

Village of Johnson
ORDINANCE
Regulating the Use of Public and Private
Sanitary Sewerage Systems

Pursuant to Title 24, Section 3617 of the Vermont Statutes Annotated, it is hereby ordained by the Village of Johnson, Vermont that the protection of the health and safety of the Village of Johnson and of the general public requires the establishment of minimum standards governing the design, construction, installation and operation of public and private sanitary sewage systems.

ARTICLE 1
General Provisions

SECTION 1 - 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 Use of Public and Private Sanitary Sewerage Systems" hereinafter sometimes referred to as the ORDINANCE.

SECTION 2 - The Village of Johnson Clerk shall file certified copies of this ORDINANCE, as well as certified copies of any additions and amendments to this ORDINANCE as may be hereafter adopted, in the municipal records and with the Village of Johnson Sewage Disposal Commissioners .

SECTION 3 - The principal objective of sewage facilities is to collect sewage and industrial wastes and to provide the required or justified degree of treatment under the most favorable and economical conditions. Therefore, the discharge of wastewaters into any public sanitary sewer not regulated by the Agency of Natural Resources is prohibited.

SECTION 4 - The provisions of this ORDINANCE shall be reviewed periodically by the Board with the objective of assessing the continued applicability of these provisions; to consider any recommendations proposed for their improvement; and to determine if, and what, changes are advisable due to advances in the technical methods or processes of waste treatment and sewage collection available to the Village of Johnson

SECTION 5 - In the case of any other applicable regulation, by-law, ordinance or statute which differs from the rules and regulations of this ORDINANCE, the more strict shall apply.

ARTICLE 2
Definitions

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

"BOARD" shall mean the Board of Trustees of the Village acting as the Board of Sewage Disposal

Commissioners under 24 V.S.A., Section 3614. The terms Sewer Commissioners, Commissioners and Board may be used interchangeably and have equal effect.

"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 20EC, expressed in milligrams per liter.

"Building Sewer" shall mean that part of the sewage system which receives the sewage from the building and conveys it to the house connection "Y" on the sewer main or sewer manhole. Construction, maintenance and repair of building sewers shall be the responsibility of the property owner.

"Clerk" shall mean the Clerk of the Village of Johnson.

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

"Committed Reserve Capacity" is the total amount of development wastewater flow (gallons per day) from all projects / buildings approved by the BOARD and the DEPARTMENT for discharge to the treatment PLANT, but not yet discharging at the time of the calculation.

"Connection Fee" shall mean a fee imposed on applicants for the municipality's performance of supplying materials, supervising, inspecting and administering a connection and or a change in use of a connection to the sewage system including any necessary sewer service extension, upgrading sewers or for any portion of these activities, including capital costs.

"Department" shall mean the Vermont Department of Environmental Conservation.

"Development" shall mean the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial, manufacturing, farming, educational, medical, charitable, civic, recreational, and religious uses and subdivisions and the intent to subdivide.

"Development Wastewater Flow" is the flow resulting from full use of the 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 are shown on Table 7a (Attachment A).

"Discharge Permit" shall mean a permit issued by the Department pursuant to authority granted in 10 V.S.A., Chapter 47.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and

dispensing of food, and from the handling, storage, and sale of produce.

"House Connection" shall mean the point of physical connection, or "Y", to the main sewer or sewer manhole to the building sewer.

"Industrial Wastes" shall mean the liquid waste from an industrial manufacturing process, trade or business. Industrial wastes do not include sanitary sewage.

"Initiate Construction" -

- 1) For building development; the completion of the foundation.
- 2) For subdivision development; the sale of the individual lot(s), within a 3 year period of the final allocation approval.

"Inter-municipal Agreement Between the and Village and Town of Johnson", henceforth "Agreement" shall be defined as the Agreement, pursuant to 24 VSA 3611, between the Town of Johnson and the Village of Johnson for the specific terms and conditions of the allocation of a certain amount of capacity of the Village Treatment Plant.

"Main Sewer" shall mean the sewers laid longitudinally along the center line or other part of the streets or other rights-of-way which is owned, maintained and controlled by the Village of Johnson and is intended to receive sewage from buildings connected to the mains by building sewers.

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

"Owner" shall mean any person, who owns or possess any property connected to the municipal system or proposes to connect to the municipal system.

"Person" shall mean any individual, firm, company, association, society, corporation, institution, partnership, group governmental entity or other entity.

"Permitted Wastewater Flow" is the maximum plant wastewater flow authorized in the Discharge Permit on an annual average (365 day average) basis, or on the high seasonal use period as defined in the discharge permit.

"PLANT" - The municipal sewage treatment plant owned by the Village of Johnson

"Plant Wastewater Flow" is the wastewater passing through the treatment plant in gallons per day on an annual average basis (365 day average) except where flows vary significantly from seasonal development. In the latter case, plant wastewater flow is determined as the average throughout the high seasonal use period, as determined by the BOARD.

"Public Sewage System or Facilities" shall mean all facilities for collecting, pumping, treating and disposing of sewage and is controlled and operated by the Village of Johnson.

"Private Sewage System or Facilities" shall mean all facilities for collecting, pumping, treating, and disposing of sewage that is not under the control of nor operated by the Village of Johnson.

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

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

"Reserve Capacity" is the permitted wastewater flow minus the actual plant wastewater flow during the preceding 12 months.

"Sanitary Wastewater" is wastewater of the same character and range of strength as expected from homes.

"Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"Secretary" shall mean the Secretary of the Agency of Natural Resources, State of Vermont or his/her representatives.

"Sewage" shall mean the water-carried wastes from residences, business buildings, institutions, and industrial establishments and **excluding** any floor drains, roof drains, surface water, ground water, storm water, subsurface drainage, or uncontaminated cooling water from any of the above mentioned buildings or uses.

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

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

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

"SEWERS" - The sewage collection system owned by the Village of Johnson.

"Sewage Disposal Commissioners ("or Board") shall mean members of the Village Board of Trustees and/or the group of individuals who may be designated from time to time by the Trustees to have that title, or their authorized deputy, agent or representative.

"Shall" is mandatory; "May" is permissive.

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

"Storm Drain" (sometimes "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.

"Subdivision" shall mean a tract of land, owned or controlled by a person as defined herein, which has been partitioned or is intended to be divided for the purpose of sale or lease into two (2) or more lots. Subdivision shall include: the dividing of 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, but excluding leases subject to the provisions of Chapter 153 of Title 10 relating to mobile homes. Subdivision shall be deemed to have occurred on the conveyance of the first lot or the filing of a plot plan on the town records, whichever shall first occur; or the commencement of building development with intent to subdivide.

"Substantial Construction" shall mean a building having a minimum of foundation, framing and roof.

"Subsurface Sewage Disposal System" shall mean any sewage treatment system whereby the tank or plant effluent is leached into the ground by subsurface disposal.

"Superintendent" shall mean Public Works Superintendent and or Waste Water Treatment Facility Chief Operator of the Village of Johnson or such other individual(s) who shall be designated from time to time by the Village of Johnson Board of Trustees as their representative. .

"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.

"Town Sewer Service Area" and Well Head Protection Sewer Service Area are those areas located in the Town of Johnson as identified in the Intermunicipal Agreement Between the and Village and Town of Johnson and designated on a map approved by the Town Selectboard and the Village Trustees, and as may from time to time be amended, which is attached by reference to this ordinance. The general requirements pertaining to the Town Sewer Service Area shall also apply to the Well Head Protection Sewer Service Area

"Uncommitted Reserve Capacity" is that portion of the reserve capacity remaining after subtracting the development wastewater flow of all projects approved by the DEPARTMENT and or the Village but not yet discharging to the SEWER.

"Village Sewer Service Area" is that area within the limits the Village of Johnson municipal boundaries.

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

"Wastewater system" means any piping, pumping, treatment or disposal system used for the conveyance and treatment of domestic commercial or industrial waterborne wastes.

"On-Site Sewage Treatment and Disposal System" means a septic tank and leaching field system utilizing natural soil to treat and disperse sewage in such a manner as to protect public health, and both groundwater and surface water from contamination.

ARTICLE 3 **Abbreviations**

For the purpose of this ORDINANCE, the following abbreviations shall have the meaning ascribed to them under this ARTICLE. References to standards of the following organizations shall refer to the latest edition of same.

SECTION 1 - ANSI shall mean American National Standards Institute.

SECTION 2 - ASME shall mean American Society of Mechanical Engineers.

SECTION 3 - ASTM shall mean American Society for Testing and Materials.

SECTION 4 - AWWA shall mean American Water Works Association.

SECTION 5 - NPC shall mean National Plumbing Code.

SECTION 6 - CS shall mean Commercial Standards.

SECTION 7 - WPCF shall mean Water Pollution Control Federation.

SECTION 8 - ppm shall mean parts per million.

SECTION 9 - mg/l shall mean milligrams per liter.

SECTION 10 - Degrees F shall mean degrees Fahrenheit.

SECTION 11 - Degrees C shall mean degrees Centigrade.

SECTION 12 - cm. shall mean centimeter.

SECTION 13 - m. shall mean meter.

SECTION 14 - sq.m. shall mean square meters.

SECTION 15 - l. shall mean liters.

SECTION 16 - kg. shall mean kilograms.

ARTICLE 4
Use of Public Sewers Required

SECTION 1 - It shall be unlawful for any person to place, deposit or permit to be placed or deposited upon public or private property within the Village of Johnson, or in any area under the jurisdiction of said Village of Johnson Board of Trustees, any human excrement or other objectionable waste.

SECTION 2 - It shall be unlawful to discharge to any natural outlet within the Village of Johnson, or in any area under the jurisdiction of said Village of Johnson Board of Trustees, 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 municipal sewage disposal ordinance for on-site sewage systems.

SECTION 3 - Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool leaching field or other facility intended or used for the disposal of sewage.

SECTION 4 - The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated within the Village of Johnson and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Village of Johnson, is hereby required, if sewage is generated, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ORDINANCE, within ninety (90) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building(s) requiring service. Installation of or repair to a private sewage system servicing a building located within five hundred (500) feet of a public sewer is not permitted unless the Board, in their sole discretion, find that connection would cause extreme hardship and the private sewage system would meet all pertinent state and municipal rules. The burden of proof of hardship is with the landowner, who may demonstrate the hardship by showing that the costs of connection to the Village system would exceed 2 times the cost of designing, permitting and constructing a new on site sewage disposal system and or repairs and upgrades for an existing on site sewage disposal system, based on site and soil conditions.

SECTION 5 - At the discretion of the Board, private sewage systems which are abandoned because of the availability of public sanitary sewers may be required to be thoroughly and properly cleaned, disinfected, and filled in or removed according to good sanitation practice and under the inspection and direction of the Board or their representatives.

ARTICLE 5
Capacity Allocation

1. Ownership & Permit

The Village of Johnson owns and operates a sewage treatment and disposal plant (PLANT) and a sewage collection system (SEWERS) as defined in 24 V.S.A., Section 3501(6) and 3601. The

PLANT has a permitted capacity, and 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. The board of sewage disposal commissioners (BOARD) 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.

2. Introduction to Reserve Capacity Allocation

The permitted capacity of the PLANT and SEWERS is the property of the Village of Johnson. The uncommitted reserve capacity of the PLANT and SEWERS shall be allocated by the BOARD in the manner described below. This ordinance shall not be construed as an abandonment or relinquishment of the authority or responsibility of the BOARD to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the Village of Johnson, nor shall it be construed to impair or inhibit the ability of the Village of Johnson to contract with persons for the collection, transmission and treatment of sewerage.

The Village of Johnson has a design treatment capacity of 270,000 gallons per day. In 2008, the plant treated 64,302,142 gallons with a 12 month average of 176,170 gallons per day from "current users". At the time of the adoption of this ordinance committed reserve capacity is approximately 4000 gallons so the uncommitted reserve capacity is approximately 90,000 gallons per day, Therefore the plant is at app 67% of capacity. These amounts are subject to change due to the fluctuating nature of enrollment of Johnson State College which accounts for app 30% of flows. .

3. Allocation Flow Basis

All allocations to projects shall be based on the development wastewater flow. Any differential between actual flows and development wastewater flows that occurs is not available to the development owner for re-allotment to another project or a project expansion.

A) Allocation Priorities

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

The Village of Johnson priorities shall be:

- a. Residential, commercial, institutional and industrial facilities existing within the Village Sewer Service Area existing on the date of adoption of this ordinance, (provided capacity exists) which are required to be connected to the municipal sewer by the municipal sewer use ordinance, or by virtue of existing pollution from the facilities to waters of the State, or existing health hazard shall be entitled to first priority in allocation of uncommitted reserve capacity.
- b. New development within the Village Sewer Service area, will have second priority of uncommitted reserve capacity.

The Town shall define it's priorities through its ordinance, which shall control those allocations made in the Town.

The total allocations to projects within the Town Sewer Service Area and Well Head

Protection Sewer Service Area shall not exceed the greater of 25,000 gallons per day for the TSSA and 3000 gpd for the WHPSSA (or such allocation as specified by "Agreement" between the Town and Village), or the total uncommitted reserve allocated to the Town at the time of the adoption of this ordinance. As of this amendment, the uncommitted reserve for the TSSA is app 14,500 gpd and for the WHPSSA it is 3000 gpd.

The allocation of reserve capacity made to projects located in the Town Sewer Service Areas shall be consistent with the terms and conditions of the Agreement(s) for allocation entered into by and between the Town of Johnson Selectboard and the Village of Johnson Trustees first dated: 6/10/2002, and as amended on 6/20/2005 and 8/17/2009 and as may be subsequently amended .

B) Allocation Principles

Subsequent to application of the allocation priority, uncommitted reserve capacity in the wastewater treatment facility may be allocated to specific projects according to the following procedure.

- a) **Allocations within the Village of Johnson Sewer Service Area:** Once sewer permit applications have been returned to the Village of Johnson office and marked with the time and date by the person receiving the application, the BOARD shall review and approve the applications on a first come, first serve basis.
- b) The uncommitted wastewater capacity shall be allocated by the BOARD in such a way that a yearly limitation exists on distributing remaining uncommitted capacity in any year as long as capacity exists. The annual allotment may be determined by establishing the year when plant expansion may be necessary, or the last year of the estimated life of the plant, whichever is greater and dividing the uncommitted reserve each year by the remaining years to the tentative expansion year. The estimated plant life at time of adoption of ordinance is 25 years and the plant was constructed in 1996. The total reserve capacity of the Village will be determined not less than every 12 months and committed reserve will be continuously recorded for use in allocation decisions.
- c) Example of annual allocation of committed reserve: $2002 \text{ (year of calculation)} - 1996 \text{ (year of construction)} = 6 \text{ (years estimated life used)}$. $25 \text{ (estimated plant life)} - 6 \text{ (years plant life used)} = 19 \text{ (years plant life remaining)}$. $129,195 \text{ (current gpd uncommitted reserve capacity)} / 19 \text{ (estimated years remaining)} = 6800 \text{ gpd available for allocation in year 2002}$.
- d) Notwithstanding the provisions in C (a) above, first priority shall be given to municipal projects requiring capacity and the Board may waive the yearly limitation if necessary.
- e) **Allocations within the Town of Johnson Sewer Service Area:** An applicant shall first obtain the approval of the Johnson Selectboard, on such forms as provided by them, for connection to the Village system. Upon approval, the applicant shall then make application to the Village Trustees, providing a copy of the approval of the Selectboard. Once sewer permit applications have been returned to the Village of Johnson office and

marked with the time and date by the person receiving the application, the BOARD shall review and approve the applications on a first come, first serve basis, subject to the priorities set forth in Art. 4 subsection B of the Town Ordinance. The uncommitted wastewater capacity available for allocation in the TSSA shall be allocated by the BOARD according the terms and conditions of said "Agreement". The total reserve capacity of the Town will be determined not less than every 12 months and committed reserve will be continuously recorded for use in allocation decisions

5. **Cost Recovery for SEWERS Expansion**

A) Any extension of the Sewers to provide for new users shall be funded in the following way:

The proposed users to be served by the expansion pay the full cost of the expansion and upgrading of the SEWERS determined necessary and adequate by the BOARD, which costs may include costs borne by the Village for engineering and or staff time directly associated with the proposed expansion.

B) Any payments made as required by Section 5(A) shall not be construed as payments towards treatment capacity that may be provided for the development.

6. **Application Requirement**

Persons wishing to use the PLANT and SEWERS, either by new connection or change in use of a property having an existing connection, shall apply to the BOARD on a form prescribed by the BOARD (Attachment B). Such application shall:

a) Be accompanied by a calculation of the development wastewater flow to be generated by the project/development;

b) Include calculations for the volume, flow rate, strength and any other characteristics determined appropriate by the BOARD;

c) Unless waived by the BOARD all calculations required in (a) and (b) above for developments generating over 1000 gpd shall be certified by a Vermont registered engineer.

d) Be accompanied by plans and specifications for the construction of building sewers and house connections (from the buildings to municipal sewers) and any municipal sewer extensions, including pump stations, required to service the development prepared by a Vermont registered engineer. This requirement to submit plans and specs may be waived by the BOARD until final connection approval.

7. **Preliminary Connection Approval Findings**

Upon receipt of the connection application and supportive documents, the BOARD may make preliminary approval of uncommitted Village reserve capacity upon making affirmative findings that:

a) The proposed wastewater is of domestic, sanitary origin and that there is sufficient

uncommitted Village reserve capacity to accommodate the volume and strength of the proposed connection;

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 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 or SEWERS and that there is sufficient uncommitted Village reserve capacity to accommodate the strength and volume of the proposed development;

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 BOARD or municipality.

8. **Conditions of Preliminary Connection Approval**

The BOARD, after making the approval findings above, 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 (Attachment C). The preliminary approval conditions may include:

a) Specification of the period of time during which the interim connection approval shall remain valid (365 days). Provisions for time extensions if approved by the BOARD.

b) Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the preliminary connection approval.

c) Provision for revocation by the action of the BOARD 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 the capacity allocation to any other project

PRIOR TO FINAL CONNECTION APPROVAL THE FOLLOWING COMMITMENTS SHALL BE MET BY THE APPLICANT:

a) Applicable local, State and Federal permits have been secured for the development/project;

b) Connection fees, impact fees, permit fees and other local fees or taxes all set by the BOARD, have been paid in full to the Village of Johnson. Impact fees will be partially based on the volume and strength of the proposed wastewater flow.

c) The plans and specs for connection to and, if necessary, extension of the municipal SEWERS

are acceptable to the BOARD.

9. Final Connection Approval Requirements

The BOARD on making affirmative findings that all conditions of the preliminary connection approval and final connection approval prerequisites in Section 8 have been fulfilled shall issue the final connection approval permit which approval may be conditioned as follows:

- a) The permit shall specify the allowed volume, flow rate, strength frequency and any other characteristics of the proposed discharge determined appropriate by the BOARD.
- b) The capacity allocation is not transferable to any other project.
- 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 BOARD. The Board may require certification of a Licensed Engineer that the connection, sewer, or extension was installed in accordance with plans and specifications, the requirements of this ordinance and sound construction practices.
- d) Capacity allocated within the Village in conjunction with the final connection permit for building development shall revert to the Village of Johnson if the permit recipient has failed to initiate construction within one year of the issued date on the permit, unless a written request for an extension of capacity allocation has been reviewed and approved by the Board.
- e) The Permit shall expire (three) years from the date of issuance based on the original development plan at the time of permit approval. Within the (three) year period a revised development plan and connection application may be approved by the BOARD in the same manner as the original. Such revised plans must also be approved under local bylaws, if any, and by the applicable State Laws and Regulations. If the BOARD approves an amended development plan and connection application, it will issue a revised final connection permit with reduced or increased capacity allocation determined in accord with the allocation priorities and principles. Where reduced capacity is granted in a revised connection permit, the capacity will revert to the Village of Johnson. Regardless of any revised development plans approved by the BOARD, the BOARD shall not approve an extension of the original (three) year expiration period. After (three) years, the unused portion of the committed capacity allocation will revert to the Village of Johnson and there will be no refund of connection, impact, permit or other fees. Unused capacity reverting to the municipality shall be for buildings or projects not meeting the definition of substantial construction in the ordinance.
- f) For subdivision projects the permit holder (developer) of a proposed subdivided parcel must indicate the development planned for each lot. If all prerequisites defined for 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) years from the date of initial issuance unless the developer has sold the lot for development or has met the definition of substantial construction and

in accord with the approved development plan. The expiration at three years from original issuance will not be modified by any revisions to the subdivision or development plan subsequent to the initial approval. The BOARD shall then notify the Vermont Agency of Natural Resources of the expired subdivision Sewer Permit.

g) Phasing Plan, Notwithstanding the preceding paragraph, when the build out of a development is likely to exceed three years from issuance of Final Connection Approval, the developer may submit a plan to the Board for phasing the development. Such proposal shall identify: 1) the total allocation requested, 2) the number of lots created, 3) a schedule identifying the number of phases and assignment of capacity by lot for each phase. A phasing cycle shall not exceed three years.

During any phase, reserve capacity allotted to lots that are either unsold or do not have building construction commenced within any one year increment of a phase, shall revert to the municipality unless a written request for an extension of capacity allocation has been reviewed and approved by the Board.

Any approved phasing plan shall require payment of the connection fee and capacity fee for all lots or units for all phases of the development at time of application. The capacity allocation fee shall be assigned and credited sequentially to each phase (based on phasing schedule above). Each phase shall be treated separately as regards the need to extend capacity to unsold or undeveloped lots on an annual basis, as described in the preceding paragraph.

The reserve capacity allotted to lots that are either unsold or do not have building construction completed at the time of permit expiration (three years, or such expiration approved under a phasing schedule) shall revert to the municipality without refund of any fees paid. Reserve capacity shall also revert to the municipality from any reductions made to the development wastewater flow planned for each lot subsequent to initial approval.

The subdivision owner shall file the final connection permits in the land records of the Town of Johnson and reference to the location of the approved connection plans and specifications. When the owner/developer of a subdivision sells individual lots within the permit expiration 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 the municipal SEWERS. The transferred permit will be considered a new permit issued on the date of property transfer and the constraints of 9(e) will apply to this permit. The permit will expire and may be extended as provided in 9(e).

g) The Superintendent and or Chief Wastewater Treatment Plant Operator or other designated municipal official shall be notified one week in advance of any proposed sewer connection authorized by a final connection permit. The connection to the municipal sewer shall not be performed unless the municipal official is present and shall not be covered until approved by the official. Additional constraints may be found in the Sewer Use Ordinance.

h) In any case where the Board is being requested by the applicant to accept sewers, sewer extensions, pump stations or any other improvements as part of the Village Sewer System, the Board may require that the final connection permit approval be withheld for a period of one year after the physical connection has been made to the existing Village System, to insure the proper functioning of said improvements. The Board may also request a certification of a Licensed Professional

Engineer at the end of said year to insure compliance with permit conditions and proper operation of improvements.

10. **Transfer of Allocation**

a) The transfer of the capacity allocation is prohibited unless approved in writing by the BOARD at the original owner's request.

b) The BOARD may approve transfer of capacity for a project to another owner provided the new project and new owner meet all the requirements for the final connection approval originally issued and the original and new owner requests such transfer.

11. **Authority to Require Connection**

Nothing herein shall be construed as limiting or impairing the authority of the Village of Johnson or its BOARD to require connections to the PLANT and SEWERS under the general laws of the state or local ordinances.

ARTICLE 6
Building Sewers and Connections

SECTION 1 - No unauthorized person shall cover or uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a sewer permit from the sewer commissioners. Any person proposing a new discharge into the system, a change in use of property connected to system, or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Board and shall obtain a written sewer permit from the Board. Such notification shall be at least forty-five (45) days prior to the application for permit for a proposed change or connection. Notwithstanding such 45 day notification, no such change or connection shall be made prior to the issuance of the written permit from the Board.

SECTION 2 - There shall be three (3) classes of public sewer connection permits: (1) for residential, (2) for commercial and (3) for service to establishments producing industrial wastes. In any case, the Owner, or owner's agent, shall make application on a special form provided by the Board. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Board. The permit, inspection and connection fees shall be determined by the Board and will be posted in the office of the Village of Johnson Clerk. See also Art. 5 Section 6.

SECTION 3 - All costs and expenses related with the installation and connection to a public sewer shall be borne by the Owner. The Owner shall indemnify the municipality from any loss or damage that may be caused directly or indirectly by the installation of the sewer connection. See also Art 5 Section 5.

SECTION 4 - A separate and independent sewer connection 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, courtyard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one sewer connection. Use of private sewers which accept and convey flow from more than one building may not be used except when found, on examination and test by the Board, to be in satisfactory condition and meeting all requirements of this ORDINANCE.

The burden of proof and all expenses incurred by the Board to determine the condition and adequacy of the private sewer shall be borne by the Owner of said private sewer.

SECTION 5 - The Board may require the Owner of a project or developer to install a water meter or sewage flow meter so recorded flow can be used to determine the yearly wastewater charge. Water saving fixtures or equalization tanks may be required by the Board for projects/buildings and developments connecting to the sewer system.

SECTION 6 - Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board, to meet all requirements of this ORDINANCE.

SECTION 7 - The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village of Johnson 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 shall apply.

SECTION 8 - The connection of the building sewer to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village of Johnson and the State of Vermont or the procedures set forth in appropriate specifications of the ASTM and the latest edition of the WPCF 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 Superintendent before installation.

SECTION 9 - Prior to any connection to the house connection "Y" or to the main sewer, the Board shall be given seventy two (72) hours notice in order that they may supervise such work. If the Board have not been properly notified, they may require the completed work to be uncovered for examination, at the Owner's expense.

SECTION 10 - The diameter of the building sewer shall not be less than four (4) inches (10.2 cm), but shall be sized properly according to plumbing code and or regulations of the State of Vermont. The building sewer shall be laid on a uniform grade, wherever practicable, in a straight alignment, of at least one-fourth (1/4) of an inch per foot (2%). Where, in special cases, a minimum grade of one-fourth (1/4) inch per foot cannot be maintained, a grade of one-eighth (1/8) inch per foot (1%)

may be permitted, but only after the Board give their written approval for the specific connection.

SECTION 11 - Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet (91.4 cm) of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade in the direction from the main sewer to the building and in a straight alignment insofar as possible. Change in direction shall be made only with properly curved pipe and fittings with suitable clean-outs or flush holes as described in SECTION 18 of this Article.

SECTION 12 - In all buildings in which the house plumbing is too low to permit gravity flow to the public sewer, sanitary sewage to be carried by such sewer shall be lifted by approved artificial means and discharged to the building sewer. Such lifting devices shall be located outside the building foundation and have no access or ventilation through the building.

SECTION 13 - No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff or groundwater to a building sewer which, in turn, is connected directly or indirectly to a public sanitary sewer. All such connections which exist shall be disconnected by the Owner, at his expense, within thirty (30) days upon receipt of notification by the Board.

SECTION 14 - When installing the building sewer, the trenches shall be dug in a careful manner and properly sheathed where required. The excavated materials shall be placed in a separate pile from road materials and shall be piled in a compact heap so placed as to cause the least possible inconvenience to the public. Proper barricades and lights must be maintained around the trench to guard against accidents.

SECTION 15 - In backfilling, the material under, around and for two (2) feet (61 cm) immediately over the pipe shall be selected so it contains no stones capable of damaging the installation. This must be carefully tamped, the balance of the trench to be backfilled in a workmanlike manner, tamping and filling in eight (8) inch (20.3 cm) layers so as to avoid excessive settlement. When the trench has been filled to the proper height, the road material is to be replaced and heavily tamped or rolled.

SECTION 16 - Where the trench is excavated in rock, the rock must be carefully excavated to a depth of six (6) inches (15.2 cm) below the bottom of the sewer and the trench brought to the proper elevation with gravel or other material satisfactory to the Board. The remainder of the trench must be backfilled with suitable material as described in SECTION 15 of this Article.

SECTION 17 - Where subsurface-soil conditions warrant, special precautions must be taken as may be directed by the Board. In quicksand, all pipes must be laid out on pressure treated planking two (2) inches (5.1 cm) thick by at least six (6) inches (15.2 cm) wide.

SECTION 18 - The connection of the building sewer to the main sewer shall be made at the house connection at the property line or, if no house connection exists, connection shall be made at the nearest available "Y" connection on the main sewer. The Board will designate the position of the end of the house connection at the property line or the "Y" connection on the main sewer, whichever is appropriate. If it becomes necessary to cut into the main sewer, when no other source of connection is available, then such connection shall be made as directed by and under the supervision of the Board. The dead-ends of all pipes not immediately connected with the house plumbing system must be securely closed by a water-tight cover of imperishable material and properly marked and located.

SECTION 19 - The use of clean-outs on the building sewer shall be made by installing a "Y" and one-eighth (1/8) bends. The clean-outs shall ordinarily be installed at the point of connection between the building sewer and the outside part of the house plumbing system, at all curves on the building sewer and on the straight part of the house sewer to the main sewer. The clean-out shall be brought up from the building sewer to four (4) inches (10.2 cm) below ground level and properly capped. Locations of all clean-outs shall be recorded and turned over to the Board. Where the distance from the building to the point of connection at the main sewer is less than fifty (50) feet (15.2 m), at least one (1) clean-out twenty (20) feet (6.1 m) from the house shall be provided. Clean-outs shall be of the same diameter as the building sewer.

SECTION 20 - Before any portion of an existing building sewer or the house plumbing system outside of the building is connected to the main sewer, the Owner shall prove, to the satisfaction of the Board, that it is clean and conforms in every respect to this ORDINANCE and all joints are gas tight and water tight.

SECTION 21 - Where pipe is installed for building sewers, such work shall be performed by a licensed plumber.

SECTION 22 - The Board shall apply appropriate tests to the pipes. The plumber and contractor, at their own expense, shall furnish all necessary tools, labor, materials and assistance for such tests and shall remove or repair any defective materials when so ordered by the Board.

SECTION 23 - Any person performing work on public property for the purpose of installing a building sewer shall file with the Board evidence of adequate insurance coverage for liability and property damage. Minimum amounts of coverage will be established by the Board and posted in the Clerk's Office. Any work performed within a highway right of way shall require Right of Way Permits from the proper authority (Town of Johnson for town roads and or State of Vermont for state highways).

SECTION 24 - All work shall be adequately guarded with barricades, lights and other measures for protection to the public from hazard. Streets, sidewalks, curbs and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village of Johnson Board of Trustees and other authorities having jurisdiction.

SECTION 25 - The Contractor shall not block any driveway, street or road at any time without permission of the Board and other controlling agencies. Every effort shall be made to permit the movement of vehicular traffic at all times.

Whenever it becomes necessary to cross or interfere with roads, walks or drives, whether public or private, the Contractor shall maintain, at his own expense and subject to the approval of the Superintendent, safe bridges or other means of egress. Use of drill and bore techniques may be required.

SECTION 26 - MAINTENANCE - Maintenance of all private sewage facilities including, but not limited to, (1) house plumbing systems, (2) building sewers to the main sewer, (3) house connections, (4) sewers and (5) appurtenances shall be the responsibility of the Owner, at his or her expense. The Owner shall be solely responsible for continually maintaining such facilities in satisfactory operating condition. Maintenance shall include, but not be limited to, (1) maintaining flow, (2) clearing obstructions, (3) maintaining all joints gas and water-tight, (4) repair or replace collapsed, deteriorated or defective materials, and (5) all other work which is necessary and essential to maintaining proper operation and preserving the structural integrity and water-tightness of the system.

SECTION 27 - The Owner is committed by sewer and any other permits to construct the project/building/development to meet all specifications for which capacity was issued. A person authorized by the Board may inspect existing buildings and construction sites from time to time during each construction phase to assure permit specifications are being met. A final inspection shall be made prior to the connection from the building to the main sewer line by the chief plant operator, or designee of the Board. The Owner may apply for a new sewer permit, however, there is no guarantee capacity will exist or a new sewer permit issued. The sewer permit is an agreement between the Village of Johnson and the Owner of the project/building. The Owner who is issued the sewer permit does not own the capacity and forfeits all rights to capacity if preliminary and final permit requirements are not met

ARTICLE 7
Use of the Public Sewer

SECTION 1 - No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, floor drain, or uncontaminated cooling water to any sanitary system.⁷

SECTION 2 - Storm water and all other unpolluted drainage may be discharged to storm sewers, or to a natural outlet approved by the Board. Industrial cooling water may be discharged, upon approval of the Board, to a storm sewer, or natural outlet.

SECTION 3 - No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- b. 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 wastewater treatment plant.
- c. Any waters or wastes having a pH lower than 6 or higher than 8.5, or having any other corrosive property capable or causing damage or hazard to structures, equipment and personnel of the public sewage facilities.
- d. Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, ground garbage, whole blood, hair, flashings, entrails and paper dishes, cups, milk containers or any other solid or viscous substance, whether whole or ground by garbage grinders, capable of causing obstruction to the flow in sewers or other interference with the proper operation of the public sewage facilities.

SECTION 4 - 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 Board or their designee 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 Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials, of construction in 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:

- a. Any liquor or vapor having a temperature higher than 150 degrees F (65 degrees C).
- b. 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).
- c. Any garbage that has not been properly shredded. 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 prior to installation.
- d. 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, sulfonamides, 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, whether neutralized or not.

e. Any water or wastes containing excessive settleable solids, iron, chromium, copper, zinc and similar objectionable or toxic substance or wastes exerting excessive chlorine demand, exerting an unusual chemical oxygen demand or containing any other material or constituent in concentrations which exceed limits which may be established by the Board.

f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal or other public agencies having jurisdiction for such discharge to the receiving waters.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal Regulations.

h. 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 plant.

i. Any noxious or malodorous gas or substance capable of creating a public nuisance.

j. Any waters or wastes if it appears likely, in the opinion of the Board, that such waste can harm either the sewers, treatment plant process or equipment, would have an adverse effect on the receiving stream, or could otherwise endanger human or animal life, limb, public property or constitute a nuisance.

k. Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or proposed or are amendable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of its discharge permit or of other agencies having jurisdiction over discharge to the receiving waters.

l. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, which may cause the effluent limitations of the discharge permit to be exceeded.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined

herein.

SECTION 5 - The admission into the public sewers of any waters or wastes having (a) a five (5) day BOD greater than 300 mg/l or (b) containing more than 350 mg/l of suspended solids or (c) containing any quantity of substances having the characteristics described in SECTION 3 and 4 or (d) having an average daily flow greater than two percent (2%) of the average daily sewage flow received at the sewage treatment plant shall be subject to the review and approval of the Board. The Board may:

- a. Reject the wastes, or
- b. Require pretreatment to an acceptable condition for discharge to the public sewers, or
- c. Require control over the quantities and rates of discharge, or
- d. Require a fine to be levied according to the severity of the problem or,
- e. Require any combination of the foregoing.

If the Board permit the pretreatment or equalization of waste flows, the design, plans, specifications and any other pertinent information relating to proposed equipment and facilities; shall be submitted for the approval of the Board and the Agency of Natural Resources and no construction of such facilities shall be commenced until said approvals are obtained in writing. Further, pretreatment facilities must be consistent with the requirements of any State pretreatment permit issued to the industry.

SECTION 6 - Grease, oil, hair, and sand interceptors shall be provided when in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the Board and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 7 - 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 and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

SECTION 8 - Where installed, all grease, oil, hair, and sand interceptors shall be maintained by the owner, at his/her expense, in continuously efficient operation at all time. Materials collected shall not be introduced into the public sewage system.

SECTION 9 - 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/her expense.

SECTION 10 - When required by the Board, the Owner of any property served by a building sewer carrying industrial wastes shall install a suitably controlled manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Board. The manhole shall be installed by the Owner, at his/her expense, and shall be maintained by the owner so as to be safe and accessible at all times.

SECTION 11 - All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available, upon request, by the Superintendent, 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 Superintendent to the Secretary on request.

SECTION 12 - All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ORDINANCE shall be determined in accordance with the latest edition of "Standard Methods of 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 existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour flow 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 proportioned composites of all outfalls whereas pH's are determined from periodic grab samples.)

SECTION 13 - Any industry held in violation of the provisions of this ORDINANCE may have its disposal authorization terminated and may be fined by the Board, as permitted by law.

SECTION 14 - Any person proposing a new discharge into the public sewage system, a change in use of property connected to the system, or a substantial change in volume or character of pollutants that are being discharged into the public sewage system shall obtain a written sewer permit and notify the Board at least forty-five (45) days prior to their application for permit for proposed change or connection, and provide all laboratory analyses, technical data, engineering reports and all other information requested by the Board at their expense. No such change or connection shall be made prior to the issuance of a written permit from the Board.

SECTION 15 - The Board may require that any applicant for a permit or a sewer user provide, at his or her expense, chemical analyses, treatability studies, engineering reports or other documentation which shall be prepared by a professional engineer or a certified laboratory, as applicable.

SCAVENGER WASTE

Scavenger waste consists of septage, sludge or other forms of waste brought to the wastewater facility for treatment and disposal. Scavenger waste shall not be accepted for treatment and disposal by the treatment facility.

SPECIAL AGREEMENTS

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

ARTICLE 8

Private Sewerage Systems

GENERAL

SECTION 1 – Within the Village of Johnson Sewer Service Area, where connection to a public sanitary sewer is not required by this ordinance, the building sewer shall be connected to a private sewage disposal system, complying with the provisions of all applicable regulations of the State of Vermont, which has sole and direct jurisdiction over permitting on site sewage disposal systems. .

Prior to the construction of any on site septic system a permit shall therefore be obtained from the State of Vermont Department of Environmental Conservation.

SECTION 4 –

Section 2 – Connection to Sewer. Nothing in this Article shall prevent the Village from requiring hook up to the sewer system if in future a sewer line becomes available under the terms and conditions of this ordinance. If in that event, a public sewer becomes available, a direct connection shall be made in compliance with this ordinance and the on site system shall be abandoned and removed or filled with appropriate materials. Hook ups to the public sewer will be required as per Article 4, Section 4.

ARTICLE 9

Sewer Rents

SECTION 1 - OPERATION AND MAINTENANCE - An annual charge, which shall be determined by the Board, is hereby imposed upon every person having a building or structure on their premises and who are served by the municipal public sewage system where sewage may be collected for the use of the premises by the Owners, or other users of real property within the Village of Johnson and within the Town Sewer Service Area. The annual charge shall be for the purpose of the payment associated with the costs of operating, maintaining and repairing said system. The

Board may establish annual charges separately for bond payments, for fixed operating and maintenance costs not dependent on actual or estimated use and for variable operations and maintenance costs dependent on actual or estimated use.

SECTION 2 - The sewer rents established in SECTION 1 of this ARTICLE and defined hereinafter shall be charged whether or not the property is occupied, when the property is connected to the public sewage system by the necessary building sewer as required under the terms of this ORDINANCE. The rate structure shall incorporate the requirements of 40 CFR, '35.935-13 or '35.2140, as applicable.

SECTION 3 - The annual charges stipulated in SECTION 1 of this ARTICLE shall be based upon rate structure(s) decided by the Board as provided for in 24 V.S.A., Chapter 101. Said rate structure may be amended from time to time and are included as an attachment to the Ordinance.

SECTION 4 - CAPITAL COSTS - The design, construction and development costs of all public sewage system expansions and extensions which have been approved by the Board shall be borne by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansions, unless such expansion or extension is part of a planned expansion approved by Village voters, in which case the method of funding for capital costs shall be specified.

SECTION 5 - COLLECTION - Collection of the delinquent sewer rents may be enforced by the Village of Johnson pursuant to the Village Charter and 24 V.S.A., Chapter 129 water and sewer disconnection; 24 V.S.A., Section 3612 charges; lien; and 24 V.S.A., Section 3615, rents; rates. In the event any sewer rent is not paid within 60 days from the billing date, a late penalty charge may be added to the sewer rent together with interest charges. 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 sewer rent shall be a lien upon such real estate and shall be collected according to the procedures allowed for in 32 V.S.A. Ch 133 Subchapter 8 and or the Village of Johnson Charter. This section is applicable to properties served by the sewer system but located in the Town Sewer Service Area as per the terms of the Agreement and the Town Sewer Ordinance for allocation of capacity.

RESERVE FUND/SET-ASIDES FOR MAJOR EXPENDITURES

The following provides for and restricts the use of set-aside (reserve fund) to finance future major maintenance/replacement costs and plant expansion costs.

SECTION 6 - A separate reserve fund may be utilized for major maintenance/ replacement expenditures and for expansion/upgrading expenses associated with the wastewater facility in the Village of Johnson. Reserve fund establishment for maintenance/replacement expenditures shall be through written policy of the Village of Johnson. All reserve funds shall be established and maintained in accord with 24 V.S.A., Section 3616.

SECTION 7 - The Village of Johnson reserves the right to increase, decrease, stop and/or maintain

regular deposits to a reserve fund. The fees charged for expansion cost shall be deposited into a separate account. The sewer commissioners holding office have the authority to withdraw reserve fund amounts only for the purpose of paying for expenditures/plant expansion for which the fund was established.

SECTION 8 - When reserve fund assets are not disbursed fully for major maintenance/replacement expenditures and/or plant expansion, excess money shall remain in the reserve fund for future related expenditures similar in nature. Revenues established for plant expansion dedicated funds may be generated from connection fees paid by prospective users to defray and pay expansion costs. This fund shall not exceed the estimated future expansion cost for the wastewater treatment facility.

ARTICLE 10
Applications/Permits/Fees

SECTION 1 - Applications for permits shall be made on forms established and provided by the Commissioners.

SECTION 2 - Any false or misleading statement in any application for a permit will invalidate the permit and shall be deemed a violation of this ORDINANCE.

SECTION 3 - Any permit issued by the Board may be suspended or revoked at any time by the Board 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 Board or their duly authorized representatives.

SECTION 4 - The Board may suspend or revoke a permit at any time whereupon the suspension or revocation shall take effect immediately. Such action will be confirmed in writing by the Board by written notice to desist or make correction of any practice or operation which violates or contravenes the provisions or the purpose of this ORDINANCE or the permit and will allow sufficient time for the correction of the violation.

SECTION 5 - Permittees shall keep records of permits issued under this ordinance. .

SECTION 6 - All fees stipulated in the ORDINANCE shall be determined by the Board and shall be posted in the office of the Clerk. All fees shall be made payable to the Village of Johnson and paid directly to the Clerk.

ARTICLE 11
Protection From Damage

SECTION 1 - 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 public sewage disposal system. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in Title 13, Section 3701 of the Vermont Statutes Annotated.

ARTICLE 12
Powers and Authority of Inspectors

SECTION 1 - The Superintendent and other duly authorized employees of the Village of Johnson, shall be permitted to enter all properties connected to the system within the Village and the Town Sewer Service Area for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ORDINANCE. The Superintendent or his/her representatives 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.

SECTION 2 - While performing the necessary work on private properties referred to in ARTICLE 12, SECTION 1 above, the Superintendent or duly authorized employees of the Village of Johnson shall observe safety rules and the company shall be held harmless for injury or death to the Village of Johnson employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, **except** as such may be caused by negligence or failure of the company to maintain safe conditions.

SECTION 3 - The Superintendent and other duly authorized employees of the Village of Johnson shall be permitted to enter all private properties through which the Village of Johnson holds easements, easements by prescription, or licenses for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer works lying within said easement.

ARTICLE 13
Penalties

SECTION 1 - Any person found to be violating any provision of this ORDINANCE, except ARTICLE 11, shall be served by the Board 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 stated in such notice, permanently cease the violation.

SECTION 2 - Any person who shall continue any violation beyond the time limit provided for in ARTICLE 13, SECTION 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$200.00 per day for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 3 - Any person violating any of the provisions of this ordinance shall become liable to the

Village of Johnson for any expenses, loss or damage caused by such offense.

SECTION 4 - Notwithstanding any of the foregoing provisions, the Village of Johnson may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violations hereof.

ARTICLE 14
VALIDITY

SECTION 1 - All other rules and regulations in conflict with this ORDINANCE are hereby repealed.

SECTION 2 - 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 3 - These rules may be amended at any time by the Village of Johnson as provided by law.

ARTICLE 15 - ORDINANCE IN FORCE

SECTION 1 - This ORDINANCE shall be in full force and effect from and after its passage, approval, recording and publication as provided by law, replacing the "Ordinance For Wastewater Reserve Capacity Allocation" enacted August 16, 1996, and the "Village of Johnson Sewer Ordinance" as passed and adopted by the Village Trustees, namely: Raymond Green, Frank Sargent and George Desmarais, on September 20th, and "Ordinance to Control the Construction, Use and Maintenance of Private Sewage Disposal Systems Within the Village of Johnson" adopted in 1968. This Ordinance shall amend and supercede the ordinance adopted by the Village Trustees on May 13th, 2002.

SECTION 2 - Duly enacted and ordained by the Trustees of the Village of Johnson, Lamoille County, State of Vermont, on the 8th day of March, 2010, at a duly called and duly held meeting of said Trustees. This ORDINANCE shall become effective sixty (60) days from the date hereof.

ATTESTED BY:

Rosemary Aubert, Clerk

Gordon Smith, Chairperson

Trustee
Map Putnam
Trustee

Trustee
Ellen R. O'Hear
Trustee

Date of Adoption 3/8/2010

Effective date of Ordinance: 5/8/2010

Notice of adoption of Ordinance posted in the following places:

Town and Village Municipal Building Plum and Main Restaurant

Johnson Post Office Merchants Bank

Grand Union Town Webpage on 3/18/2010

Notice of adoption of Ordinance published in the Following paper:

News and Citizen 3/18/2010

**PUBLIC NOTICE
OF VILLAGE OF JOHNSON
BOARD OF TRUSTEES**

In accordance with the provisions of 24 VSA Chapter 59, The Village of Johnson Board of Trustees hereby gives notice that on March 8th, 2010, at their regular meeting the Board adopted an Ordinance henceforth known as the: "Village of Johnson Ordinance Regulating the Use of Public and Private Sanitary Sewerage Systems".

The purpose of the ordinance is to amend existing ordinances and to establish minimum standards for the health safety and welfare of the inhabitants of the Village of Johnson to govern the design, construction, installation and operation of public and private sewerage systems and to allocate the capacity of the Village Wastewater Treatment Facility. A further purpose of the ordinance is to allow the extension of sewers into specifically identified areas within the Town of Johnson in accordance with agreements for that purpose.

The full text of the ordinance may be viewed at the Town/Village Clerk's Office during normal office hours (7:30 a.m. to 4:00 p.m.). Persons having questions pertaining to this Ordinance may contact Duncan Hastings, Municipal Administrator, at 635-2611 or by going to the office.

This Ordinance shall go into effect 60 days after date of adoption (5/8/10) unless repealed by vote of the legal voters of the Village of Johnson as per requirements of 24 VSA Section 1973. When a petition requesting a vote to disapprove the Ordinance has been signed by at least five percent of the legal voters of the Village of Johnson and submitted to the Clerk or the Trustees within forty four (44) days of the adoption by the Trustees (4/21/10), the Trustees shall call a Special Meeting within sixty (60) days of receipt of petition, to determine whether or not the voters shall disapprove the Ordinance as adopted by the Trustees.

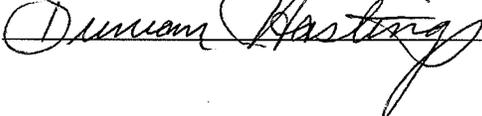
The following is a list of headings of the ordinance:

- Article 1: General Provisions.
- Article 2: Definitions.
- Article 3: Abbreviations.
- Article 4: Use of Public Sewers Required.
- Article 5: Capacity Allocation.
- Article 6: Building Sewers and Connections.
- Article 7: Use of the Public Sewer.
- Article 8: Private Sewerage Systems.
- Article 9: Sewer Rents.
- Article 10: Applications/Permits/Fees.
- Article 11: Protection from Damage.
- Article 12: Powers and Authority of Inspectors.
- Article 13: Penalties.
- Article 14: Validity.
- Article 15: Ordinance in Force.

Notice given this 15th day of March, 2010 by Duncan Hastings Municipal Administrator 802-635-2611.

Notice Posted in the following locations: Town/Village Offices, Johnson Post Office, Grand Union, Plum and Main, Merchants Bank. Town of Johnson Webpage

Notice Published in the News and Citizen on March 18th 2010.

Signed: 

Duncan Hastings

From: Duncan Hastings [dhastings@townofjohnson.com]

Sent: Monday, March 15, 2010 1:11 PM

To: edit@newsandcitizen.com

Subject: Publication of Notice

Hello

Attached please find a Public Notice we need published for this week. Am sending as a PDF. If you want it as a word document I can send it that way too.

Please let me know if you got this and will be able to publish this week

Thanks

Duncan

Duncan Hastings, Municipal Administrator
Town and Village of Johnson
Manager Village of Johnson Water & Light Dept.
P.O. Box 383
Johnson, Vermont 05656
802-635-2611

PUBLIC NOTICE OF VILLAGE OF JOHNSON BOARD OF TRUSTEES

In accordance with the provisions of 24 VSA Chapter 59, The Village of Johnson Board of Trustees hereby gives notice that on March 8, 2010, at their regular meeting the Board adopted an Ordinance henceforth known as the: "Village of Johnson Ordinance Regulating the Use of Public and Private Sanitary Sewerage Systems".

The purpose of the ordinance is to amend existing ordinances and to establish minimum standards for the health safety and welfare of the inhabitants of the Village of Johnson to govern the design, construction, installation and operation of public and private sewerage systems and to allocate the capacity of the Village Wastewater Treatment Facility. A further purpose of the ordinance is to allow the extension of sewers into specifically identified areas within the Town of Johnson in accordance with agreements for that purpose.

The full text of the ordinance may be viewed at the Town/Village Clerk's Office during normal office hours (7:30 a.m. to 4:00 p.m.). Persons having questions pertaining to this Ordinance may contact Duncan Hastings, Municipal Administrator, at 635-2611 or by going to the office.

This Ordinance shall go into effect 60 days after date of adoption (5/8/10) unless repealed by vote of the legal voters of the Village of Johnson as per requirements of 24 VSA Section 1973. When a petition requesting a vote to disapprove the Ordinance has been signed by at least five percent of the legal voters of the Village of Johnson and submitted to the Clerk or the Trustees within forty four (44) days of the adoption by the Trustees (4/21/10), the Trustees shall call a Special Meeting within sixty (60) days of receipt of petition, to determine whether or not the voters shall disapprove the Ordinance as adopted by the Trustees.

The following is a list of headings of the ordinance:

- Article 1: General Provisions.
- Article 2: Definitions.
- Article 3: Abbreviations.
- Article 4: Use of Public Sewers Required.
- Article 5: Capacity Allocation.
- Article 6: Building Sewers and Connections.
- Article 7: Use of the Public Sewer.
- Article 8: Private Sewerage Systems.
- Article 9: Sewer Rents.
- Article 10: Applications/Permits/Fees.
- Article 11: Protection from Damage.
- Article 12: Powers and Authority of Inspectors.
- Article 13: Penalties.
- Article 14: Validity.
- Article 15: Ordinance in Force.

Notice given this 15th day of March, 2010 by Duncan Hastings
Municipal Administrator (802) 635-2611.

Notice Posted in the following locations: Town/Village Offices,
Johnson Post Office, Grand Union, Plum and Main, Merchants
Bank. Town of Johnson Webpage.

Notice Published in the *News & Citizen* on March 18th 2010.
Signed: Duncan Hastings