

Sewer Use Ordinance

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S): AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF BRANDON, COUNTY OF RUTLAND, STATE OF VERMONT.

Be it ordained and enacted by the Selectmen of the Town of Brandon, State of Vermont as follows:

ARTICLE I . Definitions

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

Section 1 . "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20oC, expressed in milligrams per liter.

Section 2 . "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the lowest 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.

Section 3 . "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 4 . "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 5 . "Easement" shall mean an acquired legal right for the specific use of land owned by others.

Section 6 . "Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

Section 7 . "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.

Section 8 . "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing process, trade, or business as distinct from sanitary sewage.

Section 9 . "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Section 10 . "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Section 11 . "Ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 12 . "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under

the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters in any dimension).

Section 13 . "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Section 14 . "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Section 15 . "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present. Referred to also as "Wastewater."

Section 16 . "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage. Referred to also as "Water Pollution Control Plant," "Wastewater Treatment Plant."

Section 17 . "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage, often used as synonymous with "Wastewater Facilities", "Water Pollution Control Facilities."

Section 18 . "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 19 . "Sewer Authority" or "Authority" shall mean the Board of Selectmen or their authorized agent unless a separate Board of Sewer Commissioners is established by the Board of Selectmen as set forth in Title 24 VSA SS3609.

Section 20 . "Shall" is mandatory; "May" is permissive.

Section 21 . "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.

Section 22 . "Storm Drain", sometimes termed "Storm Sewer", shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 23 . "Superintendent" shall mean the Superintendent of Sewage Works and/or the Water Pollution Control Plant Operator of the Town of Brandon, or his authorized deputy, agent, or representative. The Superintendent shall be appointed by the Sewer Authority.

Section 24 . "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or liquids, and which are removable by laboratory filtering.

Section 25 . "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 wastewater treatment facilities provided.

Section 26 . "Wastewater": See Section 15 "Sewage."

Section 27 . "Wastewater Facilities": See Section 17 "Sewage Works."

Section 28 . “Water Pollution Control Facilities”: See Section 17 “Sewage Works”

Section 29 . “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 30 . “Town” as herein referred to shall mean the Town of Brandon, Vermont.

Section 31 . “User” shall mean the party who is billed, usually for sewer services, from a single connection; has no reference to the number of persons served, (also called customer).

Section 32 . “User Charge” shall mean the charge paid by each user to defray, at a minimum, the operating and maintenance cost of the sewer system.

ARTICLE II . Use of Public Sewers Required

Section 1 . It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Brandon or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or objectionable waste.

Section 2 . It shall be unlawful to discharge to any natural outlet within the Town of Brandon, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

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

Section 4 . The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the Town, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so. Detached garages and accessory buildings used for storage of tools and equipment are not required to have sanitary facilities.

ARTICLE III . Private Wastewater Disposal

Section 1 . Where a public sanitary or combined sewer is not reasonably available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

Section 2 . Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Sewage Officer. The applications for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Sewage Officer. A permit and inspection fee of \$175.00 dollars for residential and \$175.00 dollars for a commercial building shall be paid to the Town at the time the application is filed.

Section 3 . A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Sewage Officer. The Sewage Officer shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify

the Sewage Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours, excepting weekends and legal holidays, of the receipt of notice by the Sewage Officer.

Section 4 . The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Vermont and Ordinances of the Town of Brandon. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 5 . At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article II, Section 4, a direct connection to the public sewer shall be mandatory within 60 days after the private system has been cited by the local health officer as a health hazard, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

Section 6 . The owner(s) shall operate and maintain the private wastewater disposal facilities in a proper sanitary manner at all times, at no expense to the Town. Pumping of septic tanks shall be carried out by licensed pumping contractors.

Section 7 . No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Department of Public Health or the Town of Brandon.

ARTICLE IV . Building Sewers and Connections

Section 1 . No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection.

Section 2 . The owner or his 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.[1]

Section 3 . All costs and expense incident to the installation, connection, maintenance, and repair[2] of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4 . A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The Town will not be responsible for any damage resulting from such single connection.

Section 5 . Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this ordinance.

Section 6 . 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. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Pollution Control Federation Manual of Practice No. 9 and State of Vermont shall apply.

Section 7 . 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.

Section 8 . No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 9 . 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, or the procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Pollution Control Federation Manual of Practice No. 9 and State of Vermont. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Section 10 . The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

Section 11 . All excavation 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.

ARTICLE V . Use of the Public Sewers

Section 1 . No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2 . Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet.

Section 3 . No person shall discharge or cause to discharge any of the following described waters or wastes to any public sewers:

- a . Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- b . Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process,

constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

c . Any waters or wastes having a pH lower than (5.0) or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the sewage works.

d . Solid or viscous substance 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, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 4 . No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treat ability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

a . Any liquid or vapor having a temperature higher than one hundred fifty (150)oF and sixty-five (65)oC.

b . Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32)oF and one hundred fifty (150)oF of and sixty-five (65)oC.

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.

Section 5 . Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Removal and hauling of the collected materials must be performed by currently licensed waste disposal firms.

ARTICLE VI . Protection From Damage

Section 1 . No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII . Powers and Authority of Inspectors

Section 1 . The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

Section 2 . While performing the necessary work on private properties referred to in Section 1 above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the owner and the owner shall be held harmless for injury or death to the Town employees and the Town shall indemnify the owner against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the performance of the said work.

Section 3 . The Superintendent and other duly authorized employees 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.

ARTICLE VIII . Penalties

Section 1 . Any person found to be violating any provision of this ordinance except Article VI 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. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2 . Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding (\$25) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3 . Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such offense.

ARTICLE IX . Validity

Section 1 . All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2 . 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.

ARTICLE X . Sewer Extensions

Section 1 . Construction of sewer mains and appurtenances by the Town shall be limited to areas within the Town.

Section 2 . Extensions of sewer lines as provided in Section 1 may be extended to property boundaries based on available funds and priorities established by the Sewer Authority.[3]

Section 3 . Sewer systems in newly established subdivisions may be connected to the Town sewage works provided the following conditions are met:

- a . The collecting system within the subdivision and the connecting pipe(s) to the public sewer are designed by a registered professional engineer of the State of Vermont and approved by all applicable agencies.
- b . An application for approval of the proposed works shall be submitted to the Authority prior to start of construction.
- c . The volume of the collected wastes from the proposed system shall not cause any part of the sewage works to become overloaded.
- d . All costs applicable to the proposed works shall be the responsibility of the applicant.
- e . Approval of the completed works must be obtained from the Authority before the Town shall assume responsibility of ownership.
- f . All proposed extensions shall be public extensions and shall be approved based on that extension's conformance to the Town's standards and specifications as promulgated in this Ordinance. Prior to acceptance all as-built plans, property rights-of-way and easements, and certifications of the owner's engineer shall be filed with the Town for formal acceptance.[4]

ARTICLE XI . Rates and Responsibility of Costs

Section 1 . All property directly connected to the sewer system and served by sewage works shall be subject to fees in support of the construction, extension, and improvement of the public sanitary sewers, to be levied and collected in accordance with Section 6 of this Article XI[5]. The cost of principal and interest, either bonded or otherwise, shall be borne to those users connected to the system. All new users shall be required to pay a connection fee or a "buy-in assessment" at a rate determined to be proportionate to existing user costs of capitalization of the facilities.[6]

Section 2 . The annual operating and maintenance cost of the sewer system shall be paid by the users of the system in proportion to their use. Charges for use of the system shall be based upon volume of wastewater discharged to the sewage works.

Section 3 . The Sewer Authority shall establish the user charge system in accordance with appropriate Federal and State rules and regulations pertaining to the costs associated to the use of the sewer by domestic and commercial users.

Section 4 . The Sewer Authority shall, in establishing the rates referred to in Sections 1 and 2 above, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of 40 CFR ss 35.935-13 and 10 V.S.A. Chapter 79.

Section 5 . Rates shall be established by the Board of Sewer Commissioners and may be changed from time to time as required.[7]

Section 6 . Users intending to connect to the public sewer shall pay an initial hookup charge which shall be computed and paid in the manner hereinafter provided. These hookup charges may be used for either pre-existing, current or future capital improvements.[8]

a . The hookup charge shall be computed at a rate per gallon on the total gallonage to be allocated as the Sewer Authority shall from time to time establish.

b . If the gallonage requested is 1,500 gallons or less, the applicant shall pay in full, upon application. If the request is more than 1,500 gallons, the hookup charge shall be paid as follows:

(1) Ten percent (10%) upon application for gallonage requested to be reserved, on forms provided by the Sewer Authority.

(2) If capacity exists at the time of application, then on or before sixty (60) days from the date of said application, the user shall enter into a contract with the Sewer Authority, acting on behalf of the Town.

(3) When State and/or local permit or permits are required for any project for which payment in Article XI, Section 6b(1) has been made, including State Land Use (Act 250) permit, Zoning Permit, or any Certificate of Compliance from a State department or agency, forty percent (40%) of the hookup fee shall be payable within thirty (30) days of the receipt of the permit or permits. If such permit or permits are denied, or, if the user abandons a project before the start of construction because of permit denial, or for any other reason, the contract, if entered into, and/or application for gallonage, will be deemed null and void; any payment made shall be returned without interest, and reservation of gallonage for the project shall be withdrawn and returned to the plant's uncommitted capacity. For the purposes of this Article, the user shall be deemed to have abandoned a project if the user fails to accomplish any one of the following three items:

(a) The user fails to enter into a contract within sixty (60) days of the user's written acceptance of available gallonage as required in Article XI, Section 6b(2), or

(b) The user fails to make payment as required in Article XI, Section 6b(4), or

(c) The user fails to receive the required permit or permits as stated above and commence construction within eighteen (18) months from the date of the contract. If, however, said permit should place restrictions on construction dates, then the eighteen (18) month commencement of construction date shall be extended for such period of time as deemed reasonable by the Sewer Authority.

(4) The remaining fifty percent (50%) prior to the commencement of construction.

(5) Projects may be phased by agreement between the Sewer Authority and the user, or, by the unilateral request of the user, or when required by the Sewer Authority because of low or insufficient plant capacity. If a contract is made for one phase, allocation of gallonage herein provided shall be only for such phase, and the Town shall not, thereby, be deemed to have bound or committed itself, impliedly or otherwise, to enter into contracts for additional phases, or to provide gallonage therefore, nor shall the user be deemed bound or committed to construct future phases. Such contract shall be binding only for the project herein described, as if no other phases were intended, and the hookup charge shall be computed only for such phase.

(a) If a contract describes more than one phase of a total project, then the hookup charge shall be computed on the whole described project, and payment shall be payable as provided hereinabove, except that the fifty percent (50%) payment in Article XI, Section 6b(4) shall be paid in proportion to such phases, and prior to construction of each phase, but no later than the termination date stated in the contract.

(b) If a user abandons any contracted project, or part thereof, whether phased or un-phased, after the commencement of construction, then the ten percent (10%) and forty percent (40%) hookup fees described in Article XI, Section 6b(1) and b(3) already paid shall not be refunded. The fifty percent (50%) hookup fee described in Article XI, Section 6 b(4) already paid shall be returned without interest for that portion of the project uncompleted. Gallonage allocated to such abandoned project or phase, or part thereof, and the balance of gallonage remaining on the priority list shall be withdrawn and returned to the plant's uncommitted capacity. For the purpose of this Article, a user shall be deemed to have abandoned a project if the user fails to meet any term or condition of the contract. When a contract for a subdivision, a planned residential or planned unit development is due to expire, and the applicant requests an extension of time, an extension may, at the sole discretion of the Sewer Authority, be granted if a minimum of thirty five percent (35%) of the living units or the square footage of a commercial space, listed in said contract or phases have been constructed.

(6) Users who desire to construct residential buildings not located in or part of a planned development, or for which no contract and/or permit is necessary or required, shall pay the hookup charge in full upon application for gallonage.

(7) Gallonage for planned residential and unit developments or any project requiring in excess of 1,500 gallons, is reserved by contract between the developer/owner and the Town. Contracts for other projects may also be made when requested by the developer/owner, or when required or requested by the Sewer Authority. The Sewer Authority will collect legal fees of Three Hundred Dollars (\$300.00) for the preparation and negotiations of a contract to be completed or reviewed by the Town or its attorney. Payment of such legal fees are to be collected at the time the applicant enters into such contract with the Sewer Authority. Among other terms, provisions, and covenants, such contracts shall also provide the following:

(a) The exact name, names, or title of the record owner of the property affected.

(b) An adequate description of the land upon which the project will be situated.

(c) A description in adequate detail of the project intended, including but not limited to, the number of bedrooms contained therein.

(d) The courses and distances of all proposed sewer pipelines and force mains, whether located on the property of the user or elsewhere; the position of all new manholes and pumping stations, if any; the number of units, or the number and description of lots to be serviced; the gallonage to be reserved for the project; the officially designated identifying number and location of existing municipal manholes to which new pipelines will be connected, and the numbering of all new manholes. Each new manhole shall be numbered in consecutive order from the appropriate municipal manhole, such numbers to include, as prefix, the official number of said municipal manhole, followed by a hyphen and another number, starting with the figure "1," such as Manhole "52-1," "52-2," "52-3," etc.

(e) At the option of the Sewer Authority, the user shall give, grant and convey to the Town, as municipal property, all new eight inch (8") gravity fed pipelines and the manholes in such lines. Pipes of less than eight inches (8") in diameter, forced mains, and pumping stations will not be accepted and taken by the Town as municipal property.

(f) The Town will require a twenty foot (20') permanent easement through the property to adjacent properties as deemed appropriate by the Sewer Authority.

(g) The user shall install meters supplied by the Town.

(h) The user shall obtain and record in the Brandon Land Records all easements for rights-of-way over other private lands, and permits for construction and rights of way on public property and roads, when required.

(i) The Town will plug all new lines prohibiting flowage, and it will unplug the same when full compliance with the terms and conditions of the contract are met.

(j) A time limit within which the project shall be completed, after which gallonage reserved may be withdrawn and returned to the plant's uncommitted capacity.

(8) All projects which have been approved for connection to the public sewer, and for which contracts with the Town have been made, but which are not under construction on the effective date hereof, shall have low flow plumbing fixtures installed, including low flow toilets using 1.5 gallons of water per flush, or less, and which are approved State code or standards.

(9) Hookup charges as hereinabove provided shall be payable in full prior to the start of construction for all additions, improvements to, and/or enlargements of existing buildings, or upon the start of the construction or installation of non-building or accessory structures directly and indirectly connected to the public sewer. The construction or installation of accessory or other structures, and the additions and improvements thereto and/or enlargements thereof, which are not or will not, directly or indirectly, be connected to the public sewer, but situate on lands serviced by the public sewer, shall be charged a hookup charge computed as hereinabove provided based upon State permit design criteria. Allocation herein reserved is for the user's present use only. Should a subsequent permit for this use or change of use become necessary, requiring an increase in sewerage hookup allocation, an additional allocation will have to be requested by the user.

(10) All sums payable to the Town under this ordinance shall be secured by a lien on all real property and improvements intended to be served by the connection for which the payment is due in the manner and to the same effect as taxes are a lien upon real estate under Section 5061 of Title 32 V.S.A. and shall be further secured by a lien on any commercial equipment the ordinary use and operation of which generates wastewater, and a lien on any and all furnishings, fixtures and equipment used in connection with the use and operation of such commercial equipment, to the same effect as taxes are alien upon personal property under Title 32 V.S.A. Section 5071 et seq.

(11) Upon request of a user and finding by the Sewer Authority that a proposed development or use will serve the public good by making available to the citizens of the Towns goods, services or facilities which will contribute to the public health, safety, welfare or convenience, the Sewer Authority may modify the terms of payment otherwise required by Section 6 b of this Article if the provision of such goods, services or facilities by the user would not be economically viable without such modifications.

(a) Any such modifications shall be applied in a consistent manner to users in similar circumstances so that the Sewer Authority is not providing modifications in an arbitrary or capricious manner.

(b) Appropriate interest shall be charged to ensure that such modifications will not significantly alter the total amount of the fee, taking into consideration the time value or money.

(c) Such modifications may include but shall not be limited to permitting installment payments in such amounts and at such times as the Sewer Authority shall deem appropriate in light of the policies of this Section 11 and the needs of the user.

(d) The burden shall be on the user to present sufficient evidence to demonstrate that the installment payment program requested by the user is essential to the economic viability of the proposed use or development.

(e) In the event of default in any installment payment program for more than thirty (30) days, all of the sewer capacity allocated to the subject project shall be forfeited and shall automatically and without further notice revert to the Town and shall be deemed a part of the Town's uncommitted reserve capacity, and all previously paid installments shall be forfeited and returned by the Town.

ARTICLE XII . Industrial Wastes

Section 1 . The following are considered industrial wastes and as such shall not be discharged to a public sanitary sewer, a storm sewer or a natural outlet.

a . Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or 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 works exceeds the limits established by the Superintendent for such materials.

b . 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 or jurisdiction for such discharge to the receiving waters.

c . 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.

d . Any waters or wastes having a pH in excess of 9.5.

e . 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, 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.

f . 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 plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 2 . If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 2 of 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 wastes.

b . Require pretreatment to an acceptable condition for discharge to the public sewers.

c . Require control over the quantities and rates of discharge and/or

d . Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Article XI of this article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, laws and the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry.

Section 3 . Should it become necessary to give consideration to the contents of Section 1 and Section 2 of this Article, this Ordinance shall be amended accordingly, i.e., to receive and treat industrial wastes.

ARTICLE XIII . Ordinance in Force

Section 1 . This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

[1] Amendments made in Oct., 1987 removed a sentence dealing with the cost of the administrative fee.

[2] Maintenance and repair were added to this section by amendment May, 1995.

[3] Amendments made Oct. 1987 removed the requirement that construction shall first require approval of the voters of the Town if the estimated construction cost exceeds \$500.00.

[4] Amendments made in Oct., 1987 added this provision. Private segments to the system did exist prior to this and have remained.

[5] This phrase added by amendment of the Board of Sewer Commissioners, date effective May 25, 1991.

[6] Amendments in Oct., 1987 added the provision for buy-in fees and removed the provision which exempted non-taxable property from paying user fees.

[7] Language amended in Oct., 1987.

[8] This entire section provides for payment plans and payment commitments for the “buy-in” fee and was added by amendment effective May 25, 1992.