

MUNICIPAL WASTEWATER COLLECTION SYSTEM ORDINANCE

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MUNICIPAL WASTEWATER COLLECTION SYSTEM ORDINANCE

Sec. 1-100. AUTHORITY

- A. This Ordinance has been duly adopted by the Town of Berlin Selectboard, on January 2, 2020, 2020, and shall become effective 60 days following the date of adoption, unless a petition for permissive referendum is filed with the Town of Berlin pursuant to Title 24, Chapter 59.

Sec. 1-101. PUBLIC WORKS BOARD

- A. The Town of Berlin (Town) discharges its wastewater to the City of Montpelier (City) wastewater collection system and wastewater treatment facility. Under the February 10, 1982 agreement with the City, the Town has the right to discharge up to 600,000 gallons per day, 910 pounds per day (PPD) of Biochemical Oxygen Demand (BOD) and 550 PPD of suspended solids (all as an annual average).
- B. The Berlin Public Works Board shall have the responsibility for the operation, control, maintenance, improvement and repair of the Town Wastewater collection system and its appurtenances and all Town property pertaining thereto, pertaining to the orders and ordinances of the Select Board, and as defined in 24 V.S.A., Sec. 3501 (6) and 3601. The Town is obligated by law to operate and manage the wastewater collection system as a governmental function pursuant to 24 V.S.A., Chapters 97 and 101.
- C. The capacity of the Town wastewater collection system to adequately collect, treat and discharge sewerage is the property of the Town, and shall be allocated by the Public Works Board in the manner prescribed below. This ordinance is adopted pursuant to the provisions of 10 V.S.A., Sec. 1263 (g) (1), in the manner provided in 24 V.S.A., Chapter 59, and shall not be construed as an abandonment or relinquishment of the responsibility of the Town to regulate, control and supervise all means and methods of sewage collection and disposal within the Town, nor shall it be construed to impair or inhibit the ability of the Town to contract with persons for the collection, transmission or treatment of sewage.

Sec. 1-102. DEFINITIONS

- A. "Public Works Board" shall mean the Public Works Board of the Town of Berlin, convened as a board of sewage disposal commissioners under 24 V.S.A., Sec. 3614.
- B. "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 Celsius, expressed in milligrams per liter.

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- C. "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, beginning three (3) feet outside the building wall.
- D. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- E. "Capital Connection Charge" shall mean an allocation fee, hereby imposed, for each direct and indirect connection or attachment to the wastewater collection system, which fee approximately equals the pro rata costs previously incurred or expected to be incurred by the Town for wastewater related capital investment. This charge is set annually by resolution of the Public Works Board.
- F. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- G. Committed Reserve Capacity - That amount of total average daily flow (gallons per day) from all projects/buildings approved by the Town for connection to the Wastewater Collection System, but not yet connected at the time of the calculation.
- H. "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- I. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewer.
- J. "Master metered utility service" shall mean a wastewater collection service provided to more than one unit in a multi-unit building or mobile home park in which cumulative usage of all units is measured through a single, inclusive measuring system and the owner of the multi-unit or mobile home park is billed for such cumulative usage.
- K. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- L. "Operating Connection Charge" shall mean an operating fee, hereby imposed, for each direct and indirect connection or attachment to the collection system, which fee approximately equals the costs incurred by the Town in administering and inspecting such connections. This charge is set annually by resolution of the Public Works Board.
- M. "Person" shall mean any individual, firm, company, association, society, corporation, or group, or as prescribed in 1 V.S.A., Section 126.
- N. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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- O. "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 (1/2) inch (1.27 centimeters) in any dimension.
- P. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the public authority.
- Q. "Private Sewer" shall mean a sewage disposal system, other than a public or community system, which receives other than human excreta or liquid waste, or both, from one or more premises. Included within the scope of this definition are septic tank soil-absorption systems, and other such types as may be prescribed in regulations by the Town Health Officer.
- R. Reserve Capacity - The Town discharge limit to the City Wastewater Collection System (as established by City-Town agreement) minus the most recent twelve (12) months estimated average daily flow of all projects approved by the Town and City not yet connected to the Wastewater Collection System.
- S. "Sanitary Sewer" shall mean a sewer which carries sewage, and to which storm, surface and groundwaters are not intentionally admitted.
- T. "Secretary" shall mean the Secretary of the Agency of Environmental Conservation, State of Vermont, or his or her representatives.
- U. "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.
- V. "Sewerage System", "Wastewater Collection System" and "Collection System" and "Sanitary Sewer" 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.
- W. "Sewage Works" or "Sewerage" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- X. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Y. "Shall" is mandatory; "May" is permissive.
- Z. "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity or 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.

- AA. "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.
- BB. "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.
- CC. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 1-103. PROHIBITED DISCHARGES

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town any sewage or other polluted water.

Sec. 1-104. REQUEST FOR CAPACITY

- A. Persons wishing to use uncommitted capacity of the Town Wastewater Collection System, including substantial change in volume or character of pollutants from current discharges, shall apply to the Public Works Board on a form prescribed by the Board. Applications for greater than 1,000 gallons per day shall be accompanied by a certification of a licensed or registered engineer attesting to the maximum daily wastewater flow, the average daily wastewater flow and the average annual wastewater flow to be generated by the project or development which will be introduced into the Collection System. In addition, the certification shall include the anticipated character of the wastewater, including BOD, Suspended Solids and any components outside of the characteristics of normal domestic wastewater.
- B. The Public Works Board shall approve the request for use of uncommitted capacity upon making affirmative findings that:
 - 1. The proposed wastewater is of domestic sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection, or

2. The proposed wastewater is not of domestic sanitary origin and that sufficient evidence has been presented by the applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the Town Collection System and the City of Montpelier's Wastewater Collection and Treatment System, and that the proposed wastewater will not, alone or in combination with other wastes, cause a violation of the discharge permit, pass through the City's Wastewater Treatment Facility without treatment, interfere or otherwise disrupt the proper quality and disposal of the Treatment Facility's sludge, or be injurious in any other manner to the Sewage Works of the Town and City, and
 3. All applicable state, federal, and municipal licenses, approvals and permits have been, or will be, secured by the applicant for the project or development to which connection is to be made.
- C. The Public Works Board, on making affirmative findings above, shall issue an interim connection approval, which approval shall:
1. Specify the volume, flow rate, strength, and any other characteristics determined appropriate by the Public Works Board.
 2. Prohibit the sale or other transfer of the interim connection approval by the applicant to any other person without written approval of the Public Works Board, except as an appurtenance and an integral part of the project or development approved in accordance with Section 1-104. B. above.
 3. Specify the period of time during which the interim connection approval shall remain valid and any specific conditions which must be fulfilled by the applicant to maintain validity of the interim connection approval, which conditions shall, as a minimum, include:
 - a. payment of the capital connection charges upon the granting of interim connection approval;
 - b. complete payment of all sewage charges, connection charges, impact fees and benefit assessments, as applicable, not later than ninety (90) days from the due date; and
 - c. completion of any project construction associated with the proposed project by a date certain, which date shall be set by the Public Works Board and generally be of no more than two years duration, during which period applicants must apply for final connection approval pursuant to Section 1-106(H) herein.

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4. Be revocable by action of the Public Works Board upon failure of the applicant to fulfill requirements of the interim connection approval.
 5. Become final and irrevocable upon meeting all the conditions specified in Section 1-104 C. 3. above, except that the Public Works Board may issue lawful orders for disconnection from the Sewage Works, pursuant to advance written notice and the requirements and procedures set forth in 24 V.S.A. Chapter 129 and upon their determination that such connection:
 - a. is causing a violation of the City's discharge permit; or
 - b. is causing a nuisance or health hazard; or
 - c. is causing damage to the Town's Wastewater Collection System; or
 - d. is in violation of any other ordinance, bylaw or enactment of the Town relating to the parcel or building's ownership; or
 - e. is the subject of delinquent sewage charges, connection charges, impact fees or benefit assessments; or
 - f. is not in compliance with the application regarding volume and character of wastewater flow; or
 - g. is otherwise in violation of this ordinance.
- D. Capacity shall be determined in the following manner:
1. Wastewater Flow – The discharged liquid wastes from a property to a sanitary sewer; such flow to be calculated as the average gallons per day on a year basis (365 days). For new facilities without at least 2 years of quarterly water meter records, flow capacity shall be determined by reference to, Subchapter 1-803 and Tables 8-1, 8-2 and 8-3 of the Environmental Protection Rules adopted by the Vermont Agency of Natural Resources, April 2019, , or such other Rules of the Vermont Agency of Natural Resources as may be promulgated or amended from time to time and in effect at the time a connection permit application is made. For facilities with at least 2 years of quarterly water meter records, the flow capacity shall be the average gallons per day based on the records for the last 2 years.

Sec. 1-105. BUILDING SEWER FACILITIES

- A. No unauthorized person shall uncover, make connections with or opening into, use, alter or disturb any Town sewer or connection thereof, without first obtaining a written

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permit from the Public Works Board. Any person proposing a new discharge into the Town Wastewater Collection System or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Public Works Board at least forty-five (45) days prior to the proposed change or connection.

- B. A capital connection charge, determined by the Public Works Board, shall be paid by the person requesting a sewer connection.
- C. All applicable construction and access permits shall be obtained prior to excavation in the public right of way.
- D. A separate and independent building sewer shall be provided for every building, except where it is practically not possible, as determined by the Public Works Board.
- E. 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 backfilling the trench, shall all conform to written requirements and specifications of the Berlin Public Works Board, as may be amended from time to time. .
- F. 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 and discharged to the building sewer.
- G. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, or sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a the Town Wastewater Collection System.
- H. The connection of the building sewer into the Town Wastewater Collection System shall conform to the accepted engineering practices for municipal sewage works in Vermont and applicable rules and regulations of the Town. All such connections shall be made gas-tight and water-tight. All new piping shall be leakage and pressure tested in accordance with Town regulations. Any deviation from the prescribed procedures and materials must be approved by the Public Works Board before installation.
- I. The applicant for the building sewer permit shall notify the Public Works Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Board's representative.
- J. All excavation 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.

- K. New sewer connections will not be made between November 15 and April 15 of each year. Exemptions may be granted by the Public Works Board.

Sec. 1-106. USE OF PUBLIC SEWERS; REQUIREMENTS FOR CONNECTION TO SYSTEM

- A. No person shall place or deposit, or cause or permit to be placed or deposited upon public or private property within the Town any sanitary sewage or industrial waste, 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 a municipal 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 or Department of Environmental Conservation.
- B. 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, the Vermont Water Resources Board, and/or the Vermont Department of Environmental Conservation.
- C. 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.
- D. 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.
- E. 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 Public Works Board. The owner, or his agent, shall make application on a form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Board. An inspection fee, established by the Public Works Board, shall be paid to the Town 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 or the Department of Environmental Conservation.

- F. 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 Public Works Board.
- G. 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 Public Works Board at least forty-five (45) days prior to the proposed change or connection.
- H. The owner, or his agent, of any property for which a permit is sought shall make application on a form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Board.
- I. 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.
- J. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Board, or their agents, to meet all requirements of this Ordinance.
- K. 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 all requirements of the Public Works Board and accepted engineering practices for new municipal wastewater facilities.
- L. 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 Public Works Board and discharged to the public sewer.
- M. 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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- N. A water meter assembly, meeting the Town's specifications and approved by the Public Works Board, that reads in gallons must be installed upon connection to the Town Sewerage System.
- O. No person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewers:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 2. 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, including but not limited to cyanide in excess of two (2) milligrams per liter (mg/l) as CN in the wastes as discharged to the public sewer.
 3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 4. 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, wastes of the stone industry, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- P. 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 Public Works Board, 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 an opinion as to the acceptability of these wastes, the Board will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, input of the City regarding the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and any other pertinent factors. The substances prohibited are:
1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.
 2. 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 Fahrenheit or between zero (0) and sixty-five (65) degrees Celsius.

3. 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 Public Works Board.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
5. 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 Public Works Board for such materials.
6. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Public Works Board as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Board in compliance with applicable state or federal regulations.
8. Materials which exert or cause:
 - a. 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.
 - b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
9. 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 plan effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- Q. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain substances or possess characteristics which in the judgment of the Public Works Board may have a deleterious effect upon the sewage works, process, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Board may:
1. Prohibit the discharge of the waste,
 2. Require pretreatment to an acceptable condition for discharge to the public sewers, and/or
 3. Require control over the quantities and rates of discharge.

If the Public Works Board permits the pretreatment and equalization of waste flows, the design and installation of treatment equipment shall be subject to the review and approval of the Public Works Board, and subject to the requirements of all applicable codes, ordinances and laws. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued by the Vermont Department of Environmental Conservation.

- R. Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Board, 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 Public Works Board, and shall be located as to be readily and easily accessible for cleaning and inspection.
1. 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.
 2. 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.
- S. 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 the owner's expense.
- T. When required by the Public Works Board, the owner of the property serviced by the building sewer carrying industrial wastes shall install a suitable control manhole, together with such 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 Public Works Board. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner 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 Public Works Board may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Public Works Board. Such records shall be made available, upon request, by the Public Works Board 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 State in accord with such permit. Records of any monitoring will also be supplied to the Public Works Board on request.

- U. All measurements, tests and analyses or 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 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 of life, limb and property. (The particular analyses 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 analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)
- V. 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 and the approval of the City. 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.
- W. Any industry held in violation of the provisions of this Ordinance may have its disposal authorization terminated.

Sec. 1-107. PROTECTION FROM DAMAGE, VIOLATIONS AND PENALTIES

- A. 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.
- B. 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.

Sec. 1-108. POWERS AND AUTHORITY OF INSPECTORS

- A. The Public Works Board and other duly authorized employees of the Town 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 Public Works Board or its representative 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 waste treatment.
- B. The Public Works Board 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 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.

Sec. 1-109. SEWER RATES AND PENALTIES

- A. Except for properties or mobile home parks for which the Public Works Board has required installation of a master meter and Master metered wastewater collection, an annual charge shall be determined by the Public Works Board and is hereby imposed upon every person whose premises have a building or structure thereon and are served by the Town Wastewater Collection System, and from which, directly or indirectly, sewage is being collected from the use of the premises for the payment of the costs of operating, maintaining and repairing said System. In the case of properties or mobile home parks with multiple users, the Public Works Board may require that the annual charge be based on a Master metered utility service and imposed on the owner of the property or mobile home park. The Public Works Board may establish annual charges separately for debt repayments, fixed operating and maintenance costs (not dependent upon actual use), and variable operations and maintenance costs dependent on actual use. Annual charges determined thereunder shall be effective on and after the date of adoption thereof by resolution of the Public Works Board.
- B. The sewer charges established in Section 1-109. A. above shall be imposed and collected whether or not the property is connected to the Town Wastewater Collection

System and/or the property is occupied, with the exception of those charges based on actual use, which shall not be assessed against non-connected properties. All sewer rates shall be payable to and collected by the Town Treasurer at the Berlin Town Office.

- C. The design, construction and development costs of all public sewerage system expansions and extensions which have been approved by the Public Works Board shall be borne by the developers and/or property owners requiring, requesting or directly benefiting from such extension and/or expansions, unless the voters of the Town shall vote at a duly warned annual or special Town Meeting to assume all or a portion of the costs involved. When the voters of the Town vote to assume all or a portion of the costs, such costs will be paid in the manner provided by law.
- D. Notice and bill for sewer service shall be made by mailing the same to the owner or authorized agent in charge of the premises where it is used.
 - 1. Such notice and bill shall state the dates of coverage of the bill and shall also state that unless payment is made on or before passage of thirty (30) days from the billing date, a penalty of eight percent (8%) will be added to the rate charge, and in addition, the bill will show the exact due date.
 - 2. An interest charge for late payment of sewer charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the Public Works Board.
- E. Any failure by the Town to timely mail a bill for sewer service, or any failure or delay in delivery of a bill for sewer service shall not constitute a waiver of the requirement to pay the principal amount of same. Late payment penalties and interest on unpaid bills may be subject to abatement or amendment by the Public Works Board upon receipt of satisfactory evidence that a bill for sewer service was either not timely mailed, or the delivery of same was subject to excessive delay, and that such failure to timely receive any bill was beyond the control of the owner or authorized agent responsible for payment of such bill.
- F. Sewer rates shall constitute a tax and a lien on the real estate supplied with the sewer access, and may be collected in the same manner as other property taxes of the Town, and the owners of such real estate shall be subject to the same liabilities therefore as for other Town property taxes.
- G. A separate capital reserve fund may be utilized for major maintenance/replacement expenditures and for expansion/upgrading expenses associated with the Town sewer infrastructure. Any capital reserve fund policy shall contain the following: Major maintenance/replacement identification; estimated expenditures; estimated year of expenditure; payment amount; type of account to be used to accumulate capital reserve fund assets; and source of funding.

- H. The Public Works Board reserves the right to increase or decrease regular deposits to a capital reserve fund. The Public Works Board holding office have the authority to withdraw capital reserve fund amounts only for the purpose of paying for major expenditures/system expansion for which the fund was established.
- I. When capital reserve fund assets are not disbursed fully for major maintenance, replacement, or expansion expenditures, excess assets shall be re-deposited into the capital reserve fund for future related expenditures similar in nature. Capital reserve funds may be generated from general sewer benefit assessments and/or from connection/impact fees paid by prospective users to defray such costs. Impact fees assessed and collected by the Town shall be deemed appropriated, encumbered and expended as of the date of receipt. Funds created under this Section shall be maintained in segregated accounts and may be expended, together with accrued interest, only for the purpose for which each fund was established.
- J. Adjustment in Rates. The Public Works Board shall, from time to time as it deems fit, establish and/or amend all sewer rates and when payment of these rates will become due and payable.
- K. Collected by Town Treasurer. All sewer rates shall be payable to, and collected by, the Town Treasurer at the Berlin Town Office.
- L. Notice and Bill: Late Payment Penalty and Interest. Notice of bill for sewer rates shall be made by mailing the same to the owner or authorized agent in charge of the premises where it is used.
 - 1. Such notice and bill shall state the dates of coverage of the bill and shall also state that unless payment is made on or before passage of thirty days from the billing date, a penalty of eight percent will be added to the rate charge and in addition, the bill will show the exact due date.
 - 2. An interest charge for late payment of sewer charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the Public Works Board.

Sec. 1-111. CONSTRUCTION SPECIFICATIONS AND STANDARD DETAILS

The Town has adopted Construction Materials and Installation Specifications and Standards in order to maintain system integrity and manage Operation and Maintenance costs. All users seeking to connect to the Town's wastewater collection system shall comply with such Specifications and Standards, as they may be amended from time to time. Copies of those Specifications and Standards shall be available from the Public Works Board and may be updated and/or revised by that Board as the Board deems necessary.

Town of Berlin
Municipal Wastewater Collection System Ordinance

Sec. 1-112. EFFECTIVE DATE

This ordinance shall become effective sixty (60) days following the date of adoption as set forth in Section 1-100 herein, unless a permissive referendum is called for pursuant to 24 V.S.A. Sec. 1973, which provides as follows:

(a) An ordinance or rule adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual or special meeting duly warned for the purpose, pursuant to a petition signed and submitted in accordance with subsection (b) of this section.

(b) A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five per cent of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality within 44 days following the date of adoption of the ordinance or rule by the legislative body.

(c) When a petition is submitted in accordance with subsection (b) of this section, the legislative body shall call a special meeting within 60 days from the date of receipt of the petition, or include an article in the warning for the next annual meeting of the municipality if the annual meeting falls within the 60-day period, to determine whether the voters will disapprove the ordinance or rule.

Sec. 1-113 Validity; Repeal of Existing Ordinances

- A. In the event that any section, provision or other portion of this Ordinance is determined to be invalid, such determination shall not affect the validity of any other section, provision or portion of this Ordinance, which shall be given effect without such invalid sections, provisions or portions thereof.
- B. All previously adopted provisions of ordinances of the Town of Berlin in conflict with the provisions of this ordinance are hereby repealed.
- C. Upon final adoption of this Ordinance, the Town of Berlin's Ordinance Regulating the Use of the Public Sewer System and Disposal of Sanitary Sewage and Industrial Waste, with effective date of July 1, 20013, is hereby repealed.

Sec. 1-114 Civil Ordinance

Pursuant to 24 V.S.A. Sec. 1971, this ordinance is designated a civil ordinance.