

Town of Putney
127 Main Street, P. O. Box 233
Putney, Vermont 05346
802-387-5862

TOWN OF PUTNEY, VERMONT

SEWER USE ORDINANCE

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Pursuant to Title 24, Section 3617, of the Vermont Statutes Annotated, it is hereby ordained by the Selectboard of the Town of Putney, Vermont, that the protection of the health and safety of the Town of Putney and of the general public requires the establishment of minimum standards governing the design, construction, installation and operation of public and private sanitary sewage systems.

The Town of Putney owns and operates a Wastewater Treatment Facility (WTF) and a Sewage collection and transmission system (Sewage Works) as defined in 24 VSA, Sections 3501(6) and 3601. The WTF has a permitted hydraulic capacity of 100,000 gallons per day, and is operated in accord with a discharge permit issued by the Vermont Agency of Natural Resources (Agency) under authority granted in 10 VSA, Chapter 47. The Board of Sewage Disposal Commissioners (Board) is obligated by law to comply with conditions of that permit, and to operate and manage the WTF and Sewage System as governmental functions under and pursuant to 24 VSA, Chapters 97 and 101.

Be it ordained and enacted by the Selectboard of the Town of Putney, State of Vermont as follows:

ARTICLE I
General Provisions

A. Title

All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "Ordinance Regulating the Use of the Town of Putney Public Sewage System" hereinafter sometimes referred to as the "Sewer Use Ordinance" or "Ordinance".

B. Filing of Ordinance

The Town Clerk of the Town of Putney 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 Town of Putney Board of Sewage Disposal Commissioners and the Town Health Officer.

C. Objective

The principle objective of Sewage facilities is to collect Sewage and Industrial Wastes and to provide the required or justified degree of treatment under the most favorable and economical conditions. Therefore, the discharge of Wastewaters into the public Sewers which are not regulated by the Vermont Agency of Natural Resources are prohibited.

D. Reassessment

The provisions of this Ordinance shall be reviewed at intervals not exceeding five (5) years by the Board 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 waste treatment and Sewage collection available to the Town.

E. Inconsistent Provisions

In the case of any other applicable regulation, by-law, ordinance or statute which differs from the rules and regulations of this Ordinance, the more strict shall apply.

F. Civil Ordinance

This Ordinance is designated as a civil ordinance in conformance with 24 VSA 1971(b).

**ARTICLE II
Definitions**

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

“Agency” shall mean the Vermont Agency of Natural Resources.

“Allocation” shall mean an authorization granted by the Board to a Consumer to discharge a specified flow quantity and/or character of Industrial Wastes or Sanitary Wastewater into a Main Sewer for a specific use or combination of uses.

“BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter, or, if required by the Board, in pounds per day.

“Board” shall mean the Board of Sewage Disposal Commissioners of the Town of Putney, and shall be made up of the Town of Putney Board of Selectpeople and its duly authorized agents or representatives.

“Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the Sewage, and other drainage pipes inside the walls of the building and conveys it to the Building Sewer. The Building Drain extends five feet (1.5 meters) beyond the outer face of the building wall.

“Building Sewer” shall mean the extension from the Building Drain to the Main Sewer or other place of disposal.

“Combined Sewer” shall mean a Sewer receiving both surface runoff and Sewage.

“Committed Reserve Capacity” shall mean the total amount of Development Wastewater Flow, in gallons per day, from all projects/buildings approved by the Board and the Agency for discharge to the WTF, but not yet discharging at the time of the calculation.

“Completed Construction”

- 1) For building development, completion of construction of all foundation, framing, siding and roofing.
- 2) For subdivision development, actual construction on the individual subdivided lot.
- 3) For change of use, active legal operation of the new use of land or buildings.

“Connection Fee” shall mean a fee imposed on applicants for the Town’s cost of performing, supplying, supervising, inspecting and administering any connection to the Sewer System including any necessary extension, upgrading or for any portion of these activities. Such fee shall be established by the Board.

“Consumer” shall mean any individual, firm, company, association, society, corporation or group who owns property from which Sewage is discharged into the Sewer System, and who is liable for the User Fee, and conditions relating to the use of the Main Sewer herein stated.

“Development Wastewater Flow” shall mean the flow resulting from full use of a development at its peak capacity, which shall be calculated using flow quantities adopted as rules by the Agency, as promulgated at the time a connection permit application is made.

“Development” shall mean the construction of improvements or change of use of a building or on a tract of land for any purpose, including, but not limited to, any residential, commercial, industrial activity.

“Discharge Permit” shall mean a permit issued by the Agency pursuant to authority granted in 10 VSA, Chapter 47.

“Dwelling Unit” shall mean a building or part thereof used as living quarters for one family.

“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 Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from any Sanitary Wastewater.

“Initiate Construction” shall mean:

- 1) for building construction, the completion of the foundation.
- 2) for Subdivision, the issuance of a Zoning Permit for a Subdivision by the Town.
- 3) for change of use, the issuance of a Zoning Permit for a change of use by the Town.

“Main Sewer” shall mean the Sewers laid longitudinally along the center line or other part of the streets or other rights-of-way and in which all owners or abutting properties have equal rights and which is controlled by public authority.

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

“Permitted Wastewater Flow” shall mean the maximum WTF Wastewater flow authorized in the Discharge Permit on an annual average (365 days) basis.

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

“Reserve Capacity” shall mean the Permitted Wastewater Flow (in gallons) minus the average actual WTF Wastewater Flow during the preceding 12 months.

“Sanitary Sewer” shall mean a Sewer which carries Sewage and to which storm, surface, and ground waters are not intentionally admitted.

“Sanitary Wastewater” shall mean Wastewater of the same character and range of strength as expected from homes.

“Sewage” shall mean a combination of the water-carried wastes from residences, businesses, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present. The term Sewage shall be stormwaters as may be present. The term Sewage shall be interchangeable with and have the same meaning as “Wastewater”.

“Sewage System” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

“Sewer” shall mean a pipe or conduit for carrying Sewage.

“Sewer Service Area” shall mean that area of the Town that is within 200 feet, measured perpendicularly, from existing Main Sewers and manholes. The Sewer Service Area shall not be construed to include the area immediately beyond the terminous of a Main Sewer and within 200 feet.

“Shall” is mandatory, “May” is permissive.

“Slug” shall mean any discharge of water, Sewage, or Industrial Waste which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

“Storm Sewer” shall mean a Sewer which carries storm and surface waters and drainage, but excludes Sewage and Industrial Wastes, other than unpolluted cooling water.

“Subdivision” shall mean a tract of land, owned or controlled by a Consumer as defined herein, which has been partitioned or is intended to be divided for the purpose of sale or lease into two (2) or more lots.

“Suspended Solids” shall mean solids that either float on the surface of or in suspension in water, Sewage, or other liquids, and which are removable by laboratory filtering.

“Town” shall mean the Town of Putney, Vermont.

“Uncommitted Reserve Capacity” shall mean that portion of the Reserve Capacity remaining after subtracting the Development Wastewater Flow of all projects approved by both the Board and the Agency but not yet discharging to the Sewage System.

“User Fee” shall mean a fee paid by each Consumer to offset the cost of operation and maintenance of the Town of Putney WTF. Such fee is to be based upon either the number of User Units or metered flow, and is to be set by the Board at least once every year. The term “User Fee” shall have the same meaning and be interchangeable with the term “Sewage Disposal Charge”, as set forth in 24 VSA 3615.

“User Unit” shall be equivalent to 250 gallons of Wastewater flow per day. A single-family dwelling unit shall be considered the equivalent of one User Unit.

“Wastewater” shall have the same meaning and be interchangeable with the term “Sewage”.

“Wastewater Treatment Facility” (“WTF”) shall mean any arrangement of devices and structures used for treating and storing sewage.

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

“WTF Wastewater Flow” shall mean the Wastewater passing through the WTF in gallons per day on an annual average basis (365 day average) except where flows vary significantly from seasonal development. In the latter case, WTF Wastewater Flow is determined as the average throughout the high seasonal use period, as determined by the Board.

ARTICLE III
Use of Public Sewers

A. Storm Water Collection

No Consumer shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any Sanitary Sewer. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff or groundwater to a Building Sewer which, in turn, is connected to a Sanitary Sewer. All such connections discharging such waters which exist shall be disconnected by the Consumer, at his or her expense, within thirty (30) days of receipt of notification from the Board.

B. Storm Water Drainage

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 Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Board, to a Storm Sewer, Combined Sewer, or Natural Outlet.

C. Prohibited Class A Discharge

No Consumer shall discharge or cause to be discharged any of the following described Class A waters or wastes into any Sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other 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 sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the WWTF.

3. Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Sewage System.

4. Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers, or other interference with the proper operation of the Sewage System such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, mild container, or any other solid or viscous substance, either whole or ground by garbage grinders.

D. Prohibited Class B Discharge

No Consumer shall discharge or cause to be discharged the following described Class B substances, materials, water, or wastes if it appears likely, in the opinion of the Board, that such wastes can harm the Sewers, Sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of waters, the Board will give consideration to such factors as the quantities of subject Wastewater in relation to flows and velocities in the Sewers, materials of construction of the Sewers, nature of the Sewage treatment process, capacity of the WTF, degree of treatability of wastes in the WTF, and other pertinent factors. The substances prohibited are:

1. any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C)

2. any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/liter or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150) degrees F (0-65 degrees C).

3. any Garbage.

4. any waters or wastes containing strong acid iron pickling wastes, or concentrated planting solutions, whether neutralized or not.

5. 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 WTF exceeds the limits which may be established by the Board for such materials.

6. any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after requirements of the State, Federal or other public agencies or jurisdiction for such discharge to the receiving waters.

7. any radioactive wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after requirements of the State, Federal or other public agencies or jurisdiction for such discharge to the receiving waters.

8. any waters or wastes having a pH in excess of 9.5.

9. materials which exert or cause:

a. 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.

b. excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.

c. unusual BOD, chemical oxygen demand, or chloride requirements in such quantities as to constitute a significant load on the WTF, or to cause the effluent limitations of the discharge permit to be exceeded.

d. unusual volume of flow or concentration of wastes constituting "Slugs"

10. water 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 WTF effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

E. Septage

Under no circumstances shall any septic tank dumpage be accepted at the WTF.

F. Interceptors

Grease, oil, and sand interceptors shall be provided and maintained at the Consumer's expense when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, 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 Board and shall be located as to be readily and easily accessible for cleaning and inspection.

G. Maintenance of Specific 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, and at the expense of the Consumer.

H. Manholes

When required by the Board, the owner of any property serviced by a Building Sewer shall install and maintain, at his or her expense, a suitable control manhole together with such necessary meters, and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Board or its designee.

I. Monitoring

All businesses or industries discharging into a Main Sewer shall perform such monitoring of their discharges as the Board may reasonably require, including installation, use, and maintenance of the monitoring equipment, keeping records and reporting the results of such monitoring to the Board and the Agency. Where industrial or commercial pretreatment permits are issued by the Agency, monitoring records required by such permit must also be submitted to the Town.

J. Tests, Measurements, and Analyses

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in the 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, and shall be determined at the control manhole, provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage System and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or sample should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

K. Special Agreements

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town and any commercial or industrial concern whereby a waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the commercial or industrial concern provided that such agreements do not contravene any requirements of existing State or Federal laws and are compatible with any User Fee and commercial or industrial cost recovery system in effect.

L. Connection Required

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Sewer Service Area is hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper Main Sewer in accordance with the provisions of the Ordinance, unless undue hardship would result, in which case the property owner shall request in writing to the Board a deferral of this requirement. At the discretion of the Board, certain facilities within the Sewer System may be dedicated to a specific user thus, negating this requirement. Property owners that are in violation of this Ordinance shall have up to ninety (90) days after the Main Sewer becomes available, to connect such facilities into the Main Sewer.

M. Disposals and Grinders prohibited

No Consumer shall be permitted to connect, install or use a garbage grinder or food disposal unit which flows into a Building Sewer or Main Sewer. All such devices which exist shall be disconnected by the Consumer, at his or her expense, within thirty (30) days of notification from the Board.

N. Maintenance of Private Facilities

Maintenance of all private Wastewater facilities including, but not limited to, house plumbing systems, Building Sewers to the Main Sewer, house connections, Sewers, lift stations, and appurtenances shall be the responsibility of the Consumer, at his or her expense. The Consumer shall be solely responsible for continually maintaining such facilities in satisfactory operating condition. Maintenance shall include, but not be limited to, maintaining flow, clearing obstructions, maintaining all joints gas- and water- tight, repairing or replacing collapsed deteriorated or defective materials, and all other work which is necessary and essential to maintaining proper operation and preserving the structural integrity and water-tightness of the system.

**ARTICLE IV
Protection from Damage**

- A. 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 Sewage System. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, unlawful mischief, and destruction of public property, and subject to the penalties set forth under Vermont Criminal Law and appropriate Town Ordinances.

**ARTICLE V
Allocation of Sewer Capacity**

- A. Introduction to Reserve Capacity Allocation

This Article is adopted pursuant to the provisions of 24 VSA Section 3625 in the manner provided in 24 VSA Chapter 59 and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the Board to regulate, control and supervise all means and methods of Sewage collection, treatment and disposal within the Town of Putney, nor shall it be construed to impair or inhibit the ability of the Town to contract with persons for the collection, transmission and treatment of sewage.

- B. Town Ownership of Capacity

The permitted hydraulic capacity and organic loading capacity of the WTF are the property of the Town of Putney. The Uncommitted Reserve Capacity shall be allocated by the Board as provided in the Article.

- C. Allocation Approval Required

Those proposing a new discharge into the Sewage System, or a substantial change in the volume or character of Wastewater for a facility already connected to the Sewage System, shall apply to the Board for an Allocation on the appropriate form and as provided in this Article.

- D. No Limitation on Allocation

The Uncommitted Reserve Capacity may be allocated by the Board in such a way that there are no limitations on the amounts that can be allocated and no limitation of the type of development receiving the Allocation.

E. Reserve Capacity and Committed Reserve

The total Reserve Capacity will be determined each six months and Committed Reserve will be continuously recorded for use in Allocation decisions.

F. Allocation Basis

All Allocations to projects shall be based on the Development Wastewater Flow. Any differential between actual flows and Development Wastewater Flows that occurs may not be available to the Development owner for re-allotment to another project or a project expansion.

G. Allocation Priorities

1. Residential, commercial, institutional and industrial facilities existing within the Sewer Service Area which are required to be connected by this Ordinance, or by virtue of existing pollution from the facilities to waters of the State, shall be entitled to first priority in Allocation of Uncommitted Reserve Capacity.
2. New development within or outside the Sewer Service Area will have second priority of Uncommitted Reserve Capacity, provided that the development is in the best interest of the Town, as determined by the Board.
3. The Board retains the right to review applications and make Allocations on other than a "first come, first served" basis if it finds such action to be in the best interest of the Town.

H. Allocation is Specific

An Allocation is made only to a specific Consumer for a specific project on a specific parcel of land. The Allocation remains such until Completed Construction. After completion of the project the allocation will run with the land.

I. Transfer of Allocation

The transfer of the Allocation before Completed Construction of the project is prohibited unless approved in writing by the Board at the original applicant's request. This restriction applies whether the transfer involves the Consumer, the project or the parcel. The Board may approve a transfer provided any and all requirements originally established are met.

J. Request for Revised Allocation

A revised Development plan and Allocation 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 a revised development plan and application, it will issue a revised Allocation.

K. Allocation Expiration and Reversion

1. The Allocation shall expire and revert to the Town if:

a. The permit recipient has failed to Initiate Construction within one (1) year of the issued date on the permit and there has been no extension granted; or,

b. The permit recipient has failed to Complete Construction or the final connection has not been made within three (3) years from the date of issuance and there has been no extension granted.

2. When an Allocation reverts to the Town there may be no refund of any associated fees.

L. Extension of Construction Timeframe

1. With any approval of a revised development plan and Allocation approval the Board may consider extension of the original three year approval expiration date.

2. Regardless of the permit expiration period noted in Section J., above, the Board may require construction of the development over a longer period if this action is in the best interest of the Town. In this case the extension will automatically be part of the original permit.

M. Allocation Approval Procedure

1. In order to be considered for Allocation approval, an owner or agent must make application to the Board on a form established and furnished by the Town. An Allocation application fee shall be set forth by the Board and must be paid to the Town at the time of application.

2. The application shall be complete before it will be considered by the Board. The application must include, but is not limited to, the following:

a. A calculation of the Development Wastewater Flow, including volume, flow rate, and strength;

b. Unless waived by the Board, for Developments generating volume of over 1,000 gallons per day or unusually high BOD, all calculations required in (a), above, shall be certified by a Vermont registered engineer;

c. Accompanying plans and specifications for the construction of Building Sewers and any municipal Sewer extensions, including pump or lift station, 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 approval for connection is requested.

3. A completed application shall be reviewed by the Board within thirty (30) days of receipt. The board reserves the right to hire, at the applicant's expense, a qualified consultant to review applications for Allocation on behalf of the Town.

4. Upon receipt of the completed Allocation application and supportive documents, the Board may grant approval of Uncommitted Reserve Capacity for a Development upon making affirmative findings that:

a. the proposed Wastewater is Sanitary Wastewater and that there is sufficient Uncommitted Reserve Capacity to accommodate the volume and strength of the proposed connection; or,

b. the proposed Wastewater is not Sanitary Wastewater and that sufficient evidence has been presented by the applicant to demonstrate that the flow and character of the Wastewater is compatible with Article III, Sections A. B. C. and D., of this Ordinance and that there is sufficient Uncommitted Reserve Capacity to accommodate the strength and volume of the proposed development; and,

c. 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.

5. A decision on the application shall be made by the Board, and the applicant will be notified in writing of the decision, within thirty (30) days of the review of a complete application.

N. Allocation Approval Conditions

An Allocation approval is a binding commitment of capacity to the project contingent on compliance with any conditions attached and the subsequent issuance of a Connection Approval. The approval conditions may include:

1. Specification of the period of time during which the Allocation approval shall remain valid;

2. Specific conditions which must be fulfilled by the applicant to maintain validity of the Allocation approval; and,

3. Provision for revocation by the Board on failure of the applicant to fulfill requirements of the Allocation approval.

O. Subdivision Projects

1. For Subdivision projects the permit holder or developer of a proposed subdivided parcel must indicate the development planned for each lot. Allocations will be issued for each individual lot based upon the priorities and procedures as stated above.

P. Allocation Extensions

1. The recipient of an allocation may request an extension of up to one (1) year at a time by formally requesting such an extension in writing from the Board. The Board shall either grant or deny the requested extension within thirty (30) calendar days of receipt.

2. Where reduced capacity is granted in a revised Allocation permit, the unused capacity shall revert to the Town and the Town may pay to the applicant, when appropriate, a proportional refund of fees.

3. All requests for extension of an Allocation approval must be accompanied by payment to the Town of the Allocation application fee as set forth by the Board. If additional capacity is granted, additional fees may be assessed.

ARTICLE VI

Connection to the Sewage System

A. Approval and 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. No such change or connection shall be made without a written permit from the Board.

B. Connection Procedure

1. Prior to connection to the Sewage System, a connection application must be submitted to and approved by the Board.

2. The application must include, but is not limited to the following:
 - a. proof that applicable local, State and Federal permits have been secured;
 - b. proof that Connection fees of \$1,500 per ERU allocated have been paid in full;
 - c. proof that any Allocation fees and other local fees or taxes established by the Board, have been paid in full to the Town; and,
 - d. the plans and specifications for connection to and, if necessary, extension of the Sewage System.
3. The completed and satisfactory connection application will be reviewed by the Board within (30) days of submittal.
4. Within (30) calendar days of review by the Board, a decision on whether to permit the requested connection will be made by the Board.
5. The Board, on making affirmative findings that all conditions have been fulfilled, shall issue the connection approval listing any conditions including, but no limited to :
 - a. the allowed volume, flow rate, strength, frequency, and any other characteristics of the proposed discharge determined appropriate by the Board;
 - b. property transfer requirements or restrictions by the Board;
 - c. oversight requirements of construction of connections and/or extension; and,
 - d. procedures for actual connection.
6. The chief WTF operator or other designated Town official shall be notified one week in advance of any proposed Sewer connection authorized by a final connection permit. The connection to the Sewage System shall not be performed unless approved by the official. All constraints found in this ordinance must be met.

C. Request for Revised Connection

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 a revised development plan and application, it will issue a revised connection permit.

D. Installation and Connection Expenses

All costs and expenses incidental 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.

E. Separate Connections

A separate and independent Building Sewer shall be provided for every building, except where one building stands at the rear of another on a interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In this case the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

F. 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 Board, to meet all requirements of this ordinance.

G. Construction Practices and Specifications

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 back-filling the trench, shall all conform to the standard set forth in the National Plumbing Code Handbook, and to the manufacturer's specifications for the use and installation of their materials. Unless specifically permitted by the Board, only PVC pipe of SDR 35 or above may be used in the construction and laying of Sewers. In cases where a water service is in the same trench with a Building Sewer, the water service must be concrete encased, or as otherwise approved under State of Vermont regulations.

H. Location of Building Sewers

Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, Sanitary Sewage carried by such Building Drain shall be lifted by a Board approved means and discharged to the Building Sewer.

I. Building and Plumbing Codes

The connection of the Building Sewer into the Main Sewer shall conform to the requirements of State building and plumbing codes and other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of

the Water Pollution Control Facility (WPCF) Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Board before installation.

J. Site Safety and Restoration

All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, park-ways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Board. All excavation work shall meet VOSHA standards.

K. Subdivisions

A separate connection approval shall be required to each individual lot in any subdivision following the procedure outlined above.

ARTICLE VII
Rates/Meters/Payment

A. User Fee

Pursuant to 24 VSA 3615, a User Fee, or Sewage Disposal Charge, shall be assessed against each Consumer connected to the Sewage System and such charge shall be used for the payment of the projected annual Sewage System budget as determined by the Board. The Board reserves the right to adjust the User Fee as the operational and maintenance expenses and the number of consumers increase or decrease, and at least on an annual basis.

B. Budget Subsidy

The annual Sewage System budget, as approved by the voters at the annual Town Meeting, is subsidized by the General Fund of the Town of Putney at an amount determined by the Board.

C. Residential Users

Single-family Dwelling Units are charged as one User Unit, and, as such, will be assessed annually the minimum User Fee. Residential buildings with more than one Dwelling Unit will be charged one User Unit for each Dwelling Unit. Residences and apartment houses with 5 or more Dwelling Units may appeal to the Board to use metered flow in determining the User Fee.

D. Appeal to use Metered Flow

Consumers owning commercial buildings, including but not limited to, residences and apartment houses with five(5) or more Dwelling Units, industries, offices, stores, motels, restaurants, gas stations, in addition to schools, churches,

Clubs, and other buildings, may appeal to the Board for the right to be charged an annual rate based on the metered water flow into their buildings. Such Consumers would be required to install and maintain at their expense an approved water meter to measure flow. In no circumstance will a metered user be charged less than the minimum User Fee.

E. Un-metered Non-Residential Users

Non- residential Consumers that do not have water meters shall be charged an annual rate for use of the WTF. Using data provided by the Agency, the Board shall determine an estimated flow based on the number of employees, occupancy, or estimated volume and character of use. The estimated flow shall be divided by 250 (one User Unit) to determine the Consumer's User Unit count. The User Fee shall then be determined by multiplying the User Unit count by the minimum User Fee. In no case will the annual charge be less than the minimum User Unit.

F. Number of User Units

The number of User Units associated with a Consumer's building or use of land may be changed by the Board when the Town is notified in writing by a Consumer, or otherwise learns, that the occupancy or estimated volume of use associated with a building changes.

G. Require Installation of Meter

The Board reserves the right to require that a Consumer, at his or her cost, install, utilize and maintain an approved water meter in order to determine usage for determining the User Fee. Water saving fixtures or holding tanks may be required by the Town for projects, buildings or Developments connecting to the Sewage System.

H. Broken Meters

It is the responsibility of the Consumer to fix a broken water meter promptly. Where a water meter used to determine metered flow is broken, the Board reserves the right to make estimates of water flow used during a billing period and determine the User Fee based upon that estimate. The Board also reserves the right to bill a Consumer with a broken water meter as set forth in Sections C. and E., above.

I. User Fee Billing

The User Fee will be billed to the owner of the property, or his or her legal agent, on a quarterly basis. Payments are to be made to the Treasurer of the Town within thirty (30) calendar days of the date of the bill, or as otherwise determined by the Board.

J. Unpaid Bills

All bills remaining unpaid after the due date shall accrue interest in the amount of 1% of the amount owed each month, or portion thereof, for a three month period. Thereafter, interest shall accrue at 1.5% of the amount owed each month, or portion thereof. Such unpaid bills, together with accrued interest charges, may be established as a lien upon the real estate being served. Collection of such unpaid bills shall be in accordance with the procedures allowed for in the collection of delinquent real estate taxes.

K. Separate Fee Structure

For an industry or commercial facility discharging industrial or commercial waste into the public Sewage System, the Board may adopt a separate fee structure. Factors such as strength, composition, volume, and delivery flow rate characteristics, as determined through appropriate testing at the Consumer's sole expense or other means determined by the Board, shall be considered in the rate structure determination. The method of determination of rated structure will be the established standards provided and approved by the Agency.

ARTICLE VIII

Financing Expansion and Major Maintenance, and
Establishment of a Reserve Fund

A. WTF Expansion

Payment for the cost of WTF expansion shall be provided for by a combination of User Fees and Town General Fund. The specifics shall be decided by the Board after appropriate public input and shall appear as part of the annual budget, or a separate article.

B. System Extensions and Expansions

The design, construction and development costs of all public Wastewater system expansions or extensions which have been approved by the Board shall be borne by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansions, unless the voters of the Town shall vote at a duly warned annual or special meeting to assume all or a portion of the costs involved. When the voters of the Town vote to assume all or a portion of the costs, such costs will be paid from collection of taxes unless the voters of the Town approve some other means of raising the required monies.

C. Establishment and Utilization of Reserve Fund

A Wastewater Treatment Reserve Fund is hereby established by the Town pursuant to 24 VSA 3616. It shall be utilized only for the purpose of major maintenance or equipment replacement and for expansion or upgrading the WTF and Main Sewers.

D. Source of Fund Assets

The fund may be established and maintained by an annual set-aside of up to 15 % of the yearly operations, maintenance and bond payment costs for the year in which a contribution is to be made.

E. Additional Deposits to Fund

Revenues received from any connection, allocation or impact fees may be deposited into the fund.

F. Limits on Fund

The reserve fund shall not exceed the estimated future major rehabilitation, major maintenance or upgrade, or expansion costs for the Sewage system.

G. Withdrawals from the Fund

The Board has the authority to withdraw reserve fund amounts only for the purpose of paying for major expenditures and plant expansion or upgrades for which the fund was established, and only if approved by the voters of the Town at a Town Meeting.

H. Assets to Remain in Fund

When reserve fund assets are not disbursed fully for major maintenance or replacement expenditures and/or plant expansion, excess money shall remain in the reserve fund for future related expenditures.

ARTICLE IX
Powers of Authority of Inspectors

A. Entrance to Premises

The Board and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provision of this ordinance. The Board or its representatives

shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the Sewage System or Natural Outlet.

B. Entrance upon Easement

The Board and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a recorded easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Sewage System lying within said easement.

**ARTICLE X
Penalties**

A. Violations of Ordinance

Unless violation and penalty provisions specifically set forth elsewhere in this Ordinance provide otherwise, all violations of this Ordinance shall be handled according to the provisions of this Article.

B. False or Misleading Statements

Any false or misleading statement or information in any application for any permit will invalidate the permit and shall be deemed a violation of this Ordinance.

C. Correction of Violation

Any Consumer found to be violating any provision of this Ordinance, except Article IV., may be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated, permanently cease and correct all violations.

D. Continued and Egregious Violations

Any Consumer who continues any violation beyond the specified time limit provided for in Section C. above, or whose violation is determined by the Board or its designee not to warrant being given time to correct the violation, shall be subject to the civil ordinance violation enforcement provisions set forth in 24 VSA 1974a.

E. Fines

1. Violation of any specific section or provision of this Ordinance shall be subject to a fine of \$300.00 for a first offense. Subsequent violations of the same section or provision by a Consumer within twelve (12) months of a previous violation shall be subject to a fine of \$500.00 for each violation.

2. If, after the Town issues a municipal complaint against a Consumer for a violation of any provision of this Ordinance, the offending Consumer decides not to contest the complaint in court proceeding, the Consumer may pay a waiver fee instead of the fine amount set forth in Section D. 1., above. The waiver fee for a first offense is \$100.00. The waiver fee for a subsequent offense within twelve (12) months of a previous offense is \$300.00.

3. Each day in which any violation continues or occurs shall be deemed a separate offense.

F. Liability for Loss by Town due to Violation

Any Consumer violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town, including reasonable legal expenses, be reason of such offense.

G. Termination of Authorizations

Any Consumer held in violation of the provisions of this ordinance may have its allocation and/or connection authorization terminated by the Board.

H. Actions to Prevent, Restrain or Abate Violation

Notwithstanding any of the foregoing provisions, the Board may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violation hereof, and in the case of emergency situations when, in the Board's determination, violations of the provision of the Ordinance may cause damage to human life or public property, the Board shall have the power to take whatever action is necessary to correct such violations.

ARTICLE XI
Separability/Validity

A. Repeal of Conflicting Rules

All other rules and regulations in conflict with this ordinance are hereby repealed.

B. Separability/ Saving Clause

Each section or part of a section in this Ordinance is hereby declared to be a separate and distinct enactment. If any section or portion thereof in this Ordinance, as adopted, is found to be void, invalid, unconstitutional, inoperative or ineffective for any cause, it shall not affect the validity of any other section or part thereof which can be given effect without such invalid part or parts.

C. Amendments

These rules may be amended at any time by the Board as provided by law.

ARTICLE XII
Ordinance in Force

A. Ordinance in Effect

This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law, replacing the Sewer Ordinance enacted on May 12, 1976, and last amended on November 7, 1988.

B. Date of Enactment

Duly enacted and ordained by the Selectboard of the Town of Putney, Windham County, State of Vermont, on the 21st day of December 1994, at a duly warned and duly held meeting of said Selectboard.

C. Effective Date

This Ordinance shall become effective sixty (60) days from the date hereof.