

TOWN SEWER ORDINANCE

PITTSFORD, VERMONT

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TOWN OF PITTSFORD, VERMONT

SEWER ORDINANCE

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TOWN OF PITTSFORD
RUTLAND COUNTY, VERMONT
SEWER ORDINANCE

Pursuant to the authority conferred by the act incorporating the Town of Pittsford, Vermont, and such other State laws as are applicable (including Title 24 V.S.A. Chapters 97 and 101), the undersigned, as the Select Board of the Town of Pittsford of the Incorporated Town of Pittsford do ordain that the rules and regulations herein set forth are established as necessary and desirable for regulating the use of public sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the Sewer System and providing penalties, etc. for violations thereof in the Town of Pittsford, County of Rutland, State of Vermont, and do hereby make and enact this Ordinance:

ARTICLE I

DEFINITIONS

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

- 1.01 BOD (denoting Biochemical Oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20°C expressed in milligrams per liter.
- 1.02 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- 1.03 Building Sewer shall mean the sewer extension from the building drain to the public sewer or other place of disposal, from 5 feet outside the building envelope, as noted in Article 1.02.
- 1.04 Combined Sewer shall mean a conduit receiving both surface runoff and sewage. Combined sewers shall not be permitted in this system.
- 1.05 Commissioners, see Water & Sewer Commissioners.
- 1.06 Dilution shall mean the addition of clean water to a water bearing waste matter for the purpose of reducing the waste concentration, for the purposes of this Ordinance.
- 1.07 Easement shall mean an acquired legal right for the specific use of land owned by others.
- 1.08 Eligible Non-Stormwater Discharges shall mean those specifically listed as such in National Pollutant Discharge Elimination System permits issued by the State of Vermont Department of Environmental Conservation for discharges from municipal separate storm sewer systems.
- 1.09 Equivalent Residential Unit (ERU) shall mean a unit of measure used to equate commercial, non-residential or multi-family residential water usage to a single-family residence. For the purposes of this Ordinance, one ERU shall be equivalent to the domestic wastewater flow from one single-family residence, having one kitchen. For commercial establishments, ERU's shall be assigned by the Water and Sewer Commission, based upon historical water use.

- 1.10 Floatable Oil is oil, fat, or grease in a physical State such that it will separate by gravity from sewage or wastewater by treatment in an approved pre-treatment facility. Sewage or wastewater shall be considered free of floatable oil if it is properly pre-treated and the sewage or wastewater bearing said oil does not interfere with the sewage works.
- 1.11 Garbage shall mean the solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food; and from the handling, storage and sale of produce.
- 1.12 Grease shall mean a material either liquid or solid, composed primarily of fat, oil, and grease from animal or vegetable sources. The terms "fats, oils, and grease (FOG)", "oil and grease", or "oil and grease substances" shall all be included within this definition.
- 1.13 Grease Hauler shall mean a licensed septage hauler who collects the contents of a grease interceptor or trap and transports it to an approved recycling or disposal facility. A grease hauler may also provide other services to a facility related to grease trap or interceptor maintenance.
- 1.14 Grease Interceptor shall mean a device located underground and outside of a facility designed to collect, contain, or remove wastes and grease from sewage while allowing the balance of the liquid waste to discharge to the sanitary sewer by gravity. Grease Interceptors shall have a minimum of two (2) inspection hatches on the top surface to facilitate inspection, cleaning and maintenance by a grease hauler.
- 1.15 Grease Trap shall mean a device used to serve individual fixtures located adjacent to or in close proximity to a kitchen fixture designed to collect, contain, or remove wastes and grease from sewage while allowing the balance of the liquid waste to discharge to the sanitary sewer by gravity. Traps shall have a removable lid on the top surface to facilitate inspection, cleaning, and maintenance.
- 1.16 Habitable Structure shall mean any building, house, residence, or other structure or facility, use for human occupancy, habitation, business, recreation, or other purposes resulting in the production or emanation or discharge of sewage as defined herein.
- 1.17 Industry shall mean any room, group of rooms, building or other enclosure used or intended for use in the operation of a business enterprise or manufacturing, processing, cleaning, laundering, or assembling any produce, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.
- 1.18 Industrial Wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewage. Industrial wastes shall include any liquid waste produced from an industry that is not sanitary sewage as heretofore defined.
- 1.19 Infiltration shall mean water other than wastewater that enters any sanitary sewer (including building sewers) from the ground through means which include, but are not limited to, defective pipes, pipe joints, service connections, or manholes. Infiltration does not include, and is distinguished from, inflow.
- 1.20 Inflow shall mean water other than wastewater that enters a sewer (including building sewers) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, sump pumps, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
- 1.21 Infiltration and Inflow (I/I) shall mean the quantity of water from both infiltration and inflow.
- 1.22 Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

- 1.23 Non-Dispersibles shall mean anything other than human waste and toilet paper that is flushed down the toilet; or materials that do not break apart to become indistinguishable in sewage when the toilet is flushed. Examples include fats, oils, grease, rags, sanitary products, ear swabs, dental floss, and other materials that will not disperse within five (5) minutes of discharge to the public sewer.
- 1.24 Owner shall be any person vested with Ownership, legal or equitable, sole or partial of any property.
- 1.25 Operator shall be the person responsible for the proper function and maintenance of a facility.
- 1.26 Person shall mean any individual, firm, company, association, society, corporation, or other legal entity.
- 1.27 pH shall mean the numerical measure of the acidity or alkalinity of a chemical solution. Specifically, the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 1.28 Pre-treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in sewage to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the public sewage works. Pre-treatment shall include the reduction or alteration of pollutants by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Part 403. Dilution is not pre-treatment.
- 1.29 Private Sewer shall mean the building drain and the building sewer, which shall be owned, operated, and maintained by the Owner of the property on which the private sewer is located.
- 1.30 Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all the particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half inch (1.27 cm) in any dimension.
- 1.31 Public Sewer shall mean wastewater collection and pumping infrastructure owned, maintained, and operated by the Town of Pittsford that is located: (A) upon property owned by the Town, (B) within the limits of the so-called right-of-way of a public highway, and/or (C) within the limits of a permanent easement therefore held by the Town for such use for a sewer.
- 1.32 Sanitary Sewage shall mean normal water-carried toilet and household type wastes (such as shower and wash water) or waste from sanitary conveniences such as properly shredded garbage, and whether produced from residences or from commercial places of business such as stores, restaurants, or offices or from other institutions or establishments but shall exclude: (A) any industrial wastes, (B) any wastewater from a commercial Laundromat or dry cleaning business, and (C) any ground, surface or stormwater.
- 1.33 Sanitary Sewer shall mean a sewer that carries only sanitary sewage.
- 1.34 Service Area shall mean the area of the Town of Pittsford described and/or depicted in the "Exhibit A" portion of the Ordinance.
- 1.35 Sewage shall mean wastes carried by water, excluding ground, surface, and stormwater from all habitable structures, including, but not limited to residences, business buildings, institutions, and industrial establishments.
- 1.36 Sewage Treatment Plant shall mean arrangement of devices and structures used for treating sanitary sewage such as treatment facilities or other similar facilities; necessary to bring the Town's wastewater into compliance with their NPDES Permit and the Vermont Environmental Protection Rules.

- 1.37 Sewage Works shall mean all facilities for collecting, pumping, transporting, treating, and disposing of sanitary sewage that are owned, maintained, and operated by the Town of Pittsford.
- 1.38 Sewer shall mean a pipe or conduit for carrying sanitary sewage.
- 1.39 Shall is mandatory; May is permissive.
- 1.40 Slug shall mean any discharge of water, wastewater or sewage 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 of flows during normal operation and shall adversely affect the sewage works including the collection system and/or performance of the wastewater treatment works.
- 1.41 Storm Drain or Storm Sewer shall mean a drain or sewer for conveying surface water, ground water, stormwater, or unpolluted water from any source; but excludes sanitary sewage and industrial wastes.
- 1.42 Superintendent shall mean the person appointed by the Select Board or Commissioners of the Town of Pittsford as responsible for operation of the sewage works of the Town, or authorized deputy, agent or representative.
- 1.43 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.
- 1.44 Town shall mean the Town of Pittsford acting by and through its Select Board or Commissioners; or in appropriate cases, acting by and through its authorized representative (whether the Town Manager, Superintendent or other employees, or agents, deputies, Operators, or other).
- 1.45 Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and sewage works provided.
- 1.46 User is each connection to the public sewer (each such connection shall constitute one user).
- 1.47 Watercourse shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- 1.48 Water & Water & Sewer Commissioners or Commissioners shall mean the Commissioners for the municipal wastewater collection and treatment works of the Incorporated Town of Pittsford as appointed by the Select Board.

ARTICLE 2

ABBREVIATIONS

For the purpose of this Ordinance, the following 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.

- 2.01 “ANSI” shall mean American National Standards Institute
- 2.02 “ASME” shall mean American Society of Mechanical Engineers
- 2.03 “ASTM” shall mean American Society of Testing and Materials
- 2.04 “AWWA” shall mean American Water Works Association
- 2.05 “cm” shall mean centimeter
- 2.06 “CS” shall mean Commercial Standards
- 2.07 “degrees C” shall mean degrees Celsius
- 2.08 “degrees F” shall mean degrees Fahrenheit
- 2.09 “EPA” shall mean Environmental Protection Agency
- 2.10 “GPD” shall mean Gallons per Day
- 2.11 “kg” shall mean kilograms
- 2.12 “l” shall mean liters
- 2.13 “m” shall mean meter
- 2.14 “mg/l” shall mean milligrams per liter
- 2.15 “NPC” shall mean National Plumbing Code
- 2.16 “ppm” shall mean parts per million
- 2.17 “sq. m.” shall mean square meters
- 2.18 “VT ANR” shall mean Vermont Agency of Natural Resources
- 2.19 “WEF” shall mean Water Environment Federation

ARTICLE 3

RULES AND REGULATIONS

- 3.01 The Water & Sewer Commissioners may make such rules and regulations relating to the use of the sewage works of the Town as they shall deem necessary for proper operation of the sewage works.

ARTICLE 4

USE OF PUBLIC SEWERS REQUIRED

- 4.01 No person shall place or deposit or permit to be placed or deposited upon public or private property within the Town of Pittsford any sanitary sewage without approval from the Town of Pittsford and/or the VT ANR.
- 4.02 Within the Town, no privy, privy vault, septic tank, cesspool, sinkhole, or similar receptacle shall be used and maintained for disposal of sanitary sewage at any time for or upon any improved property which has been connected to a public sewer or which has been required to be connected to a public sewer.
- 4.03 Within the Town, no privy, privy vault, septic tank, cesspool sinkhole, or similar receptacle shall be connected with a sewer at any time without approval of the Town of Pittsford in so far as disposal of sanitary sewage is concerned.
- 4.04 A sewer shall be considered "available" to a habitable structure, for the purposes of this Ordinance, if a portion of said sewer is within one hundred (100) feet of the nearest point of the property line of the property upon which said habitable structure is situated.

ARTICLE 5

BUILDING SEWERS AND CONNECTIONS

- 5.01 No unauthorized person shall uncover, make any connection(s) with or make any opening into, use, alter, or disturb in any manner any public sewer or appurtenance thereof without first obtaining a permit, in writing, from the Superintendent, and paying to the Town any fee required and imposed by the Town against the Owner.
- 5.02 There shall be two (2) classes of building sewer permits: (A) for residential and commercial service and (B) for service to establishments producing industrial wastes. In either case, the Owner or his/her agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee, as set by the Water & Water & Sewer Commissioners, shall be paid to the Town at the time the application is filed.
- 5.03 The Superintendent may require an evaluation of a proposed sewer connection, performed by a Vermont Registered Professional Engineer, to assess the impact the additional flow would have on the public sewer. The cost of said evaluation shall be borne by the applicant. A permit application may be denied if the additional flow is determined to have an adverse effect on the public sewer.

- 5.04 All costs and expenses incident to the design, installation, connection, maintenance, and repair of the building sewer shall be borne by the Owner of the property served or to be served. The Owner shall indemnify and hold harmless the Town, including but not limited to its officers and agents, from any and all loss or damage that may directly or indirectly be occasioned by any installation, connection, maintenance, repair of the building sewer or its connection to the sewage works (whether or not any such work was done by the Town or in accordance with its requirements). However, as a part of the initial construction of its sewage works for the Town, the Town may, at its expense, initially construct a portion or the whole of any building sewer to the extent and manner determined by the Commissioners.
- 5.05 A separate and independent building sewer shall be provided for each building. Grouping of more than one building on one building sewer shall not be permitted, except where one building stands behind another and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building. This requirement may be waived by the Commissioners, based on special needs or considerations. Under no circumstances will one building sewer be allowed to connect and serve more than one house or dwelling unit under separate Ownership except in the case of condominiums.
- 5.06 Old building sewers may be used in connection with new building only when they are found, on examination and test by the Owner and approved by the Superintendent, to meet all requirements of this Ordinance.
- 5.07 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town and State of Vermont. In the absence of code provision or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.
- 5.08 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. All costs and expenses incident to the installation, connection, maintenance, and repair of the lift system shall be borne by the Owner of the property served or to be served.
- 5.09 No person(s) shall make connections of, or otherwise cause or allow to be discharged, any roof downspouts, foundation drains, areaway drains, cellar drains, basement sumps, Eligible Non-Stormwater Discharges, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to the sewage works. These waters shall be discharged to such sewers that are specifically designated as storm sewers or to a natural outlet approved by the Superintendent and/or Federal or State regulatory agency.
- 5.10 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town and State of Vermont, or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- 5.11 Prior to any connection of a building service or building sewer to the public sewer, the Superintendent shall be given a minimum of two working days' written notice in order that such work may be supervised or inspected. All connections will be made during normal work day hours and no connections may be allowed Saturday, Sunday or legal holidays. If the Superintendent has not been properly notified he/she may require the completed work to be uncovered for examination, at the Owner's expense.

- 5.12 Exterior clean-outs shall be installed where the distance from the building to the public sewer is greater than one hundred (100) feet or where bends greater than forty-five (45) degrees are used in the building sewer. Clean-outs shall be made by installing a wye and one-eighth (1/8) bends of the same diameter as the building sewer. The clean-outs shall ordinarily be installed at the point of connection between the building sewer and the building drain, at curves on the building sewer and on the straight part of the building sewer. The clean-out shall be brought up from the building sewer to four (4) inches (10.2 cm) below ground level and be properly capped. Locations of all clean-outs shall be recorded and turned over to the Superintendent.
- 5.13 For any new construction, and substantial renovations where feasible, sewage and stormwater shall be separated and not be combined:
- (A) Separate and independent building sewers and building storm drains shall be provided.
 - (B) New plumbing in any existing or new building shall be so constructed as to keep all stormwater, surface water, groundwater, roof and surface runoff, subsurface drainage, and Eligible Non-Stormwater Discharges separate from sanitary sewage and industrial wastes, and from the building sewer.
 - (C) The building drain conveying sewage from plumbing fixtures within the building shall discharge to a building sewer, while the building drain conveying stormwater and other drainage shall discharge to a building storm drain.
 - (D) Where separate storm drains and sanitary sewers are provided, and an Owner has demonstrated that on-site retainage of stormwater is not possible, building storm drains shall be connected to a public storm drain. Connection of a building storm drain to any public or private sanitary sewer is prohibited.
 - (E) Where separate storm drains and sanitary sewers are provided, building sewers shall be connected to a sanitary sewer. Connection of a building sewer to any public or private storm drain is prohibited.
 - (F) Prior to activating water service, every new building sewer and storm drain shall be dye tested by the Owner or his designee in the presence of the Superintendent or his designee, to establish that the building sewer and drain are properly connected to the Town sewer and drain, respectively.
 - (G) The Town reserves the right to inspect or conduct testing of an existing building sewer or drain to establish that it is properly connected to the public sewer or drain. Any connection from a building sewer to a storm drain (also referred to as an “illegal” or “illicit” connection) shall be disconnected immediately at the Owner’s expense. The Town may require an existing connection from a building storm drain to a sewer to be disconnected at the Owner’s expense if it is determined to be discharging infiltration or inflow directly or indirectly to the sanitary sewer system.
- 5.14 Before any portion of the existing plumbing system outside of the building is connected to the building sewer, the Owner shall prove, to the satisfaction of the Superintendent, that it is clean and conforms in every respect to this Ordinance and that all joints are watertight. The time frame for notification prior to inspection shall be as set forth in earlier in this Article. Outside (buried) building sewer lines shall be constructed in conformance with the Vermont Environmental Protection Rules, in effect at the time of sewer line construction.
- 5.15 The Superintendent shall apply appropriate tests to the pipes and the plumber and Contractor, at their own expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and shall remove or repair any defective materials when so ordered by the Superintendent.
- 5.16 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

- 5.17 Neither the Owner nor the Contractor shall block any driveway, street, road, or railroad at any time without permission of the Superintendent and other controlling agencies. Every effort shall be made to permit the movement of vehicular traffic at all times. Whenever it becomes necessary to cross or interfere with roads, walks, or drives, whether public or private, the Owner and Contractor shall maintain, at their own expense, and subject to the approval of the Superintendent, safe bridges or other means of egress.
- 5.18 Maintaining the building sewer or storm drain – including inspection, cleaning, structural repair, and other actions as may be required to ensure the full function and purpose of the building sewer or storm drain in accordance with this Ordinance – shall be the sole responsibility of the Owner of the property, unless such responsibility is otherwise transferred by legal document such as lease or trust.
- 5.19 The Commission reserves the right to shut off the public sewer for the purpose of making alterations or repairs of the sewage works.

ARTICLE 6

LOCATION OF PUBLIC SEWERS

- 6.01 The location, construction, or extension of public sewers shall be at the discretion of the Town of Pittsford Water & Sewer Commission.
- 6.02 The Owner(s) of property situated in the Town and not served by a public sewer may petition the Select Board for extension of an existing public sewer to serve said property, provided that said petition shall be granted by the Select Board if such extension is found by them to be in the best interest of the Town and provided that the person(s) applying for such extension shall:
- (A) Pay all costs incident to the construction of said extension, including, but not limited to, obtaining rights of way and permits, excavation, construction, backfilling, finishing, grading, landscaping, paving or re-paving, and
 - (B) Post a bond sufficient to cover the cost incident to the construction of said extension as aforesaid.

ARTICLE 7

USE OF PUBLIC SEWERS

- 7.01 No person shall discharge or cause or allow to be discharged in amounts that will interfere with the sewage treatment works, non-dispersables such as fats, oils, grease, rags, sanitary products, ear swabs, dental floss, and other materials that will not break apart to become indistinguishable in sewage within five (5) minutes of discharge to the building sewer.
- 7.02 No person shall discharge or cause or allow to be discharged any septage into the public sewage works or into any private sewer tributary thereto.
- 7.03 No person shall discharge or cause or allow to be discharged any of the following described waters or wastes to the public sewage works or into any private sewer tributary thereto:
- (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 waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving water of the sewage works.

- (C) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of or causing damage or hazards to structures, equipment, or personnel of the sewage works.
- (D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (E) Any wastewater containing toxic pollutants in sufficient quantity, either single or by interaction with other pollutants by the same user, to injure, pass through, or cause interference with any sewage treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the sewage treatment plant.
- (F) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or sufficient to prevent entry into the sewers for maintenance and repair. For the purpose of this paragraph, an odor shall be considered as creating a public nuisance when it exists at a sufficient intensity or duration to cause a neighboring resident to register a complaint with the Town.
- (G) Any substance which will cause the sewage treatment plant to violate its NPDES Permit or the receiving water quality standards.
- (H) Water sufficiently hot to cause the influent at the sewage treatment facilities to exceed 104°F (40°C) or cause inhibition of biological activity in the sewage treatment plant.
- (I) Quantities of flow, concentrations or both which constitute a "slug" as defined herein.
- (J) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (K) Any wastewater which causes a hazard to human life as defined by the Environmental Protection Agency or creates a public nuisance.

7.04 The following described substances, materials, waters or wastes shall be limited in discharges to the public sewer to concentrations or qualities which will not harm the sewers, sewage treatment process or equipment, will not have an adverse effect on the receiving waters and/or will not otherwise endanger lives, limb, and public property or constitute a nuisance. The limitation or restrictions on materials or characteristics of substances, materials, waters, waste or wastewaters discharged into the sanitary sewers which shall not be violated without approval of the Superintendent are as follows:

- (A) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F)(65°C).
- (B) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of twenty-five (25) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150°F) (0 and 65°C).
- (C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (D) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the Superintendent for such materials.
- (E) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions; whether neutralized or not.
- (F) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies having jurisdiction for such discharge to the receiving waters.
- (G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State and/or Federal regulations.

- (H) Any waters or wastes having a pH in excess of 9.5.
- (I) 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 plant, or which may cause the effluent limitation of the discharge permit to be exceeded.
 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (J) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

7.05 The Superintendent may set limitations lower than the limitation established in these regulations if in his/her opinion such more severe limitations are necessary to meet the above objectives.

7.06 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters or wastes contain the substances or possess the characteristics enumerated in this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (A) reject the waste
- (B) require pre-treatment to an acceptable condition for discharge to the public sewers
- (C) require control over quantities and rates of discharge
- (D) require payment of additional fees to cover the added cost of handling and treating the wastes.

In forming his/her opinion as to the acceptability of a new wastewater source for the existing Town wastewater facilities, the Town will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials and construction of the proposed sewage works, degree of treatability of the waste in the sewage treatment plant, prevailing State and Federal regulations, and other pertinent factors.

7.07 No user shall achieve, or attempt to achieve, compliance with this Ordinance by diluting a discharge instead of using proper pre-treatment. The increased use of process water in place of proper treatment shall be considered dilution and is prohibited by this Ordinance.

7.08 When required by the Superintendent, the Owner of any property serviced by a building sewer carrying industrial or other process wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in compliance with applicable construction standards and in accordance with plans approved by the Superintendent. The structure and appurtenances shall be properly maintained by the Owner, including calibration of all meters and measuring devices so as to ensure accurate measurement. All records from meters, measuring devices and samplers shall be kept for at least five years and furnished to the Superintendent or his designee upon request. During construction and after installation, the Superintendent or his designee shall have the right to inspect the facilities.

- 7.09 Oil traps shall be required on sewers directly or indirectly tributary to the public sewage works from existing or new garages, service stations, enclosed parking areas, and other establishments capable of discharging petroleum-based oil or grease, flammable wastes, sand, or other harmful substances. Such devices shall not normally be required for garages associated with private dwelling units. The determination as to whether an oil trap is required rests with the Superintendent. Where required, oil traps shall be in accordance with the following provisions, as well as State plumbing statute, and all other applicable Federal, State, and local rules and regulations:
- (A) Discharges from oil traps shall be directed to a sanitary sewer and not to a storm drain.
 - (B) Oil traps shall be of a type, capacity, location, and construction approved by the Superintendent and located so as to be readily accessible for maintenance and inspection. The Superintendent, or duly authorized representative, shall have the right to inspect such facilities in accordance with the provisions of this Ordinance.
 - (C) Oil traps shall be installed and maintained continuously in satisfactory and effective operation by and at the expense of the Owner or user. Both the Owner of the premises where an oil trap is required and the Owner or Operator of the establishment or business conducted on the premises shall be jointly and severally responsible for installing an oil trap acceptable to the Superintendent and for properly servicing and maintaining the oil trap. The schedule for service and maintenance of an oil trap shall be subject to approval by the Superintendent.
 - (D) The Owner or Operator of the establishment or business conducted on the premises where the oil trap is located shall maintain a log describing the date and type of all service and maintenance performed in connection with the oil trap, the identity of the person who performed the service or maintenance, the amount of residue removed from the oil trap on each date, and the method of disposal of the residue. The log entries shall be maintained for six years and shall be made available for inspection and copying by the Superintendent.

ARTICLE 8

PRE-TREATMENT

- 8.01 When required by the Superintendent, a user shall design, construct, install, operate and maintain special pre-treatment facilities which will provide for the regulation and control of the rate, volume and characteristics of sewage discharged to Town's sanitary sewers or stormwater to the Town's storm sewers. Pre-treatment facilities shall be designed, constructed, installed, operated and maintained in compliance with VT ANR requirements.
- 8.02 The design and installation of the pre-treatment facilities shall be subject to the review and approval of the Superintendent, and the requirements of all applicable Federal, State, and local codes, Ordinances and laws. Pre-treatment facilities shall be located as to be readily and easily accessible for inspection, maintenance, and/or cleaning and shall be provided and maintained by the Owner, at the expense of the Owner, in a continuous, efficient operating condition at all times.
- 8.03 In the maintaining of pre-treatment systems, the Owner(s) shall be responsible for monitoring the proper removal and disposal, by appropriate means, of the captured material. Any removal and hauling of the collected materials must be performed by currently licensed waste disposal firms. Materials collected shall not be reintroduced into the public sewage works. The Owner(s) shall annually file reports with the Town reporting on such maintenance, removal and disposal; including dates performed and who did the removal and disposal.
- 8.04 The Superintendent shall have the right to inspect such special facilities in accordance with provisions of this Ordinance to ascertain compliance with such.

ARTICLE 9

CONTROL OF FATS, OILS, AND GREASE

- 9.01 A grease trap/interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in all new establishments where significant amounts of animal or vegetable fat, oil, or grease can be introduced into the sewer system in concentrations that can cause line stoppage or hinder the sewage works, or when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts. This includes, but is not limited to any restaurant; cafeteria; hotel; hospital; institutional, factory, club, or other commercial kitchen; food and meat packing and processing facilities; supermarkets; and bakeries. Private residences shall be exempt from this rule, except for housing developments with more than three (3) units discharging to a public sewer. Grease traps/interceptors shall be installed and permitted prior to operation. The Superintendent shall require existing facilities to install, operate, and maintain a new grease trap/interceptor that complies with the requirements of this section or to modify or repair any noncompliant plumbing or existing trap/interceptor within ninety (90) days of written notification from the Town when any one or more of the following conditions exist:
- (A) The facility is found to be contributing oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance of the wastewater collection system.
 - (B) The facility does not have a grease trap/interceptor.
 - (C) The facility has an undersized, irreparable or defective grease trap/interceptor.
 - (D) Remodeling of food preparation, kitchen waste, or other waste plumbing system is performed which requires a plumbing permit to be issued by the Town.
 - (E) The existing facility is sold or undergoes a change of Ownership.
 - (F) The existing facility does not have plumbing connections to a trap/grease interceptor in compliance with the requirements of this section.
 - (G) The facility has not operated as a food service facility for 12 consecutive months.
- 9.02 The discharge of the following to grease traps/interceptors is strictly prohibited:
- (A) Sink water temperatures in excess of 140 degrees Fahrenheit.
 - (B) Wastewater from sanitary facilities and other similar fixtures.
 - (C) Waste from food and waste grinders, except where a pre-filter is provided.
- 9.03 Grease *traps* (internal) shall be based on Plumbing and Drainage Institute (PDI) sizing and installation data, in accordance with PDI Standard G101, and shall utilize only those units approved by PDI. Installation of a dedicated building drain and an in-line grease trap shall be required to serve all fixtures from which fat, oil or grease may be discharged whenever there is sufficient space and adequate plumbing to incorporate the appropriate facilities as determined by the Owner and approved by the Superintendent. Point of use grease traps may be required instead of or in addition to, an in-line grease trap for discharges from dish washer rinse sinks, pot sinks, floor sinks and drains, automatic hood washes, soup and tilt kettles, wok drains, and any other fixture which may introduce fat, oil or grease to the sewer as determined by the Superintendent. These units shall also include a sample port on the effluent Tee. Grease traps shall meet the following criteria:
- (A) Trap design and location: Grease traps shall conform to the standards in the PDI Standards G101. Grease traps shall be installed in strict accordance with the manufacturer's instructions. Grease traps shall be equipped with a cover that can be opened for inspection and sampling and a mechanism for a secure closing.
 - (B) Trap capacity: The capacity of the grease trap shall be related to the flow rate as indicated in Table 1 of the PDI Standard G101 document.
 - (C) Flow-through rate: Flow-through rates shall be calculated in accordance with the procedures in the PDI Standard G101.

- (D) Flow control device: Grease traps shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturer's rated capacity recommended in gallons per minute for the unit.
- (E) Particle Separator: Grease traps shall be equipped with a device, prior to the grease trap, to control the amount of solids through the unit.
- (F) Venting: The flow-control device and the grease trap shall be vented in accordance with the State plumbing code.

9.04 Grease *interceptors* (external) shall be designed and installed in accordance with PDI Standard G-101 and the accepted State Plumbing Code, unless otherwise stated herein. All new and existing grease interceptors shall meet the following criteria:

- (A) Interceptor design and location: Grease interceptors shall have a minimum of two compartments and shall be capable of separation and retention of grease and storage of settled solids. Interceptor design shall conform to the requirements of the Vermont Environmental Protection Rules, and the interceptors shall be PDI certified. The use of water-cooled grease interceptors is prohibited. A control manhole over each compartment for monitoring purposes shall be required and installed at the Owner/Operator's sole expense. Covers shall have a gas tight fit. The grease interceptor shall be designed, constructed and installed for adequate load-bearing capacity. Flow control devices shall be required where the water flow through the interceptor may exceed its rated flow. Interceptors shall be installed in a location outside of the building, which provides easy access at all times for inspections, cleaning, and proper maintenance, including pumping. A manhole or other access point shall be installed on the discharge line of the grease interceptor for sampling of the grease trap effluent. Effluent sampling shall be performed to ensure compliance with the regulations.
- (B) Interceptor capacity: Grease interceptor capacity calculations shall be performed by each facility based on size and type of operation in accordance with State environmental statutes. Grease interceptors shall have a minimum depth of four feet and a minimum capacity of 1,000 gallons per unit, have a grease retention capacity of not less than two (2) pounds for each gallon per minute of flow, and shall have sufficient capacity to provide at least a 24-hour detention period for all flow to be discharged to the interceptor. Where sufficient capacity cannot be achieved with a single unit, installation of grease interceptors in series is required. Interceptor capacity calculations shall be approved by the Superintendent prior to the installation of the interceptor(s). Grease interceptors shall not be installed unless tested, rated and bear the seal of acceptance of State Plumbers Examination Board or approved by the Superintendent.

9.05 Other alternative and innovative approved methods of grease removal and disposal may be used if approved by the Superintendent. If the Owner determines there is insufficient space available to install a grease trap/interceptor, or the facility's plumbing cannot accommodate a grease trap, or if it is determined that an existing or proposed grease installation, despite being designed according with industry standards, cannot meet the discharge limits, the Town may require the Owner to implement other measures to ensure compliance with the discharge limitation. Required measures may include but are not limited to, modifying the type, capacity, location and construction of the grease trap/interceptor, adding chemical or biological agent approved by the Superintendent to convert the fats, wax, oil, and grease to a substance not prohibited by this Ordinance, more frequent cleaning of the grease trap/interceptor, and physical containment and removal of fats, wax, oil and grease for disposal offsite.

9.06 Waivers:

- (A) An establishment which generates very little or no fat, oil or grease, may request a waiver of the requirements of this Ordinance. The request must be clear and specific, and include the quantity generated, how it is generated, method of disposal, and any other pertinent information supporting the request. All such requests will be reviewed and a determination made within 30 days of receiving

the request. Written and signed documentation of all proposed prevention measures shall be maintained on-site and available for inspection.

- (B) An establishment may apply for a waiver from this regulation if the establishment can demonstrate that it is impossible or impracticable to operate or maintain an interceptor at that location. Any request must include alternative pre-treatment for managing fat, oil, and grease from the establishment. Consideration will be given but not limited to the following scenarios: (1) inadequate space for the installation or maintenance of a unit, and (2) inadequate slope for gravity flow between fixtures and unit or unit and public sewer. A waiver may contain additional requirements specific to the location including but not limited to alternative equipment, sampling and analytical requirements, reimbursement of costs associated with sewer monitoring and maintenance, and implementation of additional Best Management Practices.
- (C) Every waiver request shall be made in writing and it shall reference the specific provision of this Ordinance for which the waiver is sought. The applicant shall provide technical documentation that demonstrates that an equal amount of environmental protection can be attained without full compliance with this Ordinance. A copy of said request shall be sent to the Superintendent. Any waiver allowed by the Town shall be issued in writing. Any denial of a waiver request shall also be issued in writing and shall contain a Statement of the reasons for a denial. Written notification to the applicant shall be completed by the Town within 30 days of receipt of a complete application. All documents relating to the request, approval or denial of a variance shall be kept on file with the Water & Sewer Department and shall be available to the public during the regular hours of operation.

9.07 Maintenance:

- (A) Where grease traps/interceptors are required, they shall be installed and maintained continuously in satisfactory and effective operation and in accordance with this Ordinance and the requirements of the accepted State Plumbing Code, all by and at the expense of the Owner and user. Unless otherwise required by the equipment manufacture or Superintendent, Owners or Operators shall have traps/interceptors inspected a minimum of once per month and pumped at least every three (3) months. In addition to required quarterly pumping, each establishment is required to pump its grease trap/interceptor whenever one of the following conditions occurs:
 - 1. When the total volume of captured grease and solid material displaces more than 25% of the capacity of the interceptor as calculated using an approved dipping method.
 - 2. When the interceptor is not retaining/capturing oils and greases, or the removal efficiency of the device, as determined through sampling and analysis, is less than eighty percent (80%).
- (B) Chemical, biological, or physical means (including flushing with water) shall not be used to release fats, wax, oil or grease into the sewer, bypass the trap, or otherwise make the trap operate less effectively. Subject to the Superintendent's prior written approval, a chemical or biological agent may be added to convert the fats, wax, oil, and grease in a trap to a substance not prohibited by this Ordinance, if the resulting discharge from the trap will not cause or contribute to an obstruction or blockage in the sewer or otherwise violate this Ordinance. Unless so converted, the fats, wax, oil, and grease contents of a grease trap shall not be discharged to public sewers.

9.08 All waste fats, oil and grease must be collected in an appropriate container provided by an approved vendor, and stored in an approved location on the premises. The container must be stored on an impervious surface such as concrete or pavement. Containers must be capable of being sealed to prevent entry of precipitation, or stored in a sheltered area. During storage, all grease containers and surrounding areas shall be maintained in a clean and sanitary condition at all times. For containers and a grease interceptor, the waste material shall be removed by a professional hauler and shall include the complete removal of all contents. Wastes removed shall be disposed of at a facility permitted to receive such wastes or at a location designated by the town for such purposes. The name and location of the disposal facility shall be verified by the establishment, which shall be responsible for obtaining such information from the grease hauler.

9.09 The Owner or Operator of the establishment or business conducted on the premises where the grease trap/interceptor is located shall maintain a record which describes the date and type of all inspections and cleaning of the grease trap, service and maintenance performed in connection with the grease trap, the identity of the person who performed the service or maintenance, the amount of residue removed from the grease trap on each date, the method of disposal of the residue, and any other data pertaining to operation, inspection, or maintenance. The log shall be submitted to the Superintendent annually. Each facility shall also maintain a file on site, available at all times for inspection and review by the Superintendent, which contains at least the following information:

- (A) As-built drawings of the plumbing system for new or renovated buildings and (if available) for existing buildings
- (B) Records of inspections
- (C) Copies of annual reports (submitted with Food Service Permit)
- (D) Receipts (pumping, maintenance, repairs, etc.)
- (E) Log of pumping activities
- (F) Log of maintenance activities
- (G) Grease hauler information
- (H) Disposal information (including site name and location of disposal facility obtained from grease hauler)
- (I) Monitoring data (including amount of grease present during inspection)

9.10 Failure to maintain an adequately sized grease trap/interceptor in proper working order where required by this Ordinance, will result in an initial fine, not to exceed \$300. Re-inspection of any establishment due to non-compliance or a violation shall result in a charge to the Owner of the establishment. If all of the deficiencies have not been corrected, a first re-inspection fee of \$150 shall be charged to the establishment. If a second re-inspection is required, a second re-inspection fee of \$250 shall be charged to the establishment if all of the deficiencies have still not been corrected. If a third or subsequent re-inspections are required a re-inspection fee of \$500 for each re-inspection shall be charged to the establishment in addition to other enforcement actions if all of the deficiencies have still not been corrected. Establishment Owners will have 30 days to rectify any violations or non-compliance issues.

9.11 Enforcement Specific to Food Service Facilities:

After completing inspection of grease traps/interceptors at all food service facilities, the Superintendent or duly authorized representative of the Town, shall initiate the following action:

- (A) No Further Action Required: If all information is verified and the grease trap/interceptor is of proper type/size and in proper working condition in accordance with the provisions of this section, no further action will be required.
- (B) Written Notice: If the grease trap/interceptor requires any maintenance, repairs, replacement, or corrections, the Superintendent shall provide a written notice of violation within five (5) days of inspection. The Owner/occupant shall have ninety (90) calendar days to correct all deficiencies identified by the Town. Failure to do so may result in the suspension of the establishment's Permit to Operate a Food Establishment.
- (C) Notice of Violation: A Notice of Violation (NOV) shall be issued to an establishment for any one or more of the following reasons:
 1. Failure to properly maintain the grease trap/interceptor in accordance with the provisions of this section.
 2. Failure to report significant changes in operations, or wastewater constituents and characteristics.
 3. Failure to maintain a file of records on site at all times.
 4. Failure to provide logs, files, records, or access for inspection or monitoring activities.
 5. Any other failure to comply with the requirements of this section.

- (D) Notice of Violation Response: Any establishment issued a notice of violation shall respond to the Superintendent in writing within fourteen (14) calendar days of receipt of the notice of violation and submit information describing how the noncompliance occurred and what steps shall be taken to correct the deficiencies and/or prevent the re-occurrence of the noncompliance. Requirements for submittal shall include maintenance records, plans for installation or upgrade of grease interceptors, including time frames for preparation of plans, acquisition of necessary equipment, initiation of construction (including time for permit approval, where required), completion of construction, and a date for achievement of final compliance with this section. The establishment shall have ninety (90) days from the Notice of Violation to perform corrective work. Once corrective actions have been made, the food service establishment shall contact (within 90 days of notice of violation) the Superintendent in writing, who shall perform a re-inspection within five (5) business days to confirm that all deficiencies have been corrected.
- (E) Time-Extension: If the establishment cannot complete the required repairs or maintenance within ninety (90) days from the Notice of Violation to perform corrective work, the establishment may apply for a one-time extension. The establishment shall submit a written request to the Superintendent for a time extension, including proof that a “good faith effort” was made to contact/schedule a Contractor to perform work and a definitive schedule for when the establishment intends to have the corrective work completed.
- (F) Re-inspections: The Superintendent, or duly authorized representative, shall re-inspect facilities that received deficiency notices after the original inspection. Any repairs or other deficiencies shall be inspected and written notice provided of compliance or non-compliance as the case may be. In the event that the establishment has returned to compliance with all of the deficiencies, there shall be no further action required. If the establishment is not in compliance at the second inspection, the Superintendent shall provide a written notice of suspension proceedings of the Permit to Operate a Food Establishment.
- (G) Suspension Proceedings: The establishment shall be required to attend a hearing before the Superintendent and will be allowed to dispute the notice to suspend the Permit to Operate a Food Establishment. The Chairman shall determine if the establishment’s Permit to Operate a Food Establishment shall be revoked or whether to allow the establishment to operate with conditions. The establishment will not be allowed to operate without a valid Permit to Operate a Food Establishment.
- (H) Re-apply for Permit to Operate a Food Establishment: The establishment shall be required to re-apply for a Permit to Operate a Food Establishment once this permit has been revoked by the Town. The establishment shall provide proof that all previous violations have been corrected and shall be subject to a re-inspection by the Town prior to permit approval.

ARTICLE 10

MONITORING OF WASTE DISCHARGES

- 10.01 The Superintendent shall be permitted to enter into, upon, or through the premises of any property discharging into the sewage works to have access to and copy any record; to inspect any discharge, monitoring equipment or method; and to sample any discharge into the sewage works, including but not limited to access to water meters.
- 10.02 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 for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, locations, times, durations and frequencies are to be determined per this Article or on an individual basis subject to the approval by the Superintendent.

- 10.03 All measurements and tests shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- 10.04 Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.

ARTICLE 11

PROTECTION FROM DAMAGE

- 11.01 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the sewage works. 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. Any person violating this article on conviction thereof shall be fined and/or shall owe a penalty in an amount not less than One Thousand Dollars (\$1,000.00) for each occurrence.

ARTICLE 12

USER CHARGE SYSTEM

- 12.01 The Water & Water & Sewer Commissioners shall have the authority to establish reasonable charges (also known as rents, rates, or sewage disposal charges) through a User Charge System for the purpose of producing adequate revenues to cover the costs of construction, operation, and maintenance of the Town sewage works. The User Charge System shall be based on a yearly estimate by the Superintendent of the projected annual amount of such costs which amount is referred to as the Total Annual User Costs. Adjustments for additions and/or omissions, or other changes shall be made by the Water & Sewer Commissioners to the User Charge System as are necessary to ensure that charges remain equitable and sufficient to cover such costs; either during a year or from year to year.
- 12.02 Method of Determining User Charges:
- (A) Subject to adjustment or other changes thereto, the Water & Sewer Commission shall establish the amounts and payment terms for the charges to be billed under this User Charge System, which charges and payment terms shall be reviewed from time to time, at the discretion of the Water & Sewer Commission, in regard to whether such charges and payment terms ensure they provide for the proper operation and maintenance of the sewage works.
 - (B) The Water & Sewer Commission shall maintain a list of each user of the sewage works which shall include for each user the address or description of the building and, to the best of its knowledge, the name(s) of the Owner of the building.
 - (C) For each user there shall be located in the building a water meter accurately measuring all water used therein that could generate the sanitary sewage therefrom. The water data used in determining the charges under this User Charge System are to be based on readings from such water meters.
 - (D) Each user (ERU) shall be charged a "Bond Charge" in an amount determined by the Water & Sewer Commission from time to time that shall cover all or a portion of the fixed debt service.
 - (E) Each user (ERU) shall be charged a "Base Charge" for the first 6,000 gallons of water passing through the water meter in an amount to be set by the Water & Sewer Commission.

- (F) In addition to the Bond Charge and Base Charge, each user shall be charged a “Metered Flow Charge” in an amount to be determined by the Water & Sewer Commission from time to time.
- (G) All charges for each user will be billed to the Owner of record of such building, unless otherwise waived or agreed to by the Water & Sewer Commission.

12.03 Sewer Connection Fee:

For new connections to the public sewer, the Water & Sewer Commission may set a fee therefore in an amount determined by them from time to time, which fee shall be available in the Town Clerk's Office and shall be paid in full prior to any new connection.

12.04 Dedicated Fund For Major Expenditures:

The following provides for and restricts the use of dedicated (sinking) funds to finance major rehabilitation, major maintenance, and upgrade costs for the sewage works.

- (A) A separate dedicated fund is authorized and may be utilized for major rehabilitation, major maintenance, and/or upgrade expenditures associated with the sewage works. The establishment of such dedicated fund shall be through a written policy of the Town, including such a policy adopted by the Select Board of the Town. Any dedicated fund policy shall contain at least the following: identification of the major rehabilitation, major maintenance and/or upgrading, estimated expenditures, estimated year of expenditure, type of account used to accumulate the dedicated funds' assets, estimated payment amount(s) and source of funding, and estimated time payment are to stop. All dedicated funds shall be established and maintained in accord with Title 24 V.S.A Section 3616.
- (B) The Town reserves the right to increase, decrease, stop and/or maintain regular deposits to the dedicated fund by an annual set-aside of up to 15 percent of the normal operations, maintenance, and bond payment costs.
- (C) The Water & Sewer Commission has the authority to withdraw amounts from the dedicated fund only for the purpose of paying for major rehabilitation, major maintenance and/or upgrade expenditures for which the fund was established. However, when dedicated fund assets are not disbursed fully for the aforesaid expenditures for which the fund was established, excess money shall remain available in the dedicated fund for other future related expenditures similar in nature.

12.05 Stormwater User Surcharge:

- (A) A “Stormwater User Surcharge” shall be imposed on every user of the public sewer in an amount to be determined periodically by the Water & Sewer Commission. Said fee is hereby established for the specific purpose of paying those expenses and costs which are incurred by the Town of Pittsford for the treatment and handling of stormwater runoff, as that term is defined in 24 V.S.A, Section 3501(7) originating upon the properties of users and entering the public sewer. The surcharge shall be based upon a reasonable assessment of the actual cost to the Town of Pittsford for the treatment and discharge of stormwater entering the public sewer divided by the number of users who have not received exemptions under this Ordinance.
- (B) The Stormwater User Surcharge assessed pursuant to the Article shall be initially assessed against each user ninety (90) days after this Ordinance as amended goes into effect and said surcharge, unless otherwise exempted, shall be thereafter assessed annually by the Town.
- (C) The Superintendent may exempt any user from the Stormwater User Surcharge assessed herein provided:
 1. The user provides a certificate from a civil engineer, licensed in the State of Vermont, that verifies that no stormwater is entering the public sewer from the user's property

2. The user permits the Superintendent or his designated representative to personally inspect the user's property to verify that no stormwater is entering the public sewer from the Owner's property.

Upon satisfactory submission of the engineer's report or completion of said inspection verifying that no stormwater is entering the public sewer from the Owner's property, the Superintendent shall approve the waiver as provided herein.

- (D) Upon receipt of the exemption, the user shall thereafter allow and authorize inspections, upon reasonable notice, by the Superintendent to verify that the user's property is not introducing stormwater into the public sewer system or, in the alternative, the user shall provide updated certification of the same form a licensed civil engineer.

12.06 Uniform Sewer Disconnect:

The Town may disconnect users of the sewage works in accordance with Title 24 V.S.A Chapter 129 "UNIFORM WATER AND SEWER DISCONNECT" and any other applicable laws.

12.07 Terms of Payment for User Charges:

- (A) All User Charges hereunder are due and payable upon presentation of the bill and are due and payable within thirty (30) days of the issuance of the bill, or the due date recorded on the bill, whichever is later.
- (B) When a customer's credit is, or becomes, impaired, the Superintendent may, when it deems it necessary to guarantee payment of current bills, require a deposit. Such a required deposit shall not exceed the amount of money for the largest estimated single bill expected during the subsequent year, provided that a deposit in an amount determined by the Superintendent may be required, such deposit to be refunded when the customer has established credit satisfactory to the Superintendent.
- (C) Upon termination of service, the Superintendent shall have the right to apply any deposit in payment of any billing in arrears, if such billing shall be unpaid for a period of thirty (30) days beyond the due date. Such application of the deposit by the Superintendent shall not constitute a waiver of the Town's rights otherwise to enforce collection of the remaining required payment in accordance with this Article.
- (D) All User charges covered by the Ordinance enacted by the Town shall become a lien upon any real estate where such sewer service is furnished, and said lien shall continue until the lien is settled; and said lien may be enforced by a suit on behalf of the Town, ordered by the Select Board against the Owner of such real estate. The records in the office of the Superintendent of the amount of unpaid charges, all as aforesaid, shall be sufficient notice to maintain suit upon such lien against the original Owner or subsequent purchasers or attaching creditors of said real estate.

ARTICLE 13

PRIVATE SEWAGE DISPOSAL

13.01 Where a public sanitary sewer is not available under the provisions of this Ordinance, the building sewer shall be connected to a Private Sewage Disposal System complying with the regulations set forth by the VT ANR, Environmental Protection Rules - Chapter 1, Small Scale Wastewater Treatment and Disposal Rules - Effective August 8, 1996 with the exception of subchapter 3, section 1-302, paragraph D.1 and D.2 as refers to lot size, current edition as amended.

13.02 If at any time the VT ANR determines that a Private Sewage Disposal System is no longer able to achieve compliance, and a public sewer is or becomes available, the building sewer shall be connected to said sewer in accordance with this Ordinance within one hundred twenty (120) days, and the private Sewage Disposal System shall be abandoned as per VT ANR requirements.

ARTICLE 14

POWERS AND AUTHORITY TO ACCESS

- 14.01 The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon any premises at any reasonable time to inspect for compliance with this Ordinance. This includes all public and private properties, and may consist of inspection, sampling, metering, and testing of internal plumbing, building drains, building sewers, pumps and grinder pumps, grease traps and interceptors, and all other structures and conduits designed or used for the purpose of collecting, treating or disposing of sewage and stormwater. The Superintendent, or duly authorized representative, shall have the right to set up on the Owner's property, or require installation of, such devices as are necessary to conduct study of the user's operations. The Owner shall allow said Agent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any addition duties.
- 14.02 The Superintendent and other duly authorized representatives of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town 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 sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- 14.03 No Owner, occupant, or other person shall refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to properties, including within buildings, by the Superintendent or duly authorized representative, bearing proper credentials and identification, where inspection is sought at reasonable times, with or without prior notice, in order to assure compliance with applicable Ordinances, statutes, codes and/or regulations. An Owner's refusal to grant permission of access shall be a violation of this Ordinance and will be subject to civil penalty of \$50. each day until access is permitted shall be deemed a separate offense.
- 14.04 Where an Owner/Operator has security measures in force that require proper identification and clearance prior to entry upon its premises, the Owner/Operator shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent or duly authorized representative, shall be permitted to enter without delay for the purposes of performing specific responsibility.
- 14.05 Any temporary or permanent obstruction to safe and easy access to the establishment shall be promptly removed by the Owner/Operator upon written or verbal request and shall not be replaced. The costs of clearing such access shall be borne by the Owner/Operator.
- 14.06 While performing the necessary work of this Article, the Superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- 14.07 While performing the necessary work on properties referred to in this Article, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company.

ARTICLE 15

DUTY TO NOTIFY

- 15.02 Users shall notify the Pittsford Water & Sewer Department by telephone immediately upon discharge or receiving knowledge of a discharge of water or wastes in violation of this Ordinance and of any spill or other non-permitted pollutant release that may reasonably be expected to discharge whether directly or indirectly to any public or private sewer, combined sewer, or storm drain, or to a natural outlet. When directed by the Water & Sewer Department, or if the user fails to reach the Water & Sewer Department by telephone, the user shall also notify the U.S. Environmental Protection Agency and the Vermont Department of Environmental Conservation immediately by telephone.
- 15.03 Each notification shall be followed within fifteen (15) days of the date of occurrence by a detailed written Statement addressed to the Superintendent and, as appropriate, State and Federal agencies, describing the causes of the discharge and the measures being taken to prevent a recurrence. Such notification will not relieve users of liability for any expense, loss or damage to the public sewer or storm drain systems, or for any fines imposed on the Town, or the Owner as a result of such discharge.

ARTICLE 16

ENFORCEMENT

16.01 Administrative Enforcement:

- (A) Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- (B) Any person found to be violating any provision of this Ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Such notice may require without limitation:
1. The performance of monitoring, analyses, and reporting.
 2. The elimination of illicit discharges.
 3. The cessation of improper practices and operations and implementation of proper practices and operations.
 4. The abatement or remediation of any contamination of the public sewage works or storm sewer system and waters of the State of Vermont or the United States and restoration of any property impacted by such contamination.
 5. Establishment of time limits for the completion of all required work.
 6. Payment of a fine, and amount due in not paid within a timely manner as determined by the decision of the Superintendent or by the expiration of the time in which to file an appeal, the charges shall constitute a lien on the property for the amount of the assessment and shall bear interest at the rate of one percent (1%) per month, or portion thereof.
 7. The Superintendent may, without prior notice, suspend sewer or stormwater discharge access to a person when such suspension is necessary to stop and actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or the health or welfare of persons, or to the stormwater system, sewage works or waters of the State of Vermont or United States. If the violator fails to comply with a suspension order issued in an emergency, the Superintendent may take such steps as deemed necessary to prevent or minimize damage to the sewage works, stormwater system, or waters of the State of Vermont or the United States.

8. Any person discharging to the sewage works or stormwater system in violation of this Ordinance may have their sewage works or stormwater system access terminated if such termination would abate or reduce an illicit discharge. The Superintendent will notify a violator of the proposed termination of its sewage works or stormwater system access.
9. A person commits an offense if the person reinstates sewage works or stormwater system access to premises terminated pursuant to aforesaid without the prior approval of the Superintendent.

16.02 Judicial Enforcement:

- (A) This Ordinance shall constitute a civil Ordinance within the meaning of 24 V.S.A Chapter 59.
- (B) Any law enforcement officer, the Superintendent, the Town Manager or other individual designated by the Select Board to enforce this Ordinance may act as an issuing Municipal Officer and issue and pursue before the Judicial Bureau a municipal complaint from any violation of any provision of this Ordinance.
- (C) In addition to the enforcement procedures available before the Judicial Bureau, the Select Board is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

16.03 Any person found to be violating any provision of this Ordinance, shall be served by the Town with written notice stating the nature of the violation and provided 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.

16.04 On the basis of information available to it, the Town may take any or all of the following actions upon determination that any person is violating any provision of this Ordinance:

- (A) Issue an order to cease and desist any such violation.
- (B) Assess fines.
- (C) Issue an implementation schedule ordering specific actions to be taken together with time and schedule requirements.
- (D) Terminate public water service until such time as the violation has been eliminated.
- (E) Bring a civil or criminal action as provided by law.
- (F) Take any action available to it under Federal, State, or local laws or regulations.

16.05 Any person who violates any provision of the Ordinance, or any provision of any regulation adopted by the Town, pursuant to authority granted by Ordinance, shall, upon conviction, be guilty of a misdemeanor and punished by a fine, or by imprisonment, as per the schedule of fines established by the Water & Sewer Commission through the User Charge System. Violators shall be subject to a fine for the first and subsequent violations. Each day in which any such violation shall continue shall be deemed a separate offense. In addition, and not in lieu of a fine, any person violating any of the provisions of this Ordinance may be subject to a civil penalty for each violation. Fines shall be included with water and sewer bills and, if not paid, will result in a lien on the property. This provision may be enforced through non-criminal disposition.

16.06 Any person violating the provisions of these regulations shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation, including but not limited to legal costs or fees; administrative fees; disposal, cleanup or maintenance fees; and any fines, charges, or assessments made or imposed on the Town by any Federal, State, or local agency.

16.07 Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including, but not limited to, injunction or other proceeding to prevent, restrain, or abate violations of any provision of this Ordinance.

ARTICLE 18

APPEALS

- 18.01 The Pittsford Water & Sewer Commission shall receive appeals for arbitration of differences between the Superintendent and sewer users, or other parties, on matters concerning interpretation and execution of the provisions of this Ordinance by the Superintendent. The Water & Sewer Commission shall review such appeal at a subsequent meeting. Following the meeting, the Water & Sewer Commission shall issue its decision on the appeal in writing. The decision of the Water & Sewer Commission on said matter shall be considered final.

ARTICLE 19

VALIDITY

- 19.01 All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- 19.02 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.
- 19.03 The titles and headings used throughout this Ordinance are informational only and shall have no effect upon the interpretation or validity of the Articles.

ARTICLE 20

ORDINANCE IN FORCE

- 20.01 This Ordinance shall be in full force and effect from and after its passage and the passage of any amendments thereto, recording, and publication as provided by law.
- 20.02 The Town of Pittsford, acting by and through its Select Board, may make amendments to this Ordinance.

EFFECTIVE DATE

Date Adopted by Town_____

Date Published in Local Paper_____

Effective Date_____

DULY ENACTED AND ORDAINED this ____ day of _____, 2014 by the Town of Pittsford, County of Rutland, State of Vermont.

SELECT BOARD of the Town of Pittsford, Vermont

Selectman

Selectman

Selectman

Selectman

Selectman

TO ATTEST SIGNATURES