



052097

SEWAGE ORDINANCE FOR THE TOWN OF WORCESTER

SECTION I. AUTHORITY

This ordinance is adopted under authority of 24 VSA Chapter 102 and 24 VSA Chapter 59.

SECTION II. PURPOSE

This ordinance is intended to ensure that sewage is discharged into an approved sewage treatment system and to accomplish the following:

- A. Prevent the creation of health hazards which include, but are not limited to surfacing sewage and the contamination of drinking water, ground water or surface water;
- B. Ensure adequate drainage related to the proper functioning of sewage disposal; and
- C. Ensure that facilities are designed, constructed, operated, and maintained in a manner which will promote sanitary and healthful conditions.

SECTION III. DEFINITIONS

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

Minor modification - generally understood to be the work on or replacement of the septic tank or the piping between the septic tank or the pump chamber and the building. The Sewage Officer shall decide what constitutes a minor modification on a case-by-case basis.

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

Multiple family dwelling - a building providing two or more separate living quarters, each with its own cooking, sleeping and sanitary facilities, for two or more families.

Permit - a written authorization issued by the Town of Worcester.

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

Seasonal dwellings - a structure which is not a primary

residence and is not occupied for more than six (6) months of the year.

Sewage officer - the legally appointed Health Officer of the Town of Worcester, acting under authority of this ordinance. In the absence or temporary unavailability of the Sewage Officer, or if the Sewage Officer has a conflict of interest in a particular case, the Selectboard may appoint another person to act as Sewage Officer on a temporary basis.

Single family - a group of persons related by blood or marriage or a group of persons unrelated by blood or marriage living together as a household.

Single family dwelling - separate living quarters with cooking, sleeping and sanitary facilities provided within a dwelling unit for the use of a single family maintaining a household.

Small Scale Wastewater Treatment and Disposal Rule - those rules effective August 8, 1996, promulgated by the Vermont Department of Environmental Conservation. Those Rules are incorporated into this Ordinance by reference. They are referred to also as "The Rules".

SECTION IV. APPLICABILITY

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

SECTION V. SEASONAL DWELLINGS

- A. Any seasonal dwelling constructed after the enactment of this ordinance must receive a Disposal System Construction Permit meeting the full minimum standards of this ordinance if the useful occupancy of the dwelling requires running water. The use of any seasonal dwelling shall not be changed until the requirements of Section X of this ordinance are met.
- B. All seasonal dwellings which will not have plumbing and which will not have running water at anytime do not require a Disposal System Construction Permit. These seasonal dwellings shall receive a minor permit from the town prior to commencement of construction on the property.
- C. A seasonal dwelling constructed prior to enactment of this ordinance shall not be required to have a sewage disposal system provided no health hazard,

nuisance or surface or ground water pollution exists. The Sewage Officer shall determine if such conditions exist. If such conditions are determined to exist, a disposal system shall be installed or upgraded to meet the standards of this ordinance to the extent possible or the running water shall be removed and the generation of sewage ended.

SECTION VI. SINGLE FAMILY RESIDENTIAL STRUCTURES

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

SECTION VII. SINGLE FAMILY RESIDENTIAL STRUCTURE DISPOSAL SYSTEM ALTERATIONS

- A. All single family residences shall receive a Disposal System Construction Permit before commencement of any alteration, repair or reconstruction of the disposal system, except as provided in Subsection B.
- B. When the Sewage Officer determines that a minor modification (See Definitions) to an existing system is proposed, the officer may waive the Disposal System Construction Permit and issue a minor modification permit.

SECTION VIII. MULTIPLE FAMILY DWELLINGS

Prior to the commencement of construction of any multiple family dwelling, including duplexes, an approved water supply and wastewater disposal system permit issued by the state must be filed with the Sewage Officer of the Town. A valid state permit shall satisfy the requirement for a Disposal System Construction Permit. Upon completion of construction a Certificate of Compliance must be issued as required under Section XV.

SECTION IX. COMMERCIAL AND INDUSTRIAL STRUCTURES

Prior to the commencement of construction of any commercial or industrial structures, an approved water supply and wastewater disposal system permit issued by the state must be filed with the Sewage Officer of the

Town. A valid state permit shall satisfy the requirement for a Disposal System Construction Permit. Upon completion of construction a Certificate of Compliance must be issued as required under Section XV.

SECTION X. CHANGE OF USE

- A. No structure shall be altered in any way so as to change the use of the structure until the Sewage Officer is satisfied that the existing sewage disposal system is adequate for the proposed use or until the Sewage Officer issues a Sewage Disposal Construction Permit consistent with the minimum standards of this ordinance.
- B. Change of use shall include, but is not limited to, the addition of plumbing or running water, addition of bedrooms, conversion of seasonal to year around use as single or multi-family dwelling, conversion of single to multiple family dwellings, and conversion between or among residential, commercial and industrial uses.

SECTION XI. REPLACEMENT SYSTEMS

- A. A Disposal System Construction Permit must be issued prior to installation of a replacement wastewater system. When replacement is needed because of a failed system, a reasonable effort shall be made to determine the cause of the failure to assure that subsequent failure may be avoided. After replacement a Certificate of Compliance must be obtained as required under Section XV.
- B. Replacement systems for single family dwellings which were approved under previous regulations shall be installed in the previously approved area unless a new location meeting current standards can be approved.
- C. Replacement systems shall, at a minimum, meet the standards which were in effect when the original system was permitted. Applicants are encouraged to take advantage of improved design technology whenever possible.
- D. Replacement systems for multiple family dwellings and commercial or industrial structures shall be constructed in accordance with relevant state regulations. An approved state permit shall be filed with the Sewage Officer as required under Sections VIII and IX and a Certificate of Compliance must be obtained as required under Section XV.

SECTION XII. EXISTING SYSTEMS

Single family dwelling sewage disposal systems in existence at the time of adoption of this ordinance are deemed approved, provided that such systems do not create a health hazard, nuisance or pollution of surface or groundwater. When the Sewage Officer determines that an existing system is inadequate by reason of creating a health hazard, nuisance or pollution of surface or groundwater, such system shall be improved to meet the minimum standards of this ordinance to the fullest extent possible.

SECTION XIII. OTHER APPLICABLE REGULATIONS

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

XIV. PERMIT PROCEDURE

- A. Application fees for permits shall be established by the Worcester Selectboard.
- B. All applications shall be submitted to the Sewage Officer who shall review all paperwork submitted. In addition, the Sewage Officer may require site and test pit evaluation by him/herself and may require review of any or all data by a consultant of the Town's choice. The applicant for a permit shall provide adequate lead time to ensure that the Sewage Officer and consultant can be present at the opening of test pits.
- C. The owner of any property on which a sewage disposal system is proposed to be built, altered or replaced shall apply for a Disposal System Construction Permit. The application shall contain soil and site information as required by "The Rules" and a design for a disposal system and for a replacement system in compliance with "The Rules". The basis for disposal system design shall be a peak flow of 150 gallons per day per bedroom. No reduction in the isolation distances or in mound size prescribed in "The Rules" will be permitted.
- D. Technical information for the application shall be prepared by a certified Site B Technician or a professional engineer registered in the state of Vermont and practicing his/her discipline.
- E. The permit shall be granted or denied by the Sewage Officer. If construction of an approved disposal system is not commenced within two (2) years of the date the permit is issued, such permit shall become null and void and a new application must be submitted prior to the commencement of any construction.

- F. The owner of any property intending to make a minor modification or construct a structure, the useful occupancy of which shall not require running water, shall make an application for a Minor Permit. Minor modifications shall not include changes in use (Section X). Vault or pit privies shall require a Minor Permit prior to installation. (Section XX)

SECTION XV. CERTIFICATE OF COMPLIANCE

- A. The designer of the system shall inspect each system before it is covered with soil. The designer shall submit a final inspection report to the Sewage Officer certifying that the disposal system has been installed as approved or, if variations from the approved plan were made, those variations shall be noted. The Sewage Officer shall issue a Certificate of Compliance when satisfied with the installed sewage system.
- B. A newly constructed dwelling shall not be occupied until the Certificate of Compliance has been issued.
- C. An existing dwelling which requires a replacement system may be occupied provided a Certificate of Compliance is issued within a reasonable period of time after the issuance of the Disposal System Construction Permit or Minor Modification Permit. The Sewage Officer shall determine what is a reasonable period of time.

SECTION XVI. TERMS AND CONDITIONS OF THE PERMITS

- A. Conditions of construction or use may be placed on the Disposal System Construction Permit or the Certificate of Compliance.
- B. All permits run with the land and are binding upon each and subsequent owners. At the discretion of the Sewage Officer all permits issued under this ordinance, or those permits with conditions of use may be filed in the town land records.
- C. Permits for off-lot sewage disposal systems shall not be issued unless a valid easement for such system is conveyed and properly recorded in the town land records.

SECTION XVII. REVOCATION OF PERMITS

- A. A Disposal System Construction Permit, Minor Permit or Certificate of Compliance may be revoked by the Sewage Officer for any of the following reasons:
 - 1. False, fraudulent or misleading information in the permit application;
 - 2. Installation of a system which does not comply with the terms or conditions of permits

issued under this ordinance;

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

4. Information which shows the proposed septic system does not comply with this ordinance, including, but not limited to, insufficient isolation distances;

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

B. The Sewage Officer may begin revocation proceedings on his / her own initiative.

C. Petition for Revocation: A written petition for revocation shall be addressed to the Sewage Officer and shall set forth the name, address and telephone number of the petitioner, the petitioner's interest in the matter, and a brief statement outlining the basis for revocation of the permit. The Selectboard may file a Petition for Revocation. Revocation proceedings shall be carried out as described in Section XVIII.

SECTION XVIII. HEARINGS ON PETITION FOR REVOCATION

A. The Sewage Officer, upon receipt of a Petition for Revocation, shall give written notice to the Permit holder within 72 hours.

B. Within one week of such notice the Sewage Officer shall meet with the Permit holder, interested parties and any necessary technical consultants to evaluate the Permit and Petition for Revocation.

C. Following this evaluation of the Petition, the Sewage Officer shall issue a written decision within 72 hours stating the findings of fact and conclusions of law. The decision shall state clearly:

1- Whether the permit is revoked or upheld;

2- If revoked, the grounds for the revocation, based on Sec. XVII);and

3- If revoked, what steps are required, up to and including complete replacement of the system, in order to issue a new permit.

D. All work on the sewage disposal system shall cease immediately upon notice of revocation of the permit. Work on the system shall not resume until a new permit has been issued.

SECTION XIX. APPEALS PROCEDURE

A. Any Permit holder or Petitioner aggrieved by the decision of the Sewage Officer may appeal that

- decision in writing to the Selectboard within thirty (30) days of such decision.
- B. The Selectboard shall hold a hearing within thirty (30) days of receipt of such appeal and shall render a written decision within fifteen (15) days after the close of such hearing.
 - C. Copies of the decision shall be sent to the permittee, petitioner, and the Sewage Officer and shall be filed with the original permit in the Town records.
 - D. Any person aggrieved by the decision of the Selectboard may appeal that decision to the Superior Court. The administrative process must be exhausted before appeal can be made to the Superior Court.

XX. WATER SAVING DEVICES

- A. Water conservation is strongly encouraged as it will increase the life of septic systems.
- B. Properly sealed vault privies, outhouses and similar facilities may be used provided they meet the isolation distances established in "The Rules". The Sewage Officer shall determine if proper isolation distances are maintained. A permit shall be required for use of one of these alternative systems.
- C. All sewage generated in a residence using waterless toilets shall be conveyed, treated and disposed of in the same manner as other sewage. For residences permitted to use waterless toilets, the leachfield for the septic system may be reduced in size by 35 per cent, provided sufficient area exists to expand the field to full size should conventional toilets be installed at some time, and a full size replacement area shall be identified on the plan and reserved. Mound systems may not be reduced in size.
- C. Pit privies will not normally be approved, but may be considered on a case-by-case basis if they meet all the isolation distances and separation from groundwater, bedrock, ledge and impermeable soil distances and standards applicable to leachfields.

SECTION XXI. INNOVATIVE SYSTEMS

Innovative systems which have an approved "Innovative Systems Permit" from the Department of Environmental Conservation may be approved by the Sewage Officer.

SECTION XXII. LIABILITY

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

SECTION XXIII. ENFORCEMENT

A person who neglects or refuses to comply with the provisions of this ordinance may be fined not more than \$500.00 for each offense by the Superior Court. Each week that a violation is continued shall constitute a separate offense. (24 VSA 1974)

SECTION XXIV. SEVERABILITY

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

ADOPTED BY THE WORCESTER SELECTBOARD

DATE May 19, 1997

This ordinance shall be entered into the minutes of the Town records and shall be posted in at least five conspicuous places in town. A concise summary of it shall be published in the Times Argus within fourteen days of its adoption accompanied by information as to where the full text of it may be examined, the right of the voters to petition for a vote, and the name, address and telephone number of a person who is available to answer questions about it. The ordinance shall become effective sixty days after its adoption unless a petition signed by five percent of the qualified voters in the Town of Worcester asking for a vote on the question of disapproving the ordinance is filed with the Town Clerk or the Selectboard within forty four days after the adoption of the ordinance. If such a petition is filed, the Selectboard shall call a special meeting to vote on that question and the ordinance shall become effective at the end of that meeting unless a majority of those voting on the question disapproves the ordinance or sixty days after its adoption.

Walt Bador
Walt Bador

Richard Dodge
Richard Dodge

Elizabeth A. Turner
Elizabeth A. Turner

APPROVED BY THE VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Laurel Palmer, Commissioner

Date 6/18/97, AND MADE EFFECTIVE 7/17/97 (DATE)

SUMMARY OF SEWAGE ORDINANCE

The Town of Worcester Selectboard adopted a new on-site septic ordinance on May 20, 1997. The purpose of the ordinance is to ensure that sewage is discharged into an approved sewage treatment system in order to prevent health hazards including, but not limited to surfacing sewage and the contamination of drinking water, ground water and surface water; to insure adequate drainage related to the proper functioning of sewage disposal; and to ensure the proper design, construction, operation and maintenance of facilities to promote sanitary and healthful conditions. The ordinance addresses the following topics: authority, purpose, definitions, applicability, seasonal dwellings, single family and multiple family residential structure, commercial and industrial structures, change of use, replacement systems, existing systems, permit procedure, certificate of compliance, terms and conditions of permits, revocation of permits, hearings on petition for revocation, appeals procedure, water saving devices, innovative systems, liability, enforcement and severability.

The full text of the ordinance may be examined in the Town Office. Questions concerning it may be addressed to Selectwoman Elizabeth Turner, P.O. Box 150, Worcester, telephone 223-5768 or to the Selectboard at a regularly scheduled meeting.

The qualified voters of Worcester may petition for a special meeting to vote on the question of disapproving the ordinance. Such petition must be signed by five percent of the qualified voters and must be filed with the Town Clerk or Selectboard within forty four days after the adoption date.