

## Chapter 13

### UTILITIES\*

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#### ARTICLE I. IN GENERAL

##### Sec. 13-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Customer* shall mean any person, firm, corporation, government, or governmental division who has applied for and is granted service or who is responsible for the service.

*Main* shall mean a water pipe, owned, operated and maintained by a utility which is used for the purpose of transmission or distribution of water but is not a water service pipe.

\***Charter reference**—Subsidiary budget for utilities, art. four, II, E.

**Cross references**—Administration, Ch. 2; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 6; health, sanitation, nuisances, Ch. 7; determination of sites for hazardous wastes, toxic materials or harmful chemical matter by the board of selectmen, § 7-126 et seq.; restrictions upon lands containing hazardous, harmful or toxic wastes or chemicals prohibiting habitable buildings or structures, growing of crops, residential, commercial or recreation use or the taking of water from such premises, etc., § 7-128; sewer plumbers and drain layers license required, § 8-26 et seq.; subdivision, Ch. 11; required improvements in subdivisions, § 11-161; utility capacity for subdivisions, § 11-231; storm drainage requirements for subdivision streets, § 11-251 et seq.; zoning, Ch. 15; public utility substation central service zoning regulations, § 15-445.

**State law references**—Municipal utilities, 24 V.S.A. § 3301 et seq.; water works, 24 V.S.A. 3301 et seq.; sewage disposal systems, 24 V.S.A. § 3601 et seq.

*Service pipe* shall mean the pipe running from the main to the premises of the customer.

*Utility* shall mean to the Town of Springfield, Vermont, public works department.

(Ord. No. 0-76-2, § 17-202, 11-29-76)

Cross reference—Definitions and rules of construction generally, § 1-2.

**Sec. 13-2. Application is contract.**

The rules and regulations made by the town water and sewer utility will upon application for or acceptance of service constitute a contract between the customer and the utility and the customer will be considered to express his consent to be bound thereby, and to take water only for purposes stated in the application and at the established rates.

(Ord. No. 0-76-2, § 17-201, 11-29-76)

**Secs. 13-3—13-25. Reserved.**

**ARTICLE II. WATER SYSTEM\***

**Sec. 13-26. Applications for water service.**

Applications for service are to be made at the office of the utility on forms which will be provided by the utility. Such application shall be made by the owner of the premises. The types of service contracts are:

- (1) *Standard service contract.* A contract for service between the utility and customer when the service meets the conditions of section 13-39 below.
- (2) *Limited service contract.* A contract between the utility and the customer for service when the location of the service falls in a pressure zone of below twenty (20) p.s.i.

(Ord. No. 0-76-2, § 17-203, 11-29-76)

\*Cross references—Required improvements in subdivisions, § 11-161; water requirements for subdivisions, § 11-232.

State law reference—Water works, 24 V.S.A. § 3301 et seq.

**Sec. 13-27. Availability of service.**

The acceptance of an application will be contingent upon the existence of a water main in the public way or in a private way or other property upon which the property to be served abuts; provided, that at all times there is adequate pressure to provide the additional service.

(Ord. No. 0-76-2, § 17-204, 11-29-76)

**Sec. 13-28. Service connection.**

All water service connections shall be installed by the utility or under its supervision and in accordance with its specifications. Such connections will be installed at the expense of the customer in accordance with a schedule of charges on file at the offices of the utility and the town clerk.

(Ord. No. 0-76-2, § 17-205(A), 11-29-76)

**Sec. 13-29. Ownership and maintenance of service pipe.**

(a) All new service pipes including the shutoff within the limits of the highway or right-of-way shall be installed, owned and maintained by the utility. From the limits of the highway or right-of-way to the building, the service pipe shall be installed, owned and maintained by the customer. For all existing services the liability of the utility shall end at the curbstop regardless of location.

(b) A service pipe requested and installed for future use shall be financed in full by the customer until utilized, at which time the customer will be refunded the original cost of that portion normally financed by the utility.

(c) When it becomes necessary to thaw a frozen service pipe, and it cannot be determined where it was frozen and the utility at the customer's request undertakes to thaw the service pipe, one-half of the cost shall be paid by the customer.

(Ord. No. 0-76-2, § 17-205(B), 11-29-76)

**Sec. 13-30. Interior valving.**

Every service must be provided with an operable valve on each side of the water meter installation. Such valves shall be pro-

tected from freezing. Cost of these valves shall be borne by the customer.

(Ord. No. 0-76-2, § 17-205(C), 11-29-76)

### Sec. 13-31. Meters.

Ownership of all water meters registering measurements of all water upon which charges are based shall be vested in the utility.

- (1) *General.* All water sold by the utility shall be on the basis of meter measurements or as otherwise provided for in its rate schedules as adopted by resolution of the board of selectmen and on file in the town clerk's office and the utility may install meters whenever deemed expedient. The customer may receive water through a meter upon written application to the utility. The size of the meter will be determined by the utility. Premises once served at meter rates will not be restored to a flat rate.
- (2) *Meter setting.* All meters shall be set as nearly as possible at the building and the customer shall provide and maintain a clean, dry, warm and accessible place therefor. The owner is responsible for installing the appropriate fixtures to allow for the meter to be set in a horizontal position. Such fixtures will be provided by the utility at no cost to the owner. The cost of the meter shall be borne by the utility.
- (3) *Meter location.* Every meter location shall be provided by the owner of the premises wherein located with protection against all injury including heat and freezing. In the case of a damaged meter, the utility shall immediately ascertain the cause and extent of such injury, and shall forthwith assess against the account of the owner a charge for the amount necessary to return such meter to first-class condition.
- (4) *Meter accuracy.* In any case where the accuracy of registration of any meter is challenged by any customer, the meter shall be tested only if the customer shall sign an agreement to pay for the work of removing, testing and replacing such meter. If tests show that such meter is ac-

curate within three (3) percent for such meter, the customer shall be held liable for the cost of such removal and test. If the meter tests above the limits specified, the utility shall assume all costs of such removal and test and shall adjust the billing in question in an equitable manner.

- (5) *Disconnection.* No person, except utility personnel, shall disconnect any meter or place, replace, move, remove or disturb any meter in any manner whatsoever. This article applies only to the meter itself and not to any connecting fixtures or pipes. This article shall not be construed to render the utility liable for any portion of any service.

(Ord. No. 0-76-2, § 17-205, 11-29-76)

#### **Sec. 13-32. Deposits.**

When deemed necessary, the utility may require a deposit to guarantee payment of current water bills. Such deposit shall not exceed the estimated amount of two (2) billing periods, nor shall it be used as payment in full or in part of a delinquent bill while the customer still requires service in the same location for which said deposit was paid. No deposit shall be refunded until the customer has established suitable credit.

(Ord. No. 0-76-2, § 17-207, 11-29-76)

#### **Sec. 13-33. Discontinuance of service.**

(a) Bills for water service are due and payable when issued, and shall be considered delinquent when unpaid after thirty (30) days. Service may be discontinued for delinquency in payment of water bills or for violation of any rule or regulation of any rule or regulation contained herein.

(b) Before service is discontinued for delinquency, the utility will follow a reasonable procedure to effect payment, including, but not limited to, the issuance of a shutoff notice mailed at least five (5) days in advance of the shutoff date.

(c) Service discontinuance, for a violation of these regulations including nonpayment of water and/or sewer bills, shall not be made without fourteen (14) days written notice except for emergencies. Service once discontinued may not be restored until the

cause of discontinuance of service has been removed and until payments in arrears and penalty charges, if any, have been paid or satisfactory arrangements have been made for the resumption of service.

(d) If the utility dispatches an employee to effect a shutoff occasioned by delinquency and upon arrival at the place of service arrangements are made with the business office for payment of charges due, service may be continued, but continuance of service will be subject to a charge indicated in the schedule of rates on file at the offices of the utility and town clerk. The town manager shall prepare and maintain an administrative directive providing procedural guidelines pursuant to the disconnection of municipal water and sewer service.

(Ord. No. 0-76-2, § 17-208, 11-29-76)

#### **Sec. 13-34. Notice of service to turn on and off.**

When turning water on or off is requested by the customer, twenty-four (24) hours' notice shall be required and such service shall take place only during the regular business hours of the utility. The charge for this service will be as established by resolution of the board of selectmen which is on file in the town clerk's office.

(Ord. No. 0-76-2, § 17-217, 11-29-76)

#### **Sec. 13-35. Emergency.**

Water may be turned on or off to any service at any time when in the opinion of the utility a condition of emergency of great need exists. Such turning on or off shall not operate to excuse or forgive any charges or other liability assessed against the property so served.

(Ord. No. 0-76-2, § 17-218, 11-29-76)

#### **Sec. 13-36. Estimated bills.**

When the meter reader on the normal meter reading date cannot gain access to the premises, an invoice will be rendered based on estimated water use.

(Ord. No. 0-76-2, § 17-209, 11-29-76)

**Sec. 13-37. Crossconnections.**

No crossconnection between the public water supply system and any other supply will not be allowed unless properly protected in accordance with the policy of the state department of health and no new crossconnection may be installed without the approval of the state department of health and the utility. In addition, no connection capable of causing backflow into the public water supply system through a plumbing fixture, appliance, or waste outlet having direct connection to waste drains will be permitted. If the owner of such a connection does not remedy it within a time limit specified by the utility, service shall be discontinued.

(Ord. No. 0-76-2, § 17-211, 11-29-76)

Cross reference—Buildings and building regulations, Ch. 5.

**Sec. 13-38. General service conditions.**

(a) No customer shall obtain water from any hydrant or other fixture of the utility without the previous consent of the utility. All customers shall maintain, at their own expense, the plumbing and fixtures within their own premises in good repair and protect them from freezing.

(b) All customers having direct pressure water devices, including but not limited to hot water tanks or secondary systems supplied by automatic feed valves should have installed and maintained in operating condition appropriate vacuum, temperature and pressure relief valves or cutouts in the water system and secondary system to prevent damage to the water device or secondary system or their appurtenances should it become necessary to shut off the water main or service or should a pressure failure occur for any other reason. Water service supplied to any customer not providing such protective devices will be strictly at the risk of the customer. The utility will not be held liable for damage resulting from the lack of, or failure of such protective devices.

(c) No customer shall utilize any service pipe or interior plumbing as the building electrical ground, unless such grounding is in accordance with the National Electrical Code.

(Ord. No. 0-76-2, § 17-212, 11-29-76)

**Sec. 13-39. No liability for interrupted or unsatisfactory service.**

(a) If by reason of temporary shortage of supply or for the purpose of making repairs, extensions, connections or placing or replacing meter or for any reason beyond the control of the utility, it becomes necessary to shut-off water in a main or service, the utility will not be responsible for any damages occasioned by such shutoff and no adjustment of rates will be allowed unless the interruption is in effect for a continuous period in excess of ten (10) days, in which case a proportional adjustment of rates will be made. Notice of shutoff will be given when practicable, but nothing in this rule shall be construed as requiring the giving of such notice.

(b) The utility will not be responsible for damage caused by discolored water or unsatisfactory water service which may be occasioned by cleaning of pipes, reservoirs or standpipes or the opening or closing of any valves or hydrants or any abnormal condition, unless caused by the lack of reasonable care on the part of the utility. The utility will not be responsible for meeting unusually high water quality standards for specialized or industrial customers.

(c) The utility will attempt to maintain standard system pressures not exceeding one hundred seventy-five (175) pounds p.s.i. and will not be required to render service where normal system pressures may be expected to fall below thirty-five (35) pounds p.s.i. In the event that a prospective customer desires service with the full understanding that normal system pressures may fall below that limit, service will be rendered only upon completion of a limited service contract. Where a customer feels that the system pressures within the above range are higher than his plumbing or apparatus can endure, it shall be the responsibility of the customer to install a suitable pressure reducing device.

(Ord. No. 0-76-2, § 17-213, 11-29-76)

**Sec. 13-40. Fluctuation of pressures by customer's apparatus.**

No customer shall install or use water consumption apparatus which will affect the utility's pressure or operating conditions so

as to interfere with the service of another customer. Where a customer has or proposes to install an apparatus which requires water in sudden and material quantities, impairing the pressure to the detriment, damage, or disadvantage of other customers, the utility reserves the right to require such customer to install devices or an apparatus which will confine such fluctuation of demand and pressure within reasonable limits determined by the utility. If the customer after receiving written notice from the utility fails to present an acceptable remedial plan within a time limit set by the utility, service will be discontinued.

(Ord. No. 0-76-2, § 17-215, 11-29-76)

#### **Sec. 13-41. Private fire protection.**

(a) The utility may render a special service to private property for private fire protection purposes. Applications may be made by the owner of the property or his authorized agent and will be subject to all the provisions contained herein. Connection charge for such service shall be as determined by resolution of the board of selectmen.

(b) The applicant must furnish a complete and correct drawing or set of drawings showing the location of the premises to be supplied together with location of all valves, pipes, hydrants, tanks, sprinkler heads and other appurtenances on the premises at time of making application. The plans will remain the property of the utility. The applicant also agrees to furnish the utility with drawings showing revisions to piping or appurtenances whenever the same are made.

(c) The annual charge for private fire protection service shall be made in accordance with the schedule of rates on file at the office of the utility. The utility expressly reserves the right to determine the necessity for and the advisability of granting any application for this special service, and the right to determine the size of the service pipe which will be granted depending upon the size of the street main, the available pressure on the main and the nature and capacity of the fire protection equipment within the building.

(Ord. No. 0-76-2, § 17-216, 11-29-76)

Cross reference—Fire prevention and protection, Ch. 6.

**Sec. 13-42. Water main extensions.**

(a) Requests for street main extensions must be made in writing to the office of the utility. When such a request is received, the utility will survey the area to be serviced and estimate the cost of such extensions. All street main extensions will be made by the utility or under its supervision and in accordance with its specifications.

(b) When the application is concerned with a subdivision approved by the planning commission, the developer must deposit with the utility an amount equal to the estimated cost of water main construction before the construction will be authorized. Upon the completion of the work, the cost shall be determined. If the deposit is in excess of the cost, such excess shall be refunded to the applicant. If the cost exceeds the deposit, then before any water may be made available, the applicant shall pay the difference.

(c) When the application is concerned with installation in a public or private way not within a subdivision and the utility shall deem it necessary or advisable to lay or extend any water mains, the utility shall before laying or extending any water main report to the board of selectmen the proposed location, extent and size of pipe to be used and the estimated cost. No water main shall be laid or extended except upon order of the board of selectmen. Payment for the laying or extension of any water mains may be by special assessment. The board of selectmen may levy special assessments under Charter, art. four, § VIII to meet the costs incurred by laying water pipes in public and private ways. The whole cost of laying each such pipe shall be assessed upon the several parcels of land abutting the way in which it is laid.

(d) If the order for assessment is upon land not built upon, the board of selectmen shall extend the time of payment of the assessment and interest at the annual rate of twelve (12) percent until it is built upon up to a ten-year period. The assessment and interest shall be paid within three (3) months after such land is built upon or at the expiration of such fixed period.

(Ord. No. 0-76-2, § 17-206, 11-29-76)

**Sec. 13-43. Water conservation.**

When necessary to conserve the water supply, the utility may restrict the use of water by its customers.

(Ord. No. 0-76-2, § 17-214, 11-29-76)

**Sec. 13-44. Right of entry.**

Employees of the utility having proper identification shall have free access to all premises supplied with water, at all reasonable hours, to permit the inspection of plumbing and fixtures, to set, remove or read meters, to ascertain the amount of water used and manner of use, and to enforce these rules and regulations.  
(Ord. No. 0-76-2, § 17-215, 11-29-76)

**Sec. 13-45. Tampering prohibited.**

(a) There shall be no tampering with utility property. No valve, shutoff, hydrant or standpipe which is the property of the utility will be opened or closed or otherwise operated by other than persons authorized by the utility.

(b) Fire hydrants may not be used for any purpose other than the extinguishment of fires or for such other purposes as may be agreed to by the utility and the town or owner of a private hydrant. In no case shall fire hydrants be opened by any person other than an agent of the utility or a duly authorized representative of the town or owner.

(Ord. No. 0-76-2, § 17-215, 11-29-76)

**Secs. 13-46—13-65. Reserved.****ARTICLE III. SANITARY SEWER SYSTEM\*****DIVISION 1. GENERALLY****Sec. 13-66. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\*Cross references—Sewer plumbers and drain layers license required, § 8-26 et seq.; required improvements in subdivisions, § 11-161; sewer system requirements for subdivisions, § 11-233.

State law reference—Sewage disposal system, 24 V.S.A. § 3601 et seq.

*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 twenty (20) degrees Celsius, expressed in milligrams per liter.

*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 outside the inner face of the building wall.

*Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

*COD*, denoting chemical oxygen demand, shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter with a strong chemical oxidant under standard laboratory procedure and expressed in milligrams per liter.

*Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

*Department* shall mean the public works department.

*Domestic sewer* shall mean a sewer which carries domestic sewage and to which storm, surface and ground water are not intentionally admitted.

*Excessive* shall mean amounts or concentrations of a constituent of a waste which in the judgment of the board will cause damage to any town facility which will be harmful to the sewage treatment process, which cannot be removed in the sewage treatment plant to the degree required to meet the limiting stream classification standards of Vermont, which can otherwise endanger life, limb or public property, and/or which can constitute a nuisance.

*Facilities* shall include structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposal of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outfall and outlet sewers and pumping stations integral to such facilities

with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

*Garbage* shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its moisture content.

*Hearing board* shall mean that board appointed according to the provision of section 13-67(d).

*Industrial wastes* shall mean the liquid wastes from industrial manufacturing processes, laboratory, trade or business as distinct from sanitary sewage.

*Industry* shall mean an establishment with facilities for mechanical, testing, trade or manufacturing purposes.

*Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

*Parcel* shall mean an area of land as marked on the assessment drawings or subdivision plats on file in the offices of the town clerk and/or assessor.

*pH* shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter.

*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 inch in any dimension.

*Public sanitary sewer system* shall mean the public system of sanitary and combined sewers installed or owned by the Town of Springfield.

*Public sewer* shall mean any portion of the town sanitary sewer system in which all owners of abutting properties have equal rights and which is controlled by the town authority.

*Receiving waters* shall mean any watercourse, river, pond, ditch, lake, aquifer or other body of surface or ground water receiving discharge of sewage.

*Sanitary sewage* shall mean a combination of the water-carried domestic wastes from residences, business buildings, institutions and industrial establishments.

*Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

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

*Sewage works* shall mean all facilities for collecting, pumping, treating and disposing of sewage.

*Sewer* shall mean a pipe or conduit for carrying sewage.

*Slop sink* shall mean a janitor-type sink.

*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.

*Storm drain* sometimes termed storm sewer shall mean a pipe or conduit which carries storm and surface waters and drainage, but sewage and industrial wastes other than unpolluted cooling water are intended to be excluded.

*Supervisor* shall mean a person duly appointed by the town manager of the Town of Springfield.

*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 and are referred to as nonfilterable residue in the laboratory test prescribed in "Standard Methods for the Examination of Water and Wastewater."

*Toilet* shall mean each individual toilet bowl.

*Water pollution control plant or sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.

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

*Wastes* shall mean substances in liquid, solid or gaseous form that can be carried in water.

(Ord. No. 0-76-2, § 17-303, 11-29-76)

Cross reference—Definitions and rules of construction generally, § 1-2.

#### **Sec. 13-67. Purpose.**

(a) The board of selectmen ordains the following regulations relative to the construction, extension, maintenance, use and operation of the public sanitary sewerage system in the town including any subsequent alterations and extensions and relative to the control of connections to the public sanitary sewerage system.

(b) The construction, extension, maintenance and operation of the public sanitary sewerage system and connections therewith up to the point where the sewer pipe enters any building shall be under the control of any subject to the regulations of the board of selectmen under the provisions in this article and any other applicable statutes, regulations or ordinances.

(c) Pursuant to the authority as found in 24 V.S.A. Chapters 95, 97 and 101 and the Charter and appropriate federal regulations, the board of selectmen has established this article covering the discharge of wastewater, drainage, substances or wastes into any sewer under its control.

(d) The board of selectmen shall be the town's authorized agent in the matter of all sewer installations and shall exercise the power conferred through its authorized representatives in the name and subject to the approval and ratification of the board of selectmen.

(Ord. No. 0-76-2, § 17-302, 11-29-76)

**Sec. 13-68. Waiver.**

The board of selectmen may waive any of the requirements of this article whenever they determine that strict compliance therewith is not required in the public interest.

(Ord. No. 0-76-2, § 17-316(C), 11-29-76)

**Sec. 13-69. Powers and authority of inspectors.**

(a) The director of public works and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The board of selectmen or its representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in (a) above, the duly authorized employee of the town 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 town employees and the town shall indemnify the company against loss or damage to its property by town 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 section 13-139.

(c) The board of selectmen and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of

the duly negotiated easement pertaining to the private property involved.

(Ord. No. 0-76-2, § 17-313, 11-29-76)

**Sec. 13-70. Use of public sewers required.**

(a) 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 the jurisdiction of the town any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the town or in any area under the jurisdiction of the town, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) Except as may be provided in this article, 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.

(d) The owners 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 or combined sewer of the town or an extension thereof, is hereby required at his expense to install suitable toilet facilities therein. Such person shall connect such facilities directly with the proper public sewer in accordance with the provisions of this article within ninety (90) days after date of official notice if that the public sewer is within one hundred (100) feet of the property line unless prevented by topographical or other reasons or unless on application of the owner the board of health of the town shall find that the nonconnection of such building with the common sewer does not in reasonable likelihood endanger the public health. After the owner has connected with the sewer he shall thereupon discontinue the use of any cesspool, privy vault, septic tank or other private sewerage systems.

(e) The owner of any new building shall not permit such waste matters as are permissible in the public sanitary sewerage system to drain into a new or existing private sewerage disposal system when such building is erected upon premises in the town abutting a public street, highway, public ground or private way in which such a public sanitary sewer is laid.

(Ord. No. 0-76-2, § 17-304, 11-29-76)

Cross reference—Buildings and building regulations, Ch. 5.

#### **Sec. 13-71. Construction of sewers by private developers.**

(a) The developer of subdivisions approved by the board of selectmen after November 29, 1976 within five hundred (500) feet of an existing sewer must connect into the existing sewer. The cost of the sewer connection to the existing sewer will be borne by the developer. In addition, the developer will be required to pay the cost of any engineering inspection and record drawings required by the town.

(b) When a developer installs sewers in proposed streets or rights-of-way in anticipation of the extension of an existing sewer, the cost of building connections shall be borne by the developer.

(c) The design of any proposed sewer construction must be submitted to the board of selectmen for approval prior to issuance of a permit for construction. All sewers constructed by developers must be separate sanitary sewers. Upon the completion of sewer and its acceptance by the board of selectmen the sewer shall become incorporated in the public sanitary sewer system. Such construction of public facilities may be required in accordance with the provisions of the town subdivision regulations and zoning regulations.

(Ord. No. 0-76-2, § 17-305, 11-29-76)

#### **Sec. 13-72. Connection to system.**

(a) No building shall be connected to the public sanitary sewer system unless the building has a soil line extended to a point above the roof properly vented.

(b) The director of public works or duly authorized agent shall be notified at least twenty-four (24) hours prior to the beginning of any work on sewer or house connections.

(c) When it is necessary to close off a street or any part thereof, the fire department and police department shall be notified by the contractor. A street opening permit must be obtained from the public works department and a performance bond must be posted with the department of public works at least twenty-four (24) hours before opening the street. On state highways an additional permit shall be secured from the state department of public works before any work can be started.

(d) All persons are required to give a full written report to the utility within twenty-four (24) hours in the event that prohibited substances are found in a sewer or house drain during the course of the work. Failure to so report shall be punishable by a penalty of a fine of not more than twenty dollars (\$20.00) for each failure to report. Finding substances prohibited by these regulations in the sewer connection of any building shall be prima facie evidence of violation of these regulations by both the owner and occupant of the premises or either of them.

(e) It is the responsibility of the licensed drain layer to properly remove sludge and fill with clean bank-run gravel or dirt all septic tanks and cesspools at the time of connection to the sewer system.

(f) Notification of the completion of the work with certification that all conditions of the sewer regulations have been complied with shall be filed in writing with the director of public works within twenty-four (24) hours after the completion of the work covered in each permit. This notification shall include a sketch of the work done. The sketch will show sufficient measurements to locate all components of the work installed.

(g) If any person shall violate any of the provisions of these regulations and shall have refused or neglected to make good to the satisfaction of the town any defective or imperfect work resulting from such violation or to pay any fees, fines or penalties on account thereof or otherwise imposed under the provisions of these regulations, no permit from the board of selectmen under any of the provisions of these regulations for any work to be done by any such person shall be issued, nor shall a license or a renewal of a license as a drain layer under section 8-26 et seq. be

issued to any such person until such default shall have been fully remedied and satisfied.

(Ord. No. 0-76-2, § 17-310(B)—(H), 11-29-76)

**Sec. 13-73. 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 a part of the sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. No. 0-76-2, § 17-314, 11-29-76)

**Sec. 13-74. Violations, penalties.**

(a) Any person found to be violating any provisions of this article except section 13-69 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) In addition to any other penalty provided in section 1-13, any person violating any of the provisions of this article shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation.

(Ord. No. 0-76-2, § 17-315, 11-29-76)

**Secs. 13-75—13-85. Reserved.**

**DIVISION 2. PRIVATE DISPOSAL SYSTEMS**

**Sec. 13-86. Authorized.**

Where a public sanitary or combined sewer is not available under the provisions of 13-70(d), the building sewer may be required to be connected to a private sewage disposal system complying with the provisions of this article.

(Ord. No. 0-76-2, § 17-306(A), 11-29-76)

**Sec. 13-87. Permit required; application; fee.**

(a) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the board of selectmen. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the board of selectmen. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the town at the time the application is filed.

(b) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the board of selectmen. The board of selectmen or its authorized representative shall be allowed to inspect the work at any stage of construction and in any event the applicant for the permit shall notify the board of selectmen when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the board of selectmen.

(Ord. No. 0-76-2, § 17-306(B), (C), 11-29-76)

**Sec. 13-88. Specifications.**

(a) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state department of health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the town.

(Ord. No. 0-76-2, § 17-306(D), (E), 11-29-76)

**Sec. 13-89. Connection to sewer system.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 13-70(d), a direct connection shall be made to the public sewer in compliance with this article and any septic tanks, cesspools and

similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. No. 0-76-2, § 17-306(F), 11-29-76)

**Sec. 13-90. Requirements of other provisions.**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the board of health, septic installation ordinance, subdivision regulations or zoning regulations. (Ord. No. 0-76-2, § 17-306, 11-29-76)

**Sec. 13-91. Permit for dumping of cesspool or septic tank system pumpings required; fee.**

(a) Application for a permit to use the disposal station at the water pollution control plant for the dumping of cesspool or septic tank system pumpings may be obtained at the office of department of public works.

(b) The contractor, upon the granting of the permit, agrees to pay the town annually in advance the fee determined by the board of selectmen and comply with the regulations in section 13-92. (Ord. No. 0-76-2, § 17-307(A), (B), 11-29-76)

**Sec. 13-92. Regulations for depositing septic tank pumpings.**

(a) Only pumpings collected within the town shall be disposed of at the disposal station. This restriction may be amended after completion of secondary treatment facilities at the Clinton Street Plant.

(b) No grease, oil, gasoline, explosive fluids, acid, garbage, material detrimental to the treatment plant process or material causing effluent exceeding the maximum allowable concentration of a material to the receiving water shall be dumped into the disposal station.

(c) Discharge into the disposal station shall be controlled by a valve and approved tank outlet connection. Any drippings shall be cleaned up and washed away as required to maintain a sanitary condition.

(d) Failure to observe these regulations will result in revocation of the permit.  
(Ord. No. 0-76-2, § 17-307, 11-29-76)

**Secs. 13-93—13-105. Reserved.**

### DIVISION 3. BUILDING SEWERS AND CONNECTIONS\*

#### **Sec. 13-106. Permit required.**

(a) Before any sewerage work is commenced in the town when the same is to be connected with the public sanitary sewer system and before any opening is made in any public street, highway, public ground or private way and before any addition, alteration, maintenance or repair work is made to any connecting line or connections with the public sanitary sewer system, a permit for such work shall first be obtained from the board of selectmen or its authorized agent. Application for such permit shall be on a form approved by the board of selectmen. One (1) copy of the permit shall be available for inspection at all times at the site of the work.

(b) No unauthorized person shall open any highway or public ground for the purpose of making any sewer connection or make or cause to be made any connections except by permit of the public works department.

(c) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the board of selectmen. All the work related to the installation of building sewers and the connection to the public sewers shall be performed by persons licensed by the town.

\*Cross reference—Buildings and building regulations, Ch. 5.

(d) Nothing in this article shall be interpreted to prevent an owner from doing any necessary excavating on his own property without a license.

(Ord. No. 0-76-2, § 17-308(B), (C), (E), (V), 11-29-76)

#### **Sec. 13-107. Classes of permit.**

There shall be a class of building sewer permit for residential and commercial service; and a class 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 town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the board of selectmen.

(Ord. No. 0-76-2, § 17-308(F), 11-29-76)

#### **Sec. 13-108. Restrictions on permit.**

(a) The construction, extension, maintenance and operation of the public sanitary sewer system and connections up to the point where the sewer pipe leaves the right-of-way or up to the point of connection of the private sewer service line shall be under the control of and subject to the regulations of the board of selectmen under the provisions hereof and any other applicable statutes, regulations or ordinances. The construction, maintenance and use of private systems for sewerage disposal in the town whether now existing or hereafter proposed shall be subject to regulation by the board of selectmen under the provisions hereof or any applicable statutes, regulations or ordinances and shall also be subject to any existing requirements imposed by statutes, regulations or ordinances.

(b) No person shall break, cut or remove any pipe of the public sanitary sewer or make or cause to be made any connection to the sewer except through the connection branches provided for that purpose except as provided in this article.

(Ord. No. 0-76-2, § 17-308(A), (D) 11-29-76)

#### **Sec. 13-109. Plans and specifications.**

(a) The utility may require a plan of proposed work with complete explanation thereof that shall be filed in triplicate before any installations are begun. The plan shall be signed by a duly li-

censed master drain layer, journeyman drain layer or an engineer registered in the state accompanied by an application for approval and issuance of a permit. The application shall be signed by the property owner or his agent.

(b) If required, all plans will show location of gas and water lines and all buildings to be sewerred. Any changes to the plan as submitted and approved by the board of selectmen must be submitted in writing and approved by the board of selectmen or its representative.

(Ord. No. 0-76-2, § 17-308(D), 11-29-76)

**Sec. 13-110. Permit and inspection fees.**

A permit and inspection fee of one hundred dollars (\$100.00) shall be paid for taps which are not installed by the utility or under its supervision. The permit and inspection fee for taps made under the direction of the utility will be included in the tap fee. The schedule of fees shall be filed in the town clerk's office and in the office of the utility.

(Ord. No. 0-76-2, § 17-308(D), 11-29-76)

**Sec. 13-111. Approval and inspection by department of all work.**

(a) All work carried on or required under the provisions of these regulations shall be subject to the department of public works. No sewer connection branch shall be opened, no pipe laid, and no joints made except under the supervision of an agent of the board of selectmen. The department of public works shall be notified at least twenty-four (24) hours before the beginning of any work upon house sewers or connections.

(b) No trench shall be back-filled or any part of pipe or fittings covered until twenty-four-hour notice has been given to the department of public works or its authorized agent, that the work is ready for inspection, and such inspection has been made by the department of public works, or its authorized agent. Every such inspection shall be made as soon as practicable after the receipt of such notice and the inspector shall have the power to apply any proper tests to the pipe or fittings. The owner or contractor doing the work shall furnish all necessary tools and labor for such test

and shall remove any defective materials or repair any work improperly done as the inspector shall direct.

(Ord. No. 0-76-2, § 17-308(T), 11-29-76)

**Sec. 13-112. Costs of installation.**

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 town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. No. 0-76-2, § 17-308(G), 11-29-76)

**Sec. 13-113. Safety precautions required.**

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 town at the contractor's expense. Temporary bridges shall be installed over trenches when deemed necessary in the judgment of the director of public works to provide convenient public travel.

(Ord. No. 0-76-2, § 17-308(U), 11-29-76)

**Sec. 13-114. Certain connections prohibited.**

No person shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, 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.

(Ord. No. 0-76-2, § 17-308(h), 11-29-76)

**Sec. 13-115. Existing systems to be cleaned properly.**

When an existing cesspool or septic tank ceases to be used it shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

(Ord. No. 0-76-2, § 17-308(S), 11-29-76)

**Sec. 13-116. Regulations for installation.**

(a) A separate and independent building sewer shall be provided for every building. If one (1) 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 if approved by the board of selectmen and considered as one (1) building sewer.

(b) Old building sewers or portions thereof may be used in connection with new buildings only when they are found from examination and test by the board of selectmen to meet all requirements of this article.

(c) No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. 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.

(d) The building sewer shall be SDR 35 or its equivalent.

(e) The size and slope of the building sewer shall be subject to the approval of the board of selectmen, but in no event shall the diameter be less than six (6) inches. The slope of such six-inch pipe shall not be less than one-quarter inch per foot. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with manholes or properly curved pipe and fittings as approved by the board of selectmen. A cleanout shall be located a minimum of four (4) inches above the basement floor. The depth shall be sufficient to afford protection from frost.

(f) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the board of selectmen. Pipe laying and backfill shall be performed in accordance with ASTM Specifications, except that no backfill shall be placed until the work has been inspected. All excavation for house connections will start at the sewer. When water is present

in a trench, a sump of crushed stone will be constructed and water will be pumped at all times. The trench will be kept dry at all times during construction. At all times when pipe installation is not in progress, the open ends of the pipe shall be closed with temporary watertight plugs or by other approved means.

(g) No blocks or stones will be used to support the pipe. All sewer pipe will be laid on a bed of crushed stone at least four (4) inches in depth. Stone will be installed before the pipe is laid in the trench and the pipe will then be covered with at least four (4) inches of crushed stone. All pipes shall be covered by the use of hand tools to a depth of at least one (1) foot. Excavation and backfill shall be done in accordance with plans and specifications approved by the board of selectmen.

(h) All "O" rings and seats will be wiped clean and an ample amount of lubricant be applied to inside of bell, the "O" ring and the molded end of the barrel before making up the pipe. All materials will be of first class quality. No rejects or second class pipe will be permitted.

(i) The connection of the building sewer into the public sewer shall be made at the "Y" or "T" branch, if such branch or tee is available at a suitable location. If no branch or tee is available, a connection may be made by tapping the existing sewer by an approved method, then inserting a vitrified clay "Y" or "T" saddle all encased in concrete.

(Ord. No. 0-76-2, § 17-308(D)-(Q), 11-29-76)

**Secs. 13-117-13-130. Reserved.**

#### DIVISION 4. SEWER USE REGULATIONS\*

**Sec. 13-131. Stormwater, groundwater, etc., restricted.**

(a) No stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water or unpolluted industrial process waters shall be discharged or caused to be discharged to any sanitary sewer.

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\*Cross references—Buildings and building regulations, Ch. 5; health, sanitation, nuisances, Ch. 7; streets, sidewalks and other public places, Ch. 10; streets, § 10-26 et seq.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the board of selectmen. Industrial cooling water or unpolluted process waters may be discharged on approval of the board of selectmen to a storm sewer, combined sewer or natural outlet.

(Ord. No. 0-76-2, § 17-311(A), (B), 11-29-76)

**Sec. 13-132. Prohibited discharges.**

(a) The following described waters or wastes shall not be discharged or caused to be discharged into any public sewers:

- (1) Gasoline, benzene, naphtha, fuel oil, or other flammable, or explosive liquid, solid or gas;
- (2) Waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;
- (3) Waters or wastes having a pH lower than 5.5 or higher than 9.4 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works;
- (4) 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 sewerage works such as, but not limited to, stone, gravel, ashes, cinders, sand, concrete, paving materials, mud, straw, sticks, plaster, cement, mortar, shavings, metal, glass, rags, feathers, tar, plastics, wood, brewery mash, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders or any other substance detrimental to or deemed by the board of selectmen detrimental to the sewers or to the operation of the sewerage system.

(Ord. No. 0-76-2, § 17-311(C), 11-29-76)

**Sec. 13-133. Restricted discharges.**

No person shall discharge, cause or allow to be discharged into any sewer the following described substances, materials, waters or wastes in excessive amounts or concentrations if it appears likely in the opinion of the board of selectmen that such substances, materials, waters or wastes can harm either the sewers, sewage treatment process or equipment or have an adverse effect on the receiving waters or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the board of selectmen shall 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:

- (1) Liquids or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius);
- (2) Waters or wastes 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 Fahrenheit (zero (0) and sixty-five (65) degrees Celsius);
- (3) Garbage that has not been properly shredded and the installation and operation of any garbage grinder equipped with a motor of three-fourths ( $\frac{3}{4}$ ) horsepower or greater shall be subject to the review and approval of the board of selectmen;
- (4) Waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not;
- (5) Waters or wastes containing iron, chromium, copper, mercury, 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

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- sewage at the sewage treatment works exceeds the limits established by the board of selectmen for such materials;
- (6) Waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the board of selectmen as necessary after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
  - (7) Any noxious or malodorous gas or substance capable of creating a public nuisance;
  - (8) Wastes containing caustic alkalinity calculated as  $\text{CaCO}_3$  (calcium carbonate), in excess of seventy-five (75) parts per million by weight or in volumes which may be determined by the board of selectmen to be excessive;
  - (9) Radioactive wastes or isotopes in excessive amounts or of such half-life or concentrations as may exceed limits established by the board of selectmen in compliance with applicable state or federal regulations;
  - (10) Waters or wastes having a pH in excess of 9.5;
  - (11) Materials which exert or cause:
    - a. Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries and lime residues or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate;
    - b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions;
    - c. Unusual BOD, COD or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
    - d. Unusual volume of flow or concentration of wastes constituting slugs as defined in section 13-1;
  - (12) Overflow draining from septic tanks, cesspools or other receptacles storing organic wastes;

- (13) Wastes which contain night soil solids that are not diluted sufficiently to assure that all particles will be carried freely under all flow conditions in town facilities;
  - (14) Steam exhausts, boiler blowoffs, sediment traps or pipes carrying hot circulating water;
  - (15) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process 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;
  - (16) Wastes leaving a five-day BOD greater than three hundred (300) parts per million by weight unless approved by the board of selectmen;
  - (17) Wastes containing more than three hundred fifty (350) parts per million by weight of suspended solids unless approved by the board of selectmen;
  - (18) Wastes of an average daily flow greater than two (2) percent of the average daily sewage flow of the town unless approved by the board of selectmen.
- (Ord. No. 0-76-2, § 17-311(D), 11-29-76)

#### **Sec. 13-134. Industrial and commercial waste.**

The discharge of industrial or commercial process waste to either waterways of the state or to the town waste collection system shall conform to the state department of water resources regulations as well as Public Law 92-500 and other federal regulations which may be promulgated from time to time. This does not restrict the town from establishing varying criteria within the state's limitations for specific waste.

(Ord. No. 0-76-2, § 17-311(E), 11-29-76)

#### **Sec. 13-135. Violation of restrictions.**

(a) Any industry or person discharging wastewater directly or indirectly into town facilities that do not comply with these rules and regulations may be subject to direct action by the board of

selectmen when in the opinion of the board of selectmen time is of the essence and may include the withdrawal of permission to discharge wastewaters into town facilities or into facilities appurtenant thereto.

(b) Cost for unauthorized additional treatment in or for repairing damages to town facilities resulting from violations of the town rules and regulations is to be reimbursed to the town by the person or place from which the wastewaters originated that cause the adverse effect. The amount to be reimbursed the town by that person shall include not only the aforementioned costs, but also the costs of ascertaining responsibilities. The town may ask the person for reimbursement of such costs if the responsible person can be determined.

(Ord. No. 0-76-2, § 17-311, 11-29-76)

**Sec. 13-136. Pretreatment measures and requirements.**

(a) 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 sections 13-131 through 13-136, and which in the judgment of the board of selectmen 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 board of selectmen may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of (d) below.

(b) If the board of selectmen 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

board of selectmen, and subject to the requirements of all applicable codes, ordinances and laws.

(c) Persons or industries who desire to discharge industrial waters into the town facilities shall make their requests to the board of selectmen. In forming its opinion as to the limitations on the acceptability of any wastes, the board of selectmen will give consideration to factors such as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. Furnishing required analyses, flow data, etc., shall be the responsibility of the industry where the wastes originate. The board of selectmen shall stipulate the minimum analyses and other data that shall be obtained and shall conduct such waste sampling and measuring programs as are required. Expenses thus incurred by the town shall be reimbursed by the requesting industry.

(d) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment subject to payment therefor by the industrial concern. (Ord. No. 0-76-2, § 17-312(A), (B), (K), 11-29-76)

**Sec. 13-137. Preliminary treatment facilities maintenance.**

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.

(Ord. No. 0-76-2, § 17-312(J), 11-29-76)

**Sec. 13-138. Application to discharge; required agreement, etc.**

All applications to discharge any sewage, drainage, substances or wastes directly into any sewer under the control of the town or tributary thereto shall be accompanied by an agreement signed jointly by the applicant contributing such sewage, drainage, sub-

stances, or wastes, stating that the applicant in question agrees to abide by all rules and regulations of the town, that the applicant will provide such works for the preliminary treatment of the wastewater, drainage, substances or wastes as may be required by the board of selectmen and that the applicant will permit duly authorized representatives of the board of selectmen to enter the premises of the industry to sample and measure wastewaters as needed to check characteristics of the wastewaters. Copies of all such applications are to be accompanied by a plan showing essential characteristics of all wastewater outlets, analyses of existing wastewater and statements as to existing and expected average and maximum wastewater flows.

(Ord. No. 0-76-2, § 17-312(C), 11-29-76)

#### **Sec. 13-139. Control manholes.**

When required by the board of selectmen, 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 board of selectmen. 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.

(Ord. No. 0-76-2, § 17-312(D), 11-29-76)

#### **Sec. 13-140. Interceptors.**

(a) Grease, oil, and sand interceptors shall be provided when in the opinion of the board of selectmen 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 board of selectmen and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when in place shall be gastight and watertight.

(c) Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times.

(Ord. No. 0-76-2, § 17-312(G)—(I), 11-29-76)

#### Sec. 13-141. Measurements, tests, etc.

(a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at the 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 sewerage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises 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-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(b) In the event that no special manhole has been required by the board of selectmen, samples may be taken at suitable locations within the establishment from which the wastes are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur.

(Ord. No. 0-76-2, § 17-312(E), (F), 11-29-76)

**Sec. 13-142. Surcharges.**

(a) Any discharge from an establishment or business, hereafter referred to as the source, which exceeds the limits established in section 13-133(16) and (17) for BOD<sub>5</sub>, three hundred (300) parts per million by weight, or suspended solids, three hundred fifty (350) parts per million by weight, for any monthly average will cause the establishment or business to pay a surcharge for the treatment of the excess waste calculated by the following formula:

$$C_{IS} = [(B_I - 300) B_C + (S_I - 350) S_C] \times 8.34 \times V_I \times D$$

Where:

$C_{IS}$  is the surcharge for the source above their normal usage charge;

$B_I$  is the average concentration of BOD<sub>5</sub> in parts per million (milligrams per liter) for the source's discharge in any month. If  $B_I$  is less than three hundred (300), the term  $(B_I - 300) B_C$  shall be left out of the equation above.

$B_C$  is the cost to the town, as set by the town, to treat one (1) pound of BOD<sub>5</sub> based on the yearly budget of the town's sewerage treatment plant assigned to BOD<sub>5</sub> treatment and the average yearly pounds of BOD<sub>5</sub> treated at the town plant;

$S_I$  is the average concentration of suspended solids in parts per million (milligrams per liter) for the source's discharge in any month. If  $S_I$  is less than three hundred fifty (350), the term  $(S_I - 350) S_C$  shall be left out of the equation above.

$S_C$  is the cost to the town, as set by the town, to treat one (1) pound of suspended solids based on the yearly budget of the town's sewerage treatment plant assigned to suspended solids treatment and the average yearly pounds of suspended solids treated at the plant.

$V_I$  is the average daily flow in million gallons per day from the source for the month in question.

$D$  is the number of days in the month in question.

8.34 is a conversion factor from concentration and flow to pounds of pollutant.

(b) The source shall furnish, or bear the additional costs for special equipment for the removal of undesirable waste from the town plant, and be responsible for the additional costs of disposing of it at an approved site.

(c) The source shall pay the costs of any damage to equipment of the town and additional manpower costs incurred by the town resulting from any upset caused by the source.

(d) Determinations regarding the appropriate nature of surcharges in relation to costs shall be made by the state commissioner of water resources, agency of environmental conservation or designee.

(Ord. No. 0-81-4, § L-4, 1-4-82)

**Secs. 13-143–13-160. Reserved.**

#### **ARTICLE IV. SPECIAL ASSESSMENT FOR IMPROVEMENTS OR SERVICE\***

**Sec. 13-161. Intent.**

(a) As the town grows, demands to develop areas outside the reaches of the existing water and sewer system emerge. Due to the nature of these developments in terms of topography or geology, costs of providing utility service to them are very high. Even more important, the special equipment needed to serve them requires a higher profile of operating and maintenance costs than areas in the regular service zone. To defray these costs and avoid the unfair result of having general users absorb the high costs of these services provided to but a few users, it is proposed that a special assessment system be set up and employed when the prospect of a high cost of service zone is being considered.

(b) The concept of special assessments is explained quite succinctly by the comprehensive book on municipal finance administration issued by the International City Managers Association:

“The special assessment has been defined as a ‘compulsory charge on selected property for a particular improvement or

\*Charter reference—Special assessments, art. four, VIII, F.

Cross reference—Finance, § 2-66 et seq.

State law reference—Special assessments, 24 V.S.A. 3251 et seq.

service which presumably benefits the owners of the selected property and is also undertaken in the interests of the public.' Another observer has stated the definition of special assessments in slightly different terms as 'compulsory levies imposed upon owners of property for the purpose of defraying the cost of specific public improvements likely to enhance the value of assessed property.' In any event, special assessments furnish a means of raising funds in a limited geographical area or sufficiently close by to bring in economic benefits to property in the area."

(c) This explanation goes on at great length debating the pros and cons of special assessments, the end result of which concludes that this revenue device should be used sparingly with extreme caution.

"It can be seen that special assessments have many characteristics which render them suspect. The procedure is a costly way to make improvements, and it involves a considerable amount of administrative red tape. The accounting system required for special assessments is rather complicated, and some of the essential elements of record keeping and accounting are frequently overlooked by municipal officials. The methods used to apportion costs among benefited property owners are unscientific at best, and seldom do they take into account all of the factors involved in measuring the degree of economic enhancement accruing to benefited properties as a result of local improvements. The installment method of paying special assessments is cumbersome and requires a great deal of diligence and follow-up on the part of city officials.

On the other hand, cities are frequently urged by their citizens to install improvements which are too costly to be made a part of the general budget. And where such improvements are local in nature, so that only a relatively few properties will be benefited, the special assessment often offers the most practical solution."

(Ord. No. 0-80-5, 11-3-80)

**Sec. 13-162. System established.**

It is with the caveat in section 13-161 in mind that the administration proposes the following system to deal with high cost of service zones:

(a) *Minimum specifications.*

(1) If upon initial contact with the town it is evident that a service zone cannot be served by conventional means, the contractor shall be provided with the minimum specifications which are on file in the office of the utility and noted as:

- a. Section 1.0 Pipe and filling
- b. Section 2.0 Booster pumps (in line service)
- c. Section 3.0 Pump stations
- d. Section 4.0 Storage

(2) These specifications shall be used as a determinant as to the nature of the system required by the town before consideration shall be given to the eventual acceptance of the utilities.

(b) *Provision of estimated construction costs by contractor.* Upon the determination of the total number of lots (units) in the subdivision (project), the contractor shall submit an estimate of the costs to install the system to the water and sewer department detailed on a form prescribed by the town and with supporting documentation sufficient to satisfy the town that costs are reasonable and minimum specifications have been met.

(c) *Determination of special assessment calculations by the town.*

(1) Within thirty (30) days of the receipt of estimates from the contractor, the town shall provide a determination of the special assessment to be levied.

(2) The formula for the calculation of the special assessment shall be the total of two (2) elements:

- a. Depreciation as set up by the town on:
  1. Equipment (10 years);
  2. Mains (67 years);

3. Hydrants (40 years);
4. Pumping stations (40 years);
5. New capacity if required;
  - (i) Water - indefinite;
  - (ii) Treatment plant (40 years).

b. Operation and maintenance as estimated by the town to include, but not limited to:

1. Utility costs for pumps, heat, lights and operation of utility and controls.
2. Increased man hours and vehicle costs needed to service, maintain and operate facility.

(d) *Procedures for levy of charges.*

- (1) Charges shall be levied against each lot, with the number of lots to be certified by the planning commission.
- (2) Actual costs per lot shall be determined as follows:

$$\frac{\text{Special Assessment Total - Depreciation \& O\&M}}{\text{Total Number of Lots}} = \text{Charges per Lot}$$

- (3) Charges shall be levied upon the owner of the lot immediately upon first day of actual service hookup and be subject to all procedures applicable to conventional billing except that any special assessment shall be done in a total separate from conventional charges.

(e) *Conventional charges.* Conventional charges based on volume shall be levied along with the special assessment to defray costs of the system needed to carry service to the limit of the high service zone.

(f) *New capacity, water and sewer.* Should a subdivision or project exceed existing capacities and require the construction of new capacity tailor made to meet the needs of the project, special negotiations will be arranged to deal with the capacity issue independent of other high cost of service zone elements.

(g) *Total charges per lot.* Total charges per lot shall consist of at least two (2), if not three (3), elements:

- (1) Special assessment - depreciation and O&M;

(2) Conventional charges by volume;

(3) New capacity charges if necessary.

(h) *Contractors bond.* Contractors shall be required to post a bond equal to an amount determined by the board of selectmen as security for payment until the subdivision is complete.

(Ord. No. 0-80-5, §§ I–VIII, 11-3-80)

0-81-4

ORDINANCE CHRONOLOGY

TITLE: AN ORDINANCE AMENDING THE TOWN'S WATER AND SEWER  
ORDINANCE TO ALLOW FOR SURCHARGES RELATED TO  
EXCESS CONCENTRATIONS OF AN IDENTIFIED WASTE STREAM.

NUMBER: 81-4

DATE OF INTRODUCTION: FIRST REVIEW - December 7, 1981

DATE OF PUBLICATION - December 23, 1981

DATE OF PUBLIC HEARING - SECOND REVIEW - January 4, 1982

DATE OF ADOPTION - January 4, 1982

EFFECTIVE DATE - January 7, 1982

DATE FILED WITH THE TOWN CLERK -

ANY REVISIONS OF TIMETABLE BY AMENDMENT: \_\_\_\_\_

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\_\_\_\_\_  
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TOWN OF SPRINGFIELD

ORDINANCE 81-4

AN ORDINANCE AMENDING THE TOWN'S WATER AND SEWER ORDINANCE TO ALLOW FOR SURCHARGES RELATED TO EXCESS CONCENTRATIONS OF AN IDENTIFIED WASTE STREAM.

THE SELECTMEN OF THE TOWN OF SPRINGFIELD DO HEREBY ORDAIN:  
That the Town's Water and Sewer Ordinance (Operating Regulations) 0-76-2, Article III Section 17-312 Pretreatment Measures and Requirements shall be amended to include paragraph L as follows:

- L-1. Any discharge from an establishment or business, hereafter referred to as the Source, which exceeds the limits established in SPRINGFIELD'S Water and Sewer Ordinance (0-76-2) for BOD<sub>5</sub> (300 parts per million by weight), or suspended solids (350 parts per million by weight) for any monthly average, will cause said establishment or business to pay a surcharge for the treatment of the excess waste calculated by the following formula:

$$C_{IS} = [(B_I - 300) B_C + (S_I - 350) S_C] \times 8.34 \times V_I \times D$$

Where,

$C_{IS}$  is the surcharge for the Source above their normal usage charge;

$B_I$  is the average concentration of BOD<sub>5</sub> in parts per million (milligrams per liter) for the Source's discharge in any month. If  $B_I$  is less than 300, the term  $(B_I - 300) B_C$  shall be left out of the equation above.

$B_C$  is the cost to SPRINGFIELD, as set by SPRINGFIELD, to treat one (1) pound of BOD<sub>5</sub> based on the yearly budget of SPRINGFIELD'S Sewerage Treatment Plant assigned to BOD<sub>5</sub> treatment and the average yearly pounds of BOD<sub>5</sub> treated at the SPRINGFIELD plant;

$S_I$  is the average concentration of suspended solids in parts per million (milligrams per liter) for the Source's discharge in any month. If  $S_I$  is less than 350, the term  $(S_I - 350) S_C$  shall be left out of the equation above.

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§  
0.74/4

$S_C$  is the cost to SPRINGFIELD, as set by SPRINGFIELD, to treat one (1) pound of suspended solids based on the yearly budget of SPRINGFIELD'S Sewerage Treatment Plant assigned to suspended solids treatment and the average yearly pounds of suspended solids treated at the plant;

$V_I$  is the average daily flow in million gallons per day from the Source for the month in question;

D is the number of days in the month in question;

8.34 is a conversion factor from concentration and flow to pounds of pollutant.

- L-2. The Source shall furnish, or bear the additional costs for special equipment for the removal of undesirable waste from SPRINGFIELD'S plant, and be responsible for the additional costs of disposing of it at an approved site.
- L-3. The Source shall pay the costs of any damage to equipment of SPRINGFIELD and additional manpower costs incurred by SPRINGFIELD resulting from any upset caused by the Source.
- L-4. Determinations regarding the appropriate nature of surcharges in relation to costs shall be made by the Commissioner of Water Resources, Agency of Environmental Conservation, or his/her designee.



**SPRINGFIELD WATER AND SEWER ORDINANCE**

**ORDINANCE O-76-2, AS AMENDED**

**BY ORDINANCE O-98-1**

**Article 14, Utilities, of the Code of Ordinances**

**ADOPTED BY THE BOARD OF SELECTMEN - FEBRUARY 2, 1998**

ORDINANCE 98-1

Water and Sewer Ordinance  
Section 13-143 Funding Rehabilitation and Expansion  
Section 13-163 Impact Fees

December 31, 1997 – Reviewed by Town Attorney

January 5, 1998 – First Review  
– accepted by Board of Selectmen

February 2, 1998 – Public Hearing – Second and Final Review  
– adopted by Board of Selectmen

Water and Sewer Ordinance  
Section 13-143 Funding Rehabilitation and Expansion

A. It is the policy of the Town to plan for the future financing of major rehabilitation, maintenance and upgrade costs of the water and sewer system. For purposes of funding these future expenditures, the Board of Selectmen may establish access fees to be charged to new construction, renovation and any addition to or change in use of residential and commercial units and may also establish an annual set aside of such funds to be collected, held and disbursed as authorized herein.

B. A fund is hereby authorized to be established to receive all access fees and amounts set aside annually as authorized under this Section, subject to the following conditions:

1. Such fund shall be known as the water and sewer rehabilitation and upgrade fund.
2. The fund shall not exceed the estimated future major rehabilitation, major main.
3. The fund shall be insured at least to the level provided by FDIC.
4. Withdrawals shall be made from the fund only for the purposes for which the fund is established.
5. If the fund balance exceeds the estimated future major rehabilitation, major maintenance or upgrade costs for the water and sewer system, then commencing with the next annual budget, the annual set aside shall be reduced to zero percent and access fees will continue. If, after three years of a zero percent set aside, such fund balance remains in excess of the estimated future major rehabilitation, major maintenance or upgrade costs for the water and sewer system, then one-half of such excess shall be applied to the annual operating budget for the fourth year with any remaining excess fund balance being applied to the subsequent year's annual operating budget.
6. The Selectboard shall annually, at the time of the adoption of the water and sewer budget, review the fund balance along with the amounts needed for the estimated future major rehabilitation, major maintenance or upgrade costs for the water and sewer system.

C. Access Fees shall be charged to new construction, renovation and any addition to or change in use of residential and commercial units. Such access fees shall

be pursuant to rate schedules adopted by resolution of the Selectboard and maintained at the office of the Town Clerk and Utility.

1. Water Access Fee Calculation
  - i. Residential access fees shall be based upon the square footage of living space, new construction or addition.
  - ii. Commercial access fees shall be based upon the estimated per gallon daily usage.
  - iii. Renovation and Addition access fees shall be based upon the estimated increase in daily usage per gallon.
2. Sewer Access Fee Calculation
  - i. Residential access fees shall be based upon the square footage of living space
  - ii. Commercial Access Fees – Construction shall be based upon the estimated per gallon daily usage.
  - iii. Renovation and Addition Access Fees shall be based upon the estimated increase in daily usage per gallon. If done in conjunction with water or currently serviced by Municipal water, the sewer access fee is reduced to one-half of the normal fee, based on one day's increased use of sewer.
  - iv. Change of Use Access Fees shall be based upon the new one day's use, less average of last two years' daily use, but not less than zero.
3. High Strength Waste Access Fee Calculation
  - i. An access fee in addition to the fees established above shall be charged to establishments or businesses, hereafter referred to as the source, which have discharges which exceed three hundred (300) parts per million for BODs (High Strength Waste). The fee shall be based on the source's permitted pounds per day of BODs, as indicated in the source's wastewater discharge permit and agreed to by the Town.

D. The annual budget for the Water and Sewer Department may include an allocation for an annual set aside of up to 15 percent of the normal costs for operations, maintenance and bond payments except with respect to sub-surface leach field systems,

the annual set aside may go up to 100 percent of these costs. Such annual set aside shall be administered as follows:

1. Any surplus in the water and sewer budget at year-end shall, up to the amount of such annual set aside, be contributed to the fund established hereunder for purposes of financing major rehabilitation, major maintenance and upgrade costs for the water and sewer system.
2. Any surplus in excess of the annual set aside shall be treated as a budget surplus and be applied to the subsequent years' annual water and sewer budget.

O-98-1  
Water and Sewer Ordinance  
Section 13-163 Impact Fees

A. In lieu of a special assessment established under Section 13-161 and 13-162 hereof, the Town may charge the beneficiaries of new development to pay their proportionate share of the cost of municipal and school capital projects which benefit them and to pay for or mitigate the negative effects of construction.

B. For purposes of this Section, "Capital Projects" means:

- (1) any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement;
- (2) any preliminary studies and surveys relating to any physical betterment or improvement;
- (3) land or rights in land;
- (4) any combination of these.

C. An impact fee authorized hereunder is a fee levied as a condition of issuance of a zoning or subdivision permit which will be used to cover any portion of the costs of an existing or planned capital project that will benefit or is attributable to the users of the development or to compensate the municipality for any expenses it incurs as a result of construction. The fee authorized hereunder may be levied for recoupment of costs or previously expended capital outlay for a capital project that will benefit the users of the development.

D. The impact fee calculated for any new development shall be based upon negotiations between the developer and the Selectboard. Such fee shall be equal to or less than the portion of the capital costs of the capital project which will benefit or is attributable to the development and shall not include costs attributable to the operation, administration or maintenance of a capital project. The Town may require a fee for the entire cost of the capital project that will initially be used only by the beneficiaries of the development so assessed. Under such circumstances, any beneficiaries of future development shall be required to pay the impact fee to the owners of the development on which the impact fee has already been levied.

E. Such impact fee may be determined by including the following costs:

- (1) The cost of the existing or proposed facility;
- (2) The means including state or federal grants and fees paid by other developers, by which the facility has been or will be financed;

- (3) The extent, if any, to which impact fee should be offset to account for other taxes or fees paid by the developer that will cover the costs of the capital project;
- (4) Extraordinary costs incurred by the municipality in serving the new development;
- (5) The time-price differential inherent in fair comparisons of amounts paid at different times.

F. An accounting shall be provided to the developer annually concerning the impact fee paid by the developer showing the source of such impact fee, the amount of the fee collected and the project that was funded with the fee. If a collected impact fee is not spent on the capital project for which it was intended within six years of when the fee was paid, then the unspent portion shall be refunded to the owner or the owners of the property paying the impact fee in accordance with his or her proportionate share after such owner or owners submit an application for such refund. Any such application shall be delivered to the Town Clerk with copies to each owner of a property benefiting from such capital project.

G. If actual expenses incurred as a result of construction are less than the estimated amount of expenses expected to be incurred, the unexpended portion shall be refunded within one year or termination of construction of the project, provided an application made for such refund and copies of such application are delivered to the Town Clerk and to all beneficiaries of said construction project.

H. The impact fee established hereunder shall be calculated and determined by the Water and Sewer Superintendent.

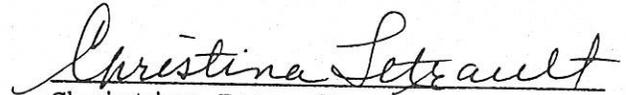
Taken under our hand and seal, this 2nd day of February, 1998,  
Ordinance O-98-1, Amendment to the Water and Sewer Ordinance is hereby  
adopted.



Paul Putnam, Chairman



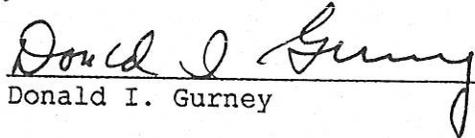
Douglas Richards, Vice Chair



Christina Tetrault



John Follett



Donald I. Gurney