

SEWER USE ORDINANCE
FOR
THE VILLAGE OF BARTON, VERMONT

Adopted 1981

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Residential or Commercial Building Sewer Application

Industrial Sewer Connection Application

Private Waste Disposal Application

**SEWER USE ORDINANCE
VILLAGE OF BARTON**

**AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE
SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING
SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC
SEWER SYSTEM (S) : AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF
: IN BARTON VILLAGE, INC., COUNTY OF ORLEANS, STATE OF VERMONT.**

Be it ordained and enacted by the Trustees of Barton Village, Inc., a municipality duly incorporated under the laws of the State of Vermont, and situated in the County of Orleans, state of Vermont, as follows:

**ARTICLE I
Definitions**

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

Section 1. "Board of Sewage Disposal Commissioners" (Sometimes termed Commissioners) shall mean the Trustees of the Incorporated Village of Barton, Vermont.

Section 2. "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 20C, expressed in milligrams per liter.

Section 3. "Building Drain" shall mean that part of the lowest horizontal piping of a Drainage system which received the discharge from soil, waste, and other drainage pipes Inside the walls of the building and conveys it to the building sewer, beginning five (5) Feet outside the inner face of the building wall.

Section 4. "Building Sewer" shall mean that part of the Sewerage System which receives The sewage from the house plumbing system and conveys it to the nearest end of the of The house connection, unless a house connection is not available, whereby the building Sewer shall be extended to the nearest available "Y" branch on the main sewer.

Section 5. "Combined Sewer" shall mean a sewer receiving both surface runoff and Sewage.

Section 6. " Contractor" shall mean such person as shall be engaged by a person to Connect a building to a public sewer and shall include a person acting in his own behalf.

Section 7. "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.

Section 8. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade of business as distinct from sanitary sewage.

Section 9. "Natural Outlet" shall mean any outlet into a water-course, pond, ditch, lake, or other body of surface or groundwater.

Section 10. "Person: shall mean any individual, firm, company, association, society, Corporation, or group.

Section 11. "Ph" shall mean the logarithm of the reciprocal of weight of hydrogen ions In grams per liter of solution.

Section 12. "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 ($\frac{1}{2}$) inch (1.27) centimeters) in any dimension.

Section 13. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Section 14. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Section 15. "Secretary" shall mean the Secretary of the Agency of Environmental Conservation, State of Vermont, or his representatives.

Section 16. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Section 17. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 18. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Section 19. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 20. "Shall" is mandatory; "May" is permissive.

Section 21. "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.

Section 22. "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 23. "Superintendent" shall mean the Superintendent of Sewage Works and/or of Water Pollution Control of the Village of Barton or his authorized deputy, agency or representative.

Section 24. "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.

Section 25. "Trustees" shall mean the duly elected Board of Trustees which is the governing body of Barton Village, Inc.

Section 26. "Village" shall mean the incorporated Village of Barton, Vermont; as defined by its charter.

Section 27. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II Abbreviations

For the purpose of this ORDINANCE, the following abbreviations shall have the meaning ascribed to them under this ARTICLE. References to standard 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 Facility.

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 III Mandatory Use of Public Sewers

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 or in any area under the jurisdiction of said Village, any human excrement, garbage or other objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction or said Village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ORDINANCE and the Laws of the State of Vermont.

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

Section 4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combine sewer of the Village is hereby required at his expense 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 sewer is within one hundred (100) feet (30.5) meters of the structure to be served, unless undue hardship would result, in which case the property owner should request in writing a deferral of this requirement from the Board of Sewage Disposal Commissioners of Barton Village, Inc.

ARTICLE IV Building Sewers and Connections

Section 1. No unauthorized person shall uncover, make any connections with or opening into use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from a Commissioner. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify a Commissioner at least forty-five (45) days prior to the proposed change or connection. No such change or connection shall be made without the written permit from the Commissioners.

Section 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial waste . In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Superintendent. A permit and inspection fee of Fifty (\$50.00) dollars for a residential or commercial building sewer permit and Seventy Five (\$75.00) dollars for an industrial building sewer permit shall be paid to the Village at the time the application is filed. This fee shall be reduced to Twenty five(\$25.00) dollars in such cases where an adequate building sewer already exists from the trunk or collector sewer main to the property line.

Section 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this ordinance.

Section 6. The size, slope, alignment, materials or 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. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Section 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the sanitary sewer.

Section 8. No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff or ground water to a building sewer or building drain 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 their expense, within (45) days upon receipt of written notification by the Commissioners.

Section 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the ASTM and 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 10. Prior to any connection to the house connection, "y" or to the main sewer, the Applicant for the building sewer permit shall give to the Commissioners forty-eight (48) hours notice in order that they may supervise such work. If the Commissioners have not been properly notified they may require the completed work to be uncovered for examination, at the owner's own expense.

Section 11. Clean outs shall be installed where the distance from the building to the main sewer is greater than one hundred (100) feet or where bends greater than for-five (45) degrees are used in the building sewer. Clean outs shall be made by installing a "Y" and one-eighth (1/8) bends of the same diameter as the building sewer. 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 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 be properly capped. Locations of all clean outs shall be recorded and turned over to the Commissioners.

Section 12. Before any portion of the existing plumbing system outside of the building is connected to the building sewer, the owner shall prove to the satisfaction of the Commissioners, that it is clean and conforms in every respect to this ORDINANCE and that all joints are water tight.

Section 13. Where pipe is installed for building sewers, such work shall be performed by a plumber approved by the Commissioners.

Section 14. The Commissioners shall apply appropriate tests to the pipes and the plumber and contractor, at their own expense, shall furnish all necessary tools, labor, material and assistance for such tests and shall remove or repair any defective materials when so ordered by the Commissioners.

Section 15. All excavations for building sewer installation shall be adequately guarded with barricades and lights to as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

Section 16. The contractor shall not block any driveway, street, road or railroad at any time without permission of the Commissioners 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 Commissioners, safe bridges or other means of egress.

Section 17. -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 watertight, (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 18. 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. The building inspector or some authorized person will 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. 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 _____ (Municipality) 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. The capacity allocation belongs to the _____ (Municipality) and is not transferable until the project/building/development is constructed and connected to the main sewer line.

ARTICLE V
Use of the Public Sewers

Section 1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer combined sewer, or natural outlet.

Section 3. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

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 sewage treatment plant.

c) Any waters or wastes having a pH lower than 6.0 or higher than 8.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

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 Superintendent 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 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 liquid or vapor having temperature higher than one hundred fifty (150) degrees F (65) degrees C.

b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65) degrees C.

c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.

d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

f) Any waters or wastes containing phenols or other wastes 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 having a ph in excess of 9.5. This may be reviewed on a case by case basis and a more restrictive limit may be established.

i) 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, 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.

j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Superintendent, may have a deleterious effect

upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a) Reject the wastes,
- b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- c) Require control over the quantities and rates of discharge.

If the Commissioners permit the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commissioners and Health Officer, and subject to the requirements of all applicable codes, ordinances and laws and to the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry.

Section 6: Grease, oil, hair, and sand interceptors shall be provided when, in the opinion of the Commissioners, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioners 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, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and watertight.

Section 8. Where installed, all grease, oil, hair and sand interceptors shall be maintained by the owner, at his expense in continuously efficient operation at all times. Materials collected shall not be reintroduced into the public sewerage system.

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 expense.

Section 10. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the 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 11. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in the ORDINANCE shall be determined in accord with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

(The particular analyses involved will determine whether a twenty-four (24) hour composite of all out falls of a premises is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all out falls whereas ph's are determined from periodic grab samples.

Section 12. Any person discharging industrial wastes who is found to be in violation of the provisions of this ORDINANCE may have his disposal authorization terminated.

Section 13. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment, therefore, by the industrial concern; requirements of existing Federal or State laws or regulations and are compatible with any user charge and industrial cost recovery system in effect.

Section 14. Any person proposing a new discharge into the public sewage 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 Commissioners at least forty-five (45) days prior to the proposed change or connection, and provide all laboratory analyses, technical data, engineering reports and all other information requested by the Commissioners at their expense. No such change or connection shall be made without a written permit from the Commissioners.

ARTICLE VI 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 Sewerage 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 VII Powers and Authority of Inspectors

Section 1. The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his 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 wastes treatment.

Section 2. While performing the necessary work on private properties referred to in Section 1 hereof, the Superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by Village 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 bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspections, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII Penalties

Section 1. Any person found to be violating any provision of this ORDINANCE except Article VI, shall be given by the Village 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 all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Article VII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than one year, or both, for each violation. Each week in which any such violation shall continue shall be deemed a separate violation.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to

the Village for any expenses, loss, or damage occasioned the Village by reason of such offense.

Section 4. Notwithstanding any of the foregoing provisions, Barton Village, Inc., may institute any appropriate civil action for damages as well as for injunctive relief or other proceeding to prevent, restrain or abate violations hereof.

ARTICLE IX Rates

Section 1. The Board of Sewage Disposal Commissioners shall establish the user charge and industrial cost recovery system in accordance with appropriate Federal and State rules and regulations, to be called sewage disposal charges, to be paid at such times and in such manner as the Commissioners may prescribe. The owner of any tenement house, building or lot shall be liable for the sewage disposal charge as hereinafter defined. Such sewage disposal charge shall constitute a lien upon such real estate in the same manner and to the same effect as taxes constitute a lien upon real estate.

Section 2. The Board of Sewage Disposal Commissioners shall, in establishing the rates referred to in Article IX, Section 1 above, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of 40 CFR S35.935-13 and Chapter 101 of Title 24, Vermont Statues Annotated.

Section 3. Rate Structure

Subsection 3 (A) Basic

The purpose of the charge system as herein defined is to allow the Village, acting through its Board of Trustees, to received sufficient revenues to pay all expenses associated with construction, operation and maintenance of the municipal wastewater system.

The system is established to provide a fair and equitable means of charging all users based on the nature and volume of wastewater discharged to the system.

The factors applied to the various classes of users are based on actual metered data, when available. In the absence of metered data, estimates are based on U.S. Public Health Service data or other suitable engineering references which are generally accepted for this purpose.

The single family residential unit (with an assigned value of 1.0) serves as a base for determining equivalent charge units for other user classes.

Subsection 3 (B) Definition of User Classes

The various classes of users shall be broadly defined as follow:

- i. Unmetered Connections: includes all users which have no reliable and continuous means of measuring either the water supply to the building plumbing or the wastewater flow from the building plumbing.

a. Residential: includes each building (or portion thereof) which houses an individual family unit, such as houses, apartments, mobile homes.

b. Commercial: includes each building (or portion thereof) which business activity occurs, such as stores, offices, food or lodging establishments, shops, private clubs.

c. Institutional: includes each building (or portion thereof) in which public, government, or non-profit activities are conducted, such as schools, public libraries, armories, churches.

ii. Industrial Connections: includes any building (or portion thereof) in which manufacturing, processing, or other activities occur which result in a discharge to the public sewer, part or all of which is different from sewage characteristically found in "normal" domestic sewage. Consideration must be given to the strength and rate (both average and peak) factors of the discharge. Further definition shall be provided in the Village Sewer Ordinance and in the federal and state regulations pertaining to Industrial Cost Recovery. At this time, there are no industrial connections.

iii. Other Metered Connection: includes any building (or portion thereof) which has a suitable device for accurate and continuous metering of the water supply or wastewater discharge from said building. Such buildings can be of the type defined previously except for those classified as "Industrial Connections."

Subsection 3 (C) Method of Determining User Charges.

i. The Village Board of Trustees will adopt a user charge system as herein described and shall review it annually to ensure that the revenue meets the costs of the system. Adjustments, additions, omissions or other changes shall be made to any portion of the schedule (Sec. IV) as necessary to ensure that charges remain equitable.

ii. Following is a procedure to be followed establishing specific user charges:

a. Review the User Charge Schedule to ensure that the number and type of users are correct and that the estimated flow rate for each connection is reasonable.

b. Determine the total number of "equivalent units" for all unmetered and non-industrial metered connections. An "equivalent unit" is defined as the ratio of estimated flow from a "Residential-Regular" connection. Obtain "equivalent units" for unmetered connections from Section IV. Determine equivalent units for metered connections by dividing 100% of the total daily metered flow by the estimated "Residential-Regular" flow of 160 gallons per day.

c. Determine the total revenue required to meet all expenses of the system. Include debt retirement of capital costs, operating and maintenance costs.

d. Subtract any revenues received from outside sources or surplus from the preceding year or from non-user charges, such as connection fees.

e. Divide the balance (of required revenue) by the number of equivalent users. The result shall be the annual charge to be assessed each user per equivalent factor.

Subsection 3 (D) User Charge Schedule

i. Metered Connections: All connections which have meters or subsequently install (water or sewage) meters and are not charged under the requirements of "Industrial Connections" specified below shall be charged as follows:

a. Determine the average daily flow rate for the preceding period. If wastewater flows discharged to the public sewer are not metered, rates shall be based directly on water meter readings.

b. Divide that rate by the value established as the average daily flow for the user class "Residential-Regular," which has an equivalent value of 1.0. The resulting value shall be the equivalent for each metered connection.

c. Multiply the equivalent value by the prevailing rate for the "Residential-Regular" class.

ii. Industrial Connections: All industrial users shall be metered. If wastewater flows discharged to the public sewer are not metered, rates shall be based directly on water meter readings.

iii. Unmetered Connections:

Subsection 3 (E) Billing Frequency

The Village Trustee may, at their discretion, revise the billing frequency provided that the total amount of charges assessed shall conform to this schedule.

Unless otherwise approved by the Trustees, bills will be submitted to all users on a quarterly basis.