

**TOWN OF WEST RUTLAND, VT
SEWER ORDINANCE**

Regulating the Use of Public and Private Sanitary Wastewater Systems

Pursuant to Title 24, SECTION 3617 of the Vermont Statutes Annotated, it is hereby ordained by the Selectboard of the Town of West Rutland, Vermont that the protection of the health and safety of the Town of West Rutland and of the general public requires the establishment of minimum standards governing the design, construction, installation and operation of public and private sanitary sewage systems.

ARTICLE 1

General Provisions

SECTION 1 - All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "SEWER ORDINANCE" hereinafter sometimes referred to as this ORDINANCE.

SECTION 2 - The Town of West Rutland Clerk shall file certified copies of this ORDINANCE, as well as certified copies of any additions and amendments to this ORDINANCE as may be hereafter adopted, in the municipal records and with the BOARD and the Health Officer.

SECTION 3 - The principal objective of sewage facilities is to collect wastewater and industrial wastes and to provide the required or justified degree of treatment under the most favorable and economical conditions. Therefore, the discharge of wastewaters into the public sanitary sewers which are not regulated by the Agency of Natural Resources are prohibited.

SECTION 4 - The provisions of this ORDINANCE may be reviewed at intervals not exceeding five (5) years by the BOARD with the objective of assessing the continued applicability of these provisions; to consider any recommendations proposed for their improvement; and to determine if, and what, changes are advisable due to advances in the technical methods or processes of wastewater treatment and sewage collection available to the Town of West Rutland.

SECTION 5 - If there is a conflict between the terms of this Ordinance and any other applicable regulation, by-law, ordinance or statute, the more strict shall apply.

ARTICLE 2

Definitions

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

"Allocation fee" shall mean the financial amount due, as determined by the BOARD, imposed on owners for capacity allocation.

"BOARD" shall mean the Board of Selectmen of West Rutland, comprised as the Sewage Disposal Commissioners as provided in 24 V.S.A., SECTION 3614.

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

"Building 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 through the building wall to the building sewer. The building drain extends five feet beyond the outer face of the building wall.

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

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

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

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

"Completed Construction" shall mean -

- 1) For building development; completion of construction of all foundations, framing, siding and roofs.

2) For subdivision development; completion of infrastructure and subdivision improvements.

"Connection Fee" shall mean the financial amount due, as determined by the BOARD, charged to owners who apply to connect to the main sewer.

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

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

"Development Wastewater Flow" shall mean the 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 DEPARTMENT, as promulgated at the time a connection permit application is made. The flow quantities in State regulation at the time of adoption of this ordinance are shown on Table 7a.

"Discharge Permit" shall mean a permit issued by the Department pursuant to authority granted in 10 V.S.A., Chapter 47.

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

"Health Officer" shall mean the legally designated Health Officer or Deputy Health Officer of the Town of West Rutland, Vermont.

"House Connection" shall mean that part of the sewage system that runs from the main sewer to the property line and includes all necessary fittings.

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

"Initiate Construction" shall mean -

1) For building development; the completion of the foundation.

2) For subdivision development; substantial commencement of any site improvement(s) pursuant to the approved subdivision and infrastructure plans.

"Main Sewer" shall mean the sewers laid longitudinally along the center line or other part of the streets or other rights-of-way and which all owners or abutting properties have equal rights and which is controlled by public authority.

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

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

"On-Site Sewage Treatment and Disposal System" shall mean a septic tank and leaching field system utilizing natural soil to treat and disperse sewage in such a manner as to protect public health, and both groundwater and surface water from contamination.

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

"Permitted Wastewater Flow" shall mean the maximum PLANT wastewater flow authorized in the Discharge Permit on an annual average (365 day average) basis, or on the high seasonal use period as defined in the discharge permit.

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

"PLANT" - shall mean the municipal sewage treatment PLANT owned by the Town of West Rutland.

"PLANT Wastewater Flow" shall mean wastewater passing through the treatment PLANT in gallons per day on an annual average basis (365 day average) except where flows vary significantly from seasonal development. In the latter case, PLANT wastewater flow is determined as the average throughout the high seasonal use period, as determined by the BOARD.

"Public Sewage System or Facilities" shall mean all facilities for collecting, pumping, treating and disposing of sewage and is controlled, owned and operated by the Town of West Rutland.

"Private Sewage System or Facilities" shall mean all facilities for collecting, pumping, treating, and disposing of sewage that is not owned or operated by the Town of West Rutland.

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

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles shall 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.

"Reserve Capacity" shall mean permitted wastewater flow minus the actual PLANT wastewater flow during the preceding 12 months.

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

"Sanitary Wastewater" shall mean wastewater of the same character and range of strength as expected from homes.

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

"Sewage" shall mean a combination of the water-carried wastes, or wastewater, from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

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

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

"Sewage Disposal BOARD ("or BOARD") shall mean members of the West Rutland Board of Selectmen and/or the group of individuals who shall be designated from time to time by the Selectboard to have that title, or their authorized deputy, agent or representative.

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

"SEWERS" - shall mean the sewage collection and transmission system owned by the Town of West Rutland.

"Sewer Service Area" shall mean area of a municipality that is within 100 feet horizontally from existing municipal collection lines and manholes.

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

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

"Storm Drain" (sometimes "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.

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

"Subsurface Sewage Disposal System" shall mean any sewage treatment system whereby the tank or PLANT effluent is leached into the ground by subsurface disposal.

"Superintendent" shall mean that employee of the Town of West Rutland who shall be designated by the Selectboard to operate and maintain the public sewage facilities, oversee sewer connections, and other activities stated within this ORDINANCE.

"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.

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

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

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

ARTICLE 3

Abbreviations

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

ANSI shall mean American National Standards Institute.

ASME shall mean American Society of Mechanical Engineers.

ASTM shall mean American Society for Testing and Materials.

AWWA shall mean American Water Works Association.

NPC shall mean National Plumbing Code.

CS shall mean Commercial Standards.

WEF Water Environment Federation

ppm shall mean parts per million.

mg/l shall mean milligrams per liter.

Degrees F shall mean degrees Fahrenheit.

Degrees C shall mean degrees Centigrade.

cm. shall mean centimeter.

m. shall mean meter.

sq.m. shall mean square meters.

l. shall mean liters.

kg. shall mean kilograms.

g.p.d. shall mean gallons per day.

ARTICLE 4
Public Sewers Use Requirement

SECTION 1 - 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 of West Rutland, or in any area under the jurisdiction of said BOARD, any human excrement or other objectionable waste.

SECTION 2 - It shall be unlawful to discharge to any natural outlet within the Town of West Rutland, or in any area under the jurisdiction of said BOARD, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ORDINANCE and the laws and regulations of the State of Vermont and the municipal sewage disposal ordinance for on-site sewage systems.

SECTION 3 - Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool leaching field or other facility intended or used for the disposal of sewage.

SECTION 4 - The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated within the Town of West Rutland and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Town of West Rutland, are hereby required, if sewage is generated, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ORDINANCE, within forty-five (45) days after date of official notice to do so, provided that said public sewer is within one hundred feet of the building(s) requiring service. Installation of or repair to a private sewage system servicing a building located within one hundred feet of a public sewer is not permitted unless the BOARD finds that connection would cause extreme hardship and the private sewage system would meet all pertinent state and municipal rules.

SECTION 5 - In certain cases, with the availability of public sanitary sewers, the Board may order owners of abandoned private sewage systems to thoroughly and properly clean the abandoned system(s), as well as disinfect, and fill in or remove according to good sanitation practices. These activities may be done under the inspection and direction of the BOARD or their designee(s).

ARTICLE 5

Capacity Allocation and Connection

SECTION 1- Ownership & Permit

The Town of West Rutland owns and operates a sewage treatment and disposal PLANT (PLANT) and a sewage collection and transmission system (SEWERS) as defined in 24 V.S.A., SECTION 3501(6) and 3601. The PLANT has a permitted capacity, and is operated in accordance with a discharge permit issued by the Vermont Department of Environmental Conservation (DEPARTMENT) under authority granted in 10 V.S.A., Chapter 47. The board of sewage disposal commissioners (BOARD) is obligated by law to comply with conditions of that permit, and to operate and manage the PLANT and SEWERS as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101.

SECTION 2- Introduction to Reserve Capacity Allocation

The permitted capacity of the PLANT and SEWERS is the property of the Town of West Rutland. The uncommitted reserve capacity of the PLANT and SEWERS shall be allocated by the BOARD in the manner described below. This ordinance is adopted pursuant to the provisions of 24 V.S.A., SECTION 3625, in the manner provided in 24 V.S.A., Chapter 59 (or in the manner provided for in 24 V.S.A., Chapter 117), and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the BOARD to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the Town of West Rutland, nor shall it be construed to impair or inhibit the ability of the Town of West Rutland's PLANT to contract with persons for the collection, transmission and treatment of sewerage.

The Town of West Rutland has a design treatment capacity of 325,000 gallons per day and currently operates the treatment PLANT at an average of 229,250 gallons per day from "current users". At the time of the adoption of this ordinance committed reserve capacity equals 9,325 gallons and the uncommitted reserve capacity equals 86,425 gallons, these amounts are subject to change.

SECTION 3- Reserve Capacity Allocation

SECTION 3.01- Allocation Flow Basis

All allocations to projects shall be based on the applicant's wastewater flow basis. Any differential between actual flows and development wastewater flows that occurs is not available to the applicant for re-allotment to another project or a project expansion.

SECTION 3.02- Allocation Priorities

Allocation of uncommitted reserve capacity shall comply with the following priority intended to govern the gross allocation of reserve capacity before the allocation principles are applied to specific projects.

Residential, commercial, institutional and industrial facilities existing within the sewer service area on the date of adoption of this ordinance 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. New applicants within or outside the sewer service area shall have second priority of uncommitted reserve capacity provided that the development is in the best interest of the Town of West Rutland as determined by the BOARD.

In no instance shall any of the described customer categories, (i.e. residential, commercial, institutional and industrial) be allocated more than 75% of the annual allocation in any given year.

SECTION 3.03- Allocation Principles

Subsequent to application of the allocation priority, uncommitted reserve capacity in the PLANT may be allocated to specific projects according to the following procedure:

a) Once sewer use applications have been returned to the municipal office and marked with the time and date by the person receiving the application, the **Board or the Board's municipal designee** may review the applications on a first come, first serve basis. The total remaining uncommitted wastewater reserve capacity shall be allocated by the **Board or its municipal designee**, in a manner consistent with the Town's allocation priorities. The total uncommitted reserve capacity shall be determined each 6 months and committed reserve shall be continuously recorded and updated for use in allocation decisions.

b) **Municipal Designee for Allocation Process.** In order to process small allocation request(s) in a timely manner, the Board may authorize its municipal designee to review applications for “500 g.p.d. or less” allocation capacity on a first come, first serve basis. The municipal designee shall have the authority to allocate remaining uncommitted wastewater reserve capacity for same application(s), not to exceed 500 g.p.d. allocation per application. Those aggrieved by an allocation decision of the designee, may appeal his or her decision in writing to the BOARD within 30 days.

c) **The BOARD or its Municipal Designee** retains the right to review applications and make allocations on other than a first come first serve basis if they find such action is in the municipality's best interest.

SECTION 3.04- Application for Allocation

Owners (also referred to herein as “applicants”) wishing to use the PLANT and SEWERS shall apply to the BOARD, or its municipal designee, on a form prescribed by the BOARD. Such application shall:

a) Be accompanied by a calculation of the applicant’s wastewater flow to be generated by the project/development;

b) Include calculations for the volume, flow rate, strength and any other characteristics determined appropriate by the BOARD;

c) Unless waived by the BOARD all calculations required in (a) and (b) above for developments generating over 1000 g.p.d. shall be certified by a Vermont registered professional engineer.

d) 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 Vermont registered engineer. This requirement to submit plans and specs may be waived by the BOARD until final connection approval.

e) Include payment of fee as set forth in fee schedule.

SECTION 3.05- Preliminary Allocation Approval Requirements

Upon receipt of an acceptable application and supportive documents, the BOARD, or its municipal designee, may make preliminary approval of uncommitted reserve capacity/allocation upon making affirmative findings that:

- a) The proposed wastewater is of domestic, sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection;
- b) The proposed wastewater is not of domestic sanitary origin and that sufficient evidence has been presented by the owner to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the PLANT and SEWERS and that the proposed wastewater shall not alone or in combination with other wastes cause a violation of the discharge permit, pass through the PLANT without treatment, interfere or otherwise disrupt the proper quality and disposal of PLANT sludge or be injurious in any other manner to the PLANT or SEWERS and that there is sufficient uncommitted reserve capacity to accommodate the strength and volume of the proposed development;
- c) The proposed use of wastewater capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the BOARD or municipality.

SECTION 3.06- Conditions of Preliminary Allocation Permit Approval

The BOARD, or its municipal designee, after making the approval findings above, may issue a preliminary wastewater allocation permit, which approval shall be a binding commitment of capacity to the applicant contingent on compliance with any conditions attached to the preliminary permit and the subsequent issuance of a final allocation permit. The preliminary allocation permit conditions shall include:

- a) Specification of the period of time during which the interim connection approval shall remain valid for one year. The Board may issue time extension(s) upon the request of the owner.
- b) Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the preliminary allocation approval.
- c) Provision for revocation by the action of the BOARD on failure of the owner to fulfill requirements of the preliminary allocation approval.
- d) Specification that the recipient of the preliminary allocation approval may not transfer, by any means, the preliminary allocation approval to any other person or connect to the SEWERS.

SECTION 3.07- Final Allocation Permit Approval Requirements

Prior to final allocation approval, the following requirements shall be met by the owner:

- a) Applicable local, State and Federal permits have been secured for the development/project;
- b) **Allocation fees and other local fees or taxes set by the BOARD, have been paid in full to the Town of West Rutland.** Allocation fees shall be partially based on the volume and strength of the proposed wastewater flow. The Board shall establish the fee schedule.
- c) **Financial hardship case.** The due date for allocation fees may be extended by the Board, if the owner displays an inability to pay the allocation fees at the time of application. Said applicant may file its request in writing to the Board, for Board review. **All allocation and connection fees, however, shall be paid by the owner prior to sewer connection.**
- d) The owner's "plans and specs" for connection to and, if necessary, extension of the municipal SEWERS are acceptable to the BOARD, as presented by the applicant.

3.08) Final Allocation Permit Approval Conditions

A final allocation permit is an agreement between the Town of West Rutland and the Owner/applicant. The Owner who is issued the final allocation permit does not own the capacity and forfeits all rights to capacity if preliminary and final allocation permit conditions are not met.

The BOARD, or its municipal designee, on making affirmative findings that all conditions of the preliminary allocation approval prerequisites in SECTION 3.07 of this article have been fulfilled shall issue the final wastewater allocation permit, which may be conditioned as follows:

- a) The permit shall specify the allowed volume, flow rate, strength frequency and any other characteristics of the proposed discharge determined appropriate by the BOARD.
- b) The capacity allocation is not transferable to any other person or project unless requested by the original applicant and approved by the BOARD.
- c) Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the final allocation approval.

d) Provision for revocation by the action of the BOARD on failure of the owner to fulfill requirements of the final allocation approval.

e) Capacity allocated in conjunction with the final allocation permit for building development shall revert to the municipality if the permit recipient has failed to "initiate construction" within one year of the issued date on the final wastewater allocation permit.

f) The final allocation permit shall expire two years from the date of its issuance. A revised development plan and sewer use application may be approved by the BOARD, or its municipal designee, in the same manner as the original. Such revised plans must also be approved under local bylaws and by the applicable State Laws and Regulations. If the BOARD, or its municipal designee, approves a revised sewer use application, it may issue a revised Final Allocation Permit with reduced or increased capacity allocation determined in accord with the allocation priorities and principles. Where reduced capacity is granted in a revised allocation permit, the unused capacity shall revert to the Town of West Rutland. The BOARD shall determine the amount of unused capacity returned. With any approval of a revised allocation and allocation permit the BOARD may consider extension of the original two year allocation permit expiration date.

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

Regardless of the permit expiration period above the BOARD may extend the final wastewater allocation permit expiration date over a longer period if this action is in the municipality's best interest.

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

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

The applicant shall file the final allocation permits in the land records of the (municipality) along with copies of all fees paid and reference to the location of the approved connection plans and specifications. When the owner of a subdivision sells individual lots within the two year time frame, the final allocation permit shall transfer when the property transfers and the new owner becomes bound to comply with all permits issued and the plans and specifications for connecting the municipal SEWERS. The transferred permit shall be considered a new final allocation permit issued on the date of property transfer and the constraints of this Ordinance shall apply to this permit. The permit shall expire as provided in this Ordinance.

SECTION 3.09- Transfer of Allocation

- a) Initially reserve capacity is allocated by the BOARD, or its municipal designee, to a specific applicant, project and parcel of land, however, the allocation does not run solely with the land during project completion.
- b) The capacity allocation belongs to the Town of West Rutland and is not transferable until the project/building/ development is constructed and connected to the main sewer line. The transfer of the capacity allocation is prohibited unless approved in writing by the BOARD at the original owner's request.
- c) The BOARD may approve transfer of capacity from one project to another and one owner to another provided the new project and owner meets all the requirements for the final connection approval originally issued and the original owner requests such transfer.

SECTION 4- Connection Permit Approval Requirements

- a) The construction of the connection and, if necessary, the municipal SEWER extension, must be overseen to assure compliance with the plans and specs and good construction practice in a manner acceptable to the BOARD.
- b) The Superintendent shall be notified at least five business days in advance of any proposed sewer connection authorized by a connection permit for an inspection. The connection to the municipal sewer shall not be performed unless the Superintendent is present and shall not be covered until approved by

the Superintendent. Additional constraints may be found in the Sewer Ordinance, where applicable.

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

c) Connection fees are set by the BOARD and have to be paid in full to the Town of West Rutland, prior to granting connection approval.

SECTION 4.01- Authority to Require Connection

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

ARTICLE 6

Building Sewers, Sewer Mains, and Connections

SECTION 1 - No unauthorized person shall cover or uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a sewer permit from the BOARD, or its municipal designee. 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 BOARD and obtain a written sewer permit from the BOARD at least forty-five (45) days prior to the proposed change or connection. No such change or connection shall be made without the written permit from the BOARD, or its municipal designee.

SECTION 2 - There shall be three (3) classes of public sewer connection permits: (1) for residential, (2) for commercial and (3) for service to establishments producing industrial wastes. In any case, the Owner, or owner's agent, shall make application on a special form provided by the BOARD. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the BOARD.

SECTION 3 - All costs and expenses related with the installation and connection to a public sewer shall be borne by the Owner. The Owner shall indemnify the municipality from any loss or damage that may be caused directly or indirectly by the installation of the sewer connection. The connection fees shall be

determined by the BOARD. All fees shall be made payable to the Town of West Rutland.

SECTION 4 - A separate and independent sewer connection shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one sewer connection. Use of private sewage facilities which accept and convey flow from more than one building may not be used except when found, on examination and test by the BOARD, to be in satisfactory condition and meeting all requirements of this ORDINANCE. The burden of proof and all expenses incurred by the BOARD to determine the condition and adequacy of the private sewer shall be borne by the Owner of said private sewer.

SECTION 5 - The BOARD may require the Owner of a project or developer to install a water meter so recorded flow can be used to determine the yearly wastewater charge. Water saving fixtures or equalization tanks may be required by the BOARD for projects/buildings and developments connecting to the sewer system.

SECTION 6 - Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the BOARD, or its municipal designee, to meet all requirements of this ORDINANCE.

SECTION 7 - The size, slope, alignment, materials of construction of a 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 of West Rutland and the State of Vermont. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and the latest edition of the WPCF Manual of Practice No. 9 shall apply.

SECTION 8 - The connection of the building sewer to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of West Rutland and the State of Vermont or the procedures set forth in appropriate specifications of the ASTM and the latest edition of the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

SECTION 9 - Prior to any connection to the house connection "Y" or to the main sewer, the Superintendent shall be given at least 5 business days notice in order that he or she may inspect such work. If the Superintendent has not been properly notified, he or she may require the completed work to be uncovered for examination, with the approval of the BOARD or its municipal designee, at the Owner's expense.

SECTION 10 - The diameter of the building sewer shall not be less than four (4) inches (10.2 cm). The building sewer shall be laid on a uniform grade, wherever practicable, in a straight alignment, of at least one-fourth (1/4) of an inch per foot (2%). Where, in special cases, a minimum grade of one-fourth (1/4) inch per foot cannot be maintained, a grade of one-eighth (1/8) inch per foot (1%) may be permitted, but only after the BOARD give their written approval for the specific connection.

SECTION 11 - Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet (91.4 cm) of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade in the direction from the main sewer to the building and in a straight alignment insofar as possible. Change in direction shall be made only with properly curved pipe and fittings with suitable clean-outs or flush holes as described in SECTION 18 of this Article.

SECTION 12 - In all buildings in which the house plumbing is too low to permit gravity flow to the public sewer, sanitary sewage to be carried by such sewer shall be lifted by approved artificial means and discharged to the building sewer. Such lifting devices shall be located outside the building foundation and have no access or ventilation through the building.

SECTION 13 - No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff or groundwater to a building sewer which, in turn, is connected directly or indirectly to a public sanitary sewer. All such connections which exist shall be disconnected by the Owner, at his expense, by no later than the date of when this ordinance takes effect, or within thirty (30) days upon receipt of notification by the BOARD, or its municipal designee.

SECTION 14 - When installing the building sewer, the trenches shall be dug in a careful manner and properly sheathed where required. The excavated materials shall be placed in a separate pile from road materials and shall be piled in a compact heap so placed as to cause the least possible inconvenience to the public. Proper barricades and lights must be maintained around the trench to guard against accidents.

SECTION 15 - In backfilling, the material under, around and for two (2) feet (61 cm) immediately over the pipe shall be selected so it contains no stones capable of damaging the installation. This must be carefully tamped, the balance of the trench to be backfilled in a workmanlike manner, tamping and filling in eight (8) inch (20.3 cm) layers so as to avoid excessive settlement. When the trench has been filled to the proper height, the road material is to be replaced and heavily tamped or rolled.

SECTION 16 - Where the trench is excavated in rock, the rock must be carefully excavated to a depth of six (6) inches (15.2 cm) below the bottom of the sewer and the trench brought to the proper elevation with gravel or other material satisfactory to the Superintendent. The remainder of the trench must be backfilled with suitable material as described in SECTION 15 of this Article.

SECTION 17 - Where subsurface-soil conditions warrant, special precautions must be taken as may be directed by the Superintendent. In quicksand, all pipes must be laid out on pressure treated planking two (2) inches (5.1 cm) thick by at least six (6) inches (15.2 cm) wide.

SECTION 18 - The connection of the building sewer to the main sewer shall be made at the house connection at the property line or, if no house connection exists, connection shall be made at the nearest available "Y" connection on the main sewer. The Superintendent shall designate the position of the end of the house connection at the property line or the "Y" connection on the main sewer, whichever is appropriate. If it becomes necessary to cut into the main sewer, when no other source of connection is available, then such connection shall be made as directed by and under the supervision of the Superintendent. The dead-ends of all pipes not immediately connected with the house plumbing system must be securely closed by a water-tight cover of imperishable material and properly marked and located.

SECTION 19 - The use of clean-outs on the building sewer shall be made by installing a "Y" and one-eighth (1/8) bends. 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 all curves on the building sewer and on the straight part of the house sewer to the main sewer. The clean-out shall be brought up from the building sewer to four (4) inches (10.2 cm) below ground level and properly capped. Locations of all clean-outs shall be recorded and turned over to the BOARD, or its municipal designee. Where the distance from the building to the point of connection at the main sewer is less than fifty (50) feet (15.2 m), at least one (1) clean-out twenty (20) feet (6.1 m) from the house shall be provided. Clean-outs shall be of the same diameter as the building sewer.

SECTION 20 - Before any portion of an existing building sewer or the house plumbing system outside of the building is connected to the main sewer, the Owner shall prove, to the satisfaction of the BOARD, or its municipal designee, that it is clean and conforms in every respect to this ORDINANCE and all joints are gas tight and water tight.

SECTION 21 - Where pipe is installed for building sewers, such work shall be performed by a licensed plumber.

SECTION 22 - The BOARD, or its municipal designee, with the option to obtain a contractor, shall apply appropriate tests to the pipes at the owner's expense. The plumber and/or 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 BOARD, or its municipal designee.

SECTION 23 - Any person performing work on public property, or in the public Right of Way, for the purpose of installing a building sewer shall file with the BOARD, or its municipal designee, evidence of adequate insurance coverage for liability and property damage. Minimum amounts of coverage shall be established by the BOARD.

SECTION 24 - All work shall be adequately guarded with barricades, lights and other measures for protection to the public from hazard. Streets, sidewalks, curbs and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent and other authorities having jurisdiction.

SECTION 25 - The Contractor shall not block any driveway, street or road at any time without permission of the BOARD, or its municipal designee, 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 his own expense and subject to the approval of the Superintendent, safe bridges or other means of egress.

SECTION 26 - MAINTENANCE - Maintenance of all private sewage facilities including, but not limited to, (1) house plumbing systems, (2) building sewers to the main sewer, (3) house connections, (4) sewers and (5) appurtenances shall be the responsibility of the Owner, at his or her expense. The Owner shall be solely responsible for continually maintaining such facilities in satisfactory operating condition. Maintenance shall include, but not be limited to, (1) maintaining flow, (2) clearing obstructions, (3) maintaining all joints gas and

water-tight, (4) repair or replace collapsed, deteriorated or defective materials, and (5) all other work which is necessary and essential to maintaining proper operation and preserving the structural integrity and water-tightness of the system.

SECTION 27 - The Owner is committed by sewer and any other permits to construct the project/building/development to meet all specifications for which allocation/capacity was issued. The BOARD'S municipal designee, may inspect existing buildings and construction sites from time to time during each sewer construction phase to assure permit specifications are being met. A final inspection shall be made prior to the connection from the building to the main sewer line by the Superintendent.

SECTION 28 - APPROVAL

Upon receipt of two sets of "As-Builts" construction documents satisfactory to the Selectboard and subject to any review and field inspections deemed necessary by the Selectboard, a Notice of Approval shall be provided to the Permittee.

A sewer main shall not be placed into service until the Town issues written authorization of such action. Authorization will not be issued until, at a minimum, the Town has been provided written certification from a design professional that the sewer main and appurtenant facilities;

1. Have been constructed in accordance with approved plans and required standards; and

2. Has been inspected and tested with results that demonstrate compliance with applicable standards.

Upon the Town's written authorization to place the sewer main into service the sewer main becomes the property of the Town.

A performance bond or certified check shall be filed with the Town Manager, in the amount of the construction cost of the sewer water main. The bond or check will be held by the Town for one year as a means to warrant the sewer main and to cover costs of repairs, if needed.

ARTICLE 7

Use of the Public Sewer

SECTION 1 - No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, or uncontaminated cooling water to any sanitary system.

SECTION 2 - Storm water and all other unpolluted drainage may be discharged to storm sewers, or to a natural outlet approved by the BOARD. Industrial cooling water may be discharged, upon approval of the BOARD, to a storm sewer, or natural outlet.

SECTION 3 - No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

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 the receiving waters of the wastewater treatment PLANT.

c. Any waters or wastes having a pH lower than 6.5 or higher than 8.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the public sewage facilities.

d. Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, ground garbage, whole blood, hair, flashings, entrails and paper dishes, cups, milk containers or any other solid or viscous substance, whether whole or ground by garbage grinders, capable of causing obstruction to the flow in sewers or other interference with the proper operation of the public sewage facilities.

SECTION 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 Superintendent 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 his opinion as to the acceptability of these wastes, the Superintendent shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials, of construction in the sewers, nature of the sewage treatment process, capacity of the sewage treatment PLANT, degree of treatability of wastes in the sewage treatment PLANT and other pertinent factors. The substances prohibited are:

a. Any liquor or vapor having a temperature higher than 150 degrees F (65 degrees C).

- b. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, wax or grease, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees F (0 degrees C) and 150 degrees F (65 degrees C).
- and c. Any garbage that has not been properly shredded. The installation operation of a garbage grinder equipped with a motor of 3/4 hp (0.76 hp metric) or greater shall be subject to the review and approval of the BOARD prior to installation.
- d. Any chemicals or chemical compounds of the following nature or characteristics or having similarly objectionable characteristics: alcohols, arsenic and arsenicals, phenols or cresols, formaldehydes, iodine, manganese, cyanide, heavy metals and other metal finishing or PLANT wastes, acid pickling waste, mercury and mercurials, silver and silver compounds, sulfonamides, toxic dyes (organic or mineral), zinc, all strong oxidizing agents such as chromates, dichromates, permanganates, peroxide and the like, compounds producing hydrogen sulfide, or any other toxic, inflammable or explosive gases, either upon acidification, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulfides, sulfites, and the like, radioactive materials or isotopes, whether neutralized or not.
- e. Any water or wastes containing excessive settleable solids, iron, chromium, copper, zinc and similar objectionable or toxic substance or wastes exerting an excessive chlorine demand, exerting an unusual chemical oxygen demand or containing any other material or constituent in concentrations which exceed limits which may be established by the BOARD.
- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent 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 Superintendent in compliance with applicable State or Federal Regulations.
- h. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment PLANT.

l. Any noxious or malodorous gas or substance capable of creating a public nuisance.

j. Any waters or wastes if it appears likely, in the opinion of the BOARD, that such waste can harm either the sewers, treatment PLANT process or equipment, would have an adverse effect on the receiving stream, or could otherwise endanger human or animal life, limb, public property or constitute a nuisance.

k. Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or proposed or are amenable to treatment only to such a degree that the sewage treatment PLANT effluent cannot meet the requirements of its discharge permit or of other agencies having jurisdiction over discharge to the receiving waters.

l. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, which may cause the effluent limitations of the discharge permit to be exceeded.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

SECTION 5 - The admission into the public sewers of any waters or wastes having (a) a five (5) day BOD greater than 300 mg/l or (b) containing more than 350 mg/l of suspended solids or (c) containing any quantity of substances having the characteristics described in SECTION 3 and 4 or (d) having an average daily flow greater than two percent (2%) of the average daily sewage flow received at the sewage treatment PLANT shall be subject to the review and approval of the BOARD. The BOARD may:

- a. Reject the wastes, or
- b. Require pretreatment to an acceptable condition for discharge to the public sewers, or
- c. Require control over the quantities and rates of discharge, or
- d. Require a fine to be levied according to the severity of the problem or,
- e. Require any combination of the foregoing.

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

SECTION 6 - Grease, oil, hair, and sand interceptors shall be provided when in the opinion of the BOARD, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the BOARD and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 7 - Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

SECTION 8 - Where installed, all grease, oil, hair, and sand interceptors shall be maintained by the owner, at his/her expense, in continuously efficient operation at all time. Materials collected shall not be introduced into the public sewage system.

SECTION 9 - Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his/her expense.

SECTION 10 - When required by the BOARD, the Owner of any property served by a building sewer carrying industrial wastes shall install a suitably controlled

manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the BOARD. The manhole shall be installed by the Owner, at his/her expense, and shall be maintained by the owner so as to be safe and accessible at all times.

SECTION 11 - All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available, upon request, by the Superintendent, 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 may be supplied by the Superintendent to the Secretary on request.

SECTION 12 - All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ORDINANCE shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater" published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the existence of hazards to life, limb and property. (The particular analyses involved may determine whether a twenty-four (24) hour flow composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour proportioned composites of all outfalls whereas pH's are determined from periodic grab samples.)

SECTION 13 - Any industry held in violation of the provisions of this ORDINANCE may have its disposal authorization terminated and may be fined by the BOARD, as permitted by law.

SECTION 14 - Any person proposing a new discharge into the public sewage system or a substantial change in volume or character of pollutants that are being discharged into the public sewage system shall obtain a written sewer permit and notify the BOARD at least forty-five (45) days prior to the proposed change or connection, and provide all laboratory analyses, technical data, engineering reports and all other information requested by the BOARD at their

expense. No such change or connection shall be made without a written permit from the BOARD.

SECTION 15 - The BOARD may require that any applicant for a permit or a sewer user provide, at his or her expense, chemical analyses, treatability studies, engineering reports or other documentation which shall be prepared by a professional engineer or a certified laboratory, as applicable.

ARTICLE 8

Sewer Rents & Fund Management

SECTION 1 - OPERATION AND MAINTENANCE - An annual charge, which shall be determined by the BOARD, is hereby imposed upon every person having a building or structure on their premises and who are served by the municipal public sewage system where sewage may be collected for the use of the premises by the Owners, or other users and owners of real property within the Town of West Rutland. The annual charge shall be for the purpose of the payment associated with the costs of operating, maintaining and repairing said system. The BOARD 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.

SECTION 2 - The sewer rents established in SECTION 1 of this ARTICLE and defined hereinafter shall 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. The rate structure shall incorporate the requirements of 40 CFR, §35.935-13 or §35.2140, as applicable.

SECTION 3 - The annual charges stipulated in SECTION 1 of this ARTICLE shall be based upon rate structure(s) decided by the BOARD as provided for in 24 V.S.A., Chapter 101.

SECTION 4 - CAPITAL COSTS - The design, construction and development costs of all public sewage system expansions and extensions which have been approved by the Board shall: a) be borne by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansions, unless; b) the voters of the Town of West Rutland shall vote at a duly warned annual or special meeting to assume all or a portion of the costs involved; or, c) if the BOARD agrees to fund all, or in part of extension, within existing wastewater operating budget or sinking fund balance. When the voters of the Town of West Rutland vote to assume all or a portion of the costs, such

costs shall be paid from the collection of taxes unless the voters of the Town of West Rutland approve some other means of raising the required moneys.

SECTION 5 - COLLECTION - Collection of the delinquent sewer rents may be enforced by the Town of West Rutland pursuant to 24 V.S.A., Chapter 129 water and sewer disconnection; 24 V.S.A., SECTION 3612 charges; lien; and 24 V.S.A., SECTION 3615, rents; rates. In the event any sewer rent is not paid within thirty (30) days from the billing date, a late penalty charge shall be added to the sewer rent together with interest charges. The amount of the late penalty charge and the interest rate on the overdue accounts shall be the same as those applied to delinquent taxes. If such payment is not made, such sewer rent shall be a lien upon such real estate and shall be collected according to the procedures allowed for in 32 V.S.A.

SECTION 6- Sinking Fund/Set-Asides For Major Expenditures

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

SECTION 6.01 - A separate sinking fund may be utilized for major maintenance/replacement expenditures and for expansion/upgrading expenses associated with the wastewater facility in the Town of West Rutland. Sinking fund establishment for maintenance/replacement expenditures shall be through written policy of the Town of West Rutland. Any sinking fund policy shall contain 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 assets, source of funding and when payments are to stop. All sinking funds shall be established and maintained in accord with 24 V.S.A., SECTION 3616.

SECTION 6.02 - The Town of West Rutland reserves the right to increase, decrease, stop and/or maintain regular deposits to a sinking fund not exceeding 15% of the normal total budgeted expenses for maintenance/ replacement in that year. The 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 sewer BOARD holding office have the authority to withdraw sinking fund amounts only for the purpose of paying for major expenditures/PLANT expansion for which the fund was established.

SECTION 6.03- When sinking fund assets are not disbursed fully for major maintenance/replacement expenditures and/or PLANT expansion, excess money shall remain in the sinking fund for future related expenditures similar in nature. Revenues established for PLANT expansion dedicated funds may be generated from connection/allocation fees paid by prospective users to defray and pay

expansion costs.

ARTICLE 9

Applications/Permits/Fees

SECTION 1 - Applications for permits shall be made on forms established and provided by the BOARD.

SECTION 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.

SECTION 3 - Any permit issued by the BOARD, or Municipal Designee, may be suspended or revoked at any time by the BOARD, or 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 BOARD or their duly authorized representatives.

SECTION 4 - Any Commissioner, or 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 BOARD, or Municipal Designee. When possible, the BOARD or 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.

SECTION 5 - All permits must be kept on the premises and shall be made available to the BOARD or their duly authorized representatives at any time. Failure to keep permits available shall be presumptive evidence that the work or operation being conducted is without a permit and is a violation of this ORDINANCE.

SECTION 6 - All fees stipulated, or referred to, in the ORDINANCE shall be determined by the BOARD and identified as *West Rutland's Wastewater Schedule of Fees*. The Board may update the *Schedule* on an annual basis. The schedule may include information, such as: connection fees; allocation fees; fee due date(s); and, application fees. All fees shall be made payable to the *Town of West Rutland* and paid directly to the Town Manager's or Town Clerk's office.

SECTION 7- Funding for SEWERS Connection

The municipality is not financially obligated to expand, extend, or connect the main sewers within and/or outside the sewer service area. **Any cost for sewer service area connection shall be borne in full by the owner, and;**

SECTION 7.01- The BOARD has the following option(s) for other cost recovery/funding methods, if in the “best interest” of the community:

- a) At the Board’s discretion, place a question for ballot vote to be approved/disapproved by the majority of voters present and voting.
- b) At the Board’s discretion, if project can be funded within the existing sewer operating budget, or existing wastewater sinking fund balance, to be funded by the municipality.
- c) any combination of options in this SECTION

SECTION 7.02- “Best interest” shall be defined by BOARD and may include meeting economic development or community institutional needs.

SECTION 7.03- The Board may grant owners who request to connect to the main sewers and have paid a user (Operation and Maintenance) fee by the municipality for at least five years for same unconnected property with payment history, exemption from municipal connection and allocation fees, within dollar limits established by the Board in the Town’s schedule of fees.

SECTION 7.04- All request for fee waivers shall be presented to the Board for review and action (unless meeting criteria in SECTION 7.03).

SECTION 7.05- Any payments made as required by SECTION 7.02(a) shall not be construed as payments towards reserve capacity that may be provided for the project.

ARTICLE 10

Protection From Damage

SECTION 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 Title 13, SECTION 3701 of the Vermont Statutes Annotated.

ARTICLE 11

Powers and Authority of Inspectors

SECTION 1 - The Superintendent and other duly authorized employees of the Town of West Rutland, 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 Superintendent or his/her 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 waste treatment.

SECTION 2 - While performing the necessary work on private properties referred to in ARTICLE 9, SECTION 1 above, the Superintendent or duly authorized employees of the Town of West Rutland shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town of West Rutland employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

SECTION 3 - The Superintendent and other duly authorized employees of the Town of West Rutland bearing proper credentials and identification shall be permitted to enter all private properties through which the Town of West Rutland holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer 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 duly negotiated easement pertaining to the private property involved.

ARTICLE 12

Penalties

SECTION 1 - Any person found to be violating any provision of this ORDINANCE, except ARTICLE 10, shall be served by the BOARD with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease the violation.

SECTION 2 - Any person who shall continue any violation beyond the time limit provided for in ARTICLE 12, SECTION 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 3 - Any person violating any of the provisions of this ordinance shall become liable to the Town of West Rutland for any expenses, loss or damage caused by such offense.

SECTION 4 - Notwithstanding any of the foregoing provisions, the Town of West Rutland 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 & compensation for other fees & expenses as provided in this Ordinance.

ARTICLE 13

VALIDITY

SECTION 1 - All other rules and regulations in conflict with this ORDINANCE are hereby repealed.

SECTION 2 - Each SECTION or part of a SECTION in this ORDINANCE is hereby declared to be a separate and distinct enactment. If any SECTION or portion thereof in this ORDINANCE, as adopted, is found to be void, invalid, unconstitutional, inoperative or ineffective for any cause, it shall not affect the validity of any other SECTION or part thereof which can be given effect without such invalid part or parts.

SECTION 3 - These rules may be amended at any time by the Town of West Rutland as provided by law.

ARTICLE 14 - ORDINANCE IN FORCE

SECTION 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 Sewer Ordinance enacted May 13th, 1971 and the Ordinance for the Allocation of Wastewater Reserve Capacity enacted June 11, 1990.

SECTION 2 - Duly enacted and ordained by the Selectboard of the Town of West Rutland, Rutland County, State of Vermont, on the 28th day of September, 1998, at a duly called and duly held meeting of said BOARD. This ORDINANCE shall become effective sixty (60) days from the date hereof.

ATTESTED BY: _____
Clerk Jayne Pratt

Alfred Washburn, Chairperson

Selectboard