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**ORDINANCE
REGULATING THE DISPOSAL OF WASTEWATER
AND THE USE OF THE PUBLIC WASTEWATER SYSTEM
IN THE TOWN OF CABOT, VERMONT**

PREAMBLE

Pursuant to Title 24 Section 3617 of the Vermont Statutes Annotated, it is hereby ordained by the Selectboard of the Town of Cabot, Vermont that the protection of the health and safety of the Town of Cabot, the Village of Cabot and of the general public requires the establishment of the following regulations and standards for the use and management of the Town of Cabot Wastewater Treatment System.

ARTICLE 1 – GENERAL PROVISIONS

Section 100

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 Disposal of Wastewater and the Use of the Public Wastewater System in the Town of Cabot, Vermont," hereinafter sometimes referred to as the ordinance.

Section 101

The Clerk of the Town of Cabot shall file certified copies of this ordinance, as well as certified copies of any additions or amendments to this ordinance as may be hereafter adopted, in the municipal records and with the Board of Wastewater Commissioners, and the Town of Cabot Selectboard and the Town of Cabot Health Officer.

Section 102

In the case of any other applicable regulations, by-laws, ordinances or statutes that differ from the rules and regulations in this ordinance, the more strict shall apply.

ARTICLE 2 -- DEFINITIONS

ALLOCATION SCHEDULE – A schedule, adopted each January by the Wastewater Commission, subsequent to a public hearing, committing reserve capacity to various future uses, and prioritizing the allocation of uncommitted reserve capacity among various classes of users.

ANSI - American National Standards Institute

ASME - American Society of Mechanical Engineers

ASTM - American Society for Testing and Materials

AWWA - American Water Works Association

BOARD – Cabot Board of Wastewater Commissioners; Wastewater Commission

BOD - Biochemical oxygen demand: the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade expressed in milligrams per liter.

BUILDING DRAIN - That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, water and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER - The extension from the building drain to the public sewer or other place of disposal including any portion thereof, within public rights-of-way or easements, meaning in general the sewer line from the building to a collector or trunk sewer main or gravity pipe.

COMBINED SEWER - A sewer receiving both surface runoff and sewage.

COMPLETED CONSTRUCTION - For building development, the completion of construction of all foundations, framing, siding and roofs; for subdivision development, the sale of the individual lots.

COMMITTED RESERVE CAPACITY - The total amount of projected development wastewater flow (gallons per day) from all projects/buildings approved by the DEC and issued connection permits by the Town but not yet discharging at the time of the calculation.

COMMISSIONER(S) – The Cabot Board of Wastewater Commissioners; an individual member of the Board of Commissioners; Wastewater Commission.

COMPOSITE SAMPLE - A sample made up of a number of samples obtained over a specified period of time to reflect the time variable nature of a discharge, the volume of such samples normally being proportional to the discharge flow rate taken at the time of sampling.

CONNECTION FEE - A fee imposed by the Town of Cabot on applicants for connection permits to cover the municipality's cost of performing, processing, supplying materials, supervising, inspecting and administering connection to the sewage system including any necessary sewer service extension, upgrading sewers or for any portion of these activities.

CONNECTION PERMIT - A permit to connect a previously unconnected property to the municipal Wastewater System and to discharge wastewater from that property to the Wastewater System.

CS - Commercial Standards

DEPARTMENT - The Vermont Department of Environmental Conservation, sometimes DEC.

DEVELOPMENT - The construction of improvements on a tract of land for any purpose

including, but not limited to, residential, commercial, industrial activity, subdivisions and the intent to subdivide.

DEVELOPMENT WASTEWATER FLOW - The flow projected to result from full use of a development at its peak capacity, which flow shall be calculated using flow quantities adopted as rules by the Department, as promulgated at the time a connection permit application is made, the flow quantities in State regulation at the time of adoption of this ordinance being attached to this ordinance.

DISCHARGE PERMIT - A permit issued by the DEC pursuant to authority granted in 10 VSA, Chapter 47.

ELIGIBLE PROPERTY - Any house, building or property used for human occupation, employment, recreation or other human purpose any part of which lies within two hundred fifty (250) feet of a public sewer, or which has received an allocation of capacity pursuant to section 708 of this ordinance.

EQUIVALENT RESIDENTIAL UNIT - A unit of wastewater discharge established by the Commissioners, representing the average daily discharge for a single-family residence, also known as an "ERU." The value of 300 gal/day is established as an ERU; this shall be used to calculate ERU values, using the current wastewater flow estimates in the Vermont Environmental Protection Rules for uses other than single-family residences.

FACILITY - The Wastewater Treatment Facility owned by the Town of Cabot, sometimes called the plant.

GARBAGE - Solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

HEALTH OFFICER - The legally designated Health Officer or Deputy Health Officer of the Town of Cabot, Vermont.

HOUSE CONNECTION - That part of the sewage system that runs from the main sewer to the property line and includes all necessary fittings.

IMPACT FEE - A fee imposed on applicants for capacity allocation and will be based on the Town's share of capital cost per gallon of wastewater collection, treatment and disposal capacity attributable to the project or development, such that this fee is consistent with the intent of impact fees authorized under 24 VSA, Chapter 131. The fee will be set forth in the Rate Schedule.

INITIATE CONSTRUCTION - For building development, to commence construction of the foundation; for development, to sell the first lot.

INDUSTRIAL WASTE - The liquid wastes from industrial manufacturing processes, trade or business as distinct from sewage.

MAIN SEWER – The sewer laid longitudinally along any street or right-of-way and to which all users have equal rights and which is controlled by public authority.

NATURAL OUTLET - Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NUISANCE - Anything that disrupts the routine use of one's property or renders the use of one's property uncomfortable or unhealthy, usually associated with continuous or recurring conditions.

ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM, ON-SITE SYSTEM - A septic tank and leaching field system utilizing natural soil or other means to treat and disperse sewage upon the same property on which it is generated and in such a manner as to protect public health and to protect both groundwater and surface water from contamination.

OWNER - Any person who owns or possesses any property connected to or proposed for connection to the municipal Wastewater System.

PERMITTED WASTEWATER FLOW - The maximum treatment facility wastewater flow authorized in the Discharge Permit on an annual (365 day) average, or on the high seasonal use period as defined in the Discharge Permit.

PERSON - Any individual, firm, company, association, society, corporation, institution, partnership, group, governmental entity or other entity, and also as defined in 1 VSA, Section 128.

pH - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PLANT - The Wastewater Treatment Facility owned by the Town of Cabot.

PLANT OPERATOR – That agent of the Town of Cabot who shall be appointed or hired by the Selectboard, upon recommendation of the Wastewater Commission, to assist the Commission in the operation and maintenance of the municipal Wastewater System .

PLANT WASTEWATER FLOW - The wastewater passing through the Wastewater Treatment Facility in gallons per day on an average annual (365 day) basis, except where flows vary significantly from seasonal development; and in the latter case, plant wastewater flow is determined as the average throughout the high seasonal use period, as determined by the Commissioners.

PPM - Parts per million.

PRIVATE SEWAGE SYSTEM - All facilities for collecting, pumping, treating and/or disposing of sewage that is not under the control of nor operated by the Town of Cabot.

PROPERLY SHREDDED GARBAGE - The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle larger

than one-half (1/2) inch in any dimension.

PUBLIC SEWER, PUBLIC SEWAGE SYSTEM - A sewer or system of sewers in which all users have equal rights and which is controlled by public authority; a component of the municipal Wastewater System.

RESERVE CAPACITY - The permitted wastewater flow minus the actual plant wastewater flow during the preceding twelve (12) months.

SANITARY SEWER - A sewer that carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

SANITARY WASTEWATER - Wastewater of the same character and range of strength as is expected from homes.

SECRETARY - The Secretary of the Agency of Natural Resources, State of Vermont, or his/her representatives.

SEWAGE - A combination of the water-carried wastes from residences, businesses, buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present, but not including industrial waste or garbage.

SEWAGE FORCE MAIN - A pipe for carrying sewage under pressure; generally discharging from a sewage pump station.

SEWAGE TREATMENT PLANT - Any arrangement of devices and structures used for treating sewage.

SEWER - A pipe or conduit for carrying sewage, intended to operate by gravity.

SHALL AND MAY - "Shall" is mandatory; "may" is permissive.

SLUG - Any discharge of water, sewage or industrial waste that, 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.

SPELL - Any accidental or intentional discharge of wastewater, product or materials used in the production of any product, or materials used in the cleaning of equipment or facilities.

STORM DRAIN OR STORM SEWER - A sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes other than unpolluted cooling waters.

SUBDIVISION - A tract of land owned or controlled by a person which has been partitioned or is intended to be partitioned for the purpose of sale or lease into two (2) or more lots; the act of dividing a parcel of land by sale, gift, lease, mortgage foreclosure, court-ordered partition or filing of a plot plan on the town records where the act of division creates one or more parcels of land of less than ten (10) acres in area, but excluding leases subject to the

provisions of VSA Title 10, Chapter 153 relating to mobile homes, subdivision being deemed to have occurred on the conveyance of the first lot or the filing of a plot plan on the town records, whichever shall come first; or the commencement of building development with intent to create a subdivision, as defined herein, such that the building development will be located upon a parcel of land less than ten (10) acres in size.

SUBSURFACE SEWAGE DISPOSAL SYSTEM - Any sewage treatment system whereby the tank or plant effluent is leached into the ground.

SUPERINTENDENT - That employee or designated agent of the Town of Cabot who shall be hired or appointed from time to time by the Selectboard, upon recommendation of the Commissioners, to assist the Board of Wastewater Commissioners in operating and maintaining the municipal Wastewater System

SUSPENDED SOLIDS - 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 - The municipal governing body of the Town of Cabot, at the time of adoption of this ordinance, the Selectboard.

UNCOMMITTED RESERVE CAPACITY - That portion of the reserve capacity remaining after subtracting the committed reserve capacity, which remainder should be less than or equal to the projected development wastewater flow of all projects approved by the DEC but not yet discharging to the Wastewater System.

USER - Any party, person, household, business or institution owning or occupying an eligible property, or a property connected to the municipal Wastewater System; for billing and liability purposes, the owner of such a property.

USER FEES - The annual charge imposed by the Town upon each user according to procedures described in Article 8 of this ordinance; that part of the user's wastewater bill that accounts for the user's share of the Wastewater System's annual operation and maintenance costs and annual debt service.

WASTEWATER OPTION ZONE OR OPTION ZONE - An area extending two hundred fifty (250) feet in all directions from any public sewer extant prior to July 1, 2003 in the Town of Cabot south of the Winooski River where it crosses Route 215 South. (See Map Exhibit), or as extended subject to Article 7 of this ordinance.

WASTEWATER SERVICE ZONE OR SERVICE ZONE - An area extending two hundred fifty (250) feet in all directions from any public sewer extant prior to July 1, 2003 in the Town of Cabot north of the Winooski River where it crosses Route 215 South. (See Map Exhibit), or as extended subject to Article 7 of this ordinance.

WASTEWATER SYSTEM - All facilities for collecting, pumping, treating and disposing of wastewater that are owned and operated by and/or under the controlling authority of the

Town of Cabot.

WASTEWATER TREATMENT FACILITY, WASTEWATER FACILITY, FACILITY - A sewage treatment plant.

WATERCOURSE - A channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE 3 -- USE OF WASTEWATER SYSTEM REQUIRED

Section 300

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Wastewater Service Zone any human or animal excrement, garbage or other objectionable waste.

Section 301

It shall be unlawful to discharge into any natural outlet within the Wastewater Service Zone any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this ordinance and the laws and regulations of the State of Vermont and the Town of Cabot Sewage Disposal Ordinance.

Section 302

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 within the Wastewater Service Zone. Holding tanks which are intermittently pumped into the wastewater system may be approved by the Wastewater Commissioners on a case by case basis.

Section 303

It shall be unlawful for any person to connect any property to the Wastewater System without first obtaining a connection permit from the Town.

Section 304

A -- The owners of all eligible properties within the Wastewater Service Zone are hereby required to install or have installed suitable sanitary facilities therein and to connect or have connected or allow the connection of such facilities directly with the public sewer in accordance

with the provision of this ordinance, and upon and in accordance with such instructions as may be issued by the Town. The owners of eligible properties within the Wastewater Service Zone constructed after November 1, 2001 who obtain connection permits from the Commissioners shall connect to the Wastewater System at their own expense.

B -- Owners of eligible properties within the Wastewater Service Zone existing prior to November 1, 2001 shall not be required to apply for connection permits, and permits shall be issued to such owners by the Town, with such conditions as the Town may impose.

Section 305

The owner of any eligible property in the Wastewater Option Zone may submit an application for a connection permit to the Commissioners, which shall recommend to the Town whether or not to grant the request. Until November 1, 2001, owners of existing buildings will be treated under the same connection and payment policy as eligible properties in the Wastewater Service Zone. After November 1, 2001, connection of eligible properties outside the Wastewater Service Zone shall be at the expense of the property owner and be carried out in accordance with instructions from the Town. After connection, such eligible properties in the Option Zone shall be treated as if they were within the Service Zone and shall be subject to all provisions of this ordinance applying to eligible properties.

Section 306

Applications for connection permits shall be furnished by the Commissioners and submitted to the Commissioners, who shall make recommendations to the Selectboard, which shall have the final authority to grant such permits in accordance with the procedures and requirements of Article 7 of this ordinance.

ARTICLE 4 -- PRIVATE SEWAGE DISPOSAL

Section 400

The installation of private sewage disposal shall be in accordance with the Town of Cabot Sewage Ordinance.

ARTICLE 5 -- BUILDING SEWERS AND CONNECTIONS

Section 500

No unauthorized person shall uncover, make any connections with or create any opening into, or use, alter or disturb any part of the Wastewater System without first obtaining a written permit from the Town.

Section 501

It shall be unlawful for any person to place, deposit or permit to be deposited any discharge into any part of the Wastewater System without the permission of the Commissioners.

Section 502

The costs and expense incident to the installation and connection of building sewers from eligible properties built before November 1, 2001 within the Service Zone and approved eligible properties in the Option Zone shall be borne by the Town of Cabot. All owners shall indemnify the Town of Cabot from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance and repair of the building sewer. The limits of work paid by the Town will be defined in a Policy, to be adopted by the Selectboard.

Section 503

It shall be at the discretion of the Commissioners whether to provide or instruct to be provided for any property a separate and independent building sewer.

Section 504

Old building sewers may be used in connection with new buildings only when they are found, on examination and test to meet all requirements of this ordinance.

Section 505

The size, slope, location, alignment and materials of construction and connection to the public sewer of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all be subject to the approval of the Board and conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Cabot and the State of Vermont. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of

the ASTM and the latest edition of the WPCF Manual of Practice No. 9 or the Vermont Environmental Protection Rules shall apply. All connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Board before installation.

Section 506

No person shall make connections of roof downspouts, exterior or interior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

Section 507

No sewer connection shall be opened, no pipe laid, and no joints made except under the inspection and by the permission of the Board or the Town's designated agent. Any work not conforming to the provisions of this section shall be removed at the expense of the person who permitted, authorized, or performed the work.

ARTICLE 6 -- USE OF THE WASTEWATER SYSTEM

Section 600

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water or unpolluted industrial process waters into any part of the Wastewater System.

Section 601

No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that will interfere with the operation or performance of the Wastewater Treatment Facility.

Section 602

No person shall discharge or cause to be discharged any of the following described waters or wastes into the Wastewater System:

- a) Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C),

or any liquids, solids or gases that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion, constitute a hazard to humans or animals, or be injurious in any other way to the Wastewater System or the operation of the Wastewater Treatment Facility. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides;

b) Any waters or wastes having a pH lower than 5.5 or greater than 9.0; 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); or any waters or wastes having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Wastewater System;

c) Solid or viscous substances in quantities or size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Wastewater System including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage not properly shredded, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders; or 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 Facility;

d) Any substances that may cause the Wastewater Treatment Facility's effluent or any other produce of the Facility such as residues, sludges, or scums to be unsuitable for reclamation, disposal and reuse according to State or Federal regulations or to interfere with the reclamation process;

e) Any wastewater containing toxic pollutants in sufficient quantity, either single or by interaction with other pollutants, to injure, pass through, or cause interference with any sewage treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater treatment facility, or to exceed the limitation set forth in a Categorical Pretreatment Standard;

f) Any noxious or malodorous liquids, gases or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair; for purpose of this paragraph, an odor being considered to create a public nuisance when it

exists at a sufficient intensity or duration to cause neighboring residents to file complaints with the Town;

g) Any garbage that has not been properly shredded, but 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 Board;

h) 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, sulfanimides, 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 acidification, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulphides, sulphites, and the like, radioactive materials or isotopes;

i) Any stormwater, roof drainage, spring water, cistern or tank overflow, footing drainage, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge of effluent from any air conditioning machine or refrigeration unit;

j) Any waters or wastes containing excessive settleable solids exerting an excessive or unusual chemical oxygen demand or containing any other material or constituent in concentrations that exceed limits that may be established by the Commissioners;

k) Any substance that will cause the Wastewater Treatment Facility to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards, or that will cause harm to the any component of the Wastewater Treatment System;

l) Any waters or wastes sufficiently hot to cause the influent at the Wastewater Treatment Facility to exceed 104 degrees F (40 degrees C) or cause inhibition of biological activity in the Wastewater Treatment Facility;

m) Any materials that 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), or containing more than 300 ppm by weight of suspended solids;

- n) Any materials that cause excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions;
- o) Any materials that exert or cause an unusual volume of flow or concentrations of wastes containing slugs;
- p) Any waters or wastes that cause a hazard to human life as defined by the Environmental Protection Agency or creates a public nuisance;
- q) Any waters or wastes that are not amenable to treatment or reduction by the wastewater treatment process employed by the Wastewater Treatment System, or are amenable to treatment only to such degree that the Wastewater Treatment Facility effluent cannot meet the requirements of any of its permits or the applicable regulations of any agency having jurisdiction over discharge to the receiving waters;
- r) Any material that exerts or causes BOD greater than 250 milligrams per liter, or chemical oxygen demand of more than 400 milligrams per liter or contains suspended solids concentration of more than 300 milligrams per liter, these measurements to be conducted by 24-hour composite sampling at a frequency of sampling and testing to be established by the Commissioners.

Section 603

A -- If any waters or wastes are proposed to be discharged to the public sewers that contain the substances or possess the characteristics described in Section 503 of this Article, the Board may:

- a) Reject the waters or wastes;
 - b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- c) Require control over the quantities and rates of discharge; and/or
- d) Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of Section 10 of this Article.

B -- If the Board permits the pretreatment or equalization of waste flows, the design and installation of pretreatment facilities shall be subject to the review and approval of the Town and its Consulting Engineer and the State of Vermont, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected until said approval is obtained in writing.

C -- Plans and specifications for any treatment facility proposed under the provisions of the

previous paragraph shall be the result of the design of a licensed professional engineer or the State of Vermont and shall be submitted to the Commissioners for review and written approval before commencing construction. Such approval shall not relieve the Owner of the responsibility of discharging treated waste meeting the requirements of this ordinance.

Section 604

Grease, oil and sand interceptors shall be provided when, in the opinion of the Selectboard or Commissioners, 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 any interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commission, or its designee or, alternately, by the State of Vermont, and shall be located so as to be readily and easily accessible for cleaning and inspection and shall be maintained by the Owner, at his/her expense, in a continuous, efficient operating condition at all times. Such maintenance shall be monitored on a regular basis and the results of which shall be reported to the Commissioners on a regular basis as defined in the permit process.

Section 605

Where pretreatment 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 and shall be readily accessible and open to inspection by the Board or Superintendent at any time.

Section 606

All measurements, tests and analyses of the characteristics of waters and wastes to which references are 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 nearest point at which the sewer is accessible downstream of the premise presumed to be the source of the waters or wastes to be tested. Sampling shall be carried out by customarily accepted methods to reflect the effects of constituents upon the Wastewater Treatment Facility and to determine 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, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

Section 607

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any user whereby a waste of unusual strength or character may be accepted by the Town for treatment, subject to payment by the user, provided that such agreements do not contravene any requirements of existing Federal or State laws and/or regulations promulgated thereunder, are compatible with any user charge system in effect, and do not violate applicable national Categorical Pretreatment Standards.

Section 608

A -- Any spill or slug as defined in Article 1, or any accidental discharge shall be reported to the Commission or Superintendent by telephone and followed within five (5) days by written report to the Commissioners. Both reports shall include, as far as possible, location of discharge, type of waste, concentration and volume, and corrective actions. The written report shall include a description of measures to be taken by the user to prevent similar future occurrences. Compliance with these notification requirements shall not relieve the user of any expense, loss, damage or other liability that may be incurred as a result of damage to the Wastewater Treatment System, fish kills, or any other damage to person or property; nor shall such notifications relieve the user of any fines, civil penalties, or other liability that may be imposed by this ordinance or other applicable law.

B -- Any discharges that result in damages experienced by the Town as the result of a spill or slug are considered a violation of this ordinance and costs for repair, replacement or other associated costs are recoverable under Article 10.

Section 609

In maintaining interceptors or pretreatment or flow-equalizing facilities, the Owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which shall be subject to review by the Board. Any removal or hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

Section 610

The Commissioners may require a user of the Wastewater Treatment System to provide information needed to determine compliance with this ordinance. The requirement may include:

- a) Chemical and physical analyses of wastewaters;
- b) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to wastewater system use control or maintenance;
- c) A plot plan of sewers of the user's property showing sewer pretreatment facility location;
- d) Details of wastewater pretreatment facilities and systems to prevent the discharge of prohibited substances as defined in Section 602 of this Ordinance;
- e) Details of systems to prevent and control the losses of materials through spills to the Wastewater Treatment System.

Section 611

Any person proposing a new discharge to the Wastewater System or a substantial change in the volume or character of a discharge after September 30, 2000 must obtain the written consent of the Commissioners.

Section 612

Properties that are near the Town's sewage system which only have a sewage force main (no gravity sewer) may apply to the Commissioners for permission to connect. Such proposed connections, by use of sewage pumps, will be considered on a case-by-case basis. A detailed hydraulic analysis must be made by a Vermont professional engineer on the applicant's behalf, and furnished to the Commissioners.

ARTICLE 7 -- CAPACITY ALLOCATION

Section 700

The Town of Cabot shall own and operate the Wastewater System, including sewers and plant as defined in 24 VSA section 3501(6) and 3601. The plant shall have a permitted capacity and shall be operated in accordance with a discharge permit issued by the DEC under authority granted in 10 VSA, Chapter 47. The Commissioners shall be obligated by law to comply with the conditions of that permit and to operate and manage the Wastewater System as a governmental function under and pursuant to 24 VSA, Chapters 97 and 101.

Section 701

A -- The permitted capacity of the Wastewater System is the property of the Town of Cabot. The uncommitted reserve capacity of the Wastewater System shall be allocated by the Commissioners

in the manner described below. This ordinance is adopted pursuant to the provisions of 24 VSA, Chapter 59 (or in the manner provided for in 24 VSA, Chapter 117) and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the Town to regulate, control and supervise all means and methods of wastewater collection, treatment and disposal with the Town, nor shall it be construed to impair or inhibit the ability of the Town to contract with persons for the collection, transmission and treatment of sewage.

B -- The Town of Cabot Wastewater System shall have a permitted treatment capacity of 50,000 gallons per day, and the Commissioners shall determine the average number of gallons per day actually processed by the Wastewater Facility each month during the first year of operation and each year thereafter. The Commissioners shall also maintain, as far as possible, current calculations of reserve capacity, committed reserve capacity, uncommitted reserve capacity, plant wastewater flow and development wastewater flow.

Section 702

All allocations of uncommitted reserve capacity to projects shall be based on development wastewater flows. Any difference between actual flow and development wastewater flow is not available to the development owner for reallocation to another project or a project expansion.

Section 703

A -- Allocation of uncommitted reserve capacity shall comply with the following priorities intended to govern the gross allocation of reserve capacity before the allocation principles are applied to specific projects.

B -- Residential, commercial, industrial and institutional facilities existing within the Wastewater Service Zone on November 1, 2001 that are required to be connected to the Wastewater System by this ordinance shall be entitled to first priority in allocation of uncommitted reserve capacity. Residential, commercial, industrial and institutional facilities existing within the Wastewater Option Zone on November 1, 2001 whose owners apply for connection permits shall have second priority. Residential, commercial, industrial and institutional facilities built or expanded within the Wastewater Service Zone after November 1, 2001 shall have third priority. Residential, commercial, industrial and institutional facilities built or expanded within the Wastewater Option Zone after November 1, 2001 whose owners apply for connection permits shall have fourth priority. Projects and facilities within the Service and Option Zones will always be given a higher priority than projects and facilities outside the Service and Option Zones.

Section 704

No development or project that will discharge wastewater shall be constructed in the Wastewater Service Zone without a connection permit.

Section 705

No more than one (1) application per development will be accepted in a calendar year.

Section 706

A -- Application for a connection permit shall be equivalent to a request for allocation of uncommitted reserve capacity. Granting a connection permit shall be equivalent to allocating uncommitted reserve capacity, but an application for the written consent of the Commissioners to an increase in ERU allocation or a change in the wastewater volume or discharge characteristics for a property already connected to the system shall not be equivalent to an application for a connection permit.

B -- An application for a connection permit shall be returned to the Town Office and marked with the time and date of receipt by the Town Clerk or Assistant Town Clerk. The Commissioners shall review applications in the order of receipt and make recommendations to the Selectboard. The Commissioners shall recommend to the Selectboard whether to approve or deny each application for a connection permit. No connection permit shall be issued without the final approval of the Selectboard.

C – A schedule of capacity allocation limits shall be adopted by the Commission each year in January. The schedule shall limit annual allocations to various classes of users, and shall list all allocations of capacity to future uses (committed capacity). At least one public hearing shall be held by the commission prior to the adoption of the allocation schedule. Allotments to any classification shall not exceed the limits established by the Commissioners, but, in reviewing applications for connection permits, the Commissioners shall recommend rejection of any application for a development inconsistent with the Town Plan or any other ordinance or regulation of the Town of Cabot.

D – The allocation schedule may apportion some of the uncommitted reserve capacity to structures or developments located outside of the Service Zone and Option Zone, under the following conditions:

- 1) All construction, connection, and maintenance costs, including the costs of extending and maintaining new public sewer mains, shall be recovered from the applicants or new users through impact fees and/or connection fees.

- 2) No extension of sewer mains required by such allocation shall result in an expansion of the Service Zone or Option Zone, unless in conformance with Section 708 of this ordinance.
- 3) Whenever applications for capacity exceed the total annual recommended allocation in the allocation schedule, first priority will be given to projects or connections within the Service Zone, second priority to those within the Option Zone, and last priority to those outside of the Service and Option Zones.

Section 707

The town shall not discontinue wastewater service to any property without making a determination that other legal means of wastewater disposal are available to the property.

Discontinuance of any sewer main for reason of disuse shall not result in a discontinuance of the Wastewater Service Zone or Option Zone associated with that main. Future development along an unused main will be subject to the terms of this ordinance.

Section 708

Expansion of the Wastewater Service Zone or Option Zone may occur only:

- 1). By order of the Vermont Agency of Natural Resources or other controlling governmental agency, or,
- 2). By a majority vote at any regular or special town meeting which has been legally warned for that purpose, provided that the proposed expansion is in accordance with allocation formulae developed under Article 7 of this ordinance, and conforms to the goals of the Town Plan, or,
- 3.) upon approval of the Selectboard only after recommendation by a majority vote of the full membership of the Wastewater Commission and recommendation by a majority vote of the full membership of the Planning Commission, provided that the proposed expansion is in accordance with allocation formulae developed under Article 7 of this ordinance, and conforms to the goals of the Town Plan, and provided that such approval by the Selectboard be subject to the same statutory requirements as apply to the approval of local ordinances.

Section 709

Any expansion of the Wastewater System to provide for a new user or users shall be funded in one of the following ways:

- a) if the Commissioners determine that reserve funds are sufficient to pay for the expansion, those funds may be so used and the total amount to be so expended shall be divided by the number of new users, and this result, prorated over the projected life of the expansion in years, added as an expansion fee to the annual wastewater bills of those new users; or
- b) if the Commissioners determine that reserve funds are not adequate to pay for the expansion, then a proposal to authorize the issuance of bonds or the expenditure of Town funds to pay for an expansion of the Wastewater System may be warned by the Selectboard for a vote at a regular or special Town Meeting held under 24 VSA, Chapter 53, and if the voters authorize the expenditure or bond, the Selectboard shall be authorized to expand the Wastewater System at that cost; and if an expenditure is authorized, the amount shall be divided by the number of new users and added as an expansion fee to their annual wastewater bills in an amount prorated by the number of years projected as the life of the expansion; and if a bond is authorized, the annual debt service on that bond shall be divided among the new users and added to their annual wastewater bills as an expansion fee.
- c) The Selectboard may accept gifts and grants (public or private) for the purpose of funding expansion of the wastewater system.

Section 710

A -- Initially, reserve capacity is allocated by the Commissioners to a specific person, project and parcel of land and does not run with the land during project completion. After completion of the project or permit expiration, however, the allocation (adjusted to the actual development constructed, if necessary) will run with the land.

B -- Transfer of capacity allocation is prohibited unless approved in writing by the Commissioners at the request of the original owner.

C -- The Commissioners may approve transfer of capacity from one project to another and one owner to another provided the new project and/or owner meet(s) all the requirements for the final connection approval originally issued and the original owner requests such transfer.

Section 711

After November 1, 2001 any proposed connection or change of use that would increase the future sewage flows from an existing connection will be subject to an Impact Fee. Such fee will be computed as per the Rate Schedule, which is in effect at the time of the application. The amount of the Impact Fee is based on the Town's (and pre-existing users') commitment to fund the capital expense portion of the system, including the uncommitted reserve capacity. The amount and basis of the Impact Fee will be reviewed annually by the Commissioners; it shall be fair and consistent with State Statutes.

ARTICLE 8 -- CONNECTION PERMITS

Section 800

Any person applying for a connection permit shall do so in a form prescribed by the Commissioners. Such application shall:

- a) be accompanied by a calculation of the development wastewater flow to be generated by the project or development;
- b) include calculations for the volume, flow rate, strength and any other characteristics determined appropriate by the Commissioners;
- c) include certification of all calculations required in (a) and (b) by a Vermont registered engineer for any development with a development flow of over 1,000 gallons per day (but this requirement may be waived by the Commissioners);
- d) be accompanied by plans and specifications for the construction of building sewers and any extensions of the municipal sewer system, including pump stations, required to service the development prepared by a Vermont registered engineer (but this requirement may be waived by the Commissioners until final connection approval);
- e) if the connection is to a force main, provide calculations and designs by a Vermont registered engineer that the proposed connection will be hydraulically compatible with the Town's system;
- f) include proof that all other necessary federal, state and municipal permits have been obtained;

g) be accompanied by an application fee in an amount to be established from time to time by the Commissioners.

Section 801

Upon receipt of a complete and properly filed application for a connection permit, the Commissioners may make a preliminary allocation of uncommitted reserve capacity after making affirmative findings that:

- a) the proposed wastewater is of domestic, sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed discharge;
- b) the proposed wastewater is not of domestic sanitary origin and that sufficient evidence has been presented by the applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the Wastewater System, and that the proposed wastewater will not alone or in combination with other wastes cause a violation of the discharge permit, pass through the facility without treatment, interfere or otherwise disrupt the proper quality and disposal of the facility sludge or be injurious in any other manner to any component of the Wastewater System, and that there is sufficient uncommitted reserve capacity to accommodate the strength and volume of the proposed discharge;
- c) the proposed use of wastewater capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the Commissioners or municipality.

Section 802

The Selectboard, after receiving the findings of the Commissioners, may issue a preliminary connection approval, which approval shall be a binding commitment of capacity to the project contingent on compliance with any conditions attached to the preliminary approval and the subsequent issuance of a final connection approval. The preliminary approval conditions may include:

- a) specification of the period of time during which the preliminary connection approval shall remain valid and provisions for extensions if approved by the Commissioners;
- b) incorporation of specific conditions that must be fulfilled by the applicant to maintain validity of the preliminary connection approval;

- c) provision for revocation by the action of the Commissioners on failure of the applicant to fulfill requirements of the preliminary connection approval;
- d) specification that the recipient of the preliminary connection approval may not transfer, by any means, the preliminary connection approval to any other person or connect to the Wastewater System.

Section 803

Prior to final connection approval, the following conditions shall be met by the applicant:

- a) proof of payment of a connection fee to be established by the Commissioners, an impact fee to be established by the Commissioners and partly based on the volume and strength of the proposed wastewater discharge, permit fees and all other local fees or taxes set by the Commissioners and/or the Selectboard or other municipal agencies;
- b) acceptance by the Commissioners of plans and specs for connection to and, if necessary, extension of the municipal sewer and/or expansion of the Wastewater System.

Section 804

The Commissioners, on making affirmative finding that all conditions of a preliminary connection approval and/or final connection approval as stipulated in Article 7 have been fulfilled, shall forward their recommendation to the Selectboard, which shall have authority to grant final approval. If approval is recommended, the Commissioners may further recommend such conditions as they deem advisable be attached to the permit. Upon approval by the Selectboard, a connection permit shall be issued that may be conditioned by the Selectboard according to the recommendations of the Commissioners as follows:

- a) the permit may specify the allowed volume, flow rate, strength frequency and any other characteristics of the proposed discharge determined appropriate by the Commissioners;
- b) the capacity allocation is not transferable to any other person or project unless requested by the original owner and approved by the Commissioners;
- c) the construction of the connection and, if necessary, the municipal sewer extension, must be overseen to assure compliance with the plans and specs and good construction

practice in a manner acceptable to the Commissioners;

d) capacity allocation in conjunction with the final connection permit for building development shall revert to the Town of Cabot if the permit recipient has failed to initiate construction within one year of the issuance date on the permit.

Section 805

The terms and conditions of a connection permit shall be binding. Plans and specs submitted in an application for a connection permit shall be binding upon the developer.

Section 806

A Connection permit shall expire three (3) years from the date of issuance based on the original development plan at the time of permit approval. The unused portion of the committed capacity shall revert to the Town, and there will be no refund of any fees; the Commissioners may approve construction over a longer period if they deem this action is in the municipality's best interest.

Section 807

A -- For subdivision projects the permit applicant (development) for a proposed subdivided parcel must indicate the development planned for each lot. If all prerequisites defined for the final connection approval herein are met, final connection permits will be issued to the subdivision owner for each lot with a specific reserve capacity allocation associated with the proposed development. These final connection permits will expire after three (3) years from the date of issuance unless the developer has sold the lot for development or has completed construction in accordance with the approved plan. The expiration date will not be changed by any revisions to the subdivision or development plan subsequent to the initial approval. At expiration, the Commissioners will notify the Agency of Natural Resources of the expired subdivision connection permit.

B -- The reserve capacity allotted to lots that are either unsold or do not have building construction completed at the time of connection permit expiration shall revert to the Town without refund of any fees paid. Reserve capacity shall also revert to the Town from any reductions made to the development wastewater flow planned for each lot subsequent to initial approval of the connection permit application.

C -- The subdivision owner shall file the final connection permits in the land records of the Town of Cabot along with copies of receipts for all fees paid and reference to the location of the

approved connection plans and specifications. When the owner/developer of a subdivision sells individual lots within the three-year time frame, the final connection permit shall transfer when the property transfers and the new owner becomes bound to comply with all permits issued and the plans and specifications for connecting to the Wastewater System. The transferred permit will be considered a new permit issued on the date of property transfer and the constraints of this section will apply to this permit. The permit will expire as provided in this section.

D -- In cases where a final connection permit expires and a new person applies for capacity on the same or a different project, the Commissioners may consider previous fees paid by the original applicant when setting fees for the new applicant.

E -- The Board or designated agent shall be notified one (1) week in advance of any proposed sewer connection authorized by a final connection permit. The connection to the Wastewater System shall not be performed nor covered until approved by the Board or designated agent. Additional constraints may be found in the Town of Cabot Sewer Ordinance.

Section 808

Nothing herein shall be construed as limiting or impairing the authority of the Town of Cabot or the Commissioners to require connections to the Wastewater System under the general laws of the state or local ordinances.

Section 809

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

Section 810

A -- Any connection permit may be suspended at any time by the Commissioners or the Selectboard and/or revoked by the Selectboard at any time for:

- a) violation of any of the conditions of this ordinance;
- b) violation of the specific terms and conditions of the permit;
- c) refusal to permit inspection by the Superintendent or by the Commissioners or their duly appointed representatives.

B -- Suspension shall be confirmed in writing by the Commissioners, and, when possible, the Commissioners shall provide written notice to desist from or make corrections to any practices or operations that violate or contravene the provisions or purposes of this ordinance or the permit. Such notice will allow sufficient time for the correction of the violation.

Section 811

It shall be a violation of this ordinance for any person to cause the wastewater flow of any connected property to regularly and substantially exceed the property's ERU allocation or to make a change in the wastewater discharge characteristics from a connected property without the written consent of the Commissioners.

Section 812

Application for the consent of the Commissioners to an increase or decrease in a connected property's ERU allocation or for a change in a connected property's wastewater discharge characteristics shall be made in writing to the Commission.

ARTICLE 9 -- MANAGEMENT

Section 900

The Wastewater System shall be the property of the Town of Cabot, and the Town shall have sole and complete authority to operate, maintain and administer the system, submit bills to users of the system and collect, invest and disburse such revenues, and initiate action under any provision of this ordinance.

Section 901

Prior to January 1, 2002, the Selectboard shall appoint a Board of Wastewater Commissioners consisting of six (6) members, two (2) who shall be residents and home owners in the Wastewater Service Zone connected to the Wastewater System, one (1) who shall be a resident and home owner in the Wastewater Option Zone connected to the system, one (1) who shall be a resident and home owner in the Wastewater Option Zone not connected to the system, and two (2) who shall be residents and home owners in the Town of Cabot residing in their homes outside both the Service and the Option Zone not connected to the system. After the initial appointments, the Commissioners shall decide which two (2) shall serve a term of one (1) year each, which two (2) shall serve a term of two (2) years each, and which two (2) shall serve a term

of three (3) years each. Thereafter, at the expiration of the term of each pair of Commissioners, the Selectboard shall appoint two (2) Commissioners for a term of three (3) years each. Vacancies arising on the Board of Commissioners shall be filled by the Selectboard.

Section 902

The Board of Wastewater Commissioners shall be the agent of the Town in the operation, maintenance and administration of the Wastewater System, and may act for the Town with such authority, beyond that conferred by this ordinance, as the Selectboard may delegate to the Commissioners and as is consistent with Vermont law.

Section 903

A -- On each anniversary of the appointment of the original Board of Wastewater Commissioners, the Commissioners shall elect a chair, a vice-chair and a secretary, whose responsibilities shall be as follows:

- a) of the chair, to convene meetings of the Commissioners, establish the agenda for each meeting, chair each meeting, facilitate communication among Commissioners, report to the Selectboard, act in such manner as may be lawful or as the Commissioners have directed or authorized on behalf of the Board of Commissioners when it is not in session;
- b) of the vice-chair, to act as chair when the chair is indisposed or otherwise unable to fulfill the chair's responsibilities;
- c) of the secretary, to record and publish the minutes of meetings of the Board of Commissioners, to publish the agenda for each meeting and to post or publish such information as the Board of Commissioners may from time to time require.

B --The treasurer of the Board of Commissioners shall be appointed or hired by the Selectboard, upon recommendation of the Wastewater Commission.

Section 904

The Commissioners shall meet at such regular intervals as they may establish but at least once in each calendar quarter. At the chair's discretion, special and emergency meetings may be convened provided they are properly warned under Vermont law. The Cabot Town Clerk may convene meetings of the Commission as required by law, by this ordinance, or at the request of

the Selectboard.

Section 905

A Superintendent for the Wastewater System may be hired or appointed by the Selectboard upon the recommendation of the Board of Commissioners. If the position is filled by an employee instead of an unpaid volunteer appointee, then the Commissioners shall describe and advertise the position and interview candidates. Once hired or appointed by the Selectboard, the Superintendent shall be responsible to the Board of Commissioners. The Superintendent shall be the agent of the Town of Cabot and shall carry out such responsibilities as the Board of Commissioners may from time to time impose. The Superintendent shall be an employee or appointee of the Town of Cabot, but all costs associated with the Superintendent's position shall be paid out of Wastewater Revenues. Appointments to the position of Superintendent shall expire on December 31, annually.

Section 906

The Superintendent and other duly authorized employees of the Town of Cabot, bearing proper credentials and identification, shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. Neither the Board nor its representatives shall have authority to inquire into any process including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge into the waterways of the Town of Cabot or into the Cabot Wastewater System.

Section 907

While performing the necessary work on private properties referred to in Section 906 above, the Superintendent or duly authorized employees of the Town of Cabot shall observe all safety rules applicable to the premises established by the proprietor, and the proprietor shall be held harmless for any injury or death to the Town of Cabot employees and against liability claims and demands for personal injury or property damage asserted against the proprietor and growing out of the inspection operation, except as such may be caused by negligence or failure of the proprietor to maintain safe conditions.

Section 908

The Superintendent or other duly authorized employees or agents of the Town of Cabot bearing proper credentials and identification shall be permitted to enter all private properties through which the Town of Cabot holds a duly negotiated easement for the purpose of, but not limited to,

inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer works lying within said easement. All entry and subsequent work, if any on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 909:

A Plant Operator for the Wastewater System shall be appointed or hired by the Selectboard, upon recommendation of the Wastewater Commission. The Commissioners shall describe and advertise the position, request proposals or bids, and interview candidates. Once hired or designated by the Selectboard, the Plant Operator shall be responsible to the Board of Commissioners. The Plant Operator shall be the agent of the Board of Commissioners and shall carry out such responsibilities as the Board of Commissioners may from time to time impose. The Plant Operator may be responsible for the daily operation and maintenance of the Wastewater System including the treatment plant, pumping stations, and sewer mains. The Plant Operator shall ensure that the wastewater treatment plant is operated in conformity with discharge requirements. The Plant Operator may direct the installation of new equipment and facilities and perform related work as required. The Plant Operator shall be an authorized agent of the Town of Cabot. All costs associated with the Plant Operator's duties shall be paid out of Wastewater Revenues.

ARTICLE 10 -- ACCOUNTS, REVENUES AND USER FEES

Section 1000 -- Wastewater Accounts

All revenues from the Wastewater System shall be deposited in accounts separate from all other Town accounts, and all expenses for the Wastewater System shall be paid exclusively from these Wastewater Accounts, over the signatures of the chair of the Board of Commissioners and the Town Treasurer. At any time at the request of the Commissioners, and at the beginning of each new fiscal year, the Town Treasurer shall render a statement of Wastewater Accounts to the Commissioners.

Section 1001 -- Annual User Fees

The Commissioners shall determine, and the Selectboard shall impose an annual user fee upon every person having a building or structure on his/her premises that is connected or required by this ordinance to be connected to the Wastewater System, whether or not the building or structure is occupied, in accordance with the procedure described in Section 1002 below. Each account

shall be in the name of the property owner(s), business owner(s), or corporate owner. Bills shall be sent by the Town and collected by the Town Treasurer.

Section 1002 -- Determining Annual User Fees

A -- User fees shall be in accordance with the Rate Schedule, which shall be adopted annually in January by the Commissioners and Selectboard. If the Board fails to adopt a Rate Schedule, the previous schedule adopted shall remain in effect. The rate schedule shall list every user of the wastewater system including all dwellings, commercial and industrial establishments, municipal and school buildings, and other users. At least one public hearing shall be held prior to adoption of the Rate Schedule.

B -- For billing purposes, the Wastewater Commission will determine the number of Equivalent Residential Units (ERU) assigned to each user listed on the Rate Schedule. In making this determination, the Commission shall adhere to the Vermont Environmental Protection Rules, Chapter 1, Subchapter 7 - Sewage Disposal, Appendix 1-7A - Flow Quantities. One ERU shall be assigned for every 300 gallons per day estimated discharge. No building shall be assigned less than one ERU, but additional ERUs may be assigned fractionally.

C -- Each January, the Commissioners shall determine how much revenue must be raised from user fees to support the operation of the Wastewater System for the ensuing year. This amount will be divided by the total number of ERUs listed in the Rate Schedule to determine the rate per ERU. Prior to January 31, 2002, the billing rate shall be \$600 per ERU per year.

Section 1003 -- Connection Fees

The Commissioners and Selectboard shall adopt and incorporate in the Rate Schedule, a required one-time Connection Fee, as outlined in Articles 7 and 8. The fee will be based on actual costs incurred by the Town to accommodate the connection, plus a fixed administrative fee.

Section 1004 -- Impact Fees

The Commissioners and Selectboard shall adopt and incorporate in the Rate Schedule, a required one-time Impact Fee. The fee (per ERU) will be equal to the prevailing annual cost of debt service per ERU multiplied by the year of service of the wastewater system (2001 being year one); but the Commissioners may add surcharges to the fee at the annual adoption of the rate schedule in order to address impacts other than debt service. The fee is intended to contribute toward the existing users' prior commitment to the system's reserve capacity, which makes the new connection feasible. Receipts of Impact Fees shall be dedicated to a capital replacement

fund, or a Sinking Fund as outlined in Article 11.

Section 1005

Wastewater bills, which shall include user fees and any other fees and charges provided for by this ordinance, shall be issued to the owners of eligible properties, including those occupied by a renter, but renters shall be considered users for all other purposes of this ordinance.

Section 1006

Collections of delinquent wastewater bills may be enforced by the Town of Cabot pursuant to 24 VSA, Chapter 129 and 24 VSA, sections 3612 and 3615. In the event any wastewater bill is not paid within 30 days from the billing date, a late penalty charge will be added to the bill together with an interest charge. The amount of the late penalty charge and the interest rate on the overdue accounts shall be the same as those applied to delinquent taxes. If such payment is not made, such wastewater bills shall be a lien upon such real estate and shall be collected according to the procedures allowed for in 32 VSA.

ARTICLE 11 -- SINKING FUNDS AND SET-ASIDES

Section 1100

A separate sinking fund may be created by an act in writing of the Selectboard and utilized by the Commissioners for replacement, expansion and/or upgrading expenses associated with the Town of Cabot Wastewater System. Any act creating such a sinking fund shall stipulate the following in writing: identification of components to be replaced, expanded or upgraded; estimated expenditure and year of expenditure for each replacement, expansion or upgrade; annual payment amount into the sinking fund. All sinking funds shall be established and maintained in accordance with 24 VSA section 3616.

Section 1101

Payments into any sinking fund shall come from the revenues of the Wastewater System or other legal sources, as provided for in this ordinance.

Section 1102

The Selectboard may, at any time, increase, decrease or stop payments to any wastewater sinking fund.

ARTICLE 12 - PROTECTION FROM DAMAGE

Section 1200

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Cabot Wastewater System. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in 13 VSA, Section 3701.

ARTICLE 13 - PENALTIES

Section 1300

Any person found to be violating any provision of this ordinance except for Article 12 shall be served by the 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 state in such notice, permanently cease the violation.

Section 1301

Any person who shall continue any violation beyond the time limit provided for in Section 1300 above shall be guilty of a misdemeanor, and, on conviction, shall be fined by the Superior Court not more than \$500 for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

Section 1302

Any person violating any of the provisions of this ordinance shall become liable to the Town of Cabot for any expenses, losses or damages caused by such offense.

Section 1303

Notwithstanding any of the foregoing provisions, the Town of Cabot may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violations of this ordinance.

ARTICLE 14 - VALIDITY

Section 1400

All other rules and regulations in conflict with this ordinance are hereby superceded.

Section 1401

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.

Section 1402

These rules may be amended at any time by the Town of Cabot as provided by law.