

# TOWN OF HARDWICK SEWER ORDINANCE

BY LAW NO. XIV 1976

BE IT ORDAINED BY THE SELECT BOARD OF THE TOWN OF HARDWICK;

AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM.

## ARTICLE I

### Definitions

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

Section 1. "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 20C, expressed in milligrams per liter.

Section 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Section 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 5. "Clean Water Act" shall mean the federal Clean Water Act, as amended and the Regulations promulgated thereunder.

Section 6. "Garbage" shall mean solid wastes from the domestic and commercial preparation cooking and dispensing of food, and from the handling, storage, and sales of produce.

Section 7. "Incompatible Substance (Pollutant)" shall mean any waste being discharged into the sewage works which interferes with, passes through without treatment, or is otherwise incompatible with said works or would have a substantial adverse effect on these works or water quality. This includes all pollutants required to be regulated under the Federal Clean Water Act.

Section 8. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Section 9. "Major Contributing Industry" shall mean one that:

- (1) has a flow of 50,000 gallons or more per average work day;
- (2) has a flow greater than five percent of the flow carried by the sewage works receiving the waste;
- (3) has in its wastes a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of the Clean Water Act; or
- (4) has a significant impact, either singly or in a combination with other contributing industries, on a publicly owned sewage works or on the quality of effluent from the treatment works.

Section 10. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body or surface or groundwater.

Section 11. "Person" shall mean any individual, firm, company, association, society, corporation and/or municipality.

Section 12. "PH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 13. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than one-half ( $\frac{1}{2}$ ) inch. (1.27 centimeters) in any dimension.

Section 14. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Section 15. "Select Board" shall mean the legislative body of the Town of Hardwick who shall serve ex officio as the Sewer Commissioners.

Section 16. "Service Line" shall mean that part of the sewage system that runs from the main sewer to the property line and includes all necessary fittings.

Section 17. "Sewage" shall mean a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with such ground surface, and storm waters as may be present.

Section 18. "Sewer Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 19. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Section 20. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 21. "Sewer Main" shall mean the public sanitary sewer line.

Section 22. "Shall" is mandatory, "May" is permissive.

Section 23. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Section 24. "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 25. "Treatment Plant Operator" shall mean the person appointed by the Town Manager to supervise the Waste Water Treatment Plant of the Town of Hardwick and who shall take directives from and who shall report and be responsible to the Town Manager or his/her designee. "Town Manager" shall mean the Chief Executive Officer of the Town and shall carry out the policies established by the Select Board, to whom the Manager shall be responsible.

Section 26. "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.

Section 27. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 28. "Secretary" shall mean the Secretary of the Agency of Environmental Conservation, State of Vermont or his/her representatives.

Section 29. "Town" shall mean the incorporated Town of Hardwick.

## ARTICLE II Building Sewers and Connections

Section 1. (a) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof.

(b) The Select Board or their designee may require the applicant to furnish such plans, specifications, data and other information as in judgment they deem necessary to properly evaluate the application.

Section 2. It is required to complete a sewer service application and obtain a written permit from the Board of Selectmen 45 days prior to:

(a.) making a substantial change in the volume or character of pollutants.

(b.) making a new discharge and/or connection from any source which would be a new source as defined in Section 306 of the Clean Water Act.

(c.) making a new discharge and/or connection from any source which would be subject to Section 301 of the Clean Water Act.

Section 3. There shall be two (2) classes of building sewer permits:

(a) for residential and commercial service, and

(b) for service to establishments producing industrial wastes. In either case the owners or his/her agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Select Board.

Section 4. All costs and expense incident to the installation for connection of the building sewer after June 19, 1995 shall be borne by the owner. The owner shall indemnify the Town for all costs, damage and liability incurred by the installation of the building sewer unless publicly funded. If installed after June 19, 1995 at the expense of the owner (in conformance with the standards imposed by this ordinance and with the approval of the Select Board) the owner of the property so connected shall be responsible for the maintenance, repair and replacement thereof. However, no excavation relative to such sewer line within the right of way limits of any Town highway, road or street shall be undertaken without the prior approval of the Town Manager or his/her designee.

Section 5. In the case of connection to an existing service stub extending from a wastewater collection line, the property owner shall be responsible for all costs associated with the construction of the connection outside of the Town right-of-way, as well as for costs of inspection by the Town. In the case of direct connection to a main wastewater collection line, the property owner shall be responsible for all costs associated with the construction of the connection, including those incurred within the Town right-of-way, as well as for costs of inspection by the Town.

Section 6. A separate and independent building sewer shall be provided for every building.

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Section 7. Old building sewers may be used in connection with new building only when they are found on examination and test by the Select Board or their authorized representative, to meet all requirements of this ordinance.

Section 8. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of 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 of the Town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specification of the S.S.T.M. and Water Pollution Control Federation Manual of Practice No. 9 shall apply.

Section 9. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 10. No person shall make connection of roof down spouts, exterior foundation, drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 11. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the American Society For Testing and Materials and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight. Any deviation from the prescribed procedures and material must be approved by the Select Board before installation.

Section 12. The applicant for the building sewer permit shall notify the Town Manager when the building sewer is ready for inspection and connection to public sewer. The connection shall be made under the supervision of the Town Manager or his/her representative(s).

Section 13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in the manner satisfactory to the Town.

Section 14. Any other provision of this ordinance notwithstanding, no permit, certificate or license required under this ordinance shall be issued or granted without approval of the Select Board. When the permit, certificate or license is approved, such approval shall be attest to in writing by the Select Board. A permit, license or certificate shall not be valid unless it bears such attestation.

Section 15. No unauthorized person shall intentionally, maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure appurtenance, or equipment which is a part of the sewage works. Any person violating that provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE III  
Use of the Public Sewers

Section 1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) A toxic pollutant in toxic amounts as defined in standards issued from time to time under Section 307 (a) of the Clean Water Act.

(b) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas that creates a fire or explosion hazard.

(c) 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, creates a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(d) Any waters or wastes having a 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.

(e) 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, feather, 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.

(f) In the case of a major contributing industry contains an incompatible pollutant, as further defined herein, in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Section 304, 306 and/or 307 of the Clean Water Act.

Section 3. No person shall discharge or cause to be discharged the following described substances, materials, waters, or waste if it appears likely in the opinion of the Treatment Plant Operator 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 constitutes a nuisance. In forming this opinion as to the acceptability of these wastes, the Treatment Plant Operator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65) C.

(b) Any water or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32) and one hundred fifty degrees (150) F (0 and 65) C.

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with motor of three-fourths (3/4) horsepower (9.76 hp metric) or greater shall be subject to the review and approval of the Treatment Plant Operator.

(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, 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 applicable State or Federal regulations.

(f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Treatment Plant Operator as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or 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 State or Federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(j) 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, chloride requirements in such quantities as to constitute a significant load on the sewage treatment works, may cause the effluent limitation 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 amendable to treatment or reduction by the sewage treatment processes employed, or are amendable 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.

Section 4. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possesses the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Treatment Plant Operator, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise created a hazard to life or constitute a public nuisance, the Treatment Plant Operator 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 Board of Selectmen permits the pretreatment or equalization of waste flows, the design and installation of plants and equipment shall be subject to the review and approval of the Board of Selectmen, and subject to the requirement of all applicable codes, ordinances, laws and the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry.



Section 5. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board of Selectmen, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Select Board, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 6. When preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by owner at his expense.

Section 7. When required by the Select Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters, and other appurtenances in building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Select Board. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Treatment Plant Operator may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Treatment Plant Operator. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary of the Agency of Natural Resources in accord with such permit. Records of any other monitoring will be supplied by the Treatment Plant Operator to the Secretary on request.

Section 8. 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 the "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Associations, and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb, and property.

Section 9. That any industry held in violation of the provisions of this ordinance may have its disposal authorization terminated.

Section 10. The Select Board shall have the authority to provide for the collection,

treatment and disposal of industrial waste under such terms as may be agreed upon by the Board and the generator of such waste.

Section 11. Except as hereinafter provided, 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.

Section 12. The owner of any structure used for human occupancy, employment, recreation or any other purposes, and situated on a parcel abutting on any street, alley or right of way in which there is a public sewer main, shall, if any part of the foundation wall of the structure is within three hundred feet (300') of the sewer main, connect all wastewater outlets (not to include storm water) from such structure to the public sewer main as follows:

- a) Within two (2) years from the date the town sewer main becomes operational.
- b) Notwithstanding (a) above, within 90 days of written notice from the Town to do so sent registered or certified mail, if the discharge of waste from the structure is or becomes a pollution source, directly or indirectly, to the waters of the state, or a health hazard.
- c) Prior to any occupancy or use, in the case of a structure constructed after adoption of this Ordinance.

Section 13. The Board of Selectmen may waive the requirement of Section 12 if the owner provides evidence of a satisfactory perk test and the Board of Selectmen determines that it is an appropriate action taking into consideration hardships such as, but not limited to:

- (a) Severe construction limitations or excessive construction cost, or
- (b) Unusual lot characteristics.

#### ARTICLE IV Powers and Authority of Inspectors

Section 1. During normal working hours and after having requested and obtaining permission to do so from the owner or occupant, the Treatment Plant Operator and other duly authorized employees of the Town 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 this ordinance. The Treatment Plant Operator shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing in the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.

Section 2. While performing the necessary work on private properties referred to in Article IV, Section 1 above, the Treatment Plant Operator and/or duly authorized employee of the Town shall observe all safety rules applicable to the premises

established by the company and the company shall be held harmless of injury or death to the Town employees, except for such injury and death that arises out of the negligence of the company, its agents, servants and/or employees or the failure on the part of the company to appraise the Treatment Plant Operator and/or employees of its applicable rules and the Town shall indemnify the company against loss or damage to the companies property by the Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the company, its agents, servants and/or employees, by failure of the company to maintain safety conditions as required in Article II, Section 8 and/or by failure of the company to appraise the Town employees of their safely rules.

Section 3. The Treatment Plant Operator or other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling repair, and maintenance of 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 V Allocation of Reserve Capacity

Section 1. Any expansion of an existing structure or new construction that will increase municipal sewer usage will require an allocation of existing reserve capacity.

Section 2. Reserve capacity is allocated to a specific person, project and parcel of land. The allocation is not made solely to a parcel of land and therefore does not run with the land during project completion. After project completion or permit expiration, the allocation will run with the land.

Section 3. Reserve capacity that is allotted to lots that are either unsold or do not have building construction completed at the time of construction permit expiration shall revert to the Town.

Section 4. Should a project be altered during construction and capacity needs be reduced, the excess allotment shall revert to the Town. Allocations may not be transferred from one project to another without Town approval.

#### ARTICLE VI Penalties

Section 1. Any person found to be violating any provisions of this ordinance except Article IV shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time, should not exceed a 30 days, limit for the

satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Article VI Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a amount not exceeding \$1,000.00 for each violation. Each week in which any such violation shall continue shall be deemed a separate offense.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such offense and the Town may recover said loss, expense, and/or damage in a civil action on this ordinance.

#### ARTICLE VII Validity

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. The invalidity if any section, clause, sentence or provision of this ordinance shall not effect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

Section 3. This ordinance and any articles and section thereof may be amended at any time by the Select Board as provided by law.

#### ARTICLE VIII Rates

Section 1. The Select Board shall establish the user charge and industrial cost recovery system in accordance with appropriate Federal and State Rules and regulations pertaining to the costs associated to the use of the sewer by an industry.

Section 2. The Select Board shall establish the user charge system in accordance with appropriate Federal and State Rule and Regulations pertaining to the costs associated to the use of the sewer by a non-industrial user.

Section 3. The Select Board, in establishing the rates referred to in Article VIII Section 1 and 2 above, make specific reference to the sewer rate structure in force at the time of connection. The sewer use rate structure shall incorporate the requirements of 40CFR 35.935-13 and 24 V.S.A. Chapter 101.

Section 4.

(a) Collected by Town Treasurer. All sewer rates and benefit assessments shall be payable to and collected by the Town Treasurer at his/her office.

(b) Notice and Bill; Late Payment Penalty. Notice and bill for sewer rates and benefit assessments shall be made by mailing the same to the owner or duly authorized agent in charge of the premises where water is used.

(1) Such notice and bill shall state the dates of coverage of the bill and shall be payable in four installments with amounts of each installment and due dates for each installment shown. Such notice and bill shall also state that unless payment is made on or before the installment dates shown on the bill, a penalty of eight percent (8%) will be added to each delinquent installment. Interest at the rate assessed on delinquent property taxes shall accrue on unpaid sewer rate and benefit assessment accounts after the due date specified for payment with each installment.

(2) If said bill is not paid on or before the installment due dates the Town may cause the sewer service to said premises to be disconnected as provided by law.

(c) Failure to Receive Bill. A failure to receive a bill for sewer service rates shall not constitute an excuse for failure to pay the same before the date at which eight percent is required to be added to all unpaid bills

(d) Sewer Rates as Taxes and Tax Liens. Sewer rates and benefit assessments, and penalty interest thereon shall be a lien on the real estate supplied with sewer service, and may be collected in the same manner as the other taxes of the town, and the owners of such real estate shall be subject to the same liabilities therefore as for other Town taxes. In addition, the Town shall be entitled to recover from such owners all costs of collecting delinquent sewer rate and benefit assessment accounts including attorney's fees.

Section 5. No abatement of the sewer rate will be considered by reason of disuse or diminished use, or vacancy of premises, unless notice thereof be given to the sewer commissioners in advance. The minimum charge, as established by the Select Board shall be paid annually regardless of use, so long as the service pipe is connected to the main.

Section 6. Any work performed by the Town and found to be the responsibility of the landowner shall be billed to the landowner. Billing will be at the labor rate of workers involved plus the Town's cost of outside contractors, materials and equipment.

ARTICLE IX

Adopted: Village Trustees  
July 13, 1976

Amended: Select Board

April 20, 1995  
April 16, 1998  
January 18, 2005

Select Board Members:

Charles Volk

Kurt Krich

Patricia H. Coultas

Todd Deuss

Michael Kerschik