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Colchester Selectboard
May 13, 2025

ACTION SHEET

Certificate of Amendment to the Colchester Code of Ordinances, Chapter 10 - Sewers

RECOMMENDED ACTION: The Colchester Selectboard moves to adopt and ordain the following amendments to the Colchester Code of Ordinances, Chapter 10 – Sewers, regarding the application of interest and penalties to delinquent sewer bills and the utilization of water service disconnection to align with similar practices as used by Champlain Water District following a public hearing on May 13, 2025 as per the attached Certificate of Amendment.

TOWN OF COLCHESTER SELECTBOARD
781 Blakely Road
Colchester, VT 05446

CERTIFICATE OF AMENDMENT

We, the Colchester Selectboard hereby certify that pursuant to Section 106 through 109 of the Town of Colchester Charter, Section 1-4 of the Colchester Code of Ordinances and Chapter 113, Section 105 of Title 24, Vermont Statutes Annotated, have held a public hearing, and the Selectboard of the Town of Colchester now hereby ordain that Chapter 10, Sewers of the Code of Ordinances of the Town of Colchester, Vermont is hereby amended as follows:

Bold – to be added
~~Strikethrough~~ – to be deleted

Sec. 10-33. Collections **and Disconnection.**

Any sums due in connection with this ordinance that are not paid shall constitute a lien upon such real estate in the same manner and as to the same effect as taxes are a lien upon such real estate pursuant to 32 V.S.A. Chapter 133, Subchapter 8 and 24 V.S.A. § 3612, and may be collected in the same manner as delinquent taxes. In the event that any wastewater charges are not paid within (30) days from the billing date, penalty and interest charges ~~will~~ **may** be added to the charges ~~as described in Section 702 of the Town's Charter~~. **The interest charge shall be at the rate of one-and-one-half percent per month.**

Additionally, as a delinquency collection procedure, the Town may disconnect any delinquent ratepayer pursuant to 24 V.S.A. Chapter 129 and may specifically disconnect a ratepayer from water service for delinquent sewer charges. The ratepayer shall be responsible for any collection and reconnection fees.

DATED this 13th day of May, 2025. EFFECTIVE June 3rd, 2025

COLCHESTER SELECTBOARD

_____	_____
Pamela Loranger, Chair	**Charlie Papillo, Vice Chair**
_____	_____
Jacki Murphy, Clerk	**Maureen Dakin**

_____

Paul Pecor

Colchester
VERMONT

MEMO From the Office of the Town Manager

To: Colchester Selectboard

From: Aaron Frank, Town Manager

Date: April 10, 2025

Re: Proposed Amendments to Colchester Code of Ordinances, Chapter 10: Sewers

Issue: Whether or not the Selectboard will adopt the Amendments to Colchester Code of Ordinances, Chapter 10: Sewers, regarding the application of interest and penalties to delinquent sewer bills and the utilization of water service disconnection to align with similar practices as used by Champlain Water District following a public hearing on May 13, 2025 as per the recommendation contained in a memo from Aaron Frank, Town Manager, dated April 10, 2025.

Background: Since, July 1, 2024 the Town has outsourced the billing of municipal sewer fees to Champlain Water District in addition to their management and billing of many residents' water service.

Champlain Water District has determined that the way the Town applies interest and penalties to delinquent sewer bills creates an internal issue within their billing software. The Town applies interest and penalties to delinquent sewer bills in a tiered format similar to property taxes, resulting in penalty and interest fees being tacked on to late bills. This is different from how interest and penalties are applied to delinquent water bills, which accrue interest at the same rate per month, by Champlain Water District.

Champlain Water District's billing software company is unable or unwilling to create a program that would allow penalties and interest to be applied differently to the two separate types of accounts (water accounts and sewer accounts). Champlain Water District suggests adopting the same fee schedule as is used for their water customers to the sewer bills they manage. With this change, delinquent sewer bills would accrue interest at 1.5% per month, and significantly properties with delinquent sewer bills would be subject to water disconnection as a delinquency collection procedure, instead of accruing late fees on the same basis as property taxes. Late fees could still be collected by tax lien and sale as is currently the case.

We believe this is in the Town's best interest as it would allow the Town to continue to maintain competitive rates on billing and collection fees provided to us by Champlain Water District, and would create a more uniform and consistent approach to the application of penalties and interest for all municipal wastewater and water customers.

The proposed Ordinance update would read as follows:

Sec. 10-33. Collections and Disconnection.

Any sums due in connection with this ordinance that are not paid shall constitute a lien upon such real estate in the same manner and as to the same effect as taxes are a lien upon such real estate pursuant to 32 V.S.A. Chapter 133, Subchapter 8 and 24 V.S.A. § 3612, and may be collected in the same manner as delinquent taxes. In the event that any wastewater charges are not paid within (30) days from the billing date, penalty and interest charges may be added to the charges. The interest charge shall be at the rate of one-and-one-half percent per month.

Additionally, as a delinquency collection procedure, the Town may disconnect any delinquent ratepayer pursuant to 24 V.S.A. Chapter 129 and may specifically disconnect a ratepayer from water service for delinquent sewer charges. The ratepayer shall be responsible for any collection and reconnection fees.

The Town Manager's Office recommends that changes be made to the Town's Ordinance to align with current practices by Champlain Water District.

This change would be effective 21 days after the Selectboard's approval, following the public hearing.

Staff Recommendation/Proposed Motion: The Colchester Selectboard moves to adopt the Amendments to Colchester Code of Ordinances, Chapter 10: Sewers, regarding the application of interest and penalties to delinquent sewer bills and the utilization of water service disconnection to align with similar practices as used by Champlain Water District following a public hearing on May 13, 2025 as per the recommendation contained in a memo from Aaron Frank, Town Manager, dated April 10, 2025.

COLCHESTER CODE OF ORDINANCES

CHAPTER TEN:
SEWERS

ARTICLE I. DEFINITIONS

Sec. 10-1 Definitions.

For the purposes of this chapter, the following words shall have the meanings indicated unless their context clearly requires otherwise:

Ability to Serve Letter shall mean a letter issued by the Director to a developer indicating that the Town has sufficient wastewater treatment and hydraulic capacity within the sewer system to accommodate a projected wastewater flow as proposed by a land development project.

Actual Flow shall mean that actual wastewater flow as measured by the Town from system flow meters and wastewater pumping stations.

Allocation shall mean a commitment, issued to an applicant pursuant to this Ordinance, of a certain number of gallons per day ("gpd") from the Town's reserve wastewater treatment capacity for use in connection with a land development project.

Board shall mean the Board of Sewage Disposal Commissioners of the Town of Colchester established pursuant to 24 V.S.A. §3614.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 200°C expressed in milligrams per liter.

Building drain means 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 five (5) feet/1.5 meters) outside the inner face of the building wall.

Building Inspector shall mean the Building Inspector for the Town as per the Colchester Code of Ordinances, Chapter 4.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, including any portion thereof, within public right-of-way or easements meaning in general the sewer line from the building to a collector or trunk sewer main.

Capacity Rate shall mean the charge established by the Board and quarterly assessed to each user based upon their assigned capacity within the system. The charge is determined by dividing

the total fixed costs of the sewer system by the total amount of system capacity held by all users of the system.

Connection shall mean a physical connection between the land development project, or any part thereof, and the municipal wastewater system that allows the transfer of wastewater to the system.

Connection fee shall mean the fee, established by the Board, due upon the issuance of the allocation.

Delinquency shall mean the failure of the person responsible for the payment of the bill or charge to tender payment for a valid bill or charge within 30 days of the postmark date of that bill or charge, or by a "due date" at least 30 days after mailing which due date shall be clearly printed on the bill and which shall control in the absence of a postmark. If payment is mailed, the postmark date shall constitute the date of payment.

Designated Enforcement Officer means those municipal officials designated and appointed in accordance with and pursuant to 24 V.S.A. Chapter 59; and as such is granted the authority, subject to the direction of the Town Manager, to enforce the provisions of the Code of Ordinances, and specifically to issue municipal civil complaints alleging violations of said Code of Ordinances:

Designated Wastewater Service Area shall mean that area or areas designated by the Board, from time to time, as wastewater service areas as illustrated in Figure 1.

Director means the Director of Public Works of the Town or his/her authorized deputy, agency or representative.

Garbage means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Effective Date means the effective date of amendments to this ordinance which occurred on April 8, 2003.

Fixed Costs means those costs associated with operating the sewer system that are not influenced by fluctuations in flow.

Industrial wastes means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Land Development shall mean the construction, reconstruction, conversion, relocation or enlargement of any building or other structure, or any change in the use of any building or structure, for human occupancy, employment, recreation, or other purposes to the extent that such construction, modification or change of use generates new or additional wastewater flows or types.

May means permissive.

Natural outlet means an outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Permitted Reserve shall mean a specific capacity allocated by the Town to land development whereby the capacity has not yet been physically connected to the sewer system.

Person shall mean any individual, firm, company, association, society, corporation or group.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Projected Wastewater Flow shall mean the volume of wastewater flow for a land development project based upon the requirements of the Environmental Protection Rules, Chapter 1 as amended hereafter from time to time.

Properly shredded garbage means 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 (½) inch (1.27 centimeters) in dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Rate Modifier means a percentage applied to wastewater rates to produce less or more revenues than what are needed to cover actual annual costs.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Sewage means a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating, and disposing of sewage.

Shall means mandatory.

Sewer means a pipe or conduit for carrying sewage.

Slug means any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen

(15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Storm drain (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended solids means 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.

Town Debt means a financial obligation for the Town to repay monies borrowed for the purchase of an asset, service, or commodity to be owned by the Town as authorized by the legal voters of the Town.

Town health regulations means regulations duly adopted by the Colchester Board of Health in accordance with Title 18 V.S.A. section 613, and approved by the State Board of Health.

Town Reserve shall mean the sum of sewer capacity determined by subtracting both the permitted reserve and actual flow from the Town's total available sewer capacity.

User Charge shall mean the charge established by the Board and quarterly assessed to each user based upon their metered use of the system. The charge is determined by dividing the total variable costs of the sewer system by the total amount of metered water consumption of all users of the system.

Variable Costs means those costs associated with operating the sewer system that are influenced by fluctuations in flow.

Zoning Administrator shall be the Zoning Administrator for the Town as per the Colchester Code of Ordinances, Appendix B Zoning Regulations.

ARTICLE II. IN GENERAL

Sec. 10-2. Purpose

An ordinance regulating the use of public wastewater collection and treatment systems, allocation of wastewater treatment capacity, the installation and connection of building sewers, and the discharge of waters and wastes into the public wastewater collection and treatment systems, and providing penalties for violation thereof in the Town of Colchester, County of Chittenden, Sate of Vermont.

Sec. 10-3. Applicability

This ordinance shall apply to all property within the Town of Colchester, and shall apply specifically as indicated in the Articles within this ordinance.

Sec. 10-4. Municipal sewage disposal department.

There is hereby established within the Town a municipal sewage disposal department. In accordance with Title 24 V.S.A., Section 3506, the Select Board shall constitute the Board of Sewage Disposal Commissioners.

Sec. 10-5. Responsibility for Administration

The Director of Public Works shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director to persons or entities acting in the beneficial interest of or in the employ of the Town of Colchester.

Sec. 10-6. Severability

The provisions of this ordinance are hereby declared to be severable. If any provisions, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, it shall not affect the validity or application of other provisions of this ordinance.

Sec. 10-7. Relation to other ordinances of the Town of Colchester

If the provisions of these regulations conflict with the provisions of any other valid and enforceable Colchester Ordinance(s), the stricter shall prevail.

ARTICLE III. USE OF PUBLIC SEWERS

Sec. 10-8. Use of public sewers required.

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.

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.

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

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so.

Notwithstanding any requirement in this Chapter 10 to the contrary, upon application and submission of an on site septic system plan, approved pursuant to all applicable local and state laws and regulations, the Board may, but shall not be required to, waive the obligation to obtain allocation and to connect to the municipal wastewater system, as otherwise required herein.

Sec. 10-9. Private sewage disposal

Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system which complies with the State of Vermont Environmental Protection Rules.

As such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sewage and abandoned in accordance with the Environmental Protection Rules at the property owner's expense.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Town's health regulations and health officer.

Sec. 10-10. Building sewers and connections.

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

There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes. In either case, the owner or their 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 judgment of the Director. A permit and inspection fee of twenty-five dollars ($25.00) for a residential, commercial, and industrial building sewer permit shall be paid to the Town at the time the application is filed. This fee shall be reduced to five dollars ($5.00) in such cases where an adequate building sewer already exists from the trunk or collector sewer main to the property line.

All costs and expense incident to the installation, connection, maintenance, and repair of the building sewer shall be borne by the owner. The owner shall maintain the building sewer and connection in good working order at all times. Failure to adequately maintain the building sewer and connection shall subject the owner to enforcement under Article V of this Ordinance. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance, and repair of the building sewer.

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, or as otherwise approved by the Director The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

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

The size, slope, location, 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 the requirements of the Colchester Code of Ordinances, Chapter 14, Construction Standards Applicable to Land Development, Department of Public Works Specifications and Standards, or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Pollution Control Federation Manual of Practice No. 9, “Design and Construction of Sanitary and Storm Sewers” shall apply. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

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

No person shall make connection of roof downspouts, exterior and interior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff or groundwater, or any other source of unmetered flow to a building sewer or building drain which in turn is connected directly to a public sanitary sewer.

No sewer connection shall be opened, no pipe laid, and no joints made, except under the inspection of the Building Inspector.

Any work not conforming to the provisions of this section shall be removed.

Streets, sidewalks, parks, and other public property shall not be disturbed for building sewer installations without first obtaining a written excavation permit in accordance with Town ordinances and regulations and pursuant to Title 19 V.S.A., Chapter 11.

Sec. 10-11. Use of the public sewers.

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, or any other unmetered flows to any sanitary sewer.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers if approved by the Director.

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 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 cyanides in excess of two (2) mg/l of CN in the wastes as discharged to the public sewer.

(c) 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.

(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.

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 Director 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/her opinion as to the acceptability of these wastes, the Director shall 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, 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 degrees Fahrenheit (150°F)/sixty five degrees centigrade (65°C).

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

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourth (¾) horsepower (0.76 hp metric) and greater shall be subject to the review and approval of the Director.

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

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

(g) Any radioactive wastes or isotopes of such half-life, or concentration as may exceed limits established by the Director 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, Fuller's 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.
(4) Unusual volume of flow or concentration of wastes instituting "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.

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 this section, and which in the judgment of the Director, 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 Director 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, 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 Director 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 Director, and subject to the requirements of all applicable codes, ordinances, and laws, and to the municipal discharge permit.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, 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 Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

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

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/her expense.

When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his/her 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 Director may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the

Director. Such records shall be made available, upon request by the Director, 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 of Natural Resources in accord with such permit. Records of any monitoring will be supplied by the Director to the Secretary of Natural Resources on request.

All measurements, tests, and analyses 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 provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all 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 pH's are determined from periodic grab samples.

No statement contained in this section 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 therefor, by the industrial concern.

Sec. 10-12. Protection from damage.

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 works. Any person violating this section on conviction thereof shall be fined in the amount not exceeding one hundred dollars ($100.00) for each violation.

ARTICLE IV. POWERS AND AUTHORITY OF INSPECTORS

Sec. 10-13. Right of entry

The Director, Building Inspector, Health Officer, 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, testing, or to abate a violation in accordance with the provisions of this ordinance. The Director or his/her 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 waste treatment.

Sec. 10-14. Access to Easements

The Director, Building Inspector, Health Officer, 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 an easement for the purpose 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 easement pertaining to the private property involved.

ARTICLE V. PENALTIES

Sec. 10-15. Enforcement Remedies.

The Town, by and through its authorized agents, shall have the authority to enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil and criminal remedies in connection with any violation hereunder.

Sec. 10-16. Remedies not exclusive.

The remedies set forth herein are not exclusive of any other remedies available, including criminal prosecution, under any applicable federal, state or local law. Election of one remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the Town from seeking multiple remedies.

Sec. 10-17. Judicial Bureau Municipal Civil Complaint Ticket.

Pursuant to 24 V.S.A., Chapters 59 and 61 and 4 V.S.A., Chapter 29, a Designated Enforcement Officer may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of two hundred dollars ($200.00), the waiver fee shall be one hundred dollars ($100.00); a second offense ticketed for the same violation shall be punishable by a fine of four hundred dollars ($400.00), the waiver fee shall be two hundred dollars ($200.00), a third offense ticketed for the same violation shall be punishable by a fine of eight hundred dollars ($800.00), the waiver fee shall be four hundred dollars ($400.00). Upon the fourth offense, the Town may request that the case be transferred to the Superior Court, or any other court of competent jurisdiction.

Sec. 10-18. Other enforcement remedies generally; fines, injunctive relief.

(1) Fines - Any person violating any of the provisions of this ordinance shall be subject to fines as outlined in Article V. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

(2) Injunctive Relief - An action, injunction, or other enforcement proceeding may be instituted by the Town to prevent, restrain, correct, or abate any violation or activity causing a violation. The Town may also institute an original action in the Civil Division of the Vermont Superior Court to enforce this Ordinance. The relief sought may include the right to enter onto private property to abate or correct the violation, to restrain any activity that would create further violations, or to compel a person or persons to perform abatement or remediation of the violation; and to seek damages for all costs, including reasonable attorney's fees, incurred by the Town in pursuing and obtaining such relief.

ARTICLE VI. RATES

Sec. 10-19. Sewage disposal charges

Pursuant to Title 24, V.S.A. Sections 3615 and 3616, the Board of Sewage Disposal Commissioners ("the Board" or "the Commissioners") may establish charges to be called "sewage disposal charges" to be paid at such times and in such manner as the Board may prescribe. The Board may change the rates of such charges from time to time as may be reasonably required. Said charges and receipts of the sewage disposal department shall be used and applied only to pay the interest and principal of sewage disposal bonds of the Town as well as the expense of maintenance and operation of the sewage disposal department or other expenses of the sewage system.

Sec. 10-20. Reserve funds

Additionally, pursuant to 24 V.S.A. Section 3616, the Board is hereby authorized to create by written resolution a fund dedicated to the purpose of financing major rehabilitation, major maintenance and upgrade costs for the sewer system. Said fund shall be separate from other funds and shall be used only for such limited purpose. The Board upon the creation of said fund shall make and establish charges to be collected and placed in said dedicated fund. Said funds shall be subject to the following requirements and controls:

(a) The annual set aside for such fund shall be not greater than 15 percent of the costs of the system for normal operations, maintenance and bond payment, except with respect to

subsurface leach field systems, in which case the annual set-aside shall not exceed 100 percent of said costs;

(b) The fund shall not exceed the estimated future major rehabilitation, major maintenance, or upgrade costs for the system;

(c) The fund shall be insured at least to the level provided by FDIC and withdrawals shall be made only for the purposes for which the fund was established; and

(d) The resolution of the Board shall specify any other controls, requirements, or limitations the Board deems appropriate, including the assessment of such charges only to specific designated service areas where improvements are necessary or where the Board reasonably believes improvements may become necessary.

Sec. 10-21. Rates.

(a) The Board of Sewer Commissioners shall establish the user charge and industrial cost recovery system (if required) in accordance with appropriate federal and state rules and regulations. The user charge shall be determined by dividing the systems variable costs in any manner that is fair, equitable, and reasonable. The user charge schedule shall be set forth in a Schedule of Rates and Fees which may be changed by the Board of Sewer Commissioners as it determines necessary.

(b) The Board of Sewer Commissioners shall establish the capacity charge in accordance with appropriate federal and state rules and regulations. The capacity charge shall be determined by dividing the systems fixed costs in any manner that is fair, equitable, and reasonable and may be changed as required. The capacity charge schedule shall be set forth in a Schedule of Rates and Fees which may be changed by the Board of Sewer Commissioners as it determines necessary.

(c) The Board of Sewer Commissioners may establish a Connection Fee to be charged to new customers upon the issuance of an allocation.

(d) The Board of Sewer Commissioners shall, in establishing the rates referred to in section 10-21, paragraph (a) above, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of 40 CFR 35.935-13, or 40 CFR 35.2140, and 24 V.S.A. Chapter 101.

ARTICLE VII. WASTEWATER ALLOCATION

Sec. 10-22. Purpose

The purpose of this article is to provide the Town with a fair and equitable process through which to assign and issue wastewater allocation, an efficient method to manage a limited and valuable resource, a process to ensure that the Town's wastewater allocation is used only within the Town's designated wastewater service areas, and to ensure that the allocation of sewer capacity occurs in a manner which is consistent with the Town Plan, Subdivision Regulations and Zoning Bylaws.

Sec. 10-23. Ownership and Permit

The Town of Colchester has acquired a total treatment capacity of 1,000,000 gallons per day at the Airport Parkway Wastewater Treatment Facility in the City of South Burlington, and an additional 9,405 gallons per day in the City of Winooski's Wastewater Treatment Facility. The Town therefore controls and manages a total capacity of 1,009,405 gallons per day. These facilities are operated in accordance with discharge permits issued by the Vermont Department of Environmental Conservation under the authority granted in 10 V.S.A., Chapter 47. The Board is obligated by law to comply with the conditions of these permits, and to operate and manage the sewer system as a governmental function under and pursuant to 24 V.S.A., Chapters 97 and 101.

Sec. 10-24. Introduction to Reserve Capacity Allocation

A. The capacity of the Wastewater Treatment Facilities allocated to the Town of Colchester are the property of the Town. The Town's uncommitted reserve capacity shall be allocated in the manner described below. This ordinance is adopted pursuant to the provisions of 24 V.S.A., Section 3625; in the manner provided in 24 V.S.A., Chapter 59, and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the Board to regulate, control and supervise all means and methods of sewage collection, treatment 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 and treatment of sewage.
B. Recognizing that there is insufficient capacity to provide sewer service to the entire Town, the Board has created a Designated Wastewater Service Area, (Figure 1) to establish definitive boundaries for the assignment of available wastewater capacity and future expansions of the sanitary sewer system. The location and method of allocation for this sewer capacity is set forth in the following sections of this article.

Sec. 10-25. Designated Wastewater Service Areas.

The Board shall establish Designated Wastewater Service Areas, and shall assign a specific amount of sewer capacity to each wastewater service area within the limits of the Town's total available capacity. The Director shall regularly monitor permitted reserves and actual flows and shall report to the Board as to whether any modifications are needed.

Planning Areas	Planning Allocation			
Exit 16	300,000 gpd			
College Parkway	210,000 gpd			
Severance Corners	331,754 gpd			
Village	46,000 gpd			
Brookside	9,405 gpd			
Exit 17	0 gpd			
Malletts Bay	112,246 gpd			
Totals	1,009,405 gpd			

Sec. 10-26. Allocation required.

Within the Town's Designated Wastewater Service Area, as defined herein, no land development, or construction of any sewage works shall be permitted except upon the issuance of allocation in compliance with this Article. No allocation shall be issued to lands outside the designated wastewater service area. Notwithstanding any requirement in this Chapter 10, and specifically Sections 10-8 and 10-9, to the contrary, upon application and submission of an on-site septic system plan, approved pursuant to all applicable local and state laws and regulations, the Board may, but shall not be required to, waive the obligation to obtain allocation and to connect to the municipal wastewater system, as otherwise required herein.

Sec. 10-27. Issuance of Allocation within the Malletts Bay Sewer Designated Service Area.

(1) Per Section 10-25 above, the Malletts Bay Sewer Service Area has been assigned 112,246 gallons per day of sewer allocation. Allocation has been assigned to existing developed properties within the Malletts Bay Sewer Service Area in an amount consistent with lawful uses in place or permitted as of May 2024, and totals approximately 90% of this112,246 gallon per day allocation. During the period of construction of municipal sewer works to serve the full Malletts Bay Sewer Service Area and for two full calendar years following the date of completion of this work, no parcel as defined in 32 V.S.A. § 4152 shall be approved for an increase of greater than 10% of the site's originally assigned allocation.

(2) Sewer allocations for non-residential properties within the Malletts Bay Sewer Service Area shall be per the Table provided below. Any property owner who believes the allocation for their site was calculated in error shall contact the Director of Public Works to request a review of their property, and bear the burden of producing documentation to support their claim. The Director shall

have thirty (30) days to review and provide a determination in writing. This written determination shall be subject to the appeal process outlined in Section 10-34 of this Ordinance.

*GPD as used above stands for "gallons per day."

Sec. 10-28. Application.

(1) Anyone seeking an allocation shall apply to the Director on an application form provided by the Director. At a minimum the application shall be accompanied by the application fee (if so established by action of the Board of Sewer Commissioners) and include:

(2) A description of the land development for which allocation is sought, together with written confirmation from the Zoning Administrator indicating that 1) the applicant has submitted to the Zoning Administrator a land development project proposal in sufficient detail for the Zoning Administrator to determine whether the proposal is viable under the current zoning regulations and 2) the land development project as proposed generally appears to be viable under said regulations, subject to certain approvals.

(3) A calculation of the Projected Wastewater Flow certified as accurate and in compliance with the applicable rules and regulations by a designer licensed pursuant to 10 V.S.A. §1975.

(4) The flow rate, strength, and any other characteristics of the Projected Wastewater Flow determined to be pertinent by the Director.

(5) A projection of the time period for completion of the land development project and, if phased over more than one year, a projection as to the number of units to be connected to the municipal wastewater system each year.

A Vermont Professional Engineer or licensed designer shall certify that all calculations of Projected Wastewater Flow comply with the applicable regulations.

Sec. 10-29. Issuance of allocation.

Upon receipt of the Sewer Allocation Application and supporting documentation, the Director, upon making the following findings, shall issue from the Town's reserve capacity from within the appropriate planning area an allocation of a specific number of gallons per day, and may condition such issuance upon requirements reasonably related to protect the public health, safety, and welfare:

(1) That the allocation requested is the Projected Wastewater Flow as that term is defined herein;

(2) That the Proposed Wastewater Flow is of sanitary origin or that the flow and character of the wastewater will not detrimentally effect the municipal waste water system or its proper operation or, alone or in combination with other wastes, cause a violation of any discharge permit, pass through the plant without treatment, interfere or otherwise disrupt the proper quality and disposal of sludge or be injurious in other manner to the municipal wastewater system;

(3) That there is sufficient reserve capacity to issue said allocation, and

(4) That the proposed use of the wastewater allocation complies with all provisions set forth in this ordinance and all other ordinances of the Town of Colchester

The issuance of an allocation shall be in writing on a form approved by the Director. The Director shall provide notification of said issuance by first class mail addressed to the applicant's address on the application and shall record said approval in the Colchester Land Records. Said allocation, and all conditions attached thereto, shall run with the land and the specific land development plans referenced in the application and shall be binding upon and inure to the benefit of the legal owners of said land, their heirs, successors, and assigns.

Sec. 10-30. Duration of allocation; forfeiture.

Upon the issuance of allocation and payment therefore, so long as annual charges on such allocations are timely paid, the allocation shall continue for a period of two (2) years from the date of issuance of allocation. The Director may allow a period longer than two (2) years if a developer so requests in writing and the Director after consulting with the Director of planning and zoning determines that two years is not a realistic time within which to expect connection to the municipal wastewater system. If, at the end of said period, the allocation, or a portion thereof, is not attached by connection to the municipal wastewater system, then all rights to said unattached portion of the allocation shall expire and the unattached portion of the allocation shall revert to the Town and become a part of its reserve capacity. Anyone who forfeits allocation shall not be entitled to any refund of any amounts paid in connection with such allocation.

Extension. Upon written application by a person having allocation, the Town Manager may extend the initial two (2) year, or longer, period by up to an additional one (1) year provided that the application for extension is filed with the Director prior to the expiration and the Town Manager finds that the person requesting the extension has been working diligently to complete the project. The Town Manager may similarly grant additional extensions.

Sec. 10-31. Maximum allocation; transfer of allocation.

Maximum. No person shall obtain an allocation in excess of the Projected Wastewater Flow as defined hereinabove, except upon express written permission of the Board.

Transfer. Subject to approval by the Director, a holder of any allocation may apply to transfer to another person or entity within the same Designated Wastewater Service Area ("transferee") all or a portion of the allocation held by the holder. Approval by the Director shall be based upon the following:

(a) Submission of an application to transfer on a form approved by the Director, signed by the holder/transferor and the transferee, and identifying by municipal land record book and page all lands affected by the transfer,

(b) An acknowledgment by the holder/transferor that the transferor voluntarily surrenders all rights to the allocation being transferred and is aware that the transfer may affect the right to develop transferor's land,

(c) Agreement by the transferee to accept all obligations attached to the allocation being transferred,

(d) A finding by the Director that the transferee is otherwise eligible for allocation under this Article,

(e) Recording of the approval at the expense of the transferee in the Colchester Land Records.

Sec. 10-32. Nonpayment; forfeiture.

In the event a holder of any allocation not yet connected to the municipal wastewater system is delinquent in any payments for allocation, the Town, after notice and thirty days to cure the delinquency, may declare the allocation forfeited, whereupon such allocation shall revert to the Town's reserve capacity.

Sec. 10-33. Collections and Disconnection.

Any sums due in connection with this ordinance that are not paid shall constitute a lien upon such real estate in the same manner and as to the same effect as taxes are a lien upon such real estate pursuant to 32 V.S.A. Chapter 133, Subchapter 8 and 24 V.S.A. § 3612, and may be collected in the same manner as delinquent taxes. In the event that any wastewater charges are not paid within (30) days from the billing date, penalty and interest charges ~~will~~ may be added to the charges ~~as described in Section 702 of the Town's Charter~~. ~~–~~The interest charge shall be at the rate of one-and-one-half percent per month.

Additionally, as a delinquency collection procedure, the Town may disconnect any delinquent ratepayer pursuant to 24 V.S.A. Chapter 129 and may specifically disconnect a ratepayer from water service for delinquent sewer charges. The ratepayer shall be responsible for any collection and reconnection fees.

Sec. 10-34. Appeal to Board.

Any person aggrieved by a decision of the Director may appeal such decision to the Board. Provided a written notice of appeal, specifying the basis for the appeal is delivered to the office of the Director no later than thirty (30) days following the Director mailing the decision, the Board shall allow the person aggrieved and the Director to appear and be heard. Following hearing the Board shall uphold, modify, or reverse the decision and shall provide the reasons for its action.

COLCHESTER CODE OF ORDINANCES

CHAPTER TEN:
SEWERS

ARTICLE I. DEFINITIONS

Sec. 10-1 Definitions.

For the purposes of this chapter, the following words shall have the meanings indicated unless their context clearly requires otherwise:

Ability to Serve Letter shall mean a letter issued by the Director to a developer indicating that the Town has sufficient wastewater treatment and hydraulic capacity within the sewer system to accommodate a projected wastewater flow as proposed by a land development project.

Actual Flow shall mean that actual wastewater flow as measured by the Town from system flow meters and wastewater pumping stations.

Allocation shall mean a commitment, issued to an applicant pursuant to this Ordinance, of a certain number of gallons per day ("gpd") from the Town's reserve wastewater treatment capacity for use in connection with a land development project.

Board shall mean the Board of Sewage Disposal Commissioners of the Town of Colchester established pursuant to 24 V.S.A. §3614.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 200°C expressed in milligrams per liter.

Building drain means 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 five (5) feet/1.5 meters) outside the inner face of the building wall.

Building Inspector shall mean the Building Inspector for the Town as per the Colchester Code of Ordinances, Chapter 4.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, including any portion thereof, within public right-of-way or easements meaning in general the sewer line from the building to a collector or trunk sewer main.

Capacity Rate shall mean the charge established by the Board and quarterly assessed to each user based upon their assigned capacity within the system. The charge is determined by dividing

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the total fixed costs of the sewer system by the total amount of system capacity held by all users of the system.

Connection shall mean a physical connection between the land development project, or any part thereof, and the municipal wastewater system that allows the transfer of wastewater to the system.

Connection fee shall mean the fee, established by the Board, due upon the issuance of the allocation.

Delinquency shall mean the failure of the person responsible for the payment of the bill or charge to tender payment for a valid bill or charge within 30 days of the postmark date of that bill or charge, or by a "due date" at least 30 days after mailing which due date shall be clearly printed on the bill and which shall control in the absence of a postmark. If payment is mailed, the postmark date shall constitute the date of payment.

Designated Enforcement Officer means those municipal officials designated and appointed in accordance with and pursuant to 24 V.S.A. Chapter 59; and as such is granted the authority, subject to the direction of the Town Manager, to enforce the provisions of the Code of Ordinances, and specifically to issue municipal civil complaints alleging violations of said Code of Ordinances:

Designated Wastewater Service Area shall mean that area or areas designated by the Board, from time to time, as wastewater service areas as illustrated in Figure 1.

Director means the Director of Public Works of the Town or his/her authorized deputy, agency or representative.

Garbage means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Effective Date means the effective date of amendments to this ordinance which occurred on April 8, 2003.

Fixed Costs means those costs associated with operating the sewer system that are not influenced by fluctuations in flow.

Industrial wastes means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Land Development shall mean the construction, reconstruction, conversion, relocation or enlargement of any building or other structure, or any change in the use of any building or structure, for human occupancy, employment, recreation, or other purposes to the extent that such construction, modification or change of use generates new or additional wastewater flows or types.

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May means permissive.

Natural outlet means an outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Permitted Reserve shall mean a specific capacity allocated by the Town to land development whereby the capacity has not yet been physically connected to the sewer system.

Person shall mean any individual, firm, company, association, society, corporation or group.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Projected Wastewater Flow shall mean the volume of wastewater flow for a land development project based upon the requirements of the Environmental Protection Rules, Chapter 1 as amended hereafter from time to time.

Properly shredded garbage means 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 (½) inch (1.27 centimeters) in dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Rate Modifier means a percentage applied to wastewater rates to produce less or more revenues than what are needed to cover actual annual costs.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Sewage means a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating, and disposing of sewage.

Shall means mandatory.

Sewer means a pipe or conduit for carrying sewage.

Slug means any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen

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(15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Storm drain (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended solids means 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.

Town Debt means a financial obligation for the Town to repay monies borrowed for the purchase of an asset, service, or commodity to be owned by the Town as authorized by the legal voters of the Town.

Town health regulations means regulations duly adopted by the Colchester Board of Health in accordance with Title 18 V.S.A. section 613, and approved by the State Board of Health.

Town Reserve shall mean the sum of sewer capacity determined by subtracting both the permitted reserve and actual flow from the Town's total available sewer capacity.

User Charge shall mean the charge established by the Board and quarterly assessed to each user based upon their metered use of the system. The charge is determined by dividing the total variable costs of the sewer system by the total amount of metered water consumption of all users of the system.

Variable Costs means those costs associated with operating the sewer system that are influenced by fluctuations in flow.

Zoning Administrator shall be the Zoning Administrator for the Town as per the Colchester Code of Ordinances, Appendix B Zoning Regulations.

ARTICLE II. IN GENERAL

Sec. 10-2. Purpose

An ordinance regulating the use of public wastewater collection and treatment systems, allocation of wastewater treatment capacity, the installation and connection of building sewers, and the discharge of waters and wastes into the public wastewater collection and treatment systems, and providing penalties for violation thereof in the Town of Colchester, County of Chittenden, Sate of Vermont.

Sec. 10-3. Applicability

This ordinance shall apply to all property within the Town of Colchester, and shall apply specifically as indicated in the Articles within this ordinance.

Sec. 10-4. Municipal sewage disposal department.

There is hereby established within the Town a municipal sewage disposal department. In accordance with Title 24 V.S.A., Section 3506, the Select Board shall constitute the Board of Sewage Disposal Commissioners.

Sec. 10-5. Responsibility for Administration

The Director of Public Works shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Director of Public Works may be delegated by the Director to persons or entities acting in the beneficial interest of or in the employ of the Town of Colchester.

Sec. 10-6. Severability

The provisions of this ordinance are hereby declared to be severable. If any provisions, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, it shall not affect the validity or application of other provisions of this ordinance.

Sec. 10-7. Relation to other ordinances of the Town of Colchester

If the provisions of these regulations conflict with the provisions of any other valid and enforceable Colchester Ordinance(s), the stricter shall prevail.

ARTICLE III. USE OF PUBLIC SEWERS

Sec. 10-8. Use of public sewers required.

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.

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.

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

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so.

Notwithstanding any requirement in this Chapter 10 to the contrary, upon application and submission of an on site septic system plan, approved pursuant to all applicable local and state laws and regulations, the Board may, but shall not be required to, waive the obligation to obtain allocation and to connect to the municipal wastewater system, as otherwise required herein.

Sec. 10-9. Private sewage disposal

Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system which complies with the State of Vermont Environmental Protection Rules.

As such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sewage and abandoned in accordance with the Environmental Protection Rules at the property owner's expense.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Town's health regulations and health officer.

Sec. 10-10. Building sewers and connections.

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

There shall be two (2) classes of building sewer permits:

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(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes. In either case, the owner or their 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 judgment of the Director. A permit and inspection fee of twenty-five dollars ($25.00) for a residential, commercial, and industrial building sewer permit shall be paid to the Town at the time the application is filed. This fee shall be reduced to five dollars ($5.00) in such cases where an adequate building sewer already exists from the trunk or collector sewer main to the property line.

All costs and expense incident to the installation, connection, maintenance, and repair of the building sewer shall be borne by the owner. The owner shall maintain the building sewer and connection in good working order at all times. Failure to adequately maintain the building sewer and connection shall subject the owner to enforcement under Article V of this Ordinance. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance, and repair of the building sewer.

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, or as otherwise approved by the Director The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

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

The size, slope, location, 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 the requirements of the Colchester Code of Ordinances, Chapter 14, Construction Standards Applicable to Land Development, Department of Public Works Specifications and Standards, or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Pollution Control Federation Manual of Practice No. 9, “Design and Construction of Sanitary and Storm Sewers” shall apply. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

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

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No person shall make connection of roof downspouts, exterior and interior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff or groundwater, or any other source of unmetered flow to a building sewer or building drain which in turn is connected directly to a public sanitary sewer.

No sewer connection shall be opened, no pipe laid, and no joints made, except under the inspection of the Building Inspector.

Any work not conforming to the provisions of this section shall be removed.

Streets, sidewalks, parks, and other public property shall not be disturbed for building sewer installations without first obtaining a written excavation permit in accordance with Town ordinances and regulations and pursuant to Title 19 V.S.A., Chapter 11.

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Sec. 10-11. Use of the public sewers.

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, or any other unmetered flows to any sanitary sewer.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers if approved by the Director.

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 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 cyanides in excess of two (2) mg/l of CN in the wastes as discharged to the public sewer.

(c) 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.

(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.

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 Director 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/her opinion as to the acceptability of these wastes, the Director shall 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, 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 degrees Fahrenheit (150°F)/sixty five degrees centigrade (65°C).

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(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 degrees Fahrenheit (150°F)/zero (0) to sixty five degrees centigrade (65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourth (¾) horsepower (0.76 hp metric) and greater shall be subject to the review and approval of the Director.

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

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

(g) Any radioactive wastes or isotopes of such half-life, or concentration as may exceed limits established by the Director 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, Fuller's 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.
(4) Unusual volume of flow or concentration of wastes instituting "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.

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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 this section, and which in the judgment of the Director, 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 Director 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, 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 Director 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 Director, and subject to the requirements of all applicable codes, ordinances, and laws, and to the municipal discharge permit.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, 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 Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

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

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/her expense.

When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his/her 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 Director may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the

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Director. Such records shall be made available, upon request by the Director, 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 of Natural Resources in accord with such permit. Records of any monitoring will be supplied by the Director to the Secretary of Natural Resources on request.

All measurements, tests, and analyses 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 provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all 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 pH's are determined from periodic grab samples.

No statement contained in this section 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 therefor, by the industrial concern.

Sec. 10-12. Protection from damage.

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 works. Any person violating this section on conviction thereof shall be fined in the amount not exceeding one hundred dollars ($100.00) for each violation.

ARTICLE IV. POWERS AND AUTHORITY OF INSPECTORS

Sec. 10-13. Right of entry

The Director, Building Inspector, Health Officer, 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, testing, or to abate a violation in accordance with the provisions of this ordinance. The Director or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining,

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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.

Sec. 10-14. Access to Easements

The Director, Building Inspector, Health Officer, 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 an easement for the purpose 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 easement pertaining to the private property involved.

ARTICLE V. PENALTIES

Sec. 10-15. Enforcement Remedies.

The Town, by and through its authorized agents, shall have the authority to enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil and criminal remedies in connection with any violation hereunder.

Sec. 10-16. Remedies not exclusive.

The remedies set forth herein are not exclusive of any other remedies available, including criminal prosecution, under any applicable federal, state or local law. Election of one remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the Town from seeking multiple remedies.

Sec. 10-17. Judicial Bureau Municipal Civil Complaint Ticket.

Pursuant to 24 V.S.A., Chapters 59 and 61 and 4 V.S.A., Chapter 29, a Designated Enforcement Officer may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of two hundred dollars ($200.00), the waiver fee shall be one hundred dollars ($100.00); a second offense ticketed for the same violation shall be punishable by a fine of four hundred dollars ($400.00), the waiver fee shall be two hundred dollars ($200.00), a third offense ticketed for the same violation shall be punishable by a fine of eight hundred dollars ($800.00), the waiver fee shall be four hundred dollars ($400.00). Upon the fourth offense, the Town may request that the case be transferred to the Superior Court, or any other court of competent jurisdiction.

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Sec. 10-18. Other enforcement remedies generally; fines, injunctive relief.

(1) Fines - Any person violating any of the provisions of this ordinance shall be subject to fines as outlined in Article V. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

(2) Injunctive Relief - An action, injunction, or other enforcement proceeding may be instituted by the Town to prevent, restrain, correct, or abate any violation or activity causing a violation. The Town may also institute an original action in the Civil Division of the Vermont Superior Court to enforce this Ordinance. The relief sought may include the right to enter onto private property to abate or correct the violation, to restrain any activity that would create further violations, or to compel a person or persons to perform abatement or remediation of the violation; and to seek damages for all costs, including reasonable attorney's fees, incurred by the Town in pursuing and obtaining such relief.

ARTICLE VI. RATES

Sec. 10-19. Sewage disposal charges

Pursuant to Title 24, V.S.A. Sections 3615 and 3616, the Board of Sewage Disposal Commissioners ("the Board" or "the Commissioners") may establish charges to be called "sewage disposal charges" to be paid at such times and in such manner as the Board may prescribe. The Board may change the rates of such charges from time to time as may be reasonably required. Said charges and receipts of the sewage disposal department shall be used and applied only to pay the interest and principal of sewage disposal bonds of the Town as well as the expense of maintenance and operation of the sewage disposal department or other expenses of the sewage system.

Sec. 10-20. Reserve funds

Additionally, pursuant to 24 V.S.A. Section 3616, the Board is hereby authorized to create by written resolution a fund dedicated to the purpose of financing major rehabilitation, major maintenance and upgrade costs for the sewer system. Said fund shall be separate from other funds and shall be used only for such limited purpose. The Board upon the creation of said fund shall make and establish charges to be collected and placed in said dedicated fund. Said funds shall be subject to the following requirements and controls:

(a) The annual set aside for such fund shall be not greater than 15 percent of the costs of the system for normal operations, maintenance and bond payment, except with respect to

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subsurface leach field systems, in which case the annual set-aside shall not exceed 100 percent of said costs;

(b) The fund shall not exceed the estimated future major rehabilitation, major maintenance, or upgrade costs for the system;

(c) The fund shall be insured at least to the level provided by FDIC and withdrawals shall be made only for the purposes for which the fund was established; and

(d) The resolution of the Board shall specify any other controls, requirements, or limitations the Board deems appropriate, including the assessment of such charges only to specific designated service areas where improvements are necessary or where the Board reasonably believes improvements may become necessary.

Sec. 10-21. Rates.

(a) The Board of Sewer Commissioners shall establish the user charge and industrial cost recovery system (if required) in accordance with appropriate federal and state rules and regulations. The user charge shall be determined by dividing the systems variable costs in any manner that is fair, equitable, and reasonable. The user charge schedule shall be set forth in a Schedule of Rates and Fees which may be changed by the Board of Sewer Commissioners as it determines necessary.

(b) The Board of Sewer Commissioners shall establish the capacity charge in accordance with appropriate federal and state rules and regulations. The capacity charge shall be determined by dividing the systems fixed costs in any manner that is fair, equitable, and reasonable and may be changed as required. The capacity charge schedule shall be set forth in a Schedule of Rates and Fees which may be changed by the Board of Sewer Commissioners as it determines necessary.

(c) The Board of Sewer Commissioners may establish a Connection Fee to be charged to new customers upon the issuance of an allocation.

(d) The Board of Sewer Commissioners shall, in establishing the rates referred to in section 10-21, paragraph (a) above, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of 40 CFR 35.935-13, or 40 CFR 35.2140, and 24 V.S.A. Chapter 101.

ARTICLE VII. WASTEWATER ALLOCATION

Sec. 10-22. Purpose

The purpose of this article is to provide the Town with a fair and equitable process through which to assign and issue wastewater allocation, an efficient method to manage a limited and valuable resource, a process to ensure that the Town's wastewater allocation is used only within the Town's designated wastewater service areas, and to ensure that the allocation of sewer capacity occurs in a manner which is consistent with the Town Plan, Subdivision Regulations and Zoning Bylaws.

Sec. 10-23. Ownership and Permit

The Town of Colchester has acquired a total treatment capacity of 1,000,000 gallons per day at the Airport Parkway Wastewater Treatment Facility in the City of South Burlington, and an additional 9,405 gallons per day in the City of Winooski's Wastewater Treatment Facility. The Town therefore controls and manages a total capacity of 1,009,405 gallons per day. These facilities are operated in accordance with discharge permits issued by the Vermont Department of Environmental Conservation under the authority granted in 10 V.S.A., Chapter 47. The Board is obligated by law to comply with the conditions of these permits, and to operate and manage the sewer system as a governmental function under and pursuant to 24 V.S.A., Chapters 97 and 101.

Sec. 10-24. Introduction to Reserve Capacity Allocation

A. The capacity of the Wastewater Treatment Facilities allocated to the Town of Colchester are the property of the Town. The Town's uncommitted reserve capacity shall be allocated in the manner described below. This ordinance is adopted pursuant to the provisions of 24 V.S.A., Section 3625; in the manner provided in 24 V.S.A., Chapter 59, and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the Board to regulate, control and supervise all means and methods of sewage collection, treatment 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 and treatment of sewage.
B. Recognizing that there is insufficient capacity to provide sewer service to the entire Town, the Board has created a Designated Wastewater Service Area, (Figure 1) to establish definitive boundaries for the assignment of available wastewater capacity and future expansions of the sanitary sewer system. The location and method of allocation for this sewer capacity is set forth in the following sections of this article.

Sec. 10-25. Designated Wastewater Service Areas.

The Board shall establish Designated Wastewater Service Areas, and shall assign a specific amount of sewer capacity to each wastewater service area within the limits of the Town's total available capacity. The Director shall regularly monitor permitted reserves and actual flows and shall report to the Board as to whether any modifications are needed.

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Planning Areas	Planning Allocation			
Exit 16	300,000 gpd			
College Parkway	210,000 gpd			
Severance Corners	331,754 gpd			
Village	46,000 gpd			
Brookside	9,405 gpd			
Exit 17	0 gpd			
Malletts Bay	112,246 gpd			
Totals	1,009,405 gpd			

Sec. 10-26. Allocation required.

Within the Town's Designated Wastewater Service Area, as defined herein, no land development, or construction of any sewage works shall be permitted except upon the issuance of allocation in compliance with this Article. No allocation shall be issued to lands outside the designated wastewater service area. Notwithstanding any requirement in this Chapter 10, and specifically Sections 10-8 and 10-9, to the contrary, upon application and submission of an on-site septic system plan, approved pursuant to all applicable local and state laws and regulations, the Board may, but shall not be required to, waive the obligation to obtain allocation and to connect to the municipal wastewater system, as otherwise required herein.

Sec. 10-27. Issuance of Allocation within the Malletts Bay Sewer Designated Service Area.

(1) Per Section 10-25 above, the Malletts Bay Sewer Service Area has been assigned 112,246 gallons per day of sewer allocation. Allocation has been assigned to existing developed properties within the Malletts Bay Sewer Service Area in an amount consistent with lawful uses in place or permitted as of May 2024, and totals approximately 90% of this112,246 gallon per day allocation. During the period of construction of municipal sewer works to serve the full Malletts Bay Sewer Service Area and for two full calendar years following the date of completion of this work, no parcel as defined in 32 V.S.A. § 4152 shall be approved for an increase of greater than 10% of the site's originally assigned allocation.

(2) Sewer allocations for non-residential properties within the Malletts Bay Sewer Service Area shall be per the Table provided below. Any property owner who believes the allocation for their site was calculated in error shall contact the Director of Public Works to request a review of their property, and bear the burden of producing documentation to support their claim. The Director shall

have thirty (30) days to review and provide a determination in writing. This written determination shall be subject to the appeal process outlined in Section 10-34 of this Ordinance.

*GPD as used above stands for "gallons per day."

Sec. 10-28. Application.

(1) Anyone seeking an allocation shall apply to the Director on an application form provided by the Director. At a minimum the application shall be accompanied by the application fee (if so established by action of the Board of Sewer Commissioners) and include:

(2) A description of the land development for which allocation is sought, together with written confirmation from the Zoning Administrator indicating that 1) the applicant has submitted to the Zoning Administrator a land development project proposal in sufficient detail for the Zoning Administrator to determine whether the proposal is viable under the current zoning regulations and 2) the land development project as proposed generally appears to be viable under said regulations, subject to certain approvals.

(3) A calculation of the Projected Wastewater Flow certified as accurate and in compliance with the applicable rules and regulations by a designer licensed pursuant to 10 V.S.A. §1975.

(4) The flow rate, strength, and any other characteristics of the Projected Wastewater Flow determined to be pertinent by the Director.

(5) A projection of the time period for completion of the land development project and, if phased over more than one year, a projection as to the number of units to be connected to the municipal wastewater system each year.

A Vermont Professional Engineer or licensed designer shall certify that all calculations of Projected Wastewater Flow comply with the applicable regulations.

Sec. 10-29. Issuance of allocation.

Upon receipt of the Sewer Allocation Application and supporting documentation, the Director, upon making the following findings, shall issue from the Town's reserve capacity from within the appropriate planning area an allocation of a specific number of gallons per day, and may condition such issuance upon requirements reasonably related to protect the public health, safety, and welfare:

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(1) That the allocation requested is the Projected Wastewater Flow as that term is defined herein;

(2) That the Proposed Wastewater Flow is of sanitary origin or that the flow and character of the wastewater will not detrimentally effect the municipal waste water system or its proper operation or, alone or in combination with other wastes, cause a violation of any discharge permit, pass through the plant without treatment, interfere or otherwise disrupt the proper quality and disposal of sludge or be injurious in other manner to the municipal wastewater system;

(3) That there is sufficient reserve capacity to issue said allocation, and

(4) That the proposed use of the wastewater allocation complies with all provisions set forth in this ordinance and all other ordinances of the Town of Colchester

The issuance of an allocation shall be in writing on a form approved by the Director. The Director shall provide notification of said issuance by first class mail addressed to the applicant's address on the application and shall record said approval in the Colchester Land Records. Said allocation, and all conditions attached thereto, shall run with the land and the specific land development plans referenced in the application and shall be binding upon and inure to the benefit of the legal owners of said land, their heirs, successors, and assigns.

Sec. 10-30. Duration of allocation; forfeiture.

Upon the issuance of allocation and payment therefore, so long as annual charges on such allocations are timely paid, the allocation shall continue for a period of two (2) years from the date of issuance of allocation. The Director may allow a period longer than two (2) years if a developer so requests in writing and the Director after consulting with the Director of planning and zoning determines that two years is not a realistic time within which to expect connection to the municipal wastewater system. If, at the end of said period, the allocation, or a portion thereof, is not attached by connection to the municipal wastewater system, then all rights to said unattached portion of the allocation shall expire and the unattached portion of the allocation shall revert to the Town and become a part of its reserve capacity. Anyone who forfeits allocation shall not be entitled to any refund of any amounts paid in connection with such allocation.

Extension. Upon written application by a person having allocation, the Town Manager may extend the initial two (2) year, or longer, period by up to an additional one (1) year provided that the application for extension is filed with the Director prior to the expiration and the Town Manager finds that the person requesting the extension has been working diligently to complete the project. The Town Manager may similarly grant additional extensions.

Sec. 10-31. Maximum allocation; transfer of allocation.

Maximum. No person shall obtain an allocation in excess of the Projected Wastewater Flow as defined hereinabove, except upon express written permission of the Board.

Transfer. Subject to approval by the Director, a holder of any allocation may apply to transfer to another person or entity within the same Designated Wastewater Service Area ("transferee") all or a portion of the allocation held by the holder. Approval by the Director shall be based upon the following:

(a) Submission of an application to transfer on a form approved by the Director, signed by the holder/transferor and the transferee, and identifying by municipal land record book and page all lands affected by the transfer,

(b) An acknowledgment by the holder/transferor that the transferor voluntarily surrenders all rights to the allocation being transferred and is aware that the transfer may affect the right to develop transferor's land,

(c) Agreement by the transferee to accept all obligations attached to the allocation being transferred,

(d) A finding by the Director that the transferee is otherwise eligible for allocation under this Article,

(e) Recording of the approval at the expense of the transferee in the Colchester Land Records.

Sec. 10-32. Nonpayment; forfeiture.

In the event a holder of any allocation not yet connected to the municipal wastewater system is delinquent in any payments for allocation, the Town, after notice and thirty days to cure the delinquency, may declare the allocation forfeited, whereupon such allocation shall revert to the Town's reserve capacity.

Sec. 10-33. Collections and Disconnection.

Any sums due in connection with this ordinance that are not paid shall constitute a lien upon such real estate in the same manner and as to the same effect as taxes are a lien upon such real estate pursuant to 32 V.S.A. Chapter 133, Subchapter 8 and 24 V.S.A. § 3612, and may be collected in the same manner as delinquent taxes. In the event that any wastewater charges are not paid within (30) days from the billing date, penalty and interest charges may be added to the charges. The interest charge shall be at the rate of one-and-one-half percent per month.

Additionally, as a delinquency collection procedure, the Town may disconnect any delinquent ratepayer pursuant to 24 V.S.A. Chapter 129 and may specifically disconnect a ratepayer from water service for delinquent sewer charges. The ratepayer shall be responsible for any collection and reconnection fees.

Sec. 10-34. Appeal to Board.

Any person aggrieved by a decision of the Director may appeal such decision to the Board. Provided a written notice of appeal, specifying the basis for the appeal is delivered to the office of the Director no later than thirty (30) days following the Director mailing the decision, the Board shall allow the person aggrieved and the Director to appear and be heard. Following hearing the Board shall uphold, modify, or reverse the decision and shall provide the reasons for its action.

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