TOWN OF WILLISTON

Sewer Use Ordinance

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Abstract: This Ordinance regulates the use of the public and private sewer systems for the Town of Williston.

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ARTICLE I. AUTHORITY, RULES AND REGULATIONS

The Town of Williston, by and through its Selectboard, ordains that the rules and regulations herein set forth are established as necessary and desirable for regulating the use of public and private sewers, and the discharge of waters and wastes into the public sewer systems and providing penalties for violations thereof in the Town of Williston, County of Chittenden, State of Vermont. This ordinance is adopted under authority of Title 24, Chapters 59, 97, 101 and 129, Title 32, Chapter 133 and Title 10, Chapter 47 and other related state statutes.

Be it ordained and enacted by the Selectboard of the Town of Williston, State of Vermont as follows:

ARTICLE II. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ORDINANCE shall be as follows:

Section 2.01 Affordable Housing - consists of dwellings that will be made available for rent or for sale at prices in a manner consistent with the Williston Development Bylaws. To qualify as 'affordable,' the future rent or resale price of a unit must be restricted to a rate of appreciation established by agreement with the town, a housing trust or a public housing agency, as authorized by 27 V.S.A. § 610 and as approved by the town's Development Review Board.

Section 2.02 "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 20 degrees C., expressed in milligrams per liter.

Section 2.03 "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.

Section 2.04 "Building Sewer" shall mean that part of the Sewerage System which receives the sewerage from the building drain and conveys it to the nearest end of the connection, unless a building drain connection is not available.

Section 2.05 "Commissioners" shall mean the Williston Selectboard, acting as the Board of Sewage Disposal Commissioners.

Section 2.06 "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 2.07 "Domestic Wastewater or Sanitary Sewage" shall mean normal water-carried waste and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.

Section 2.08 "Force Main" shall mean the pressurized sewer pipe that collects raw wastewater pumped from a raw wastewater pump station or other raw wastewater pumping system.

Section 2.09 "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.

Section 2.10 "Health Officer" shall mean the legally designated Health Officer of the Town of Williston or duly authorized agent.

Section 2.11 "Improved Property" shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure, sanitary sewage or industrial wastes shall be or may be discharged.

Section 2.12 "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Section 2.13 "Industry" shall mean any room, group of rooms, buildings or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, or assembling any product, commodity, or article or from which any process wastes, as distinct from sanitary sewage, shall be discharged.

Section 2.14 "Low Pressure Effluent" shall mean the town owned pressurized sewer pipe that collects septic tank effluent pumped from individual septic tanks through pressurized service connections to the low pressure effluent system.

Section 2.15 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Section 2.16 "Owner" shall be any person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.

Section 2.17 "Person" shall mean any individual, firm, company, association, society, corporation, group, or other legal entity.

Section 2.18 "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 2.19 "Properly Shredded Garbage" shall mean the wastes from preparation, cooking, and dispensing of food that have 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.

Section 2.20 "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Section 2.21 "Public Works Director" shall mean the Appointee of the Selectboard/Town Manager or their authorized deputy, agent, representative or operator designated as responsible for operation of the Sewage Works of the Town. A reference to the Public Works Director is a reference to the Commissioners/Town Manager and vice versa.

SECTION 2.22 "Raw Wastewater" shall mean wastewater that has received no initial solids reductions such as by means of septic tank treatment or grinding of the large solids into smaller solids.

Section 2.23 "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted, which operates by natural gravitational forces.

Section 2.24 "Secretary" shall mean the Secretary of the Agency of Natural Resources, State of Vermont or his or her representatives.

Section 2.25 "Selectboard" shall mean the Selectboard of the Town of Williston, the governing and administrative body of the Town.

Section 2.26 "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

Section 2.27 "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 2.28 "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Section 2.29 "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 2.30 "Shall" is mandatory: "May" is permissive.

Section 2.31 "Slug" shall mean any discharge 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.

Section 2.32 "Storm Drain" (synonymous with "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 2.33 "Structure" shall mean a house, building or any other assembly of materials used for human occupancy, including but not limited to residence, place of employment, meeting places and places used for recreation.

Section 2.34 "Suspended Solids" shall mean solids that either float on the surface or, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Section 2.35 "Town" shall mean the municipality of Williston, Chittenden County, State of Vermont acting by and through its Selectboard or, in appropriate cases, acting by and through its authorized representatives, agents, deputies or operators.

Section 2.36 "Unit" shall mean any building or specific portion thereof which is separately identifiable as:

(a) Residential: Self-contained housekeeping facility for one family (house, duplex, apartment, condominium).

(b) Commercial: Individual, self-contained facility or business such as store, motel, hotel, garage. For hotels and motels, each room shall equal ½ unit. A meter will be required for each building in a hotel/motel complex.

(c) Industrial: Individual self-contained facility for use in manufacturing or industry.

(d) For the purposes of this ORDINANCE each separated individual building will be considered a unit.

(e) All unit designations shall be determined by the Commissioners.

Section 2.37 "Wastewater" shall mean sewage and is synonymous with that term.

Section 2.38 "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE III. MANDATORY USE OF PUBLIC SEWERS

Section 3.01 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 any area under the jurisdiction of said Town, any human excrement, garbage or other objectionable waste.

Section 3.02 It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ORDINANCE and the Laws of the State of Vermont.

Section 3.03 Except as provided hereinafter or by the Health Regulation Relating to Permissible Means of Sewage Disposal as adopted by the Town of Williston, it shall be unlawful

to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Section 3.04 The Owner of a structure, situated within the Town's sewer service area as defined in the Sewer Allocation Ordinance, is required to install suitable toilet facilities therein. Under the following conditions, the Owner shall be required to connect those facilities to a public sanitary gravity sewer or a low-pressure effluent sewer:

(a) A sewer line is in a street, alley or right-of-way;

(b) A sewer line is within two hundred (200) feet (61.5 meters) of the structure to be served; and

(c) The Owner Is ordered to connect by the Town.

Section 3.05 No connections will be mandated nor shall any connections be allowed to Town Force Mains.

Section 3.06 Orders to connect by the Town will be issued under the following conditions:

(a) A change in use as defined in Town's zoning regulations, additional units are proposed or are made to a property, or a new structure is constructed; or

(b) The existing system has failed; or

(c) Town is in receipt of a written report prepared by a Vermont licensed professional engineer certifying the existing sub-surface system or replacement system cannot meet the requirements of the most recent Vermont environmental protection rules for wastewater systems and potable water supply.

Section 3.07 A system is considered as failed when it:

(a) Allows wastewater to be exposed to the open air or to pool on the surface of the ground, discharges wastewater directly to surface water, or backs up wastewater into a structure, unless in any of these instances the approved design of the system specifically requires the system to function in such a manner; or

(b) Results in a potable water supply being contaminated and rendered not potable; or

(c) Presents a threat to human health.

Section 3.08 Notwithstanding the provisions of Section 3.07, a system shall not be considered as failed if:

(a) The condition described in Section 3.07 can be and are remedied solely by minor repair or replacement; or

(b) Such conditions have lasted for only a brief period of time, the cause of the failure has been determined to be an unusual and non-recurring event, and the system has recovered from the state of failure and still meets original design criteria. Systems that have recurring, continuing, or seasonal failures shall be considered as failed systems.

ARTICLE IV. BUILDING SEWERS AND CONNECTIONS

Section 4.01 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Public Works Director. 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 Public Works Director at least forty-five (45) days prior to the proposed change or connection.

Section 4.02 There shall be two (2) classes of building sewer permits:

(a) For residential service.

(b) For commercial/industrial service.

In either case, the Owner or his or her agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Public Works Director. For each class, there is a permit and inspection fee which shall be paid to the Town at the time the application is filed. Copies of fee schedules are available at the Town offices. No permit will be issued until all other applicable State or local permits have been acquired and confirmation of the same furnished with the application for permit.

Section 4.03 All costs and expense incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4.04 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, 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.

Section 4.05 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Director, to meet all requirements of this ORDINANCE.

Section 4.06 The size, slope, alignment, materials of construction of building 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 building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the American Society for Testing/Materials (ASTM) and Water Environment Federation (WEF) Manual of Gravity Sewer Design and Construction and New England Interstate Water Pollution Control Commission (NEIWPCC) Guides for the Design of Wastewater Treatment Works shall apply.

Section 4.07 Whenever possible, the building sewer shall be brought to the building at the elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharge to the sanitary sewer.

Section 4.08 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellular drains, basement pumps, floor drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 4.09 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Gravity Sewer Design and Construction and NEIWPCC Guides for the Design of Wastewater Treatment Works. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Works Director before installation.

Section 4.10 Prior to any connection to the house connection, "Y" or to the main sewer; the Public Works Director shall be given forty-eight (48) hours' notice in order that they may supervise such work. If the Public Works Director has not been properly notified, they may require the completed work to be uncovered for examination, at the Owner's own expense.

Section 4.11 Clean outs shall be installed where the distance from the building to the main sewer is greater than one hundred (100) feet or where bends greater than forty-five (45) degrees are used in the building sewer. Clean outs shall be made by installing a "Y" and one-eighth (1/8) bends of the same diameter as the building sewer. The clean outs shall ordinarily be installed at the point of connection between the building sewer and the outside part of the house plumbing system, at curves on the building sewer and on the straight part of the house sewer to the main sewer. The clean out shall be installed per the Williston Public Works Standard (WPWS). Locations of all clean outs shall be recorded and turned over to the Public Works Director.

Section 4.12 Before any portions of the existing plumbing system outside of the building is connected to the building sewer, the Owner shall prove, to the satisfaction of the Public Works

Director, that it is clean and conforms in every respect to this ORDINANCE, WPWS and that all joints are watertight.

Section 4.13 Where pipe is installed for building sewers, such work shall be performed by a plumber approved by the Public Works Director.

Section 4.14 The Public Works Director shall apply appropriate tests to the pipes and the plumber and contractor, at their own expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and shall remove or repair any defective materials when so ordered by the Public Works Director and per the WPWS.

Section 4.15 All excavations for building sewer installation shall be in compliance with WPWS, Vermont Occupational Safety and Health Administration (VOSHA) and the Manual of Uniform Traffic Control Devices (MUTCD). Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 4.16 The contractor shall not block any driveway, street, road or railroad at any time without permission of the Public Works Director and other controlling agencies. Every effort shall be made to permit the movement of vehicular traffic at all times. Whenever it becomes necessary to cross or interfere with roads, walks, or drives, whether public or private, the Contractor shall maintain, at their own expense, and subject to the approval of the Public Works Director, safe bridges or other means of egress.

ARTICLE V. USE OF THE PUBLIC SEWER

Section 5.01 No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 5.02 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works Director, to a storm sewer or natural outlet.

Section 5.03 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(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 singularly 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 the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid 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, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 5.04 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 Public Works Director 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 an opinion as to the acceptability of these wastes, the Public Works Director will 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 sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Centigrade).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter (mg/1) or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Centigrade).

(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) horsepower (0.76 horse power metric) or greater shall be subject to the review and approval of the Public Works Director.

(d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Public Works Director for such materials.

(f) Any waters or wastes containing phenols or other waste or odor producing substances, in such concentrations exceeding limits which may be established by the Public Works Director 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.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director 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:

- 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).
- Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, may cause the effluent limitations of the discharge permit to be exceeded.
- Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters 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.

Section 5.05 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics enumerated in Section 5.03 and/or Section 5.04 of this Article, and which in the judgement of the Public Works Director, 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 Public Works Director 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.

If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Director and Health Officer, and subject to the requirements of all applicable codes, ordinances and laws and to the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry.

Section 5.06 Grease, oil, hair, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Public Works Director and shall be located as to be approved by the Public Works Director and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 5.07 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, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

Section 5.08 Where installed, all grease, oil, hair, and sand interceptors shall be maintained by the Owner, at their expense, in continuously efficient operation at all times. Materials collected shall not be reintroduced into the public sewerage system but shall be satisfactorily disposed of elsewhere in accordance with standards, rules or regulations.

Section 5.09 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 their expense.

Section 5.10 When required by the Public Works Director, the Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole or structure together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Public Works Director. The structure shall be installed by the Owner at their expense, and shall be maintained by him 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 Public Works Director may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Public Works Director. Such records shall be made available upon request by the Public Works Director 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 Secretary in accord with such permit. Records of any monitoring will be supplied by the Public Works Director to the Secretary on request.

Section 5.11 All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ORDINANCE shall be determined in accord with the latest edition of "Standard Methods for the Examination of Water and Wastewater.": published jointly by the American Public Health Association and the American Water Works Association and Water Environment Federation, and shall be determined at the control manhole or structure provided, or upon suitable samples taken at said control manhole. In the event that no special structure 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 analysis involved will determine whether a twenty-four (24) hour 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 analysis are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

Section 5.12 Any industry held in violation of the provisions of this ORDINANCE may have its disposal authorization terminated.

Section 5.13 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment, therefor, 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.

ARTICLE VI. PROTECTION FROM DAMAGE

Section 6.01 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 Sewerage Disposal System. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in Title 13, Section 3701 of the Vermont Statutes Annotated.

ARTICLE VII. POWERS AND AUTHORITY

Section 7.01 The Public Works Director and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ORDINANCE. The Public Works Director or his or her representative 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 7.02 The Public Works Director and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

ARTICLE VIII. PENALTIES

Section 8.01 Any person found to be violating any provisions of this ORDINANCE except Article VI, shall be served by the Town 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 all violations.

Section 8.02 Any person who shall continue any violation beyond the time limit provided for in Section 8.01, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding eight hundred dollars ($800.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 8.03 Any person violating any of the provisions of this ORDINANCE shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such offense.

Section 8.04 Any person delinquent in payment of sewer services bills may be disconnected as provided by 24 VSA Ch. 129. Collection and reconnection fees will also be assessed against the delinquent party.

Section 8.05 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.

ARTICLE IX. USE CHARGE SYSTEM

Section 9.01 The Commissioners shall establish the user charge system in accordance with appropriate Federal and State rules and regulations. The rates shall be established to defray the costs of the Town's share of the initial construction of wastewater collection transportation and treatment facilities, the cost of annual operation and maintenance of the facilities, as well

as to provide a capital reserve for renewal or replacement. Fee schedules reflecting the current rates and fees are available at the Town Offices.

Section 9.02 The Commissioners shall, in establishing the rates referred to in, Section 9.01 above, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of 40 CFR 35.2140 and 24 V.S.A., Chapter 101.

Section 9.03 Each house, building, or structure within the Town which is serviced by the public sewer shall be subject to the sewer use rates. The cost of the annual loan payment for bond retirement and the yearly operation maintenance and replacement shall be borne by the users of this system in proportion to their contribution to the total wastewater loading of the treatment works. The rate structure shall be based on a system of charges related to the actual water used by each user as determined from a water meter existing in the house or to be installed on the domestic water supply in conjunction with the pollution abatement project. The Commissioners have the authority to establish rates based upon a user's pollutant load cost factors, i.e. BODS, and/or other appropriate factors (see Article V).

Section 9.04 An annual charge is hereby imposed upon every person whose premise is served by the public sewage system of the Town for the service rendered by such public sewerage system to the Owners and other users of real property, to defray the costs of construction and debt service of said system. A minimum quarterly charge will be imposed to defray fixed costs. Those users whose structure is unoccupied or only partially used during the billing quarter will be assessed the referenced base charge.

Section 9.05 The Commissioners have the authority to modify, adjust, increase, or decrease the charge as may, from time to time, be deemed appropriate. The Commissioners will review the user charge system and will notify each user of their cost breakdown (quantity and rate) annually. The basic user charge established in Section 9.04 shall be charged whether or not the property is occupied.

Section 9.06 In order to determine sewer use charges, the water meters shall be read sometime after the first of the month preceding the due date by water department personnel or duly authorized representatives. Sewer use charges shall be subsequently billed quarterly becoming due March 31, June 30, September 30, and December 31 or the first workday thereafter, of each year. A late penalty of ten percent (10%) of the total amount due shall be charged for payment after the due date.

Section 9.07 A sewer use charge shall be a lien upon real estate in the same manner as to the same effect as taxes are a lien upon real estate pursuant to Title 32 Vermont Statutes Annotated Section 5061.

Section 9.08 The wastewater user charge is computed as follows:

(a) Expenditures: Total Expenditures equal Project Costs plus Operating Costs plus Treatment Costs.

(b) Rate: Rate equals Total Expenditures minus Total minimum charges divided by Total billable metered quantity.

(c) Sewer User Charge: Charge equals User quantity (individual metered flow) times the Rate.

(d) Total Sewer Charge: Basic User Charge plus sewer user charge equals Total Sewer Charge.

* Project Costs shall mean the summation of construction costs, legal, fiscal (including interest on money borrowed during construction), and administrative costs, engineering costs, land costs, easement costs, and other costs normally associated with the construction of wastewater collection and transportation facilities.

** Operating Costs shall mean the costs of operation and maintenance of all facilities and shall include the costs of labor, equipment, materials, power fuel, and incidentals required for operation, and labor, equipment, materials, and incidentals required for replacement or renewal.

*** Treatment Costs shall mean the costs of treatment of metered quantities of wastewater at the regional wastewater treatment facility.

Section 9.09 Any person who feels their user charge is unjust and inequitable may make written application to the Town requesting a review of their user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of their wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Review of the request shall be made by the Town and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

Section 9.10 The rates as established by the Articles of this ORDINANCE shall prevail. Any previous contracts, agreements, or arrangements as to rates, method for collection, any other element effecting rates and charges shall be null and void.

ARTICLE X. OTHER CHARGES AND FEES

Section 10.01 Allocation charges shall be assessed, in accordance with the Sewer Allocation Ordinance to all persons having been granted an allocation by the Town. The person (s) submitting an application for allocation shall be responsible for any costs incurred by the Town

for review of the application by the Town's Engineer and shall reimburse the Town for any costs arising therefrom.

Section 10.02 A sewer connection charge will be assessed to all persons submitting Sewer Connection Applications to the Town. All charges shall be paid at the time the application is submitted. Sewer connection charges for units that are perpetually affordable as defined in the Williston Unified Development Bylaws and Section 2.01 of this ORDINANCE, shall be calculated at 50% of the Sewer Connection Charge approved by the Selectboard for the fiscal year in which the Sewer Connection application is submitted.

Section 10.03 The connection charge shall be based on an analysis of future collection and treatment of the system as the number of customers increase. The charge shall be based on an analysis to be completed not less than every ten years. Such analysis should include but not be limited to: current capacity of the system compared to current flows; anticipated future development and flows during the ten-year planning period; service area; and identification of possible changes to the system and estimated cost of system improvements to accommodate future anticipated flows.

Section 10.04 The connection charge may be adjusted annually by the Selectboard to account for inflation and/or cost of living increases.

Section 10.05 Collection and reconnection fees will be assessed as provided by Article IX (Ref. 24 VSA Chapter 129 – Uniform Water and Sewer Disconnect.)

Section 10.06 Right of Way Permit: Fees for the placement of lines within the Town's right of way will be assessed in accordance with the Ordinance, Regulation of the Placement of Utility Lines within the Public Road Rights of Way and Public Property.

Section 10.07 Engineering service charges shall be assessed to developers to cover expenses incurred by the Town for the review, inspection, and work related to development projects as performed by the Town's Engineer. Fees shall be paid prior to commencement of any work by the developer. If actual Engineering Service Charges are less than the fee paid, the Town shall reimburse the developer. If actual Engineering Service Charges exceed the fee paid, the developer shall reimburse the Town for those additional charges. Engineering service charges are in the Williston Department of Public Works specifications.

ARTICLE XI. PRIVATE WASTEWATER DISPOSAL SYSTEM

Section 11.01 Private Wastewater Disposal Systems (PWDS) shall mean any facility not owned and operated by the Town.

Section 11.02 All on-site disposal systems shall be in accordance with the Town Health Ordinance entitled "Health Regulations Relating to Permissible Means of Sewage Disposal" as adopted by the Williston Board of Health.

Section 11.03 Any PWDS connected to the Town's sewage works shall be in accordance with the Articles of this ORDINANCE and in accordance with all applicable State and Federal regulations.

Section 11.04 Design, construction and operation of private wastewater disposal systems, (Section 11.03 above), shall be in accordance with the applicable State rules for onsite septic systems and Williston Public Works Department specifications and Article XI of this ORDINANCE.

ARTICLE XII. CONSTRUCTION STANDARDS

Section 12.01 The Town shall utilize construction standards and specifications as they deem to be in the best interest of the Sewage Works. Said standards will be administered by the Public Works Director and/or the authorized agent (s).

Section 12.02 The construction standards and specifications applicable to the Town of Williston's Sewage Works will include the standards, rules, regulations and requirements as specified by:

(a) The Town of Williston Public Works Standards

(b) Vermont Health Department

(c) Vermont Agency of Natural Resources

(d) Environmental Protection Agency

(e) American Water Works Association (AWWA) (Most recent specifications apply)

(f) The Town's Engineer

(g) Any other Town, State or Federal agencies having jurisdiction

Section 12.03 Any materials and equipment used will meet the most recent AWWA. specifications and will be compatible with materials and equipment presently utilized in the Sewage Works, and as approved by the Public Works Director.

Section 12.04 The Public Works Director shall review plans of all proposed sewer construction to insure compliance with the Standards.

Section 12.05 Should the requirements of Section 12.04 above require the services of the Town's Engineer, the Owner shall reimburse the Town for the costs of those services.

Section 12.06 All construction activities within Town's R.O.W. shall occur between April 1 and November 15, except as approved by the Public Works Director.

ARTICLE XIII. RESPONSIBILITIES AND LIABILITIES

Section 13.01 The Town shall not be liable for any damage caused by, including but not limited to, interruption of service for repairs, necessary operations, and/or additions or improvements to the Sewage Works.

Section 13.02 The Town shall not be required to provide notice of interruption. Notice of interruption may be provided as a courtesy only except as noted in Section 13.03 below. Users shall be notified in writing of interruption of service by "Disconnection" as provided by the Provisions of this ORDINANCE, (24 VSA CH 129).

Section 13.03 No person shall be entitled to damages, or have any portion of a payment refunded for any stoppage occasioned by accident to any portion of the Sewage Works, or for non-use occasioned by absence or any other reason.

Section 13.04 The Town will comply with State Regulations with regard to testing, monitoring, and reporting of the sewage system.

Section 13.05 The Town shall, at no time, jeopardize its current customers by authorizing more new sewer services than it can accommodate. The Town shall be under no obligation to commit to any development any portion of its capacity, but may allocate its capacity amongst various areas of the Town as the Commissioners deem most appropriate.

Section 13.06 Boundaries of areas served by the Town shall be defined by the Town and the furnishing of services outside of the boundaries of the Water and Sewer Department shall be at the discretion of the Commissioners.

ARTICLE XIV. VALIDITY

Section 14.01 The Selectboard may make such rules and regulations relating to the use of sewerage works of the Town as they shall deem necessary for proper operations of the sewerage works.

Section 14.02 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 14.03 The invalidity of any section, clause, sentence, or provision of this ORDINANCE shall not affect the validity of any other part of this ORDINANCE which can be given effect without such invalid part or parts.

Section 14.04 These rules may be amended at any time by the Selectboard as provided by law.

ARTICLE XV. ORDINANCE IN FORCE

Section 15.01 This ORDINANCE as amended shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.