance written notice to the Village, excluding Saturday, Sunday and Village Holidays, when the building sewer is ready for inspection and connection to the public wastewater collection system. The connection shall be made under the supervision of an engineer or qualified inspector designated by the Village.
13. Any work not conforming to the provisions of Items 4 -10 above shall be removed and corrected at the expense of the property owner.

## **Article 6 Public Sewer Expansion– New Construction**

1. A Developer or property owners shall complete a permit application and submit it to the Village Trustees for approval at least 60 days prior to the start of any construction. The permit application shall include a proposed site and engineering plan with sufficient detail for the Village to evaluate the proposed project. Refer to the “Schedule of Rates and Fees” for the permit application fee.
2. The application will be reviewed by the Trustees or a designated employee to determine if the proposed expansion is consistent with the overall Sewer Service Market area expansion plan. The Trustees will either approve or reject the Village taking ownership of the proposed sewer expansion. Any sewer extension that will be owned by the Village must meet all the Village’s Public Work specifications. A written agreement detailing ownership, maintenance, construction requirements, cost responsibility, sewer allocation connection fees, easements and other pertinent information will be signed prior to final approval.
3. The engineering, design, construction and development costs of public sewage system expansions and extensions which are approved by the Trustees shall be borne by the developer or property owners requesting the extension with the following provisions:
  - a. The developer or property owners shall be eligible for a reimbursement of up to fifty percent (50%) of those documented costs of the extension that are approved by the Trustees based on connections to the line within ten years of the completion of the sewer extension. The Village shall reimburse the developer or property owners one-half of any sewer allocation connection fee collected for new connections to the line within the 10 year period up to a maximum of 50% of the cost or:
  - b. The Village may elect to contribute all or a portion of the cost of the sewer extension being constructed if it is determined by the Trustees it is in the best interest of the Village.

### **Article 6.1 Existing Dwelling or Building Connection Incentive for new sewer extensions:**

#### **Article 6.1.1 Residential**

1. For one (1) year from the completion of a new wastewater collection line, owners of existing residential buildings fronting or adjacent to the expanded gravity collection main (as defined Article 2) may commit to connect for no sewer allocation connection fee(s).
  - a. Meter Fees shall be charged at the current rate.
  - b. The owner is fully responsible for the cost to extend from their premises to a stub provided by the Village, at or near the property line of the owner.
  - c. Normal usage fees shall be assessed upon connection.
  - d. Terms of said commitment shall include connection within one (1) calendar year from the date the property owner is notified by the Village that the expanded collection system is available for use.
  - e. This commitment shall be in writing and shall be considered irrevocable and binding upon successive owners of the residential property in question
  - f. Additional permitting and fees may be required by state or federal agencies.

- g. Those properties, which do not connect to the expanded collection system within the one calendar (1) year after notification by the Village, shall be subject to the full sewer allocation connection fee at the time of connection.

This incentive is also available to existing residences that opt to connect to an existing sewer line within one (1) year of the adoption of this ordinance.

### **Article 6.1.1 Commercial/Industrial**

1. For one (1) year from the completion of a new wastewater collection line owners of existing commercial or industrial buildings fronting or adjacent to the expanded gravity collection main (as defined in Article 2) may commit to connect for no sewer allocation connection fee up to the equivalent of a single family dwelling connection fee and at one-half (1/2) the current fee for all allocation required above that level.
  - a. This fee is assessed for each connection to the wastewater collection system, and shall be as adopted by resolution of the Trustees.
  - b. Terms of said commitment shall include connection within one (1) calendar year from the date the property owner is notified by the Village that the expanded collection system is available for use.
  - c. Meter Fees shall be charged at the current rate.
  - d. The owner is fully responsible for the cost to extend from their premises to a stub provided by the Village, at or near the property line of the owner.
  - e. Normal usage fees shall be assessed upon connection.
  - f. This commitment shall be in writing and shall be considered irrevocable and binding upon successive owners of the commercial property in question.
  - g. Additional permitting and fees may be required by state or federal agencies.
  - h. Those properties choosing to connect to the expanded collection system, which do not connect within the one calendar (1) year after notification by the Village, shall be subject to the full sewer allocation connection fee at the time of connection.

For purposes of making the commitment provided in above, within thirty (30) days from the completion of the wastewater collection line, the Village shall send notice to the owners of all property within the expanded service area, of the date when such one year commitment opportunity began to run. Such notice shall be sent by ordinary mail, postage prepaid, to the last known address of each owner as provided to the Town's Assessor's Office for property tax purposes.

Those residential and non-residential customers in the expanded service area who do not commit to connect as described in Item 1 shall be required to pay the full connection fee(s) in force at the time they apply to connect.

In the case of connection to an existing service stub extending from a wastewater collection line, the property owner shall be responsible for all costs associated with the construction of the connection outside of the Town right-of-way. In the case of direct connection to a main wastewater collection line, the property owner shall be responsible for all costs associated with the construction of the connection, including those incurred within the Town right-of-way.

In the event a stub is not provided by the Village, the property owner shall be responsible to extend their service to the nearest collection main.

This incentive is also available to existing commercial/industrial customers that opt to connect to an existing sewer line within one (1) year of the adoption of this ordinance.

## **Article 7 - Use of the Public Sewage System**

1. No person shall discharge or cause to be discharged storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any part of the public sewage works.
2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated to receive storm waters or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged on approval of the Town, to a storm sewer or natural outlet.
3. No person shall discharge or cause to be discharged any of the following described wastes or waters to any public sewage works:
  - 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, or gases, in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in receiving waters of the sewage treatment plant.
  - c. Any waters or wastes having a pH lower than 5.0 or greater than 9.5 or having any other corrosive property capable of causing danger or hazard to structures, equipment and personnel of the sewage works.
  - d. Solids or viscous substances in quantities, or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, un-ground garbage, whole blood, paunch manure, hair, and fleshing, whole or ground by garbage grinder.
  - e. The concentration of any substance great enough to alter standard collection operations and/or wastewater treatment.
4. 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 Village 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 Village will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of sewage treatment plant, and prevailing State and Federal permits and regulations. The substances prohibited are:
  - a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).
  - b. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (between zero (0) and sixty-five (65) degrees Celsius).
  - c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horse power (550 watts) or greater shall be subject to the review and approval of the Village.

- d. Any waters or wastes containing a strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
  - e. Any waters or wastes containing substances listed in the Village's current solid waste permit; or wastes exerting an excessive treatment requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by State, Federal, or other public agencies of jurisdiction for such materials.
  - f. Any waters or wastes containing phenols or other waste or odor producing substances, in such concentration exceeding effluent standards which may be established to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
  - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.
  - h. Any waters or wastes having a pH in excess of 9.5.
  - i. Materials which exert or cause:
    - i. Unusual concentrations of inert suspended solids (such as, but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate).
    - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
    - iii. Unusual BOD, chemical oxygen demand, or treatment requirements in such quantities as to constitute a significant load on the sewage treatment works.
    - iv. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
    - v. Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
    - vi. A fire or explosion hazard in the Village's sewer works.
    - vii. A toxic pollutant in toxic amounts as defined in Standard under Section 307(a) of the Clean Water Act.
    - viii. In the case of a major contributing industry, as defined in Article 2, waste containing an incompatible pollutant, as further defined in Article 2, in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Sections 304, 306, and/or 307 of the Clean Water Act.
5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Article 3 of this ordinance, and which in the judgment of the Village may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:
- a. Reject the wastes;
  - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
  - c. Require control over the quantities and rates of discharge.

- d. The Village reserves the right to adjust wastewater connection and/or user fees for any person or entity expressing interest in connecting or discharging into the Village sewage works as a result of positive findings from Section 3.D.4.h of this Ordinance.
6. If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Village and subject to the requirements of all applicable codes, ordinances and laws. Further, such pretreatment installations must be consistent with the requirements of any State pretreatment permit issued to the industry.
7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be, operated and maintained continuously in satisfactory and effective operation by the owner at his/her expense.
8. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection.
9. Where grease, oil and sand interceptors are provided for any water or wastes, they shall be installed, operated and maintained continuously in satisfactory and effective operation by the owner at his/her expense.
  - a. The owner shall maintain for a period of three-year (3-years) records of all inspections, cleaning and maintenance of said interceptors. Said records shall be maintained on-site and be available for viewing by the Village upon twenty-four (24) hours notice.
10. When required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures and/or devices shall be safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Village may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Village. Such records shall be made available, upon request by the Village, to other agencies having jurisdiction over discharging to the receiving waters. When industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit. Records of any monitoring will be supplied by the Village to the Secretary on request.
11. All measurements, tests, and analyses of the characteristics of waters and wastes to which references is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for 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 reflect the effect of constituents upon the sewage works and to determine the existence of hazards to

life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all out falls 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 composites of all out falls whereas pHs are determined from periodic grab samples. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Village may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results to the Village. Such records shall be made available upon request by the Village to other Agencies having jurisdiction over discharges to the receiving waters.

12. No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, by the industrial concern provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any User Charge and Industrial Cost Recovery System in effect.
13. The Village requires 30-calendar day's prior notification by any person or persons of the following changes:
  - a. Proposed substantial change in volume or character of pollutants over that being discharged in the Village's treatment works at the time of issuance of this permit.
  - b. Proposed new discharge into the permittee's treatment works of pollutants from any source, which would be a new source as defined in Section 306 of the Clean Water Act if such source were discharging pollutants.
  - c. Proposed new discharge into the Village's treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Clean Water Act if such source were discharging pollutants.

## **Article 8. - Sewer Charges**

1. **The Sewer Base Rate and Sewer Use Rate** shall be collected for the purpose of payment of costs associated with the operating, maintaining and repairing said system including loan repayment expenses as appropriate. The Trustees may establish annual charges separately for bond payments, for fixed operating and maintenance costs not dependent on actual or estimated use and for variable operations and maintenance costs dependent on actual or estimated use.

The annual charges stipulated above shall be based upon rate structure(s) decided by the Trustees 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".

2. **Charging connected vacant properties**

The sewer charges established in Item 1 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. Exempted properties, whose exemption has expired but have not connected, shall be considered as connected vacant properties and therefore, subject only to the Sewer Base Rate. Properties required to connect but not connected shall also be considered as connected vacant properties and therefore, subject only to the Sewer Base Rate. 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.

3. **Collection of the delinquent sewer charges** may be enforced by the Village 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 Village has the authority to place a lien on the real estate or may defer the property for tax sale if delinquent sewer charges remain unpaid. Refer to Item 4 of this Article for further information on liens and tax sales.

4. **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 Trustees 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 Village 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 deferring the property for tax sale, the Trustees 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 Trustees have 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 Trustees deems necessary.

If the Owner fails to comply with the Village's delinquent billing policy, the Trustees shall defer said property for tax sale.

The Village also has the authority to foreclose on liens in the same manner as provided by law for the foreclosure of mortgages on real estate, when such lien has been in effect for more than two (2) years, 24 V.S.A., Chapter 101, Section 3612 and 32 V.S.A., Chapter 133, Section 5061. While foreclosure of a lien is generally only undertaken when the value of the real estate is worth less than the dollar amount of the lien, the Trustees may use their discretion to determine what is in the best interest of the Village.

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

## **Article 9. - Sewer Fund Management**

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

1. **A separate sinking fund and/or capital reserve fund** may be utilized for major maintenance/ replacement expenditures and for expansion/upgrading expenses associated with the wastewater collection, treatment and disposal system in the Sewer Service Market Area. Sinking fund/capital reserve fund establishment for maintenance/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 sinking fund / capital reserve fund assets, source of funding and when payments are to stop. All sinking funds / capital reserve funds shall be established and maintained in accordance with 24 V.S.A., Chapter 101, Section 3616.
2. **The Village reserves the right to increase, decrease, stop and/or maintain regular** deposits to a sinking fund / capital reserve fund not exceeding 15% of the normal total budgeted expenses for maintenance/ replacement in that year. The sewer fees charged for expansion cost shall be deposited into a separate account and a record shall be kept to show payment date, person making payment and payment amount. The Trustees holding office have the authority to withdraw sinking fund / capital reserve fund amounts only for the purpose of paying for major maintenance/replacement expenditures and for expansion/upgrading expenses for which the fund was established. When sinking fund / capital reserve fund assets are not disbursed fully for major maintenance/replacement expenditures and/or plant/collection system expansion/upgrade, excess money shall remain in the sinking fund / capital reserve fund for future related expenditures similar in nature.
3. **When sinking fund / capital reserve fund assets are not disbursed fully** for major maintenance/replacement expenditures and/or plan expansion, excess money shall remain in the fund for future related expenditures similar in nature. Revenues established for plant expansion dedicated funds may be generated from system fees paid by prospective users to defray and pay expansion costs. This fund shall not exceed the estimated future expansion cost for the wastewater treatment facility. When the Village so votes, the expansion/upgrade sinking fund / capital reserve fund may be used to finance major maintenance/replacement expenditures, but under no circumstances shall the major maintenance replacement sinking fund / capital reserve fund be used to finance wastewater expansion/upgrade expenses.
4. **Other revenues established for plant/ collection system expansion/upgrade** dedicated funds may also be generated from system fees paid by prospective users to defray and pay maintenance/replacement/expansion costs.

## **Article 10. - Applications/Permits/Fees and Meter Use**

1. Applications for permits shall be made on forms established and provided by the Trustees as discussed in Article 5 of this Ordinance.
2. Any false or misleading statement in any application for a permit shall invalidate the permit and shall be deemed a violation of this Ordinance.
3. All fees stipulated, or referred to, in the Ordinance shall be determined by the Trustees and identified in the Village's "Schedule of Rates and Fees". The Trustees may update the schedule as they deem necessary.
4. Any payments made as required in this Article shall not be construed as payments towards reserve capacity that may be provided for the project.
5. Any permit issued by the Trustees, or its municipal designee, may be suspended or revoked at any time by the Trustees, or its municipal designee for:
  - a. Violation of any of the conditions of this Ordinance.
  - b. Violation of the specific terms and conditions of the permit.
  - c. Refusal to permit inspection by the Trustees or their duly authorized representatives.
6. Any member of the Trustees, or its municipal designee, may verbally suspend or revoke a permit at any time whereupon the suspension or revocation shall take effect immediately. Such action shall be confirmed in writing by the Trustees, or its municipal designee. When possible, the Trustees 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 the purpose of this Ordinance or the permit and shall allow sufficient time for the correction of the violation.
7. All requests for fee waivers shall be presented to the Trustees for review and action.
8. Water and/or wastewater volumes shall be established for billing purposes by a water meter and/or wastewater meter in the property being billed. Said meter(s) shall be owned, operated, and maintained by the Village. The Village maintains the exclusive rights to repair replace or otherwise maintain the meter. The property owner shall be liable for the cost of repair or replacement in cases of negligence or tampering, and may be subject to the enforcement actions described in Article 13 of this ordinance. Meter readings shall be recorded by the Village. Access to the meter and/or remote reading apparatus shall be allowed at all times by the property owner. Failure to allow access to a meter and/or remote for any reason shall result in;
  - a. Estimated wastewater volume for billing purposes; and
  - b. If access is not allowed for a period of six (6) months, discontinuation of service may occur as defined in Title 24, V.S. A. §3612; and
  - c. If access is not allowed to repair/replace a meter/remote within six (6) months of notification by the Village, discontinuation of service may occur as defined in Title 24, V.S.A. §3612.
9. In the event a meter fails to register water or wastewater volumes, or access is not provided to the meter or the meter otherwise fails to operate, the Village shall have the right to estimate wastewater discharge volumes for billing purposes. Estimates may be based upon the current State of Vermont, Agency of Natural Resources standard flow quantities, or, the annual average use demonstrated on the meter when functioning properly, or an amount deemed appropriate by the Wastewater Superintendent or designated Village Official.

10. Wastewater volumes estimated for new buildings, additions to existing facilities or for facilities served by private water sources shall be based upon current State of Vermont, Agency of Natural Resources standard flow quantities.
11. Meters and remote readers shall be installed on all construction and property, which is connected to the Wastewater System for the purpose of meter readings. Meter purchase fees shall be paid with wastewater service connection fees and may only be waived by the Trustees. All cost associated with the purchase and installation of the meter and meter installation shall be borne by the property owner or applicant for service.
  - a. Village personnel shall install the meter remotes themselves in residential properties unless a reasonable path is not provided to install the remote wire, in which case the wire shall be installed at the expense of the owner/contractor.
  - b. Wiring for meter remote installations in commercial, industrial and mixed-use properties must be accomplished by the property owner at their expense.
  - c. The charges for the purchase and installation of the remotes may be included in the meter assessment. In the event that a new connection is not connected to the municipal Water System, the owner may have the option to install a meter at their expense to measure their wastewater discharge for billing purposes. Said meter is to be in accordance with the specifications of the Village.
12. In the event a property is connected to the wastewater collection system that is served by a private water supply, said water supply used for domestic and potable uses may be metered as above for the purposes of billing.

**Article 11. - Protection From Damage**

1. 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 disposal 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.

## **Article 12. - Powers and Authority of Inspectors**

1. The Village and their duly authorized representatives, bearing proper credentials and identification, shall be permitted to enter all properties through which the Village holds a duly negotiated easement for the purposes of inspection, 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 Village or their representatives 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.
2. While performing the necessary work on private properties referred to in Article 12.1 above, the Village and their duly authorized representatives shall observe safety rules applicable to the premises established by the Owner and the Owner shall be held harmless for injury or death to the Village and their representatives and 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 as such may be caused by negligence or failure of the Owner to maintain safe conditions.

### **Article 13. - Prohibitions and Penalties for Violation of Rules**

1. No person shall deny access to any inspector of the Village or any person authorized by the Village to conduct an inspection or perform such other duties as set forth in this Ordinance.
2. No person shall violate any emergency rule adopted by the Trustees as provided in Article 1 of this Ordinance.
3. No person may make, and no customer shall suffer or permit any person to make, any connection to the Village's sewer system, unless such connection is authorized by the Trustees or their designated representative.
4. No person shall make any material misstatements of fact in any application for sewer service.
5. No person shall complete construction of any service connection with the Village's sewer system in any manner other than that set forth in any plans and specifications submitted to and approved by the Trustees. No person shall fail to disclose any deviations or variations from such plans to the Trustees at the first date such variations or deviations become known to such person.
6. 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 Trustees.
7. 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 1974(a) and 1977 et seq.
8. Any person violating any of the provisions of this Ordinance, except Article 11, shall become liable to the Village for any expenses, loss or damage caused by such offense and shall be served by the Trustees 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.
9. Any violation of this Ordinance shall be a civil matter enforceable to the extent as referenced in Item 7. 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.
10. Notwithstanding any of the foregoing provisions, the Village 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**

1. All other rules and regulations in conflict with this Ordinance are hereby repealed.
2. Each Article or part of an Article in this Ordinance is hereby declared to be a separate and distinct enactment. If any Article 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 Article or part thereof which can be given effect without such invalid part or parts.
3. These rules may be amended at any time by the Village as provided by law.

**Article 15. - Ordinance in Force**

1. This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law, replacing the Ordinance for Wastewater Reserve Capacity Allocation and the Sewer Use Ordinance enacted September 22, 2003.
2. Duly enacted and ordained by the Trustees of the Village of Morrisville, Lamoille County, State of Vermont, on the \_\_\_\_\_ day of, \_\_\_\_\_ 2010 at a duly called and duly held meeting of said Trustees. This Ordinance shall become effective sixty (60) days from the date hereof.

ATTESTED BY:

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