

**SEWAGE ORDINANCE
TOWN OF TOWNSHEND, VT**

SECTION 1000 PURPOSE

This ordinance is adopted under V.S.A. Title 24, chapter 102 (On-site Sewage Systems). The purpose of this ordinance is to preserve the public health and prevent pollution and to secure the sanitary protection of waters. This ordinance is intended to ensure that sewage is discharged into an approved sewage treatment system and to accomplish the following:

1100. Prevent the creation of health hazards which include, but are not limited to surfacing sewage; contaminated drinking water, groundwater and surface water;

1200. Insure adequate drainage related to the proper function of sewage disposal;

and

1300. Insure that facilities are designed, constructed, operated, and maintained in a manner which will promote sanitary and healthful conditions.

SECTION 2000. DEFINITIONS

Applicant – the legal owner of the property requiring a sewage disposal system construction permit.

Dwelling. Single-Family--A detached residential dwelling unit.

Dwelling. Multi-Family--A residential building containing two or more dwelling units.

Dwelling Unit--A room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwellings units which may be in the same structure containing: independent cooking, sleeping facilities, and sanitary facilities.

Minor Modification – generally understood to be the work on or replacement of the septic tank or the piping between the house and septic tank or the pump chamber and modification on a case-by-case basis.

Sewage Disposal System -- system for the disposal of waste using undisturbed soil on-site as a disposal medium, including a tank for the collection of solids and leach field area for liquids or any other system which disposes of waste water on site. This shall include multiple family, commercials and industrial on-site disposal systems, as well as individual single family homes.

Permit – a written authorization issued by the town.

Person – any institution, public or private corporation, individual, partnership, or other entity.

Seasonal dwellings – a structure which is not a primary residence and is not occupied for more than six (6) months of the year.

Septic Compliance Officer -- The legally designated authority of the town acting under authority of this ordinance. The Septic Compliance Officer shall be appointed by the Selectboard. The Septic Compliance Officer may be the town's Health Officer, Administrative Officer, or other town official.

Small Scale Wastewater Treatment and Disposal Rules, effective August 8, 1996, promulgated by the Vermont Department of Environmental Conservation. These rules are incorporated into this ordinance by reference.

SECTION 3000. APPLICABILITY OF ORDINANCE

All sewage disposal systems shall be built, altered, repaired and used in accordance with this ordinance. This includes, but is not limited to, sewage disposal systems for seasonal dwellings, single and multiple family homes and commercial and industrial properties.

3100. SEASONAL DWELLINGS

3110. Any seasonal dwelling constructed after the enactment of this ordinance must receive a disposal system construction permit meeting the full minimum standards of this ordinance if the useful occupancy of the dwelling requires running water. The use of any seasonal dwelling shall not be changed until the requirements of Section 3500, et sequentia; are met.

3120. All seasonal dwellings which will not have plumbing and which shall have no running water at anytime do not need a disposal system construction permit. These seasonal dwellings shall receive a minor permit from the town prior to commencement of construction on the property.

3130. A seasonal dwelling constructed prior to the enactment of this ordinance shall not be required to have a sewage disposal system provided no health hazard, nuisance or surface or ground water pollution exists. The Septic Compliance Officer or Health Officer shall determine if such conditions exist. If such conditions exist, a disposal system shall be installed or upgraded to meet the standards of this ordinance to the extent possible or the running water shall be removed and the generation of sewage ended.

3200. SINGLE FAMILY RESIDENTIAL STRUCTURES

All single family residences shall receive a disposal system construction permit before commencement of construction of the property. Construction shall be understood to mean the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, including foundation, excavation, foundation or building construction, and shall include site work which involves or may affect any portion of existing or proposed sewage disposal or water supply facilities for the structure, and any change in the use of any structure.

3210. SINGLE FAMILY RESIDENTIAL STRUCTURE DISPOSAL SYSTEM ALTERATIONS

No sewage disposal system shall be altered, repaired, or rebuilt in any way except as provided in SECTION 3220 until a disposal system construction permit has been issued.

3220. EXCEPTIONS; MINOR MODIFICATIONS

When a minor modification (see Definitions) to an existing system for a single family dwelling is proposed, the Septic Compliance Officer may waive the disposal system construction permit requirement on a case-by case-basis and issue a minor permit. The Septic Compliance Officer will determine what constitutes a minor modification.

3300. MULTIPLE (INCLUDING DUPLEXES) FAMILY DWELLINGS

All multiple family dwellings shall submit an approved Water Supply and Wastewater Disposal Permit issued by the State before commencement of construction on the property. Such permits shall satisfy the DISPOSAL SYSTEM CONSTRUCTION PERMIT requirement of Section 4300 of this ordinance unless evidence is submitted that the permit is based on false, fraudulent or misleading information.

All multiple family dwellings shall obtain a Certificate of Compliance as required by Section 4500 of this ordinance.

3400. COMMERCIAL AND INDUSTRIAL STRUCTURES

All commercial and industrial structures shall submit an approved Water Supply and Wastewater Disposal Permit issued by the State prior to commencement of construction on the property. Such permits shall satisfy the construction permit requirement of Section 4300 of this ordinance unless evidence is submitted that the permit is based on false, fraudulent or misleading information.

All commercial and industrial structures shall obtain a Certificate of Compliance as required by Section 4500 of this ordinance.

3500. CHANGE OF USE

3510. Change of use shall include, but is not limited to, the addition of plumbing or running water to a structure without such, the addition of bedrooms, conversion of seasonal dwellings to single family or multiple family residential structures, conversion of single family residential structures to multiple-family or commercial or industrial use.

3520. No structure shall be altered in any way so as to change the use of the structure until the Septic Compliance Officer is satisfied that the existing sewage disposal system is adequate for the proposed use or a Sewage Disposal Construction Permit has been issued for the proposed use.

3530. No structure shall be altered in any way so as to change the use of the structure unless the sewage disposal system and all proposed alterations meet the minimum standards of this ordinance.

3600. REPLACEMENT SYSTEMS

Before a failed system is replaced it is important that the cause of failure be determined to assure that a subsequent failure is avoided.

A disposal System Construction Permit must be obtained prior to installing a replacement system. A certificate of Compliance shall be obtained within a reasonable period of time following the commencement of the installation of the system.

3610. Existing single family dwelling sewage disposal systems in operation at the time of adoption of this ordinance are grandfathered, provided that such systems do not create a health hazard, nuisance or pollute surface groundwater. Whether an existing system is causing a health hazard, nuisance or is polluting surface or groundwater shall be determined by the Town Health Officer. Existing systems determined to be a health hazard, nuisance or polluting surface or groundwater shall be upgraded to meet the standards of this ordinance to the extent possible.

3620. Replacement systems for single family homes which have an approved replacement or continuous area shall be installed in the approved area in accordance with the original permit issued unless a new location meeting the current standards can be approved. The replacement septic system shall, at a minimum, meet the standards in effect when the original system was permitted. Applicants are encouraged to take advantage of improved design technology if applicable.

3630. Replacement systems for multiple family dwellings and commercial and industrial structures shall be constructed in accordance with relevant State regulations. An approved State Water Supply and Wastewater Disposal Permit shall be submitted and approved by the Septic Compliance Officer prior to commencement of construction of the replacement system.

3700. OTHER APPLICABLE REGULATIONS

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

SECTION 4000. PERMIT PROCEDURE

4100. APPLICATION FEES

Application fees for permits shall be established by the Selectboard.

4200, DESIGN REVIEW

All applications shall be reviewed by the Town's Septic Compliance Officer. Such review may include site and test pit evaluation at the time such are conducted by a qualified consultant and shall require review of all paperwork submitted. Application for a disposal system construction permit shall be made to the Septic Compliance Officer who shall review the site evaluation and proposed design to determine compliance with minimum standards of this ordinance (see Section 4300).

4300. DISPOSAL SYSTEM CONSTRUCTION PERMIT

The owner of any property, the useful occupancy of which requires a sewage disposal system, shall apply for a Disposal System Construction Permit. The owner of any property on which a sewage disposal system is proposed to be built, altered or replaced shall apply for a Disposal System Construction Permit. The application shall contain soil and site information as required by the Vermont Small Scale Wastewater Treatment and Disposal Rules (see definition) and a design for a disposal system and a replacement system. The system shall be designed as specified by the Vermont Small Scale Wastewater Treatment and Disposal Rules. The basis for the disposal system design shall be a peak flow of 150 gallons per day per bedroom. Wells must be properly isolated from septic systems in accordance with the Vermont Small Scale Wastewater Treatment and Disposal Rules.

4310. PROFESSIONAL DESIGN REQUIREMENT/QUALIFIED CONSULTANTS

Technical information for the application shall be prepared by a Certified Site Technician B, Civil, Sanitary, and/or Environmental Engineer registered in the State of Vermont.

4320. REQUIRED PERMIT RENEWAL

The construction permit shall be granted or denied by the Septic Compliance Officer. If the disposal system is not constructed within two (2) years of the date the permit was issued, the permit shall be renewed (see Section 4600 Terms and Conditions of Permits).

4400. MINOR PERMITS: SIMPLIFIED APPLICATION PROCESS FOR MINOR MODIFICATIONS AND STRUCTURES NOT REQUIRING A SEWAGE DISPOSAL SYSTEM

The owner of any property intending to make a minor modification (see Section 3220) or construct a structure, the useful occupancy of which shall not require running water, shall make an application for a Minor Permit on the prescribed form. Such minor modifications shall not include changes of use as described in Section 3500. Vault or pit privies shall receive a minor permit prior to installation (see Section 7100). Such application shall contain sufficient information to enable the Septic Compliance Officer to evaluate the project. Application shall be made prior to commencement of construction.

4500. CERTIFICATE OF COMPLIANCE

The Septic Compliance Officer or his/her designee may inspect all systems before they are covered with soil. The Septic Compliance Officer may also inspect systems at different stages during installation. The Town shall receive a minimum of 48 hours notice for a final inspection. A qualified Consultant shall submit a final inspection report to the Septic Compliance Officer. Such report shall certify that the disposal system has been installed as approved or variations from the approved design shall be noted in the report. The Septic Compliance Officer shall issue a Certificate of Compliance when satisfied with the installed sewage system. The newly constructed dwelling may not be occupied until the Certificate of Compliance has been issued. Existing dwellings which require a replacement system may be occupied provided a certificate of compliance is obtained within a reasonable period of time from commencement of installation of the system. The Septic Compliance Officer shall decide what is a reasonable amount of time.

4600. TERMS AND CONDITIONS OF PERMITS

4610. If the disposal system is not constructed within two (2) years of the date the Disposal System Construction Permit was issued, the permit must be renewed. Renewal shall occur prior to the time of construction of the disposal system. The Septic Compliance Officer can set terms and conditions on the renewal permit. The permit may be renewed when the applicant submits a report to the Septic Compliance Officer that verifies the original permit conditions can be met including but not limited to, site conditions and water supplies. The Septic Compliance Officer may request the applicant to submit a recommendation prepared by a qualified consultant (see Section 4300) if additional information is needed to certify that site conditions have not changed and that the original permit conditions can be met. Permits shall be renewed unless they are found to be based on false, fraudulent or misleading information or the original permit conditions can no longer be met.

4620. Disposal system construction permits denied renewal are void. A new application must be made for a disposal system construction permit. The conditions of the ordinance in effect at the time of application shall apply to the new permit.

4630. Conditions of construction or use may be placed on the Disposal System Permit or the Certificate of Compliance.

4640. All permits run with the land and are binding upon each and subsequent owners. At the discretion of the Septic Compliance Officer all permits issued under this ordinance, or those permits with conditions of use issued pursuant to this ordinance may be filed in the town land records.

4650. Easements for off-lot sewage disposal systems must be conveyed to the permittee and recorded in the land records of both the conveyor and the permittee prior to issuance of a construction permit.

4700. REVOCATION OF PERMITS

4710. A Disposal System Construction Permit, Minor Permit or a Certificate of Compliance may be revoked by the Septic Compliance Officer for any of the following reasons:

4711. False, fraudulent, or misleading information contained in the permit application.

4712. Installation of a system which does not comply with the conditions of the permit.

4713. Alteration of the proposed septic system site or replacement area including effluent dispersion areas so that the proposed septic system does not comply with this ordinance.

4714. Information which shows the proposed septic system will not comply with this ordinance including, but not limited to, insufficient isolation distances to water supplies.

4715. Failure to comply with this ordinance or any terms or conditions of permits issued under this ordinance.

4720. Petition for Revocation: A written petition for revocation shall be addressed to the Septic Compliance Officer and shall set forth the name and address of the petitioner, the petitioner's interest in the matter, and a brief statement outlining the basis for revocation of the permit. Revocation shall only proceed based on the standards established in Sections 4711 and 4715.

The Selectboard may file a petition and participate in revocation proceedings.

The Selectboard shall notify the permit holder in writing of petition for revocation of permit within 72 hours.

4730. Receipt of the petition shall initiate the revocation procedure. The Selectboard shall hold a hearing within thirty days of the Septic Compliance Officer receiving a revocation petition. The Selectboard shall render a decision within fifteen days of the conclusion of the hearing.

4740. The Septic Compliance Officer shall give the permit holder written notice of revocation of the permit within 72 hours of revocation. All sewage disposal system work must cease immediately upon notification of revocation of permit.

5000. APPEALS

Any applicant aggrieved by a decision of the Septic Compliance Officer may appeal that decision in writing to the Selectboard within thirty (30) days of such decision. The Selectboard shall hold a hearing within thirty (30) days of such an appeal and shall render a decision within fifteen (15) days after the close of such hearing. Following a Selectboard's hearing, any person aggrieved by a decision of the Selectboard may appeal that decision to Superior Court. The administrative process must be exhausted before appeal to Superior Court.

6000. ENFORCEMENT

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A § 1974a and § 1977 et seq. Violators will be notified by the municipality that a violation exists, after which the violator will have 30 days in which to correct the violation. If the violation is not corrected, a municipal ticket shall issue. Violations shall carry a civil penalty of not more than \$500. EACH DAY FOLLOWING THE ISSUANCE OF THE MUNICIPAL TICKET THAT THE VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE VIOLATION OF THE ORDINANCE

7000. WATER SAVING AND COMPOSTING TOILETS AND OTHER WATER SAVING DEVICES

Water conservation is strongly encouraged, it will increase the life of septic systems.

7100. Properly sealed vault privies, outhouses and similar facilities may be used provided they meet the isolation distances established in the Small Scale Wastewater Treatment and Disposal Rules, Appendix 1-7D for septic tanks. The Septic Compliance Officer shall determine if proper isolation distances are maintained. A minor permit shall be obtained prior to contracting for, or installation of, vault privies, outhouses or similar facilities.

7200. All sewage generated in a residence using waterless toilets shall be conveyed, treated, and disposed of in the same manner as other sewage, as provided for in this Ordinance which includes obtaining a Disposal System Construction Permit and Certificate of Compliance.

7300. Pit privies will not normally be approved, but may be considered on a case-by-case basis if they meet all the isolation distances and separation from groundwater and bedrock, ledge and impermeable soil applicable to leachfields.

8000. PERMITTED DEVIATIONS

8100. At the discretion of the Selectboard, and authorized in writing, deviations from the design specifications in Sections 1-706, Building Sewers, Sewer Collection System and Lift Stations, and 1-708, Disposal fields, of the Vermont Small Scale Wastewater Treatment and Disposal Rules may be allowed. Such deviations will only be allowed if the minimum soil and site requirements and the performance standards of the Vermont Small Scale Wastewater Treatment and Disposal Rules will be met.

8200. Innovative sewage disposal systems which have an approved Innovative Systems permit from the Department of Environmental Conservation may be approved by the Septic Compliance Officer.

9000. SEVERABILITY

If any portion of this Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected

Approval of any sewage disposal system design and installation by the granting of a Disposal System Construction Permit and/or Certificate of Compliance shall not imply that the approved system will be free from malfunction. The provisions of this ordinance shall not create liability on the part of the Town, of any Town official or Town employee.

Approved by the Townshend Selectboard

Selectboard Chair AM liam Echholtz Vice Chair

Approved by the Vermont Dep Date APFA Approval
State of Environmental

Damita Dalmasse Commissioner

Date 7/11/10

and made effective - Date _____