

## REGULATION OF SEWER USE

### RULES AND REGULATIONS

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF VERGENNES, COUNTY OF ADDISON, STATE OF VERMONT.

Be it ordained and enacted by the Council of the City of Vergennes, State of Vermont as follows:

#### ARTICLE I

##### Definitions

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

- Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- Sec. 4. "City" shall mean The City of Vergennes as defined by its charter.
- Sec. 5. "City Council" shall mean the Board of Aldermen which is the governing body for the City of Vergennes.
- Sec. 6. "City Manager" shall also mean his authorized representative.
- Sec. 7. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- Sec. 8. "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.

- Sec. 9. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- Sec. 10. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- Sec. 11. "Person" shall mean any individual, firm, company, association, society, corporation or group.
- Sec. 12. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Sec. 13. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ( $\frac{1}{2}$ ) inch (1.27 centimeters) in any dimension.
- Sec. 14. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 15. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
- Sec. 16. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.
- Sec. 17. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- Sec. 18. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- Sec. 19. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Sec. 20. "Shall" is mandatory; "May" is permissive.
- Sec. 21. "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- Sec. 22. "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- Sec. 23. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Sec. 24. "Secretary" shall mean the Secretary of the Agency of Environmental Conservation, State of Vermont or his representatives.

Sec. 25. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## ARTICLE II

### Building Sewers and Connections

Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Manager. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the City Manager at least forty-five (45) days prior to the proposed change or connection.

Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Manager. A permit and inspection fee of five (5) dollars for a residential or commercial building sewer permit and ten (10) dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed. This fee shall be reduced to two (2) dollars in such cases where an adequate building sewer already exists from the trunk or collector sewer main to the property line.

Sec. 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer except for the purposes of sewer charges each family unit is liable to a unit charge.

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

Sec. 6. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City.

- Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City Manager before installation.
- Sec. 10. The applicant for the building sewer permit shall notify the City Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Manager or his representative.
- Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

### ARTICLE III

#### Use of the Public Sewers

- Sec. 1. No person shall discharge or cause to be discharged any storm-water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2. 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 City Manager. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Manager, to a storm sewer, combined sewer or natural outlet.
- Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (b) Any waters or wastes containing toxic or poisonous solids, liquids or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

- (c) Any waters or wastes having a pH lower than 5.0\* or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (d) 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 works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

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

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65°C).
- (b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one-hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65°C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City Manager.
- (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 City Manager for such materials.

\*This may be reviewed on a case by case basis and a more restrictive limit may be established.

- (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 City Manager as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal or other public agencies or jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Manager in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5\*.
- (i) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, may cause the effluent limitations of the discharge permit to be exceeded.
  - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (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. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which, in the judgment of the City Manager, 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 City Manager may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge.

\*This may be reviewed on a case by case basis and a more restrictive limit may be established.

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

Sec. 6. Grease, oil and sand interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Manager and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 8. When required by the City Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install 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, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Manager. The manhole 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.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the City Manager and/or other duly authorized employees of the City may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the City Manager. Where industrial pre-treatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit. Such records of any other monitoring shall be made available upon request by the City Manager to the Secretary or to other agencies having jurisdiction over discharges to the receiving waters.

Sec. 9. 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, 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 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's are determined from periodic grab samples.

- Sec. 10. That any industry held in violation of the provisions of this ordinance may have its disposal authorization terminated.
- Sec. 11. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern. Provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any user charge and industrial cost recovery system in effect.
- Sec. 12. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- Sec. 13. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said sewer is within one hundred (100) feet (30.5 meters) of the structure to be served, unless undue hardship would result, in which case the property owner should request in writing a deferral of this requirement.
- Sec. 14. The City Manager may provide for, and establish appropriate rates for disposal of septic tank pumpings, and for disposal of liquid wastes.

#### ARTICLE IV

##### Protection from 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 a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## ARTICLE V

### Powers and Authority of Inspectors

- Sec. 1. The City Manager and other duly authorized employees of the City, 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 provisions of this ordinance. The City Manager or his 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 sewers or waterways or facilities for wastes treatment.
- Sec. 2. While performing the necessary work on private properties referred to in Article V, Section 1 above, the City Manager or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, Section 8.
- Sec. 3. The City Manager and other duly authorized employees of the City, bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## ARTICLE VI

### Penalties

- Sec. 1. Any person found to be violating any provision of this ordinance except Article IV shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VI, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred (\$100) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

Sec. 4. Notwithstanding any of the foregoing provisions, the Vergennes City Council may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violations hereof.

#### ARTICLE VII

##### Validity

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

Sec. 2. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Sec. 3. These rules may be amended at any time by the Vergennes City Council as provided by law.

#### ARTICLE VIII

##### Rates

Sec. 1. The Vergennes City Council shall establish the user/charge and industrial cost recovery system in accordance with appropriate Federal and State rules and regulations.

Sec. 2. The Vergennes City Council shall, in establishing the rates referred to in Article VIII, Section 1 above, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of 40 CFR §35.935-13 and 10 V.S.A. Chapter 79.

Sec. 3. Rate structure: see pages 12 and 13

#### ARTICLE IX

##### Private (Rural) Sewage Disposal

Sec. 1. Where a public sanitary or combined sewer is not available under the provisions of Article III, Section 15, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the City Manager, Vergennes, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the City Manager. A permit and inspection fee of five (5) dollars shall be paid to the City at the time the application is filed.

Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Manager. He shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the City Manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within four (4) hours of the receipt of notice by the City Manager.

Sec. 4. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Vermont. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet (929 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article IX, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

#### ARTICLE X

#### Ordinance in Force

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

Sec. 2. Passed and adopted by the City Council of the City of Vergennes, State of Vermont on the 27<sup>th</sup> day of September 1976.

Approved this 27<sup>th</sup> day of September 1976.

Signed Kenneth C. Thiss

Attest: Mary C. Stone

Signed Mary C. Stone clerk

**Amendment  
City of Vergennes Sewer Ordinance**

WHEREAS, the City Council of the City of Vergennes considers that the sewer connection fees listed under Article II, Section 2 of the Vergennes Sewer Ordinance needs to be adjusted so that new sewer users pay a reasonable share of the capital investment made in the existing sewer system; and,

WHEREAS, a Sewer Study has determined the approximate capital investment value per gallon of sewage processed;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Vergennes hereby approves an amendment to Article II, Section 2 of the Vergennes Sewer Ordinance to read as follows:

Section 2. At the time an application is filed, the following connection permit and inspection fees shall be implemented and paid to the City:

a. For each single family residential unit, based on 210 gallons per day at \$6.38 per gallon, shall pay \$1,340.00. The unit charge shall apply to each unit whether directly connected to the City sewer or as an addition to an existing connection. Multiple residential unit fees shall be based on the single family residential unit fee multiplied by the number of units. All other establishments shall be charged \$6.38 per gallon multiplied by the gallons per day flow as determined by the State of Vermont, Wastewater Management Division, Chapter 1, Wastewater System and Potable Water Supply Rules (most current version) with a minimum charge of \$1,340.00.

b. Any request (residential, commercial, or industrial) for sewer capacity to be reserved shall pay a one-time fee of fifty dollars (\$50.00) for residential uses and one hundred dollars (\$100.00) for non-residential uses. The sewer capacity reserved shall expire in three (3) years if construction has not commenced.

This ordinance will be in full force and effect within sixty (60) days of adoption, unless otherwise contested. I hereby certify that the above amendment(s) to the Vergennes ordinances was duly adopted by the City Council at their regular meeting held September 5, 2006.

Advertised: Addison Independent 09-14-06  
Posted: Vergennes City Clerk's Office 09-08-06  
Vergennes Post Office 09-08-06  
Vergennes Bixby Library 09-08-06

Joan Devine, City Clerk

Attest:

