



**Town of Proctor**

**Public Sewage and Sewage Disposal Systems  
Rules and Regulations**

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**Effective: November 10, 2006**

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Public Sewage and Sewage Disposal Systems**

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## Authority and Purpose

Pursuant to 24 V.S.A. §§ 2291 (14-15), 3617 and Title 24, Chapters 95, 97, 101 and 129, it is hereby ordained by the Selectboard of the Town of Proctor, Vermont that the protection of the health, safety and welfare of the Town of Proctor and of the general public requires the establishment of minimum standards governing the design, construction, installation, control, and operation of public sewage and sewage disposal systems.

## Article I – General Provisions

- Sec. 1 All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the “Sewage Use Ordinance” hereinafter sometimes referred to as the “Ordinance”.
- Sec. 2 The Town of Proctor Clerk shall file certified copies of this Ordinance, as well as certified copies of any additions and amendments to this Ordinance as may be hereafter adopted, in the municipal records and with the Commissioners and Health Officer.
- Sec. 3 The principal objective of the Public Sewage System is to collect the used water supply of the community and to provide the state regulated degree of sanitary treatment under the most favorable and economical conditions. Therefore, the discharge of wastewaters into the Public Sewage System, which are not regulated by the Vermont Agency of Natural Resources, are prohibited.
- Sec. 4 The provisions of this Ordinance may be reviewed at intervals not exceeding five (5) years by the Commissioners with the objective of assessing the continued applicability of these provisions; to consider any recommendations proposed for their improvement; and to determine if, and what, changes are advisable due to advances in the technical methods or processes of sewage treatment and collection available to the Town of Proctor.

## Article II – Definitions

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

- Sec. 1 Agency means the Vermont Agency of Natural Resources (ANR).
- Sec. 2 Approval means written permission from the Commissioners to connect to a public Sanitary Sewer or appurtenance thereof.
- Sec. 3 Board means the Selectboard of the Town of Proctor, Vermont.
- Sec. 4 BOD (Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20 degrees C, expressed in milligrams per liter.
- Sec. 5 Clerk means the Town Clerk of the Town of Proctor, Vermont.
- Sec. 6 Commissioners means the Board of Sewage System and Disposal Commissioners. The Selectboard of the Town of Proctor, Vermont shall constitute the Board of Sewage System and Disposal

Commissioners and shall have the power to exercise all authority enumerated in 24 V.S.A. Chapters 97 and 101 including, but not limited to: supervising the Town of Proctor Wastewater Department and making and establishing all needful rates for charges, rules, and regulations for its control and operation.

- Sec. 7 Committed Reserve Capacity means the total amount of development wastewater flow (gallons per day) from all projects/buildings approved by the Commissioners and the Department for discharge to the sewage treatment plant, but not yet discharging at the time of the calculation.
- Sec. 8 Connection Fee means the financial amount due, as determined by the Commissioners, charged to applicants who apply for approval to connect to a public Sanitary Sewer or appurtenance thereof.
- Sec. 9 Delinquency means failure of the ratepayer to tender payment for a valid bill or charge within thirty (30) days [of the postmark date of that bill or charge OR by a due date at least 30 days after mailing, which shall be clearly printed on the bill and which shall control in the absence of the postmark.]
- Sec. 10 Department means the Vermont Department of Environmental Conservation.
- Sec. 11 Development Wastewater Flow means the flow resulting from full use of the development at its peak 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.
- Sec. 12 Discharge Permit means a permit issued by the Department pursuant to authority granted in 10 V.S.A. Chapter 47.
- Sec. 13 Disconnection means deliberate interruption or disconnection of sewer service to a ratepayer by the Town for nonpayment of sewer charges, rates, or rents.
- Sec. 14 Domestic Sewage means sanitary sewage derived principally from dwellings, business buildings and institutions.
- Sec. 15 Floatable Oil means 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 oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- Sec. 16 Garbage means the solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- Sec. 17 Health Officer means the legally designated Health Officer or Deputy Health Officer of the Town of Proctor, Vermont.
- Sec. 18 Improved Lot means any lot that has a substantially completed building or structure on it, and an associated substantially completed potable water supply and wastewater system that may or not be located on the lot.
- Sec. 19 Industry means any room, group of rooms, buildings or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, or assembling any product, commodity, or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.
- Sec. 20 Industrial Wastewater means the liquid wastes from industrial processes, including suspended solids.

- Sec. 21 May is permissive. Shall is mandatory.
- Sec. 22 Natural Outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- Sec. 23 Permit means a written document issued by the Secretary pursuant to the Wastewater System and Potable Water Supply Rules for the State of Vermont giving designated person(s) permission to operate and/or construct, alter, renovate, connect to, or dispose of domestic sewage or industrial wastewaters into the Proctor Public Sewage System.
- Sec. 24 Person means an individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the state of Vermont, or any agency, department or subdivision of the state, federal agency, or any other legal entity.
- Sec. 25 pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Sec. 26 Plant Wastewater Flow means wastewater passing through the sewage treatment plant in gallons per day on an annual average basis (365 day average) except where flows vary significantly from seasonal development. In the latter case, plant wastewater flow is determined as the average throughout the high seasonal use permit, as determined by the Commissioners.
- Sec. 27 Private Sewage System means an on-site private sewage disposal system.
- Sec. 28 Properly Shredded Garbage means the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all the particles will be carried freely under the flow conditions normally prevailing in public Sanitary Sewers, with no particle greater than ½ inch in any dimension.
- Sec. 29 Property Owner (Owner) means that person(s) identified as owner of property by recorded deed.
- Sec. 30 Public Sewage System means such equipment, pipe line system and facilities as are needed for and appurtenant to the treatment or disposal of sewage and waters, as defined herein, including a sewage treatment or disposal plant, and separate pipe lines and structural or nonstructural facilities as are needed for and appurtenant to the treatment or disposal of storm, surface, and subsurface waters.
- Sec. 31 Ratepayer means the owner of any tenement, house, building, or lot who disposes sewage into the Public Sewage System.
- Sec. 32 Reserve Capacity means permitted wastewater flow minus the actual plant wastewater flow during the preceding 12 months.
- Sec. 33 Revenues mean all revenues, rates, fees, charges, rents or other income and receipts received by the Wastewater Department from any source, or accrued to the Town or Wastewater Department, or Board thereof, in connection with the management and operation of the Public Sewage System, and shall also include any interest received on any monies or securities of the Town which are pledged to the payment of the Town's sewer bonds, and any federal or state grants-in-aid with respect to such system.
- Sec. 34 Sanitary Building Drain means that part of the lowest horizontal piping of a drainage system which receives the discharge of sewage inside the walls of the building and conveys it to the Sanitary Building Sewer beginning five (5) feet outside the inner face of the building wall. The Property

Owner shall construct the Sanitary Building Drain on new construction in conformance with the Vermont Wastewater System and Potable Water Supply Rules, as amended, and local construction standards as adopted by the Commissioners. The cost of construction shall be borne by the Property Owner. Once installed, the responsibility for maintenance and repairs of the Sanitary Building Drain and all costs associated therein shall be borne by the Property Owner.

- Sec. 35 Sanitary Building Sewer means the extension from the Sanitary Building Drain to the public Sanitary Sewer or other place of disposal. The Property Owner shall construct the Sanitary Building Sewer on new construction in conformance with the Vermont Wastewater System and Potable Water Supply Rules, as amended, and local construction standards as adopted by the Commissioners. The cost of construction shall be borne by the Property Owner. Once installed, the responsibility for maintenance and repairs of the Sanitary Building Sewer and all costs associated therein shall be borne by the Property Owner.
- Sec. 36 Sanitary Sewage means used water supply commonly containing human excrement.
- Sec. 37 Sanitary Sewer means equipment, pipe line system and facilities as are needed for and appurtenant to the treatment or disposal of sewage. It is the collection system to which all owners or abutting properties have equal rights and which is controlled by public authority.
- Sec. 38 Sanitary Treatment means an approved method of treatment of solids and bacteria in sewage before final discharge.
- Sec. 39 Secretary means the Secretary of the Agency of Natural Resources or the Secretary's designee.
- Sec. 40 Service Connection means each single sewage line, which collects sewage from an individual residential living unit, a commercial unit or an industrial unit for discharge to the public Sanitary Sewer.
- Sec. 41 Sewage means the used water supply of a community, including such ground water, surface and storm water as may or may not be mixed with these liquid wastes from the community.
- Sec. 42 Sewage Disposal Charges means any charges, rates, or rents adopted by the Board of Sewage System and Disposal Commissioners and incorporated in the "Schedule of Rates and Fees".
- Sec. 43 Sewage Treatment Plant means any arrangement of devices and structures used for sanitary treatment of sewage and industrial wastewaters.
- Sec. 44 Sewer Service Area means area of a municipality that is within 100 feet horizontally from existing municipal collection lines and manholes.
- Sec. 45 Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- Sec. 46 Special Charges means fees charged for collection of overdue accounts and reconnection of service disconnected because of nonpayment.
- Sec. 47 Storm Sewer means the collection system for conveying rainwater, surface water, ground water and other similar liquid wastes.

- Sec. 48 Storm Water means the excess water from rainfall or continuously following there from.
- Sec. 49 Superintendent means the Superintendent of the Town of Proctor Wastewater Department. The Superintendent shall have the duties and responsibilities described herein and in any job description and shall be appointed by the Board subject to the Town's personnel policy. The Superintendent is primarily responsible for the operation of the Proctor Wastewater Department.
- Sec. 50 Surface Water means water other than storm water flowing on or over the surface of the ground.
- Sec. 51 Suspended Solids means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and that is removable by laboratory filtering.
- Sec. 52 Town means the Town of Proctor, Vermont acting by and through its Board, Commissioners, or, in appropriate cases, its authorized representatives, agents, deputies, employees or operators.
- Sec. 53 Uncommitted Reserve Capacity means the portion of the reserve capacity remaining after subtracting the development wastewater flow of all projects approved by the Department but not yet discharging to the Public Sewage System.
- Sec. 54 Unimproved Lot means a lot that has no building or structure on the lot.
- Sec. 55 Wastewater Department means the Town of Proctor Wastewater Department.

### **Article III – Public Sewage System Use Requirement**

- Sec. 1 The property owner of any improved lot benefited, improved, served or accommodated by any Sanitary Sewer, or to which any Sanitary Sewer is available, or which is within 100 feet of the building, shall connect such improved lot, including all facilities utilized for the conveyance of wastewaters therein, at his/her expense, in such a manner as the Town may require within ninety (90) days after the postmark date of such notice to the owner from the Town to make such connection, for the purpose of discharge of all sewage from such improved lot into the Sanitary Sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Town from time to time. Each such owner shall, within the same time limit, cease and desist from all further discharge of sewage into any other conduit or preexisting system whether privately or publicly owned.
- Sec. 2 Where a Sanitary Sewer is not available for connection from a building; the sanitary building sewer shall be connected to a private sewage system in accordance with State law and all applicable State rules and regulations.
- Sec. 3 The Commissioners may order private sewage treatment and disposal works which are abandoned because of the availability of public sanitary sewers to be thoroughly and properly cleaned, disinfected and filled in or removed according to good sanitation practice and under the inspection and direction of the Commissioners or their designees(s).

### **Article IV – Applications/Approvals/Fees**

- Sec. 1 No unauthorized person shall uncover, connect with, make any opening into, or use, alter, or disturb in any manner any public Sanitary Sewer or appurtenance thereof without first obtaining written

approval from the Commissioners, or their municipal designee, and paying to the Town any fee required and imposed by the Town against the applicant.

- Sec. 2 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 contact a permit specialist at the Agency to ascertain whether a State Wastewater System & Potable Water Supply permit, or amendment thereto, is warranted.
- Sec. 3 Applications for approval to connect to a public Sanitary Sewer or appurtenance thereof shall be submitted to the Commissioners at least forty-five (45) days prior to the proposed change or connection.
- Sec. 4 The annual charge shall be for the purpose of paying the costs associated with operating, maintaining, and repairing the public sewage system and the principal and interest upon the Town's sewage system and sewage disposal bonds. The Commissioners may establish annual charges separately for bond payments, fixed operations and maintenance costs (not dependent on actual use), and variable operations and maintenance costs dependent on flow.
- Sec. 5 All charges, rates or rents for, or in connection with, the sewage and sewage disposal systems shall be adopted by the Commissioners via resolution at a regular or special meeting, shall be incorporated in the "Schedule of Rates and Fees" appended to this Ordinance, and shall be a lien upon real estate, furnished with the service for which such charges, rates or rents are imposed, in the same manner and to the same effect as taxes are a lien on real estate under 32 V.S.A. § 5061.
- Sec. 6 Sewer use in Proctor is not metered. Ratepayers are billed a base rate plus extra fees for additional facilities or equipment. The Schedule of Rates and Fees is available at the Town Offices.
- Sec. 7 Bills are disseminated yearly in July. Payments are due in two installments – the first in October and the second in April of the following year.
- Sec. 8 Billing for sewer service is issued in the name of the ratepayer. The ratepayer shall be liable for all charges, rates or rents for, or in connection with, the sewage and sewage disposal systems
- Sec. 9 The ratepayer desiring to use the Proctor public sewage system is responsible for the payment of sewer bills and is also responsible for notifying the Town Treasurer of the address to which bills, notices and other communications to him/her shall be delivered. A change of owners will not relieve the ratepayer from liability for payment of delinquent bills. Failure to receive a bill does not relieve the ratepayer of the obligation for payment.
- Sec. 10 Past due bills are payable to the Town. No interest shall accrue on late payments unless so voted by the Town according to 32 V.S.A. § 5136. The ratepayer may enter into a repayment agreement with the Credit Supervisor to pay past due bills in installments. The installment agreement must be honored, or the ratepayer will be subject to disconnection and collection fees.
- Sec. 11 Disputes concerning sewer bills shall be made to the Commissioners. An appeal cannot be taken unless the ratepayer first attempts to settle with the Credit Supervisor. The ratepayer may appeal only as to the proper amount of his/her bill or the correctness of application of this Ordinance and not to the level or design of the rates themselves. Undisputed portions of the bill giving rise to a disconnection notice shall be paid before the disconnection date specified therein. The Town may institute legal action to collect any past due or delinquent bill. All delinquent sewer bills shall be collected and sewer service discontinued in accordance with the Uniform Water and Sewer Disconnect Act (24 V.S.A., Ch. 129), or other remedies provided by law.

- Sec. 12 Sewer service to a building occupied by more than one tenant shall be charged to the Property Owner or his agent and shall not be charged to the various tenants in the building. In any event, the Property Owner shall be primarily liable and responsible for sewer service supplied.
- Sec. 13 No abatement of charges, rates or rents for or in any connection with sewer service shall be allowed by reason of disuse or diminished use of such services or vacancy of the premises served, unless reasonable advance written notice of such disuse, diminished use or vacancy of premises has been received by the Superintendent and the abatement authorized by the Commissioners. Nor shall any payment be refunded nor abatement made in connection with charges, rates or rents for sewer service by reason of the occurrence of any of the matters or things specified in Article XII of this Ordinance.
- Sec. 14 No person shall be entitled to damages or to have any portion of any payment refunded for any stoppage occasioned by accident to any portion of the Public Sewage System.
- Sec. 15 Special charges shall not exceed those prescribed by 24 V.S.A. § 5151 and amendments thereto. As of the date of the adoption of this Ordinance, the schedule for such fees is as follows:
- (a) Collection trips - \$25.00 maximum, regardless of number,
  - (b) Reconnection:
    - (i) Normal hours - \$25.00
    - (ii) Overtime - \$37.50

## **Article V – Fund Management**

- Sec. 1 The Commissioners may create a dedicated fund for the purposes enumerated herein, in accordance with 24 V.S.A. § 2804 and amendments thereto or by act of the Board after first adopting an ordinance authorizing and controlling such funds, to finance major rehabilitation, major maintenance, and costs of expanding and upgrading the Public Sewage System. The establishment of a dedicated fund shall be based upon the following which shall be set forth in writing: major maintenance/replacement identification, estimated expenditures, estimated year of expenditure, payment amount, type of account used to accumulate dedicated fund assets, source of funding and when payments are to stop.
- Sec. 2 Revenues deposited into the dedicated fund may include a surcharge established by the Commissioners of up to fifteen percent (15%) on the costs of normal operations, maintenance and bond payment costs. The Commissioners holding office have the authority to withdraw dedicated fund amounts only for the purposes for which the fund was established. When dedicated fund assets are not disbursed fully for major maintenance/replacement expenditures and/or treatment plant/distribution system expansion/upgrade, excess moneys shall remain in the dedicated fund for future expenditures similar in nature. The dedicated fund balance shall not exceed the estimated costs for the purposes for which the fund was established.

## **Article VI – Disconnection and Restoration of Service**

- Sec. 1 The Town shall implement disconnection procedures in accordance with 24 V.S.A. Chapter 129.
- Sec. 2 If the ratepayer fails to pay sewer charges, rates, or rents due, does not arrange a payment agreement, or is unsuccessful in an appeal, the Town may disconnect water service after sending notice in the

form prescribed by 24 V.S.A. § 5144 to the ratepayer and the occupant of a residential dwelling which will be affected by the disconnection if the occupant is different than the ratepayer.

- Sec. 3 The Town shall not cause disconnection of water service in any of the following circumstances:
- a. The delinquent bill or charge, or aggregate delinquent bills and charges do not exceed \$15.00.
  - b. The delinquency is due solely to a disputed portion of a charge which is the subject of an appeal.
  - c. The delinquency is due to a failure to pay a deposit, line extension, special assessment, special construction charge, or other nonrecurring charge.
  - d. The disconnection would present an immediate and serious hazard to the health of the ratepayer or a resident within the ratepayer's household, as set forth in a physician's certificate which is on file with the Town. Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, providing the certificate is in fact received within seven (7) days.
  - e. The ratepayer has not been given an opportunity to enter into a reasonable agreement to pay the delinquent bill or, having made such agreement, has abided by its terms.
- Sec. 4 Notice of disconnection shall be provided to the ratepayer, and occupant of the residential dwelling affected by the disconnection if different from the ratepayer, prior to disconnection. Disconnection of water service shall occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day specified on the notice of disconnection, or within the same hours during the four (4) business days thereafter. When service is disconnected or interrupted at the premises of the ratepayer, the authorized individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected or interrupted, or if no responsible adult is then present, shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the ratepayer has to do to have service restored.
- Sec. 5 If sewer service has been disconnected or interrupted the Water Department shall within twenty-four (24) hours restore service upon the ratepayer's request when the cause for disconnection of service has been removed or when an agreement has been reached between the ratepayer and the Town regarding the dispute which led to the disconnection or when so directed by the Board. Restoration of service, to the extent feasible, shall be done so as to avoid charging ratepayers for overtime wages and other abnormal expenses. No collection or reconnection fees may be charged for disconnections or interruptions of service made for reasons of health or safety of the ratepayer or of the general public.

## **Article VII – Use of the Public Sewage System**

- Sec. 1 This Ordinance shall constitute a contract between each ratepayer and the Town. Each ratepayer shall be bound by the Ordinance and all subsequent changes and amendments thereto. The ratepayer's application for sewer service shall be considered the ratepayer's consent to be bound by this Ordinance.
- Sec. 2 No person shall place or deposit or permit to be placed or deposited upon public or private property within the Town of Proctor any sewage.
- Sec. 3 No person shall discharge or permit to be discharged to any natural outlet within the Town of Proctor any sewage, except where suitable sanitary treatment has been provided which is satisfactory

to the Town of Proctor and in accordance with the laws, rules, and regulations of the State of Vermont.

- Sec. 4 No privy, privy vault, septic tank, cesspool, sinkhole, or similar receptacle shall be used and maintained at any time upon any improved lot which has been connected to the Sanitary Sewer or which has been required to be connected to the Sanitary Sewer.
- Sec. 5 No privy, privy vault, septic tank, cesspool, sinkhole, or similar receptacle shall be connected to the Sanitary Sewer at any time.
- Sec. 6 No person(s) shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any Sanitary Sewer. All such connections that exist shall be disconnected by the owner, at his/her expense within 45 days after the postmark date of such notice to the owner from the Town.
- Sec. 7 Storm water and all other unpolluted drainage shall be discharged to storm sewers or to a natural outlet after appropriate State permits are issued and approved by the Commissioners. Industrial cooling water or unpolluted process water may be discharged, upon approval by the Commissioners, to a storm sewer or natural outlet.
- Sec. 8 No person having charge of the premises drained into a public Sanitary Sewer shall discharge into such sewer any pollutant which:
  - a. is a toxic pollutant in toxic amounts as defined in standards issued from time to time under Section 307(a) of the Clean Water Act;
  - b. creates a fire or explosion hazard in the sewage works;
  - c. causes corrosive structural damage to the sewage works, including all wastes with a pH lower than 5.0;
  - d. contains solid or viscous substances in amounts which would cause obstruction to the flow in sewers or other interference with proper operation of the sewage works; or
  - e. in the case of a major contributing industry contains an incompatible pollutant in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Sections 304, 306, and/or 307 of the Clean Water Act.
- Sec. 9 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 Sanitary 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 such 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 Sanitary Sewers, materials of construction of the Sanitary Sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances are:
  - a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F.

- b. Any water or waste containing fats, wax, grease or oils whether emulsified or not, in excess of twenty-five (25) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F.
- 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 or greater shall be subject to the review and approval of the Superintendent prior to its installation.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. 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 State and/or Superintendent for such materials.
- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies having jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a pH in excess of 9.0.
- i. Materials which exert or cause:
  - (i) 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).
  - (ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (iii) 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.
  - (iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 10 If any waters or wastes are discharged, or are proposed to be discharged to the public Sanitary Sewer, which contain the substances or possess the characteristics enumerated in this Article, and which in the judgment of the Town, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the waste;
- b. Require pretreatment to an acceptable condition for discharge to the public Sanitary 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.
- Sec. 11 No statement contained in this Ordinance shall be constructed as precluding any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment subject to extra payment therefore, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal or State laws and/or regulations promulgated there under, and are compatible with any user charge system in effect.
- Sec. 12 Grease, hair, 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 floatable grease in excessive amounts, as specified in Section 5 (b), 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 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 Town. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. Materials collected shall not be reintroduced into the Public Sewage System.
- Sec. 13 Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- Sec. 14 Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- Sec. 15 If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the Superintendent and Health Officer, and subject to the requirements of all applicable codes, ordinances, and laws and to the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any State pretreatment permit issued to the industry.
- Sec. 16 It shall be illegal to meet requirements of this Ordinance by diluting wastes in lieu of proper treatment.
- Sec. 17 When required by the Superintendent, the owner of any property serviced by a Sanitary Building Sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters, and other appurtenances in the Sanitary 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 Superintendent. 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.
- Sec. 18 All industries discharging into a public Sanitary Sewer shall perform such monitoring of their discharges as required by the State permit and as may also be required by the Superintendent, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available, upon request, by the Superintendent, to other agencies having jurisdiction over discharging to the receiving

waters. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit. Records of any monitoring will be supplied by the Superintendent to the Secretary upon request.

- Sec. 19 Authorized representatives of the Town shall be permitted to enter into, upon, or through the premises of any industry discharging into the Public Sewage System to have access to and copy any record, to inspect any monitoring equipment or method, and to sample any discharge into the Public Sewage System.
- Sec. 20 Public Sanitary Sewers may be extended only upon an agreement in writing wherein the applicant shall agree to pay for all labor and materials necessary. All extensions must obtain, as appropriate, approval from the Vermont Wastewater Management Division. Also, the applicant shall agree that such extension shall be installed in conformance with the Vermont Wastewater System and Potable Water Supply Rules, as amended. After the public Sanitary Sewer extension has been constructed, and has passed the required leakage tests, it shall be acceptable to the Wastewater Department to place the extension in service.
- Sec. 21 All material, labor and locations for installation or extension of Sanitary Sewers or Sanitary Building Sewers shall be subject to approval by the Superintendent and Commissioners. All public Sanitary Sewer extensions or alterations must be submitted to the Superintendent on a detailed, workable 24"x36" print drawing to 1" = 50' or 1" = 40' scale and presented in triplicate at least thirty (30) days prior to the anticipated date construction is to commence.
- Sec. 22 Each ratepayer of the Public Sewage System shall be responsible for maintenance of all private sewage facilities including, but not limited to 1) house plumbing systems, 2) Sanitary Building Sewers to the public Sanitary Sewer, and 3) appurtenances. The Property Owner shall be solely responsible for continually maintaining such facilities in satisfactory operating condition. Maintenance shall include, but not be limited to, 1) maintaining flow, 2) clearing obstructions, 3) maintaining all joints gas and water-tight, 4) repair or replace collapsed, deteriorated or damaged sewers and 5) all other work which is necessary and essential to maintaining proper operation and preserving the structural integrity and water tightness of the system. The Wastewater Department shall not be liable for leakage of pipes or fixtures upon the premises of the ratepayer, nor for any obstructions or restrictions therein, or for any damage resulting from the foregoing.

### **Article VIII – Building Sewers and Service Connections**

- Sec. 1 The Vermont Statewide Uniform Minimum Technical Standards shall govern the design, construction, operation and maintenance of all wastewater systems.
- Sec. 2 The Property Owner shall construct the Sanitary Building Drain on new construction in conformance with the Vermont Wastewater System and Potable Water Supply Rules, as amended, and local construction standards as adopted by the Commissioners. The cost of construction shall be borne by the Property Owner. Once installed, the responsibility for maintenance and repairs of the Sanitary Building Drain and all costs associated therein shall be borne by the Property Owner.
- Sec. 3 The Property Owner shall construct the Sanitary Building Sewer on new construction in conformance with the Vermont Wastewater System and Potable Water Supply Rules, as amended, and local construction standards as adopted by the Commissioners. The cost of construction shall be borne by the Property Owner. Once installed, the responsibility for maintenance and repairs of the Sanitary Building Sewer and all costs associated therein shall be borne by the Property Owner.

- Sec. 4 All costs and expenses incident to the installation, connection, repair and maintenance of the Service Connection shall be borne by the Property Owner. Where the work involved will or may disturb public property, a monetary deposit in an amount to be determined by the Commissioners shall be required. This deposit will be returned to the applicant upon satisfactory restoration of the disturbed area or facilities. If the area or facilities are not satisfactorily restored, the deposit shall be applied towards completing the work, and any remaining money returned to the applicant. If the deposit is insufficient to complete the work the applicant shall be billed for the shortfall. The Property Owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the Service Connection.
- Sec. 5 The Town shall utilize construction standards and specifications in conformity with the Vermont Wastewater System and Potable Water Supply Rules, as amended. Said standards will be administered by the Superintendent and/or his authorized agent(s).
- Sec. 6 The applicant is further responsible for ensuring the new service conforms with the Vermont Wastewater System and Potable Water Supply Rules, as amended.
- Sec. 7 All materials and equipment used will conform to the Vermont Wastewater System and Potable Water Supply Rules, as amended, and local construction standards as adopted by the Commissioners, or as approved by the Superintendent.
- Sec. 8 All construction activities within Town rights-of-way shall occur between April 1 and November 15, except as otherwise approved by the Commissioners.
- Sec. 9 For planned repairs of existing individual Sanitary Building Sewers, property owners shall provide the Superintendent with two (2) working days notice prior to beginning work. For emergency repairs, owners shall provide the Superintendent with notice as soon as possible.

### **Article IX – Sewer Utility Acceptance Standards**

- Sec. 1 All extensions of public Sanitary Sewers and any additions and improvements to the Public Sewage System, with the exception of Service Connections, shall be eligible for acceptance as part of the Public Sewage System by the Commissioners when all of the following criteria have been complied with:
- a. The installation must be within an existing or proposed highway right-of-way.
  - b. Prior to considering acceptance of any new sewage facilities into the Public Sewage System, the Wastewater Department shall be furnished with three (3) sets of Record Drawings and one (1) set of reproducible Record Drawings. All Record Drawings shall be 24" x 36" in size and drawn to a 1" = 50' or 1" = 40' scale.
  - c. One (1) year from the date the new installation is placed in service, the Commissioners shall take action on whether or not to accept the new Sanitary Sewer as part of the Public Sewage System. The developer or property owner must provide a deed to the Town, along with the easements required by the Commissioners, for the Sanitary Sewer and appurtenances prior to their final acceptance. However, it should be clearly understood that prior to acceptance, full responsibility for the maintenance and repair of the new Sanitary Sewer and its related appurtenances, and all costs associated therein, shall be borne by and rest with the Owner(s).

## **Article X – Standard Tests**

- Sec. 1 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association. Sampling methods, locations, times, durations and frequencies are to be determined per Section 2 of this Article or on an individual basis subject to the approval by the Town.
- Sec. 2 Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH is determined from periodic grab samples.

## **Article XI – Access by the Town**

- Sec. 1 While performing the necessary work on properties referred to in Section 1 of this Article, the Superintendent or duly authorized representatives or agents of the Town shall observe all safety rules applicable to the premises established by the Wastewater Department. The Wastewater Department shall be held harmless for injury or death to the Town representatives and the Town shall indemnify the Wastewater Department against loss or damage to its property by Town representatives and against liability claims and demands for personal injury or property damage asserted against the Wastewater Department and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company, its agents or employees, to maintain safe premises or conditions, as applicable.
- Sec. 2 The Superintendent and other duly authorized representatives of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose 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.
- Sec. 3 The Town shall have the authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public Sanitary Sewer or waterways or facilities for waste treatment.
- Sec. 4 The Wastewater Department may, for the purposes enumerated in 24 V.S.A. § 3602 and amendments thereto, enter upon and use any land and enclosures over or through which it may be necessary for pipes and sewer to pass, and may thereon at any time place, lay and construct such pipes and sewers, appurtenances and connections as may be necessary for the complete construction and repairing of the same from time to time, may open the ground in any streets, lanes, avenues, highways and public grounds for the purposes hereof; provided that such streets, lanes, avenues, highways and public grounds shall not be injured, but shall be left in as good condition as before the laying of such pipes and sewers.

## **Article XII – Protection from Physical Damage**

- Sec. 1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Proctor Public Sewage System. Any person violating this provision shall be subject to immediate arrest under charge of unlawful mischief as set forth in 13 V.S.A. § 3701.

## **Article XIII – Penalties**

- Sec. 1 This is a civil Ordinance and shall be enforced by the Superintendent, Town attorney, or other duly authorized designee of the Commissioners in the Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq. Any violation of this Ordinance shall be punishable by a fine of not more than five hundred dollars (\$500.00). Each week the violation continues shall constitute a separate offense. If the penalty for all continuing violations of this Ordinance is greater than \$500.00 or if injunctive relief is sought, action shall be brought in Superior Court. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Board reserves the right to institute any action for damages and all appropriate injunctive relief. In any action for damages or injunctive relief against a ratepayer in which the Town obtains judgment, the ratepayer shall pay the Town's court costs and attorney's fees, and such amount shall be added to any such judgment.

## **Article XIV – Amendments**

- Sec. 1 The Town of Proctor, acting by and through its Selectboard or, in appropriate cases acting by and through its authorized representatives, may make amendments to the Ordinance in force that appear in their judgment to be necessary or in the best interest of the Public Sewage System and/or the Town. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of any amendments to this Ordinance.

## **Article XV – Other Laws**

- Sec. 1 This Ordinance is in addition to all other ordinances of the Town of Proctor and all applicable laws of the State of Vermont.

## **Article XVI – Severability Clause**

- Sec. 1 If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

## **Article XVII – Conflict**

- Sec. 1 If there is a conflict between the terms of this Ordinance and any other applicable statute, regulation, bylaw, or ordinance, the stricter shall apply.

**Article XVIII – Ordinance in Effect**

Sec. 1 This Ordinance shall become effective sixty (60) days from the date of its adoption by the Board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Duly enacted and ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2006 by the Selectboard of the Town of Proctor, County of Rutland, State of Vermont, at a duly called and duly held meeting of said Selectboard.

ATTESTED BY: \_\_\_\_\_  
Clerk

TOWN OF PROCTOR  
SELECTBOARD

\_\_\_\_\_  
Chairperson

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Selectboard