Chapter 8 UTILITIES*

***Cross reference(s)**__On-site sewage disposal systems, § 3-16 et seq.; highways and other public ways and public places, Ch. 4; zoning regulations, App. D; subdivision regulations, App. E.

State law reference(s)__Municipal utilities, 24 V.S.A. § 3301 et seq.; water works, 24 V.S.A. § 3301 et seq.; sewage disposal systems, 24 V.S.A. § 3601 et seq.

Art. I. In General, §§ 8-1__8-15

Art. II. Sanitary Sewers, §§ 8-16__8-150

Div. 1. Generally, §§ 8-16__8-35

Div. 2. Administration, §§ 8-36__8-50

Div. 3. Building Sewers and Connections, §§ 8-51__8-75

Div. 4. Sewer Use Regulations, §§ 8-76__8-100

Div. 5. Rates and Charges, §§ 8-101__8-150

Art. III. Wastewater Reserve Capacity Allocation, §§ 8-151__8-162

ARTICLE I. IN GENERAL

Secs. 8-1__8-15. Reserved.

ARTICLE II. SANITARY SEWERS*

***Charter reference(s)**__Power to establish sewer department and adopt ordinances pertaining thereto, § 203(8).

DIVISION 1. GENERALLY

Sec. 8-16. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board shall mean the Town of Stowe in the County of Lamoille, State of Vermont, acting through its board of selectmen who are charged with the responsibility as the board of sewer commissioners.

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

Building drain shall mean that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste and other drainage pipes inside walls of the building and conveys it to the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Combined sewer shall mean a sewer receiving both surface runoff and wastewater.

Company shall mean any industrial or commercial establishment with a liquid waste discharge.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Industrial users shall mean:

(1) A nongovernmental, nonresidential user which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day of sanitary waste and which is identified in the Standard Industrial Classification Manual under divisions A, B, D, E and I;

(2) A user which discharges any wastewater containing toxic pollutants or which has any other adverse effect on the treatment works; and/or

(3) A commercial user of an individual system.

Industrial wastes shall mean the liquid wastes discharged by an industrial user.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Operator shall mean the operator of sewage works and/or of wastewater facilities acting as an agent of the board of selectmen.

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

Properly shredded garbage shall mean the organic 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 inch (1.27 centimeters) in any dimension.

Public sewer shall mean a sewer which serves both the Village and Town of Stowe in which all owners of abutting properties have equal rights and is controlled by the town.

Sanitary sewer shall mean a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

Secretary shall mean the Secretary of the Agency of Environmental Conservation, State of Vermont or representative.

Sewage works shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

Sewer shall mean a pipe or conduit for carrying wastewater.

Slug shall mean any discharge of water, wastewater 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-hour concentration of flows during normal operation.

Storm drain sometimes termed *storm sewer* shall mean a sewer

which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

Suspended solids shall mean solids that either float on the surface of or age in suspension in water as water-carried wastes or other liquids which are removable by laboratory filtering.

Town shall mean the Town and Village of Stowe, State of Vermont.

Wastewater shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

Wastewater treatment facilities shall mean the arrangement of devices and structures used for treating or disposing of wastewater.

Water meter shall be those meters presently installed and used by the customers of the Stowe Village Water System, the Lower Village Water Company, Inc. to measure water volume and any other meters used to measure water volume of customers to be served by the public sewer.

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

(Ord. of 9-18-79, Art. I, §§ 1__27)

Sec. 8-17. Certain waste disposal prohibited.

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

(Ord. of 9-18-79, Art. II, § 1)

Sec. 8-18. Discharging certain matter into natural outlet prohibited.

It shall be unlawful to discharge into any natural outlet in any area under the jurisdiction of the town, any wastewater

or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this article.

(Ord. of 9-18-79, Art. II, § 2)

Sec. 8-19. Certain uses regulated.

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.

(Ord. of 9-18-79, Art. II, § 3)

Sec. 8-20. Sewer use required.

(a) Except as provided in sub-section (d) below, where there is no private wastewater disposal or where inadequate private disposal facilities exist, the owner 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 located a public sanitary sewer of the town is hereby required at the owner's expense to install suitable toilet facilities, building drain and building sewer and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice provided that the public sewer is within one hundred (100) feet of the property line and the property is located entirely or partially in the sewer service area.

(b) Any connection facility requiring electricity to operate shall have such electricity paid for directly by the user concerned.

(c) The board may, upon the request of an owner of property located in the sewer service area, and except as otherwise provided in sub-section (d) below, approve an expansion/extension of the public sewage system. If approved, the property owner requesting the expansion/extension shall pay all costs of the design and construction of the public sewage system expansion/extension, unless an alternative funding method is approved by the board.

(d) Except as provided in this sub-section below, no structures located in the Upper Mountain Road District designated by the Town of Stowe Zoning Regulations shall be

authorized to connect to and/or discharge sewage into the Town of Stowe Sewage Disposal System except structures existing in the District on March 16, 2001, and structures constructed after March 16, 2001 that are located in planned unit developments approved under the Town of Stowe Zoning Regulations. Land Use Permit Amendment 100035-9A, dated March 16, 2001.

(Ord. of 9-18-79, Art. II, § 4; Ord. of 7-28-80, § 1)

Sec. 8-21. Private wastewater disposal.

(a) At the time a public sewer becomes available to a property served by an inadequate private wastewater disposal system, as provided in section 8-20, a direct connection shall be made to the public sewer in compliance with this article and any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned and filled with suitable material.

(b) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the town.

(c) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the town health officer or the Vermont Agency of Environmental Conservation.

(d) When a public sewer becomes available, the building sewer shall be connected to the public sewer within three hundred and sixty-five (365) days and the private wastewater disposal system shall be cleaned of sludge and filled with clean bank-run gravel.

(e) The board may, in its discretion, authorize a person to construct private disposal facilities even though the public sewer is within one hundred (100) feet of the property line so long as such facilities conform to national, state and local laws, ordinances and regulations. This right to construct private disposal facilities shall exist notwithstanding the provision of section 8-20 and this section. If a private disposal facility granted by this section should fail and there is no uncommitted capacity in the municipal system, then as a

condition of the authority granted herein the person shall repair the private disposal facility or cease using the premises it serves.

(Ord. of 9-18-79, Art. III, §§ 1__4; Ord. of 3-9-87, § 1)

Sec. 8-22. Protection for damage.

No unauthorized 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 sewerage works. Any person violating this provision shall be subject to arrest under charge of disorderly conduct.

(Ord. of 9-18-79, Art. VI, § 1)

Sec. 8-23. Penalties.

(a) Any person found to be violating any provision of this article, except section 8-22 shall be served by the board 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.

(b) Any person who shall continue any violation beyond the time limit provided for in (a) above shall be guilty of a misdemeanor and on conviction thereof shall be fined in an amount not exceeding fifty dollars ($50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the town for any expense, loss or damage occasioned by the town by reason of such violation.

(Ord. of 9-18-79, Art. VIII, §§ 1, 3)

Secs. 8-24__8-35. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 8-36. Powers and authority of inspectors.

(a) The operator 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 article. The operator or 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 water supply or of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in (a) above, the operator or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the town employees, and the district shall indemnify the company 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 company and growing out of the gauging and sampling operation except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 8-83.

(c) The operator and other duly authorized employees of the town having proper credentials and identification shall be permitted at a reasonable time 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 sewerage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly-negotiated easement pertaining to the private property involved.

(Ord. of 9-18-79, Art. VIII, §§ 1__3)

Secs. 8-37__8-50. Reserved.

DIVISION 3. BUILDING SEWERS AND CONNECTIONS

Sec. 8-51. Permit required.

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 board.

(Ord. of 9-18-79, Art. IV, § 1)

Sec. 8-52. Notice of change in discharges required.

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 board at least forty-five (45) days prior to the proposed change or connection.

(Ord. of 9-18-79, Art. IV, § 1)

Sec. 8-53. Classes of building sewer permits.

There shall be two (2) classes of building sewer permits; residential and commercial service. In either case, the owner or agent shall make application on a special form furnished by the board. The permit application shall be supplemented by any plans, specifications or other information considered pertinent by the board. A permit and inspection fee of five dollars ($5.00) for a residential and ten dollars ($10.00) for a commercial building sewer permit shall be paid to the town at the time the application is filed.

(Ord. of 9-18-79, Art. IV, § 2)

Sec. 8-54. Costs.

All costs and expenses incident to the installation and connection 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.

(Ord. of 9-18-79, Art. IV, § 3)

Sec. 8-55. Separate building sewers required.

A separate and independent building sewer shall be provided for every building except where one (1) 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 (1) building sewer.

(Ord. of 9-18-79, Art. IV, § 4)

Sec. 8-56. Requirements for old building sewers.

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

(Ord. of 9-18-79, Art. IV, § 5)

Sec. 8-57. Construction requirements.

(a) 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 sections of American Society of Testing and Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply.

(b) Whenever possible, the building sewer shall be brought from 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 waste water carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. of 9-18-79, Art. IV, §§ 6, 7)

Sec. 8-58. Certain connections prohibited.

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

(Ord. of 9-18-79, Art. IV, § 8)

Sec. 8-59. Connection requirements.

The connection of the building sewer into the public sewer

shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the American Society of Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. No connections may be made with Orangeberg or Bermico pipe or any other type of fibre pipe. No connection shall be made directly to a manhole. Any deviation from the prescribed procedures and materials must be approved by the operator before installation.

(Ord. of 9-18-79, Art. IV, § 9)

Sec. 8-60. Inspection.

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

(Ord. of 9-18-79, Art. IV, § 10)

Sec. 8-61. Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sideways, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(Ord. of 9-18-79, Art. IV, § 11)

Sec. 8-62. Water meter required.

All persons discharging wastewater into the public sewer system shall have an approved water meter installed to measure water consumption regardless of the source of water unless specifically exempted by the board.

(Ord. of 9-18-79, Art. IV, § 12)

Secs. 8-63__8-75. Reserved.

DIVISION 4. SEWER USE REGULATIONS

Sec. 8-76. Certain surface discharges prohibited.

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

(Ord. of 9-18-79, Art. V, § 1)

Sec. 8-77. Certain discharges regulated.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the operator. Commercial cooling water or unpolluted process waters may be discharged on approval of the operator to a storm sewer, combined sewer or natural outlet. Separate water metering may be provided for unpolluted drainage as approved by the operator.

(Ord. of 9-18-79, Art. V, § 2)

Sec. 8-78. Certain water and waste discharges prohibited.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, waste motor oil, naphtha, fuel oil, photographic chemicals or other highly toxic, flammable or explosive liquid, solid or gas;

(2) 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 wastewater process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater disposal system;

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works;

(4) Solids 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 sewerage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, fibers, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

(Ord. of 9-18-79, Art. V, § 3)

Sec. 8-79. Certain substances prohibited.

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 operator that such wastes can harm either the sewers, wastewater 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 an opinion as to the acceptability of these wastes, the operator 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 wastewater treatment process, capacity of the wastewater disposal system, degree of treatability of wastes in the wastewater disposal system and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred and fifty (150) degrees Fahrenheit, sixty-five (65) degrees Celsius;

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit and zero (0) and sixty-five (65) degrees Celsius;

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the operator;

(4) 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 wastewater at the wastewater disposal system exceeds the limits established by the operator for such materials;

(5) Any water or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the operator as necessary after treatment of the composite wastewater to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharges to the receiving waters;

(6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the operator in compliance with applicable state or federal regulations;

(7) Any waters or wastes having a pH in excess of 9.5 or less than 5.5;

(8) Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

b. Excessive discoloration;

c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater disposal system;

d. Unusual volume of flow or concentration of wastes constituting slugs as defined in section 8-16.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater disposal system effluent cannot meet the requirements

of other agencies having jurisdiction over discharge to the receiving waters, i.e., phosphates and nitrates.

(Ord. of 9-18-79, Art. V, § 4)

Sec. 8-80. Operator's options.

(a) 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 8-79 and which in the judgment of the operator may have 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 operator may:

(1) Reject the wastes;
(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge.

(b) If the operator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the operator 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.

(Ord. of 9-18-79, Art. V, § 5)

Sec. 8-81. Interceptors.

Grease, oil and sand interceptors shall be provided when in the opinion of the operator 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 or dwelling units. All interceptor facilities shall be of a type and capacity approved by the operator and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. of 9-18-79, Art. V, § 6)

Sec. 8-82. Pretreatment facilities.

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

(Ord. of 9-18-79, Art. V, § 7)

Sec. 8-83. Control manhole.

When required by the operator for any property serviced by a building sewer carrying industrial wastes, there shall be installed a suitable control manhole or 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 accordance with plans approved by the operator. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Ord. of 9-18-79, Art. V, § 8)

Sec. 8-84. Monitoring measurements and tests.

(a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined by the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(b) Where industrial pretreatment permits are issued by the state, monitoring records must also be submitted to the secretary in accord with such permit. Records of any monitoring will be supplied by the operator to the secretary on request.

(c) All industries discharging into a public sewer shall perform such monitoring of their discharges as the operator may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the operator.

(d) Such records shall be made available upon request by the operator to other agencies having jurisdiction over discharging to the receiving waters. Where industrial pretreatment permits are issued by the state, monitoring records must also be submitted to the secretary in accord with such permit. Records of any monitoring will be supplied by the operator to the secretary on request.

(e) The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(Ord. of 9-18-79, Art. V, § 9)

Sec. 8-85. Agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any person whereby waste of unusual strength or character may be accepted by the town for treatment, subject to payment by the person, provided that such agreements do not contravene any requirements of existing federal laws and are compatible with user charge and industrial cost recovery system in effect.
(Ord. of 9-18-79, Art. V, § 10)

Secs. 8-86__8-100. Reserved.

DIVISION 5. RATES AND CHARGES

Sec. 8-101. Established by board.

The board of sewage disposal commissioners has established charges in accordance with V.S.A., Title 24, Chapter 101 and 40 CFR 35.935-13 which are on file in the town clerk's office called sewage disposal charges which are to be paid by each

person in the following manner:

(1) All persons discharging wastewater into the public sewer shall be charged per cubic foot of water measured by the water meter on each persons premises to be paid quarterly. There is a minimum charge per quarter for those users with meters.

(2) Those residential or other users not having a water meter shall with the approval of the board be charged the minimum amount per quarter established for such use until an approved meter is installed.

(Ord. of 9-18-79, Art. IX, § 1; Ord. of 8-26-81, § 1)

Sec. 8-102. Adjustments.

The charge per cubic foot shall annually be adjusted to insure that all funds necessary for the operation and maintenance of the system are raised through charges. All charges are on file in the town clerk's office.

(Ord. of 9-18-79, Art. IX, § 1; Ord. of 7-28-80; Ord. of 8-26-81, § 1)

Secs. 8-103__8-150. Reserved.

ARTICLE III. WASTEWATER RESERVE CAPACITY ALLOCATION*

***Editor's note__**Inclusion of sections 1 through 12 of a nonamendatory ordinance adopted September 11, 1989, as Art. III, §§ 8-151__8-162, was at the discretion of the editor. Section 13 of said ordinance provided that, to the extent that any provision of Article III shall be inconsistent with or contrary to any provision of Article II of this chapter, then the provisions of this Article III shall apply.

Sec. 8-151. Ownership and permit.

The Town of Stowe owns and operates a sewage treatment and disposal plant ("plant") and a sewage collection and transmission system ("sewers") as defined in 24 V.S.A., Section 3501 (6) and 3601. The PLANT has a permitted capacity, and is operated in accord with a discharge permit issued by the Vermont Department of Environmental Conservation (DEPARTMENT) under

authority granted in 10 V.S.A., Chapter 47. The BOARD is obligated by law to comply with conditions of that permit, and to operate and manage the PLANT AND SEWERS as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101.

(Ord. of 9-11-89, § 1)

Sec. 8-152. Introduction to reserve capacity allocation.

The permitted capacity of the plant and sewers is the property of the Town of Stowe. The uncommitted reserve capacity of the plant and sewers shall be allocated by the board in the manner described below. This article is adopted pursuant to the provisions of 24 V.S.A., Section 3625, 10 V.S.A., Section 1263(g)(1), and in the manner provided in 24 V.S.A., Chapter 59, and shall not be construed as an abandonment or relinquishment of the responsibility of the board to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the Town of Stowe, nor shall it be construed to impair or inhibit the ability of the Town of Stowe to contract with persons for the collection, transmission and treatment of sewage.

(Ord. of 9-11-89, § 2)

Sec. 8-153. Definitions.

The following words will have the meanings below when used in this article:

(1) *Person* shall have the meaning described in 1 V.S.A., Section 128.

(2) *Department* shall mean the Vermont Department of Environmental Conservation.

(3) *Discharge permit* shall mean a permit issued by the department pursuant to authority granted in 10 V.S.A., Chapter 47.

(4) *Board* shall mean the board of selectmen of a town, the trustees of a village or the prudential committee of a fire district acting as a board of sewage disposal commissioners under 24 V.S.A., Section 3614.

(5) *Impact fee* shall mean a fee imposed on applicants for

capacity allocation equal to the cost per gallon of sewage disposal and treatment capacity attributable to the project or development.

(6) *Connection fee* shall mean a fee imposed on applicants for the cost of performing, supplying materials, supervising, inspecting and administering a connection to the sewage system or for any portion of these activities.

(7) *Plant wastewater flow* is the wastewater passing through the treatment plant in gallons per day on an annual average basis (three hundred sixty-five-day average) except where flows vary significantly from seasonal development. In these cases, plant wastewater flow is determined as the average throughout the high seasonal use period.

(8) *Permitted wastewater flow* is the maximum plant wastewater flow authorized in the discharge permit on an annual average (three hundred sixty-five-day average) basis.

(9) *Development wastewater flow* is the flow resulting from full use of the development at its peak daily capacity, which flow shall be calculated using flow quantities, adopted as rules by the department, as promulgated at the time a connection permit application is made.

(10) *Reserve capacity* is the permitted wastewater flow minus the actual plant wastewater flow during the preceding twelve (12) months.

(11) *Uncommitted reserve capacity* is that portion of the reserve capacity remaining after subtracting the development wastewater flow of all projects approved by the department and not yet discharged to the sewer.

(12) *Committed reserve capacity* is the amount of total average daily flow (gallons per day) from all projects/buildings approved by the board and the department for discharge to the treatment plant, but not yet discharged at the time of calculation.

(13) *Sanitary wastewater* is wastewater of the same

character and range of strength as expected from homes.

(14) *Sewer service area* is the area of a municipality that is serviced by municipal sewers as shown on the sewer service area plan attached as Exhibit A.

(15) *Affordable housing* means housing units that are available at a cost of no more than thirty (30) percent of a family's gross annual income when such income is equal to or below the county median. Housing unit costs for renters are rent and utilities, including heat, hot water, trash, and electricity. Housing unit costs for homeowners are principal, interest, property taxes and insurance. When the number of affordable units being built exceeds four (4), at least twenty (20) percent of those units shall be affordable to families with an income under fifty (50) percent of the median, and an additional twenty (20) percent of those units shall be affordable to families with an income under eighty (80) percent of the median income. In addition, the affordability of the units shall be "permanently affordable" through covenants that run with the land.

(16) *Permanently affordable* means housing units qualifying as affordable for a minimum of ninety-nine (99) years.

(17) *Median income* means median income for the town adjusted for family size.

(18) *Gross income* means family income from all sources, both taxable and nontaxable.

(Ord. of 9-11-89, § 3)

Sec. 8-154. Reserve capacity allocation.

(a) *Allocation flow basis.* All allocations to projects shall be based on the development wastewater flow. Any differential between actual flows and development wastewater flows that occurs is not available to the development owner.

(b) *Allocation priorities.* Allocation of uncommitted reserve capacity shall comply with the following priorities intended to govern the gross allocation of reserve capacity

before the allocation principles are applied to specific projects:

(1) Residential, commercial, institutional and industrial facilities existing within the sewer service area which are required and authorized under Section 8-20 to be connected to the municipal sewer or by virtue of existing pollution from the facilities to the waters of the state, including local groundwater sources, which pollution cannot be eliminated or abated by means of reconstruction of the on-site system, shall be entitled to first priority in allocation of uncommitted reserve capacity, provided the wastewater is of sanitary nature.

(2) No allocation of uncommitted reserve capacity shall be made to facilities outside the sewer service area

(3) Except as provided below, no structures located in the Upper Mountain Road District designated by the Town of Stowe Zoning Regulations shall be granted an allocation of uncommitted reserve capacity except structures existing in the District on March 16, 2001, and structures constructed after March 16, 2001 that are located in planned unit developments approved under the Town of Stowe Zoning Regulations. This connection limitation shall not apply to a structure that is served by an on-site sewage disposal system found to be inadequate by the Health Officer. Land Use Permit Amendment 100035-9A, dated March 16, 2001.

(c) *Allocation principles.* Subsequent to application of the allocation priorities, uncommitted reserve capacity in the wastewater treatment facility may be allocated to specific projects according to the following principles:

(1) Once sewer permit applications have been returned to the selectmen's office and dated by the person receiving the application, the board may review the applications on a first come, first served basis. The total remaining wastewater capacity shall be allocated by the board in such a way that uncommitted capacity is issued in percentile shares according to user classifications. The total reserve capacity will be determined each six (6) months, and committed reserve

will be recorded continuously for use in allocation decisions.

Reserve capacity allocation shares for classifications:

	Percentage
Institutional (town owned)	9
Affordable housing	18
Primary residential	18
Commercial	22.5
Other residential	18
Industrial	4.5
Contingency	10

(2) The board retains the right to adjust allocations of capacity on a case by case basis when strict adherence to the principle above is not in the municipality's best interest.

(Ord. of 9-11-89, § 4)

Sec. 8-155. Cost recovery for sewers and/or treatment plant expansion.

(a) Any expansion of the sewers and/or treatment plant to provide for new users shall be funded in the following way:

The proposed users pay that portion of the cost of expansion and

upgrade of the sewers/plant deemed appropriate by the board. In determining this portion, the board shall consider the percentage of existing development out of the total of existing and proposed development to be served. In determining this portion of the cost, the board shall also consider whether or not the existing developments have helped finance the existing sewage system and what portion of the expansion or upgrade, if any, shall be deemed to benefit the town as a whole and should consequently be financed through local taxes.

(b) Any payments made as required by section 8-155(a) shall not be construed as payments toward treatment capacity that may be provided for the development.

(c) Payment for treatment capacity shall be in the form of a cost per gallon fee based upon the impact to the plant and/or sewers of the project development. In establishing the impact fee, the board shall take into account: (1) the capital and related costs of the plant and/or sewers expansion that the board has determined will be paid by users, and (2) the total number of gallons of increased capacity. The treatment capacity impact fee shall be the costs in (1) divided by the gallons in (2), rounded to the next highest whole number.

Payment of the treatment capacity impact fee shall be according to the payment schedule adopted annually by the board. Multi-year payment plans may be a part of the adopted payment schedule. Otherwise, the schedule will call for fifty (50) percent of the impact fee to be paid at the time capacity is allocated by the board; the remaining fifty (50) percent shall be due and payable before the issuance of the local building permit.

Projects may be phased in by agreement between the town and the applicant, or when required by the town. If contract is made for one phase, allocation for gallonage therein provided shall be for only that phase, and the town shall not thereby be deemed to have bound or committed itself to enter into contracts for additional phases, or to provide gallonage therefor, nor shall the applicant be deemed bound or committed to construct future phases. Such contract shall be binding only for the phase therein described as if no other phases were intended, and the treatment capacity impact fee shall be computed on that phase. If a contract describes more than one (1) phase of a total project, then the impact fee shall be computed on the whole described project and shall be payable as provided in the

contract.

Gallonage that has been allocated but unused by virtue of the expiration of the permit as described in section 8-159(4) of this article shall be withdrawn and returned to the plant's uncommitted capacity. Seventy-five (75) percent of any impact fees paid for the unused gallonage shall be returned without interest.

The board may revise this and other fees from time to time as the needs of the town's sewage treatment system may make necessary.

(Ord. of 9-11-89, § 5; Ord. of 3-11-96, §§ 1, 2)

Sec. 8-156. Application requirement.

Persons wishing to use the plant and sewers shall apply to the board on a form described by the board. Such application shall:

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

(2) Include calculations for the volume, flow rate, strength and any other characteristics deemed appropriate by the board;

(3) Unless waived by the board, all calculations required in (1) and (2), above, for developments generating over 1,000 gpd shall be certified by a Vermont registered engineer;

(4) Be accompanied by plans and specifications for the construction of building sewers (from the buildings to the municipal sewers) and any municipal sewer extensions, including pump stations, required to service the development, prepared by a Vermont registered engineer. This requirement to submit plans and specifications may be waived by the board until final connection approval.

(Ord. of 9-11-89, § 6)

Sec. 8-157. Preliminary connection approval findings.

Upon receipt of the connection application and supporting documents, the board may give preliminary approval of uncommitted capacity upon making affirmative findings that:

(1) The proposed wastewater is of domestic sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed flow; or

(2) The proposed wastewater is not of domestic sanitary origin but that sufficient evidence has been presented by the applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the plant and sewers and that the proposed wastewater will not, alone or in combination with other wastes, cause a violation of the discharge permit, pass through the plant without treatment, interfere with or otherwise disrupt the proper quality and disposal of plant sludge or be injurious in any other manner to the plant or sewers and that there is sufficient uncommitted reserve capacity to accommodate the strength and volume of the proposed project/development; and

(3) The proposed use of wastewater capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the board or municipality.

(Ord. of 9-11-89, § 7)

Sec. 8-158. Conditions of preliminary connection approval.

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

(1) Specifications of the period of time during which the interim connection approval shall remain valid (normally one hundred twenty (120) days); provisions for time extensions if approved by the board;

(2) Incorporation of specific conditions that must be fulfilled by the applicant to maintain validity of the preliminary connection approval;

(3) Provision for revocation by the action of the board on failure of the applicant to fulfill requirements of the preliminary connection approval;

(4) Specification that the recipient of the preliminary connection approval may not transfer, by any means, the preliminary connection approval to any other person or connect to the sewers.

(b) Prior to final connection approval, the following commitments shall be met by the applicant:

(1) Applicable local, state and federal permits have been secured for the project/development;

(2) Connection fees, impact fees, permit fees and other local fees or taxes, all set by the board, have been paid in full to the Town of Stowe. Impact fees will be partially based on the volume and strength of the proposed wastewater flow;

(3) The plans and specifications for connection to and, if necessary, extension of the municipal sewers are acceptable to the board.

(Ord. of 9-11-89, § 8)

Sec. 8-159. Final connection approval findings.

The board, on making affirmative findings that all conditions of the preliminary connection approval and final connection approval prerequisites in section 8-158 have been fulfilled, shall issue the final connection approval permit which approval may be conditioned as follows:

(1) The permit shall specify the allowed volume, flow rate, strength, frequency and any other characteristics of the proposed discharge determined appropriate by the board.

(2) The capacity allocation is not transferable to any other person or project unless requested by the

original owner and approved by the board.

(3) The construction of the connection and, if necessary, the municipal sewer extension, must be overseen to assure compliance with the plans and specifications and good construction practice in a manner acceptable to the board.

(4) Capacity allocated under this article shall revert to the Town of Stowe if the permit recipient has failed to initiate construction within one (1) year of the issuance of the permit or has failed to complete construction within three (3) years of the issuance of the permit, unless the subdivision permit specifies that construction may proceed over a period longer than three (3) years. Additionally, the board may, for good cause, grant extensions of up to one (1) year at a time for a total of two (2) years. The board shall make the final determination with respect to whether construction has been or could have been initiated or completed.

A revised development plan and connection application may be approved by the board in the same manner as the original. Such revised plans must also be approved under local bylaws and by the applicable state laws and regulations. If the board approves an amended development plan and connection application, it will issue a revised final connection permit with reduced or increased capacity allocation determined in accordance with the allocation priorities and principles. Where reduced capacity is granted in a revised connection permit, the unused capacity will revert to the Town of Stowe, and the town will pay to the applicant a proportional refund of impact fees and, where appropriate, a portion of the connection fees, all without interest.

If a permit expires after three (3) years or after any extension of time provided by the board, the unused portion of the committed capacity allocation will revert to the Town of Stowe. The board will determine the amount of unused capacity returned. Generally the unused capacity is that associated with buildings that do not have at least foundations, framing and roofs.

(Ord. of 9-11-89, § 9)

Sec. 8-160. Transfer of allocation.

(a) Reserve capacity is allocated by the board to a specified project/development and person; the allocation is not made to a parcel of land, nor does the capacity run with the land.

(b) The transfer of the capacity allocation is prohibited unless approved in writing by the board at the original owner's request.

(c) The board may approve transfer of capacity from one project to another and one owner to another, provided the new project and owner meet all the requirements for the final connection approval originally issued, and the original owner requests such transfer.

(Ord. of 9-11-89, § 10)

Sec. 8-161. Authority to require connection.

Nothing herein shall be construed as limiting or impairing the authority of the Town of Stowe or its board to require connections to the plan and sewers under the general laws of the state or local ordinances.

(Ord. of 9-11-89, § 11)

Sec. 8-162. Violation of connection permit.

The board may issue lawful orders for disconnection from the plant and sewers upon its determination that such connection:

(1) Is causing a violation of the Town of Stowe's discharge permit; or

(2) Is causing a nuisance or health hazard; or

(3) Is causing damage to the plant or sewers; or

(4) Is in violation of any other ordinance, bylaw or enactment of the Town of Stowe relating to the ownership, operation and management of public or private sewers; or

(5) Is the subject of delinquent sewerage charges or benefit assessments.

(Ord. of 9-11-89, § 12)

IN WITNESS WHEREOF, this **SANITARY SEWER ORDINANCE** is hereby approved and adopted by Selectboard of the Town of Stowe, on this, the 23rd day of May 2011; to be effective immediately; whereby a first reading of this Ordinance was held at a duly warned open meeting of the Selectboard on May 9, 2011, an advertisement for a public hearing to consider this Ordinance was published in the *Stowe Reporter* on May 5, 2011 and May 19, 2011, and a second reading and Public Hearing was held at a duly warned open meeting of the Selectboard on May 23, 2011, as prescribed in Section 204 of the Stowe Town Charter.

ATTEST: The Stowe Selectboard

Norman Willliams

Larry Lackey

Adam Davis

William Adams

Neil Van Dyke

UNDER SEAL OF THE TOWN, received and recorded this the _____ day of _____, 2011 at _____ m., by:

_____

Office of the Town Clerk