

# 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 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 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.

**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 stricter 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 the Utility Superintendent or his/her designee assigned to operate and maintain the Waste Water Treatment Facilities.

**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** "Committee" or "Inter-Local Committee" is such as identified in the Inter-Local Agreement between the Town and the Village.
- 2.1.9** "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.
- 2.1.10** "Construction" shall mean: building development; the completion of the foundation. "Subdivision development": the sale of individual lots, or filing an intention to subdivide.
- 2.1.11** "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.
- 2.1.12** "Discharge Permit" shall mean a permit issued by the Village Trustees pursuant to authority granted in 10 V.S.A., Chapter 47.
- 2.1.13** "ERU" shall mean Equivalent Residential Unit which is the average monthly volume usage of residential customers.
- 2.1.14** "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.
- 2.1.15** "Health Officer" shall mean the legally designated Health Officer or Deputy Health Officer of Northfield, Vermont.
- 2.1.16** "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.
- 2.1.17** "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. "Industrial Wastes" shall mean the liquid waste from an industrial manufacturing process, trade, or business. Industrial wastes do not include sanitary sewage.
- 2.1.18** "Inter-Local 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.

- 2.1.19** "Main Sewer" shall mean the sewers that lay longitudinally along the center line or other part of the streets or other right-of-way and which all owners or abutting properties have equal rights and are controlled by public authority.
- 2.1.20** "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.
- 2.1.21** "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.
- 2.1.22** "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 2.1.23** "Objectionable Waste" would be that material that overcomes the ability of the lands natural ability to cleanse itself without affecting abutting property or the use of disinfectants, lime or mechanical means.
- 2.1.24** "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.
- 2.1.25** "Owner" shall mean any person, who owns or possess any property connected to the municipal system or proposes to connect to the municipal system.
- 2.1.26** "Person" shall mean any individual, firm, company, association, society, corporation, institution, partnership, group governmental entity or other entity.
- 2.1.27** "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.
- 2.1.28** "PLANT" shall mean the sewage treatment plant or waste water treatment facility owned and operated by the Village of Northfield.
- 2.1.29** "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.
- 2.1.30** "PH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

- 2.1.31** "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.
- 2.1.32** "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.
- 2.1.33** "Sanitary Sewer" shall mean a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- 2.1.34** "Secretary" shall mean the Secretary of the Agency of Natural Resources, State of Vermont, or his/her representatives.
- 2.1.35** "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.
- 2.1.36** "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- 2.1.37** "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- 2.1.38** "Sewer" shall mean a pipe or conduit for carrying waste water owned by Northfield.
- 2.1.39** "SEWERS" shall mean all of the sewage collection and transmission system owned and operated by the Village of Northfield.
- 2.1.40** "Waste water service area" is that area of a municipality that is within 250 feet horizontally from existing municipal collection lines and manholes.
- 2.1.41** "Shall" is mandatory; "May" is permissive.
- 2.1.42** "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.

- 2.1.43** "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.
- 2.1.44** "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.
- 2.1.45** "Subsurface Sewage Disposal System" shall mean any sewage treatment system whereby the tank or plant effluent is leached into the ground by subsurface disposal.
- 2.1.46** "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.
- 2.1.47** "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- 2.1.48** "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, 2007 and 2010. Requirements for connections may depend on the location of properties within the Zones defined in that Plan or as thereafter amended.

### **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 finds that connection would cause extreme hardship and the private sewage system would meet all state and municipal rules that are applicable to it.

### **Section 3.5 Private Disposal Systems**

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.

### **Section 3.6 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 Trustees 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.

## 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 . Extension within or without the service area:** A request to extend a sewer line may be approved by the Village Trustees. All costs for such an extension will be borne by property owner. The property owner then has 10 years to recover the costs if additional users acquire a permit to utilize that new main. Recovery costs will be equal to a pro-rated cost based on the number of potential future users.

**5.1.4 Exception:** When the Village Trustees determine that protection of the public water source would be protected by an extension, funds from 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 Trustees. 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 Trustees;

**5.2.3** Unless waived by the Trustees 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 Trustees 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 Trustees 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; 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;

**5.3.2** 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 Trustees 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 Trustees and the Board of Trustees.

### **Section 5.6 Final Connection Approval Conditions**

The Trustees, 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 Trustees.
- 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 Trustees.
- 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 Trustees 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 Trustees 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 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 Trustees. 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 Trustees and obtain a written sewer permit from the Trustees 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 Trustees. The property owner owns and is responsible for the maintenance and repair of the sewer service to the Village owned sewer main.

**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 Trustees. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Trustees. The permit, inspection and connection fees shall be determined by the Trustees 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 Trustees.

**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 Trustees.

## Article 8 Prohibited Discharges into the Public Sanitary Sewer

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.
2. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary 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 sewage treatment plant.
  - c. Any waters or wastes having a ph lower than 5.5, or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the public sewage facilities.
  - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the public sewage facilities such as, but not limited to , ashes, cinders, sand, mud, wood, un-ground garbage, whole blood, and paper dishes, cups, milk containers, etc. ether whole or ground by garbage grinders.
3. No person shall discharge or cause to be discharged the following described substances, materials, waters, or waste if it appears likely in the opinion of the Utility 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 wasted, the Utility Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
  - a. Any liquid or vapor having a temperature higher than one hundred fifty (150) °F or (65°C).
  - b. Any water or wastes containing fats, wax grease, or oils, whether emulsified or not, in excess of one hundred (100)mg/1 or containing substances which may solidify or become viscous at temperature between thirty-two (32) and one hundred fifty (150)° F and (0 and 65°C).
  - c. Any garbage that has not been property shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Utility Superintendent.
  - d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

- e. Any waters or wastes containing settleable solids, iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine demand, exerting an unusual chemical oxygen demand or containing any other material or constituent in concentrations which exceed the limits established by the Utility Superintendent for such materials.
- 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 Utility Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal and other public agencies of jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life, or concentration as may exceed limits established by the Utility Superintendent in compliance with applicable State or Federal regulations.
- h. 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 mercurial's, silver and silver compounds, sulfonamides, toxic dyes (organic or mineral), zinc, all strong oxidizing agents such as chromates, dichromate's, permanganates, peroxide and the like, compounds producing hydrogen sulfide, or any other toxic, in flammable or explosive gases, either upon acidification, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulphides, sulphites, and the like, radioactive materials or isotopes, whether neutralizes or not.
- i. Materials which exert or cause:
  - i. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of the dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - iii. Unusual BOD, chemical oxygen demand, or 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.
- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of its discharge permits or of other agencies having jurisdiction over discharge to the receiving waters.
- k. 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.

- m. Any waters or wastes if it appears likely, in the opinion of the Utility Superintendent that such waste can harm either the sewers, treatment plant process of equipment, would have an adverse effect on waters of the State of Vermont or the United States, or could otherwise endanger human or animal life, limb, and public property or constitutes a nuisance.
- n. The admission into the public sanitary sewers of any waters or wastes having (a) a five (5) day BOD greater than 400 mg/l or (b) containing more than 400 mg/l of suspended solids or (c) containing any quantity of substances have the characteristics described in sub-section (c) above, have an average daily flow greater than two percent (2%) of the average daily flow received at the sewage treatment plant shall be subject to the review and approval of the Utility Superintendent. The Utility Superintendent may:
  - i. Reject the wastes, or
  - ii. Require control over the quantities and rates of discharge and/or
  - iii. Require payment to the Village to cover the added cost of handling, treating and disposing of the wastes not covered by sewer charges established under the provisions of this Ordinance, or
  - iv. Require pretreatment to an acceptable condition for discharge to the public sewers, or
  - v. Require any combination of the foregoing. *If the Village Manager permits 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 approval of the Village Trustees and the Agency of Natural Resources and no construction of such facilities shall be commenced until said approvals are obtained in writing. Further, such pretreatment facilities must be consistent with the requirements of any state pretreatment permit issued to the industry.*
- o. Grease, oil and sand interceptors shall be provided when, in the opinion of the Utility Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and or other harmful ingredients. Such interceptors shall be required for private living quarters. All interceptors shall be of a type and capacity approve by the Utility Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed by the user at their expense.
- p. The user shall maintain records (which are subject to review by the Utility Superintendent) of the dates and means of disposal of accumulated interceptor wastes. Any removal and hauling of the collected materials not performed by the user's personnel must be performed by currently licensed waste disposal firms.
- q. To facilitate compliance with this section, the user shall apply for a permit and furnish as part of the permit application a plan and description of the device. Where grease, oil and sand interceptors or similar appurtenances are involved, approval must be granted by the Utility Superintendent.

- r. 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.
- s. 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.
- t. 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.
- u. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Utility Superintendent may reasonable require, including installation, use and maintenance of monitoring equipment, keeping records reporting the results of such monitoring to the Utility Superintendent. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the appropriate agency in accord with such permit. Such records shall be made available upon request by the Utility Superintendent to the State agency or to other agencies having jurisdiction over discharges to the receiving waters.
- v. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in the Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the 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 down-stream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazard to life, limb and property. The particular analysis involved will 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 analysis are obtained from 24-hr proportioned composites of all outfalls whereas ph's are determined from periodic grab samples.
- w. Any industry held in violation of the provisions of this Ordinance may have its disposal authorization terminated.
- x. When required by the Utility Superintendent, 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 Utility Superintendent. 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 time.

- y. No statement in this Ordinance shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payments therefore, by the industrial concern, provided that such agreements do not contravene any requirement of the existing Federal laws and are compatible with any user charge and industrial cost recovery system in effect.

## **Article 9 Additional Information Required**

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this Ordinance. The requirements may include:

- a) Wastewater discharge rates and volumes (average, minimum, peak) over a specified time period;
- b) Chemical analysis of wastewater;
- c) Information on raw materials, processes and products affecting wastewater volume and quality;
- d) Quantity and disposition of specified liquids, sludge, oil, solvent or other materials important to sewer use control;
- e) An engineering drawings by a registered engineer on sewers of the user's property showing sewer and pretreatment facility location and details of wastewater pretreatment facilities;
- f) Details of systems to prevent and control the losses of materials through spills to the public sewer.

## **Article 10 Private Sewage Disposal Systems**

### **Section 10.1 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 11 Sewer Rents**

### **Section 11.1 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 Trustees may establish annual charges separately for bond payments, for fixed operating and maintenance costs not dependent on actual or estimated use and for variable operations and maintenance costs dependent on actual or estimated use.

### **Section 11.2 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 11.3 Setting Rates**

The monthly charges stipulated in Section 1 of this Article shall be determined by the Trustees, based upon an adopted rate structure(s).

### **Section 11.4 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 11.5 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.

Applications/Permits/Fees

### **Section 11.6 Permit Application**

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

### **Section 11.7 Fee Schedule**

The fee schedule will be set by the Trustees. The schedule will be available at the Clerk's Office. All fees shall be made payable to the Village of Northfield and paid directly to the Utility Office.

**Section 11.8 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 11.9 Revocation of Permits**

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

- 11.9.1 Violation of any of the conditions of the ORDINANCE;
- 11.9.2 Violation of the specific terms and conditions of the permit;
- 11.9.3 Refusal to permit inspection by the Trustees or their duly authorized representatives.

**Section 11.10 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 Trustees. When possible, the Trustees 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 11.11 Permits Must be Available**

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

**Section 11.12 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. Penalties

**Section 12.4 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 12.5 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 12.6 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 13 Validity**

**Repeal of Previous Versions**

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

**Section 13.1 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 13.2 Appeal Process**

Anyone feeling aggrieved by a ruling of the Utility Superintendent has the right to appeal his/her decision to the Village Board of Trustees within fourteen (14) days. Such appeal will be in writing stipulating the Section of the Ordinance that applies to the grievance. The statement must be specific as it relates to the burden of the ruling. A hearing will be scheduled for the next regularly scheduled Trustee meeting unless an emergency meeting is required due to timing issues.

**Section 13.3 Amendments**

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

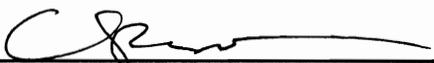
**Section 13.4 General**

The ORDINANCE shall be in full force and effect immediately 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 22<sup>nd</sup> day of May 2012 at a duly warned meeting of said Board of Trustees.

By the:

**Board of Village Trustees**



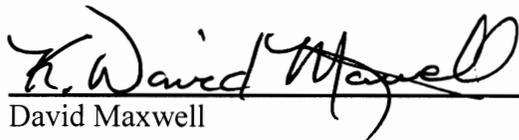
Colin Bright, Chair



Douglas Lawson



Kevin Beal, Vice-Chair



David Maxwell



Dennis Donahue

Received and recorded this 22<sup>nd</sup> day of May 2012

**APPENDIX I**  
**NORTHFIELD UTILITY DEPARTMENT**  
**Rates and Fee Schedule**

1. Sewer Usage Charge	As approved annually by the Village Trustees
2. Service Call: (before 7:00 a.m. & after 3:30 p.m.) **There may be additional service charges during regular business hours (7:00 a.m. – 3:30 p.m.)	3 Hours minimum charge at overtime rates.
3. Off/On: (before 7:00 a.m. & after 3:30 p.m.)	3 Hours minimum charge at overtime rate.
4. Account Initiation Fee	\$20.00
5. Interim or Final Bill Requests	\$10.00
6. Bad Check Fee	\$25.00
7. Sewer Connection Fee – Residential	
a). Single Family Home	\$1,000.00 Includes Installation (labor, material and equipment)
b). Multi Family Dwelling (First Unit)	\$1,000.00 Includes Installation (labor, material and equipment)
c). Single Unit of a Multi Family Dwelling (Second Unit and/or more)	\$1,000.00 Unit Includes Installation
8. Sewer Connection Fee – Commercial	
a). Single Commercial Unit	\$1,500.00 Includes Installation (labor, material and equipment)
b). Single Unit – Part of Above Multi Commercial Unit (Second unit and/or more)	\$1,000.00 Includes Installation