

**TOWN OF JOHNSON ORDINANCE REGULATING CONNECTIONS
TO VILLAGE OF JOHNSON SEWER SYSTEM WITHIN THE
TOWN SEWER SERVICE AREA AND
WELL HEAD PROTECTION SEWER SERVICE AREA**

Article 1: Authority and Objectives

- A. **Authority:** This ordinance is adopted in accordance with the authority of 24 VSA § 3611 to contract with the Village of Johnson for a block of 25,000 GPD of sewage capacity to be allocated in a defined and mapped area, identified as the “Town Sewer Service Area” (“TSSA”), and a separate block of 3,000 GPD to be allocated in a defined and mapped area identified as the “Well Head Protection Sewer Service Area” (WHPSSA), and 24 VSA § 3625, which authorizes the allocation of said capacity, and in accordance with the terms of the “Inter-Municipal Agreement, as amended from time to time, between the Village of Johnson Vermont and the Town of Johnson Vermont” hereinafter the “Agreement”.
- B. **Objectives:** The Village of Johnson owns and operates a Wastewater Treatment Facility and, by “Agreement” has allocated 25,000 GPD of their reserve capacity for allocation in the “TSSA” and an additional 3,000 GPD of capacity for allocation in in the “WHPSSA” . Whereas the Village of Johnson has the capacity and expertise to own, operate and maintain the facility and sewer lines and improvements, the Town of Johnson intends to convey the East Johnson sewer line and improvements to the Village and to authorize the Village to own, maintain, and upgrade these and other lines and improvements as may be required, and which may located within the Town of Johnson. Furthermore, the Town intends to authorize the Village to assess sewer rents and charges, and bill and collect same for properties connected the sewer system and located within the TSSA and WHPSSA. Through this ordinance the Town of Johnson intends to meet the following additional objectives:
- 1) In order to minimize the negative impacts of unplanned growth sometimes associated with extensions of sewer lines, and minimize the long term maintenance costs, the Town hereby establishes a mapped area to be known as the Town Sewer Service Area, which may accept sewer line extensions from the Village of Johnson sewer system. No other extensions of the Village Sewer System may be allowed within the TSSA by this ordinance;
 - 2) In order to protect the public health, water quality and quantity, and significant public investment in public water supply well #3, owned by the Village of Johnson, the Town hereby establishes a mapped area to be known as the “Well Head Protection Sewer Service Area” (WHPSSA), which may accept sewer line connections to the Village of Johnson sewer system. Connections shall not be extended or divided to lands outside the mapped area.
 - 3) Establish a fair and equitable system of permits to administer sewage allocations within the Town Sewer Service Area and Well Head Protection Sewer Service Area;
 - 4) Establish the respective roles and responsibilities of the Town and the Village with regard to allocation of capacity and connections to the system;
 - 5) Establish a priority system for the allocation of capacity and for connections to the system.

Article 2: Ownership

- A) **Ownership of Allocation:** As per terms of the “Agreement” the Town of Johnson has been granted 25,000 GPD of capacity in the Village Wastewater Treatment Plant for allocation in the TSSA and 3,000 GPD in the WHPSSA. The terms of the “Agreement”, as currently adopted or hereinafter amended, shall govern allocations of capacity issued under this

ordinance. The capacity allocated to the Town under the "Agreement" is the property of the Town of Johnson until final allocation has been approved by the Village Trustees in the manner described below. Any capacity or portion of capacity allocated and not used, for whatever reason, shall revert to the Town of Johnson to be re-allocated as part of the original 25,000 GPD block and or the 3,000 GPD block.

Article 3: Town Sewer Service Area and Well Head Protection Sewer Service Area

- A) The Selectboard has established the Town Sewer Service Area, with the assistance of the Planning Commission, based on proximity to existing sewer lines, highways, topography, and other features in order to minimize long term capital and maintenance costs and maximize potential use. The area is depicted on an attached map (attachment A), which is hereby designated the official "Town Sewer Service Area" and shall govern all decisions for determination of access to capacity allocation.
- B) The Selectboard has established the Well Head Protection Sewer Service Area in consultation with the Village Trustees, staff and consultants, based on the proximity of the property to public water supply well #3 and resultant potential for detrimental effects of certain land uses on said water supply and the grant of a restrictive covenant and easement from Laraway Youth and Family Services to the Village of Johnson, which limits and restricts potential harmful land uses and provides significant protection for said water supply.

Article 4: Allocation Procedures:

A) Permits:

- 1) **Application to the Selectboard:** Any person desiring allocation of capacity shall make application to the Selectboard, or their designees, on forms provided by the Town and provide any and all information required to enable the Board to review the application. The standards established in Article 5 of the "Village of Johnson Ordinance Regulating the Use of Public and Private Sanitary Sewerage Systems" shall govern applications to the Selectboard. The Board shall act to approve or deny any requests for allocation.
- 2) **Fees:** The Board may set a fee schedule to cover the costs of administering the permit system.
- 3) **Application to the Village Trustees:** If the initial allocation is approved by the Selectboard, the applicant shall thereafter submit an application to the Village Trustees, on forms provided by them, for approval of allocation and permission to connect to the sewer lines. The Village is responsible for insuring that all allocations comply with the requirements of it's Discharge Permit issued by the State of Vermont. Therefore, the "Village of Johnson Ordinance Regulating the Use of Public and Private Sanitary Sewerage Systems" shall govern all aspects of review of applications, definitions, capacity allocation, use of public sewer (including required connection), building sewers and connections, sewer rents and charges (including collection of sewer rents as authorized by Village charter and state statute), permit fees, protection from damages, powers and authority of inspectors for applications subject to this ordinance. Approval by the Selectboard shall not guarantee approval by the Trustees, who shall have the sole discretion to approve or disapprove capacity or connections under the terms of their ordinance.

B) Allocation Priorities

The Selectboard shall consult annually with the Village of Johnson to determine how much of the original 25,000 GPD, and 3,000 GPD or such amount allocated by "Agreement" as currently adopted or amended, is available for allocation in that year. The board may limit the amount to be granted in any one year to an amount equal to the total number of gallons available divided by the number of years remaining in the "Agreement" or the useful life of the Sewer Plant, whichever is less. The Selectboard may waive the limit if the amount of capacity available in a given year is not sufficient to meet a demonstrated need. Applications for capacity will be on a first come first serve basis. The following priorities shall govern allocations:

Town Sewer Service Area:

- 1) Connection of the Highland Heights Mobile Home Park mobile homes located in the TSSA, as defined in their approved Act 250 permit and described in a Community Development Block Grant awarded to the Town and Village of Johnson;
- 2) Connections to correct a failed septic system for an existing structure located within the TSSA;
- 3) Connection of an existing structure within the TSSA;
- 4) Connections to structures built after the effective date of this ordinance.
- 5) Notwithstanding the above priorities, the Selectboard may grant first priority to any municipal project and waive the first come first served provisions.

Well Head Protection Sewer Service Area:

- C) 1) Connection for any structure(s) and or land use(s) within the mapped area which are consistent with the restrictive covenant limitations and restrictions as identified in an Easement Deed conveyed by Laraway Youth and Family Services to the Village of Johnson and recorded in the Land Records of the Town of Johnson, Book ___ pages ___.**Effect of and Expiration of Approval****
- 1) Selectboard approval is the first step in the application process and does not represent a binding commitment of capacity for the Village Sewer System. The "Village of Johnson Ordinance Regulating the Use of Public and Private Sanitary Sewerage Systems" shall govern all aspects of preliminary and final approvals and expiration of allocations and approvals. Selectboard approval shall expire one year after date of approval if the applicant has not made application to the Village Trustees for preliminary connection approval.
 - 2) This ordinance shall repeal the "Ordinance of Sewer Use" adopted by the Johnson Selectboard on April 25th 1977.
 - 3) This Ordinance shall repeal "An Ordinance to Establish Sewage Disposal Charges, Time of Payment Thereof , and Penalties for Non Payment" adopted by the Johnson Selectboard on April 25th 1977 except that:
 - a) The authority for collection of fees necessary to pay the bonded indebtedness of the Town of Johnson by the original users (or their assignees) of the East Johnson line, shall be granted to the Village of Johnson upon conveyance of the sewer line(s). All other fees and charges may be billed and collected by the Village of Johnson in accordance with the "Agreement" and the "Village of Johnson Ordinance Regulating the Use of Public and Private Sanitary Sewerage Systems"

- b) The Village of Johnson shall be bound to exercise the provisions of said ordinance for the collection of fees to retire the debt of the Town of Johnson and shall turn over to the Town of Johnson such fees collected for that purpose until the debt is retired. Upon retirement of said debt, the Village will no longer be obligated to these ordinance provisions.
- 4) This Ordinance shall amend and supercede an Ordinance entitled: "TOWN OF JOHNSON ORDINANCE REGULATING CONNECTIONS TO VILLAGE OF JOHNSON SEWER SYSTEM WITHIN THE TOWN SEWER SERVICE AREA", as adopted on May 20th 2002.

Article 5: Penalties

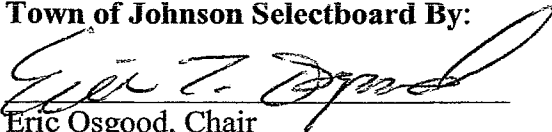
- A) Any person found to be violating any provision of this ORDINANCE, shall be served by the Selectboard with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease the violation.
- B) Any person who shall continue any violation beyond the time limit provided for above shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C) Any person violating any of the provisions of this ordinance shall become liable to the Town of Johnson for any expenses, loss or damage caused by such offense.
- D) Notwithstanding any of the foregoing provisions, the Town of Johnson may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violations hereof.

Article 6: Severability

If any portion of this ordinance and any amendments hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and any amendments hereto shall remain in full force and effect. If any statute is referred to in this ordinance is amended, this ordinance shall be deemed to refer to the amended statute.


Duly enacted and ordained by the Selectboard of the Town of Johnson, Lamoille County, State of Vermont, on the 21st day of September 2009, at a duly called and duly held meeting of said Selectboard. This ORDINANCE shall become effective sixty (60) days from the date hereof petitioned unless repealed by the voters.

Town of Johnson Selectboard By:

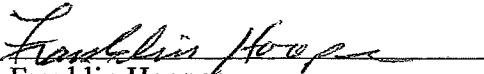

Eric Osgood, Chair

Douglas Molde

Margo Warden



Howard Romero



Franklin Hooper

ATTESTED BY:

Rosemary Audibert, Town Clerk Rosemary Audibert 9/21/2009

Date of Adoption: 9/21/2009

Effective date of Ordinance: 11/202009

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

on

Notice of adoption of Ordinance published in the Following paper:

News and Citizen

**PUBLIC NOTICE
OF TOWN OF JOHNSON
BOARD OF SELECTMAN**

In accordance with the provisions of 24 VSA Chapter 59, The Town of Johnson Selectboard hereby gives notice that on September 21st, 2009, at their regular meeting they adopted an amendment to an Ordinance henceforth known as the: ***“Town of Johnson Ordinance Regulating Connections to Village of Johnson Sewer System within the Town Sewer Service Area and Well Head Protection Sewer Service Area”***.

The purpose of the amendment is to establish a new sewer service area known as a Well Head Protection Sewer Service Area and provide minimum standards for connection to the Village of Johnson Sewer System and allocate the sewer capacity granted by the Village of Johnson.

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 these Ordinances may contact Duncan Hastings, Municipal Administrator, at 635-2611 or by going to the office.

The Ordinance shall go into effect 60 days after date of adoption (11/20/09) unless disapproved by vote of the legal voters of the Town of Johnson as per requirements of 24 VSA Section 1973. When a petition requesting a vote to disapprove an Ordinance has been signed by at least five percent of the legal voters of the Town of Johnson and submitted to the Clerk or the Selectboard within forty four (44) days of the adoption by the Selectboard (11/4/09), the Selectboard 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 Selectboard.

The following is a list of headings of the ordinance:

Town of Johnson Ordinance Regulating Connections to Village of Johnson Sewer System within the Town Sewer Service Area and Well Head Protection Sewer Service Area:

Article 1: Authority and Objectives.

Article 2: Ownership.

Article 3: Town Sewer Service Area.

Article 4: Allocation Procedures.

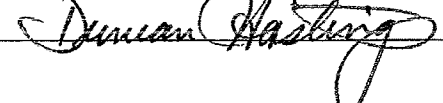
Article 5: Penalties.

Article 6: Severability.

Notice given this 30th day of September, 2009 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.

Notice Published in the Transcript on 10/5/09 and News and Citizen on 10/8/09.

Signed:  _____