



# TOWN OF WILMINGTON, VERMONT

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## Ordinance regulating the use of the public sanitary sewer system

**October 2, 2013**

Adopted by Wilmington Selectboard 10/02/2013

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TOWN OF WILMINGTON, VT  
ORDINANCE REGULATING THE USE OF THE PUBLIC SANITARY SEWER SYSTEM

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## **INTRODUCTION**

Pursuant to Title 24 Section 3617 of the Vermont Statutes Annotated, it is hereby ordained by the Sewer Commissioners of the Town of Wilmington, Vermont that the protection of the health and safety of the Town of Wilmington and of the general public requires the establishment of minimum standards governing the design, construction, installation, operation of, and connection to the public sanitary sewerage system. The original Ordinance Regulating the Use of Public Sanitary Sewerage Systems was adopted in December 1980 and amendments have been made in February 1985, June 1990, July 2001 and February 2008.

## **ARTICLE I – GENERAL PROVISIONS**

### **SECTION 101:**

All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "Ordinance Regulating the Use of Public Sanitary Sewerage Systems" hereinafter sometimes referred to as the ORDINANCE.

### **SECTION 102:**

The Town Clerk shall file certified copies of this ORDINANCE, as well as certified copies of any additions and amendments to this ORDINANCE as may be hereafter adopted, with the Sewer Commissioners and the Health Officer.

### **SECTION 103:**

The principal objective of sewerage facilities is to collect sewage and wastes and to provide the required or justified degree of treatment under the most favorable and economical conditions possible. Therefore, the discharge of wastewaters into the public sanitary sewers which do not require nor justify treatment or which will cause damage to or stoppage of the sewerage system or interfere with sewage treatment processes must be prohibited and/or rigorously controlled.

### **SECTION 104:**

The provisions of this ORDINANCE shall be reviewed at intervals not exceeding five (5) years by the Sewer Commissioners with the objective of assessing the continued applicability of these provisions; to consider any recommendations proposed for their improvement; and to determine if and what changes are advisable due to advances in the technical methods or processes of waste treatment and sewage collection to the Town of Wilmington.

### **SECTION 105:**

In the case of any other applicable regulation, by law, ordinance or statute which differs from the rules and regulations of this ORDINANCE, the stricter shall apply.

### **SECTION 106:**

This ORDINANCE may be amended at any time by the Sewer Commissioners, as provided by law and after due notice and public hearing.

## **SECTION 107:**

It shall be the function of the Sewer Commissioners to vary or modify the application of any of the provisions of this ORDINANCE when strict enforcement would result in practical difficulties or unnecessary hardship, or the cost of connecting to the sewer is 30% more than installing a private septic system as noted by a minimum of two estimates.

## **ARTICLE II - DEFINITIONS**

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

**Accessory Apartment** is an efficiency or one-bedroom apartment created within, attached or detached, which is subordinate to an owner occupied single-family dwelling where property can demonstrate sufficient wastewater capacity; unit size may not exceed the percent (%) of total habitable floor area of single family dwelling as shown in the Quick Reference Guide. [24VSA § 4412(E)]

**Affordable Housing** definition shall be as defined by current State of Vermont statutes.

**Affordable Housing Development** definition shall be as defined by current State of Vermont statutes.

**Allocation** is the amount decided by the Sewer Commissioners to commit a specified amount of sewage treatment capacity (measured in gallons per day or gpd) to a specific project.

**Allocation Fee** is the fee for the allocation of sewage treatment capacity, specified as dollars per gpd, as established by the Sewer Commissioners.

**Bed & Breakfast** is a dwelling in which no more than six (6) bedrooms are rented on a daily or weekly basis to transients. Distinguished from a hotel/motel in that the operator lives in the Bed & Breakfast and the use does not change the residential character of the neighborhood or area, and the food service may have a seating capacity of no more than 24 people.

**Bedroom** is a room located within a building or structure that is used primarily for sleeping purposes.

**Biochemical Oxygen Demand (BOD)** means the quantity of oxygen utilized in the biochemical oxidation or organic matter under standard laboratory procedure in five (5) days at 20 degrees C expressed in milligrams per liter.

**Boarding House/Rooming House:** A single family dwelling where fewer than six bedrooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

**Building or Structure** means a building or structure whose use or useful occupancy requires the construction or modification of a potable water supply or wastewater system.

**Building Sewer** shall mean that part of the Sewerage System which receives the sewage from the House Plumbing System and conveys it to the nearest end of the House Connection, unless a House Connection is not available, whereby the Building Sewer shall be extended to the nearest available "Y" branch on the Main Sewer.

**Building Usage Alteration** is defined as a change in a building's sewer discharge amount or a change in the classification as defined in the Equivalent Connector Unit system used to determine sewer rent.

**Chief Operator** shall mean that employee of the Town who shall be designated by the Town Manager to operate and maintain the Public Sewerage Facilities.

**Clerk** shall mean the Town Clerk of the Town of Wilmington.

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

**Committed Reserve Allocation** is the total amount of total wastewater flow (gallons per day) from all projects/buildings allocated by the Sewer Commissioners for discharge to the treatment Plant, but not yet discharging at the time of the calculation.

**Development** shall mean the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial, manufacturing, farming, educational, medical, charitable, civic, recreational and religious uses.

**Dwelling Unit** is a dwelling occupied or intended to be occupied for residential purposes, containing cooking, sleeping and sanitary facilities that constitute a separate independent housekeeping establishment.

**Dwelling, Mixed Use** is a single structure containing within the structure a one-family dwelling and a separate permitted commercial operation. Dwelling unit shall be maintained in good order for the life of the principal structure.

**Dwelling, Multiple** is a building containing separate dwelling units for three (3) or more families having separate or joint entrances, services, or facilities. Multiple dwellings are subject to density requirements set forth in Article II of the Wilmington Zoning Ordinance.

**Dwelling, One-Family** is a detached building designated for or occupied solely as a dwelling by one family.

**Dwelling, Single Family/Duplex** is a building containing separate dwelling units for two (2) families, either side by side or top and bottom; each dwelling unit designated for occupancy as a dwelling for one family.

**Equivalent Connector Unit** is the name of the unit the Town uses to convert design flow numbers into a unit for the sewer user charge system.

**Floor Drain** shall mean any drain coming from a building that contains anything other than wastewater from normal domestic activities.

**Garbage** shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**Graywater** means the wastewater from normal domestic activities such as bathing, clothes washing, food preparation, and cleaning but excluding wastewater from toilets.

**Health Officer** shall mean the legally designated Health Officer or Deputy Health Officer of the Town of Wilmington, Vermont.

**House Connection** shall mean that part of the Sewerage System that runs from the Main Sewer to the property line and includes all necessary fittings.

**House Plumbing System** shall mean all the plumbing work within the building and to a point five (5) feet (1.5 meters) outside of the building which conveys sewage from within the building to the building sewer outside the building.

**Hotel/Motel** is a building providing lodging for persons with or without meals, and intended for the accommodation of transients, on a short term basis of not more than thirty (30) consecutive days, and so designed that normal vehicular access and egress are controlled from a central point. Food services can be for the general public. A Hotel/Motel is not a dwelling unit.

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

**Inspector for the Town** shall be the Chief Operator of the Wastewater Treatment Plant or his/her representative.

**Low-Income Housing** is housing which is affordable to households having a gross annual income equal to or less than 60% of median income. Housing shall be either owned or rented.

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

**Oil/Water/Grit Separators** are devices commonly used as a method to separate oils from a variety of wastewater discharges.

**Owner** shall mean any person, vested with ownership, legal or equitable, sole or partial.

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

**Private Sewerage System or Facilities** shall mean all facilities for collecting, pumping, treating and disposing of sewage that is not under the control of, nor operated by, the Town of Wilmington.

**Properly Shredded Garbage** shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

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

**Public Sewerage System or Facilities** shall mean all facilities for collecting, pumping, treating and disposing of sewage that are controlled and operated by the Town of Wilmington.

**Reserve Allocation** is the permitted wastewater flow minus the actual wastewater flow during the preceding 12 months.

**Restaurant** is a building where the primary function of which is to serve food and beverages to the public.

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

**Scavenger Waste** shall mean suitably conditioned human excrement in a fluid state solely collected from septic tanks, cesspools and approved chemical toilets, provided such facilities are located in the Town of Wilmington, Vermont.

**Sewer Commissioners** shall mean members of the Selectboard of the Town of Wilmington, Vermont.

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

**Sewer** shall mean a pipe or conduit.

**Sewer Main** shall mean a principal pipe in the collection system that collects sewage. This pipe shall be a minimum of 8" in diameter.

**Sewer User Charge System** is the system the Town uses to determine what each user design flow discharge is.

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

**Shall** is mandatory; **May** is permissive.

**Storm Sewer or Storm Drain** shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

**Subdivision** shall mean a tract of land, owned or controlled by a person or other entity, which has been partitioned or divided for the purpose of resale into two (2) or more lots.

**Subsurface Sewage Disposal System** shall mean any sewage treatment system whereby the tank or plant effluent is leached into the ground by subsurface disposal.

**Suspended Solids** shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

**Town** shall mean the Town of Wilmington, Vermont.

**Uncommitted Reserve Allocation** is that portion of the reserve allocation remaining after subtracting the wastewater flow of all projects approved by the Board but not yet discharging to the sewer.

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

**WWTP** shall mean the Wastewater Treatment Plant.

### **ARTICLE III - ABBREVIATIONS**

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

**ANSI** shall mean American National Standards Institute.

**ASME** shall mean American Society of Mechanical Engineers.

**ASTM** shall mean American Society for Testing and Materials.

**AWWA** shall mean American Water Works Association.

**BOD (denoting Biochemical Oxygen Demand)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

**Cm** shall mean centimeter.

**CS** shall mean Commercial Standard.

**Degrees F** shall mean degrees Fahrenheit.

**Degrees C** shall mean degrees Centigrade.

**ECU** shall mean equivalent connector unit.

**Gpd** shall mean gallons per day.

**hp** shall mean horsepower.

**Kg** shall mean kilograms.

**L** shall mean liters.

**M** shall mean meter.

**Mg/l** shall mean milligrams per liter.

**NPC** shall mean National Plumbing Code.

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

**ppm** shall mean parts per million.

**Sq m** shall mean square meters.

**WWTP** – Wastewater Treatment Plant



## **ARTICLE IV - USE OF PUBLIC SEWERS**

### **SECTION 401:**

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 of Wilmington, or in any area under the jurisdiction of said Town, any human excrement or other objectionable waste.

### **SECTION 402:**

It shall be unlawful to discharge to any natural outlet within the Town of Wilmington, 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 the provisions of this ORDINANCE and the laws of the State of Vermont.

### **SECTION 403: - SEWER DISTRICT PURPOSE AND DEFINITION**

Having the actual daily discharge flow usage be at the highest targeted level will allow the Wilmington Sewer Commissioners to expand peoples' ability to connect to the wastewater treatment plant; share the treatment plants costs among a larger group of people, and increase the revenue to the Sewer Capital Fund so as to be better prepared for any anticipated or unanticipated capital expenditures.

The Sewer Commissioners' goal is to increase our actual wastewater treatment plant discharge flow to 108,000 gallons per day, and when this target has been reached, to then assess whether to continue to increase the daily discharge flow or to discontinue accepting any increase of flow into the system.

The Wilmington Sewer District is defined as those properties currently connected to the Wilmington Sewer System with the exception of the Deerfield Valley Elementary school as of February 20, 2008.

In order to achieve a daily discharge flow of 108,000 gallons per day, the Sewer Commissioners will review any requests to connect to the sewer or to increase currently connected flows that have been reviewed by the Town Manager and Chief Operator to meet any of the following criteria:

- Any property located on either side of Route 9 east to the point of the junction of the centerline of Ballou Hill Road; and either side of Route 100 south to the Deerfield Valley Rescue barn located at 34 VT RTE 100 S.
- Any property owner whose property line resides 1000 feet from any existing sewer main as of February 20, 2008.
- Any property owner, no matter the location of the property, who can prove that their current septic system has suffered a complete failure and no replacement onsite septic system can be built, or that no private septic system can be built on the property.

Installation of or repair to a private sewerage system servicing a building located within two hundred (200) feet of a public sewer is not permitted unless it meets the criteria as described in Section 107.

**SECTION 404:**

Private sewerage systems septic tanks which are abandoned because of the availability of public sanitary sewers shall be required to be thoroughly and properly cleaned and filled in or removed according to good sanitation practice under the inspection and regulations of the Chief Operator.

**SECTION 405: - REQUIREMENTS OF SEWER/WASTE TO BE DISCHARGED TO THE PUBLIC SEWER SYSTEM**

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
2. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, wax or grease, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees F (0 degrees C) and 150 degrees F (65 degrees C).
3. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
4. Any garbage that has not been properly shredded. The installation and operation of a garbage grinder equipped with a motor of 3/4 hp (0.76 hp metric) or greater shall be subject to the review and approval of the Chief Operator.
5. Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, ground garbage, whole blood, hair, fleshings, entrails and paper dishes, cups, milk containers or any other solid or viscous substance, either whole or ground by garbage grinders, capable of causing obstruction to the flow in sewers or other interference with the proper operation of the public sewerage facilities.
6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the public sewerage facilities.
7. Any 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 humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
8. Any chemicals or chemical compounds of the following nature or characteristics or having similarly objectionable characteristics; alcohols, arsenic and arsenicals, phenols or cresols, formaldehydes, iodine, manganese, cyanide, heavy metals and other metal finishing or plant wastes, acid pickling waste, mercury and mercurials, silver and silver compounds, sulfanamides, toxic dyes (organic or mineral), zinc, all strong oxidizing agents such as chromates, dichromates, permanganates, peroxide and the like, compounds producing hydrogen sulfide, or any other toxic, inflammable or explosive gases, either upon acidifica-

tion, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulphides, sulphites, and the like, radioactive materials or isotopes.

9. Any water or wastes containing excessive settleable solids exerting excessive chlorine demand, exerting an unusual chemical oxygen demand or containing any other material or constituent in concentrations which exceed limits which may be established by the Chief Operator.
10. Materials which exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries and lime residuals) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
11. Materials which cause excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
12. Materials which exert or cause an unusual volume of flow or concentrations of wastes which could upset the treatment process at the WWTP.
13. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
14. Any noxious or malodorous gas or substance capable of creating a public nuisance.
15. Any waters or wastes if it appears likely, in the opinion of the Chief Operator, that such wastes can harm either the sewers, treatment plant process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger human or animal life, limb, public property or constitute a nuisance.
16. Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or proposed or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of its discharge permit or of other agencies having jurisdiction over discharge to the receiving waters.

#### **SECTION 406: - GREASE INTERCEPTORS (TRAPS)**

Grease, oil, hair and sand interceptors shall be provided when, in the opinion of the Chief Operator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients. Grease interceptors are mandatory at all restaurants, schools and establishments which prepare foods for the public. All interceptors shall be of a type and capacity approved by the Chief Operator and shall be located as to be readily and easily accessible for cleaning and inspection.

**SECTION 407:**

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.

**SECTION 408:**

Where installed, all grease, oil, hair and sand interceptors shall be maintained by the Owner, at his/her expense, in continuously efficient operation at all times. Materials collected shall not be reintroduced into the public sewerage system.

**SECTION 409:**

The admission into the public sewers of any waters or wastes having (a) a five day B.O.D. greater than 300 mg/l of (b) containing more than 350 mg/l of suspended solids or (c) containing any quantity of substances having the characteristics described in SECTION 405 or (d) having an average daily flow greater than two percent (2%) of the average daily sewage flow received at the Town's sewage treatment plant shall be subject to the review and approval of the Chief Operator. The Chief Operator may:

1. Reject the wastes, or
2. Require pre-treatment to an acceptable condition for discharge to the public sewers, or
3. Require control over the quantities and rates of discharge, or
4. Require any combination of the foregoing.

If the Chief Operator permits the pre-treatment or equalization of waste flows, the design, plans, specifications and any other pertinent information relating to proposed equipment and facilities shall be submitted for the approval of the Chief Operator and the Agency of Environmental Conservation and no construction of such facilities shall be commenced until said approvals are obtained in writing. Further, pre-treatment facilities must be consistent with the requirements of any State of Vermont pre-treatment permits issued to the industry.

**SECTION 410:**

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/her expense.

**SECTION 411:**

When required by the Chief Operator, the Owner of any property served by a building sewer carrying industrial wastes shall install a control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Chief Operator. The manhole shall be installed by the Owner, at his/her expense, and shall be maintained by him so as to be safe and accessible at all times.

**SECTION 412:**

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

**SECTION 413:**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ORDINANCE shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, B.O.D. suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

**SECTION 414:**

Any industry held in violation of the provisions of this ORDINANCE may have its disposal authorization terminated.

**SECTION 415:**

The Chief Operator may require that any applicant for a permit or a sewer user provide, at his/her expense, chemical analyses, treatability studies, engineering reports or other documentation which shall be prepared by a professional engineer or a certified laboratory, as applicable.

**SECTION 416:**

The discharge of scavenger (septic tank) wastes, into the public sewerage facilities is prohibited.

**ARTICLE V - CONNECTION TO PUBLIC SEWER**

**SECTION 501:**

No person shall cover or uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit. Any person proposing a new discharge into the system, a change in the volume or character of pollutants that are being discharged into the system, or a building usage alteration, (as defined by the Sewer User Charge System), of the property to increase discharge shall apply for sewer allocation from the Chief Operator in writing, at least forty-five (45)

days prior to the proposed change or connection. If the proposal to make a new connection meets all the requirements of this Ordinance, the Chief Operator, after consulting with the Town Manager, will forward the application to the Sewer Commissioners for final approval. The Town Manager shall have the authority to grant permission for building usage alteration requests.

**SECTION 502:**

Prior to connection to the Town's Sewer System, the Owner, or his/her agent, shall make application on a special form provided by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Chief Operator. The permit fee shall be as determined by the Sewer Commissioners and will be posted in the office of the Town Clerk. Permit fees, payable to the Town of Wilmington, shall be paid to the Town Treasurer at the time the application is filed. All permits shall become void if not used within one (1) year from date of issuance. Prior to the issuance of a sewer connection permit after July 1, 2007, an approved State of Vermont WASTEWATER SYSTEM & POTABLE WATER SUPPLY PERMIT must be submitted to the Town.

**SECTION 503:**

Prior to issuance of a sewer connection permit for work requiring excavation in a Town of Wilmington paved street or highway, the applicant must first obtain a Permit for work in the Town right of way. For streets or highways under jurisdiction of governmental agencies other than the Town of Wilmington, written permission for excavation shall be obtained from the agency in questions and same shall be presented to the Sewer Commissioners and meet their approval prior to issuance of the sewer connection permit.

**SECTION 504:**

All costs and expenses incident to the installation and connection shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer connection.

**SECTION 505:**

A separate and independent sewer connection shall be provided for each and every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway in which case the building sewer from the front building may be extended to the rear building and the whole considered as one sewer connection. This requirement may be waived by the Chief Operator in special cases if independent connections are not feasible or if shared connections are in the best interest of the Town. Use of private sewers which accept and convey flow from more than one building may not be used, except when found, on examination and test by the Chief Operator, to be in satisfactory condition and meeting all requirements of this ORDINANCE. The burden of proof and all expenses incurred by the Chief Operator to determine the condition and adequacy of the private sewer shall be borne by the Owners of said private sewer.

**SECTION 506:**

A portion of the existing outside piping of the house plumbing system may be used in connection with the sewer connection only when it is found, on examination and test by the Chief Operator, to meet all requirements of this ORDINANCE.

**SECTION 507:**

The diameter of the building sewer shall not be less than four (4) inches (10.2 cm). The building sewer shall be laid on a uniform grade, wherever practicable, at a straight grade of at least one-fourth (1/4) of an inch per foot (2%). Where, in special cases, a minimum grade of one-fourth (1/4) inch per foot cannot be maintained, a grade of one-eighth (1/8) inch per foot (1%) will be permitted, but only after approved by the Chief Operator.

**SECTION 508: - CHECK VALVE REQUIREMENTS**

Any new sewer connection or major repair requires the installation of an approved check valve to prevent sewer main back-ups from entering private connections. The owner of the property is responsible for the purchase, installation and maintenance of the check valve.

**SECTION 509:**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet (91.4 cm) of any bearing wall which might thereby be weakened. The depth shall be four (4) feet to protect from frost. If four feet depth cannot be achieved, insulation can be used. The building sewer shall be laid at uniform grade in the direction from the main sewer to the building and in a straight alignment insofar as possible. Change in direction shall be made only with properly curved pipe and fittings with suitable clean-outs or flush holes as described in SECTION 518.

**SECTION 510:**

In all buildings in which the house plumbing is too low to permit gravity flow to the public sewer, sanitary sewage carried by such sewer shall be lifted by artificial means and discharged to the building sewer.

**SECTION 511:**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, floor drains, cellar drains, basement sumps or other sources of surface runoff or groundwater to a building sewer which in turn is connected directly or indirectly to a public sanitary sewer unless they meet the conditions in section 511A. Existing connections of swimming pools as of March 1, 2008 are permitted without fee, new connections of swimming pool discharges and or drains will be permitted but will be charged as determined in Article X of this Ordinance. Owners are required to contact the Chief Operator at the Treatment Plant to schedule draining. The discharge shall meet the requirements of Section 405 of this Ordinance. Owner's who drain swimming pools without the consent of the Chief Operator or his/her

representative, will be found in violation of this Ordinance and subject to the fines and penalties as described in Article XI of this ordinance.

**SECTION 511A:**

The Sewer Commissioners may approve connections of floor drains to the public sanitary sewer under certain conditions. If the owner or representative of a property can prove that not allowing the connection would cause unnecessary hardship, or the cost of connecting the floor drain to the sewer is 30% more than installing a private system which meets State requirements. Such costs must be substantiated by the minimum of two estimates. If the Sewer Commissioners do allow connection of floor drains to the public sewer, the following conditions shall be met. An approved oil, water and grit separator shall be installed and the Town of Wilmington Wastewater staff reserves the right to collect a sample of the discharge from the separator at any time and have it tested at the owner's expense for oil and grease content at a cost not to exceed \$100 for each sample. The discharge from the separator shall meet all the requirements of Sections 405 and 409. If any of those parameters in Sections 405 and 409 are exceeded, the Owner will be notified that they are in violation of this Ordinance and may be subject to fines and penalties as described in Section 1001 of this Ordinance.

**SECTION 512:**

When installing the building sewer, the excavated materials shall be placed in a separate pile from road materials and not mixed with the rest of the excavated materials which must be piled in a compact heap so placed as to cause the least possible inconvenience to the public. Proper barricades and lights must be maintained around the trench to guard against accidents. All State and Federal Safety Rules shall be followed regarding trenching. If the Town's inspector feels the site is unsafe, he/she has the authority to shutdown the worksite until proven safe.

**SECTION 513:**

In backfilling, the material under, around and for two (2) feet (61 cm.) immediately over the pipe shall be selected so it contains no stones capable of damaging the installation. This must be carefully tamped, the balance of the trench to be backfilled in a workmanlike manner, tamping and filling in eight (8) inch (20.3 cm.) layers so as to avoid any settlement. When the trench has been filled to the proper height, the road material is to be replaced and heavily tamped or rolled.

**SECTION 514:**

Where the trench is excavated in rock, the rock must be carefully excavated to a depth of six (6) inches (15.2 cm.) below the bottom of the sewer and the trench brought to the proper elevation with gravel or other material satisfactory to the Chief Operator. The remainder of the trench must be backfilled with suitable material as described in SECTION 512.



### **SECTION 515:**

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

### **SECTION 516:**

The connection of the building sewer to the main sewer shall be made at the house connection at the property line or, if no house connection exists, connection shall be made at the nearest available "Y" connection on the main sewer, whichever is appropriate. If it becomes necessary to cut into the main sewer, since no other source of connection is available, then such connection shall be made as directed by and under the supervision of the Chief Operator. The ends of all pipes not immediately connected with the house plumbing system must be securely closed by a water-tight cover of imperishable material and properly marked and located.

### **SECTION 517:**

Prior to any connection to the house connection, "Y" or to the sewer main, the Chief Operator shall be given notice in order that he/she may inspect such work as referenced by the connection permit. If the Chief Operator has not been properly notified, he/she may require the completed work to be uncovered for examination, at the Owner's own expense.

### **SECTION 518:**

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

### **SECTION 519:**

Before any portion of an existing building sewer or the house plumbing system outside of the building is connected to the main sewer, the Owner shall prove, to the satisfaction of the Chief Operator; that it is clean and conforms in every respect to this ORDINANCE and all joints are water-tight.

### **SECTION 520: - SEWER CONSTRUCTION MATERIALS**

The Chief Operator shall allow or shall not allow the use of any or all materials for sewer construction as he/she deems fit. The Chief Operator shall have the authority to make changes in materials authorized for use in systems under the Town of Wilmington's jurisdiction at any time. If the property owner or  
Wilmington Sewer Ordinance October 2, 2013

contractor does not agree with the Chief Operator/Commissioner's decision, within 7 business days of being notified of the decision they may appeal in writing. Such a written appeal must be sent to the Town Manager. Upon receipt the Town Manager may schedule an appeal hearing at a regularly scheduled or special Sewer Commissioner's meeting.

Improvements in materials used for sewer construction and jointing methods of any type may be submitted to the Chief Operator for approval, but the Chief Operator will be in no way obligated to accept such new sewer materials or joints.

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

For a description of acceptable materials to be used for building sewers discharging domestic sewage or wastewaters to the public sewerage system under the jurisdiction of the Town of Wilmington, refer to the State of Vermont Environmental Protection Rules Appendix 1 -A Wastewater System and Potable Water Supply Rules for acceptable building sewers material found in the appendix of this Ordinance.

**SECTION 521:**

Where pipe is installed for building sewers, such work shall be inspected and signed off by a Vermont licensed plumber. The form found in section XVI shall be completed and signed by a Vermont Licensed Plumber and given to the Chief Operator at the completion of the job.

**SECTION 522:**

The Chief Operator may require the owner, contractor or plumber to perform appropriate tests to the pipes to insure proper installation and water tightness. The plumber and contractor, at their own expense, shall furnish all necessary tools, labor and materials for such tests and shall remove or repair any defective materials when so ordered by the Chief Operator.

**SECTION 523: – USE OF LOW FLOW DEVICES:**

The use of Low Flow Devices is required for any new construction, building usage alteration or increased allocation and shall include low flow toilets using 1.6 gallons of water per flush and restrictors in all faucets and showers, allowing no more than two gallons per minute or less, and which are approved by State code or standards.

**SECTION 524:**

Each plumber, contractor or other person performing work on public property for the purpose of installing a building sewer shall file with the Commissioners evidence of adequate insurance coverage for liability and property damage. Minimum amounts of coverage will be established by the Sewer Commissioners and posted in the Town Office.

**SECTION 525:**

All work shall be adequately guarded with barricades, lights and other measures for protection to the public from hazard. Streets, sidewalks, curbs and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town and other authorities having jurisdiction.

**SECTION 526:**

The Contractor shall not block any driveway, street or road at any time without permission of the Sewer Commissioners and other controlling agencies. Every effort shall be made to permit the 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 his/her own expense and subject to the approval of the Sewer Commissioners, safe bridges or other means of egress.

**SECTION 527:**

The property owner is responsible for maintaining the building sewer from the point of connection from the sewer main to the building. The Town is responsible for maintaining the sewer main.

**DEVELOPMENTS AND SUBDIVISIONS**

**SECTION 528:**

All new and existing development within the Town of Wilmington shall provide engineering proof of capability of sewage disposal satisfactory to the State of Vermont Agency of Environmental Conservation. Connections to and use of the Town's public sewerage facilities shall be at the sole discretion of the Sewer Commissioners who shall consider, among other things, the following:

1. Capacity of existing facilities;
2. Location of the development and future potential impact on the Town as a result of contemplated sewer extension;
3. Consideration of costs to the Town;
4. Economic and social benefit to the Town;
5. Availability of funding;
6. The cost to the Town of Wilmington (local share) for all future public sewerage system extensions and expansions shall be borne by the developer or property owners to be affected by the extension or expansion, unless the voters of the Town shall vote at a special Town Meeting to assume the costs involved in a proposed extension or expansion.

**SECTION 529:**

In the case of new developments, the required sanitary sewers shall be designed, installed and operable prior to the generation of any sewage from the development.

**SECTION 530:**

All provisions of the Sections of this Article shall apply to the sanitary sewers within developments, except as hereinafter noted.

**SECTION 531:**

Materials of construction shall comply with the applicable Sections of this ORDINANCE and as required and approved by the Chief Operator.

**SECTION 532:**

At the discretion of the Sewer Commissioners, the Town may accept the constructed facilities as part of the public sewer system and will operate and maintain same provided the following conditions are met by the Owner of the development:

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

**ARTICLE VI – ALLOCATION**

**SECTION 601 - Introduction to Reserve Allocation**

The permitted allocation of the WWTP and SEWERS is the property of the TOWN. The uncommitted reserve allocation of the WWTP and SEWERS shall be allocated by the Sewer Commissioners in the manner described in the following sections. The annual sewer allocation allotment shall be determined by the Chief Operator using the annual report of uncommitted reserve sewer allocation.

## **SECTION 602 - Reserve Allocation**

### Allocation Flow Basis

All allocations to projects shall be based on the flow table located in the State of Vermont Environmental Protection Rules Chapter 1 Wastewater System and Potable Water Supply Rules, Subchapter 8, Section 808, Effective September 29, 2007 found in the appendix of this ordinance.

If actual flow is less than the permitted flow issued, the difference is not transferable to establish a new project or expand the existing building.

## **SECTION 603 - Allocation Priorities**

Allocation of uncommitted reserve sewer allocation shall comply with the following priority intended to govern the gross allocation of reserve sewer allocation before the allocation principles are applied to specific projects.

- Residential, affordable housing, commercial, institutional and industrial facilities existing within the sewer service area as defined in Section 403 of the Municipal Sewer Ordinance, or by virtue of existing pollution from the facilities to waters of the State, shall be entitled to first priority in allocation of uncommitted reserve allocation.
- New construction within the sewer service area, as defined in Section 403 of the Municipal Sewer Ordinance, will have second priority.
- No dispersal of reserve sewer allocation shall be made for facilities outside the sewer service area, as defined in Section 403 of this Ordinance.

## **SECTION 604 - Allocation Principles**

Subsequent to application of the allocation priority, uncommitted reserve allocation in the WWTP shall be allocated to specific projects according to the following procedure:

1. Applications for Sewer Allocation will be reviewed by the Chief Operator. He/she will verify that the application is complete and that all information is correct. The Chief Operator will then meet with the Town Manager to discuss the application and schedule a time to take the application to the Sewer Commissioners.
2. The Sewer Commissioners will review and approve the applications on a first come, first served basis. within the following guidelines. The Sewer Commissioners retain the right to review applications and make allocations on other than a first come, first served basis if they find such action is in the town's best interest.
3. If the application is denied, the Chief Operator will contact the applicant in writing of the Sewer Commissioners decision.
4. If the Sewer Commissioners approve the application, the Chief Operator will contact the applicant in writing advising them that they now have preliminary approval for sewer allocation and must meet the

following requirements to obtain final allocation approval. Included in this letter will be an invoice for 25% of the total allocation fee.

5. The applicant will have 30 days from the date of preliminary approval to pay twenty-five percent (25%), of the total allocation fee. If a new or revised State of Vermont Water/Wastewater Permit is required for this project, the Chief Operator will send a letter to the State after the Town receives the 25% allocation fee.

6. The applicant will have 90 days from the date of preliminary approval to withdraw their allocation application and receive a full refund of allocation fees paid to the Town except for the \$36 application fee.

7. The applicant must apply for Final Approval within three (3) month of receiving preliminary approval. If the applicant fails to apply for final approval or to request an extension of preliminary approval, the preliminary approval will be revoked and all fees will be reverted to the Town.

8. If the applicant applies and is granted final approval, the following conditions shall be met:

1. The applicant must pay the remaining 75% allocation fee – whichever comes first of:

A. Within six (6) months of Final Approval or,

B. Prior to:

a. Use-if adding to an already existing connection or,

b. Before connection permit is issued for new connections

2. Begin paying sewer rent – whichever comes first of:

A. Within six (6) months of Final Approval or

B. Prior to:

a. Use-if adding to an already existing connection or,

b. When Connection Permit is issued for new connections

9. The applicant must initiate construction – within one (1) year of Final Approval (or allocation reverts to the Town)

10. The applicant must complete construction – within three (3) years of Final Approval (or allocation reverts to the Town)

11. If applicable, the applicant must also apply for and receive Connection Permit (\$80.00 fee) before connection.

#### **SECTION 605 - Transfer of Allocation**

The transfer of the sewer allocation is prohibited and shall run with the land, unless approved in writing by the Sewer Commissioners at the original owner's request.

## **SECTION 606 – Request to Relinquish Allocation**

The Town Manager and Chief Operator shall review all written requests to relinquish allocation. After reviewing the request and verifying all information, the Town Manager will have the authority to grant the request. The date the original request was received by the Town will be the date used when recalculating the sewer rent. No refunds will be given for any unused or relinquished allocation. The property owner requesting to relinquish allocation; will have 30 days after the date the signed acceptance letter is received from the Town to withdraw their request. After 30 days, if the property owner decides they would like to increase their allocation, they will need to follow the procedure and regulations as defined by this Ordinance regarding allocation.

## **SECTION 607 - Sewer Main Extension**

Any requests to connect to the Town sewer system, must first meet the criteria as defined by Section 403 and Section 603 of this Ordinance.

If a request is made to connect to or extend the Town sewer system in an area where there is currently no sewer main, the Town and the applicant shall be responsible for the following:

- The applicant will first seek preliminary approval of connection from the Commissioners.
- The Town will notify all the property owners in the area who may meet the criteria as defined by Sections 403 and 603 of this Ordinance.
- The applicant or applicants will be responsible for meeting all current State regulations regarding the sewer extension.
- The applicant(s), will be responsible for all cost related to the connection or extension.
- After installation, the applicant(s) may submit a request in writing to the Town to take over ownership of the extension, if all of the following requirements are met:
  - o The extension meets the definition and requirements of a sewer main.
  - o The applicant(s) provide the Town with a 20 foot permanent easement for the entire extension.
  - o Any other related requirements that the Town may deem necessary for the specific project.

## **ARTICLE VII - PROTECTION FROM DAMAGE**

### **SECTION 701:**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Public Sewerage System. Any person violating this provision shall be subject to all appropriate legal charges.

### **SECTION 702:**

Procedures and policies for managing sewer backups

It is the policy of the Sewer Commissioners of the Town of Wilmington that the Wilmington Wastewater Department shall respond to requests for assistance by municipal sewer customers in the event of a sewer backup in the following manner:

An investigation shall be made to determine if the sewer blockage is in the town sewer main (i.e., between municipal manholes or at municipal manholes). This investigation is made generally by removing the manhole covers immediately upstream and downstream of the reported blockage.

If the sewage flow in the municipal manholes is flowing freely, the indication is that the blockage is occurring in the service connection between the building and the sewer main. The affected sewer customer(s) shall be notified and informed that the problem appears to be in the service connection. It is the responsibility of the sewer customer to correct the problem and the Town will take no further repair action. The Town, however, reserves the right granted under the sewer ordinance to inspect and approve all repairs that are made.

If the blockage is determined to be in the main sewer line or inside the municipal manhole, the Town shall be responsible for removing the blockage and re-establishing flow.

### **ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS**

#### **SECTION 801:**

The Sewer Commissioners, Health Officer, Chief Operator and other duly authorized employees of the Town of Wilmington bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ORDINANCE.

### **ARTICLE IX - SEWER RENTS**

#### **SECTION 901 OPERATION AND MAINTENANCE:**

An annual charge shall be determined by the Sewer Commissioners for the costs of operating, maintaining and repairing said system and is hereby imposed upon every person whose premises have a building or structure thereon and are served by the public sewerage system of the Town and from which, either directly or indirectly, sewage is being collected from the use of the premises by the Owners or other users of real property within the Town.

#### **SECTION 902:**

The sewer rents established in SECTION 901 and defined hereinafter shall be charged whether or not the property is occupied when the property is connected to the public sewerage system by the necessary building sewer as required under the terms of this ORDINANCE.

#### **SECTION 903:**

The annual charges stipulated in SECTION 901 shall be based upon the Town's equivalent connector unit system.

#### **SECTION 904 CAPITAL COSTS:**

The design, construction and development costs of all public sewerage system expansions and extensions which have been approved by the Sewer Commissioners shall be borne by the developers or property owners requiring, requesting or directly benefiting from such extensions and/or expansions, unless the



voters of the Town shall vote at a duly warned annual or special Town Meeting to assume all or a portion of the costs involved. When the voters of the Town vote to assume all or a portion of the costs, such costs will be paid from the collection of taxes unless the voters of the Town approve some other means of raising the required monies.

### **SECTION 905: SEWER CAPITAL ACCOUNT**

The first priority of the Sewer Capital Account is to fund any future upgrades to the Treatment Plant or Collection System. The second is to have funds available for any emergency repairs or unexpected equipment replacement that exceeds \$2500 and the third is for major purchases of new equipment such as vehicles, specialty equipment or equipment that is used for improvements to the Treatment Plant, Collection System or the general operation of the facility. The sewer capital account may also be used by other Town Departments to borrow from with the agreement that interest is paid on the borrowed amount at a rate to be determined by the Town Manager.

### **SECTION 906 COLLECTIONS:**

#### **DELINQUENT SEWER POLICY**

Understanding that it can be difficult for people to pay their town sewer taxes, it is the responsibility of all to pay their required share or others have to pay higher sewer taxes to make up the difference. This policy is designed to give clear instructions as to how to avoid being delinquent, a system by which people can become whole if they become delinquent, and the steps the town of Wilmington will take if a taxpayer does not meet their obligations to the town and the other citizens.

Postmarks with date taxes are due are accepted as on-time payments.

Each month sewer taxes are delinquent the town will send a notice to the delinquent taxpayer. Interest is added on the fifteenth day of each month before the notice is mailed. An 8% penalty is added after the March installment.

If the taxpayer has two installments delinquent the town will notify the taxpayer of the date by which full payment must be received or payment arrangements made. Expected tax sale costs once a tax sale process begins, and /or other methods' costs will also be included. It is the responsibility of the delinquent taxpayer to respond to the notice or the town will initiate the steps to collect either by taking the property to tax sale or utilizing other statutory methods to collect payment. Payment arrangements may be agreed-to provided it will pay the bill in full within 1 year. Current taxes will also need to be paid in full as they become due. A signed contract must be filed with payment arrangements. Under this plan the partial payments will be applied proportionally to principal, interest, and penalty (if any).

If no arrangement is made by specified date or taxpayer defaults on contract then either tax sale proceedings will be started and/or the town will utilize other statutory methods to collect payment.

If the town utilizes a tax sale the town will begin the following actions to sell as much of the property as is necessary to pay the delinquent tax, and fees:

The collector will proceed with the tax sale according to the procedures specified in 32 V.S.A., section 5252.

Costs of preparing and conducting the sale, including legal fees up to a maximum of 15% of the amount of the delinquent tax, will be charged to the delinquent taxpayer.

All penalty and interest charges are used by town to defer cost of sending delinquent notices and other expenses related to collecting delinquent taxes.

Tax abatement is a process by which a taxpayer may ask to have his or her taxes lessened, moderated or diminished. Sewer tax abatement request goes to the board of selectmen. For information on abatement of sewer taxes see Vermont Statute 24 V.S.A., section 5147.

## **ARTICLE X – PENALTIES**

### **SECTION 1001:**

Any person found to be violating any provisions of this ORDINANCE except SECTION 701 shall be served by the Sewer Commissioners with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person, who is found guilty of a one-time violation of this ORDINANCE such as, but not limited to; draining a swimming pool without consent or illegal dumping into the system, will be subject to a \$500 fine and possible further legal action.

### **SECTION 1002:**

This Ordinance is designated as a criminal ordinance. Any person who shall continue any violation beyond the time limit provided for in SECTION 1001 shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00) for each offense. Each day in which any such violation shall continue shall be deemed a separate offense.

### **SECTION 1003:**

Any person violating any of the provisions of this ORDINANCE shall become liable to the Town of Wilmington for any expenses, loss or damage occasioned the Town by reason of such violation.

### **SECTION 1004:**

Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunctive relief or other proceedings to prevent, restrain or abate violations hereof.

## **ARTICLE XI - APPLICATIONS/PERMITS/FEES**

### **SECTION 1101:**

Applications for permits shall be made on forms established and provided by the Sewer Commissioners.

### **SECTION 1102:**

Any false or misleading statement in any application for a permit will invalidate the permit and shall be deemed a violation of this ORDINANCE.

**SECTION 1103:**

Any permit issued by the Sewer Commissioners may be suspended or revoked at any time by the Sewer Commissioners for:

1. Violation of any of the conditions of this ORDINANCE.
2. Violation of the specific terms and conditions of the permit.
3. Refusal to permit inspection by the Chief Operator or his/her duly authorized representatives.

**SECTION 1104:**

The Chief Operator or his/her duly authorized representative, may verbally suspend or revoke a permit at any time whereupon the suspension or revocation shall take effect immediately. Such action will be confirmed in writing by the Sewer Commissioners. When possible, the Sewer Commissioners will provide a written notice to desist or make correction of any practice or operation which violates or contravenes the provisions or the purpose of this ORDINANCE or the permit and will allow sufficient time for the correction of the violation. If the property owner or contractor does not agree with the Chief Operator/Commissioner's decision, within 7 business days of being notified of the decision they may appeal in writing. Such a written appeal must be sent to the Town Manager. Upon receipt the Town Manager may schedule an appeal hearing at a regularly scheduled or special Sewer Commissioner's meeting.

**SECTION 1105:**

All permits must be kept on the premises and shall be made available to the Sewer Commissioners, Chief Operator, or his/her duly authorized representative at any time. Failure to keep permits available shall be presumptive evidence that the work or operation being conducted without a permit is in violation of this ORDINANCE.

**SECTION 1106:**

All fees stipulated in this ORDINANCE shall be determined by the Sewer Commissioners and shall be posted in the office of the Clerk. All fees shall be made payable to the Town of Wilmington and paid directly to the town finance officer.

**ARTICLE XII - VALIDITY**

**SECTION 1201:**

All rules and regulations in conflict herewith are hereby repealed.

**SECTION 1202:**

Each section or part of a section in this ORDINANCE is hereby declared to be a separate and distinct enactment. If any section or portion thereof in this ORDINANCE, as adopted, is found to be void, invalid,

unconstitutional, inoperative or ineffective for any cause, it shall not affect the validity of any other section or part thereof which can be given effect without such invalid part or parts.

**ARTICLE XIII - ORDINANCE IN FORCE**

**SECTION 1300: Adoption/Effective Date**

This Ordinance is hereby adopted by the Selectboard of the Town of Wilmington on this the 2nd day of October, 2013, and shall become effective upon sixty (60) days from this date unless a petition is filed within forty-four (44) days as provided by law.

**SECTION 1301: Recording**

This Ordinance shall be recorded by the Town Clerk in the Records of the Municipality.

**WILMINGTON SELECTBOARD**

\_\_\_\_\_  
Margaret L. Streeter, Chair

\_\_\_\_\_  
Susan Joy Haughwout

\_\_\_\_\_  
Diane Chapman

\_\_\_\_\_  
James R. Burke

\_\_\_\_\_  
Jacob White

**ARTICLE XIV – APPENDIX**

***A – Town of Wilmington Application for Connection to the Municipal Sewer System.***

***B – Town of Wilmington Application for Repair to a Connection.***

***C – Town of Wilmington Application for Wastewater Treatment Allocation Permit***

***D – Town of Wilmington Sewer User Charge System***

***E – State of Vermont Wastewater System & Potable Water Supply Permit Application.***

***F – State of Vermont Highway Right of Way Permit Application.***

***G – Town of Wilmington Highway Right of Way Permit Application.***

***H – Plumber sign off form.***

***I - State of Vermont Design Flows Table.***

***J – State of Vermont Design Guidelines for Building Sewers, Sewer Collection Systems, Sewage Lift Stations and Force Mains.***