

SEWER USE ORDINANCE

Regulating the Use of the Town of West Windsor's Municipal Sewer System

This Ordinance establishes the policies, rules, and regulations necessary to govern and operate the municipal sewer system of the Town of West Windsor, Vermont. This Ordinance supersedes all previous rules, regulations, and ordinances and applies to all Public Sewer System users within the Town of West Windsor. A copy of this Ordinance is available at the Town Clerk's Office. Questions about this Ordinance should be directed to the West Windsor Town Administrator.

ARTICLE 1

General Provisions, Ownership, Authority, and Responsibilities

SECTION 1.01 — General Provisions

All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "Sewer Use Ordinance." This Ordinance is adopted by the West Windsor Selectboard under 24 V.S.A. Chapters 59, 95, 97, and 101.

The West Windsor Town Clerk shall file certified copies of this Ordinance, as well as certified copies of any additions and amendments to this Ordinance as may be hereafter adopted, in the municipal records and with the Board and the Health Officer.

The provisions of this Ordinance shall be reviewed at intervals not exceeding five (5) years by the Selectboard with the objective of assessing the continued applicability of these provisions; to consider any recommendations proposed for their improvement; and to determine if, and what, changes are advisable due to advances in the technical methods or processes of Wastewater treatment and Sewage collection available to the Town.

If there is a conflict between the terms of this Ordinance and any other applicable regulation, bylaw, ordinance, or statute, the stricter shall apply.

SECTION 1.02 Ownership

A. The Public Sewer System

The Town of West Windsor owns the West Windsor Public Sewer System. The Public Sewer System includes all physical infrastructure, equipment, and facilities owned by the Town for the transmission, treatment, and disposal of Sewage, together with all real property, easements, and rights-of-way held by the Town in conjunction with such physical infrastructure, equipment, and facilities. The limits of the Public Sewer System are shown on the official sewer maps (latest edition) located in the Town offices which are maintained and updated by the Town Administrator after consultation with the Utility Advisory Committee and approval of the Board. The limits of the Public Sewer System are the areas within Town property, rights of way, and permanent easement limits shown on the official sewer maps.

The Town is responsible for the operation, maintenance and repair of the Public Sewer System.

B. Private Sewers

Private Sewers are all physical infrastructure, equipment, and facilities not owned by the Town and used for the transmission, treatment, and disposal of Sewage including the Sewer Service Connection. Private

sewer mains and pump stations are shown on the official sewer maps (latest edition) located in the Town offices which are maintained and updated by the Town Administrator.

The appropriate property owner, homeowner association, developer, or other private party is responsible for the operation, maintenance and repair of a Private Sewer, including the Sewer Service Connection, except where the Town, pursuant to an easement granted to the Town, or written agreement to which the Town is a party, has agreed to maintain all, or a specified portion, of a Sewer Service Connection, in which case the Town's maintenance obligation shall be as described in the easement or written agreement.

Property owners shall at all times keep their Private Sewers and Sewer Service Connection clean and in good repair in order not to cause excessive infiltration, exfiltration, inflow, depletion of groundwater, damage to property, odor, or harm to the Public Sewer System. An Owner shall maintain, repair, modify, or replace their Private Sewer or Sewer Service Connection whenever it is determined by the Board that such Private Sewer or Sewer Service Connection may endanger public health, create a public nuisance, result in public or private property damage, harm the Public Sewer System, result in excessive infiltration, exfiltration or inflow, or impair water quality or the environment or in such other circumstances as the Board deems appropriate.

SECTION 1.03 — Authority and Responsibilities

A. Board of Sewer Commissioners

Pursuant to 24 V.S.A. Chapters 97 and 101, the West Windsor Selectboard shall constitute the Board of Sewer Commissioners (the "Board") The Board has general authority and responsibility to exercise control over, administer, make approvals, enforce, manage and operate the Public Sewer System as presently constituted or as may be enlarged hereafter; and establish rates and charges for sewer services provided by the Town.

B. Utility Advisory Committee

The Selectboard may establish a Utility Advisory Committee to serve in an advisory capacity to the Selectboard in matters related to the operation of the Public Water System and Public Sewer System. The duties and responsibilities of the Utility Advisory Committee, composition of the Utility Advisory Committee, and terms of Committee members shall be established by Selectboard resolution.

D. Town Treasurer

The Town Treasurer shall be responsible for Customer billing and collection of rates and fees. The Treasurer shall provide the Board with financial information needed to prepare budgets and reports, set rates and fees, assess the financial condition of the Public Sewer System, and plan for the ongoing operation, repair, replacement, improvement or expansion of the Public Sewer System.

E. Town Administrator

The Town Administrator shall be responsible for facilitating communication and problem solving among the Public Sewer System constituents including the Board, the Utility Advisory Committee, the Treasurer, Customers, users, contractors and the Department.

ARTICLE 2

Definitions

SECTION 2.01 — Definitions

Unless specifically defined in this Article, words and phrases used in this Ordinance shall have their common ordinary meaning and are intended to give this Ordinance its most reasonable application. Words in the present tense include the future tense. The single number includes the plural and vice versa unless the context clearly indicates otherwise. The word "shall" is mandatory. The word "may" is permissive.

"Allocation" shall mean the assignment of a portion of the capacity of the Sewer System to a user or users.

"Board" shall mean the Selectboard of the Town of West Windsor, comprised as the Sewage Commissioners as provided for in 24 V.S.A. Chapters 97 and 101.

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

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives discharge from the drainage pipes within the walls of a building and conveys Sewage to the Sewer Service Connection.

"Committed Reserve Capacity" shall mean the total amount of Development Wastewater Flow (gallons per day) from all projects/buildings approved by the Board for discharge to the Town of Windsor, but not yet discharging at the time of the calculation.

"Customer" means any individual, group, society, association, firm, company, or corporation who receives sewer service from the Public Sewer System and is the property owner, whether or not that individual is the ultimate user.

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

"Development Wastewater Flow" shall mean the flow resulting from full use of the development at its build-out capacity, which flow shall be calculated using flow quantities adopted as rules by the Department, as promulgated at the time a connection permit application is made. The flow quantities shall be as shown in the current State of Vermont Environmental Protection Rules, Chapter 1.

"Facility" shall mean the Town of Windsor Wastewater Treatment Facility.

"Force Main" shall mean the pressurized sewer pipe that a sewage pumping system discharges into. The Force Main transports the pressurized Sewage to a gravity receiving structure such as a sewer manhole or open surface tank or structure. Force Main may also be known as a Low Pressure Sewer when the sewage pumping system consists of a grinder pump system and/or a Septic Tank Effluent Pump (STEP) system.

"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.

"Industrial Waste" shall mean the liquid waste from an industrial manufacturing process, trade or business. Industrial Waste does not include sanitary Sewage.

"Main Sewer" shall mean the Force Main and gravity sewers laid longitudinally along streets or other rights-of-way, and which is part of the Public Sewer System.

"Owner" shall mean any Person who owns or possesses any property connected to the Public Sewer System or proposes to connect to the Public Sewer System as applicant.

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

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

"Pretreatment Facilities" shall mean grease, oil, hair and sand interceptors, interceptors of flammable wastes, flow equalizing facilities or other facilities for reducing pollutant quantities or flow quantities. Pretreatment Facilities are privately owned and operated.

"Reserve Capacity" shall mean the permitted Wastewater flow minus the actual Facility Wastewater monthly average daily flow during the preceding twelve (12) months.

"Sewage" shall mean a combination of the water-carried wastes and Wastewater, from residences, business buildings, institutions, industrial establishments, and other establishments. Excludes rainwater, stormwater and groundwater.

"Sewer" shall mean a pipe or conduit, including manholes, for carrying Sewage.

"Sewer Service Connection" shall mean the extension from a Building Drain that conveys Sewage to the Public Sewer System.

"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.

"Subdivision" shall mean a tract of land, which has been divided or is intended to be divided into two (2) or more lots. A Subdivision shall include any commercial or industrial complex, business park, multi-family residential project, planned unit development, or planned residential development.

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

"Uncommitted Reserve Capacity" shall mean the portion of the Reserve Capacity remaining after subtracting the Development Wastewater Flow of all projects approved by the Board but not yet discharging to the Public Sewer System.

"Wastewater" see "Sewage".

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

ARTICLE 3 Abbreviations

SECTION 3.01 — Abbreviations

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

ASTM Shall mean American Society for Testing and Materials

l. shall mean liters.

m. shall mean meter.

mg/l shall mean milligrams per liter. 1 mg/l equals 1 ppm.

ppm shall mean parts per million. 1 ppm equals 1 mg/l.

V.S.A. shall mean the Vermont Statutes Annotated.

ARTICLE 4 Public Sewers Use Requirement

SECTION 4.01 — Unlawful Discharge of Objectionable Waste

It shall be unlawful for any Person to place, deposit or permit to be placed or deposited upon public or private property within the Town or in any area under the jurisdiction of the Board, any human excrement or other objectionable waste.

It shall be unlawful to discharge to any watercourse, pond, ditch, lake or other body of surface or groundwater within the Town, or in any area under the jurisdiction of the Board, any Sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance and the laws and regulations of the State of Vermont.

SECTION 4.02 — Structures Required to Connect

Any structure requiring Wastewater disposal facilities for its use or occupancy that is not connected to the Public Sewer System on the effective date of this Ordinance, and which is on a lot abutting a street, road, or right-of-way in which the Public Sewer System is located and is within two hundred (200) feet of the Public Sewer System, not including a Force Main, shall be required to connect to the Public Sewer System at the Owner's expense if the Board finds that connection to the Public Sewer System will not adversely affect the Public Sewer System, and:

- (a) the structure is constructed after the effective date of this Ordinance, or
- (b) an on-site Wastewater disposal system serving the structure has failed.

In the event that the Public Sewer System is expanded outside the present service area, any structure requiring Wastewater disposal facilities for its use or occupancy that is within two hundred (200) feet of the

Public Sewer System, not including a Force Main, shall be required to connect to the Public Sewer System at the Owner's expense unless an alternative means of financing the connection has been approved in accordance with Section 8.04 of this Ordinance.

An on-site Wastewater disposal system shall be deemed to have failed if the disposal system: (a) allows Wastewater to be exposed to the open air or to pool on the surface of the ground, or (b) discharges Wastewater to surface waters, or (c) results in contamination of a potable water supply.

No connection to a Force Main shall be required or allowed.

SECTION 4.03 — Requirement for Abandoned Private Sewage Systems

With the availability of public sewage facilities, the Board may order owners of abandoned private sewage systems to thoroughly and properly clean the abandoned system(s), as well as disinfect, and fill in or remove according to good sanitation practices and State statute. These activities shall be done under the inspection and direction of the Board or its designee.

ARTICLE 5 Capacity Allocation and Connection

SECTION 5.01 — Ownership of Capacity

The Public Sewer System discharges into the Town of Windsor municipal sewer system. The Town of West Windsor and the Town of Windsor have an Inter-Municipal Agreement. Under the Inter-Municipal Agreement, the Town of Windsor has allocated a certain amount of Sewage flow to the Town of West Windsor. The Town of West Windsor maintains a running summary of equivalent users, connected flows, infiltration allotment (inflow), total system Capacity, Committed Reserve Capacity and Uncommitted Reserve Capacity.

The Uncommitted Reserve Capacity of the Public Sewer System is the property of the Town of West Windsor. The Uncommitted Reserve Capacity of the Public Sewer System may be allocated by the Board in the manner described below.

SECTION 5.02 — Reserve Capacity Allocation

A. Allocation Priority

Applications for an allocation of the Public Sewer System's Uncommitted Reserve Capacity shall be reviewed by the Board on a first-come, first-serve basis. However, the Board retains the right to review applications and make Allocations on other than a first-come, first-serve basis if the Board finds that such action is in the best interests of the Town.

The Board, after consultation with the Utility Advisory Committee, may adopt Allocation priorities for the Public Sewer System consistent with the best interests of the Town, in which case Allocations of Uncommitted Reserve Capacity shall be made in a manner consistent with such adopted Allocation priorities.

B. Allocation on Design Flow Basis

The allocation of the Public Sewer System's Uncommitted Reserve Capacity shall be based on a project's design flow demand in gallons per day. Any difference between actual sewer use and a project's allocation

is the property of the Town of West Windsor and not available to the allocation holder for another project or project expansion.

Each application for Preliminary Capacity Allocation and Final Capacity Allocation shall include a calculation of the total design flow for the proposed project in gallons per day for all uses, as determined by the Table 1 of Unitized Average Day Flows established in the Vermont Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rule and include calculations for the volume, flow rate, strength, infiltration/inflow and any other characteristics determined appropriate by the Board. Applications shall be accompanied by plans and specifications for the construction of Sewer Service Connections and any Public Sewer System extensions, including pump stations, required to service the proposed project prepared by a State of Vermont Licensed Designer or a Vermont registered Professional Engineer.

C. Capacity Allocation Process

The Public Sewer System capacity allocation process shall consist of four (4) phases: Preliminary Capacity Allocation, Final Capacity Allocation, Construction Permit, and Certificate of Compliance.

D. Preliminary Capacity Allocation

Persons requesting an allocation of the Public Sewer System's Uncommitted Reserve Capacity shall first apply to the Board for a Preliminary Capacity Allocation. The application for a Preliminary Capacity Allocation shall be made on forms prescribed by the Board and shall include the application fee specified in the Schedule of Rates and Fees in Appendix A.

Upon receipt of a complete application with the application fee, and upon making finding that the Public Sewer System has sufficient Uncommitted Reserve Capacity to accommodate the total design flow of the proposed project, the Board may issue a Preliminary Capacity Allocation.

A Preliminary Capacity Allocation is intended only for project planning purposes and shall not constitute a binding commitment of the Public Sewer System's Uncommitted Reserve Capacity. A Preliminary Capacity Allocation is valid only for the project as described in the application. If the total design flow of the project's proposed uses is changed, a new Preliminary Capacity Allocation application shall be submitted. A Preliminary Capacity Allocation is not transferable except to a successor or assignee of the project for which the Preliminary Capacity Allocation was issued.

Upon being issued a Preliminary Capacity Allocation, the holder shall be assessed the Preliminary Allocation Fee specified in the Schedule of Rates and Fees in Appendix A. If the Preliminary Allocation Fee is not paid within thirty (30) days of issuance of the Preliminary Capacity Allocation, the Preliminary Capacity Allocation shall expire with no refund of any fees previously paid and the allocation shall revert to the Town.

A Preliminary Capacity Allocation shall expire one (1) year from the date of issuance. At the request of a holder, and upon payment of the Preliminary Capacity Allocation Extension Fee, a Preliminary Capacity Allocation may be extended by the Board for one (1) year.

E. Final Capacity Allocation

The holder of a Preliminary Capacity Allocation may apply to the Board for a Final Capacity Allocation. The application for a Final Capacity Allocation shall be made on forms prescribed by the Board and shall include the fee specified on the Schedule of Rates and Fees in Appendix A.

The Board shall issue a Final Capacity Allocation upon receipt of a complete application with the specified fee, and upon finding that:

- (a) the proposed project has obtained all required Local, State and Federal permits and approvals;
- (b) there is sufficient Uncommitted Reserve Capacity to accommodate the volume and strength of the proposed connection; and
 - (1) the proposed Wastewater is of domestic, sanitary origin;

or

- (2) The proposed Wastewater is not of domestic sanitary origin and that sufficient evidence has been presented to demonstrate that the flow and character of the Wastewater is compatible with the proper operation of the Facility and the Public Sewer System and that the proposed Wastewater shall not alone or in combination with other wastes cause a violation of the discharge permit, pass through the Facility without treatment, interfere or otherwise disrupt the proper quality and disposal of Facility sludge or be injurious in any other manner to the Facility or Public Sewer System.

A Final Capacity Allocation shall constitute a commitment of the Public Sewer System's Uncommitted Reserve Capacity in the amount outlined in the Final Capacity Allocation. A Final Capacity Allocation may include conditions and may include provision for revocation by the Board upon failure to meet such conditions or otherwise fulfill the requirements of the Final Capacity Allocation. A Final Capacity Allocation is not transferrable except to a successor or assignee of the project for which the Final Capacity Allocation was issued or as provided for Subdivisions in Section 5.03.

Upon being issued a Final Capacity Allocation, the holder shall be assessed the Final Capacity Allocation Fee specified in the Schedule of Rates and Fees in Appendix A. If the Final Capacity Allocation Fee is not paid within thirty (30) days of issuance of the Final Capacity Allocation, the Final Capacity Allocation shall expire with no refund of any fees previously paid and the allocation shall revert to the Town.

A Final Capacity Allocation shall expire one (1) year from the date of issuance. At the request of the holder, and upon payment of the Final Capacity Allocation Extension Fee specified in the Schedule of Rates and Fees, a Final Capacity Allocation may be extended by the Board for one (1) year.

If the holder of a Final Capacity Allocation does not submit a Construction Permit application for a connection to the Public Sewer System prior to the expiration of the Final Capacity Allocation, or any extension thereof, the Final Capacity Allocation shall be void and the allocation shall revert to the Town with no refund of any fees previously paid to the Town.

F. Construction Permit

No connection may be made to the Public Sewer System without a Construction Permit issued by the Board. The application for a Construction Permit shall be made on forms prescribed by the Board and shall include the application fee specified in the Schedule of Rates and Fees in Appendix A. Application for a Construction Permit shall be submitted to the Board at least forty-five (45) days prior to the commencement of construction of any connection to the Public Sewer System.

For a single residential Sewer Service Connection, a sketch and description of the proposed work shall be

attached to the Construction Permit application. For Subdivisions, major projects involving multiple users, or other projects that are more complex than a single residential Sewer Service Connection, two sets of detailed construction plan and specifications shall be provided with the application. The Town may require such plans to be prepared by a Vermont registered professional engineer.

Upon finding that the plans and specifications for the proposed connection to the Public Sewer System are satisfactory, that the proposed connection is in conformance with this Ordinance and applicable design and construction standards, and that the proposed connection will not adversely affect the Public Sewer System or the Facility, the Board shall approve the Construction Permit. A Construction Permit may include conditions and may include provision for revocation by the Board upon the holder's failure to meet such conditions or otherwise fulfill requirements of the Construction Permit. The Board may require, as a condition of a Construction Permit, dedication to the Town of physical infrastructure and associated easements for the approved project.

A Construction Permit shall expire and the allocation shall revert to the Town with no refund of any fees previously paid to the Town if the work authorized by the Permit has not commenced within one (1) year issuance. Work on the project shall be diligently pursued after commencement and completed within two (2) years of the start of the work authorized by the Permit.

G. Certificate of Compliance

All projects shall obtain a Certificate of Compliance from the Board or its designee before the use of the Public Sewer System. Such Certificate shall be issued if the authorized work was completed in accordance with the Construction Permit and this Ordinance.

The Board may, from time to time, inspect work to ensure work is completed in accordance with the Construction Permit. Subsurface components shall not be backfilled or covered before being inspected. A final inspection by the Board shall be made before connection is made to the Public Sewer System and before a Certificate of Compliance is issued. The Board may designate a Vermont registered professional engineer to perform compliance inspections. The cost of such inspection shall be paid by the Construction Permit holder.

The applicant shall record the Construction Permit and the Certificate of Compliance in the land records of the Town of West Windsor, along with reference to the location of the approved connection plans and specifications.

SECTION 5.03 —Subdivision Allocations

Persons requesting an allocation of the Public Sewer System's Uncommitted Reserve Capacity for a Subdivision shall follow the procedure outlined above by making application for a Preliminary Capacity Allocation, Final Capacity Allocation, Construction Permit, and Certificate of Compliance for each lot in the proposed Subdivision. When lots within a Subdivision are transferred, the Final Sewer Capacity Allocation and any Construction Permit and Certificate of Compliance for the lot shall transfer to the new owner. The lot owner or lessee shall be bound to comply with the conditions and requirements of the Final Capacity Allocation and Construction Permit.

SECTION 5.04 – General Requirements

Should the Board determine that review of any Preliminary Capacity Allocation, Final Capacity Allocation, or Construction Permit application requires technical or expert assistance, the applicant shall pay the costs incurred by the Board in obtaining such assistance. Such costs shall be paid by the applicant before

issuance of the Preliminary Capacity Allocation, Final Capacity Allocation, or Construction Permit.

No person shall complete construction of any connection to the Public Sewer System in any manner other than that set forth in any plans and specifications submitted to and approved by the Board. No person shall fail to disclose any deviations or variations from such plans to the Board at the first date such variations or deviations become known to such person.

Any false or misleading statement in any application for a Preliminary Capacity Allocation, Final Capacity Allocation, or Construction Permit shall invalidate the Allocation or Permit and shall be deemed a violation of this Ordinance. Any Allocation or Permit may be suspended or revoked at any time by the Board for violation of any of the conditions of this Ordinance, violation of the specific terms and conditions of the Allocation or Permit, or refusal to permit an inspection by the Board or its duly authorized representatives.

SECTION 5.05 — Change of Use

Any person proposing a change or expansion of use, whether or not this change affects the property's existing daily Wastewater flow basis or character of pollutants, shall be required to complete the appropriate application process stated in this Article unless waived in part or in full by the Board. If the applicant is required to obtain the permit approval, the Board may decide to waive some or all of the fees if they determine that the change of use does not require additional allocation or treatment when compared to the property's existing Wastewater strength and flow basis.

For commercial, agricultural, or industrial uses, the Board may require laboratory analyses, technical data, treatability studies, engineering reports and any other pertinent Wastewater flow information prepared by a registered Professional Engineer or a certified laboratory, as applicable, at the applicant's expense. No such change or connection shall be made without the necessary permits or written approval from the Board.

SECTION 5.06 — Authority of Town to Require Connection

Nothing herein shall be construed as limiting or impairing the authority of the Town to require connections to the Public Sewer System under the laws of the state or local ordinances.

ARTICLE 6 Sewer Service Connections

SECTION 6.01 – Connection to the Public Sewer System

A. Costs and Indemnification

The cost of all connections to the Public Sewer System, including but not limited to, excavation, labor, material, and inspection costs shall be borne by the Construction Permit holder. Streets, sidewalks, and other Town property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. The cost for such work shall be borne by the Construction Permit holder.

The Construction Permit holder shall indemnify the Town from any loss or damage that may be caused directly or indirectly by the installation and connection to the Public Sewer System.

B. Separate Sewer Service Connections

A separate and independent Sewer Service Connection shall be provided for every building except that if one building stands at the rear of another on an interior lot and no separate connection can be constructed

to the rear building through an adjoining alley, courtyard, or driveway, the service connection from the front building may be extended to the rear building if permitted by the Board and subject to such conditions as the Board may impose.

Private Sewers which accept and convey flow from more than one building may not be used except when found, on examination and test by the Board, to be in satisfactory condition and meeting all requirements of this Ordinance. The burden of proof and all expenses incurred by the Board to determine the condition and adequacy of the Private Sewer shall be borne by the Owner of said Private Sewer.

C. Cold Weather Connection

No service connections shall be installed between December 1 and April 1 or when frozen ground conditions exist, as determined by the Board.

SECTION 6.02 – Construction Standards

All construction methods and materials for connection to the Public Sewer System shall comply with the applicable provisions of the Vermont Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, the National Plumbing Code (NPC), the procedures set forth in appropriate specifications of the A.S.T.M. and with any supplemental construction standards and requirements that may be adopted by the Board.

SECTION 6.03 - Maintenance of Private Systems

Except as provided in Section 1.02(B), maintenance of all Private Sewers and private sewage facilities shall be the responsibility of the Owner, at his or her expense. These facilities include, but are not limited to house plumbing systems, Sewer Service Connections, and appurtenances.

The Owner shall be solely responsible for continually maintaining such facilities in satisfactory operating condition. Maintenance shall include, but not be limited to: maintaining flow, clearing obstructions, ensuring all joints are gas and water-tight, repairing or replacing collapsed, deteriorated or defective materials, and all other work which is necessary and essential to maintaining proper operation and preserving the structural integrity and water-tightness of the system.

SECTION 6.04 — Unauthorized Disconnection

Once a building or structure has been connected to the Public Sewer System, no Person shall disconnect such Building Sewer from the Public Sewer System without the written approval of the Board.

Disconnections shall not be authorized except under extraordinary circumstances, which may include the complete demolition, intentional or unintentional, of the structure. Authorized disconnections shall be done under the supervision of the Board or its representative.

**ARTICLE 7
Use of the Public Sewer**

SECTION 7.01 — Unauthorized Discharge of Uncontaminated Waters

No Person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff, groundwater, or cooling water to a Sewer Service Connection which, in turn, is connected directly or indirectly to the Public Sewer System. All such

connections which exist shall be disconnected by the Owner, at his/her expense, by no later than the date of when this Ordinance takes effect, or within forty-five (45) days upon receipt of notification by the Board.

Any Person proposing a substantial change in the volume or character of waste to be discharged into the system shall apply for a change of use per Section 5.05 at least forty-five (45) days prior to the proposed change.

SECTION 7.02 — Unauthorized Discharge of Wastes

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes to the Public Sewer System if it appears likely in the opinion of the Board that such wastes can harm either the Public Sewer System or the Facility, or have an adverse effect on the receiving stream, or otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Board shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction in the sewers, nature of the sewage treatment process, capacity of the Facility, degree of treatability of wastes in the Facility and other pertinent factors.

The substances prohibited are:

- 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 (such as paint) or gases in sufficient quantity, either singly or by interaction with other wastes, that could 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 Facility, including but not limited to cyanides in excess of two (2) mg/L as CN in the waters as discharged to the Public Sewer System.
- 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 Sewer System or the Facility.
- D. Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, ground Garbage, whole blood, hair, flashings, entrails and paper dishes, cups, milk containers or any other solid or viscous substance, whether whole or ground by Garbage grinders, capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Public Sewer System or the Facility.
- E. Any liquid or vapor having a temperature higher than 150°F (65°C).
- F. Any water or waste which may contain more than 100 parts per million (or 100 mg/L), by weight, of fat, oil, wax or grease, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32°F (0°C) and 150°F (65°C).
- G. Any Garbage that has not been properly shredded.
- 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 facility wastes, acid pickling waste, mercury and mercurials, silver and silver compounds,

sulfonamides, toxic dyes (organic or mineral), zinc, all strong oxidizing agents such as chromates, dichromates, permanganates, peroxide and the like, compounds producing hydrogen sulfide, or any other toxic, flammable or explosive gases, either upon acidification, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulfides, sulfites, and the like, radioactive materials or isotopes, whether neutralized or not, and carcinogenic substances and agents.

- I. Any water or wastes containing excessive settleable solids, iron, chromium, copper, zinc and similar objectionable or toxic substance or wastes exerting an excessive chlorine demand, exerting an unusual chemical oxygen demand, or containing any other material or constituent in concentrations which exceed limits which may be established by the Board.
- J. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite Sewage to meet the requirements of the State, Federal or other public agencies having jurisdiction for such discharge to the receiving waters.
- K. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal Regulations.
- L. 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 Facility.
- M. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- N. Any waters or wastes if it appears likely, in the opinion of the Board, that such waste could harm the Public Sewer System or the Facility (process and/or equipment), could have an adverse effect on the receiving waters, or could otherwise endanger human or animal life, limb, public property or constitute a nuisance.
- O. Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or proposed or are amenable to treatment only to such a degree that the Facility effluent cannot meet the requirements of its discharge permit or of other agencies having jurisdiction over discharge to the receiving waters.
- P. Materials which exert or cause:
 - 1. Unusual concentrations of inert Suspended Solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, which may cause the effluent limitations of the discharge permit to be exceeded.
 - 4. Unusual volume of flow or concentration of wastes constituting Slugs as defined herein.

SECTION 7.03 — Possibilities for Authorization of Waste

The admission into the Public Sewer System of any waters or wastes: (a) having: a five (5) day BOD greater than 300 mg/l; (b) containing more than 350 mg/l of Suspended Solids; (c) containing any quantity of substances having the characteristics described in SECTION 7.02; or (d) having an average daily flow greater than two percent (2%) of the average daily sewage flow received at the sewage treatment Facility shall be subject to the review and approval of the Board. The Board may:

- A. Reject the wastes, or
- B. Require pretreatment to an acceptable condition for discharge to the public sewers, or
- C. Require control over the quantities and rates of discharge, or
- D. Require a fine to be levied, a supplemental payment be made, or a sewer surcharge be added to the sewer bill, according to the severity of the problem or,
- E. Require any combination of the foregoing.

SECTION 7.04 — Pretreatment and Flow Equalization

If the Board permits the pretreatment or equalization of waste flows, the design, plans, specifications and any other pertinent information relating to any proposed Pretreatment Facility shall be submitted for the approval of the Board and the Vermont Department of Environmental Conservation and no construction of such Pretreatment Facility shall be commenced until said approvals are obtained in writing. Further, Pretreatment Facilities must be consistent with the requirements of any State pretreatment permit issued to the industry.

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

SECTION 7.05 — Grease, Oil, Hair and Sand Interceptors

Grease, oil, hair, and sand interceptors shall be provided when in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the Board and shall be located as to be readily and easily accessible for cleaning and inspection. Interceptors shall be designed per the standards in the State of Vermont, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules.

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.

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 times. Materials collected shall not be introduced into the Public Sewer System.

SECTION 7.06 —Accessibility to Private Sewage Structures

When required by the Board, the Owner of any property served by a Sewer Service Connection carrying Industrial Wastes shall install a suitably controlled manhole in the Building Sewer, at his/her expense, to facilitate observation, sampling and measurement of the wastes. Such control manhole, when required, shall be constructed and maintained in a safe, accessible location, in accordance with plans approved by the Board.

SECTION 7.07 — Industries to Monitor Their Own Discharge

All industries discharging into the Public Sewer System shall perform such monitoring of their discharges as the Board may reasonably require, including installation, use and maintenance of control manholes, meters and monitoring equipment, and keeping records and reporting the results of such monitoring to the Board. Upon request, such records shall be made available, by the Town, to other agencies having jurisdiction over discharging to the receiving waters. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the State in accordance with such permit. Control manholes, meters, and other monitoring equipment shall be installed and maintained by the Owner at the Owner's expense and shall be safe and accessible at all times.

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

Nothing herein shall be construed as preventing any special agreement or arrangement between the Board and any industrial concern whereby an Industrial Waste may be accepted by the Town for treatment, provided that such an agreement does not contravene applicable State and Federal laws or regulations.

ARTICLE 8 Sewer Charges

SECTION 8.01 — Sewer Fund

There is hereby established a Sewer Fund which shall be used to collect, hold, invest, and disperse monies for payment of the just debts of the Public Sewer System. All monies collected, held, and dispersed on behalf of the Public Sewer System shall be identified with the Sewer Fund and will not be identified with any other fund, including the Town's General Fund. Nothing herein shall prohibit the deposit of monies into a single account with monies from other Town funds, including the General Fund, for administrative or investment purposes.

An annual Sewer Fund audit report shall be prepared at the same time and in the same manner as the Town Audit Report. The annual report shall be made available to the Utility Advisory Committee and the Board. The annual report shall also be made available to the users of the system and the public at large after its receipt and approval by the Board.

SECTION 8.02 — Sewer Use Rate

To provide for the operation and maintenance of the Public Sewer System, a Sewer Charge shall be imposed upon every Customer.

Sewer Charges shall be calculated on the basis of Equivalent User Units (EUUs), where one EUU represents the volume of Wastewater discharged by a typical single-family living unit served by the Public Sewer System. For the purpose of calculating non-residential Sewer Charges, one EUU shall be 200 gpd. Sewer Charges for any use other than a single-family home, mobile home, condominium unit, or other single-family living unit shall be calculated based upon Tables 1-3 in §1-808 (Design Flow) of the VT Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules. The calculated Design Flow for such Customer's use shall be divided by 200 gpd to determine the number of EUUs for that use. For uses not specified in the Design Flow Tables, the number of EUUs shall be established by dividing the calculated design flow established under Section 5.02.B. by 200 gpd. Fractional EUUs shall be rounded up to the nearest whole number.

A Customer's Sewer Charge shall be the number of EUUs for the Customer's use, multiplied by the Sewer Use Rate. The Sewer Use Rate shall be calculated by the Board to provide the Town with sufficient revenues to pay all expenses associated with debt retirement, treatment fees, capital reserve funds, and all other expenses related to operating and maintaining the Public Sewer System. The Sewer Use Rate shall be determined by the Board after consultation with the Utility Advisory Committee.

In addition to the Sewer Charge, the Board may from time to time establish and levy the following fees and charges:

Application Fees – Fees charged to cover the cost of processing applications as required in this Ordinance. Any costs incurred for review by the Town's engineers are over and above the application fee.

Service Call and Inspection Charges – Charges to cover the cost of service calls and inspections so that those costs are borne by the person in need of such services and not by the other Customers of the Public Sewer System.

Special Charges – Fees charged for collection of overdue accounts and reconnection of service disconnected because of nonpayment. Fees charged shall not exceed those prescribed by 24 V.S.A. Chapter 129.

Interest and Penalties – Charges that will be incurred for overdue sewer accounts and overdue bills for other charges and fees. Interest and penalties are charged to provide a monetary deterrent for overdue accounts and delinquent bills.

Other charges – The Board shall be authorized to establish such other charges as are reasonable and prudent for the proper supply of wastewater disposal to the Customers of the Public Sewer System.

The Sewer Charge, and all other fees and charges, shall be set forth in a Schedule of Rates and Fees attached hereto as Appendix A. The Schedule of Rates and Fees may be amended or revised by the Board from time to time, after consultation with the Utility Advisory Committee, without amendment to this Ordinance. All fees, penalties, and charges paid are non-refundable. However, if a dispute involving a bill or charge is decided in favor of the Customer, the Customer may have the monies credited to the Customer's account or refunded if no longer a customer of the Public Sewer System.

SECTION 8.03 — Charging Connected Vacant Properties

No abatement of a Customer's Sewer Charge, or any other fee or charge, shall be considered because of disuse, diminished use, interruption of service caused by Public Sewer System repair or maintenance, or vacancy of any premises. The Sewer Charge and all other fees and charges shall be paid by the Customer as billed, regardless of use, unless permission to temporarily discontinue, or permanently abandon, sewer service is granted by the Board.

Permission to discontinue or abandon sewer service shall only be granted if the Board finds that the premises served by the Public Sewer System have been rendered unusable by fire, natural disaster, or other unforeseen circumstance for which the Customer is not at fault.

If the Customer intends to repair or rebuild the premises, the Customer may request a temporary discontinuance for up to one hundred eighty (180) days. If permission to temporarily discontinue sewer service is granted, sewer service shall be shut off and will be reinstated at the Customer's request. No Sewer Charge shall be levied while the sewer service is shut off, or for one hundred eighty (180) days, whichever is less. If it is not possible to repair or rebuild the premises within one hundred eighty (180) days, the Customer may request an extension of the temporary discontinuance for an additional one hundred eighty (180) days. A discontinuance of more than three hundred sixty (360) days shall be considered a permanent abandonment of sewer service.

If the Customer does not intend to repair or rebuild the premises, the Customer may request a permanent abandonment of sewer service. If permission to permanently abandon sewer service is granted by the Board, the Customer shall forfeit all existing sewer allocations for the premises and physically disconnect from the Public Sewer System. Service shall not be reestablished unless the Customer applies for and receives an allocation under Article 5.

SECTION 8.04 – Capital Costs

The Town is not financially obligated to expand, extend, or connect the Public Sewer System within or outside the existing sewer service area.

The engineering, design, construction and development costs of Public Sewer System expansion and extensions which have been approved by the Board, after consultation with the Utility Advisory Committee, shall be paid for by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansions, unless the Board, after consultation with the Utility Advisory Committee, determines that funding all, or part, of the expansion or extension from borrowed funds, property taxes, Public Sewer System fees and/or funds set aside for expansion, reserves that may be specifically accumulated for such projects, and/or other revenue sources, is advantageous to the Public Sewer System as a whole and is in the financial best interest of both the Town and Public Sewer System users.

If it is determined that an expansion of the Public Sewer System will cause a potential reduction in the standards of service to existing Customers, new users requesting connection will be required to complete any Public Sewer System improvements needed to eliminate any such impacts as a condition for obtaining an allocation and/or Construction Permit, as herein required.

SECTION 8.05 — Collection of Delinquent Sewer Charges

Disconnection of water or sewer service for delinquent payment of a valid sewer bill or charge shall conform to the process prescribed by 24 V.S.A. Chapter 129. Notice of disconnection shall be provided to the Customer before disconnection and in the form required by 24 V.S.A. § 5143. A copy of the notice shall be sent to the occupant of a building which will be affected by the disconnection if the occupant is different from the Customer.

Disconnection of service shall occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day specified on the notice of disconnection, or within the same hours during the four business days thereafter. When service is disconnected or interrupted, the individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected, or if no responsible adult is then present, shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the Customer has to do to have service restored.

If service has been disconnected for delinquency of payment of a valid bill or other charge, the Town shall restore service within twenty-four (24) hours of the Customer's request to do so, provided the cause for disconnection has been removed, or an agreement has been reached between the Customer and the Board to pay the delinquent bill. Restoration of service, to the extent feasible, shall be done so as to avoid charging a Customer overtime wages and other abnormal expenses.

SECTION 8.06 – Agreement for Payment of Delinquent Bill or Other Charges

All delinquent Customers shall be given an opportunity to enter into a reasonable agreement with the Town to pay the delinquent bill and avoid disconnection of service. The Town will not enter into any such agreement for payment of the full amount of the delinquent bill over any period more than six (6) months, nor will the Town enter into any agreement which does not also require the Customer to pay all future charges as they become due. Failure to satisfy the terms of such an agreement shall subject the Customer to disconnection, in addition to any other collection action which the Town may take.

If an agreement is reached after collection trips have been made, or service has been reconnected, the charges for such action may be added to the delinquent bill or charge to which the agreement relates. Interest shall accrue on the entire delinquent amount to which the agreement relates. The amount of the interest charge on overdue accounts shall be the same as the amount of the interest charge applied to delinquent taxes as set forth in 32 V.S.A. §5136.

SECTION 8.07 — Tax Sales and Liens on Real Property

The charges for sewer service shall be a lien upon the real estate furnished with the service in the same manner and to the same effect as taxes are a lien on real estate under 32 V.S.A. §5061. If an Owner fails to enter into an agreement for payment of a delinquent bill or fails to abide by the terms of such an agreement, the Board may sell the property at tax sale or use other remedies available for the collection of the delinquent charges, including foreclosure of its lien.

ARTICLE 9
Capital Planning and System Expansion

SECTION 9.01 — Capital Planning

The Board will adopt a ten-year Public Sewer System capital plan. The plan will include proposed Public Sewer System capital projects required to keep the Public Sewer System's infrastructure in good operating condition, the estimated cost of those proposed projects, and the anticipated method of financing. The Board will review and update the capital plan not less than every five (5) years.

In determining financing methods, the Board will give consideration to the Public Sewer System's debt capacity, its accumulated depreciation, any capital reserve fund established by the Board and its projected unrestricted fund balance. Unrestricted reserves may not be accumulated to levels that exceed the reasonably estimated need for maintenance of the Public Sewer System's capital assets plus an allowance for unforeseen operating and capital contingencies.

In accordance with Section 8.04, when it can be established by the Board, after consultation with the Utility Advisory Committee, that doing so is in the best interests of the Public Sewer System as a whole, and is in the financial best interests of both the Town and Public Sewer System users, restricted reserves may be set aside to help fund system expansion or extension projects identified in the capital plan.

Capital planning, debt capacity, and reserve balance projections shall be considered by the Board in setting Sewer Use Rates.

ARTICLE 10
Applications/Permits/Fees

SECTION 10.01 — Application/Permits/Fees

Applications for permits shall be made on forms established and provided by the Board as discussed in Article 5 of this Ordinance.

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

Any application processing fees paid as required in this Article shall not be construed as payments towards Reserve Capacity.

SECTION 10.02 — Authority to Suspend or Revoke Permits

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

1. Violation of any of the conditions of this Ordinance.
2. Violation of the specific terms and conditions of a permit.
3. Refusal to permit inspection by the Board or its duly authorized representatives.

When possible, the Board may provide a written notice to desist or make correction of any practice or operation which violates or contravenes the provisions or purpose of this Ordinance or the permit and shall allow sufficient time for the correction of the violation.

SECTION 10.03 — Permits to be Kept on Project Premises

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

**ARTICLE 11
Protection from Damage**

SECTION 11.01 — Protection from Damage

No Person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the Public Sewer System. Any Person violating this provision shall be subject to prosecution under 13 V.S.A. §3701.

SECTION 11.02 — Prohibition of Buildings, Structures, or Trees over Sewer System Components and Permanent Easements

No Person shall erect, place, install or permit to be erected, placed or installed any permanent structures or tree(s) on land that contains Public Sewer System components or is subject to a Public Sewer System easement or right-of-way.

**ARTICLE 12
Powers and Authority of Inspectors**

SECTION 12.01 — Powers and Authorities of Inspectors

The Board and its duly authorized representatives, bearing proper credentials and identification, shall be permitted, at reasonable times, to enter all properties connected to, or desiring to connect to the Public Sewer System. When possible, reasonable notice shall be given to the building occupant and property owner before inspection of, or entrance onto, private property.

Any Person who refuses to allow a duly authorized representative to enter upon that property, through which the Town holds a Public Sewer System easement, for purposes related to the operation, maintenance, repair, inspection, measurement, or sampling of the Public Sewer System, is liable for any damages that may result, and may be disconnected from the Public Sewer System.

**ARTICLE 13
Prohibitions and Penalties for Violation of Rules**

SECTION 13.01 — Prohibitions

A. No Person shall deny access to any easement area by any inspector of the Town or any person authorized by the Town to conduct an inspection with due cause and reasonable notice or to perform such

other duties as set forth in this Ordinance.

B. No Person shall violate any emergency rule adopted by the Board as provided in Article 1 of this Ordinance.

C. No Person may make, and no Customer shall suffer or permit any Person to make, any connection to the Public Sewer System, unless such connection is authorized by the Board.

D. No Person shall complete construction of any service connection with the Public Sewer System in any manner other than that set forth in any plans and specifications submitted to and approved by the Board. No Person shall fail to disclose any deviations or variations from such plans to the Board at the first date such variations or deviations become known to such Person.

E. No Person shall violate and no Customer shall suffer or permit any Person to violate at the Customer's service location, any provision of this Ordinance, or shall violate any order, direction, or emergency rule adopted by the Board.

SECTION 13.02 — Penalties for Violation of this Ordinance

Any violation of this Ordinance, except as otherwise specifically set forth herein, may be prosecuted as a civil violation utilizing the civil enforcement procedures set forth in 24 V.S.A. §1974a. Any Person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800 per day for each day that such violation continues. The Town Administrator shall be authorized to act as the Issuing Official in pursuing a municipal complaint before the Judicial Bureau. In such civil proceedings, the Issuing Official is authorized to recover civil penalties in the following amounts for each violation:

First Offense:	\$200
Second Offense:	\$400
Third Offense:	\$600
Fourth Offense and Subsequent Offenses:	\$800

An Issuing Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any Person who declines to contest a municipal complaint and pays the waiver fee:

First Offense	\$150
Second Offense	\$300
Third Offense	\$450
Fourth Offense and Subsequent Offenses	\$600

The Issuing Official shall issue a written warning for a violation of this Ordinance before issuing a municipal complaint for the first offense of this Ordinance. The written warning shall state the period in which the violation must be cured. If the violation is not cured within the time period specified, the Issuing Official shall issue a municipal complaint.

In addition to the recovery of civil penalties provided for above, the Town may seek to enforce this Ordinance by an appropriate action for injunctive or monetary relief. Further, nothing herein shall be construed to limit other rights, remedies or penalties available by law.

ARTICLE 14
Validity

SECTION 14.01 — Validity

All other local rules and regulations in conflict with this Ordinance are hereby repealed.

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

These rules may be amended at any time by the Town as provided by law.

ARTICLE 15
Ordinance in Force

SECTION 15.01 — Ordinance in Force

Duly adopted, enacted and ordained by the Selectboard of the Town of West Windsor, Windsor County, State of Vermont, on the 25th day of June, 2018 at a duly called and duly held meeting of said Board.

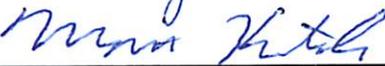
This Ordinance shall become effective sixty (60) days from the date hereof unless a petition signed by at least five percent of the voters of West Windsor is filed with the Town Clerk within 44 days following the date of adoption asking for a vote to disapprove the ordinance. If a petition is received, the West Windsor Selectboard will warn a special meeting and the voters may vote on that question.

Upon becoming effective, this Ordinance shall supersede and replace in its entirety, the Town of West Windsor Sewer Use Ordinance as adopted by the West Windsor Selectboard on February 3, 2014.

SELECTBOARD
TOWN of WEST WINDSOR:







I, the undersigned duly elected Town Clerk for the Town of West Windsor, do acknowledge by my signature that this document is the Town of West Windsor Sewer Ordinance, adopted by the Selectboard on June 25th, 2018.

Dated this 25th day of June, 2018.



Town Clerk's Signature



Town Clerk's Printed Name