

## ARTICLE IV. SEWER DEPARTMENT

### Sec. 3-400. COMMISSIONER OF SEWER DEPARTMENT

(a) The commissioner of the sewer department shall have the responsibility for the operation, control, maintenance, improvement and repair of the City sewer system and its appurtenances and all City property pertaining thereto, pertaining to the orders and ordinances of the City Council, and as defined in 24 V.S.A., Sec. 3501(6) and 3601. The Wastewater Treatment Plant (PLANT) is operated in accord with a discharge permit issued by the Vermont Department of Environmental Conservation (DEPARTMENT) under authority granted in 10 V.S.A., Chapter 47, which discharge permit establishes the PLANT treatment capacity. The City is obligated by law to comply with conditions of that permit, and to operate and manage the PLANT and SEWERS as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101.

(b) The capacity of the PLANT and SEWERS to adequately collect, treat and discharge sewerage is the property of the City, and shall be allocated by the Board of Sewer Commissioners in the manner prescribed below. This ordinance is adopted pursuant to the provisions of 10 V.S.A., Sec. 1263 (g) (1), in the manner provided in 24 V.S.A. Sections 1972-1973, and shall not be construed as an abandonment or relinquishment of the responsibility of the City to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the City, nor shall it be construed to impair or inhibit the ability of the City to contract with persons for the collection, transmission and treatment of sewerage.

### Sec. 3-401. DEFINITIONS

(a) "Board of Sewer Commissioners" shall mean the City Council of the City of Montpelier, convened as a board of sewage disposal commissioners under 24 V.S.A., Sec. 3614.

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

(c) "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 three (3) feet outside the building wall.

(d) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(e) "Capital Connection Charge" shall mean an allocation fee, hereby imposed, for each direct and indirect connection or attachment to SEWERS or PLANT, which fee approximately equals the pro rata costs previously incurred or expected to be incurred by the City for PLANT and SEWER capital investment. This charge is set annually by resolution of the Board of Sewer Commissioners.

(f) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

(g) "Discharge Permit" shall mean a permit issued pursuant to authority granted in 10 V.S.A., Chapter 57.

(h) "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

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

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

(k) "Operating Connection Charge" shall mean an operating fee, hereby imposed, for each direct and indirect connection or attachment to SEWER or PLANT, which fee approximately equals the costs incurred by the City in administering and inspecting such connections. This charge is set annually by resolution of the Board of Sewer Commissioners.

(l) "Person" shall mean any individual, firm, company, association, society, corporation, or group, or as prescribed in 1 V.S.A., Section 126.

(m) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(n) "Property 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 sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

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

(p) "Private Sewer" shall mean a sewage disposal system, other than a public or community system, which receives other than human excreta or liquid waste, or both, from one or more premises. Included within the scope of this definition are septic tank soil-absorption systems, and other such types as may be prescribed in regulations by the City Health Officer.

(q) "Sanitary Sewer" shall mean a sewer which carries sewage, and to which storm, surface and groundwaters are not intentionally admitted.

(r) "Secretary" shall mean the Secretary of the Agency of Environmental Conservation, State of Vermont, or his representatives.

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

(t) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

(u) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(v) "Sewer" shall mean a pipe or conduit for carrying sewage.

(w) "Shall" is mandatory; "May" is permissive.

(x) "Sludge" shall mean the solid or semi-solid waste product of the sewage treatment process which is not discharged together with PLANT effluent, but is instead disposed of in another manner.

(y) "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity or 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.

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

(aa) "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.

(bb) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

#### Sec. 3-402. USE OF PUBLIC SEWER REQUIRED

(a) 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 city of Montpelier, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the city of Montpelier, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and Laws of the State of Vermont.

(c) 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.

(d) The owner of all new houses, buildings or properties used for human occupancy and containing toilet or waste facilities situated within the city and abutting any street, alley or right-of-way in which there is a public sanitary or combined sewer, is hereby required to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance.

(e) Person wishing to use uncommitted capacity of the PLANT and SEWERS, including substantial change in volume or character of pollutants that are being discharged, shall apply to the Board of Sewer Commissioners on a form prescribed by the Board. Such application shall be accompanied by a certification of a licensed or registered engineer attesting to the maximum wastewater flow to be generated by the project or development identified in Section (f)(3) which will be introduced into the PLANT and SEWERS.

(f) The Board of Sewer Commissioners shall approve the request for use of uncommitted capacity upon making affirmative findings that:

- (1) 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 connection.
- (2) 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 PLANT and SEWERS, and that the proposed wastewater will not, alone or in combination with other wastes, cause a violation of the discharge permit, pass through the PLANT without treatment, interfere or otherwise disrupt the proper quality and disposal of PLANT sludge, or be injurious in any other manner to the PLANT and SEWERS.

- (3) All applicable state, federal and municipal licenses, approvals and permits have been, or will be, secured by the applicant for the project or development to which connection is to be made.

(g) The Board of Sewer Commissioners, on making affirmative findings above, shall issue an interim connection approval, which approval shall:

- (1) Specify the volume, flow rate, strength and any other characteristics determined appropriate by the Board of Sewer Commissioners.
- (2) Prohibit the sale or other transfer of the interim connection approval by the applicant to any other person without written approval of the Board of Sewer Commissioners, except as an appurtenance and an integral part of the project or development approved in accordance with Section (f)(3) above.
- (3) Specify the period of time during which the interim connection approval shall remain valid and any specific conditions which must be fulfilled by the applicant to maintain validity of the interim connection approval, which conditions shall, as a minimum, include:
  - (a) payment of one-half of the capital connection charges upon the granting of interim connection approval, and payment of the balance of said charges upon the application of a building permit for the project or development identified in Section (f)(3).
  - (b) complete payment of all sewage charges, connection charges, impact fees and benefit assessments not later than ninety (90) days from the due date; and
  - (c) completion of any project construction associated with the proposed project, which period shall be set by the Board of Sewer Commissioners and generally be of no more than two years duration.
- (4) Be revocable by action of the Board of Sewer Commissioners on failure of the applicant to fulfill requirements of the interim connection approval.
- (5) Become final and irrevocable upon meeting all the conditions specified in Section (g)(3) above, except that the Board of Sewer Commissioners may issue lawful orders for disconnection from the PLANT and SEWERS upon their determination that such connection:
  - (a) is causing a violation of the City's discharge permit; or
  - (b) is causing a nuisance or health hazard; or
  - (c) is causing damage to the PLANT and SEWERS; or
  - (d) is in violation of any other ordinance, bylaw or enactment of the City relating to the ownership;
  - (e) is the subject of delinquent sewage charges, connection charges, impact fees or benefit assessments;

- (f) is not in compliance with the application regarding volume and character of wastewater flow; or
- (g) is otherwise in violation of this ordinance.
- (h) PLANT flows and capacity shall be determined in the following manner:
  - (1) Wastewater Flow – The discharged liquid wastes from a property, such as a building or parking lot, to a combined or sanitary sewer; such flow to be calculated as the average gallons per day on a year basis (365 days). Flow capacity shall be determined by reference to Table 7-A, Flow Quantities, adopted by the Vermont Agency of Natural Resources, Department of Environmental Conservation, as promulgated at the time a connection permit application is made.
  - (2) Reserve Capacity – That amount of daily flow capacity (gallons per day) calculated as follows: Daily plant flow limit minus the most recent twelve (12) months actual average daily flow of all projects approved by the Vermont Agency of Natural Resources and City not yet connected to SEWERS and PLANT.
  - (3) Committed Reserve Capacity – That amount of total average daily flow (gallons per day) from all projects/buildings approved by the City and the Agency of Natural Resources for connection to PLANT, but not yet connected at the time of the calculation.

Sec. 3-403. PRIVATE SEWER FACILITIES.

- (a) Where a public sanitary or combined sewer is not available under the provisions of Sec. 3-402(d), the building sewer shall be connected to a private sewer system complying with the provisions of this Article.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the commissioner. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the commissioner.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the commissioner. He shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the commissioner when the work is ready for final inspection, and before any underground portions are covered.
- (d) The type, capacities, location and layout of a private sewage disposal system shall comply at least with the minimum recommendations of the Department of Public Health and the Water Resources Board of the State of Vermont. No permit shall be issued for any private sewage disposal system employing subsurface solid absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Sec. 3-403(d), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

(f) The owner shall operate and maintain the private sewer facilities in a sanitary manner at all times, at no expense to the City.

(g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(h) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean, bank-run gravel or dirt.

#### Sec. 3-404. BUILDING SEWER FACILITIES.

(a) No unauthorized person shall uncover, make connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the commissioner. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Commissioner at least forty-five (45) days prior to the proposed change or connection.

(b) An operating connection charge, determined by the Board of Sewer Commissioners, shall be paid by the person requesting a sewer connection, which charge shall provide for inspection of the building sewer from the connection with the public sewer to the building by the sewer department. All applicable construction and access permits shall be obtained prior to excavation in the public right of way.

(c) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) 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 Public Works Specifications, Building, and Plumbing Codes of the City of Montpelier.

(e) 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 and discharged to the building sewer.

(f) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar 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 sanitary sewer.

(g) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation, Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the commissioner before installation.

(h) The applicant for the building sewer permit shall notify the commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the commissioner or his representative.

(i) All excavation 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 a manner satisfactory to the City.

(j) New sewer connections will not be made between November 15 and April 15 of each year, to be effective December 15, 1979. Exemptions may be granted by the Board of Water and Sewer Commissioners.

Sec. 3-405. USE OF PUBLIC SEWERS.

(a) 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.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the commissioner. Industrial cooling water or unpolluted process waters may be discharged, on approval of the commissioner, to a storm sewer, combined sewer or natural outlet.

(c) No person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two (2) milligrams per liter (mg/l) as CN in the wastes as discharged to the public sewer.
- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to , ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, wastes of the stone industry, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(d) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the commissioner that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the commissioner 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, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.

- (2) Any water or waste containing fats, wax, grease or oils, 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 (32) and one hundred fifty (150) degrees Fahrenheit or between zero (0) and sixty-five (65) degrees Celsius.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the commissioner.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (5) 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 exceeds the limits established by the commissioner for such materials.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the commissioner as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the commissioner in compliance with applicable state or federal regulations.
- (8) Materials which exert or cause:
  - a. 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.
  - b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(e) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain substances or possess the characteristics enumerated in Subsection (d) of this section, and which in the judgment of the commissioner may have a deleterious effect upon the sewage works, process, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the commissioner may:

- (1) Reject the wastes,
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, and/or
- (3) Require control over the quantities and rates of discharge.

If the commissioner permits the pretreatment and equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the commissioner, and subject to the requirements of all applicable codes, ordinances and laws, and to the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry. (Adequate pretreatment will be provided for prior to entering interceptor sewer.)

(f) Grease, oil and sand interceptors shall be provided when, in the opinion of the commissioner, 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 commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection.

- (1) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- (2) Where installed, all grease, oil, hair and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times. Materials collected shall not be reintroduced into the public sewerage system.

(g) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(h) When required by the commissioner, the owner of the property serviced by the building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the 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 commissioner. The manhole shall be installed by the owner at his expense, and shall be maintained by him 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 commissioner may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the commissioner. Such records shall be made available, upon request, by the commissioner to other agencies having jurisdiction over discharging to the receiving waters. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit. Records of any monitoring will be supplied by the Commissioner to the Secretary on request.

(i) All measurements, tests and analyses or the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of 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 twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

(j) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. Provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any user charge and industrial cost recovery system in effect.

(k) Any industry held in violation of the provisions of this Ordinance may have its disposal authorization terminated.

#### Sec. 3-406. PROTECTION DAMAGE, VIOLATIONS AND PENALTIES.

No unauthorized person shall 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 this provision shall be subject to immediate arrest without warrant and shall be subject to the penalties provided in Section 1-8 of this Code.

#### Sec. 3-407. POWERS AND AUTHORITY OF INSPECTORS.

(a) The commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The commissioner or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) The commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of maintenance of any portion of the sewage 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.

#### Sec. 3-408. PENALTIES.

(a) An annual charge shall be determined by the Board of Sewer Commissioners and is hereby imposed upon every person whose premises have a building or structure thereon and are served by the SEWERS and PLANT, and from which, directly or indirectly, sewage is being collected from the use of the premises for the payment of the costs of operating, maintaining and repairing said SEWER and PLANT. The Board of Sewer Commissioners may establish annual charges separately for debt repayments, fixed operating and maintenance costs (not dependent upon actual use), and variable operations and maintenance costs dependent on actual use. Annual charges determined thereunder shall be effective on and after the date of adoption thereof by resolution of the Board of Sewer Commissioners.

(b) The sewer charges established in Section (a) shall be imposed and collected whether or not the property connected to the SEWER and the PLANT is occupied. All sewer rates shall be payable and collected by the City Treasurer at City Hall.

(c) The design, construction and development costs of all public sewerage system expansions and extensions which have been approved by the Board of Sewer Commissioners and approved by the City shall be borne by the developers and property owners requiring, requesting or directly benefiting from such extension and/or expansions, unless the voters of the City shall vote at a duly warned annual or special City Meeting to assume all or a portion of the costs involved. When the voters of the City vote to assume all or a portion of the costs, such costs will be paid in the manner provided by law.

(d) Notice and bill for sewer rates shall be made by mailing the same to the owner or authorized agent in charge of the premises where it is used.

- (1) Such notice and bill shall state the dates of coverage of the bill and shall also state that unless payment is made on or before passage of forty-five (45) days from the billing date, a penalty of eight percent (8%) will be added to the rate charge, and in addition, the bill will show the exact due date.
- (2) An interest charge for late payment of sewer charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the City Council.

(e) A failure to receive a bill for service rates shall not constitute an excuse for failure to pay the same before the date at which late payment penalties and interest are required to be added to all unpaid bills.

(f) Sewer rates shall be a tax and a lien on the real estate supplied with the sewer, and may be collected in the same manner as other taxes of the City, and the owners of such real estate shall be subject to the same liabilities therefore as for other City taxes.

(g) A separate capital reserve fund may be utilized for major maintenance/replacement expenditures and for expansion/upgrading expenses associated with the SEWERS and PLANT. Any capital reserve fund policy shall contain the following: Major maintenance/replacement identification; estimated expenditures; estimated year of expenditure; payment amount; type of account to be used to accumulate capital reserve fund assets; and source of funding.

(h) The Board of Sewer Commissioners reserves the right to increase or decrease regular deposits to a capital reserve fund not exceeding fifteen percent (15%) of the normal total budgeted expenses for SEWERS and PLANT debt service, maintenance and replacement, or five percent (5%) total budget for PLANT expansion in any year. The Board of Sewer Commissioners holding office have the authority to withdraw capital reserve fund amounts only for the purpose of paying for major expenditures/plant expansion for which the fund was established, or for the purchase of private sewer systems.

(i) When capital reserve fund assets are not disbursed fully for major maintenance/replacement expenditures and PLANT expansion, excess assets shall be re-deposited into the capital reserve fund for future related expenditures similar in nature. Capital reserve funds established for PLANT expansion may be generated from general sewer benefit assessments and/or from connection/impact fees paid by prospective users to defray PLANT expansion costs, which fund shall not exceed the estimated future expansion for the PLANT. Impact fees assessed and collected by the City for SEWERS and PLANT expansion shall be deemed appropriated, encumbered and expended as of the date of receipt. Funds created under this Section shall be maintained in segregated accounts and may be expended, together with accrued interest, only for the purpose for which each fund was established.

#### Sec. 3-409. SEWER RATES.

(a) Sewer Commissioner Proposes Adjustment in Rates. The Sewer Commissioner shall, from time to time as he may see fit, submit to the City Council such proposals of amendment to the rates of the Sewer Department as he may deem for the best interest of the city.

(b) Establishment of Sewer Rates. The City Council shall establish all sewer rates and when payment of these rates will become due and payable.

(c) Collected by City Treasurer. All sewer rates shall be payable to, and collected by, the City Treasurer at City Hall.

(d) Notice and Bill: Late Payment Penalty and Interest. Notice of bill for sewer rates shall be made by mailing the same to the owner or authorized agent in charge of the premises where it is used.

- (1) Such notice and bill shall state the dates of coverage of the bill and shall also state that unless payment is made on or before passage of forty-five days from the billing date, a penalty of eight percent will be added to the rate charge and in addition, the bill will show the exact due date.
- (2) An interest charge for late payment of sewer charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the City Council.

(e) Failure to Receive Bill. A failure to receive a bill for service rates shall not constitute an excuse for failure to pay the same before the date at which late payment penalties and interest is required to be added to all unpaid bills.

(f) Sewer Rates as Taxes and Tax Liens. Sewer rates shall be a tax and a lien on the real estate supplied with the sewer and may be collected in the same manner as other taxes of the city, and the owners of such real estate shall be subject to the same liabilities therefore as for other city taxes.

#### Sec. 3-410. ALLOCATION OF UNCOMMITTED RESERVE PLANT CAPACITY.

- (a) Allocation of uncommitted reserve plant capacity shall be made in accordance with the following priorities:
  - (1) There is reserved for the benefit of all Montpelier property within the PLANT's original design service area within Montpelier's City limits ten percent (10%) of PLANT reserve capacity, it being found and determined that substantially all residential, commercial and industrial property within the original Montpelier design services area within the City limits has been connected to and is served by PLANT and SEWERS.
  - (2) The capacity reserved under Section (a)(1) is deemed to be a committed reserve for actual or potential connections to PLANT and SEWERS by property within the original Montpelier design service area within the city limits. All private sewer lines, mains and systems within the original Montpelier design service area within the city limits shall be connected to PLANT and SEWERS.
  - (3) The Board of Sewer Commissioners is authorized, but not required, to grant connections to PLANT or SEWERS to or for the benefit of property outside of the Montpelier City limits. Applications shall be considered by the Board of Sewer Commissioners in the order in which applications for connection permits are made; provided, however, that the grant of any such connection permit shall comply with all then existing agreements with other municipalities and shall be subject to all of the following conditions:
    - (a) All such connection permits shall be granted only to municipalities, upon application from the municipality, which shall include a description satisfactory to the City of the properties and uses to be served by the connection applied for.
    - (b) All such property outside of the city limits to be served by the connection shall be located within a "growth area", as referred to in 24 V.S.A., Sec. 4302, so designated in the duly adopted plan of the municipality applying for the connection.
    - (c) All such connection permits shall provide for, and their exercise shall be conditioned upon, the applicant's payment to the City prior to connection of all costs of improvements, replacements, or enlargements of this PLANT or SEWERS found by the City to be necessary to effect such connection.

- (d) All such connection permits shall provide for, and their exercise shall be conditioned upon, the receipt by the City from the applicant municipality, in the event that property within the city limits is at any time assessed for current or future improvements, replacements or enlargements of the PLANT or SEWERS, of such amounts as would have been assessed on those properties located outside the city limits which are or will be served by the connection, as if said properties were located within the city limits.
- (e) All such connection permits shall provide for, and their exercise shall be conditioned upon, the applicant's payment to the City pursuant to a formula contained in the permit of all costs and impacts to the City, as a whole, resulting directly or indirectly from the development of the properties or expansion of the users to be served by the connection applied for.

Sec. 3-411. WATER AND SEWER BENEFIT CHARGE.

(a) The City Council determines that the water treatment and sewage disposal systems are of general benefit to the municipality and will utilize the assessed value of property, as determined by the City Assessor on April 1 of the billing year, to pay for capital improvements and/or expansion of the system.

(b) The owner of any tenement, house, building or lot shall be liable for the Water and Sewage Benefit charge, including exempt properties, and excepting only those buildings regularly established and maintained for religious worship, cemeteries, and those properties owned by the City of Montpelier and the United States Government for governmental purposes, which exemption shall apply only to that portion of the charge based on general benefit.

(c) The Treasurer of the City of Montpelier shall bill each property owner on or before July 15 of each year for the Water and Sewer Benefit charge. This charge shall be due and payable by August 15, and if not paid by August 15, the charge shall be forwarded to the Tax Collector for collection with a penalty and interest included, as specified in Section 3-409.

Sec. 3-412. EFFECTIVE DATE.

This ordinance shall become effective at midnight, July 1, 1990. To the extent that any provision herein shall be inconsistent with or contrary to any provisions of Chapter 3, Article IV of the Ordinances of the City of Montpelier, adopted November 25, 1970, and amended through February 7, 1990, then the provisions of this ordinance shall prevail.

Sec. 3-413. SEWER SEPARATION BENEFIT CHARGE.

(a) The City Council determines that the separation of storm drainage from sanitary sewer lines is both beneficial to the sewage disposal system of the City and is of general benefit to the municipality. The City Council further determines that the assessed value of property, as determined by the City Assessor on April 1 of the billing year, will be utilized to pay for the necessary capital improvements to effect such a separation.

(b) The owner of any tenement, house, building or lot shall be liable for the Sewer Separation Benefit charge, including exempt properties, and excepting only those buildings regularly established and maintained for religious worship, cemeteries, and those properties owned by the City of Montpelier and the United States Government for governmental purposes, which exemption shall apply only to that portion of the charge based on general benefit.

(c) The City shall bill each property owner on or before July 15 of each year for the Sewer Separation Benefit charge. This charge shall be due and payable by August 15, and if not paid by August 15, the charge shall be forwarded to the Delinquent Tax Collector for collection with a penalty and interest included, as specified in Section 3-409.

Sec's. 3-414 to 3-499. Reserved.

Enacted November 25, 1970.

Amendment enacted August 23, 1972 [Sec. 3-408(b)].

Amendment enacted October 24, 1979 [Sec. 3-404(j) added]. Date of Publication: 10/31/79. Effective Date: 12/15/79.

Amendment enacted February 25, 1981 [Sec. 3-401 addition to definitions; Sec. 3-402 (b); Sec. 3-404(a); Sec. 3-404(f); Sec. 3-404(g); Sec. 3-405(e), delete (e)(1) and addition to end of Section; Sec. 3-405(f), addition of (f)(1) and (f)(2); Sec. 3-405(h); Sec. 3-405(j); and Sec. 3-405, addition of (k)]. Date of Publication: 3/04/81. Effective Date: 3/11/81.

Amendment enacted January 24, 1990 [Sec. 3-409 added]. Date of Publication: 2/01/90. Effective Date: 2/07/90.

Amendment enacted June 14, 1995 [Sec. 3-413, Sewer Separation Benefit Charge, added]. Date of Publication: 6/26/95. Effective Date: 7/20/95.

Amendment enacted October 27, 2010 [Sec. 3-404(b) and (d) rewritten]. Date of Publication: 11/11/10. Effective Date: 11/17/10.

Amendment enacted June 26, 2013 [Sec. 3-411(a), (b) and (c), Water and Sewer Benefit Charge added]. Date of Publication: 7/11/13. Effective Date: 7/17/13.