

MUNICIPAL WASTEWATER SYSTEM USE ORDINANCE

for

Troy/Jay Wastewater Department
Town of Jay

RULES AND REGULATIONS

The Town of Jay, by and through its Selectboard, ordains that the rules and regulations herein set forth are established as necessary and desirable for regulating the use of public and private sewers, and the discharge of waters and wastes into the public sewer systems and providing penalties for violations thereof in the Town of Jay, County of Orleans, State of Vermont. This Ordinance is adopted under the authority of Title 24, Chapters 59, 97, 101 and 129, Title 32, Chapter 133, and Title 10, Chapter 47 of the Vermont Statutes Annotated, and supersedes and replaces in its entirety that certain ordinance adopted August 21, 1991.

Be it ordained and enacted by the Sewer Board of the Town of Jay, State of Vermont as follows:

ARTICLE 1

Definitions

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

- 1.01 “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 20 degrees C., expressed in milligrams per liter.
- 1.02 “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 at a point five (5) feet outside the inner face of the building wall.
- 1.03 “Building Sewer Line” shall mean the line which receives sewage from the Building Drain and conveys it to the point of connection with the District’s main.
- 1.04 “Commissioners” shall mean the Troy/Jay Board of Wastewater Commissioners; i.e. the Troy/Jay Sewer Board.
- 1.05 “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
- 1.06 “Domestic Wastewater or Sanitary Sewage” shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.

- 1.07 “Equivalent Residential Unit (ERU)” shall mean the water utilized by an average single family residential dwelling unit which is determined to be 210 gpd (28.075 cubic ft/day). Charges for sewage disposal will be assessed on commercial or institutional accounts based on their respective ERUs as determined by the Commission.
- 1.08 “Force Main” shall mean the pressurized sewer pipe that collects raw wastewater pumped from a raw wastewater pump station or other raw wastewater pumping system.
- 1.09 “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- 1.10 “Health Officer” shall mean the legally designated, respective Health Officers of the Towns of Troy and Jay, or their respective duly authorized agents.
- 1.11 “Improved Property” shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure, sanitary sewage or industrial wastes are or may be discharged.
- 1.12 “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trades or businesses as distinct from sanitary sewage.
- 1.13 “Industry” shall mean any room, group of rooms, buildings or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, or assembling any product, commodity, or article or from which any process wastes, as distinct from sanitary sewage, shall be discharged.
- 1.14 “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 1.15 “Owner” shall be any person vested with ownership, legal or equitable, sole or partial, or possession of any property.
- 1.16 “Person” shall mean any individual, firm, company, association, society, corporation, group, or other legal entity.
- 1.17 “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 1.18 “Properly Shredded Garbage” shall mean the wastes from 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 (1/2) inch (1.27 centimeters) in any dimension.
- 1.19 “Private Wastewater Facilities” shall mean all facilities, piping and pump station wholly owned, operated, maintained, repaired or replaced by that property’s Owner or its agent or contractor. Pump station may either be located within Town road right-of-way or on

private property. Pump station will pump wastewater from one or more properties to Town main or manhole.

- 1.20 “Public Sewer” shall mean a sewer controlled by the Town of Jay.
- 1.21 “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted, which operates by natural gravitational forces.
- 1.22 “Secretary” shall mean the Secretary of the Agency of Natural Resources, State of Vermont or his or her representatives.
- 1.23 “Sewer Board” shall mean the Selectboard of the Town of Jay, acting by and through the Troy/Jay Board of Wastewater Commissioners, established pursuant to an intermunicipal agreement between the Towns of Troy and Jay dated March 7, 1989.
- 1.24 “Superintendent” shall mean the designated appointee of the Sewer Board as its authorized deputy, agent or representative designated to be responsible for operation of the Troy/Jay Wastewater Department.
- 1.25 “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, commercial and industrial establishments, together with such ground, surface and stormwaters as may be present.
- 1.26 “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
- 1.27 “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- 1.28 “Sewer” shall mean a pipe or conduit for carrying sewage.
- 1.29 “Shall” is mandatory: “May” is permissive.
- 1.30 “Slug” shall mean any discharge water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- 1.31 “Storm Drain” (synonymous with “Storm Sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- 1.32 “Structure” shall mean a house, building or any other assembly of materials used for sustained human occupancy, including but not limited to a residence, a place of employment, meeting places and places used for recreation.

- 1.33 “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.
- 1.34 “Raw Wastewater” shall mean wastewater that has received no initial solids reductions such as by means of septic tank treatment or grinding of the large solids into smaller solids.
- 1.35 “T/JWWD” shall mean the Troy/Jay Wastewater Department, created by intermunicipal agreement between the Towns of Troy and Jay in Orleans County, State of Vermont, dated March 7, 1989. The T/JWWD is overseen and governed by a Board of Sewer Commissioners (“Sewer Board”) comprised of representatives from each of Troy and Jay, and its facilities and infrastructure are operated and managed by authorized representatives, agents, deputies or operators of the T/JWWD.
- 1.36 “Unit” shall mean any building or specific portion thereof which is separately identifiable as:
- a. Residential: Self-contained housekeeping facility for one family (house, duplex, apartment, condominium).
 - b. Commercial: Individual, self-contained facility or business such as a store, motel, hotel, or garage.
 - c. Industrial: Individual self-contained facility for use in manufacturing or industry.
 - d. Elder/handicapped housing: A housing facility that has significant facilities and services specifically designed to meet the physical or social needs of older or handicapped persons. Significant facilities and services may include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, emergency and preventive health care programs, congregate dining facilities and transportation to social services. At least 90% of the units shall be occupied by at least one handicapped person or one person 55 years of age or older.

“Congregate elder/handicapped housing: An elder/handicapped housing facility that is designed in an accessible physical environment, normally in a limited number of buildings with internal hallways.”
 - e. Institutional: a public sector or municipal facility or operation, or a project deemed by the Sewer Board to be important to the general health and well-being of the community. i.e. schools, town offices, care facilities, medical facilities, libraries or other.
- All unit designations shall be determined by the Sewer Board.
- 1.37 “Wastewater” shall mean sewage and is synonymous with that term.

ARTICLE 2

Abbreviations

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

- Sec. 1 ANSI shall mean American National Standard Institution.
- Sec. 2 ASME shall mean American Society of Mechanical Engineers.
- Sec. 3 ASTM shall mean American Society for Testing/Materials.
- Sec. 4 AWWA shall mean American Water Works Association.
- Sec. 5 NPC shall mean National Plumbing Code.
- Sec. 6 CS shall mean Commercial Standards.
- Sec. 7 WPCF shall mean Water Pollution Control Federation.
- Sec. 8 ppm shall mean parts per million
- Sec. 9 mg/l shall mean milligrams per liter.
- Sec. 10 Degrees F shall mean degrees Fahrenheit.
- Sec. 11 Degrees C shall mean degrees Centigrade.
- Sec. 12 cm shall mean centimeter.
- Sec. 13 m. shall mean meter.
- Sec. 14 sq. m shall mean square meters.
- Sec. 15 l. shall mean liters.
- Sec. 16 Kg. shall mean kilograms.

ARTICLE 3

Mandatory Use of Public Sewers

- 3.01 It shall be unlawful for any person to place, deposit, or permit to be placed or deposited, upon public or private property within the Town or any area under the jurisdiction of the Sewer Board, any human excrement, garbage or other objectionable waste.
- 3.02 It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ORDINANCE and the laws of the State of Vermont.
- 3.03 Except as provided hereinafter or by the Wastewater and Potable Water Supply Rules and Regulations of the State of Vermont, 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 in the Town.
- 3.04 The owner of all houses, buildings or other improvements intended for human occupancy, employment, recreation or use situated within the Town and abutting or within two hundred (200) feet of the Public Sewer or Combined Sewer must install

suitable toilet facilities in said house, building, or improvement and connect directly to the Public Sewer or Combined Sewer at the owner's sole expense.

ARTICLE 4

Building Sewers and Connections

- 4.01 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the T/JWWD. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall make application as outlined in 4.02.
- 4.02 New building connection/Change of use permits:
The Owner or his/her agent shall make application on a special form furnished by the T/JWWD. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the T/JWWD. A Connection Fee shall be paid to the T/JWWD at the time the application is filed. Copies of the fee schedule are available at the Jay Town office. No permit will be issued until all other applicable State or local permits have been acquired and confirmation of the same furnished to T/JWWD with the application for permit. A Buried Utility Permit from the Town of Troy or the Town of Jay, respectively, is required if installation is within Town highway right-of-way.
- 4.03 All costs and expenses incident to the installation and connection of the building sewer to the sewage system shall be borne by the Owner. The Owner shall indemnify the T/JWWD from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 4.04 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 4.05 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- 4.06 The size, slope, alignment, materials of construction of building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations, and all must be approved before construction begins, and inspected during construction, by the Superintendent. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. Upon inspection, any part of the installation found not to be in conformance

with approved plans shall be replaced by the Owner at his/her expense before any permit is issued by T/JWWD. All such connections shall be made watertight. No connection shall be made during the period November 15 to April 15 without prior cold weather construction approval by the Sewer Board.

- 4.07 Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any installed building drain will be 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 discharge to the sanitary sewer.
- 4.08 Private Pump Stations serving a single building or group of buildings may be approved by the Sewer Board upon application. Any approved private pump stations shall be constructed watertight in conformance with all applicable State of Vermont rules and regulations concerning piping size, number of pumps, emergency storage, alarm system etc. Private Pump Stations shall be subject to periodic inspection by the Superintendent. If any inspection reveals items the Superintendent reasonably believes need repair or replacement, the Owner shall make such repairs in a timely fashion or be subject to the Penalties outlined in Article 9.
- 4.09 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, basement pumps, or other sources of surface runoff or groundwater to a Building Sewer Line or Building Drain which in turn is connected directly or indirectly to a public sanitary sewer. If any such connection is discovered, the Superintendent shall notify Owner in writing; Owner shall detach the illegal connection immediately and be subject to the Penalties outlined in Article 9.
- 4.10 Prior to any connection being made to the Public Sewer, the Superintendent shall be given forty-eight (48) hours notice in order that the Superintendent may supervise such work. If the Superintendent has not been properly notified, the Superintendent may require the completed work to be uncovered for examination, at the Owner’s expense.
- 4.11 Clean outs shall be installed where the distance from the building to the main sewer is greater than one hundred fifty (150) feet or where bends greater than forty-five (45) degrees are used in the Building Sewer Line. (See 4.06 above regarding plan submittal, materials and inspection by the Superintendent). The clean out shall be brought up from the building sewer to four (4) inches (10.2 cm.) below ground level and be properly capped with a metal clean out frame and cover set in an 18” x 18” concrete pad 8” thick. Locations of all clean outs shall be recorded and turned over to the Superintendent.
- 4.12 Before any portions of the existing plumbing system outside of the building is connected to the Building Sewer Line, the Owner shall prove, to the satisfaction of the Superintendent, that it is clean and conforms in every respect to this ORDINANCE and that all joints are watertight.
- 4.13 Where pipe is installed for Building Sewer Lines, such work shall be performed by a qualified person approved by the Superintendent.

- 4.14 The Superintendent shall require appropriate tests to the pipes and the Owner, at their own expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and shall remove or repair any defective materials when so ordered by the Superintendent.
- 4.15 All excavations for Building Sewer Line installation shall be, adequately guarded with barricades and lights 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 T/JWWD.
- 4.16 The contractor shall not block any driveway, street, road, or railroad at any time without permission of the Town and other controlling agencies. Every effort shall be made to permit the safe movement of vehicular traffic at all times. Whenever it becomes necessary to cross or interfere with roads, walks, or drives, whether public or private, the Contractor shall maintain, at its own expense, and subject to the approval of the Town, safe bridges or other means of egress.

ARTICLE 5

Wastewater Main Extension, Plan Approval and Construction

- 5.01 Any person desirous of constructing an extension to the wastewater system shall apply to the T/JWWD for approval. If preliminary approval is given by the Sewer Board, the applicant shall have final plans and specifications developed by a professional engineer whom T/JWWD is satisfied has demonstrated proficiency in wastewater system design, and is registered to practice civil or sanitary engineering in Vermont. Construction shall not commence until approval of the plans has been issued by the Sewer Board. Written approval by the Sewer Board will address issues such as engineering oversight, submission of record drawings, warranty, the T/JWWD's rights for review of the project and payment by the applicant in the event an outside engineering firm is hired by the T/JWWD to review the project during construction. All work performed shall remain uncovered until an authorized representative of the T/JWWD has inspected the work and indicates general satisfaction with it.
- 5.02 No main extension shall be made during the period November 15 to April 15 without prior cold weather construction approval of the Sewer Board. The Owner may be assessed an additional charge as part of the connection fee to cover the additional expense incurred as a result of cold weather construction.

ARTICLE 6

Use of the Public Sewers

- 6.01 No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- 6.02 No person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - (c) Any waters or wastes having pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- 6.03 No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction in the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:
- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
 - (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
 - (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

- (d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, or other heavy metals and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other waste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal or other public agencies having jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to, sodium chloride and sodium sulfate).
 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, may cause the effluent limitations of the discharge permit to be exceeded.
 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

6.04 If any waters or wastes are discharged, or are proposed to be discharged to the Public Sewers, which waters contain the substance or possess the characteristics enumerated in 6.03 of this Article, and which in the judgement of the Superintendent, 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 Superintendent may:

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

If the Superintendent 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 Superintendent and Sewer Board, and subject to the requirements of all applicable codes, ordinances and laws and to the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry.

- 6.05 Grease, oil, hair, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Only interceptors of a type and capacity approved in advance by the Superintendent shall be used, and the installed location of the interceptor shall be approved by the Superintendent and shall provide ready and easy access for cleaning and inspection.

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 bolted in place, shall be gastight and watertight.

Where installed, all grease, oil, hair, and sand interceptors shall be maintained by the Owner, at the Owner's expense, in continuously efficient operation at all times. Materials collected shall not be reintroduced into the Public Sewer system but shall be satisfactorily disposed of elsewhere in accordance with standards, rules or regulations. The Owner shall provide the T/JWWD with records of cleaning, maintenance and inspection when deemed necessary by the Superintendent.

- 6.06 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 the Owner's expense.
- 6.07 When required by the Superintendent, the Owner of any property serviced by a Building Sewer Line carrying industrial wastes shall install a suitable control manhole or structure together with such necessary meters and other appurtenances in the Building Sewer Line to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the Owner at the Owner's expense and shall be maintained by them so as to be safe and accessible to the Superintendent at all times. All industries discharging into a Public Sewer shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharging to the receiving waters. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit.

- 6.08 All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ORDINANCE shall be determined in accord with the latest edition of "Standard Methods for the Examination of Water and Wastewater." published by the American Public Health Association, and shall be determined at the control manhole or structure provided, or upon suitable samples taken at said control manhole. If no special structure has been required, the control manhole shall be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer Line is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken). Normally, but not always, BOD and suspended solids analysis are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.
- 6.09 Any industry held in violation of the provisions of this ORDINANCE may have its disposal authorization terminated.
- 6.10 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the T/JWWD and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the T/JWWD for treatment, subject to payment, therefore, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any user charge and industrial cost recovery system in effect.

ARTICLE 7

Protection from Damage

- 7.01 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the Public Sewer system. Any person violating this provision shall be subject to arrest under the charge of unlawful mischief as set forth in Title 13, Section 3701 of the Vermont Statutes Annotated, as the same may be amended from time to time.

ARTICLE 8

Powers and Authority

- 8.01 The Superintendent and other duly authorized employees of the T/JWWD bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the ORDINANCE. The Superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond the

point in such process/processes which has a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

- 8.02 While performing the necessary work on private properties referred to in 8.01, above, the Superintendent or duly authorized employees of the T/JWWD shall observe all safety rules applicable at the premises established by the occupant and the occupant shall be held harmless for injury or death to the T/JWWD employees. T/JWWD shall, to the extent permitted by law, indemnify the company against loss or damage to its property by T/JWWD employees and against liability claims and demands for personal injury or property damage asserted against the company to maintain safe conditions.
- 8.03 The Superintendent and other duly authorized employees of the T/JWWD bearing proper credentials and identification shall be permitted to enter all private properties through which the T/JWWD 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 Public Sewer lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE 9

Penalties

- 9.01 Any person found to be violating any provisions of this ORDINANCE except Article 7, shall be served by the T/JWWD with written notice stating the nature of the violation and providing a three day (72 hours) period to satisfactorily correct the violation(s). The Superintendent may grant a written extension, for good cause shown presented in writing, prior to the expiration of the time limit. The offender shall, within the period of time stated in such notice, permanently cease and cure all violations.
- 9.02 Any person who shall continue any violation beyond the time limit, and any extension thereof, provided for in 9.01, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500.00 for each violation. Each seven-day period thereafter, or any part thereof, without cessation shall be deemed a separate offense.
- 9.03 Any person violating any of the provisions of this ORDINANCE shall become liable to indemnify and make whole T/JWWD for any expense incurred or loss or damage suffered by T/JWWD by reason of such offense.
- 9.04 Any person delinquent in the payment of sewer services bills shall be subject to having the served property sold at tax sale consistent with the provisions of 32 V.S.A. Chapter 133. Collection and reconnection fees will also be assessed the delinquent party.
- 9.05 Notwithstanding any of the foregoing provisions, T/JWWD may institute any appropriate legal action including seeking an injunction to prevent, restrain or abate violations of the ORDINANCE.

ARTICLE 10

Allocation/User Charge System

- 10.01 The Sewer Board shall establish a quarterly allocation charge for those customers with an approved sewer allocation but no presently existing physical interconnection to, and a user charge for customers with an approved allocation and a physical interconnection to, the Public Sewer system in accordance with appropriate Federal and State rules and regulations. The allocation charge and the user charge shall each be set at such amount or amounts necessary to defray the costs of the T/JWWD's share of the initial construction of wastewater collection, transportation and treatment facilities, upgrades to the facilities, the cost of annual operation and maintenance of the facilities, as well as to provide a capital reserve for renewal or replacement. Fee schedules reflecting the current rates and fees are available at the Jay Town Office. Nothing herein shall preclude the Sewer Board from negotiating an individual rate arrangement with an industrial concern desiring to deposit industrial waste into the Public Sewer system for treatment, provided such arrangement comports with the second sentence of 10.02.
- 10.02 The Sewer Board shall, in establishing the rates referred to in 10.01 above, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of 40 C.F.R. 35.2140 and Chapter 101 of Title 24, Vermont Statutes Annotated.
- 10.03 Each house, building, structure, lot or unit which is connected to the Public Sewer system of or has been allocated sewer disposal capacity by the T/JWWD (each a "user") shall be subject to the charges described in 10.01 above. Said charges shall be based upon the debt service payable on bonds and other system debt then outstanding and the costs and expenses for operation, maintenance and capital replacement of the T/JWWD system. The charges for each user shall be in proportion to the user's estimated contribution to the total wastewater load of the treatment works, reflected in the number of ERUs assigned to that user.
- 10.04 The Sewer Board shall have the authority to modify, adjust, increase or decrease the allocation and sewer use charge as may, from time to time, be deemed appropriate. The Sewer Board will review the allocation and use charge system, and will notify each user of their quantity of estimated use (ERUs) and rate annually. The minimum sewer charge established by the Sewer Board shall be assessed whether or not a property is occupied.
- 10.05 Sewer allocation and use charges shall be billed quarterly and be due on the 30th day following the date of the invoice. A late penalty of five percent (5%) of the total amount due shall be charged for payments received after the due date. An additional 5% penalty will be assessed on any unpaid balance in each subsequent billing cycle.
- 10.06 Wastewater service may be disconnected for nonpayment of a wastewater bill under the procedure set forth in 24 V.S.A. Chapter 129. Disconnection due to delinquency of wastewater rate payments will not be made on a day immediately preceding a Saturday, Sunday or a state or federal holiday. When the Sewer Board dispatches an agent to

effect a disconnection caused by delinquency of payment and, upon arrival, payment is made to the agent for all charges due including the collection fee as permitted under 24 V.S.A. Chapter 129, service will be permitted to continue. If a health hazard or emergency incident results in disconnection of the user, a reconnection charge will be assessed for resumption of service in addition to the disconnection charge. Service, once disconnected, shall not be restored until the reason for disconnection has been eliminated and there is no other circumstance existing on the Property that independently warrants disconnection.

- 10.07 Each quarterly allocation charge or sewer use charge shall be and shall constitute a lien upon the real estate served by the Sewer District for which such charge is assessed when a notice of delinquency is filed in the Land Records of the Town, and such lien shall be collected in the same manner as delinquent taxes upon real estate through a tax sale pursuant to Title 32 V.S.A. Chapter 133.
- 10.08 Any person who feels their allocation or user charge, or method used to calculate said allocation or user charge, is unjust and inequitable may make written application to the Sewer Board requesting a review and possible adjustment of the charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of the wastewater generated by the user in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Review of the request for adjustment shall be made by the Sewer Board and, if substantiated, the allocation or user charge for the applicant will be recomputed and any adjustment in the charge will be effective beginning with the next billing cycle.
- 10.09 The rates as established by the Articles of this ORDINANCE shall control over any previous contracts, agreements, or arrangements as to rates, method for collection, or any other element effecting rates and charges which shall be null and void.

ARTICLE 11

Other Charges and Fees

- 11.01 Application fee will be assessed to all persons submitting application to the T/JWWD for allocation request.
- 11.02 A sewer connection fee will be assessed to all persons submitting Sewer Connection Applications to the T/JWWD as provided by 4.02. All fees shall be paid at the time the application is submitted to the T/JWWD. No application shall be processed or approved until the specified fee is paid.
- 11.03 Collection and reconnection fees will be assessed as provided by 9.04. (Ref. 24 VSA Chapter 129 – Uniform Water and Sewer Disconnect).
- 11.04 Engineering service charges shall be assessed to developers to cover expenses incurred by the T/JWWD for the review, inspection, and other work related to development

projects whether performed by an engineer engaged by the T/JWWD, the Superintendent, or both.

- 11.05 The current fee schedule is available from the Jay Town office upon request.

ARTICLE 12

Construction Standards

- 12.01 The T/JWWD shall utilize construction standards and specifications deemed by it to be in the best interest of the Sewage Works

ARTICLE 13

Responsibilities and Liabilities

- 13.01 The T/JWWD shall not be liable to any Owner or occupant of a building connected to the Public Sewer system for any damage, loss or injury caused by, but not limited to, interruption of service for repairs, necessary operations, and/or additions or improvements to the Public Sewer.
- 13.02 The T/JWWD shall not be required to provide notice of interruption. Notice of interruption may be provided as a courtesy only except as noted in 13.03 below.
- 13.03 Users shall be notified in writing of interruption of service by “Disconnection” as provided by the Provisions of this ORDINANCE (24 VSA CH 129).
- 13.04 No person shall be entitled to damages, nor to have any portion of a payment refunded, in the event of a stoppage of the Public Sewer occasioned by accident to any portion thereof, or for non-use of the Public Sewer by that person for any reason.
- 13.05 The T/JWWD will comply with State Regulations with regard to testing, monitoring, and reporting of the wastewater system.
- 13.06 The T/JWWD shall, at no time, jeopardize its current customers by authorizing more new wastewater services than it can accommodate. The T/JWWD shall be under no obligation to commit to any development any portion of its unallocated capacity but may allocate its capacity amongst various areas of the towns as the Sewer Board deems most appropriate.
- 13.07 Boundaries of areas served by the T/JWWD shall be defined by the Sewer Board and the furnishing of services outside of the boundaries shall be at the sole discretion of the Sewer Board.

ARTICLE 14

Validity

- 14.01 The Sewer Board may make such rules and regulations relating to the use of the Public Sewer system of T/JWWD as they shall deem necessary for proper operations thereof.
- 14.02 The invalidity of any section, clause, sentence, or provision of this ORDINANCE shall not affect the validity of any other part of this ORDINANCE which can be given effect without such invalid part or parts.
- 14.03 These rules may be amended at any time by the Sewer Board as provided by law.

ARTICLE 15

Ordinance in Force

- 15.01 This ORDINANCE as amended shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- 15.02 Passed and adopted by the Sewer Board of the Town of Jay on this ____ day of _____ 20____.

Jay Sewer Board

_____	_____
_____	_____
_____	_____

Adopted by Sewer Board _____
Effective _____

Received and Recorded this ____ day of _____ 20____.

_____, Town Clerk

Attachment 1

According to Statute, this form must be printed on pink paper

Troy/Jay Wastewater Department Wastewater Disconnect Notice

Date: _____

Amount in Arrears: \$ _____

Dear Customer:

According to our records, your (wastewater) service account is still unpaid. Please make full payment of the account or contact our office to make satisfactory arrangements before _____. If this is not done, we will no longer be able to extend credit. A notice of delinquency has been filed and makes this delinquent amount **a lien on your real property which may lead to a tax sale.**

Special Charges: Section 5151 of Title 24, Vermont Statutes Annotated, provides that we charge a fee for coming to your location to collect the amount overdue. These fees are as follows:

Collection Trips - \$25.00, regardless of number
Interest Charged according to Title 24 VSA § 5156

If payment has already been sent, we recommend that you contact our office to make certain that payment is recorded on your account by the indicated date as such payment may have become delayed or lost in the mail. Payment in the mail does not constitute payment until received by us.

THIS IS A FINAL REQUEST FROM:

Troy/Jay Wastewater Billing Department
Town of Troy
142 Main Street
Troy, VT 05859
(802) 988-2663

Other Important Information: If you have a question concerning this bill or if you want to seek an agreement with us to pay the balance due over a period of time, you should contact this office as soon as possible after receipt of this notice. In the event an agreement is entered into, failure to abide by the terms of agreement can lead to disconnection without further notice. If disconnection would result in an immediate and serious health hazard to you or to a resident within your household, disconnection will be postponed upon presentation of a duly licensed physician's certificate.

Appeals: If you cannot reach agreement as to payment of this bill with the department listed above, you may appeal to:

Chairperson, Troy/Jay Sewer Board
Town of Troy
142 Main Street
Troy, VT 05859
(802) 988-2663