

Adopted:  
Attach:

Revision:  
Repeal Ref:

**SEWAGE ORDINANCE FOR THE TOWN OF WILLIAMSTOWN**  
**RELATING TO INDIVIDUAL DISPOSAL SYSTEMS**

SECTION 1000. PURPOSE

This ordinance is adopted under V.S.A. Title 24, chapter 102 (On-Site Sewage Systems). The purpose of this ordinance is to preserve the public health and prevent pollution and to secure the sanitary protection of waters. This ordinance is intended to ensure that Sewage is discharged into an approved sewage treatment system and to accomplish the following:

- 1100. Prevent the creation of health hazards which include, but are not limited to Surfacing sewage; contaminated drinking water, groundwater, and surface water;
- 1200. Insure adequate drainage related to the proper function of sewage disposal; and
- 1300. Insure that facilities are designed, constructed, operated, and maintained in a manner which will promote sanitary and healthful conditions.

SECTION 2000. DEFINITIONS

Applicant- the legal owner of the property requiring a sewage disposal system construction permit.

Minor Modification- generally understood to be work on or replacement of the septic tank or the piping between the septic tank or the pump chamber and the house. The Sewage Officer shall decide what constitutes a minor modification on a case-by-case basis.

Sewage Disposal System- system for disposal of waste using undisturbed soil on-site as disposal medium, including a tank for collection of solids and leach are for liquids, or any other system which disposes of wastewater on site. This shall include multiple family, commercial and industrial on-site disposal systems, as well as individual single family homes.

Permit- a written authorization issued by the town, valid for 2 years.

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

Seasonal Dwellings- a structure which is not a primary residence and is not occupied for more than six (6) months of the year.

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

Single Family- a group of persons related by blood or marriage or a group of persons unrelated by blood or marriage living together as a household.

Single Family Dwelling- separate living quarters with cooking, sleeping and sanitary facilities provided within a dwelling unit for the use of a single family maintaining a household.

Vermont Health Regulations- Vermont Health Regulations Chapter 5, Sanitary Engineering; Subchapter 10, Wastewater Treatment and Disposal-Individual On-site Systems; effective June 7, 1983, promulgated by the Vermont Department of Health and adopted by the Vermont Department of Water Resources incorporated into this ordinance by reference.

#### Section 3000. APPLICABILITY OF ORDINANCE

All sewage disposal systems shall be built, altered, repaired, and used in Accordance with this ordinance. This includes, but is not limited to, sewage disposal systems for seasonal dwellings, single and multiple family homes and commercial and industrial properties.

#### 3100. Seasonal Dwellings

3110. Any seasonal dwelling constructed after the enactment of this ordinance must receive a disposal system construction permit meeting the full minimum standards of this ordinance if the useful occupancy of the dwelling requires running water. The use of any seasonal dwelling shall not be changed until the requirements of Section 3500, et sequencia, are met.

3120. All seasonal dwellings which will not have plumbing and which shall have no running water at anytime do not need a disposal system construction permit. These seasonal dwellings shall receive a minor permit from the town prior to commencement of construction on the property.

3130. A seasonal dwelling constructed prior to enactment of this ordinance shall be required to have a sewage disposal system provided no health hazard, nuisance or surface or ground water pollution exists. The Sewage Officer or Health Officer shall determine if such conditions exist. If such conditions exist, a disposal system shall be installed or upgraded to meet the standards of this ordinance to the extent possible or the running water shall be removed and the generation of sewage ended.

#### 3200. SINGLE FAMILY RESIDENTIAL STRUCTURES

All single family residences shall receive a disposal system construction permit before commencement of construction on the property. Construction shall be understood to mean the construction, reconstruction, conversion, structural alternation, relocation or enlargement of any structure, including foundation excavation, foundation or building construction, and shall include site work which involves or may affect any portion of existing or proposed sewage disposal or water supply facilities for the structure, and any change in the use of any structure.

#### 3210. SINGLE FAMILY DISPOSAL SYSTEM ALTERATIONS

No sewage disposal system shall be altered, repaired, or re-built in any way, except as provided in SECTION 3220 until a disposal system construction permit has been issued.

#### 3220. EXCEPTIONS: MINOR MODIFICATIONS

When a minor modification (see Definitions) to an existing system for a single family dwelling is proposed, the Sewage Officer may waive the disposal system construction permit requirement on a case-by-case basis and issue a minor permit. The Sewage Officer will determine what constitutes a minor modification.

3300. MULTIPLE (Including duplexes) FAMILY DWELLINGS

All multiple family dwellings shall submit an approved water supply and wastewater disposal state permit before commencement of construction on the property. Such permits shall satisfy the DISPOSAL SYSTEM CONSTRUCTION PERMIT requirement of Section 4200 of this ordinance unless evidence is submitted that the permit is based on false, fraudulent or misleading information.

All multiple family dwellings shall obtain a Certificate of Compliance as required by Section 4500 of this ordinance.

3400. COMMERCIAL AND INDUSTRIAL STRUCTURES

All commercial and industrial structures shall submit an approved water supply and wastewater disposal state permit prior to commencement of construction on the property. Such permits shall satisfy the construction permit requirement of Section 4200 of this ordinance unless evidence is submitted that the permit is based on false, fraudulent or misleading information.

All commercial and industrial structures shall obtain a Certificate of Compliance as required by Section 4500 of this ordinance.

3500. CHANGE OF USE

3510. Change of use shall include, but is not limited to, the addition of plumbing or running water, the addition of bedrooms, conversion of seasonal dwellings to single or multiple family residential structures, conversion of single family residential residential structures to multiple or commercial or industrial use.

3520. No structure served by a sewage disposal system shall be altered in any Way so as to change the use of the structure until the Sewage Officer is satisfied that the existing sewage disposal system is adequate for the proposed use or a Sewage Disposal Construction Permit has been issued for the proposed use.

3530. No structure served by a sewage disposal system shall be altered in Anyway so as to change the use of the structure unless the sewage disposal system and all proposed alterations meet the minimum standards of this ordinance.

### 3600. REPLACEMENT SYSTEMS

Before a failed system is replaced it is important that the cause of failure be determined to assure that a subsequent failure is avoided.

A Disposal System Construction Permit must be obtained prior to installing a replacement system. A Certificate of Compliance shall be obtained within a reasonable period of time following the commencement of the installation of the system.

3610. Existing single family dwelling sewage disposal systems in operation at the time of adoption of this ordinance are approved, provided that such systems do not create a health hazard, nuisance or pollute surface or groundwater. Whether an existing system is causing a health hazard, nuisance or is polluting surface or groundwater shall be determined by the Sewage Officer. Existing systems determined to be a health hazard; nuisance or polluting surface or groundwater shall be upgraded to meet the standards of this ordinance to the extent possible.
3620. Replacement systems for single family homes which have an approved Replacement or continuous area shall be installed in the approved area in accordance with the original permit issued unless a new location meeting the current standards can be approved. The replacement septic system shall, at a minimum, meet the standards in effect when the original system was permitted. Applicants are encouraged to take advantage of improved design technology, if applicable.
3630. Replacement systems for multiple family dwellings and commercial and Industrial structures shall be constructed in accordance with relevant state regulations. An approved state permit shall be submitted and approved by the Sewage Officer, prior to commencement of construction of the replacement system.

### 3700. OTHER APPLICABLE REGULATIONS

In case of any other applicable regulation, bylaw, ordinance or statute which differs fro this ordinance, the stricter authority shall prevail.

Section 4000. PERMIT PROCEDURE

4100. APPLICATION FEES

Application fees for permits shall be established by the Board of Selectmen.

4200. DISPOSAL SYSTEM CONSTRUCTION PERMIT

The owner of any property, the useful occupancy of which requires a sewage disposal system, shall apply for a Disposal System Construction Permit. The owner of any property on which a sewage disposal system is proposed to be built, altered or replaced shall apply for a Disposal System Construction Permit. The application shall contain soil and site information as required by Vermont Health Regulations (see Definitions) and a design for a disposal system and a replacement system. The system shall be designed as specified by the Vermont Health Regulations. The basis for the disposal system design shall be a peak flow of 150 gallons per day per bedroom. Wells must be properly isolated from the septic systems, in accordance with the Vermont Department of Health Regulations. No reduction in the size of mound systems shall be permitted.

Technical information for the application shall be prepared by an On-Site Sanitary Specialist of the Vermont Association of Conservation Districts, Inc., a certified Site Technician B, or a professional Sanitary or Civil Engineer registered in the State of Vermont.

The Construction Permit shall be granted or denied by the Sewage Officer. The permit shall become void if the disposal system is not completed or if the town permit is not recertified within two (2) years of date of issue.

4300. MINOR PERMITS: SIMPLIFIED APPLICATION PROCESS FOR MINOR MODIFICATIONS AND STRUCTURES NOT REQUIRING A SEWAGE DISPOSAL SYSTEM

The owner of any property intending to make a minor modification (see section 3220) or construct a structure, the useful occupancy of which shall not require running water, shall make an application for a Minor Permit on the prescribed form. Such minor modifications shall not include changes of use as described in Section 3500. Vault or pit privies shall receive a minor permit prior to installation (see Section 7100). Such an application shall contain sufficient information to enable the Sewage Officer to evaluate the project. Application shall be made prior to commencement of construction.

4400. CERTIFICATE OF COMPLIANCE

The Sewage Officer or his/her designee may inspect all systems before they are covered with soil. The Sewage Officer may request to inspect systems at different stages during installation. The town shall receive a minimum of 48 hours notice for a final inspection. The designer of the approved sewage disposal system shall submit a final inspection report to the Sewage Officer. Such report shall certify if the disposal system has been installed as approved. Any variations from the approved design shall be noted in the report. The Sewage Officer shall issue a Certificate of Compliance Permit when satisfied with the installed sewage system. The newly constructed dwelling may not be occupied until the Certificate of Compliance has been issued. Existing dwellings which require a replacement system may be occupied provided a certificate of compliance is obtained within a reasonable period of time from commencement of installation of the system. The Sewage Officer shall decide what is a reasonable amount of time.

4500. RECERTIFICATION OF PERMITS

4510. Disposal system construction permits shall be recertified prior to expiring in order to retain the right to use the permit. Recommendations for recertification shall be prepared by a qualified consultant. Permits shall be recertified unless they are found to be based on false, fraudulent or misleading information or the original conditions of the permit can no longer be met.

4520. Disposal system construction permits not recertified prior to expiration shall be void. A new application must be made for a disposal system construction permit. The conditions of the ordinance in effect at the time of application shall apply to this new permit.

4600. TERMS AND CONDITIONS OF THE PERMITS

4610. Conditions of construction or use may be placed on the Disposal System Construction Permit or the Certificate of Compliance.

4620. All permits run with the land and are binding upon each and subsequent Owners. At the discretion of the Sewage Officer all permits issued under this ordinance or those permits with conditions of use issued pursuant to this ordinance, may be filed in the town land records.

4630. Easement for off-lot sewage disposal systems must be conveyed to the Permittee and recorded in the land records of both the conveyor and the permittee prior to issuance of construction permit.

4700. REVOCATION OF PERMITS

4710. A Disposal System Construction Permit, Minor Permit or Certificate of Compliance may be revoked by the Sewage Officer for any of the following reasons:

4711. False, fraudulent, or misleading information contained in the permit application.

4712. Installation of a system which does not comply with the conditions of the Permit.

4713. Alteration of the proposed septic system site or replacement areas including effluent dispersion areas so that the proposed septic system does not comply with this ordinance.

4714. Information which shows the proposed septic system will not comply with this ordinance, including, but not limited to, insufficient isolation distances to water supplies.

4715. Failure to comply with this ordinance or any terms or conditions of Permits issued under this ordinance.

4720. Petition for Revocation: A written petition for revocation shall be Addressed to the Sewage Officer and shall set forth the name and address of the petitioner, the petitioner's interest in the matter, and a brief statement outlining the basis for revocation of permit. Revocation shall only proceed based on the standards established in Section 4711 through 4715.

The Board of Selectmen may file a petition and participate in revocation proceedings.

The Board of Selectmen shall notify the permit holder in writing of petition for revocation of permit within 72 hours.

4730. The Sewage Officer shall give the permit holder written notice of Revocation of the permit within 72 hours of revocation. All sewage disposal system work must cease immediately upon notification of revocation of the permit.

4740. Receipt of the petition shall initiate the revocation procedure. The Board of Selectmen shall hold a hearing within thirty days of the Sewage Officer receiving a revocation petition. The Board of Selectmen shall render a decision within fifteen days of the conclusion of the hearing.

#### Section 5000. APPEALS

Any applicant aggrieved by a decision of the Sewage Officer may appeal that decision in writing to the Board of Selectmen within thirty (30) day of such decision. The Board of Selectmen shall hold a hearing within thirty (30) days of such an appeal and shall render a decision within fifteen (15) days after the close of such hearing. Following a Selectmen's hearing, any person aggrieved by a decision of the Board of Selectmen may appeal that decision to the Superior Court. The administrative process must be exhausted before appeal to the Superior Court.

#### Section 6000. ENFORCEMENT

A person who neglects or refuses to comply with the provision of this Ordinance may be fined not more than \$500 for each offense by the Superior Court. Each week that a violation is continued shall constitute a separate offense (24 V.S.A., Section 1974).

Nothing in this ordinance shall be construed to prevent the Local Board of Health or the Health Officer from carrying out their duties as prescribed In 18 V.S.A., Chapter 11.

Section 7000. WATER SAVING AND COMPOSING TOILETS AND OTHER WATER SAVING DEVICES.

Water conservation is strongly encouraged; it will increase the life of septic systems.

7100. Properly sealed vault privies, pit privies and similar facilities may be used Provided they meet the isolation distances established in Chapter 5, subchapter 10, Appendix A for disposal fields. The Sewage Officer shall determine if proper isolation distances are maintained. A minor permit shall be obtained prior to contraction for, or installation of, vault privies, outhouses, or similar facilities.

7200. All sewage generated in a residence using waterless toilets shall be Conveyed, treated, and disposed of in the same manner as other sewage, as provided for in this Ordinance which includes obtaining a Disposal System Construction Permit and Certificate of Compliance. There shall be NO reduction in the leach field for the septic system for residences permitted to use waterless toilets. A full size replacement area shall be identified and reserved. Mound systems may not be reduced in size.

7300. Pit privies will not normally be approved, but may be considered on a case-by-case basis if they meet all the isolation distances and separation from groundwater and bedrock, ledge, and impermeable soil applicable to leachfield.

Section 8000. PERMITTED DEVIATIONS

8100. At the discretion of the Board of Selectmen, and authorized in writing, Deviations from the design specifications in Sections 5-905, Building Sewer, and 5-907, Disposal Fields, of the Vermont Health Regulations may be allowed. Such deviations will only be allowed if the minimum soil and site requirements and the performance standards of the Vermont Health Regulations will be met.

8200. Innovative sewage disposal systems which have an approved Innovative Systems permit from the Department of Environmental Conservation may be approved by the Sewage Officer.

Section 9000. SEVERABILITY

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

Approval of any sewage disposal system design and installation by the Granting of a disposal system construction permit and certificate of Compliance shall not imply that the approved system will be free from Malfunction. Proper maintenance of septic systems is vital to their proper functioning. The provisions of this ordinance shall not create liability on the part of the town, of any town official, or employee for the sewage disposal system.

Adopted by the Williamstown Board of Selectmen:

William Graham  
William Graham, Chairman, Board of Selectmen

Nov 6, 1989  
Date

Philip Winters                      11-6-89  
Philip Winters                      Date

Garry J. Daniels                      11/6/89  
Garry Daniels                      Date

Michelina Dickinson                      11-6-89  
Michelina Dickinson                      Date

Roland Tousignant                      11/6/89  
Rolan Tousignant                      Date

Approved by the Vermont Department of Environment Conservation:

and made effective: January 5, 1990  
Date

May 19, 1999

Name Change on Disposal System Construction Permit

When a property for which a Disposal System Construction Permit has been approved is subsequently sold, prior to construction, the permit, if still valid, is transferred to the new owner. A valid permit follows the land.

To effect the change, a deed must be filed with the Town Clerk. If the Disposal permit is still valid (approved or reapproved within the past two years), the Permit will be filed in the land records to show that an approved permit exists, and the permit has been transferred to the new land owner. (A filing fee of \$7.00 accompanies the change.)

The Town Sewage Officer's records will include a copy of the recorded permit to reflect the change. The Plot Plan, site and soil information, design and any other information will be filed with the Sewage Officer's records, under the new name, and in the year of the transfer.

If the Permit is no longer valid - two years have expired without renewal - the plans from the original owner may be brought before the Sewer Commissioners for approval. The plans must stand upon their own merit, however, and will not be automatically reapproved simply because they were once acceptable.

Adopted May 17, 1999 by the Williamstown Select Board

Gordon MacArthur, Chair  
Norman MacAskill, Vice-chair  
Pierre Gilbert  
Edward McGlynn  
Lloyd Farnham

