

TOWN OF STOWE, VERMONT
Municipal Code
Chapter 3
HEALTH & SANITATION & SEWER ORDINANCE

INDEX

ARTICLE 1.	GENERAL INFORMATION
SECTION 3.1.1	ENABLING AUTHORITY
SECTION 3.1.2	PURPOSE
SECTION 3.1.3	REPEAL OF PREVIOUS ORDINANCES
SECTION 3.1.4	SEVERABILITY CLAUSE
SECTION 3.1.5	LIABILITY LIMITATIONS
SECTION 3.1.6	AMENDMENT PROCEDURES
SECTION 3.1.7	CONFLICTING RULES
SECTION 3.1.8	DEFINITIONS
ARTICLE 2.	ADMINISTRATION & ENFORCEMENT AUTHORITIES
SECTION 3.2.1	BOARD OF HEALTH
SECTION 3.2.2	HEALTH OFFICER AND DEPUTY HEALTH OFFICER
ARTICLE 3.	ON-SITE SEWAGE SYSTEM REGULATIONS
SECTION 3.3.1	CONSTRUCTION AND MODIFICATION OF ON-SITE WASTEWATER SYSTEMS
SECTION 3.3.2	EXISTING ON-SITE WASTEWATER SYSTEMS
SECTION 3.3.3	FAILED ON-SITE WASTEWATER SYSTEMS
ARTICLE 4.	SLUDGE & SEWAGE DISPOSAL
SECTION 3.4.1	LAND APPLICATIONS
SECTION 3.4.2	HIGHWAY & TRANSPORTATION REGULATIONS
SECTION 3.4.3	RECREATION VEHICLES
ARTICLE 5	NUISANCES
SECTION 3.5.1	GARBAGE STORAGE
SECTION 3.5.2	GARBAGE DISPOSAL
SECTION 3.5.3	GARBAGE DUMPSTERS
SECTION 3.5.4	HUMAN WASTE PRODUCTS
SECTION 3.5.5	ANIMAL WASTE PRODUCTS
SECTION 3.5.6	PEST CONTROL
SECTION 3.5.7	OBNOXIOUS ODORS
ARTICLE 6.	ENFORCEMENT AND APPEALS
SECTION 3.6.1	PUBLIC HEALTH HAZARDS AND RISKS
SECTION 3.6.2	ORDINANCE VIOLATIONS
SECTION 3.6.3	CIVIL PENALTIES
ARTICLE 7	ADOPTION AND EFFECTIVE DATE
SECTION 3.7.2	APPROVAL OF VERMONT DEPARTMENT OF HEALTH
SECTION 3.7.3	ADOPTION HISTORY
SECTION 3.7.4	PETITION TO REPEAL NOTIFICATION
SECTION 3.7.5	EFFECTIVE DATE

ARTICLE 1. GENERAL INFORMATION

3.1.1 ENABLING AUTHORITY

A. The Board of Health of the Town of Stowe hereby -ordains this Ordinance pursuant to 18 V.S.A. Section 613.

B. The Selectboard of the Town of Stowe hereby -ordains this Ordinance pursuant to Section 203(3) of the Town of Stowe Charter, 24 V.S.A. Section 2291 and 24 V.S.A. Section 3633.

C. This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Section 1971.

3.1.2 PURPOSE

The purpose of this Ordinance is to prevent the creation of public health hazards, public health risks, unsanitary conditions, pollution or contamination of water supplies, odor nuisances, unsightly appearances, the proliferation of disease carrying insects and rodents, and other forms of environmental damage which may adversely impact the quality of life of the inhabitants of Stowe.

3.1.3 REPEAL OF PREVIOUS ORDINANCES

This Ordinance shall amend in its entirety the Town of Stowe Health and Sanitation Ordinance of May 29, 2001, including any and all previous amendments thereto, as well as any and all Health and Sanitation Ordinances previously adopted within the corporate limits of the Village of Stowe. This Ordinance does not amend, repeal or replace the Ordinance of June 27, 1994, pertaining to the regulation of Special Events.

3.1.4 SEVERABILITY CLAUSE

In the event any portion of this Ordinance is found to be invalid by a court of competent jurisdiction or an act of a legislative body, the remaining provisions shall continue to be in full force and effect.

3.1.6 AMENDMENT PROCEDURES

This Ordinance may be amended anytime by the Selectboard in accordance with the provisions for adoption of ordinances as set forth in the Charter of the Town of Stowe, provided that amendments may require the Vermont Department of Health prior to taking effect.

3.1.7 CONFLICTING RULES

In the event of conflicting language in this Ordinance or if the provisions of other applicable rules, regulations, ordinances, by-laws or statutes conflict with the provisions of this Ordinance, the more stringent terms shall apply.

3.1.8 DEFINITIONS

A. Except as otherwise specifically set forth herein, the words and phrases used in this Ordinance shall be interpreted using the following order:

- (1) First, the meaning shall be the definition as provided in the applicable provisions of the Vermont Statutes Annotated;
- (2) Second, the meaning shall be the definition as provided in the applicable provisions of the Environmental Protection Rules adopted by the Environmental Conservation Department of the Vermont Agency of Natural Resources;
- (3) Third, a definition shall be applied based on any applicable previous finding of the Board of Health pursuant to an appeal submitted in accordance with the provisions of Section 3.2.6 of this Ordinance;
- (4) Lastly, in the event of any uncertainties or ambiguities, the meaning shall be defined as the usual and customary usage as provided in a recent edition of a modern American-English dictionary.

B. The following definitions shall be established by this Ordinance:

- (1) "Aggrieved party" means any person who claims to have suffered a denial of some personal, pecuniary, or property right or the imposition of an unfair burden or obligation as a result of this Ordinance.
- (2) "Animal waste" means the products generated by the ownership, husbandry or harvesting of any animal, including, but not limited to: fluids such as excrement, urine or blood; wasted or spoiled animal feed; wasted or spoiled animal bedding; and any body parts of an animal such as the hide, carcass, bones or internal organs.
- (3) "ANR" means the Vermont Agency of Natural Resources.
- (4) "Garbage" means solid waste such as trash, rubbish, litter, debris, refuse, recyclable products, etc., that has been discarded or is being stored for no future purpose other than eventual disposal.
- (5) "Health Officer" means any duly authorized person who shall be responsible for the administration and enforcement of the provisions of this Ordinance, in accordance with Title 18, Part 1 of the Vermont Statutes Annotated.
- (6) "Human waste" means excrement; urine; other bodily fluids or wastewater that has been discarded or stored without the use of any type of approved sewage disposal or treatment system.
- (7) "Municipal sewage treatment" shall mean the collection and treatment of sewage by the Town of Stowe through ANR approved facilities.
- (8) "Person" means every individual, corporation, partnership, government, governmental subdivision or agency, business trust, estate, trust, association, firm, group or any other legal or commercial entity.
- (9) "Public Health Hazard" shall have the meaning set forth in 18 V.S.A. Section 2(8).
- (10) "Public Health Risk" shall have the meaning set forth in 18 V.S.A. Section 2(9).
- (11) "Solid Waste" shall have the meaning set forth in 10 V.S.A. Section 6602.

ARTICLE 2. ADMINISTRATION AND ENFORCEMENT AUTHORITIES

3.2.1 BOARD OF HEALTH

- A. The local health officer, with the Select Board, shall constitute the local board of health.

3.2.2 HEALTH OFFICER AND DEPUTY HEALTH OFFICER

A. The Health Officer, and Deputy Health Officer(s) shall be appointed pursuant to, and shall have those duties as set forth in, the provisions of Title 18, Section 601.

B. If the person appointed as Health Officer or Deputy Health Officer is a permanent full-time employee of the Town of Stowe, he/she shall not be further compensated by the Town of Stowe, but rather, shall be expected to perform the duties incumbent upon the office in combination with whatever other compensated duties may be assigned to him/her in the capacity of another office, as an employee of the Town.

ARTICLE 3 ON-SITE SEWAGE SYSTEM REGULATIONS

3.3.1 CONSTRUCTION AND MODIFICATION OF ON-SITE WASTEWATER SYSTEMS

Effective July 1, 2007 the State of Vermont Agency of Natural Resources has jurisdiction over on-site wastewater permitting associated with:

- All subdivisions of land
- The construction, modification or change in use of a building, structure, or use of land
- Modification, replacement and operation of the associated potable water supplies and wastewater disposal systems.

3.3.2 EXISTING ON-SITE WASTEWATER SYSTEMS

Notwithstanding the fact that local ordinances and bylaws are superseded after June 30, 2007, as described in Vermont Wastewater System and Potable Water Supply Rules, all previous Town of Stowe Health Permits issued shall remain in effect unless and until such permit is superseded by another permit issued under the provisions of the state rules. When an existing system has not been installed in accordance with an existing Town of Stowe Health Permit, no enforcement will be taken if the existing system is not required to be modified under the current Vermont Wastewater System and Potable Water Supply Rules.

3.3.3 FAILED ON-SITE WASTEWATER SYSTEMS The use or operation of a failed potable water supply or failed wastewater system (as defined by the State of Vermont Agency of Natural Resources) is not permitted. The owner shall obtain a Vermont Wastewater System and Potable Water Permit as described in Vermont Wastewater System and Potable Water Supply Rules. The Health Officer shall notify, in writing, the State of Vermont Agency of Natural Resources of any known or suspected failed on-site wastewater systems. The Health Officer may issue an Emergency Health Order in accordance with this ordinance where it is found that the failed system is a public health hazard.

ARTICLE 4 SLUDGE & SEWAGE DISPOSAL

3.4.1 LAND APPLICATIONS

Unless otherwise permitted by the State of Vermont, it shall be illegal to dispose of sewage, Class "B" sludge, effluent, or other byproduct of the wastewater treatment process through application of these materials to the surface of the land except as follows:

- (1) Treated sludge generated from the proper operation of the Stowe Wastewater Treatment Plant is exempt from these regulations;
- (2) Operations generating food-processing wastewater from Accepted Agricultural Practices are exempt and may land-apply wastewater provided that said application is in conformance with the guidelines and procedures adopted by the

Vermont Secretary of Agriculture. The land application of other, non-sewage wastewater flows which are not "Accepted Agricultural Practices" shall be prohibited.

3.4.2 HIGHWAY & TRANSPORTATION REGULATIONS

A. Except as noted in Section 3.4.1(1), it shall be illegal to deliver or transport wastewater, septage, sludge or wastewater treatment by-products to any property within the Town of Stowe unless that property is allowed by State Law to accept such materials.

B. No person shall cause the transport of untreated septage, sludge or sewage over highways in the Town of Stowe in a manner that has the potential to cause a public health hazard. As such it is required that all vehicles used in the transport of sewage or sludge shall be:

- (1) Fully enclosed and air tight to prevent spillage or obnoxious odor;
- (2) Maintained in a clean and sanitary condition at all times, with no wastes or sludge being present on the exterior of the vehicle;
- (3) Licensed by the State of Vermont for operation on public highways.

3.4.3 RECREATION VEHICLES

Any person operating a recreation vehicle, camper, etc., in the Town of Stowe which contains an on-board or self-contained waste collection tank shall not dispose of said wastes except in conformance with this Ordinance. The contents of the tank shall be disposed of off-site at a dumping station approved for the acceptance of such wastes, such as the Town of Stowe Wastewater Treatment Plant or at another wastewater disposal facility licensed by the State of Vermont for such purposes. The handling of wastewater as provided in this Subsection shall in no way create a health hazard or conflict with the purpose and performance standards of Section 2 of this Ordinance.

ARTICLE 5 NUISANCES

3.5.1 GARBAGE STORAGE

No person shall cause garbage or rubbish to accumulate in such a manner as to cause a nuisance whether through litter, foul odor, or the potential for public health hazard through the potential for the spread of communicable diseases or the pollution of surface waters or ground waters, or the attraction of insects, rodents, or vermin. Garbage shall be removed for disposal at frequent intervals as required to prevent the creation of a nuisance through obnoxious odors, pest infestation, or the like.

3.5.2 GARBAGE DISPOSAL

A. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, cause, or permit to be thrown, dumped, or deposited, bottles, glass, crockery, cans, scrap metal, plastic, solid waste as defined in 10 V.S.A. §6602, junk, paper, garbage, old automobiles, or parts thereof, refuse of whatever nature, or any noxious thing, except to a landfill or to a transfer station licensed by the State of Vermont for the handling and disposal of solid wastes. No property owner shall cause or allow the disposal of garbage, rubbish, refuse or other waste product on his or her property or on the lands of others, public or private, or into the waters of this state, or on the shores or banks thereof or on or within

view of a public highway. It shall be prima facie evidence that a person who is identifiable from an examination of refuse that is illegally dumped, is the person who violated a provision of this Section.

B. A person shall not use trash containers which are provided for travel trash at State Parks, public picnic and rest areas and roadside turnouts as dumping places for household garbage, household trash, farm waste or commercial waste materials or deposit such garbage, trash or waste material on or near any spot commonly used for picnic purposes.

3.5.3 GARBAGE DUMPSTERS

Businesses or residences may utilize a garbage dumpster for the storage of wastes prior to disposal. All such dumpsters shall be constructed of metal or other durable materials with tight-fitting covers. Garbage shall be removed for disposal at frequent intervals as required to prevent the creation of a nuisance through obnoxious odor, pest infestation, or the like. Dumpsters shall be placed upon a property in such a location that they do not become a nuisance to neighboring properties or the general public through obnoxious odors, pest infestation, or the like and shall be screened from public view to the greatest extent possible. When a dumpster is full, it shall be illegal to dispose of garbage adjacent to the dumpster for more than twenty-four (24) hours.

3.5.4 HUMAN WASTE PRODUCTS

No person shall dispose of, or cause human waste products to accumulate, in such a manner as to cause the potential for public health hazard through the pollution of surface waters or ground waters, the potential for the spread of communicable diseases, or create the potential to attract insects, rodents, or vermin. All human waste products shall be disposed of through a connection to a public sewage system if available, to a properly operating subsurface wastewater disposal system, or to a portable toilet.

3.5.5 ANIMAL WASTE PRODUCTS

Except as otherwise allowed by Vermont State Law for agricultural purposes, no person shall cause animal waste products to accumulate in such a manner or in such quantity so as to cause a nuisance whether through foul odor, the potential for public health hazard through the potential for the spread of communicable diseases, the pollution of surface or ground waters, or through the attraction of insects, rodents, or vermin. All animal waste products which accumulate in sufficient quantity to create the potential for nuisance or hazard shall be collected and stored in a watertight receptacle of metal or other durable materials with tight-fitting covers. All animal waste products shall be removed from the property at least once a week or at a greater frequency as necessary to prevent a public health hazard.

3.5.6 PEST CONTROL

All property in the Town shall be maintained reasonably free from non-domesticated rodents, insects, vermin or other pests. All property owners in the Town shall be responsible for extermination of any insects, non-domesticated rodents, vermin and other pests on or about their property when infestation of said property is caused by a failure to maintain a clean and sanitary condition on the property.

3.5.7 OBNOXIOUS ODORS

No property owner in the Town shall store garbage, refuse, or other wastes in such a manner, or for such a length of time so as to cause an obnoxious odor or odors detectable beyond the property boundary.

ARTICLE 6. ENFORCEMENT AND APPEALS

3.6.1 PUBLIC HEALTH HAZARDS AND RISKS

A. HEALTH ORDERS

The Selectboard shall issue health orders pursuant to Title 18, Section 126 of the Vermont Statutes Annotated. Appeals of such orders shall be taken in the manner set forth in Title 18, of the Vermont Statutes Annotated.

B. EMERGENCY HEALTH ORDERS

The Health Officer shall issue emergency health orders pursuant to Title 18, of the Vermont Statutes Annotated. A person to whom an emergency health order is directed shall be given the opportunity for a hearing in the manner set forth in Title 18, Part 1 of the Vermont Statutes Annotated.

3.6.2 ORDINANCE VIOLATIONS

A. Failure to comply with any of the provisions of this Ordinance shall be a violation in the form of a civil offense in accordance with the provisions of 24 VSA §1971 (b) and §1974a. Each day the violation continues and each violation of a section of this Ordinance shall constitute a separate violation.

B. Nothing in this Ordinance shall be construed to prevent the Town from seeking injunctive relief, reimbursement of enforcement action expenses or other court orders as may be permitted under 24 VSA Chapter 59.

3.6.3 CIVIL PENALTIES

A. A civil penalty of up to one hundred dollars (\$100.00) may be imposed for the initial violation of this Ordinance. A civil penalty of up to two hundred fifty dollars (\$250.00) may be imposed for a second violation committed within the six (6) month period after the initial violation. For subsequent violations committed within the six (6) month period after the initial violation, a civil penalty of up to five hundred (\$500.00) may be imposed.

B. The waiver fees for persons who choose to pay a fine upon the issuance of a municipal complaint shall be fifty dollars (\$50.00) for the initial violation, two hundred dollars (\$200.00) for the second violation committed within the six (6) month period after the initial violation, and four hundred fifty dollars (\$450.00) for each subsequent violation committed within the six (6) month period after the initial violation.

ARTICLE 7 ADOPTION & EFFECTIVE DATE

3.7.2 APPROVAL OF VERMONT DEPARTMENT OF HEALTH

Sections 3.2.1 through 3.2.2 and 3.6.1 of this Ordinance were approved by the Commissioner of the Vermont Health Department on the 30th day of October, 2008.

3.7.3 ADOPTION HISTORY

This Ordinance was approved by the Selectboard and Board of Health of the Town of Stowe at a duly warned, public meeting held on the 12th day of May, 2008, having been published in the *Stowe Reporter* on the 8th day of May, 2008; followed by a first reading by the Selectboard and Board of Health of the Town of Stowe at a duly warned, public meeting held on the 14th day of April, 2008, and a public hearing (second reading) held by the Selectboard and Board of Health of the Town of Stowe at a duly warned, public meeting held on the 12th day of May, 2008.

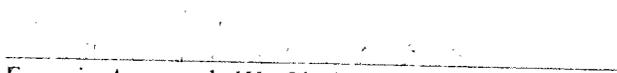
3.7.4 PETITION TO REPEAL NOTIFICATION

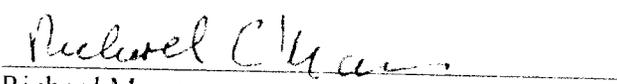
This Ordinance may be repealed in accordance with the provisions of Section 204 (d) of the Charter of the Town of Stowe.

3.7.5 EFFECTIVE DATE

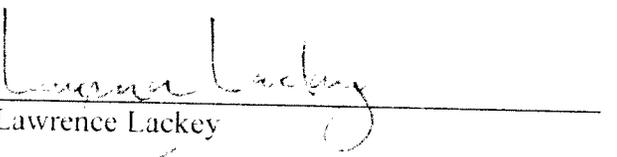
This Ordinance shall take effect as of the date by which said Ordinance is approved by the Commissioner of the Vermont Health Department.

IN WITNESS WHEREOF, this Health and Sanitation Ordinance is adopted and approved on the 12th day of May 2008 by the Stowe Selectboard. **ATTEST:**


Francis Aumand, III, Chair


Richard Marron


Heidi Scheuermann


Lawrence Lackey


Norman Williams III

UNDER SEAL OF THE TOWN, received and recorded in the Office of the Stowe Town Clerk
by:

Alison Kaiser, Town Clerk

Date