

ORDINANCE TO REGULATE ON-SITE SEWAGE DISPOSAL SYSTEMS

Section 1. Purpose

The purpose of this ordinance is to prevent health hazards and environmental damage caused by the improper treatment and disposal of waste water. In particular, this ordinance seeks to assure that:

- (a) Drinking water supplies, ground water and surface waters are not polluted or contaminated;
- (b) A breeding place for insects, rodents and other possible carriers, which may come into contact with food and drinking water, is not created;
- (c) A health hazard as a result of treated or untreated waste water on the surface of the ground is not created;
- (d) A nuisance resulting in noxious odors and unsightliness is not caused.

Section 2. Approval Requirements

A. No structure intended for residential, commercial or industrial use, including without limitation those intended for such use on a part-time, temporary or seasonal basis, shall be constructed, reconstructed, enlarged, occupied or used without first obtaining approval for an on-site sewage disposal system from the Administrative Officer.

B. No on-site sewage disposal system in existence on the effective date of this ordinance shall be modified, replaced or reconstructed without first obtaining approval for such modification, replacement or reconstruction from the Administrative Officer.

Section 3. Approval Standards

A. The Administrative Officer shall approve an on-site sewage disposal system or modification, reconstruction or replacement thereof upon determination that the applicant has:

- (1) Received a permit from the State of Vermont approving such on-site sewage disposal system for the intended use of the structure served by such system; or
- (2) Made adequate provision for sewage disposal by submitting soils, site and sewage system design information that satisfies the standards contained in the Vermont Health Regulations, Chapter 5, Sanitary Engineering; Subchapter 10, Wastewater Treatment and Disposal – Individual On-Site Systems, effective June 7, 1983 or Environmental Protection Rules, Department of Water Resources and Environmental Engineering, Agency of Environmental Conservation, Chapter 7, Sewage Disposal, effective September 10, 1982. Systems intended to serve 1 or 2 family residential uses must meet the standards contained in the above mentioned Vermont Health Regulations. Systems intended to serve all other uses must meet the standards contained in the Vermont Health Regulations or the Environmental Protection Rules. Technical information regarding a sewage disposal system for a single family residence may be prepared by an on-site sanitary specialist of the Vermont Association of Conservation Districts, a certified site technician B, or a professional sanitary or civil engineer. Technical information regarding sewage disposal systems for all other structures shall be prepared by a professional sanitary or civil engineer.

B. The Administrative Officer may approve an alternative on-site sewage disposal system (such as a chemical toilet, privy, composting toilet and/or incinerating toilet) or modification, reconstruction, replacement thereof upon determination that:

(1) Such alternative on-site sewage disposal system shall only accommodate one single family residence; and

(2) The applicant has made provision for the disposal of wastewater not containing human waste by a conventional on-site sewage disposal system that satisfies the standards contained in the above mentioned Vermont Health Regulations; and

(3) The applicant has demonstrated an ability to install a conventional on-site sewage disposal system on the subject property by submitting soils, site and sewage design information that satisfies the standards contained in the above mentioned Vermont Health Regulations. Such technical information may be prepared by an on-site sanitary specialist of the Vermont Association of Conservation Districts, a Certified Site Technician B, or a professional sanitary or civil engineer.

Section 4. Inspection Requirement

Prior to the use of any on-site sewage disposal system requiring approval under this ordinance, the applicant shall have such systems inspected by the Administrative Officer or an individual designated by the Administrative Officer to make such inspection. The Administrative Officer shall authorize the use of such system if it has been constructed, reconstructed, replaced or modified in accordance with the approval granted under this ordinance.

Section 5. Expiration of Approval

Any approval granted pursuant to Section 3 above shall expire if all on-site sewage disposal system improvements authorized by such approval are not constructed within 12 months of the date of such approval and authorized for use by the Administrative Officer pursuant to Section 4 above within 18 months of the date of such approval.

Section 6. Appeals

Any individual aggrieved by a decision of the Administrative Officer under this ordinance may appeal such decision to the Board of Selectmen by filing a written notice of appeal with the Town Clerk within 15 days of such decision. The Board of Selectmen shall hold a public hearing on such appeal within 60 days of the date of filing with the Town Clerk and render a written decision within 45 days of the date of such hearing.

Section 7. Enforcement

The Administrative Officer or the Board of Selectmen shall have authority to enforce the requirements of this ordinance on behalf of the Town. In an action to enforce this ordinance, the Town may seek appropriate injunctive relief and civil penalties not exceeding \$500 per week for each week of violation subsequent to mailing of written notice of violation to the violator.

Section 8. Definitions

A. Conventional on-site sewage disposal system – system for disposal of waste using soil as a disposal medium, including a tank for collection of solids and a leach area of liquids.

B. Alternative on-site sewage disposal system – any system (except a conventional on-site sewage disposal system) which disposes of waste on site, such as a chemical toilet, privy, composting toilet or incinerating toilet.

C. On-site sewage disposal system – any system for the disposal of waste on site.

Section 9. Severability

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

Section 10. Repeal of Prior Ordinance

A. This ordinance shall, on the date it becomes effective, repeal the Health Regulations Relating to Permissible Means of Individual Subsurface Sewage Disposal Systems adopted by the Town on May 3, 1972.

B. Any use of land or construction, reconstruction or alteration of on-site sewage disposal improvements commenced or continued in violation of the ordinance repealed hereby shall not be rendered lawful by such repeal and shall constitute a violation of this ordinance.

Adopted on January 14, 1987 at the regular Selectmen's meeting.

Board of Selectmen

William Leach

Francis Howrigan

Attest: Frena Phillips, Town Clerk

Approved June 22, 1987 by Hazel Gordon of the Department of Water Resources and Environmental Engineering.

Ordinance effective June 24, 1987 - V.S.A. 24, Section 3633

Attest: Frena Phillips, Town Clerk