

SEWER ORDINANCE FOR THE TOWN OF BERLIN, VERMONT
RELATING TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

Section 1

PURPOSE

This Ordinance is adopted pursuant to 24 VSA Chapter 102 relating to on-site sewage disposal systems. The purpose of this Ordinance is to:

1. Prevent the creation of health hazards;
2. Prevent surfacing sewage; the contamination of drinking water, groundwater and surface water;
3. Ensure adequate drainage related to the proper functioning of sewage disposal; and
4. Ensure that facilities are designed, constructed, operated, and maintained in a manner which will promote sanitary and healthful conditions.

This Ordinance, upon Adoption by the Berlin Board of Selectmen and when approved by the Vermont Department of Water Resources, shall supercede and replace the Health Regulations of the Town of Berlin which became effective on June 6, 1980.

Section 2

DEFINITIONS

Applicant -- the person who owns the premises on which a sewage disposal system will be constructed or altered.

Family -- one or more persons living, sleeping, cooking, or eating on the same premises as a single housekeeping unit.

Sewage Officer -- the legally designated authority of Berlin acting under authority of this Ordinance. The Sewage Officer shall be appointed by the Board of Selectmen. The Sewage Officer may be the Town's Health Officer, Administrative Officer or other Town official.

On-Site Sewage Disposal System -- system for disposal of waste using soil as a disposal medium, including a tank for collection of solids and a leach area for liquids, or any other system which disposes of wastewater on-site.

Permit -- a written authorization issued by the Berlin Sewage Officer.

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

Single Family Dwelling -- a building used as living quarters for one family.

Vermont Health Regulations -- Vermont Health Regulations Chapter 5, Sanitary Engineering; Subchapter 10, Wastewater Treatment and Disposal -- Individual On-Site Systems; effective June 7, 1983, promulgated by the Vermont Department of Health and adopted by the Vermont Department of Water Resources and Environmental Engineering, July 1, 1984. These Regulations are incorporated into this Ordinance by reference.

Section 3

APPLICABILITY OF ORDINANCE

1. All single family home construction shall receive a disposal system construction permit before commencement of construction on the property. All camp construction which includes indoor plumbing shall likewise require a disposal system con-

struction permit before commencement of construction on the property.

2. All single family home, group or community on-site sewage disposal systems shall be built, altered or used in accordance with this Ordinance. Construction and alteration of these systems shall not occur until a permit has been issued by the Sewage Officer (see definitions) appointed by the Board of Selectmen. Exceptions:

(a) When a minor modification to an existing system is proposed, the Sewage Officer may waive the permit requirement on a case-by-case basis. The Sewage Officer will determine what constitutes a minor modification.

(b) Existing single family home sewage disposal systems in operation at the time of adoption of this Ordinance are approved, provided that such systems do not create a health hazard, nuisance, or pollute surface or groundwater. Whether an existing system is causing a health hazard, nuisance, or is polluting surface or groundwater shall be determined by the Health Officer or Sewage Officer. Existing systems determined to be a health hazard, nuisance or polluting surface or groundwater shall be upgraded to meet the standards of this Ordinance to the extent possible.

3. No single family dwelling served by a sewage disposal system shall be altered in any way so as to increase the residential capacity of the structure unless the Sewage Officer determines that the existing sewage disposal has an adequate capacity or a sewage disposal construction permit has been issued to increase the capacity of such system.

4. In case of any other applicable regulation, by law,

ordinance or statute which differs from this Ordinance, the more strict shall apply.

5. This Ordinance shall not apply to any structure which has access to a municipal sewer system and where a connection to a municipal sewer system is feasible and permitted by the Town of Berlin pursuant to the Public Sewer Ordinance in effect in the Town of Berlin.

Section 4

APPLICATION PROCEDURE

1. Disposal System Construction Permit

Any person who intends to build, replace or alter a sewage disposal system shall apply for a disposal system construction permit. The application shall contain soil and site information as required by the Vermont Health Regulations (see definitions) and a design for a disposal system. The system shall be designed as specified by said regulations.

A fee shall be paid to the Town of Berlin in the amount as shall be established by the Board of Selectmen.

Technical information for the application shall be prepared by an on-site sanitary specialist of the Vermont Association of Conservation Districts, Inc., a certified site technician, or a professional sanitary or civil engineer, at the option of the applicant.

The construction permit shall be granted or denied by the Sewage Officer. The permit shall become void if the disposal system is not completed within two (2) years of date of issue. In cases where the proposed project requires a zoning permit,

the zoning permit shall serve as the disposal system construction permit and may be issued only after the Sewage Officer has determined the sewage disposal system design to be in compliance with this Ordinance. Evidence of Approval by the Sewage Officer shall be attached to the Zoning Application.

2. Disposal System Use Permit

The designer of the approved sewage disposal system shall submit a final inspection report to the Sewage Officer. Such report shall certify whether the disposal system has been installed as approved. Any variations from the approved design shall be noted in the report. The Sewage Officer may also inspect the system before it is covered with soil. The Sewage Officer shall issue a disposal system use permit when satisfied that the installed sewage system is in compliance with this Ordinance. The Certification by the designer of the disposal system (final inspection report) shall constitute the necessary evidence of compliance with this Ordinance. A final inspection by the Sewage Officer prior to issuing said permit is not required and the Sewage Officer is entitled to rely on the Certification of the designer of the system. In the case of projects requiring a zoning permit, the zoning occupancy permit shall serve as the disposal system use permit.

3. Terms and Conditions of Permits

All permits run with the land and are binding upon each and subsequent owners. All permits issued under this Ordinance shall be filed for record with the Town Clerk by the applicant for recording in the Claimant's Book. The permittee (Applicant) shall

be listed in the general index as the Grantor and the Town of Berlin shall be listed as the Grantee. All recording fees shall be paid by the permittee (Applicant).

Section 5

ALTERNATIVE SYSTEMS AND PERMITTED DEVIATIONS

1. Chemical toilets, privys, composting toilets and incineration toilets may be approved on a case-by-case basis by the Sewage Officer. If one of the above toilets is used and soil conditions allow, the absorption area of the associated subsurface sewage disposal system may be reduced if sufficient area is available to add to the leach field in the event that conventional toilets are used to replace the waterless toilets.

Full replacement area for a disposal field is required. However, if an alternative system is used and the Berlin Board of Selectmen authorize a reduction in the size of the disposal field, the Board of Selectmen shall ensure that subsequent owners of the property are aware of the limitations of the reduced disposal field. If the alternative system is replaced by conventional toilets, the disposal field shall be redesigned and reconstructed in accord with the new system of disposal. Reduction in the size of any mound system will not be permitted.

2. At the discretion of the Berlin Board of Selectmen and authorized in writing, deviations from the design specifications in the Vermont Health Regulations (see definitions) may be allowed. Such deviations will only be allowed if the minimum soil and site requirements and the performance standards of said regulations will be met.

Section 6

APPEALS

Any applicant aggrieved by decision of the Sewage Officer may appeal that decision in writing to the Berlin Board of Selectmen within thirty (30) days of such decision. The Berlin Board of Selectmen shall hold a hearing within thirty (30) days of such an appeal and shall render a decision within fifteen (15) days after the close of such hearing. Any person aggrieved by a decision of the Berlin Board of Selectmen may appeal that decision to the Superior Court.

Section 7

ENFORCEMENT

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

Section 8

SEVERABILITY

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

The within Sewer Ordinance is hereby adopted by the Town

of Berlin following a public hearing this 18th day of March, 1985.

Frederick E. Towne
Chairman of the Board of Selectmen

James W. Lawrence Jr.
Selectman

George A. [unclear]
Selectman

[unclear]
Selectman

Allen L. [unclear]
Selectman

The within Sewer Ordinance adopted by the Town of Berlin is hereby approved by the Vermont Department of Water Resources and Environmental Engineering this _____ day of March, 1985.

Authorized Official

This Sewer Ordinance is effective: May 17, 1985

APPROVED	
Department of Water Resources and Environmental Engineering	
Date	<u>April 3, 1985</u>
By	<u>[Signature]</u>