

ORDINANCE NO. 1

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEM (S): AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF SHELBURNE, VERMONT.

The Sewer Commission of Shelburne, Vermont recommends and the Selectboard of the Town hereby establishes and ordains:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of the 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 degrees Centigrade, 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, including any portion thereof within public rights-of-ways or easements, meaning in general the sewer line from the building to a collector or trunk sewer main.
- Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- Sec. 5. "Commission" shall mean the Shelburne Sewer Commission and agents and representatives duly authorized by it.

- Sec. 6. "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. 7. "Hazardous Waste" means waste as defined by 10 V.S.A. 6602(4) as it is now constituted or hereafter amended. "Hazardous Material" means material defined by 10 V.S.A. 6602(16) as it is now constituted or hereafter amended.
- Sec. 8. "Industrial Wastes" shall mean the liquid waste from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Sec. 9. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 10. "Person" shall mean any individual, firm, company, association, society, corporation or group.
- Sec. 11. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen-ions in grams per liter of solutions.
- Sec. 12. "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 1/2 inch (1.27 centimeters) in dimension.
- Sec. 13. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 14. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- Sec. 15. "Sewage" shall mean the combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- Sec. 16. "Sewage Treatment Plant" shall mean an arrangement of devices and structures used for treating sewage.

- Sec. 17. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- Sec. 18. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Sec. 19. "Shall" is mandatory; "May" is permissive.
- Sec. 20. "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 of flows during normal operation.
- Sec. 21. "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. 22. "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. 23. "Town" shall mean the Town of Shelburne, Vermont, and shall include the commission, above defined
- Sec. 24. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Use of Public Sewers Required

- Sec. 1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under its jurisdiction, any human excrement, garbage or other objectionable waste.
- Sec. 2. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the laws of the State of Vermont.
- Sec. 3. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, 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, unless specifically exempted from this provision by the commission.
- Sec. 4. Upon connection to the public sanitary sewer, any private sewage disposal system shall be cleaned of sludge and be filled with clean bank-run gravel or dirt.
- Sec. 5. It shall be unlawful for any persons to discharge or cause to be discharged any sewage, wastes, contaminated water or polluted industrial process wastes to any storm drain.
- Sec. 6. The use of, or construction of, combined sewers is prohibited. The commission will approve neither use nor construction of combined sewers in the future.

ARTICLE III

Private Sewage Disposal

- Sec. 1. It shall be unlawful to construct or maintain any privy vault, septic tank, mound, cesspool, or other facility intended or used for the disposal of sewage, except as provided by other ordinances of the Town in accordance with 24 V.S.A. Chapter 102.

ARTICLE IV

Building Sewers and Connections

- Sec. 1. No 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 Commission.
- Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential services, and (b) for commercial service and establishments producing industrial wastes. In either case, the owner or his agent, shall make application on a special form furnished by the commission. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Commission. A permit and inspection fee of \$50 for a residential building sewer permit and \$75 for a commercial or industrial building sewer permit shall be paid to the Commission at the time the application is filed.
- Sec. 3. All costs and expense incident to the installation, connection, maintenance and repair 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, connection, maintenance, and repair 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 on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

- Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Commission, to meet all requirements of this ordinance.
- Sec. 6. The size, slope, location, 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 Commission. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- 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 sanitary 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 or interior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer, or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- 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 rule and regulations of the Commission, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Commission, before installation.
- Sec. 10. No sewer connection shall be opened, no pipe laid, and no joints made, except under the inspection of the Commission.
- Sec. 11. Any work not conforming to the provisions of Sec. 10 shall be removed.
- Sec 12. All excavations for building sewer installation shall be adequately guarded with barricade and light 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 V

Use of 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, unpolluted industrial process waters to any building sanitary sewer.
- Sec. 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Commission. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Commission, to a storm sewer, combined sewer, or natural outlet. The requirements of this section are in addition to applicable State of Vermont requirements.
- Sec. 3. No person shall discharge or cause to be discharged any of the following described water 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 hazardous waste, hazardous material, toxic or poisonous solids, 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 sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - (c). Any waters or wastes having a pH lower than 6.5, 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 flushings, 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 Commission 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 its opinion as to the acceptability of these wastes, the Commission will give consideration to such factors as the quantity of subject waste 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 the waste 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 Fahrenheit, (65 degrees Centigrade).

(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) 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 Commission.

(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, cadmium 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 Commission for such materials, or by State Federal or other public agencies having jurisdiction.

(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 Commission 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 Commission in compliance with applicable State, Federal or other public regulations.

(h). Any waters or wastes having a pH in excess of 9.0.

(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 to constitute a significant load on the sewage treatment works.
- (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 a 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 Commission 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 Commission 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; and/or
- d. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article.

If the Commission 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 Commission and to the requirements of all applicable codes, ordinances, and laws.

Sec. 6. Grease, oil, hair, and sand interceptors shall be provided when, in the opinion of the Commission, 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 Commission, and shall be so located as to be easily accessible for cleaning and inspection. Materials collected shall not be reintroduced into the sewage works.

- 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 Commission, 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 Commission. 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.
- Sec. 9. All measurements, test and analyses of the characteristics of water 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 to constituents upon the sewage works 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 samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr composite of all outfalls whereas pH's are determined from periodic grab samples).
- Sec. 10. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Commission and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Commission for treatment, subject to payment therefore, by the industrial concern.

ARTICLE VI

Protection from damage

- Sec. 1. No 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.

ARTICLE VI

Powers and Authority of Inspectors

- Sec. 1. Duly authorized representatives of the Commission bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and treating in accordance with the provisions of this ordinance. Such representatives shall have no authority to inquire into any secret or proprietary processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries except to the extent that the inquiry has a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- Sec. 2. Duly authorized representatives of the Commission bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds an 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 easement pertaining to the private property involved.

ARTICLE VIII

Penalties

- Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the Commission 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 violates Article VI or continues any violation beyond the time limit provided for in Section 1 of this Article on conviction thereof, shall be fined in the amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. All amounts collected hereunder shall be payable to the Town.
- Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expenses, losses, or damage including, without limitation, costs of repair, fines or penalties imposed by any regulatory body or payment in lieu thereof, and attorney fees.
- Sec. 4. The Commission is empowered to enforce this ordinance by all lawful means, at law or in equity or both concurrently.

ARTICLE IX

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.

ARTICLE IX

Ordinance in Force

Sec. 1. This ordinance shall take effect from its passage.

Adopted this 9th day of April, 1991, by the Shelburne Board of Selectmen.

Barbara Mann

Ann Dutton

Ken Albert

James Stillman

Sally Martel