

**HEALTH ORDINANCE FOR THE TOWN OF WILLISTON
RELATING TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS**

SECTION I PURPOSE

This ordinance is adopted under V.S.A. Title 18 Section 613, and amended under V.S.A. Title 24, Chapter 102 (On-site Sewage Systems). The purpose of this ordinance is to:

1. prevent the creation of health hazards;
2. prevent surfacing sewage; the contamination of drinking water, ground water, and surface water;
3. insure adequate drainage related to the proper functioning of sewage disposal; and
4. insure that facilities are designed, constructed, operated, and maintained in a manner which will promote sanitary and healthful conditions.

SECTION 11. APPLICABILITY OF ORDINANCE

1. No individual, group or community on-site disposal system shall be built, altered or used except in accordance with this ordinance, and only after a permit has been issued by the Health Officer or his agent.

Exceptions:

- a. When a minor modification to an existing system is proposed, the legislative body or its agent may waive the permit requirement on a case by case basis.
 - b. The legislative body or its agent shall approve proposed modifications to systems determined to be a health hazard or nuisance when satisfied that the modifications will meet the performance standards in Section I.
2. No single family dwelling served by a sewage disposal system shall be altered in any way so as to increase the residential capacity of the structure unless the legislative body or its agent determines that the existing sewage disposal system has an adequate capacity or a Sewage Disposal Construction Permit has been issued to increase the capacity of such system.
 3. If public sewer becomes available, an existing or proposed public or private building within two hundred (200) feet of the sewer line shall be required to discontinue present system of sewage disposal (if an existing building) and connect to such line in the manner prescribed by the Town of Williston Sewer Ordinance.

4. In case of any other applicable regulation, bylaw, ordinance or statute which differs from this ordinance, the more strict shall apply.

SECTION III. APPLICAIION PRODEDURE

1. Disposal System Construction permit

Any person who intends to build, replace or alter a sewage disposal system shall submit an application for a Disposal System Construction Permit to the legislative body or its agent. The application shall contain soil and site information as required by Vermont Health Regulations (see Definitions) and a sewage disposal system design in accord with the design specifications in the Vermont Health Regulations.

Technical information for the application shall be prepared by an On-Site Sanitary Specialist of the Vermont Association of Conservation Districts, Inc; a qualified professional Civil or Sanitary Engineer or a State certified site technician subject to approval of the town Health Officer.

Prior to submitting an application for a public building, group or community on-site disposal system permit, the individual should contact the legislative body or its agent so that they may present during the site evaluation.

The legislative body may require that application for public buildings be reviewed by a Consulting Engineer engaged by the town. If such a review is deemed necessary, the cost shall be paid by the applicant.

The Construction Permit shall be granted or denied by the legislative body or its agent. The permit shall become void if the disposal system is not completed within two (2) years of date of issue. In cases where the proposed project requires a Zoning Permit under provisions of the Town Zoning Bylaws, the Zoning Permit shall serve as the Disposal System Construction Permit and may be issued only after the legislative body or its agent has determined the sewage disposal design to be in compliance with this ordinance.

2. Disposal System Use Permit

Any person who intends to build, replace or alter a sewage disposal system shall submit an application for a Disposal System Construction Permit to the legislative body or its agent. The application shall contain soil and site information as required by Vermont Health Regulations (see Definitions) and a sewage disposal system design in accord with the design specifications in the Vermont Health Regulations.

Technical information for the application shall be prepared by an On-Site Sanitary Specialist of the Vermont Association of Conservation Districts, Inc; a qualified professional Civil or Sanitary Engineer or a State certified technician subject to approval of the town Health Officer.

Prior to submitting an application for a public building, group or community on-site disposal system permit, the individual should contact the legislative body or its agent so that they may be present during the site evaluation.

The Construction Permit shall be granted or denied by the legislative body and its agent. The permit shall become void if the disposal system is not completed within two(2) years of date of issue. In cases where the proposed project requires a Zoning Permit under provisions of the Town Zoning Bylaws, the Zoning Permit shall serve as the Disposal System Construction Permit and may be issued only after the legislative body or its agent has determined the sewage disposal system design to be in compliance with this ordinance.

2. Disposal System Use Permit

The On-Site Sewage Program shall submit a final inspection report on all approved systems designed by the Program. All other approved systems shall receive a final inspection by the legislative body or its agent. The inspection report shall certify whether the disposal system has been installed as approved and, if not, what deviations existed. Any variations from the approved design shall be noted in the report. The legislative body or its agent may also inspect the system before it is covered with soil. The legislative body or its agent shall issue a Disposal System Use Permit when satisfied that the installed sewage system is in compliance with this ordinance. In the case of projects requiring a Zoning Permit under provisions of the Town Zoning Bylaws, the Zoning Occupancy Permit shall serve as the Disposal System Use Permit.

SECTION IV. ALTERNATIVE SYSTEM & PERMITTED DEVIATIONS

1. Chemical toilets, privys, composing toilets and incineration toilets may be approved on a case by case basis by the legislative body or its agent. If one of the above toilets is used and soil conditions allow, the absorption of the associated subsurface sewage disposal system may be reduced if sufficient area is available to add to the leachfield in the event that conventional toilets are used to replace the waterless toilets.

Full replacement area for a subsurface disposal field is also required. In allowing a reduction of a subsurface disposal field, the local legislative body shall insure that subsequent owners of the property are aware of the limitations of the reduced disposal field and that the disposal area is increased to normal size prior to installation of water-type toilets.

Reduction in the size of any mound system will not be permitted.

2. If a person wishes to use a sewage disposal system not in accord with this ordinance, a proposed alternative system may be submitted to the local legislative body for approval subject to review by the Town's professional engineer.

3. At the discretion of the local legislative body, and authorized in writing, deviations from the design specifications in Sections 5-905 and 5-907 of the Vermont Health Regulations may be allowed. Such deviations will only be allowed if the minimum soil and site requirements and the performance standards of the Vermont Health Regulations will be met.

SECTION V. APPEALS

Any applicant aggrieved by a decision of the legislative body or its agent may appeal that decision in writing to the local legislative body within thirty (30) days of such decision. The local legislative body shall hold a hearing within thirty (30) days of such appeal and shall render a decision within fifteen (15) days after the close of such hearing. Any person aggrieved by a decision of the local legislative body may appeal that decision to Superior Court.

SECTION VI. ENFORCEMENT

Written Orders

1. If the legislative body or its authorized agent finds a person failing to comply with this ordinance he may, in writing, order the person to comply with a specific period of time.

2. A person who neglects or refuses to comply with a written order of the local legislative body or its agent, may be fined not more than \$500 for each offense. Each week that a violation is continued shall constitute a separate offense (24 V.S.A., Section 1974)

3. Upon any neglect or refusal, the local legislative body shall prevent, remove or destroy any unhealthful conditions or causes of sickness. Expenses incurred by such action shall be recovered from the person whose legal duty it was to comply with such order (18 V.S.A>, Section 609 (a).

Hindrance

Any person who attempts to hinder the work of the local legislative body or its agent, shall be fined not more than \$500 for each offense.

SECTION VII. SEVERABILITY

If any portion of this Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

SECTION VIII. DEFINITIONS

Applicant: the person who owns the premises on which a sewage disposal system will be constructed or altered.

Family: one or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

Local legislative Body: The Board of Selectmen

On-Site Sewage Disposal System: system for disposal of waste using soil as a disposal medium, including a tank for collection of solids and a leach area for liquids.

Permit: a written permit issued by the Legislative Body or other authorized person.

Person: any institution, public or private corporation, individual, partnership, or other entity.

Single Family Dwelling: a building used as living quarters for one family.

Vermont Health Regulations: Vermont Health Regulations Chapter 5, Sanitary Engineering; Subchapter 10, Wastewater Treatment and Disposal - Individual On-Site System: effective June 7, 1983, promulgated by the Vermont Department of Health. These Regulations are incorporated into this ordinance by reference.

Public Building: All buildings except single family houses as defined in Subchapter 4.02 of the State of Vermont Environmental Protection Rules.

APPROVED MAY 24, 1984

**ADMINISTRATIVE PROCEDURE FOR HEALTH REGULATIONS
RELATING TO SEWAGE DISPOSAL SYSTEMS
Adopted May 24, 1984**

This procedure is adopted by the authority granted in 18 V.S.A., 613 with approval of the State Board of Health, and in accordance with Section 5-938 of the Vermont Health Regulations, Chapter 5, Subchapter 10.

Technical Information

Technical information required in the application for Construction and Occupancy Permits shall be prepared by a Sanitary Site Technician of the Vermont Association of Conservation Districts, a qualified professional Civil or Sanitary Engineer or a State certified Site Technician.

Permit Granting Authority

Technical information shall be reviewed and Construction and Occupancy Permits shall be granted or denied by the Town Health Officer or his duly appointed agent.

Appeals

Applicants may appeal decisions of the Permit Granting Authority to the town Board of Health.