

**Town of Hinesburg
Municipal Wastewater System Use Ordinance**



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MUNICIPAL WASTEWATER SYSTEM USE ORDINANCE

for

Town of Hinesburg

RULES AND REGULATIONS

The Town of Hinesburg, by and through its Selectboard, ordains that the rules and regulations herein set forth are established as necessary and desirable for regulating the use of public sewers, and the discharge of waters and wastes into the public sewer systems and providing penalties for violations thereof in the Town of Hinesburg, County of Chittenden, State of Vermont.

Be it ordained and enacted by the Selectboard of the Town of Hinesburg, State of Vermont as follows:

ARTICLE 1

Definitions

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

- 1.01 “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 20 degrees C., expressed in milligrams per liter.
- 1.02 “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
- 1.03 “Building Sewer Line” shall mean the line running from the building connecting to the main. Property owner shall be responsible for installation, maintenance, repair or replacement of Building Sewer Line.
- 1.04 “Commissioners” shall mean the Hinesburg Board of Wastewater Commissioners; i.e. the Hinesburg Selectboard.
- 1.05 “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
- 1.06 “Domestic Wastewater or Sanitary Sewage” shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.
- 1.07 “Equivalent Residential Unit (ERU)” for the purposes of this Ordinance shall mean the number of units a commercial or institutional account will be billed per quarter as a relationship to an average single family residential dwelling unit consuming 210 gpd

(28.075 cubic ft/day). This relationship shall be expressed as the commercial or institutional account's actual quarterly consumption divided by 210 gpd-e.g. if a commercial account used 3,150 gpd, it shall be billed at 15 units. ERU will be computed once per year using an average consumption based on previous 4 quarters or based on State Design Flow guidelines in the case of a new account.

- 1.08 "Force Main" shall mean the pressurized sewer pipe that collects raw wastewater pumped from a raw wastewater pump station or other raw wastewater pumping system.
- 1.09 "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.
- 1.10 "Health Officer" shall mean the legally designated Health Officer of the Town of Hinesburg or their duly authorized agent.
- 1.11 "Improved Property" shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure, sanitary sewage or industrial wastes shall be or may be discharged.
- 1.12 "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- 1.13 "Industry" shall mean any room, group of rooms, buildings or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, or assembling any product, commodity, or article or from which any process wastes, as distinct from sanitary sewage, shall be discharged.
- 1.14 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 1.15 "Owner" shall be any person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.
- 1.16 "Person" shall mean any individual, firm, company, association, society, corporation, group, or other legal entity.
- 1.17 "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 1.18 "Properly Shredded Garbage" shall mean the wastes from 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.
- 1.19 "Private Wastewater Facilities" shall mean all facilities, piping and pump station wholly owned, operated, maintained, repaired or replaced by property Owner. Pump station may either be located within Town road right-of-way or on private property. Pump station will pump wastewater from one or more properties to Town main or manhole.

- 1.20 “Public Sewer” shall mean a sewer controlled by public authority, in this case the Town of Hinesburg
- 1.21 “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted, which operates by natural gravitational forces.
- 1.22 “Secretary” shall mean the Secretary of the Agency of Natural Resources, State of Vermont or his or her representatives.
- 1.23 “Selectboard” shall mean the Selectboard of the Town of Hinesburg acting as Board of Wastewater Commissioners, governing body of the Municipal Wastewater System.
- 1.24 “Superintendent” shall mean the Appointee of the Selectboard as its authorized deputy, agent or representative designated as responsible for operation of the Wastewater System of the Town.
- 1.25 “Sewage” shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.
- 1.26 “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
- 1.27 “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- 1.28 “Sewer” shall mean a pipe or conduit for carrying sewage.
- 1.29 “Shall” is mandatory: “May” is permissive.
- 1.30 “Slug” shall mean any discharge 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.
- 1.31 “Storm Drain” (synonymous with “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.
- 1.32 “Structure” shall mean a house, building or any other assembly of materials used for sustained human occupancy of several hours duration, including but not limited to residence, place of employment, meeting places and places used for recreation.

- 1.33 “Suspended Solids” shall mean solids that either float on the surface or, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- 1.34 “Raw Wastewater” shall mean wastewater that has received no initial solids reductions such as by means of septic tank treatment or grinding of the large solids into smaller solids.
- 1.35 “Town” shall mean the municipality of Hinesburg, Chittenden County, State of Vermont acting by and through its Selectboard or, in appropriate cases, acting by and through its authorized representatives, agents, deputies or operators.
- 1.36 “Unit” shall mean any building or specific portion thereof which is separately identifiable as:
- a: Residential: Self-contained housekeeping facility for one family (house, duplex, apartment, condominium).
 - b: Commercial: Individual, self-contained facility or business such as store, motel, hotel, garage. For hotels and motels, each room shall equal ½ unit. A meter will be required for each building in a hotel/motel complex.
 - c: Industrial: Individual self-contained facility for use in manufacturing or industry.
 - d: Elder/handicapped housing: A housing facility that has significant facilities and services specifically designed to meet the physical or social needs of older or handicapped persons. Significant facilities and services may include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, emergency and preventive health care programs, congregate dining facilities and transportation to social services. At least 90% of the units shall be occupied by at least one handicapped person or one person 55 years of age or older.

“Congregate elder/handicapped housing: An elder/handicapped housing facility that is designed in an accessible physical environment, normally in a limited number of buildings with internal hallways.”
 - e. Institutional: a public sector or municipal obligation, or a project deemed by the Selectboard to be important to the general health and well being of the community. i.e. schools, town offices, care facilities, medical facilities, libraries or other.
- All unit designations shall be determined by the Selectboard.
- 1.37 “Wastewater” shall mean sewage and is synonymous with that term.

ARTICLE 2

Abbreviations

For the purpose of the 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.

- Sec. 1 ANSI shall mean American National Standard Institution.
- Sec. 2 ASME shall mean American Society of Mechanical Engineers.
- Sec. 3 ASTM shall mean American Society for Testing/Materials.
- Sec. 4 AWWA shall mean American Water Works Association.
- Sec. 5 NPC shall mean National Plumbing Code.
- Sec. 6 CS shall mean Commercial Standards.
- Sec. 7 WPCF shall mean Water Pollution Control Federation.
- Sec. 8 ppm shall mean parts per million
- Sec. 9 mg/l shall mean milligrams per liter.
- Sec. 10 Degrees F shall mean degrees Fahrenheit.
- Sec. 11 Degrees C shall mean degrees Centigrade.
- Sec. 12 cm shall mean centimeter.
- Sec. 13 m. shall mean meter.
- Sec. 14 sq. m shall mean square meters.
- Sec. 15 l. shall mean liters.
- Sec. 16 Kg. shall mean kilograms.
- Sec. 17 PWDS shall mean Private Waste Disposal System.

ARTICLE 3

Mandatory Use of Public Sewers

- 3.01 It shall be unlawful for any person to place, deposit, or permit to be placed or deposited, upon public or private property within the town or any area under the jurisdiction of said Town, any human excrement, garbage or other objectionable waste.
- 3.02 It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, 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.
- 3.03 Except as provided hereinafter or by the Rules and Regulations of the State of Vermont, 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.
- 3.04 The Owner of a structure, situated within the Town's wastewater service area as defined in the Wastewater Allocation Ordinance, is required to install suitable toilet facilities therein. Under the following conditions, the Owner shall be required to connect those facilities to a public sanitary gravity sewer or a low pressure effluent sewer:

- (a) A sewer line is in an adjacent street, alley or right-of-way and
- (b) A sewer line is within two hundred (200) feet (61.5 meters) of the structure to be served.

An Owner may apply to the Selectboard for a deferral of this section due to unusual hardship.

ARTICLE 4

Building Sewers and Connections

- 4.01 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 the Town. 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 the Town at least forty-five (45) days prior to the proposed change or connection.
- 4.02 Building connection permits:
The Owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Town. A Connection Fee shall be paid to the Town at the time the application is filed. Copies of fee schedule are available at the Town offices. No permit will be issued until all other applicable State or local permits have been acquired and confirmation of the same furnished with the application for permit. Buried Utility Permit from Town of Hinesburg required if installation is within Town Highway Right-of-Way.
- 4.03 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 Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 4.04 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.
- 4.05 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.
- 4.06 The size, slope, alignment, materials of construction of 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 and shall be approved before construction begins and inspected during construction by the

Superintendent. 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. Upon inspection, any part of the installation not in conformance with approved plans shall be replaced by the owner. All such connections shall be made watertight. No connection shall be made during the period November 15 to April 15 without prior cold weather construction approval of the Selectboard.

- 4.07 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 discharge to the sanitary sewer.
- 4.08 Private Pump Stations serving a single building or group of buildings shall be constructed watertight in conformance with all applicable State of Vermont rules and regulations concerning piping size, number of pumps, emergency storage, alarm system etc. Private Pump Stations shall be subject to periodic inspection by the Superintendent. If such inspection reveals items in need of repair or replacement, the Owner shall make such repairs in a timely fashion or be subject to the Penalties outlined in Article 9.
- 4.09 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, basement pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. If any such connection is discovered, the Superintendent shall notify Owner in writing; Owner shall detach the illegal connection immediately and be subject to the Penalties outlined in Article 9.
- 4.10 Prior to any connection the Superintendent shall be given forty-eight (48) hours notice in order that they may supervise such work. If the Superintendent has not been properly notified, they may require the completed work to be uncovered for examination, at the Owner's expense.
- 4.11 Clean outs shall be installed where the distance from the building to the main sewer is greater than one hundred fifty (150) feet or where bends greater than forty-five (45) degrees are used in the building sewer. (See 4.06 above regarding plan submittal, materials and inspection by the Superintendent.) 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 with a metal clean out frame and cover set in a 18" x 18" concrete pad 8" thick. Locations of all clean outs shall be recorded and turned over to the Superintendent.
- 4.12 Before any portions of the existing plumbing system outside of the building is connected to the building sewer, the Owner shall prove, to the satisfaction of the Superintendent, that it is clean and conforms in every respect to this ORDINANCE and that all joints are watertight.
- 4.13 Where pipe is installed for building sewers, such work shall be performed by a qualified person approved by the Superintendent.

- 4.14 The Superintendent shall require appropriate tests to the pipes and the owner, 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 Superintendent.
- 4.15 All excavations for building sewer installation shall be at the owner's expense, adequately guarded with barricades and lights so 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 Town.
- 4.16 The contractor shall not block any driveway, street, road or railroad at any time without permission of the Town 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 Town, safe bridges or other means of egress.

ARTICLE 5

Wastewater Main Extension, Plan Approval and Construction

- 5.01 Any person desirous of constructing an extension to the wastewater system shall apply to the municipality. Upon preliminary approval of the application by the Selectboard, the applicant shall have final plans and specifications developed by a professional engineer whom the municipality agrees has demonstrated proficiency in wastewater system design, and is registered to practice civil or sanitary engineering in Vermont. Construction shall not commence until approval of the plans has been issued by the Selectboard. Written approval by the Selectboard will address issues such as engineering oversight, submission of record drawings, warranty, the municipality's rights for review of the project and payment by the applicant in the event an outside engineering firm is hired by the municipality to review the project during construction. All work performed shall remain uncovered until an authorized representative of the Town has inspected the work and indicates general satisfaction with it.
- 5.02 No main extension shall be made during the period November 15 to April 15 without prior cold weather construction approval of the Selectboard. The owner may be assessed an additional charge as part of the connection fee to cover the additional expense incurred as a result of cold weather construction.

ARTICLE 6

Use of the Public Sewers

- 6.01 No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- 6.02 No person shall discharge or cause to be discharged any of the following described waters 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 singularly 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 pH lower than 5.0 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, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- 6.03 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, 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 liquid or vapor having a 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/1 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 (0.76 hp metric) 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, or other heavy metals 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 waste 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.
- (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.

6.04 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substance or possess the characteristics enumerated in 6.03 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 Superintendent permits 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 Superintendent 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.

- 6.05 Grease, oil, hair, and sand interceptors shall be provided when, in the opinion of the Superintendent, 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. Superintendent shall approve type, capacity and location of interceptor; location shall provide ready and easy access for cleaning and inspection.

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 gastight and watertight.

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 but shall be satisfactorily disposed of elsewhere in accordance with standards, rules or regulations . The Owner shall provide the Town with records of cleaning, maintenance and inspection when deemed necessary by the Superintendent.

- 6.06 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.
- 6.07 When required by the Superintendent, the Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole or structure together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible to the Superintendent 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.

- 6.08 All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this 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 or structure provided, or upon suitable samples taken at said control manhole. In the event that no special structure 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 analysis involved will determine whether a twenty-four (24) hour 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 analysis are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.
- 6.09 Any industry held in violation of the provisions of this ORDINANCE may have its disposal authorization terminated.
- 6.10 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment, therefore, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any user charge and industrial cost recovery system in effect.

ARTICLE 7

Protection from Damage

- 7.01 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 Town of Hinesburg Wastewater 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 8

Powers and Authority

- 8.01 The Superintendent and other duly authorized employees of the Town 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 the 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 wastewater treatment.

- 8.02 While performing the necessary work on private properties referred to in 8.01, above, the Superintendent or duly authorized employees of the Town 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 Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company to maintain safe conditions.
- 8.03 The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, 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 9

Penalties

- 9.01 Any person found to be violating any provisions of this ORDINANCE except Article 7, shall be served by the Town with written notice stating the nature of the violation and providing a three day (72 hours) time limit for the satisfactory correction thereof. The Superintendent may grant a written extension, for good cause shown, presented in writing, prior to the expiration of the time limit. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 9.02 Any person who shall continue any violation beyond the time limit, and any extension thereof, provided for in 9.01, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500.00 for each violation. Each seven day period thereafter, or any part thereof, without cessation shall be deemed a separate offense.
- 9.03 Any person violating any of the provisions of this ORDINANCE shall become liable to the Town for any expense, loss, or damage incurred by the Town by reason of such offense.
- 9.04 Any person delinquent in payment of sewer services bills, may be disconnected as provided by 24 VSA Ch. 129. Collection and reconnection fees will also be assessed the delinquent party (see current fee schedule-Attachment 3).
- 9.05 Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violations hereof.

ARTICLE 10

User Charge System

- 10.01 The Commissioners shall establish the user charge system in accordance with appropriate Federal and State rules and regulations, incorporating requirements of 40 CFR 35.2140 and 24 V.S.A., Chapter 101. The rates shall be established to defray the costs of the Town's share of the initial construction of wastewater collection transportation and treatment facilities, upgrades to the facilities, the cost of annual operation and maintenance of the facilities, as well as to provide a capital reserve for renewal or replacement. Schedules reflecting the method of calculation of current rates and fees are available at the Town Offices. Fee schedule in force at the time of adoption of this ordinance is attached as Appendix 1. The Commissioners shall have the authority to negotiate a special rate agreement or arrangement with any industrial concern whereby an industrial waste may be accepted for treatment, subject to payment, therefore, by the industrial concern.
- 10.02 The Commissioners shall, in establishing the rates referred to in 10.01 above, make specific reference to the sewer use rate structure in force at the time of any connection.
- 10.03 Each house, building, structure or unit within the Town which is serviced by the public sewer shall be subject to the sewer use rates. The cost of the annual loan payment for bond retirement and the yearly operation maintenance and replacement shall be borne by the users of this system. The rate structure shall be based on a system of charges related to the actual water used by each user as determined from a water meter installed on the domestic water supply. In the event a meter installation is not possible, a flat fee will be assessed the unit.
- 10.04 An annual charge is hereby imposed upon every person whose premise is served by the public sewage system of the Town for the service rendered by such public sewerage system to the Owners and other users of real property, to defray the costs of construction and debt service of said system. A minimum quarterly charge, or base charge, will be imposed on each separate unit to defray all or parts of operation and maintenance costs, project capital costs and debt service, to establish a capital reserve fund and/or other method of computation as determined by the Commissioners. Commercial and institutional accounts shall be billed on an Equivalent Residential Unit (ERU) basis. Those users whose structure or unit is unoccupied during the billing quarter will be assessed the referenced base charge.
- 10.05 The Commissioners have the authority to modify, adjust, increase or decrease the charge as may, from time to time, be deemed appropriate. The minimum sewer rate established in 10.04 shall be charged whether or not the property is occupied.
- 10.06 In order to determine sewer use charges, meters shall be read quarterly, sometime after the first of January, April, July and October by department personnel or duly authorized representatives. Sewer use charges shall be subsequently billed quarterly becoming due on or before the 30th day following the date of the invoice. A late penalty of five percent (5%) of the total amount due shall be charged for payment after the due date.

An additional 5% penalty will be assessed on any unpaid balance in each subsequent billing cycle. See “Town of Hinesburg Policy Concerning Water and Wastewater Billing Procedures” Appendix 2.

- 10.07 Wastewater service may be disconnected for nonpayment of wastewater bill, health hazard elimination or for violations of this ORDINANCE. Before service is disconnected for delinquency of payment, the Town shall follow the procedure set forth in 24 V.S.A. Chapter 129. Notice for payment request and disconnection will be mailed at least 14 days in advance of the wastewater disconnection date (see Appendix 3- Disconnection Notice Form). Disconnection on account of delinquency of wastewater rate payment will not be made on a day immediately preceding a Saturday, Sunday or a state or federal holiday. When the Selectboard dispatches an agent to effect a disconnection caused by delinquency of payment and, upon arrival, payment is made to the agent for all charges due including the collection fee as permitted under 24 V.S.A. Chapter 129, service will be permitted to continue. If a violation of rules, health hazard or emergency incident results in a disconnection, a reconnection charge will be assessed for resumption of service in addition to the disconnection charge. If the customer requests a hearing, one shall be held within five work days to determine if wastewater service will continue to be denied, or if restored under what conditions. Service, once disconnected, shall not be restored until the reason for disconnection has been eliminated.
- 10.08 A sewer use charge shall be a lien upon real estate in the same manner as to the same effect as taxes are a lien upon real estate pursuant to Title 32 Vermont Statutes Annotated Section 5061.
- 10.09 Any person who feels his user charge, or method used to calculate said user charge, is unjust and inequitable may make written application to the Town requesting a review of his charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.
- 10.10 The rates as established by the Articles of this ORDINANCE shall prevail. Any previous contracts, agreements, or arrangements as to rates, method for collection, any other element effecting rates and charges shall be null and void.

ARTICLE 11

Other Charges and Fees

- 11.01 Allocation charges shall be assessed, pursuant to the “Town of Hinesburg Wastewater Capacity Allocation Ordinance” to all persons having been granted an allocation by the Town.

- 11.02 A sewer connection fee will be assessed to all persons submitting Sewer Connection Applications to the Town as provided by 4.02 . All fees shall be paid at the time the application is submitted to the Town.
- 11.03 Collection and reconnection fees will be assessed as provided by 9.04. (Ref. 24 VSA Chapter 129 – Uniform Water and Sewer Disconnect.)
- 11.04 Engineering service charges shall be assessed to developers to cover expenses incurred by the Town for the review, inspection, and work related to development projects as performed by an engineer selected by the Town.
- 11.05 The current fee schedule is available from the Town offices upon request and is attached to this ORDINANCE as Attachment 3.

ARTICLE 12

Responsibilities and Liabilities

- 12.01 The Town shall not be liable for any damage caused by, and not limited to, interruption of service for repairs, necessary operations, and/or additions or improvements to the Sewage Works.
- 12.02 The Town shall not be required to provide notice of interruption. Notice of interruption may be provided as a courtesy only except as noted in 12.03 below.
- 12.03 Users shall be notified in writing of interruption of service by “Disconnection” as provided by the Provisions of this ORDINANCE, (24 VSA CH 129).
- 12.04 No person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage occasioned by accident to any portion of the Sewage Works, or for non-use occasioned by absence or any other reason.
- 12.05 The Town will comply with State Regulations with regard to testing, monitoring, and reporting of the wastewater system.
- 12.06 The Town shall, at no time, jeopardize its current customers by authorizing more new wastewater services than it can accommodate. The Town shall be under no obligation to commit to any development any portion of its capacity, but may allocate its capacity amongst various areas of the Town as the Commissioners deem most appropriate.
- 12.07 Boundaries of areas served by the Town shall be defined by the Town and the furnishing of services outside of the boundaries shall be at the discretion of the Commissioners. (See “Town of Hinesburg Wastewater Capacity Allocation Ordinance” for a full description and map of Hinesburg Wastewater Service Area.)

ARTICLE 13
Validity

- 13.01 The Selectboard may make such rules and regulations relating to the use of sewerage works of the Town as they shall deem necessary for proper operations of the sewerage works.
- 13.02 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 13.03 The invalidity of any section, clause, sentence, or provision of this ORDINANCE shall not affect the validity of any other part of this ORDINANCE which can be given effect without such invalid part or parts.
- 13.04 These rules may be amended at any time by the Selectboard as provided by law.

ARTICLE 14
Ordinance in Force

- 14.01 This ORDINANCE as amended shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- 14.02 Passed and adopted by the Selectboard of the Town of Hinesburg, State of Vermont on this 28th day of July, 2008.

Town of Hinesburg
Selectboard

Jonathon S. Trefry

Andrea Morgante

Howard E. Russell

Randall C. Volk

Kenneth Brown

Adopted by Selectboard July 28, 2008
Effective September 26, 2008

Received and Recorded this _____ day of _____, 2008.

Melissa Ross, Town Clerk

Town of Hinesburg Wastewater System

Wastewater Rates, Special Charges and Connection Fees

Effective July 28, 2008

Wastewater Rates:

1. Metered Properties

\$20.00___ per unit per quarter base fee

\$ 0.01___per cubic foot water usage

2. Unmetered Properties

\$20.00___ per unit per quarter base fee

\$20.00___ per unit per quarter unmetered usage charge

Connection Fee:

\$1000 per unit

Special Charges:

1. Collection Fee \$25/trip

2. Reconnection Fee \$25/normal work hours, \$37.50/overtime hours

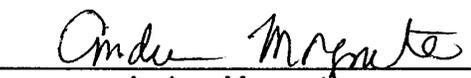
TOWN OF HINESBURG
Policy Concerning Water and Wastewater Billing Procedures

The Hinesburg Selectboard adopts the following policy regarding the water and wastewater billing procedures for the Town of Hinesburg Water and Wastewater Department:

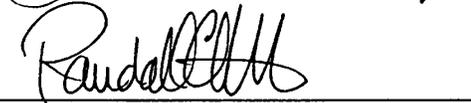
1. When quarterly bills are sent out for water and wastewater service, an account with an outstanding balance from the previous quarter will be stamped "PAST DUE" in red. A notice will be included with the bill which states that the account must be current prior to the next quarterly bill or a service shut-off notice will be posted. The notice will include contact information for the Water & Wastewater Billing Department, in order to set up a payment plan if necessary.
2. A customer that has an outstanding balance for two consecutive quarters, and who has not contacted the Water & Wastewater Billing Department to set up a payment plan, will receive a "Disconnect Notice" a minimum of fourteen days prior to service shut-off. The procedure will adhere to those set forth in V.S.A. Title 24, Chapter 129.
3. During the fourteen day notice period, the customer may do one of the following:
 - a. Settle the account in total;
 - b. Set up a payment plan with the Water & Wastewater Billing Department;
 - c. File an appeal with the Hinesburg Selectboard
4. If the customer fails to take action as outlined above, service will be discontinued at the conclusion of the notice period in conformance to V.S.A. Title 24, Chapter 129.

Policy adopted by the Selectboard on October 6, 2003.

Isl 
Lynn E. Gardner

Isl 
Andrea Morgante

Isl 
Jonathan S. Trefry

Isl 
Randall C. Volk

**Town of Hinesburg Water & Wastewater Department
Water/Wastewater Disconnect Notice**

Date: _____

Amount in Arrears: \$ _____

Dear Customer:

According to our records, your (water) (wastewater) service account is still unpaid. Please make full payment of the account or contact our office to make satisfactory arrangements before _____. If this is not done, we will no longer be able to extend credit and will have to discontinue your service, on that day or any one of the following four business days. (Under the law, "business days" means Monday through Thursday, excluding legal holidays, when the offices are not open to the public). An unpaid bill is a lien on your real property, and may lead to tax proceedings.

Special Charges: Section 5151 of Title 24, Vermont Statutes Annotated, provides that we charge a fee for coming to your location to collect the amount overdue. Also, the same statute provides that we shall charge a reconnection fee for restoration of service if your service has been disconnected for nonpayment. These fees are as follows:

Collection Trips - \$25.00, regardless of number

Reconnection – During normal hours = \$25.00, for Overtime = \$37.50

Interest Charged according to Title 24 VSA § 5156

If payment has already been sent, we recommend that you contact our office to make certain that payment is recorded on your account by the indicated date as such payment may have become delayed or lost in the mail. Payment in the mail does not constitute payment until received by us.

THIS IS A FINAL REQUEST FROM:
Hinesburg Water & Wastewater Billing Department
Town of Hinesburg
PO Box 133
Hinesburg, VT 05461
(802) 482-2281

Other Important Information: If you have a question concerning this bill or if you want to seek an agreement with us to pay the balance due in partial payments over a period of time, you should contact this office as soon as possible after receipt of this notice. In the event an agreement is entered into, failure to abide by the terms of agreement can lead to disconnection without further notice. If disconnection would result in an immediate and serious health hazard to you or to a resident within your household, disconnection will be postponed upon presentation of a duly licensed physician's certificate.

Appeals: If you cannot reach agreement as to payment of this bill with the department listed above, you may appeal to:

Chairperson, Hinesburg Selectboard
Town of Hinesburg
PO Box 133
Hinesburg, VT 05461
(802) 482-2096

An appeal cannot be taken unless you first attempt to settle with the billing department. You may appeal only as to the proper amount of your bill or the correctness of application of the rules and regulations. You may not appeal as to the level or design of the rates themselves. No charge shall be made for the appeal. However, undisputed portions of the charges giving rise to this notice must be paid before the disconnection date given above.

**HINESBURG WASTEWATER DEPARTMENT
CUSTOMER INQUIRY POLICY**

INTRODUCTION

The Hinesburg Wastewater Department is a full service Wastewater system. It is a municipal organization. The Town of Hinesburg Selectboard serves as the governing body and makes most major decisions at regularly warned meetings. The Wastewater System Superintendent is primarily responsible for the operation of the wastewater system. The Town Clerk/Treasurer's Office is responsible for billing and accounts payable. Records are audited annually and an Annual Report is published annually in the Hinesburg Town Report.

CUSTOMER SERVICE

It is the policy and the goal of the Hinesburg Wastewater Department to keep all customers informed about matters of the wastewater system through the use of public meetings, announcements in local newspapers and radio stations, Annual Reports, and occasionally by newsletter. However, it is inevitable that not all customers are in fact aware of all matters. There are also some incidents, such as a leak in the water pipe requiring interruption of service or other actions that result in customer inquiries or complaints. Except in the case of an emergency, the Hinesburg Wastewater Department will make an effort to inform the customers of interruptions of service. Therefore, this policy is adopted to guide the appropriate persons in registering, handling and documenting complaints.

STEPS IN HANDLING COMPLAINTS

The following steps are to be taken by any Hinesburg Wastewater Department official who receives a complaint from any source.

1. Listen without interruption. Take notes of the complaint as the problem is being described.
2. Ask questions to clarify the problem if necessary.
3. Determine who the complaint should be referred to, and advise the complainant of your determination. Refer the matter to the appropriate person, and be sure to provide written notes. Avoid having the complainant call around to different people.
4. Follow up to ensure customer satisfaction. If the customer is not satisfied with the action taken or the results, the following contacts should be provided to the customer:
 - a. Contact the Selectboard at (802) 482-2096.
 - b. Contact local Health Officer or State Health Department.
 - c. Contact the Wastewater Supply Division, 1-800-823-6500.

5. In all cases be sure to document all pertinent information to be kept on file.

DOCUMENTATION

Many routine questions and minor complaints can be resolved promptly, and there is no need for documentation. If there is a major complaint or concern it is important to record the nature of the complaint and the results of any action taken. If the problem is of a serious nature or requires action by the Hinesburg Selectboard, it should be noted on the minutes of the Selectboard meetings.

DISSEMINATION

This policy is to be provided to all officers, contractors and others who may be in a position to receive inquiries, questions, or complaints regarding the water system. It should be reviewed annually and updated or amended as appropriate.

Adopted July 28, 2008