ORDINANCE

Regulating the Use of Public and Private Sewerage Systems

Pursuant to Title 24, Section 3617 of the Vermont Statutes Annotated, it is hereby ordained by the Village of Northfield, Vermont that the protection of the health and safety of Northfield and of the general public requires the establishment of minimum standards governing the design, construction, installation and usage of public and private sanitary sewage systems.

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Article 1 General Provisions

Section 1.1 Designation

All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "Ordinance Regulating the Use of Public and Private Sewerage Systems" hereinafter sometimes referred to as the ORDINANCE.

Section 1.2 Filing

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

Section 1.3 Restriction on Use

The principal objective of sewage facilities is to collect sewage 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 not regulated by the Agency of Natural Resources into the public sewers is prohibited, except as herein otherwise provided.

Section 1.4 Review

The provisions of the ORDINANCE shall be reviewed at intervals not exceeding five (5) years by the Interlocal Agreement Committee 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 waste treatment and sewage collection available to Northfield. The Committee shall make any appropriate recommendations to the Board of Trustees of the Village of Northfield.

Section 1.5 More Strict Requirement Applies

In the case of any other applicable regulation, by-law, ordinance, or statute which differs from the rules and regulations of the ORDINANCE, the more strict shall apply.

Article 2 Definitions and Abbreviations

Section 2.1 Definitions

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

2.1.1 "Board" shall mean the legislative body having legislative jurisdiction of the municipality, the Board of Trustees of the Village of Northfield.

2.1.2 "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.

2.1.3 "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.

2.1.4 "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.

2.1.5 "Chief Operator" shall mean that employee of Northfield who shall be designated from time to time by management to operate and maintain the Waste Water Treatment Facilities or his properly designated representative.

2.1.6 "Clerk" shall mean the Village Clerk of Northfield.

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

2.1.8 "Commissioners" or "Sewage Disposal Commissioners" shall mean the elected officials charged with responsibility for the Waste Water Treatment Facilities, the Trustees of the Village of Northfield, or their authorized deputy, agent or representative.

2.1.9 "Committee" or "Interlocal Committee" is such as identified in the Interlocal Agreement between the Town and the Village.

2.1.10 "Connection Fee" shall mean a fee imposed on applicants for the municipality's cost of performing, supplying materials, supervising, inspecting and administering a connection to the sewage system including any necessary sewer service extension, upgrading sewers or for any portion of these activities, and for an appropriate portion of the capital value of the sewer system.

2.1.11 "Construction" shall mean: building development; the completion of the foundation. "Subdivision development": the sale of individual lots, or filing an intention to subdivide.

2.1.12 "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, and religious uses.

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

2.1.14 "ERU" shall mean Equivalent Residential Unit which is the average monthly volume usage of residential customers. This value is set by the Commissioners with recommendation from the Committee.

2.1.15 "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.

2.1.16 "Health Officer" shall mean the legally designated Health Officer or Deputy Health Officer of Northfield, Vermont.

2.1.17 "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.

2.1.18 “Impact Fee” shall mean a fee imposed on applicants for capacity allocation equal to the capital cost per gallon of sewage treatment and disposal capacity attributable to the project or development. This fee shall be consistent with the intent of impact fees authorized under 24 V.S.A. Chapter 131.

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

2.1.20 “Interlocal Agreement” means the Agreement adopted by the Town of Northfield and the Village of Northfield on August 15, 2002 and any amendments thereto that have been subsequently properly adopted.

2.1.21 "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.

2.1.22 “Major extension” shall mean an extension of the main sewers beyond the confines of the presently defined sewer service area, or an extension requiring borrowing on the part of the municipality.

2.1.23 “Minor extension” shall mean an extension of the main sewers beyond the confines of the presently defined sewer service area that does not require borrowing on the part of the municipality.

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

2.1.25 “Objectionable Waste” Would be that material that overcomes the ability of the lands natural ability to cleanse itself with out affecting abutting property or the use of disinfectants, lime or mechanical means.

2.1.26 “On-site Sewage Treatment and Disposal System” means a septic tank and leaching field system utilizing natural soil natural to treat and disperse sewage in such a manner as to protect public health, and both groundwater and surface water contamination.

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

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

2.1.29 "Plans" shall mean the drawings showing the intended or as built design or constructed sewer; detailed sufficiently to identify type and location of material used and general conformance of accepted construction standards. Plans shall be of size and quantity to be registered and maintained as a permanent record on Mylar in the Municipal clerk's office.

2.1.30 "PLANT" shall mean the sewage treatment plant or waste water treatment facility owned and operated by the Village of Northfield.

2.1.31 "Public Sewage System or Facilities" shall mean all facilities for collecting, pumping, treating and disposing of sewage that are controlled and operated by the Village of Northfield.

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

2.1.33 "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 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.

2.1.34 "Repair" of a private sewage system shall mean any physical change to the treatment part of the system. Changes that occur during routine pumping out of a septic tank and that are normally part of that process shall not be considered repair. Repair of piping that does not entail changes to the treatment part of the system is not considered repair of the sewage system.

2.1.35 "Reserve Capacity" is the permitted wastewater flow minus the actual plant wastewater flow during the preceding 12 months. Committed and uncommitted reserve capacity shall be identified annually with planned (not yet discharging) and unplanned projects respectfully.

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

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

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

2.1.39 "Sewage Disposal Commissioners" shall mean "Commissioners" as defined above.

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

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

2.1.42 "Sewer" shall mean a pipe or conduit for carrying waste water owned by Northfield.

2.1.43 "SEWERS" shall mean all of the sewage collection and transmission system owned and operated by the Village of Northfield.

2.1.44 "Waste water service area" is that area of a municipality that is within 250 feet horizontally from existing municipal collection lines and manholes.

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

2.1.46 "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.

2.1.47 "Storm Drain" (sometimes "Storm Sewer") shall mean a sewer that carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

2.1.48 "Subdivision" shall mean a tract of land, owned or controlled by a person as defined herein, which has been partitioned or is intended to be divided for the purpose of sale or lease into two (2) or more lots. The dividing of a parcel of land by sale, gift, lease, mortgage foreclosure, court ordered partition or filing of a plot plan on the town records where the act of division creates one or more parcels of land of less than 10 acres in area, but excluding leases subject to the provisions of Chapter 153 of Title 10 relating to mobile homes. Subdivision shall be deemed to have occurred on the conveyance of the first lot or the filing of a plot plan on the town records, whichever shall first occur; or the commencement of building development with intent to subdivide, as defined in subsection (1) of this section, such that the building development will be located upon a parcel of land less than 10 acres in size .

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

2.1.50 "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.

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

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

Section 2.2 Abbreviations

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

2.2.1 ANSI shall mean American National Standards Institute.

2.2.2 ASME shall mean American Society of Mechanical Engineers.

2.2.3 ASTM shall mean American Society for Testing and Materials.

2.2.4 AWWA shall mean American Water Works Association.

2.2.5 NPC shall mean National Plumbing Code.

2.2.6 CS shall mean Commercial Standards.

2.2.7 WPCF shall mean Water Pollution Control Federation.

2.2.8 gpd shall mean gallons per day.

2.2.9 ppm shall mean parts per million.

2.2.10 mg/l shall mean milligrams per liter.

2.2.11 Degrees F shall mean degrees Fahrenheit.

2.2.12 Degrees C shall mean degrees Centigrade.

2.2.13 cm shall mean centimeter.

2.2.14 m shall mean meter.

2.2.15 l shall mean liters.

2.2.16 Kg shall mean kilograms.

Article 3 Use of Public Sewers Required

Section 3.1 Source Protection Areas

Protection areas for the source of drinkable water for the Northfield public water system have been defined in a Protection Plan filed with the Agency of Natural Resources in 2001 and revised in 2002. Requirements for connections may depend on the location of properties within the Zones defined in that Plan or as thereafter amended. A qualitative description of the Zones is included for convenience; the actual definition of the Zones is per the Protection Plan. The "source protection area" covers everything within Zone 3.

3.1.1 **Zone 2:** bounded approximately by the immediate pumping area of Pump 1 on the north, route 12A on the east, the rise from the flood plain on the west and Bull Run road intersection on the south.

3.1.2 **TYTOT:** Two year time of travel roughly parallels Zone 2 a few hundred feet outside. It runs to the east of route 12 on the east and near the railroad on the west.

3.1.3 **Zone 3:** bounded on the north just south of Fernandez Apartments, on the east by the first ridge east of route 12, on route 12 south just south of the interstate access intersection, south of that, by the ridge west of route 12, on the west by the ridge to the west, and on the south about 1300 ft up Bull Run road.

Section 3.2 Disposal on Property

It shall be unlawful for any person to place, deposit or permit to be placed or deposited upon public or private property, any human excrement or other objectionable waste within the source protection area or within 250ft (76.20 meters) of municipal waste water collection systems.

Section 3.3 Disposal into Watercourses

It shall be unlawful to discharge to any natural outlet within Northfield, or in any area under the jurisdiction of the Board of Trustees of the Village of Northfield, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of the ORDINANCE and the laws and regulations of the State of Vermont and the municipal sewage disposal ordinance for on-site sewage systems.

Section 3.4 Requirements to Connect

3.4.1 The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated within Northfield and abutting on any street, alley or right of way in which there is located a public sewer, 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 the ORDINANCE, within forty five (45) days after date of official notice to do so, provided that said public sewer is within two hundred fifty (250) feet (76.20 meters) of the building(s) requiring service. Installation of or repair to a private sewage system servicing a building located within two hundred fifty (250) feet of a public

sewer and on a property that abuts on a street, alley or right of way in which there is located a public sewer is not permitted unless the Board, advised by the Committee, finds that connection would cause extreme hardship and the private sewage system would meet all state and municipal rules that are applicable to it.

3.4.2 Existing private sewage disposal systems that are working properly and are within the area specified in this section, but outside the source protection area may continue to be used as long as they meet all other requirements. When any such system physically fails or otherwise fails to meet any state or municipal rules that are applicable to it, connection to the public sewer system shall be required. When any such system visibly leaks it shall be presumed to have physically failed. Rebuilding, replacement, and repair are not permissible alternatives to connecting to the public sewer system. Periodic pumping out of a septic system is not evidence of failure and does not of itself imply a requirement to connect to the public sewer system. If the Board, advised by the Committee, finds that connection would cause extreme hardship and the private sewage system would meet all state and municipal rules that are applicable to that system, the Board may waive the requirement to connect.

Section 3.5 Restrictions on Private Disposal

It shall be unlawful to construct or to maintain any privy vault, septic tank, cesspool leaching field or other facility intended or used for the disposal of sewage in any region covered by the Section of this Article, Requirements to Connect, other than as specified therein.

Article 4 Capacity Allocation

Section 4.1 Ownership & Permit

The Village of Northfield 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 accord with a discharge permit issued by the Vermont Department of Environmental Conservation under authority granted in 10 V.S.A., Chapter 47. The Commissioners are 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 4.2 Introduction to Reserve Capacity Allocation

The permitted capacity of the PLANT and SEWERS is the property of the Village of Northfield. The uncommitted reserve capacity of the PLANT and SEWERS shall be allocated by the Commissioners 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 Commissioners to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within Northfield nor shall it be construed to impair or inhibit the ability of Northfield to contract with persons for the collection, transmission and treatment of sewerage.

Northfield has a design treatment capacity of 1.0 million gallons per day. Just prior to the adoption of this ordinance, the PLANT processed an average of 486,583 gallons per day from "current users". The uncommitted reserve capacity was 494,167 gallons and the committed reserve capacity was 19,250 gallons. These amounts are subject to change.

4.2.1 **Allocation Flow Basis**: All allocations to a development shall be based on the development's wastewater flow. Any differential between actual flows and development wastewater flows that occurs, is not available to the development owner for reallotment to another development or a development expansion.

4.2.2 **Allocation Priorities**: 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 for a total of 75,000gallons. New development within or outside the sewer service area will have second priority of uncommitted reserve capacity provided that the development is in the best interest of the Northfield as determined by the Board of Trustees.

4.2.3 **Allocation Principles**: Subsequent to application of the allocation priority, uncommitted reserve capacity in the wastewater treatment facility may be allocated by a 30/30/40 formula assigned to each municipality (30/30) and specific developments (40) according to the following procedure and the Interlocal Agreement:

a) Once sewer permit applications have been returned to the Northfield office and marked with the time and dated by the person receiving the application, the Board of Trustees may review the applications on a first come, first serve basis. The total remaining wastewater capacity should be allocated by the Board of Trustees in such a way that uncommitted capacity is distributed in specified gallons according to zoning districts/user classification with a limitation on what reserves can be allocated by the Board of Trustees in a year for each zoning district/user classification as long as capacity exists. The annual allotment is determined by known uncommitted reserve divided into a 20 year projected time. Uncommitted plant reserve may be carried into the next year, but under no circumstances may the uncommitted reserve be allocated in advance with out the Committee endorsement.

b) The Board of Trustees 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.

Article 5 Sewer Collection System Expansion

Section 5.1 Cost Recovery

Cost recovery for sewer extension. Any extension of the sewer service area to provide for new users shall be funded in the following ways:

5.1.1 Major Extension: A major extension is one requiring a municipal bond to finance. When a properly warned article to authorize the funds and the issuance of bonds to pay a portion or all of the cost to extend the SEWERS is approved according to 24 V.S.A. Chapter 53, the Board of Trustees shall be authorized to fund the extension at that cost. All remaining costs will be funded by other sources. Bond payments will be funded by monies collected in user rates, possibly including special rates to users served by the expansion.

5.1.2 Minor Extension: The proposed users of the extension will normally fund the entire cost of the extension. When a majority of the Village Trustees present and voting authorizes the funds from the Sewer Department to pay for a portion or all of the costs to expand the SEWERS so long as the Village is not forced to borrow for the expansion, the Village may contribute that amount. The proposed users will pay all of said costs not funded by the municipality.

5.1.3 Exception: When the Village Trustees, advised by the Committee, determine that protection of the public water source would be protected by an extension, funds from water and sewer rates may be used to help fund the extension and to fund private connections to the public sewer.

Section 5.2 Application Requirement

Persons wishing to use the PLANT and SEWERS shall apply to the Board of Trustees on a form prescribed by the Commissioners. Such application shall:

5.2.1 Be accompanied by a calculation of the development wastewater flow to be generated by the project/development;

5.2.2 Include calculations for the volume, flow rate, strength and any other characteristics determined appropriate by the Commissioners;

5.2.3 Unless waived by the Commissioners all calculations required in (a) and (b) above for developments generating over 1000 gpd shall be certified by a Vermont registered engineer.

5.2.4 Be accompanied by four sets of 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 Commissioners until final connection approval.

Section 5.3 Preliminary Connection Approval Findings

Upon receipt of the connection application and supportive documents, the Board of Trustees may make preliminary approval of uncommitted reserve capacity upon the Commissioners making affirmative findings that:

5.3.1 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;

5.3.2 The proposed wastewater is not of domestic sanitary origin and that sufficient evidence has been presented by the applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the PLANT and SEWERS and that the proposed wastewater will 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;

5.3.3 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 of Trustees or Village.

Section 5.4 Preliminary Connection Approval Conditions

The Board of Trustees, after making the approval findings above, may issue a preliminary connection approval, which approval shall be a binding commitment of capacity to the development contingent on compliance with any conditions attached to the preliminary approval and the subsequent issuance of a final connection approval. The preliminary approval conditions may include:

5.4.1 Specification of the period of time during which the interim connection approval shall remain valid: normally 120 days, with provisions for time extensions if approved by the Board of Trustees.

5.4.2 Incorporation of specific conditions that must be fulfilled by the applicant to maintain validity of the preliminary connection approval.

5.4.3 Provision for revocation by the action of the Board of Trustees on failure of the applicant to fulfill requirements of the preliminary connection approval.

5.4.4 Specification that the recipient of the preliminary connection approval may not transfer, by any means, the preliminary connection approval to any other person or connect to the SEWERS.

Section 5.5 Prerequisites for Seeking Final Connection Approval

The following requirements shall have been met by the applicant prior to final connection approval:

5.5.1 Applicable local, State and Federal permits have been secured for the development/project;

5.5.2 Connection fees, impact fees, permit fees and other local fees or taxes all set by the Commissioners and the Board of Trustees, have been paid in full. Impact fees will be partially based on the volume and strength of the proposed wastewater flow.

5.5.3 The "as built" plans and specs for connection to and, if necessary, extension of the municipal SEWERS are acceptable to the Commissioners and the Board of Trustees.

Section 5.6 Final Connection Approval Conditions

The Commissioners, on making affirmative findings that all conditions of the preliminary connection approval and final connection approval prerequisites in the previous section, **Prerequisites etc.**, have been fulfilled, shall issue the final connection approval permit. This approval may be conditioned as follows:

5.6.1 The permit shall specify the allowed volume, flow rate, strength frequency and any other characteristics of the proposed discharge determined appropriate by the Commissioners.

5.6.2 The capacity allocation is not transferable to any other person or development unless requested by the original owner and approved by the Board of Trustees.

5.6.3 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 Commissioners.

5.6.4 **Expiration:** The permit shall expire (two) years from the date of issuance based on the original development plan at the time of permit approval. The unused portion of the committed capacity allocation will revert to the Village and there will be no refund of connection, impact, permit or other fees. Generally, the unused capacity reverting to the Village is associated with buildings that do not at least have foundations, framing and roofs.

5.6.5 Regardless of the permit expiration period above, the Board of Trustees may extend the permit and order construction of the development over a longer period if this action is in the Village's best interest.

5.6.6 For subdivision developments the permit holder (developer) of a proposed subdivided parcel must indicate the development planned for each lot. If all prerequisites defined for final connection approval herein are met, final connection permits will be issued to

the subdivision owner for each lot with a specific reserve capacity allocation associated with the proposed development. These final connection permits will expire after 2 (two) years from the date of initial issuance unless the developer has either sold the lot for development or has completed construction in accord with the approved development plan. The expiration at three years from original issuance will not be modified by any revisions to the subdivision or development plan subsequent to the initial approval. The Board of Trustees shall then notify the Commissioners who shall notify the Vermont Agency of Natural Resources of the expired subdivision Sewer Permit.

a) 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 initial approval.

b) The subdivision owner shall file the final connection permits in the land records of the Village along with copies of all fees paid and reference to the location of the approved connection plans and specifications. When the owner/developer of a subdivision sells individual lots within the (two) year time frame, the final connection 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 will be considered a new permit issued on the date of property transfer and the constraints of the **expiration** paragraph above will apply to this permit. The permit will expire as provided in the **expiration** paragraph.

5.6.7 In cases where a final connection permit expires and a new person applies for capacity on the same or a different development, the Board of Trustees and the Commissioners may consider previous fees paid by the original person when setting fees for the new person applying for capacity.

5.6.8 The chief operator shall be notified one week in advance of any proposed sewer connection authorized by a final connection permit. The connection to the SEWERS shall not be performed unless the chief operator or designated representative is present and shall not be covered until approved by this official. Additional constraints may be found in the **Sewer Use** Article.

Section 5.7 Transfer of Allocation

5.7.1 Initially reserve capacity is allocated by the Board of Trustees to a specific person, development and parcel of land. The allocation is not made solely to a parcel of land and therefore does not run with the land during development completion. After completion of the development or permit expiration, however, the allocation (adjusted to the actual development constructed, if necessary) will run with the land.

5.7.2 The transfer of the capacity allocation is prohibited unless approved in writing by the Board of Trustees at the original owner's request.

5.7.3 The Board of Trustees may approve transfer of capacity from one development to another and one owner to another provided the new development and owner meets all the requirements for the final connection approval originally issued and the original owner requests such transfer.

Section 5.8 Authority to Require Connection

Nothing herein shall be construed as limiting or impairing the authority of the Village or the Board of Trustees to require connections to the PLANT and SEWERS under the general laws of the state or local ordinance.

Article 6 Building Sewers and Connections

Section 6.1 General Provisions

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 Commissioners. 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 Commissioners and obtain a written sewer permit from the Commissioners 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 Commissioners.

Section 6.2 Permits

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 Commissioners. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Commissioners. The permit, inspection and connection fees shall be determined by the Commissioners and will be posted in the office of the MUNICIPAL Clerk.

Section 6.3 Costs

All costs and expenses related with the installation, maintenance and connection to a public sewer shall be funded as specified in Article 5, Sewer Collection System Expansion. 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.

Section 6.4 Regulations

Connections to the SEWERS will be constructed in conformance to the Regulations for the Use and Construction of Public and Private Sewerage Systems as adopted and from time to time amended by the Commissioners.

Article 7 Use of the Public Sewer

Section 7.1 General

All usage of the public sewer system will conform to the Regulations for the Use and Construction of Public and Private Sewerage Systems as adopted and from time to time amended by the Commissioners.

Article 8 Private Sewage Disposal Systems

Section 8.1 General

Where a public sewer is not available for connection from a building, the building sewer shall be connected to a private sewage disposal system, complying with the provisions of the ORDINANCE and any applicable municipal on-site sewage disposal ordinance and all regulations of the Vermont Agency of Natural Resources.

Article 9 Sewer Rents

Section 9.1 Operation and Maintenance

A monthly charge is hereby imposed upon every person having a building or structure on their premises and who are served by the municipal public wastewater system where sewage may be collected for the use of the premises by the Owners, or other users of real property within Northfield. The annual charge shall be for the purpose of the payment associated with the costs or operating, maintaining and repairing said system. The Commissioners 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 9.2 Property Occupation Status

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 the ORDINANCE. The rate structure shall incorporate the requirements of *40 CFR, §35.935-13* or *§35.2140,* as applicable.

Section 9.3 Setting Rates

The monthly charges stipulated in Section 1 of this Article shall be determined by the Commissioners, based upon rate structure(s) recommended by the Interlocal Committee, as provided in the Interlocal Agreement.

Section 9.4 Capital Costs

The design, construction and development costs of all public sewage system expansions and extensions shall be as specified in Article 5, Sewer Collection System Expansion.

Section 9.5 Collection of Rents.

Collection of the delinquent sewer rents may be enforced by Northfield 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 disconnect order will be issued. 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 9.6 Sinking Funds

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

9.6.1 A separate sinking fund may be utilized for major maintenance/ replacement expenditures and for expansion/upgrading expenses associated with the wastewater facility in the Village of Northfield. Sinking fund establishment for maintenance/replacement expenditures shall be through written policy of the Village of Northfield. 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.

9.6.2 The Village of Northfield 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 Commissioners 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.

9.6.3 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/impact fees paid by prospective users to defray and pay expansion costs. This fund shall not exceed the estimated future expansion cost for the wastewater treatment facility. When the Village of Northfield so votes, the expansion/upgrade sinking fund may be used to finance major maintenance/replacement expenditures, but under no circumstances shall the major maintenance replacement sinking fund be used to finance wastewater expansion/upgrade expenses.

Article 10 Applications/Permits/Fees

Section 10.1 Permit Application

Applications for permits shall be made on forms established and provided by the Commissioners.

Section 10.2 Fee Schedule

The fee schedule will be set by the Commissioners with advice from the Interlocal Committee. The schedule will be available at the Clerk's Office. All fees shall be made payable to the Town of Northfield or the Village of Northfield, as applicable, and paid directly to the Clerk.

Section 10.3 False Statements

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

Section 10.4 Revocation of Permits

Any permit issued by the Commissioners may be suspended or revoked at any time by the Commissioners for:

10.4.1 Violation of any of the conditions of the ORDINANCE;

10.4.2 Violation of the specific terms and conditions of the permit;

10.4.3 Refusal to permit inspection by the Commissioners or their duly authorized representatives.

Section 10.5 Temporary Suspension or Revocation

Any Commissioner may verbally suspend or revoke a permit at any time whereupon the suspension or revocation shall take effect immediately. Such action will be confirmed in writing by the Commissioners. When possible, the Commissioners will provide a written notice to desist or make correction of any practice or operation that violates or contravenes the provisions or the purpose of the ORDINANCE or the permit and will allow sufficient time for the correction of the violation.

Section 10.6 Permits Must be Available

All permits must be kept on the premises and shall be made available to the Commissioners or their duly authorized representatives at any time.

Article 11 Protection from Damage

Section 11.1 General

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 12 Powers and Authority of Inspectors

Section 12.1 General

The Superintendent and other duly authorized employees of the Northfield, 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 the ORDINANCE. The Superintendent or his/her representatives shall have no authority to inquire into any processes/trade secrets 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 12.2 Responsibilities

While performing the necessary work on private properties referred to in Section 1 of this Article, the Superintendent or duly authorized employees of Northfield 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 Northfield 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 12.3 Inspection and Maintenance

The Superintendent and other duly authorized employees of Northfield bearing proper credentials and identification shall be permitted to enter all private properties through which Northfield 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 13 Penalties

Section 13.1 Notice of Violation

Any person found to be violating any provisions of this ordinance except Article 6 shall be served by the Municipal Manager 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 13.2 Continuation of Violation

Any person who shall continue any violation beyond the time limit provided for in Article 7, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding ten dollars ($10.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 13.3 Liability

Any person violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss, or damage occasioned by the Village by reason of such violation.

Article 14 Validity

Section 14.1 Repeal of Previous Versions

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

Section 14.2 Separate and Distinct

Each section or part of a section in the ORDINANCE is hereby declared to be a separate and distinct enactment. If any section or portion thereof in the 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 14.3 Amendments

These rules may be amended at any time by the Village of Northfield as provided by law.

Article 15 Ordinance in Force

Section 15.1 General

The ORDINANCE shall be in full force and effect sixty (60) days after its passage, approval, recording, and publication as provided by law.

Duly enacted and ordained by the Board of Trustees of the Village of Northfield, Washington County, State of Vermont, on the 29th day of June, 2004 at a duly warned meeting of said Board of Trustees.

By the:

Board of Village Trustees

Libby Hambleton, Chair

Alan H. Weiss, Vice-Chair

Paul H. Johnson

Thomas McCarney

Richard Suitor

Received and recorded this 29th day of June, 2004.