

ORDINANCE

REGULATING THE USE OF THE PUBLIC SEWER SYSTEM & DISPOSAL OF SANITARY SEWAGE & INDUSTRIAL WASTE

AMENDED ORDINANCE EFFECTIVE JULY 1, 2003

The Selectmen of the Town of Berlin, Vermont hereby adopt the instant amended ORDINANCE for the purpose of regulating the use of the public sewer system and the disposal of sanitary sewage and industrial waste.

The short title of the ORDINANCE shall be the "BERLIN SEWAGE ORDINANCE."

Said ORDINANCE is adopted pursuant to applicable statutory law and with particular reference to 24 V.S.A. Sec 1971 et seq. and shall read as follows:

ARTICLE I Definitions

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

Section 1. "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 20 degrees C, expressed in milligrams per liter.

Section 2. "Building Sewer" shall mean the extension from the sewer drainage system of any building or other structure to a public sewer or other place of disposal.

Section 3. "Garbage" shall mean solid wastes from domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Section 4. "Hearing Board" shall mean that board appointed according to Article VIII.

Section 5. "Industrial Wastes" shall mean the liquid wastes from manufacturing, processing, or assembling any product, commodity, or article by any business or industry.

Section 6. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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Section 7. “Person” shall mean any individual, partnership, firm, company, association, society, corporation, or other legal entity.

Section 8. “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 9. “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 10. “Public Sanitary Sewers” shall mean a public sewer to which sanitary sewage is permitted to be discharged.

Section 11. “Public Sewer” shall mean a sewer owned and controlled by the Town of Berlin.

Section 12. “Public Storm Sewer” shall mean a public sewer to which ground, storm, and surface waters are permitted to be discharged.

Section 13. “Sanitary Sewage” shall mean normal water-carried wastes and toilet wastes from residences, business buildings, institutions, industrial establishments, and any other buildings or structures excluding ground, surface, storm water, and industrial waste.

Section 14. “Sanitary Sewer” shall mean a sewer which carries sanitary 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 or her representative.

Section 16. “Sewage” shall mean a combination of sanitary sewage and industrial waste, together with such ground, surface, and storm waters as may be present.

Section 17. “Sewage Disposal Commissioners” shall be appointed by the Selectmen of the Town of Berlin.

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Sec 18. “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sanitary sewage.

Sec 19. “Sewage System” shall mean all facilities for collecting, pumping, transporting, treating and disposing of sanitary sewage situated in the Town of Berlin and owned, maintained and operated by the Town of Berlin. It shall not include the system of storm sewers in use in the Town of Berlin.

Sec 20. “Sewer” shall mean a pipe or conduit for carrying sewage.

Sec 21. “Shall” is mandatory. “May” is permissive.

Sec 22. “Slug” shall mean any discharge of water, sanitary sewage, 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.

Sec 23. “Storm Drain” and “Storm Sewer” shall mean a sewer which carries storm and surface waters and drainage, but excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

Sec 24. “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sanitary sewage, sewage, industrial wastes or other liquids, and which are removable by laboratory filtering.

Sec 25. “Watercourses” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Use of Public Sewers Required

Sec. 1. No person shall place or deposit, or cause or permit to be placed or deposited upon public or private property within the Town of Berlin any sanitary sewage or industrial waste, except as permitted by Section 5 of this Article for industrial waste and except as permitted by the Town of Berlin Zoning regulations for private sewage disposal. This section shall not prohibit the Town of Berlin from depositing sludge from the sewage treatment plant on property within the Town of Berlin with the permission of the owner thereof as long as the deposit does not create a nuisance or a health hazard and does not violate any of the laws of the State of Vermont or any of the rules and regulations of the Vermont Department of Health.

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Sec 2. No person shall discharge or cause or permit to be discharged into any natural outlet within the Town of Berlin any sewage, sanitary sewage, industrial waste, or other substance or material or other polluter of waters, except as permitted by the Vermont Statutes and the Rules and Regulations of the Vermont Water Resources Board.

Sec 3. No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the private disposal of sewage, except as is permitted by the Town of Berlin Zoning Regulations for private sewage disposal systems, and no privy, privy vault, septic tank, cesspool, or other similar receptacle at any time shall be connected with a public sanitary sewer.

Sec 4. The owners of all houses, commercial, industrial, or other buildings or properties used for human occupancy, business, employment, recreation, or other purposes, located within the Town of Berlin, abutting on any street, alley, or right of way, benefited, improved, served, or accommodated by any public sanitary sewer or to which any public sanitary sewer is available, is required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this Ordinance, within 120 days after the date of official notice to do so, provided that said public sanitary sewer is located within 100 feet of the buildings on said properties.

Sec 5. Industrial waste may not be discharged, placed, or deposited upon any public or private property within the Town of Berlin without a permit so to do from the Sewage Disposal Commissioners. The owner, or his agent, shall make application on a form furnished by the Town of Berlin. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Sewage Disposal Commissioners. An inspection fee of \$50.00 shall be paid to the Town of Berlin at the time the application is filed. A permit shall not be granted where the discharge or deposit of such wastes would violate the laws of the State of Vermont or any rules and regulations of the Vermont Department of Health.

ARTICLE III

Building Sewers and Connections

Sec 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 the Sewage Disposal Commissioners.

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 Sewage Disposal Commissioners at least forty-five (45) days prior to the proposed change or connection.

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Sec. 2. The owner, or his agent, of any property for which a permit is sought shall make application on a form furnished by the Town of Berlin. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Sewage Disposal Commissioners.

Sec. 3. The Town of Berlin will, at its expense, initially construct each public sewer within the highway right of way or adjacent thereto, and the costs and expenses of the construction of any building sewers and the connection to the public sewers shall be borne by the owner and such owner shall indemnify and save harmless the Town of Berlin, its officers and agents, from any loss or damage that may be caused, directly or indirectly, as a result of the construction of the building sewer or its connection to the public sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, 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.

Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewage Disposal Commissioners, or their agents, to meet all requirements of this Ordinance.

Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the rules and regulations of the Town of Berlin. In the absence of such rules and regulations, the materials and procedures set forth in appropriate specifications of the A.S.T.M. And W.P.C.F. Manual of Practice No. 9 shall apply.

Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which the drainage system for sanitary sewage is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by such drainage systems shall be lifted in a manner approved by the Sewage Disposal Commissioners and discharged to the public sewer.

Sec. 8. No person shall make connection of roof down spouts, exterior foundation drains, area way drains, cellar drains or other sources of surface runoff or groundwater to a building sewer or to the drainage system of the building which in turn is connected directly or indirectly to a public sanitary sewer.

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Sec. 9. The connection of the building sewer to the public sewer shall conform to the rules and regulations of the Town of Berlin, and if there be none, to the procedures set forth in appropriate specifications of the A.S.T.M. And the W.P.C.F. Manual of Practice No 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Sewage Disposal Commissioners before installation.

Sec. 10. The applicant for the building sewer permit shall notify the Sewage Disposal Commissioners when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Sewage Disposal Commissioners or their agents.

Sec. 11. All excavations for building sewer installation shall be 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 of Berlin.

Sec. 12. When the use of a sewer service line is discontinued. The line must be properly sealed. The Sewage Disposal Commissioners or their agent must inspect how the service line is sealed.

Sec. 13. A water meter that reads in thousand gallons must be installed upon connection to the Town of Berlin Sewer System . An electronic reader connected to the water meter must be installed on the outside of the building.

ARTICLE IV

Use of the Public Sewers

Sec. 1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface unpolluted industrial process waters into any public sanitary sewer.

Sec. 2. Storm water and all other unpolluted drainage shall be discharged only to such sewers as are specifically designated as public storm sewers, or in such other manner as is approved by the Sewage Disposal Commissioners as long as same does not conflict with the laws of the State of Vermont. Industrial cooling water or unpolluted process waters may not be discharged into a public storm sewer or a natural outlet without the approval of the Sewage Disposal Commissioners, and, if into a natural outlet, only when such does not conflict with the laws of the State of Vermont.

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Sec. 3. 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, motor 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 integration 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, including but no limited to, cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- (c) 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 system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metals, 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.

Sec. 4. No person shall discharge or cause to be discharged into public sewers the following described substances, materials, waters, or wastes, without written consent of the Sewage Disposal Commissioners. The Sewage Disposal Commissioners shall not give their consent if it appears likely, in their opinion, that such wastes can harm either the sewers, sewage treatment process or equipment, or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Sewage Disposal Commissioners will give consideration to such facts as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of 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 so prohibited are:

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

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- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Sewage Disposal Commissioners.
- (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 material received in the composite sewage at the treatment plant exceeds the limits established by the Sewage Disposal Commissioners for such materials.
- (f) Any waters or wastes containing phenols or other taste – or odor – producing substances, in such concentrations exceeding limits which may be established by the Sewage Disposal Commissioners 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 Sewage Disposal Commissioners in compliance with applicable State or Federal Regulations.
- (h) Any waters or wastes having a pH lower than 5 and greater than 8.
- (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 system.
 - (4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- (j) Waters or wastes containing substances which are amenable to treatment or

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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 Vermont law or of other public agencies having jurisdiction over discharge to the receiving waters.

Sec. 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 judgment of the Sewage Disposal Commissioners, may have a deleterious effect upon the sewage system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Sewage Disposal Commissioners may:

- (a) Reject the wastes,
- (b) Require to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Sewage Disposal Commissioners permit the pretreatment of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Sewage Disposal Commissioners, and subject to the requirements of all applicable codes, ordinances and laws.

Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Sewage Disposal Commissioners, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or 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 Sewage Disposal Commissioners, and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7. Where preliminary treatment of 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.

Sec. 8. When required by the Sewage Disposal Commissioners, 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 any building sewer connected to a public sanitary sewer to facilitate observation, sampling,

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and measurement of the wastes and to insure that no industrial wastes are being discharged from a building sewer into a public sanitary sewer.

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

Sec. 9. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association, and shall be determined at the 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 system 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 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 analysis are obtained from 24-hour composites of all out falls, whereas pH's are determined from periodic grab samples.)

ARTICLE V

Protection from Damage

Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage 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.

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ARTICLE VI

Powers and Authority of Inspectors

Sec. 1. The Sewage Disposal Commissioners and their agents bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Sewage Disposal Commissioners and their agents 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 water ways or facilities for waste treatment.

Sec. 2. While performing the necessary work on private properties referred to in Section 1 of this Article, the Sewage Disposal Commissioners and their agents shall observe all safety rules applicable to the premises established by the owner or lessee and the owner or lessee shall be held harmless for injury or death to the officers, agents and employees of the Town of Berlin and the Town of Berlin shall indemnify the owner or lessee against loss or damage to its property by its officers, agents, and employees and against liability claims and demands for personal injury or property damage asserted against the owner or lessee to maintain safe conditions as required in Article IV, Section 8.

Sec. 3. The Sewage Disposal Commissioners and their agents bearing proper credentials and identification shall be permitted to enter all private properties through which the Town of Berlin holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage system lying within said easement. All entry and subsequent work, of 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 VII

Penalties

Sec. 1. Any person found to be violating any provision of this Ordinance, except Article V, shall be served by the Town of Berlin with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Section 1 or this Article shall be fined in the amount not exceeding \$500 for each violation. Each day any such violation continues shall constitute a separate offense.

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Sec. 3. Any person violating any of the provisions of this Ordinance shall be become liable to the Town of Berlin for any expense, loss, or damage caused the Town of Berlin by reason of such violation.

ARTICLE VIII
User Charge System

Sec. 1. The Sewage Disposal Commissioners shall establish rates, fees and charges in accordance with a User Charge System adopted by the Commissioners under date of March 2, 2001, and in accordance with applicable Federal and State rules and regulations.

Sec. 2. The Sewage Disposal Commissioners shall, in establishing the rates referred to in Article VIII, Section 1 above, make specific reference to the Sewer Use Rate Structure shall incorporate the requirements of the User Charge System and the requirements of 40 CFR, Section 35.935-13 and 24 V.S.A., Chapter 101.

ARTICLE IX
Hearing Board

Sec. 1. A Hearing Board of three members shall be appointed as needed for the arbitration of differences between the Sewage Disposal Commissioners and sewer users on the matters concerning interpretation and execution of the provisions of this Ordinance by the Sewage Disposal Commissioners. One member shall be appointed by the Sewage Disposal Commissioners, another member shall be appointed by the sewer users, and those members so appointed shall select the third member. The cost of arbitration shall be divided equally between the Town of Berlin and the sewer user.

ARTICLE X
Validity

Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2. The invalidity of any section, clause, sentence, or provisions 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.

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ARTICLE XI

Effective Date

Notice is hereby given the public that the amended ORDINANCE shall become effective on July 1, 2003, unless a permissive referendum is called for in accord with 24 V.S.A. Section 1973, which provides under subsection (b) thereof as follows: “A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than 5 percent of the qualified voters of the municipality and presented to the legislative body of the clerk of the municipality within forty-four days following the date of adoption of the ordinance or rule by the legislative body.”

Any person wishing to examine said amended ORDINANCE may do so at the Berlin Town Clerk's Office.