

**ORDINANCE REGULATING THE DISPOSAL OF
SEWAGE AND THE USE OF THE PUBLIC
SEWERAGE SYSTEM IN THE TOWN OF CANAAN,
VERMONT**

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**Ordinance Regulating the Disposal of Sewage and the Use
Of the Public Sewerage System
Town of Canaan, Vermont**

ARTICLE I - AUTHORITY

This Ordinance regarding the disposal of Sewage and the use of the Town Sewerage System is adopted by the Select board of the Town of Canaan, Vermont pursuant to Title 24 Chapters 59, 95, 97 and 101, and Title 24, Sections 2291(14), 2291(22), 3502, and 3617 of the Vermont Statutes Annotated. It is adopted for the establishment of minimum standards governing the design, construction, installation and operation of the public Sewerage system for the protection of the health, safety, and welfare of the Town and of the general public.

ARTICLE II - GENERAL PROVISIONS

SECTION 201. - 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 Disposal of Sewage and the Use of the Public Sanitary Sewerage System," hereinafter sometimes referred to as the Ordinance.

SECTION 202. - The principal objective of the Public Sewerage System is to collect Sewage and industrial wastes and to provide the required, or justified, degree of treatment under the most favorable and economical conditions possible. Therefore, the discharge of wastewaters into the public Sanitary Sewers which do not require nor justify treatment or which will cause damage to or stoppage of the Sewerage system or interfere with Sewage treatment processes must be prohibited and/or rigorously controlled.

SECTION 203 - The provisions of this Ordinance shall be reviewed on a regular basis by the Selectboard 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.

SECTION 204. - 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.

ARTICLE III - DEFINITIONS

For the purpose of this Ordinance, the following terms and phrases shall have the meanings ascribed to them under this ARTICLE.

Building Connection shall mean that part of the Sewerage System that runs from the sewer main to the property line and includes all necessary fittings.

Building Plumbing System shall mean all the plumbing work within the building and to a point five (5) feet (1.5 meters) outside of the building which conveys Sewage from within the building to the Building Sewer outside of the building.

Building Sewer shall mean that part of the Sewerage System which receives the Sewage from the building plumbing system and conveys it to the nearest end of the Building Connection, unless a Building Connection is not available, whereby the town shall provide a Building Connection.

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

Commissioners or Assigned Agent shall mean the Board of Sewage System/Disposal Commissioners which shall be constituted by the members of the Selectboard and/or the group of individuals who shall be designated from time to time by the Selectboard to have that title. As used in this Ordinance, "Commissioners" includes the authorized deputy, agent or representative of the Commissioners.

Department shall mean the Department of Environmental Conservation of the Vermont Agency of Natural Resources.

Development shall mean the division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Equivalent Connector Unit shall mean the unit of measure assigned to a parcel of property for purposes of estimating the outflow of Sewage from that property to the Public Sewerage System.

Garbage shall mean solid wastes from the 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 sanitary Sewage.

Main Sewer shall mean the Sewers laid longitudinally along the centerline or other part of the streets or other rights-of-way and which all Owners of abutting properties have an equal right of access and which is controlled by the Commissioners.

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

Operation and Maintenance costs shall mean the costs of normal operation, maintenance, and administration of the Public Sewerage System and shall include but not be limited to the salary costs of labor, operator training, costs of equipment, materials, power, fuel, chemicals, removal and disposal of sludge, and costs of engineering and legal services associated with these Operation and Maintenance.

Owner shall mean any Person, vested with Ownership, legal or equitable, sole or partial, or possession of

any property that is connected to or proposed to be connected to the Town Sewerage System and who is ultimately responsible for Payment of all rates, fees and charges. Owner also includes an agent of the Owner.

Payment shall mean receipt at the municipal office of cash, check, or money order which is subsequently honored.

Person shall mean any individual, firm, company, association, municipality, society, corporation, institution, partnership, group or other entity, public or private.

Planned Unit Development shall mean a development to be planned and developed as a single entity and containing one or more residential clusters, as per the Town of Canaan Zoning Bylaws.

Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that has 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 (0.5) inch (1.27 centimeters) in any dimension.

Public Sewer shall mean a Sewer in which all Owners of abutting properties have an equal right of access and which is controlled by the Town.

Public Sewer Connection Permit shall mean the permit granted by the Commissioners, pursuant to the requirements of this Ordinance, which gives legal authorization for a connection to the Public Sewerage System.

Public Sewerage System or Facilities shall mean all facilities for collecting, pumping, treating and disposing of Sewage, and is controlled and operated by public authority.

Road Opening Permit shall mean the permit that may be granted by the Selectboard for work requiring excavation in a Town street or highway, including the limits of the highway right-of-way.

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

Schedule of Rates and Fees shall mean the Town of Canaan Schedule of Rates and Fees for the Public Sewerage System, which is the list of fees and costs to be imposed for the use of the Canaan Sewerage System and for other costs associated with connection, disconnection, or capacity charges.

Selectboard shall mean members of the Selectboard of the Town of Canaan, Vermont.

Sewage shall mean a combination of the water-carried wastes from residences, institutions and commercial and industrial establishments, together with such ground, surface and storm waters as may be present.

Sewage Disposal Charges shall mean the rates, rents and charges authorized by 24 V.S.A. § 3615 and 3616.

Sewage Treatment Plant or Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating Sewage and/or industrial wastes.

Sewer shall mean a pipe or conduit.

Shall is mandatory; May is permissive.

Slug shall mean any discharge of water, Sewage or industrial wastes 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 or Storm Drain 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 be deemed to have occurred in the following circumstances: when a tract of land owned or controlled by a Person has been partitioned or is intended to be partitioned for the purpose of sale or lease into two (2) or more lots; the act of dividing a parcel of land by sale, gift, lease, mortgage foreclosure, court-ordered partition or filing of a plot plan on the Town of Canaan records where the act of division creates one or more parcels of land of less than ten (10) acres in area, but excluding leases subject to the provisions of VSA Title 10, Chapter 153 relating to mobile homes, Subdivision being deemed to have occurred on the conveyance of the first lot or the filing of a plot plan on the Town records, whichever shall come first; or the commencement of building development with intent to create a Subdivision, as defined herein, such that the building development will be located upon a parcel of land less than ten (10) acres in size.

Superintendent/Chief Operator shall mean that employee of the Town of Canaan who shall be designated from time to time by the Selectboard to have that title, or his authorized deputy, agent or representative. The superintendent shall be responsible for the proper Operation and Maintenance of the Public Sewerage Facilities.

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.

Town shall mean the Town of Canaan, Vermont.

User shall mean any party, Person, household, business or institution owning or occupying a property connected or required to be connected to the Public Sewerage System; for billing and liability purposes, the Owner of such a property.

User Fee shall mean the fees imposed on properties within the Town of Canaan, Vermont that are connected or required by this Ordinance to be connected to the Public Sewerage System and assessed annually according to Section 1306 of this Ordinance.

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

ARTICLE IV - ABBREVIATIONS

For the purpose of this ORDINANCE, the following abbreviations shall have the meanings ascribed to them under this ARTICLE. References to standards of the following organizations shall refer to the latest edition of same.

SECTION 401. - ANSI shall mean American National Standards Institute.

SECTION 402. - ASME shall mean American Society of Mechanical Engineers.

SECTION 403. - ASTM shall mean American Society for Testing And Materials.

SECTION 404. - AWWA shall mean American Water Works Association,

SECTION 405. - NPC shall mean National Plumbing Code.

SECTION 406. - CS shall mean Commercial Standard.

SECTION 407. - ppm shall mean parts per million.

SECTION 408. - mg./l. shall mean milligrams per liter.

SECTION 409. - °F shall mean degrees Fahrenheit.

SECTION 410. - °C shall mean degrees Centigrade.

SECTION 411. - B.O.D. (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.

SECTION 412. - PH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution,

SECTION 413. - cm. shall mean centimeter.

SECTION 414. - nu shall mean meter.

SECTION 415. - sq.m. shall mean square meters.

SECTION 416. - l. shall mean liters.

SECTION 417. - Kg. shall mean kilograms.

ARTICLE V - USE OF PUBLIC SEWERAGE SYSTEM

SECTION 501 - This Ordinance shall constitute a contract between each User of the Public Sewerage System and the Town. Use of the Public Sewerage System shall constitute consent to conform to the requirements of this Ordinance and all subsequent changes and amendments thereto. The User's application for use or actual use of the Public Sewerage System shall be considered the User's consent to be bound by this Ordinance.

SECTION 502 - In consideration of wastewater service supplied by the Town, each Owner of property connected to the Public Sewerage System shall be responsible for Payment of all charges rendered and for all wastewater issued from the property by the Owner(s), their tenants, successors in tenancy or in Ownership, and all other Persons at the specified location. The Owner, his/her tenants and other Persons at the specified location shall abide by all rules and regulations established by the Town, consistent with enforcement of the provisions of this Ordinance

SECTION 503 - It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, 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.

ARTICLE VI - CAPACITY ALLOCATION

SECTION 601 - Capacity of System

The Public Sewerage System shall have a permitted capacity and shall be operated in accordance with a discharge permit issued by the Vermont Department of Environmental Conservation. The permitted capacity of the Public Sewerage System shall be the property of the Town.

SECTION 602 - Committed capacity

The Commissioners shall have the authority to enter into contracts to commit a portion of the permitted capacity to any Person and to establish rates for such use.

SECTION 603 - Allocation Schedule

The Commissioners shall create a schedule of the allocation of capacity of the Public Sewerage System which shall annually designate the portion of permitted capacity allocated by written contract(s), the portion of capacity committed for use by properties within the Town that are actually connected or required to be connected to the Public Sewerage System (in the form of ECUs); and the portion of capacity that is unallocated.

ARTICLE VII - CONNECTION TO PUBLIC SEWER

SECTION 701. - The Owner of any house, building structure, or property used for human occupancy, employment, recreation or other purpose, 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 the Owner's 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, provided that said Public Sewer is within one hundred (100) feet (30.5 m.) of the property line. All houses, buildings, structures, or properties which are connected to the Public Sewerage System at the time of enactment of this Ordinance, are required to remain connected thereto in accordance with the provisions of this Ordinance.

SECTION 702 - 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 Commissioners. It shall be a violation of this Ordinance for any Person to make any connection to the Public Sewerage System without first obtaining a Public Sewer Connection Permit from the Commissioners. Applications for permits shall be available at the Town Office and submitted to the Commissioners. The permit fee shall be as set on the Schedule of Rates and Fees. The Commissioners shall have the final authority to grant such permits in accordance with the procedures and requirements of this Ordinance.

SECTION 703. - There shall be two (2) classes of Public Sewer Connection Permits: (1) for residential and commercial service and (2) for service to establishments producing industrial wastes. In either case, the Owner seeking connection shall make application on a special form provided by the Commissioners. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Commissioners. Proper permit and inspection fees, as established on the Schedule of Rates and Fees, shall be paid to the Town Treasurer at the time the application is filed. A permit shall specify the allocation granted for that parcel of property. All permits shall become void and the allocation granted shall revert to the Town if construction is not substantially commenced in accordance with the permit after twelve (12) months from date of issuance. Upon a showing by the Owner of good faith effort and reasonable progress

toward commencement of construction, the Commissioners may extend the initial twelve (12) month period of time for an additional period of time.

SECTION 704. - Prior to issuance of a Public Sewer Connection Permit connection permit for work requiring excavation in a public street or highway, there shall be obtained, from the Selectboard, a Road Opening Permit.

SECTION 705. - All costs and expenses incident to the installation and connection 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 connection to the Public Sewerage System.

SECTION 706. - Each parcel of property that is required to be connected to the Public Sewerage System under Section 701 shall have a separate and independent Sewer connection for each and every house, building, or structure on that property where Sewage is produced or conveyed. In some cases, the Commissioners may grant an exception to this rule and allow the Building Sewer from one house, building, or structure to be extended to a second house, building, or structure on the same parcel of property so long as the Owner can prove that the connections and components meet all other requirements of this Ordinance. The burden of proof and all expenses incurred by the Commissioners to determine the condition and adequacy of the connections and components shall be borne exclusively by the Owners.

SECTION 707. - A portion of the existing outside piping of the Building Plumbing System may be used in connection with the Sewer connection only when it is found, on examination and test by the Commissioners, to meet all requirements of this Ordinance.

SECTION 708. - The diameter of the Building Sewer shall not be less than four (4) inches (10.2cm). The Building Sewer shall be laid on a uniform grade, wherever practicable, at a straight grade of at least one-fourth (1/4) of an inch per foot (2%). Where, in special cases, a minimum grade of one-fourth inch (1/4) per foot cannot be maintained, a grade of one-eighth (1/8) inch per foot (1%) will be permitted, but only after the Commissioners are amply notified and give their approval.

SECTION 709. - Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. No Building Sewer shall be laid parallel to or within three (3) feet (91.4cm) of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The Building Sewer shall be laid at uniform grade in the direction from the Main Sewer to the building and in straight alignment insofar as possible. Change in direction shall be made only with properly curved pipe and fittings with suitable clean-outs or flush holes as described in this Article.

SECTION 710. - In all buildings in which the building plumbing is too low to permit gravity flow to the Public Sewer, sanitary Sewage carried by such drain shall be lifted by approved artificial means and discharged to the Building Sewer.

SECTION 711. - No Person shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a Building Sewer which in turn is connected directly or indirectly to a public Sanitary Sewer.

SECTION 712. - When installing the Building Sewer, the trenches shall be dug in a careful manner and properly sheathed where required. The excavated materials shall be placed in a separate pile from road materials and not mixed with the rest of the excavated materials which must be piled in a compact heap, so placed as to cause the least possible inconvenience to the public. Proper measures to protect the safety of the traveling public shall be undertaken under the direction of the Town Highway Foreman. Streets, sidewalks, curbs, and other public property shall be restored in a manner satisfactory to the Selectboard.

SECTION 713. - In backfilling, the material under, around and for two (2) feet (61cm.) immediately over the pipe shall be selected so it contains no stones. This must be carefully tamped, the balance of the trench to be

backfilled in a workmanlike manner, tamping and filling in eight (8) inch (20.3cm.) layers so as to avoid any settlement. When the trench has been filled to the proper height, the road material shall be replaced and heavily tamped or rolled.

SECTION 714. - Where the trench is excavated in rock, the rock must be carefully excavated to a depth of six (6) inches (15.2cm.) below the grade line of the Sewer and the trench brought to the proper elevation with gravel or other material satisfactory to the Commissioners. The remainder of the trench must be backfilled with suitable material as described in this Article.

SECTION 715. - Where sub-soil conditions warrant, such special precautions must be taken as may be directed by the Commissioners. In quicksand, all pipes must be laid out on planking, two (2) inches (5.1cm) thick by at least six (6) inches (15.2cm.) wide.

SECTION 716. - The connection of the Building Sewer to the Main Sewer shall be made at the Building Connection at the property line. The Commissioners will designate the position of the end of the Building Connection at the property line or the "Y" connection on the Main Sewer, whichever is appropriate. If it becomes necessary to cut into the Main Sewer, since no other source of connection is available, then such connection shall be made as directed by and under the supervision of the Commissioners. The dead-ends of all pipes not immediately connected with the Building Plumbing System must be securely closed by a water-tight cover of imperishable material and properly marked and located.

SECTION 717. - Prior to any connection to the Building Connection, "Y" or to the Main Sewer, the Commissioners shall be given written notice at least two business days in advance so that they may supervise such work. Such connections shall not be performed nor covered nor obscured until approved by the Commissioners. If the Commissioners have not been properly notified, they may require the completed work to be uncovered for examination, at the Owner's own expense.

SECTION 718. - The use of clean-outs on the Building Sewer shall be made by installing a "Y" and one-eighth (1/8) bends. The clean-outs shall ordinarily be installed at the point of connection between the Building Sewer and the outside part of the Building Plumbing System, at all curves on the Building Sewer and on the straight part of the house Sewer to the Main Sewer. The clean-out shall be brought up from the Building Sewer to four (4) inches (10.2cm.) below ground level to be properly capped. Locations of all clean-outs shall be recorded and turned over to the Commissioners. Where the distance from the building to the point of connection at the Main Sewer is less than fifty (50) feet (15.2m.), and there are no curves in this distance, the clean-out in the house will be sufficient if it is at least six (6) inches (15.2cm.) above the basement floor. Where the distance exceeds fifty (50) feet (15.2cm.), at least one clean-out, twenty (20) feet (6.1m.) from the house, shall be provided. Clean-outs shall be of the same diameter as the Building Sewer.

SECTION 719. - Before any portion of the existing plumbing system outside of the building is connected to the Building Sewer, the Owner shall prove, to the satisfaction of the Commissioners that it is clean and conforms in every respect to this ORDINANCE and all joints are water-tight.

SECTION 720. - Where pipe is installed for Building Sewers, such work shall be performed by a plumber approved by the Commissioners.

SECTION 721. - The Commissioners or their assigned agent shall apply appropriate tests to the pipes and the plumber and contractor, at their own expense, shall furnish all necessary tools, labor, materials and assistance for such tests and shall remove or repair any defective materials when so ordered by the Commissioners.

SECTION 722. - Each plumber, contractor, or other Person, performing work on public property for the purpose of installing a Building Sewer shall file, with the Commissioners, evidence of the following types of insurance coverage, and agree to maintain such coverage for the term of the project in the following amounts:

- a) Commercial General Liability Insurance including but not limited to Bodily Injury, Personal/Advertising Injury, Broad Form Property Damage, Products and Completed Operations Liability and Contractual Liability with limits of at least \$1,000,000 per occurrence and \$2,000,000 aggregate;
- b) Commercial Auto Liability Insurance covering all Owned & Hired and Non-Owned vehicles, with limits of at least \$1,000,000 Combined Single Limit for each occurrence;
- c) Statutory Worker's Compensation Insurance and Employers Liability Insurance with limits of at least \$1,000,000 for any one occurrence;
- d) A performance and Payment bond covering the cost of the project; and
- e) Contractors shall agree to indemnify the Town from any and all liability and damages and costs that may in any manner be incurred by the Town, by reason of or in connection with a permit for such Building Sewer.

Such plumber, contractor, or other Person, performing work on public property shall also agree to save and indemnify the Town from any and all liability and damages and costs that may in any manner be incurred by the Town, by reason of or in connection with a permit for such Building Sewer.

SECTION 723. - During construction and plumbing the Owner shall assure that no driveway, street, road or railroad is blocked at any time without prior permission of the Selectboard or Road Agent. Every effort shall be made by the Owner to permit the movement of vehicular traffic at all times.

SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

SECTION 724. - All new and existing Subdivisions and Planned Unit Developments within the Town shall be provided with a Sanitary Sewer to collect and convey Sewage as required by State law. There shall be a connection installed from said Subdivision and Planned Unit Development to the Public Sewerage System if the following criteria are met:

1. The Subdivision or Planned Unit Development is on private lands and every lot or structure is not bounded by a dedicated Town, County or State highway.
2. Sewage is being generated by such Subdivision or Planned Unit Development.
3. The access road, any lot or any portion of the Subdivision or Planned Unit Development either crosses or lies within 100 feet (30.5 m.) of a Public Sewer.

SECTION 725. - The developer or Owner of the Subdivision or Planned Unit Development is hereby required to obtain a Public Sewer Connection Permit and to design and install, at his own expense, a Sanitary Sewer system to intercept all Sewage being generated within the Subdivision or Planned Unit Development and to connect and convey said Sewage to a Public Sewer. Connections to a Public Sewer shall be made at a manhole.

SECTION 726. - In the case of an existing Subdivision or Planned Unit Development, the required Sanitary Sewers shall be designed, installed and operating within 100 of days after the effective date of this Ordinance. In the case of new Subdivision or Planned Unit Development, the required Sanitary Sewers shall be designed, installed and operating prior to the generation of any Sewage from the Subdivision or Planned Unit Development.

SECTION 727. - At the discretion of the Selectboard, the Town may accept the constructed sewer facilities within a Subdivision or Planned Unit Development as part of the Public Sewer system and will operate and maintain the same provided the following conditions are met by the Owner of the Subdivision or Planned Unit Development:

1. The Owner shall provide the Town with a signed affidavit that such facilities are free from debt and that all bills for materials, labor, engineering, etc. and claims for damage have been satisfied and secured.
2. A warranty deed(s) or permanent easement(s) shall be provided by the Owner to the Town, for all lands on which such facilities are located.
3. A statement to the Town committing the Owner to pay for all repairs and replacements of defective structures, materials, equipment, etc. during the first year after the date of official acceptance by the Selectboard.
4. A statement from the Owner conveying Ownership of the facilities to the Town.
5. Any other statements, affidavits or other materials as required by the Selectboard.
6. The Owner shall bear all costs for the transfer of Ownership and for all expenses incurred in complying with the requirements of this Ordinance.

ARTICLE VIII - LIMITATIONS ON DISCHARGE

SECTION 801. - No Person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any Sanitary Sewer.

SECTION 802. - Storm water 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 if approved by the State of Vermont. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Commissioners, to a storm Sewer, Combined Sewer or, with permission of the State of Vermont, a natural outlet.

SECTION 803. - Except as hereinafter provided, no Person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewer:

- (a) Any liquid or vapor having a temperature higher than 110° F. (43°C.)
- (b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, wax or grease, whether emulsified or not.
- (c) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (d) Any Garbage that has not been properly shredded.
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in Sewers or other interference with the proper operation of the Sewage works.
- (f) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and Personnel of the Sewage works.
- (g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any Sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the wastewater treatment plant.
- (h) Any waters or wastes containing Suspended Solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (j) Any waters or wastes if it appears likely, in the opinion of the Commissioners, that such wastes can harm either the Sewers, treatment plant process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger human or animal life, limb, public property or constitute a nuisance.
- (k) Any 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.

SECTION 804. - Grease, oil, hair and sand interceptors shall be provided when, in the opinion of the Commissioners, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and 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 Commissioners and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 805. - Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight.

SECTION 806. - Where installed, all grease, oil, hair and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times. Materials collected shall not be reintroduced into the Public Sewerage System.

SECTION 807. - The admission into the Public Sewers of any waters or wastes having (a) a 5-day B.O.D. greater than 300mg/L, or (b) containing more than 350 mg/l. of Suspended Solids, or (c) containing any quantity of substances having the characteristics described in SECTION 703, or (d) having an average daily flow greater than 2% of the average daily Sewage flow of the Town, shall be subject to the review and approval of the Commissioners. Where necessary, in the opinion of the Commissioners, the Owner shall provide, at his expense, such preliminary treatment as may be necessary to, (a) reduce the B.O.D to 300 mg/l. and the Suspended Solids to 350 mg/l., or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in SECTION 803 or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Commissioners and no construction of such facilities shall be commenced until said approvals are obtained in writing.

SECTION 808. - Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

SECTION 809. - When required by the Commissioners, the Owner of any property served by a Building Sewer carrying industrial wastes shall install a suitable control manhole 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 Commissioners. 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.

SECTION 810. - All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in SECTIONS 803 and 807 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", latest edition, and shall be determined at the control manhole provided for in SECTION 809, 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.

SECTION 811. - No statement contained in this ARTICLE shall be construed as preventing any special agreement or arrangement between the Town and any Person whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to Payment therefor by the Person, in accordance with state and federal law.

ARTICLE IX - PROTECTION FROM DAMAGE

No unauthorized Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Public Sewerage System. Any Person violating this provision may be subject to immediate arrest under the charge of unlawful mischief and subject to the civil penalties prescribed herein.

ARTICLE X - PRIVATE SEWERAGE SYSTEMS

Where a public Sanitary Sewer is not available for connection from a building, the Building Sewer shall be connected to a private Sewage system in accordance with State law and all applicable State rules and regulations.

ARTICLE XI - SEWER CONSTRUCTION MATERIALS

SECTION 1101. - The Commissioners shall allow or shall not allow the use of any or all materials for Sewer construction as they see fit. They shall have the authority to make changes in materials authorized for use in systems under the Town's jurisdiction, at any time.

SECTION 1102. - Improvements in materials used for Sewer construction and jointing methods of any type may be submitted to the Commissioners for approval, but the Commissioners will be in no way obligated to accept such new Sewer materials or joints.

SECTION 1103. - It is the intent of this Section that all pipe joints shall be watertight, except those employed in absorption fields. Allowable leakage by infiltration or exfiltration tests shall not exceed 100 gallons per inch diameter per mile per day (0.092cu.m./day/cm.diameter/Km.) when the pipe is subjected to a hydrostatic pressure equivalent to a 4-feet (1.22m.) differential head of water. Cement and mortar joints will not be acceptable.

SECTION 1104. - The following pipe materials will be the only generally acceptable materials for Building Sewers discharging domestic Sewage or wastewaters to public Sanitary Sewers under the jurisdiction of the Town. Other pipe materials may be employed only with special written permission from the Commissioners.

VITRIFIED CLAY PIPE AND FITTINGS

- (a) Pipe and Fittings - Unglazed, extra strength, minimum crushing strength shall be 2,400 pounds per linear foot. ASTM C200

- (b) Joints - Rubber or plastic compression type connections, Type III. ASTM C425

ASBESTOS CEMENT PIPE AND FITTINGS

(a) Pipe and Coupling Type Fittings -

(1) Type II, Class 2400, non-pressure pipe.

ASTM C428

(2) Pressure, water pipe, class as required.

ASTM C296

(b) Joints - Rubber ring, non-oil resistant.

ASTM D1869

CAST IRON PIPE

(a) Pipe - Class 100

ANSI A21.6 or A21.8 ANSI

(b) Fittings

A21.10

(c) Rubber Gasketed Joints - Mechanical and push-on types

ANSI A21.11

(d) Coatings - Cement Mortar lining, Bituminous Coating inside and outside

POLY (VINYL CHLORIDE) (PVC)

ANSI A21.4

(a) Pipe and Fittings

(b) Joints - Bell & Spigot, rubber compression type

ASTM D3034

CAST IRON SOIL PIPE

(a) Pipe and Fittings - Extra Heavy.

ASTM D1869

(b) Joints - Lead and twisted jute or rubber ring

CS 188

BITUMINIZED FIBRE PIPE (For private systems only)

Solid pipe, tapered joints and couplings for Building Sewers and distribution piping.

SECTION 905. - The following pipe materials will be the only generally acceptable materials for absorption fields in private Sewage disposal systems. Other pipe materials may be employed only with

ASTM D1861 or
ASTM D1862

special written permission from the Commissioners.

BITUMINIZED FIBRE PIPE

Perforated pipe, tapered joints and couplings for leaching trenches.

ASTM D2312 or
ASTM D2313

VITRIFIED CLAY DRAIN TILE

Solid pipe laid with open joints for leaching trenches.

ASTM C4

ARTICLE XII - POWERS AND AUTHORITY OF INSPECTORS

The Selectboard, Health Officer, Commissioners and other duly authorized agents or employees of the Town, hearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The powers and authority herein granted shall be in addition to the powers otherwise granted to the Selectboard by law.

ARTICLE XIII - ACCOUNTS, REVENUES, AND FEES

Section 1301 -- Financial Responsibility

The Owner of every real property in the Town shall have a separate account within the Public Sewerage System and shall be liable for all applicable fees and charges attributable to that parcel for services from or connections to the Public Sewerage System, as established by the Commissioners in their Schedule of Rates and Fees. Such fees and charges shall be a lien upon that real property, in the same manner and to the same effect as taxes are a lien on real estate under 32 V.S.A. § 5061.

Section 1302 -- Billing

Fees and charges will be invoiced four times a year and shall be payable on or before the 30th day following the date of the invoice. Said invoices shall be mailed to the Owner of record of the real property affected, or to the Owner's designated agent, which may include the tenant of the Owner. It is the responsibility of the Owner to provide the Town with an up-to-date mailing address for the invoices. The failure of any Owner or designated agent to receive a bill promptly shall not excuse non-Payment of same, and in the event the Owner fails to receive a bill promptly the Owner shall obtain a bill from the Office of the Town Treasurer.

Section 1303 -- Public Sewerage Accounts

All revenues received from Sewer rents, including interest and penalties thereof, and all other charges, shall be deposited in accounts separate from all other Town accounts, and all expenses for the Public Sewerage System shall be paid from these accounts, over the signature of the Town Treasurer as ordered by the Selectboard. At any time at the request of the Selectboard, and at the beginning of each new fiscal year, the Town Treasurer shall render a statement of accounts to the Board.

Section 1304 -- Schedule of Rates and Fees

Base fees, User fees, and all other charges, rates, or rents for, or in connection with the Public Sewerage System, as described in this Ordinance, shall be adopted by the Commissioners via resolution at a regular or special meeting, and shall be referred to and publicly posted as "Town of Canaan Schedule of Rates and Fees for the Public Sewerage System." Said schedule shall be reviewed by the Commissioners annually.

Section 1305 -- Base Charge

Whereas the Commissioners have determined that the Public Sewerage System is of general benefit to the Town, an annual Base Charge shall be assessed against all parcels of property in the Town regardless of actual connection to the Public Sewerage System pursuant to 24 V.S.A. §

3615(4). The annual charge shall cover annual costs for the fixed Operation and Maintenance costs of the Sewage treatment plant that are not dependent on connection to or actual use of the system, as well as for pollution charges that may be assessed against the Town by the State of Vermont.

Section 1306 -- User Fees

In addition to the annual Base Charge, the Commissioners shall impose User Fees to pay for variable operations and maintenance costs. User Fees will be imposed on each property that is connected or required by this Ordinance to be connected to the Public Sewerage System.

(a) For residential use, User Fees will be imposed on a per Equivalent Connector Unit (ECU) basis and shall be set by the Commissioners as follows:

i) The Commissioners will assign a number of ECUs to each parcel of property connected or required to be connected to the Public Sewerage System, based on the ECU Schedule in Section 1307.

ii) Annually, the Commissioners shall determine the total amount of revenue to be raised from User Fees to support the variable operations and maintenance costs of the Public Sewerage System for the ensuing year.

iii) The amount in subsection (ii) above will be divided by the total number of ECUs allocated to all Users within the Town, according to the Allocation Schedule, to determine the rate that will be charged per ECU for the ensuing year.

(c) For non-residential use, where wastes are stronger than household waste are involved, the Commissioners may also take into account strength and flow when determining the User Fees for a parcel of property.

Debt Service – An annual charge is hereby imposed upon all premises which are directly connected to the public sewage system of the Town of Canaan for the payment of the costs of development and construction and debt service of said system.

Section 1307 – ECU Schedule

(a) Equivalent Connector Units (ECUs) shall be set assigned by the Commissioners as follows:

Classifications	Unit of Measure	Equivalent Connector Units
Single Family Dwelling	Each	1.00
House Trailer	Each	1.00
Apartment House	Apt	1.00
Hotel	Room	0.30
Motel	Unit	0.30
Tourist/Lodging/ Boarding House	Each	1.00
Add per room	Room	0.20
Restaurant- Dining Only	Table	0.16
W/Bar/Lounge/Counter (Add)	Each	0.04

Snack Bar (without public \ seating)	Each	1.00
Tavern	Seats	0.10
Auto Service Station	Each	1.00
Store (without public restroom)	Each	1.00
Laundromat	Each	1.00
	Add per machine	.50
Bowling Alley	Alley	0.30
Barber or Beauty Shop	Chair	1.00
Church	Each	1.00
Post Office	Each	1.00
Library	Each	1.00
Bank	Each	1.00
Commercial Office	Each	1.00
Add per employee above 10		.10
Vacant Lots, within 100' of Sewer	Each	0.50
School (see item (d))		
Factory (see item (d))		

(b) The Commissioners reserve the right to assess charges for use of the Public Sewerage System by contract in the event that a property does not fall within any of the classifications listed in Section 1307 (a) above.

(c) Multiple Use - In the event the use of any parcel of real property combines two or more of the classification herein set forth, the number of ECUs in each classification shall be determined, and the total thereof shall constitute the number of equivalent connector units to be charged to the entire parcel.

(d) The Commissioners have determined that due to the fluctuation of student enrollment and employee employment from year to year and the need to maintain a level of Sewer plant capacity to meet these fluctuations, the Commissioners have set the levels of use at the peak enrollment and employment to make sure the capacity levels will always be available. This will also stabilize the rate structure for all Users of the Sewerage System.

Section 1308 - Connection Fees

The Commissioners shall adopt and incorporate in the Schedule of Rates and Fees, a required one-time Connection Fee to be paid before the actual connection to the Public Sewerage System is made. The fee will be based on actual costs incurred by the Commissioners to accommodate the connection, plus a fixed administrative fee.

Section 1309 - Other fees

The Commissioners shall exercise their authority to enter into contracts for use of the Public Sewerage facility by non-residents of the Town as capacity allows and to establish fees for such use. The Commissioners shall also establish fees for use of the Sewage treatment facility without physical connection.

Section 1310 - Collection

In the event that any of the above fees and charges are not paid when due, the statutory rate of interest per month shall be added after the first thirty (30) days of delinquency, if voted by the Town. In addition, special charges will be assessed as prescribed by 24 V.S.A. § 5151, and amendments thereto. As of the date of adoption of this Ordinance, the schedule for such fees is as follows:

- (a) collection trips - \$25.00 maximum, regardless of number;
- (b) reconnection:
 - (i) normal hours - \$25.00
 - (ii) overtime - \$37.50

Plus the cost of hiring an excavator and plumber.

If any account shall remain delinquent, the Commissioners may also take any action that is consistent with state law, to obtain Payment of delinquent charges or to discontinue Sewer service.

Section 1311 – Dedicated Fund

Pursuant to 24 V.S.A. § 3616 there may be a Dedicated Fund which may be used to finance major rehabilitation, major maintenance, and upgrades to the Sewerage System. The Dedicated Fund shall be established by resolution of the Selectboard at a duly-warned Selectboard meeting. The Dedicated Fund may be funded with an annual set-aside of up to 15 percent of operations, maintenance, and bond Payment costs, except that with respect to subsurface leach field systems, the annual set-aside may equal up to 100 percent of these costs. The fund shall not exceed the estimated future major rehabilitation, major maintenance or upgrade costs for the Sewerage System. Dedicated funds shall be insured at least to the level provided by FDIC. Withdrawals shall be made only for the purpose for which the fund was established.

ARTICLE XIV DISCONNECTION AND RESTORATION OF SERVICE

SECTION 1401 - The Town shall implement disconnection procedures in accordance with 24 V.S.A. Chapter 129.

SECTION 1402 - If the Owner fails to pay sewer charges, rates, or rents due, does not arrange a payment agreement, or is unsuccessful in an appeal, the Town may disconnect water service after sending notice in the form prescribed by 24 V.S.A. § 5144 to the Owner and the occupant of a residential dwelling which will be affected by the disconnection if the occupant is different than the Owner.

SECTION 1403 - The tenant of the Owner of a rental dwelling who receives a notice of disconnection because the Owner was delinquent in his or her Payments will have the right to request and pay for continued wastewater service or reconnection of service. The Commissioners will comply with the request upon Payment and may not charge the tenant for more than one billing cycle.

SECTION 1404 - The Town shall not cause disconnection of water service in any of the following circumstances:

- a. The delinquent bill or charge, or aggregate delinquent bills and charges do not exceed \$15.00.
- b. The delinquency is due solely to a disputed portion of a charge which is the subject of an appeal.
- c. The delinquency is due to a failure to pay a deposit, line extension, special assessment, special construction charge, or other nonrecurring charge.
- d. The disconnection would present an immediate and serious hazard to the health of the Owner or a resident living on the property, as set forth in a physician's certificate which is on file with the Town. Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, providing the certificate is in fact received within seven (7) days.
- e. The Owner has not been given an opportunity to enter into a reasonable agreement to pay the delinquent bill or, having made such agreement, has abided by its terms.

SECTION 1405 - Notice of disconnection shall be provided to the Owner, and occupant of the residential dwelling affected by the disconnection if different from the Owner, prior to disconnection. Disconnection of water service shall occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day specified on the notice of disconnection, or within the same hours during the four (4) business days thereafter. When service is disconnected or interrupted at the premises of the Owner, the authorized individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected or interrupted, or if no responsible adult is then present, shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the Owner has to do to have service restored.

SECTION 1406 - If sewer service has been disconnected or interrupted the Town shall within twenty-four (24) hours restore service upon the Owner's request when the cause for disconnection of service has been removed or when an agreement has been reached between the Owner and the Town regarding the dispute which led to the disconnection or when so directed by the Commissioners. Restoration of service, to the extent feasible, shall be done so as to avoid charging the Owner for overtime wages and other abnormal expenses. No collection or reconnection fees may be charged for disconnections or interruptions of service made for reasons of health or safety of the Owner or of the general public.

ARTICLE XV - ENFORCEMENT AND PENALTIES

SECTION 1501. - A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or at the election of the Selectboard the Vermont Superior Court. The Commissioners and their duly authorized agent(s) shall be empowered to issue Vermont Municipal Complaint tickets for the violation of this Ordinance.

SECTION 1502 - Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et. seq. For purposes of enforcement in the Judicial Bureau, Canaan Chief of Police shall be designated enforcement officer(s). The enforcement officer(s) shall issue tickets and may be the appearing officer(s) at any hearing.

SECTION 1503 - Any violation of this Ordinance shall be punishable by a fine of not more than eight hundred dollars (\$800.00). Each day the violation continues shall constitute a separate offense.

ARTICLE XVI VALIDITY AND SEVERABILITY

SECTION 1501. - All rules and regulations in conflict herewith are hereby repealed.

SECTION 1502. - 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.

ARTICLE XVII - EFFECTIVE DATE

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

Adopted by the Selectboard of the Town, Vermont, this 23 day of May, 2016.

Vernon J. Crawford

Gregory D. Noyes

AAAJ

Attested by the Town Clerk:

Dorcas Sabreque

Adoption History

1. Agenda item at regular Selectboard meeting held on April 25, 2016.
2. Read and approved at regular Selectboard meeting on April 25, 2016 and entered in the minutes of that meeting which were approved on May 23, 2016.
3. Posted in public places on May 24, 2016.
4. Notice of adoption, published in the News & Sentinel newspaper on June 1, 2016 with a notice of the right to petition.
5. Other actions [petitions, etc.]