

Chapter 18

WATER AND SEWERS

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ARTICLE I. IN GENERAL

Sec. 18-1. Board of Water and Sewer Commissioners

The Selectboard shall constitute the Board of Water and Sewer Commissioners. The Board of Water and Sewer Commissioners shall establish all rates for usage; establish all rules and regulations for the control and operation of the water and sewer systems, water supply and sewage treatment; and exercise all powers as set forth in the Town Charter and State Statutes.

Sec. 18-2. Public Utilities Division.

A Public Utilities Division is hereby established which shall carry out the direction of the Board of Water and Sewer Commissioners to provide, maintain and repair water and sewer distribution systems, water supply systems, and sewage treatment systems.

Sec. 18-3. Public Utilities Superintendent.

The Public Utilities Division shall have a superintendent appointed by the Town Manager. The superintendent, subject to the general control and direction of the Board of Sewer and Water Commissioners, the Town Manager and the Director of Public Works, shall have charge, control, and supervision of the water and sewer systems, water supply and sewage treatment systems within the Public Utilities Division. The Superintendent's duties shall include the installation, operation, use, maintenance, and protection of such facilities.

Sec. 18-4. Inspections, Right of Entry.

The Superintendent of Public Utilities or other duly authorized public utilities division employees may enter property served by the water or sewer distribution system for the inspection and examination of pipes and fixtures, observation, measurement, sampling and testing and for taking of meter statements as required to carry out the requirements of this chapter and relevant

state statutes. Where access is denied, the supply of water or acceptance of sewage may be discontinued.

Sec. 18-5. Billing, Payment, Penalties and Interest.

All water and sewer rents or charges established in this chapter by the Board of Water and Sewer Commissioners shall be billed to the owner of the property or its legal agent and shall be due and payable quarterly to the Town Treasurer on same due dates as established for quarterly payment of taxes. On payments made after the due date, an eight percent penalty will be charged. Interest will be charged each month at the same rate voted by Town Meeting for collection of delinquent taxes.

Sec. 18-6. Delinquent Accounts

In addition to the penalty and interest charges set forth in section 18-4, the Town of Brattleboro may proceed to disconnect water or sewer services pursuant to 24 V.S.A. Section 5141 through 5151, Uniform Water and Sewer Disconnect. The charges, rates or rents for water and sewer are also a lien upon the real estate served which the Town of Brattleboro may proceed to enforce in accordance with state statutes.

Sec. 18-7. Private Construction Costs.

All costs and expenses incident to the installation, connection, and maintenance of private water lines and service sewer piping and connections to the public water and sewer system shall be borne by the owner. The owner shall indemnify the Town for any loss or damage that may directly or indirectly be occasioned by the installation of the private water lines or service sewer.

Sec. 18-8. Separate Water and sewer systems for each building and Separation Distance Requirements.

- a) A separate and independent water line and private service sewer shall be installed for every building. The superintendent may grant a waiver of this requirement based upon his finding that the physical location of the buildings or other special circumstances create an undue hardship or inability to comply and a finding that two or more buildings can be connected to the same private water line or private service sewer without adverse impact on the public water and sewer system.
- b) Water and sewer lines shall be installed at least 10 feet apart or in accordance with State of Vermont regulations. A waiver may be granted in accordance with state waiver procedures.

Sec. 18-9. Definitions.

The meanings of the following terms used in this chapter shall be as follows:

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

Building sewer shall mean that part of the lowest horizontal piping of a drainage system which receives the domestic waste inside the walls of the building and conveys it to the service sewer, beginning five (5) feet outside the inner face of the building wall.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Customer shall mean the person, firm, corporation, or association having an interest, whether legal or equitable, sole or only partial, either as tenant or occupant, in any premise which is, or is about to be supplied with public water or sewer by the Brattleboro Utilities Division.

Domestic sewage or *house sewage* is sanitary sewage derived principally from dwellings.

Garbage shall mean solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from handling, storage and sale or produce.

Industrial waste or *trade waste* is liquid waste from industrial processes, trade or business as distinguished from sanitary sewage.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

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

Private service sewer shall mean the extension from the building sewer to the public sewer or other place of disposal.

Properly shredded garbage shall mean the waste from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one and twenty-seven one-hundredths (1.27) centimeters in any dimension.

Public Sewer shall mean a sewer with in town, street, or right of way which is maintained and controlled by the Public Utilities Division. It shall not include any private service pipe.

Sanitary sewage shall mean used water supply commonly containing human excrement.

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

Sanitary treatment or *sewage treatment plant* shall mean any arrangement of devices or structures used for treating sewage.

Secretary shall mean the secretary of the agency of environmental conservation of the state, or his designated representative.

Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

Sewage system shall include such equipment, pipeline system and facilities as are needed for and appurtenant to the disposal of sewage and waters as defined in this section and sewage treatment plant or separate pipelines for storm, surface and subsurface water.

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

Sewer shall mean a pipe or conduit for carrying sewage.

As used herein *shall* is mandatory and *may* is permissive.

Slug shall mean 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 hour concentration or flows during normal operations.

Storm sewer shall mean a pipe which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, and other than unpolluted colling water.

Storm water is the excess water from rainfall or continuously following therefrom.

Surface water is water other than storm water flowing on or over the surface of the ground.

Suspended solids are solids that either float on the surface or are suspended in water, sewage, or other liquids, and which are removable by laboratory filtering.

Water and sewer rentals or *water and sewer service charges* shall mean quarterly charges to the users of the water and/or sewer system.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 18-10. Effective Date

All increases in water and sewer rates and charges enacted shall remain in full force and effect until subsequently modified by the Board of Water and Sewer Commissioners.

Sec. 18-11 - 18-36. Reserved

ARTICLE II. SEWERS

DIVISION 1. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

Sec. 18-37. 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 a disposal medium, including a tank for collection of solids and leach area 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.

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 Selectboard. 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 and Environmental Engineering, July 1, 1984. These Regulations are incorporated into this ordinance by reference.

Sec. 18-38. Applicability of Ordinance

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 Sec. 18-2, et sequentia, are met. All seasonal dwelling 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. A seasonal dwelling constructed prior to enactment of this ordinance shall not 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.

Sec. 18-39. Single Family Residential Structures

- a) 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 alteration, 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.
- b) Single Family Residential Structure Disposal System Alterations - No Sewage disposal system shall be altered, repaired, or rebuilt in any way, except as provided in Sec. 18-39(c) until a disposal system construction permit has been issued.
- c) 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.

Sec. 18-40. 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 Sec. 18-45(a) 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 Sec. 18-45 (d) of this ordinance.

Sec. 18-41. 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 Sec. 18-45(a) 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 Sec. 18-45(d) of this ordinance.

Sec. 18-42. Change of Use

- a) 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 structures to multiple or commercial or industrial use.
- b) No structure 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.

- c) No structure shall be altered in any way 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.

Sec. 18-43. 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.

- a) 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.
- b) 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 or improved design technology, if applicable.
- c) 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.

Sec. 18-44. Other Applicable Regulations.

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

Section 18-45. Permit Procedures and Fees

Application fees for permits shall be established by the Selectboard.

- a) Design Review

All applications shall be reviewed by the Town's designated review personnel. Such review may include site and test pit evaluation and shall require review of all paperwork submitted. The applicant shall provide adequate lead time to ensure that the Town's designated review personnel can be present at the opening of the test pits. The applicant shall consult with the Town's designated review personnel to establish a schedule. Pre-application for a disposal system construction permit shall be made to the Sewage Officer prior to site evaluation or design work. The pre-application shall be on the prescribed form.

The Town's designated review personnel shall review the site evaluation and proposed design to determine compliance with the minimum standards of this ordinance (see Sec. 18-45(b)). The Town's designated review personnel shall inform the Sewage Officer if the application meets the minimum requirements.

b) 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 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 septic systems, in accordance with 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.

c) 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 Sec. 18-39(c)) 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 Sec. 18-42. Vault or pit privies shall receive a minor permit prior to installation (see Sec. 18-51). Such application shall contain sufficient information to enable the Sewage Officer to evaluate the project. Application shall be made prior to commencement of construction.

d) 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.

Sec. 18-46. Recertification of Permits

Disposal system construction permits shall be recertified prior to expiring in order to retain the right to use the permit. 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.

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.

Sec. 18-47. Terms and Conditions of the Permits

Conditions of construction or use may be placed on the Disposal System Construction Permit or the Certificate of Compliance. 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. Easements 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 the issuance of a construction permit.

Sec. 18-48. Revocation of Permits

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

False, fraudulent, or misleading information contained in the permit application;

Installation of a system which does not comply with the conditions of the permit;

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.

Information which shows the proposed septic system will not comply with this ordinance, including, but not limited to, insufficient isolation distances to water supplies. Failure to comply with this ordinance or any terms or conditions of permits issued under this ordinance.

- b) **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 Sec. 18-49(a). The Selectboard may file a petition and participate in revocation proceedings. The Selectboard shall notify the permit holder in writing of petition for revocation of permit within 72 hours. Receipt of

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

Sec. 18-49. Appeals

Any applicant aggrieved by a decision of the Sewage Officer may appeal that decision in writing to the Selectboard within thirty (30) days of such decision. The Selectboard 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 Selectboard's hearing, any person aggrieved by a decision of the Selectboard may appeal that decision to Superior Court. The administrative process must be exhausted before appeal to Superior Court.

Sec. 18-50. Enforcement.

A person who violates any provisions of Sections 18-38 to 18-48 shall be fined five hundred dollars (\$500.00) and the waiver fee shall be two hundred fifty dollars (\$250.00). Each day that the violation continues shall constitute a new and separate offense.

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.

Sec. 18-51. Water Saving and Composting Toilets and Other Water Saving Devices.

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

Properly sealed vault privies, outhouses 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 contracting for, or installation of, vault privies, outhouses, or similar facilities.

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. For residences permitted to use waterless toilets, the leachfield for the septic system may be reduced in size by 35 percent, provided sufficient area exists to expand the field to full size should conventional toilets be installed, and a full size replacement area is identified and reserved. Mound systems may not be reduced in size.

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 leachfields.

Sec. 18-52. Permitted Deviations

At the discretion of the Selectboard, and authorized in writing, deviations from the design specifications in Sections 5-905, Building Sewers, 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.

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

Sec. 18-53.

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.

Sec 18-54 to Sec 18-57 Reserved

**DIVISION 2. BUILDING SEWERS AND CONNECTIONS;
SPECIFICATIONS**

Sec. 18-58. Permits - Required.

- a) 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 superintendent. Such permit shall be known as the "building sewer permit."
- b) Any person who proposes a new discharge into the sewage system or a substantial change in the volume or character of pollutants to be discharged into such system shall notify the superintendent at least forty-five (45) days prior to the date of such proposes change or connection.

Sec. 18-59. Same - Classes.

There shall be three (3) classes of service sewer permits:

- a) For residential;
- b) For commercial;
- c) For service to establishments producing industrial wastes.

Sec. 18-60. Same - Application; contents.

In case of either permit required by section 18-58, the owner or his agent shall make application on a special form furnished by the department. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

Sec. 18-61. Same - Fee.

A permit and inspection fee of thirty-five dollars (\$35.00) for a residential or commercial service sewer permit and thirty-five dollars (\$35.00) for an industrial building sewer permit shall be paid to the department at the time the application for a permit required by section 18-58 is filed. (Amended 8/05)

Sec. 18-62. Same - Inspection prerequisite to issuance.

The applicant for the service sewer permit required by section 18-58 shall notify the superintendent when the service sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

Section 18-63. Connection costs.

All costs and expenses incident to the installation and connection and maintenance of the service sewer shall be borne by the owner. The owner shall indemnify the town for any loss or damage that may directly or indirectly be occasioned by the installation of the service sewer.

Sec. 18-64. Separate sewer for each building.

A separate and independent service sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the service sewer from the front building may be extended to the rear building and the whole considered as one (1) service sewer, with the permission of the superintendent.

Sec. 18-65. Use of old service sewers restricted.

Old service sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his deputy, to meet all requirements of this article.

Sec. 18-66. Type of pipe, etc.

The service sewer shall be cast-iron soil pipe, ASTM specification (CL3-44T) or equal, or other suitable material approved by the superintendent. Joints shall be tight and waterproof. Any part of the service sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast-iron soil pipe with leaded joints. Cast-iron pipe with leaded joints may be required by the superintendent where the service sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the service sewer shall be of cast-iron soil pipe, except that nonmetallic material may be accepted if laid on suitable bedding material as approved by the superintendent or his deputy.

Sec. 18-67. Size, slope of pipe.

The size and slope of the service sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four (4) inches. The slope of such

four-inch pipe shall be not less than one-eighth inch per foot.

Sec. 18-68. Miscellaneous requirements re pipe.

Whenever possible, the service sewer shall be brought to the building at an elevation below the basement floor. No service sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The service sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

Sec. 18-69. Lifters required where building sewer too low for gravity flow.

In all buildings in which any sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the sewer.

Sec. 18-70. Excavations.

- a) All excavations required for the installation of a service sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specifications (C12-19) except that no backfill shall be placed until the work has been inspected.
- b) All excavations for service sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

Sec. 18-71. Joints.

- a) All joints and connections shall be made gastight and watertight.
- b) Cast-iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification (QQ-L-156), not less than one (1) inch deep. Lead shall be run in one (1) pouring and caulked tight. No paint, varnish, or other coating shall be permitted on the jointing material until after the joint has been tested and approved.
- c) All joints in vitrified clay pipe or between such pipe and metals shall be made with approved jointing material or cement mortar as specified below.
- d) Other jointing materials and methods may be used only by approval of the superintendent.

Sec. 18-72. Connection - Generally.

The connection of the service sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the superintendent.

Where the public sewer is greater than twelve (12) inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the service sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees. A forty-five-degree "L" may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the service sewer at the pint of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent.

Sec. 18-73. Same - Certain type prohibited.

No persons shall make connection of roof downspouts, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a service sewer or building sewer which in turn is connected directly or indirectly to a public sanitary sewer. A person who violates this section shall be fined one hundred dollars (\$100.00) and the waiver fee shall be fifty dollars (\$50.00).

Sec. 18-74. Same - Inspection.

The applicant for the service sewer permit shall notify the superintendent when the service sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

Secs. 18-75 - 18-99. Reserved.

DIVISION 3. WASTEWATER RESERVE - CAPACITY ALLOCATION

Sec. 18-100. Ownership and Permit

The Town of Brattleboro owns and operates a sewage treatment and disposal plant (PLANT) and a sewage collection and transmission system (SEWERS) as defined in 24 V.S.A., Section 3501(6) and 3601. The PLANT has a permitted capacity, and is operated in accord with a discharge permit issued by the Vermont Department of Environmental Conservation (DEC) under authority granted in 10 V.S.A., Chapter 47. The board of water and sewer commissioners (BOARD) is obligated by law to comply with conditions of that permit, and to operate and manage the PLANT and SEWERS as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101.

Sec. 18-101. Introduction to Reserve Capacity Allocation.

The permitted capacity of the PLANT and SEWERS is the property of the Town of Brattleboro. The uncommitted reserve capacity of the PLANT and SEWERS shall be allocated by the BOARD in the manner described below. This ordinance is adopted pursuant to the provisions of 10 V.S.A., Section 1263(g)(1), in the manner provided in 24 V.S.A., Chapter 59 (or in the manner provided for in 24 V.S.A., Chapter 117), and shall not be construed as an abandonment or relinquishment of the responsibility of the BOARD to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the Town of Brattleboro, nor shall it be construed to impair or inhibit the ability of the Town of Brattleboro

to contract with persons for the collection, transmission and treatment of sewerage.

The Town of Brattleboro has a design treatment capacity of 3 million gallons per day and currently operates the treatment PLANT at an average of 1.7 million gallons per day from "current users." At the time of the adoption of this ordinance committed reserve capacity equals 314,000 gallons and the uncommitted reserve capacity equals 941,000 gallons, these amounts are subject to change.

Sec. 18-102. Definitions.

The following words will have the meanings below when used in this ordinance.

Person shall have the meaning prescribed in 1 V.S.A., Section 128.

DEC shall mean the Vermont Department of Environmental Conservation.

Discharge Permit shall mean a permit issued by the Department pursuant to authority granted in 10 V.S.A., Chapter 47.

Impact Fee shall mean a fee imposed on applicants for capacity allocation equal to the capital cost per gallon of sewage treatment and disposal capacity attributable to the project or development. This fee shall be consistent with the intent of impact fees authorized under 24 V.S.A. Chapter 131.

Connection Fee shall mean a fee imposed on applicants for the municipality's cost of performing, supplying materials, supervising, inspecting and administering a connection to the sewage system including any necessary sewer service extension, upgrading sewers or for any portion of these activities.

Plant Wastewater Flow is the wastewater passing through the treatment plant in gallons per day on an annual average basis (365 day average) except where flows vary significantly from seasonal development. In the latter case, plant wastewater flow is determined as the average throughout the high seasonal use period, as determined by the BOARD.

Permitted Wastewater Flow is the maximum plant wastewater flow authorized in the Discharge Permit on an annual average (365 day average) basis.

Development Wastewater Flow is the flow resulting from full use of the development at its peak capacity, which flow shall be calculated using flow quantities, adopted as rules by the DEC, as promulgated at the time a connection permit application is made. The flow quantities in State regulation at the time of adoption of this ordinance are shown on Table 7A (Attachment A).

Reserve Capacity is the permitted wastewater flow minus the actual plant wastewater flow during the preceding 12 months.

Uncommitted Reserve Capacity is that portion of the reserve capacity remaining after subtracting the development wastewater flow of all projects approved by the DEC but not yet discharging to the SEWER.

Committed Reserve Capacity is the total amount of total development wastewater flow (gallons per day) from all projects/buildings approved by the BOARD and the DEC for discharge to the treatment PLANT, but not yet discharging at the time of the calculation.

Sanitary Wastewater is wastewater of the same character and range of strength as expected from homes.

Sewer Service Area is that area of a municipality that is within 200 feet horizontally from existing municipal collection lines and manholes.

PLANT is the municipal sewage treatment plant owned by the Town of Brattleboro.

Development. The construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial activity.

Initiate Construction: 1) For building development, the completion of the foundation; 2) For subdivision development, the sale of the individual lots.

Completed Construction: 1) For building development, completion of construction of all foundations, framing, siding and roofs; 2) For subdivision development, the sale of the individual lots.

Sec. 18-103. Reserve Capacity Allocation.

a) Allocation Flow Basis

All allocations to projects shall be based on the development wastewater flow. Any differential between actual flows and development wastewater flows that occurs is not available to the development owner for re-allotment to another project or a project expansion.

b) Allocation Priorities

Allocation of uncommitted reserve capacity shall comply with the following priority intended to govern the gross allocation of reserve capacity before the allocation principles are applied to specific projects.

Residential, commercial, institutional and industrial facilities existing within the sewer service area on the date of adoption of this ordinance which are required to be connected to the municipal sewer by the municipal sewer use ordinance, or by virtue of existing pollution from the facilities to waters of the State, shall be entitled to first priority in allocation of uncommitted reserve capacity. New development within or outside the sewer service area will have second priority of uncommitted reserve capacity provided that the development is in the best interest of the Town of Brattleboro as determined by the BOARD.

c) Allocation Principles

Subsequent to application of the allocation priority, uncommitted reserve capacity in the wastewater treatment facility may be allocated to specific projects according to the following procedure:

Once sewer permit applications have been returned to the Town of Brattleboro and marked with the time and date by the person receiving the application, the BOARD may review the applications on a first come, first serve basis. The total remaining uncommitted wastewater reserve capacity shall be allocated by the BOARD in such a way that there are no limitations on what total reserve amounts can be allocated in any one year as long as uncommitted capacity exists, and no limitation of the type of development receiving the allocation. The total reserve capacity will be determined each 6 months and committed reserve will be continuously recorded for use in allocation decisions.

Section 18-104. Cost Recovery for SEWERS Expansion

Any extension of the sewer service area to provide for new users shall be funded in the following way:

- a) The proposed users to be served by the expansion pay the entire cost of the expansion and upgrading of the SEWERS determined necessary and adequate by the BOARD.
- b) Any payments made as required by Sec. 18-104 shall not be construed as payments towards treatment capacity that may be provided for the development.

Sec. 18-105. Application Requirement.

Persons wishing to use the PLANT and SEWERS shall apply to the BOARD on a form prescribed by the BOARD (Attachment B). Such application shall:

- a) Be accompanied by a calculation of the development wastewater or water flow to be generated by the project/development; along with a check for a \$35.00 allocation letter fee for each. (Amended 8/05)
- b) Include calculations for the volume, flow rate, strength and any other characteristics determined appropriate by the BOARD;
- c) Unless waived by the BOARD all calculations required in (a) and (b) above for developments generating over 1000 gpd shall be certified by a Vermont registered engineer.
- d) Be accompanied by plans and specifications for the construction of building sewers (from the buildings to municipal sewers) and any municipal sewer extensions, including pump stations, required to service the development prepared by a Vermont registered engineer. This requirement to submit plans and specs may be waived by the BOARD until final connection approval.

Sec. 18-106. Preliminary Connection Approval Findings.

Upon receipt of the connection application and supportive documents, the BOARD may make preliminary approval of uncommitted reserve capacity upon making affirmative findings

that:

- a) The proposed wastewater is of domestic, sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection; or
- b) That proposed wastewater is not of domestic sanitary origin and that sufficient evidence has been presented by the applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the PLANT and SEWERS and that the proposed wastewater will not alone or in combination with other wastes cause a violation of the discharge permit, pass through the PLANT without treatment, interfere or otherwise disrupt the proper quality and disposal of PLANT sludge or be injurious in any other manner to the PLANT or SEWERS and that there is sufficient uncommitted reserve capacity to accommodate the strength and volume of the proposed development;
- c) The proposed use of wastewater capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the BOARD of municipality.

Sec. 18-107. Conditions of Preliminary Connection Approval.

The BOARD, after making the approval findings above, may issue a preliminary connection approval, which approval shall be a binding commitment of capacity to the project contingent on compliance with any conditions attached to the preliminary approval and the subsequent issuance of a final connection approval (Attachment C). The preliminary approval conditions may include:

- a) Specification of the period of time during which the interim connection approval shall remain valid (120 days). Provisions for time extensions if approved by the BOARD.
- b) Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the preliminary connection approval.
- c) Provision for revocation by the action of the BOARD on failure of the applicant to fulfill requirements of the preliminary connection approval.
- d) Specification that the recipient of the preliminary connection approval may not transfer, by any means, the preliminary connection approval to any other person or connect to the SEWERS.

PRIOR TO FINAL CONNECTION APPROVAL THE FOLLOWING COMMITMENTS SHALL BE MET BY THE APPLICANT:

- a) Applicable local, State and Federal permits have been secured for the development/project;
- b) Connection fees, impact fees, permit fees and other local fees or taxes all set by the BOARD, have been paid in full to the Town of Brattleboro. Impact fees will be partially based on the volume and strength of the proposed wastewater flow.

- c) The plans and specs for connection to and, if necessary, extension of the municipal SEWERS are acceptable to the BOARD.

Sec. 18-108. Final Connection Approval Requirements.

The BOARD on making affirmative findings that all conditions of the preliminary connection approval and final connection approval prerequisites in Sec18-106 and Sec 18-107 have been fulfilled shall issue the final connection approval permit which may be conditioned as follows:

- a) The permit shall specify the allowed volume, flow rate, strength frequency and any other characteristics of the proposed discharge determined appropriate by the BOARD.
- b) The capacity allocation is not transferable to any other person or project unless requested by the original owner and approved by the BOARD.
- c) The construction of the connection and, if necessary, the municipal SEWER extension, must be overseen to assure compliance with the plans and specs and good construction practice in a manner acceptable to the BOARD.
- d) Capacity allocated in conjunction with the final connection permit for building development shall revert to the Town of Brattleboro if the permit recipient has failed to initiate construction within one year of the issued date on the permit.
- e) The permit shall expire three years from the date of issuance.

A revised development plan and connection application may be approved by the BOARD in the same manner as the original. Such revised plans must also be approved under local bylaws and by the applicable State Laws and Regulations. If the BOARD approves a revised development plan and connection application, it will issue a revised final connection permit with reduced or increased capacity allocation determined in accord with the allocation priorities and principles. Where reduced capacity is granted in a revised connection permit, the unused capacity shall revert to the Town of Brattleboro and the Town of Brattleboro will pay to the applicant, a proportional refund of impact fees and, where appropriate, a portion of the connection fees. With any approval of a revised development plan and connection permit the BOARD may consider extension of the original three year permit expiration date.

If a permit expires after three years or after any extension of time provided by the BOARD, the unused portion of the committed capacity allocation at the time of expiration shall revert to the Town of Brattleboro and there will be no refund of connection, impact, permit or other fees paid. The BOARD will determine the amount of unused capacity returned. Generally, the unused capacity reverting to the municipality is associated with buildings that do not at least have foundations, framing and roofs.

Regardless of the permit expiration period above the BOARD may order construction of the development over a longer period if this action is in the municipality's best interest.

- f) For subdivision projects the permit holder (developer) of a proposed subdivided parcel must

indicate the development planned for each lot. If all prerequisites defined for final connection approval herein are met, final connection permits will be issued to the subdivision owner for each lot with a specific reserve capacity allocation associated with the proposed development. These final connection permits will expire after three years from the date of initial issuance unless the developer has sold the lot for development or has completed construction in accord with the approved development plan. The expiration at three years from original issuance will not be modified by any revisions to the subdivision or development plan subsequent to the initial approval. The BOARD shall then notify the Vermont Agency of Natural Resources of the expired subdivision Sewer Permit.

The reserve capacity allotted to lots that are either unsold or do not have building construction completed at the time of permit expiration (three years) shall revert to the municipality from any reductions made to the development wastewater flow planned for each lot subsequent to initial approval.

The subdivision owner shall file the final connection permits in the land records of the Town of Brattleboro along with copies of all fees paid and reference to the location of the approved connection plans and specifications. When the owner/developer of a subdivision sells individual lots with the three year time frame, the final connection permit shall transfer when the property transfers and the new owner becomes bound to comply with all permits issued and the plans and specifications for connecting the municipal SEWERS. The transferred permit will be considered a new permit issued on the date of property transfer and the constraints of Sec. 10-108(e).

- g) In cases where a final connection permit expires and a new person applies for capacity on the same or a different project, the BOARD may consider previous fees paid by the original person when setting fees for the new person applying for capacity.
- h) The chief wastewater treatment plant operator or other designated municipal official shall be notified one week in advance of any proposed sewer connection authorized by a final connection permit. The connection to the municipal sewer shall not be performed unless the municipal official is present and shall not be covered until approved by the official. Additional constraints may be found in the Sewer Use Ordinance.

Sec. 18-109. Transfer of Allocation.

- a) Initially reserve capacity is allocated by the BOARD to a specific person, project and parcel of land. The allocation is not made solely to a parcel of land and therefore does not run with the land during project completion. After completion of the project or permit expiration, however, the allocation (adjusted to the actual development constructed, if necessary) will run with the land.
- b) The transfer of the capacity allocation is prohibited unless approved in writing by the BOARD at the original owner's request.
- c) The BOARD may approve transfer of capacity from one project to another and one owner to another provided the new project and owners meet all the requirements for the final connection approval originally issued and the original owner requests such transfer.

Sec. 18-110. Authority to Require Connection.

Nothing herein shall be construed as limiting or impairing the authority of the Town of Brattleboro or its BOARD to require connections to the PLANT and SEWERS under the general laws of the state or local ordinances.

Reserved Sec. 18-111 to Sec 18-115**DIVISION 4. USE OF PUBLIC SYSTEM****Sec. 18-116. Unlawful discharges - Sanitary sewers.**

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, runoff, subsurface drainage, cooling water or unpolluted industrial wastes into any sanitary sewer. A person who violates this section shall be fined one hundred dollars (\$100.00) and the waiver fee shall be fifty dollars (\$50.00).

Sec. 18-117. Same - Public sewers.

- a) Except as provided in this article, it shall be unlawful for any person to discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interactions 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.
 - (3) Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- b) No persons shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse

effect on the receiving stream; can otherwise endanger life, limb, public property; or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage 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:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Celsius).
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred 9100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees Celsius).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting any excessive chlorine requirement to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies having jurisdiction over discharges to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.5. This may be reviewed on a case-by-case basis, and a more restrictive limit may be established.
- (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and line residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to dye wastes and vegetable

- tanning solutions).
- (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, and which may cause the effluent limitations of the discharge permit to be exceeded.
 - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (10) 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.
- c) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 18-119 and which in the judgment of the superintendent 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 superintendent may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge.
- d) If the superintendent 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 superintendent, and subject to the requirements of all applicable codes, ordinances, laws and the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry.

Sec. 18-118. Discharge of storm water, unpolluted drainage and industrial wastes.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, or storm sewers, or to a natural outlet approved by the superintendent. Industrial wastes may be discharged upon approval of the superintendent to a storm sewer or natural outlet.

Sec. 18-119. Interceptors - Required in certain circumstances; type, construction, etc.

Grease, oil and sand interceptors shall be provided by the owner or owners of the property served by the sewer system when in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and 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 superintendent, and shall be so located as to be readily and easily

accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

Sec. 18-120. Same - Maintenance.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Sec. 18-121. Preliminary treatment of discharged material.

- a) The admission into the public sewers of any waters or wastes having:
- (1) A five (5) day Biochemical Oxygen Demand greater than three hundred (300) parts per million by weight, or
 - (2) Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or
 - (3) Containing any quantity of substance having the characteristics described in section 18-117, or
 - (4) Having an average daily flow greater than two (2) per cent of the average daily sewage flow of the town, shall be subject to the review and approval of the superintendent.
- b) Where necessary in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
- (1) Reduce the Biochemical Oxygen Demand to three hundred (300) parts per million and suspended solids to three hundred fifty (350) parts per million by weight, or
 - (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in section 18-117, or
 - (3) Control the quantities and rates of discharge of such waters or wastes.
- c) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities required in this section shall be submitted for the approval of the superintendent and of the water pollution control commission of the state and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 18-122. Maintenance of preliminary treatment facilities.

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 own expense.

Sec. 18-123. Manholes; installation and maintenance.

When required by the superintendent, the owner of any property served by a service sewer carrying industrial wastes shall install a suitable control manhole in the service 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 superintendent. Such records shall be made available upon request by the superintendent to other agencies having jurisdiction over discharging to the receiving waters. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 18-124. Measurements, tests and analyzes.

All measurements, tests, and analyzes of the characteristics of waters and wastes to which reference is made in sections 18-117 and 18-121 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" as published by the American Public Health Association and shall be determined at the control manhole provided for in section 18-123 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 service 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 analysis involved will determine whether a twenty-four-hour composite of all outcall of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyzes are obtained from twenty-four-hour composites of all outcall, whereas pH's are determined from periodic grab sample.)

Sec. 18-125. Special agreements permitted.

No provision of this division 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, provided that such agreements do not contravene any requirements of existing federal or state laws and regulations and are consistent with any user charge or industrial cost recovery system then in effect.

Sec. 18-126. Right of entry for inspection and observation purposes.

The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurements, sampling, and testing, in accordance with the provisions of this article.

Secs. 18-127 - 18-132. Reserved.

DIVISION 5. RENTS

Sec. 18-133. Board of commissioners may establish; bases, etc.

- a) The board of sewage system commissioners may from time to time establish charges, to be called sewage rents, to be paid at such times and in such manner as the commissioners may prescribe. Such charges may be based upon:
- (1) The metered consumption of water on premises connected with the sewage system, making due allowance for commercial use of water;
 - (2) The number and kind of plumbing fixtures connected with the sewage system;
 - (3) The number of persons residing on or frequenting the premises served by such sewage system; or
 - (4) May be determined by the commissioners upon a combination of any of said bases or any other equitable bases.
- b) No premises otherwise exempt from taxation shall, by virtue of such exemption, be exempt from charges established hereunder. The commissioners may change the rates from time to time as may be reasonably required. No charge so established shall be considered to be part of any tax authorized to be assessed by the Selectboard for general purposes, but shall be in addition to any such tax so authorized to be assessed. The rents and receipts for the use of such sewage system shall be used and applied to pay the interest and principal of sewage system bonds of the town as well as the expenses of maintenance and operation of the sewage system.

Sec. 18-134. Water service customers - Not to be based on outside hose connections.

Quarterly water rental charges used to establish sewer service customer's sewer charges, when used as to flat rate water rental customer's, shall not include that portion of the customer's quarterly water rental charge for outside hose connections.

Sec. 18-135. Same - Method of fixing, where large part of water is not discharged into sewage system.

In the case of service to premises, used other than solely for dwellings and apartments, where a large part of the water used upon such premises is not discharged into a public sewer, the commissioners may, from time to time, upon the receipt of suitable proof from the customer, fix a reasonable sewage rental charge for such premises for the ensuing year.

Sec. 18-136. Same - Meters may be required in certain instances.

Where, in the opinion of the commissioners, an accurate determination of the amount of sewage dumped into a public sewer from premises served by the water department, other than premises used solely for dwellings and apartments, cannot be made, they may require, all at the sole cost to the customer, that such meter or meters be set in the water or sewer lines on or serving such premises, as may be deemed necessary to enable such commissioners to accurately

determine sewer usage from such premises.

Sec. 18-137. Sewer rates.

In addition to any water rates paid by customers of the Public Utilities Division, each customer who is also served by a public sewer shall be charged to cover the cost of the disposal of sewage in the following manner:

- a) Quarterly Base fee by size of meter: (amended 8/15/2020)

Meter Size	Bill Date Oct 2019 & Jan, Apr, Jul 2020	Bill Date Oct 2020 & Jan, Apr, Jul 2021	Bill Date Oct 2021 & Jan, Apr, Jul 2022	Bill Date Oct 2022 & Jan, Apr, Jul 2023	Bill Date Oct 2023 & Jan, Apr, Jul 2024	Bill Date Oct 2024 & Jan, Apr, Jul 2025
5/8"	\$45.04	\$45.95	\$46.41	\$46.87	\$47.34	\$47.81
3/4"	\$67.57	\$68.92	\$69.61	\$70.30	\$71.01	\$71.72
1"	\$112.61	\$114.86	\$116.01	\$117.17	\$118.34	\$119.53
1.5"	\$225.21	\$229.71	\$232.01	\$234.33	\$236.67	\$239.04
2"	\$360.33	\$367.54	\$371.21	\$374.92	\$378.67	\$382.46
3"	\$720.67	\$735.09	\$742.44	\$749.86	\$757.36	\$764.94
4"	\$1,238.66	\$1,263.43	\$1,276.07	\$1,288.83	\$1,301.72	\$1,314.74
6"	\$1,520.17	\$1,550.57	\$1,566.08	\$1,581.74	\$1,597.56	\$1,613.53
8"	\$2,297.14	\$2,343.09	\$2,366.52	\$2,390.18	\$2,414.09	\$2,438.23

- b) Quarterly, usage charge per one-hundred (100) cubic feet: (amended 08-15-2020)

Bill Date Oct 2019 & Jan, Apr, Jul 2020	Bill Date Oct 2020 & Jan, Apr, Jul 2021	Bill Date Oct 2021 & Jan, Apr, Jul 2022	Bill Date Oct 2022 & Jan, Apr, Jul 2023	Bill Date Oct 2023 & Jan, Apr, Jul 2024	Bill Date Oct 2024 & Jan, Apr, Jul 2025
\$6.20	\$6.32	\$6.38	\$6.45	\$6.51	\$6.58

- c) Unmetered use:

The following per quarter rates shall be charged unmetered properties for sewer service:

- (1) Single tenement or house trailer, shall be charged the following per quarter (amended 08-15-2020);

Bill Date Oct 2019 & Jan, Apr, Jul 2020	Bill Date Oct 2020 & Jan, Apr, Jul 2021	Bill Date Oct 2021 & Jan, Apr, Jul 2022	Bill Date Oct 2022 & Jan, Apr, Jul 2023	Bill Date Oct 2023 & Jan, Apr, Jul 2024	Bill Date Oct 2024 & Jan, Apr, Jul 2025
\$61.89	\$63.13	\$63.76	\$64.40	\$65.04	\$65.69

- (2) Each additional tenement in the same building, shall be charged the following per quarter. (amended 08-15-2020)

Bill Date Oct 2019 & Jan, Apr, Jul 2020	Bill Date Oct 2020 & Jan, Apr, Jul 2021	Bill Date Oct 2021 & Jan, Apr, Jul 2022	Bill Date Oct 2022 & Jan, Apr, Jul 2023	Bill Date Oct 2023 & Jan, Apr, Jul 2024	Bill Date Oct 2024 & Jan, Apr, Jul 2025
\$61.89	\$63.13	\$63.76	\$64.40	\$65.04	\$65.69

Sec. 18-138. Customers with private water services; meters, billing.

If a customer has a private water source and his sewage is dumped into a public sewer, the commissioners may require that a meter be set in the sewer line or lines or the water line or lines serving or on such private premises at the sole cost to the customer, which meter shall be read and billed by the sewer department.

Sec. 18-139. Billings.

The superintendent of the sewer department shall submit to the treasurer of the town, on or before December first, of each year, a complete and revised list of all sewer service customers of the sewer department, in alphabetical order, and the town treasurer shall bill each of said customers for such sewer service on or before the dates provided in section 18-129,5 allowing such discounts as incentive for prompt payment and/or providing for such penalties for delinquent payment as the commissioners may fix and determine.

Sec. 18-140. Payment/Delinquent Accounts. (Amended 8/05)

Refer to Sec. 18-5 and Sec. 18-6.

Sec. 18-141. Unpaid charges to constitute lien; foreclosure of lien.

The property owner or group of property owners using the sewage system shall be liable for the rent fixed as provided by section 18-133. The charges, rates or rents for such sewage

system remaining unpaid and delinquent after ninety (90) days from the date shall be a lien upon the real estate furnished with such service in the same manner and to the same effect as taxes are a lien upon real estate under title 32, section 5060, Vermont Statutes Annotated, as the same may be amended, and such lien may be foreclosed agreeably to law upon filing of the notice of said lien with the town clerk together with a copy of said notice sent by certified mail or registered mail to the owner of said real estate and any mortgagees or attaching creditors. Said notice shall be mailed and recorded no less than ten (10) days prior to the date of such foreclosure.

Secs. 18-142. Connection Charges

- a) Each new customer who connects to the public sewer system shall be charged a connection charge computed on the basis of estimated water use at the time of connection. Water usage shall be the basis of the formula for sewer connection charges. A single-family residence with three bedrooms is the basic unit of consumption. One unit is 450 gallons of water per day and a connection charge of \$1,000.00 per unit (or \$2.23 per gallon per day) will be charged at the time of connection. There is a minimum base unit charge of \$1,000.00 for up to 450 gallons per day. Beyond that usage, there will be a per gallon charge of \$2.23. This connection charge shall be paid when the fee for the building permit is paid and proceeds shall be placed in the Capital Improvement Fund for improvements to the sewage system. (Amended 8/05)
- b) Water Use Chart – see Section 18-179(b).
- c) In the event that the property owner or his or her authorized representative appears before any of the Town or State Boards (Selectboard, Brattleboro Planning Commission, Development Review Board, Zoning Administrative Officer or District II Environmental Commission) for a change in the use of a building, or addition thereto, an additional charge will be levied based on the difference between the computation based on the existing number of units and the computation based on the number of proposed units at the time of such change.

Secs. 18-143 - 18-148. Reserved.

ARTICLE III. WATER

DIVISION 1. GENERALLY

Sec. 18-149. Short title.

This article shall be known as and may be referred to as the "Rules and Regulations and Water Rents of the Brattleboro Water Department."

Sec. 18-150. Definitions.

Unless the context specifically indicates otherwise, the meanings of the terms used in this article shall be as follows:

Consumer means the person, firm or corporation or association having an interest, whether legal
8/15/2020

or equitable, sole or only partial, either as tenant or occupant, in any premises which are, or are about to be, supplied with water by the water department, and the word "consumer(s)" means all so interested.

A *service* is one (1) faucet used alone for cold water or a hot water faucet and cold water faucet used in conjunction at one (1) single sink, bowl or bathtub.

A *service pipe* is the pipe extending from the water department street main to the consumer's property or buildings.

A *swimming pool* is any type of container with a diameter larger than ten (10) feet and a depth of one (1) foot. Square containers ten (10) feet by ten (10) feet by one (1) foot deep.

Water department shall mean the water department of the Town of Brattleboro, Vermont.

Sec. 18-151. Application for connection; contract.

Written application for water service connection, on the water department application form, must be made at the office of the water department by the owner or occupant of the property for which water service is desired. Before water will be turned on, the consumer shall sign a contract setting out the uses for which water is desired. In case of misrepresentation on the part of the consumer or of the use of water not embraced in his contract, or of willful or unreasonable waste of water, the supply of water may be shut off and discontinued.

Sec. 18-152. Service pipes to be installed at connection applicant's expense.

The service pipe, stops and other fixtures shall be installed at the expense of the applicant for water service connection under section 18-151, and shall be kept in repair and protected from damage by frost by applicant. All work done in the streets in laying service pipe shall be at the applicant's expense and risk, and all pipe and fixtures shall continue to belong to the owner of the property served thereby.

Sec. 18-153. Article to constitute part of contract with consumer.

The rules of this article shall be a part of the contract with every person who uses water supplied by the water department and every such person shall be considered as having expressed his consent to be bound thereby.

Sec. 18-154. Cut-off of service - For noncompliance with article or nonpayment of charges.

- a) For the violation of any of the rules and regulations of this article or nonpayment of charges levied under this article within the allowed time limits, the water department may turn off the water without notice. When the water has been shut off by the water department, it will not be turned on except on application from the consumer, and upon the compliance with this article and the payment of all due charges including the payment of a turn-on charge, and when the department's agent turning it on has access to the inside of the house. It will be turned on only in the regular order of the receipt of successive turn-on requests, and the department need not do it in the nighttime.

- b) Whenever the water department has turned off the water from any consumer for any reason, the consumer shall not turn it on, or permit it to be turned on, without the consent of the water department.

Sec. 18-155. Same - Point of disconnection.

Wherever any of the rules and regulations of this article provide for shutting off the water, the water department may, at its election, shut off either at the curb box or at the water department's tap in the main.

Sec. 18-156. Same - Fee for turning back on.

Whenever the water department has turned off the water from any service connection because of violation of rules, or nonpayment of bill, a charge equal to that required by Section 18-176 for cut-on or off of service generally will be made to cover the expense of turning on.

Secs. 18-157 - 18-162. Reserved.

DIVISION 2. RATES

Sec. 18-163. Metered service.

Rates for buildings which have metered service pursuant to this division shall be charged as follows:

- a) A basic quarterly service charge by size of meter, whether the water is on or not, as follows:
(amended 08/15/2020)

Meter Size	Bill Date Oct 2019 & Jan, Apr, Jul 2020	Bill Date Oct 2020 & Jan, Apr, Jul 2021	Bill Date Oct 2021 & Jan, Apr, Jul 2022	Bill Date Oct 2022 & Jan, Apr, Jul 2023	Bill Date Oct 2023 & Jan, Apr, Jul 2024	Bill Date Oct 2024 & Jan, Apr, Jul 2025
5/8"	\$33.55	\$34.22	\$36.28	\$38.45	\$40.76	\$43.21
3/4"	\$50.34	\$51.34	\$54.42	\$57.69	\$61.15	\$64.82
1"	\$83.89	\$85.57	\$90.70	\$96.14	\$101.91	\$108.02
1.5"	\$167.75	\$171.11	\$181.38	\$192.26	203.79	216.02
2"	\$268.41	\$273.78	\$290.21	\$307.62	\$326.08	\$345.64
3"	\$536.83	\$547.56	\$580.42	\$615.24	\$652.16	\$691.29
4"	\$922.68	\$941.13	\$997.60	\$1,057.46	\$1,20.91	\$1,188.16
6"	\$1,132.37	\$1,155.01	\$1,224.32	\$1,297.77	\$1,375.64	\$1,458.18
8"	\$1,711.14	\$1,745.36	\$1,850.08	\$1,961.09	\$2,078.75	\$2,203.48

b) Quarterly usage rates per one-hundred (100) cubic feet (amended 08-15-2020)--

Bill Date Oct 2019 & Jan, Apr, Jul 2020	Bill Date Oct 2020 & Jan, Apr, Jul 2021	Bill Date Oct 2021 & Jan, Apr, Jul 2022	Bill Date Oct 2022 & Jan, Apr, Jul 2023	Bill Date Oct 2023 & Jan, Apr, Jul 2024	Bill Date Oct 2024 & Jan, Apr, Jul 2025
\$2.44	\$2.49	\$2.64	\$2.80	\$2.96	\$3.14

Sec. 18-164. Reserved.

Sec. 18-165. Reserved.

Sec. 18-166. Fire protection lines for use only in extinguishing fires.

Fire protection lines, for use only in extinguishing fires, shall be charged at the following per annum rates:

- (1) For fire service from two-inch line for standpipe, \$175.00, per year;
- (2) For fire service from three-inch line for standpipe, \$390.00, per year.
- (3) For fire service for automatic sprinkler service through six-inch line or by meter furnished by building owner with approval of water department, \$550.00 per year;
- (4) For each additional six-inch equivalent connection for the same property as described in subsection (3) above, \$440.00 per year;
- (5) For fire service for automatic sprinkler service through four-inch line or by meter furnished by building owner with approval of water department, \$275.00, per year;
- (6) For each additional four-inch equivalent connection for the same property as described in subsection (5) above, \$220.00 per year;
- (7) For fire service for automatic sprinkler service through eight-inch line or by meter furnished by building owner with approval of water department, \$1,100.00 per year;
- (8) For each additional eight-inch equivalent connection for the same property as described in subsection (7) above, \$880.00 per year;
- (9) For each private fire hydrant, \$440.00 per year.
- (10) No fire lines shall be run into a building or fire lines supplied with water unless water is taken also for general purposes.

Sec. 18-167. Fountains.

Fountains shall be charged based on approved rates for size of connection.

Sec. 18-168. Reserved.**Sec. 18-169. Air conditioners.**

The rates set forth in Section 18-163 of this Code for water shall be charged for air conditioners.

Sec. 18-170. Fire hydrants for other than fire uses.

An initial twenty-five dollar (\$25.00) hook-up fee will be charged along with the regular metered rate for usage.

To use, property owner must have special permit from fire department or water department. An employee from either the water department or fire department must be present at the time of use.

Sec. 18-171. Metered service shall be required for all uses.

It shall be mandatory that metered service be required for all uses.

Sec. 18-172. Billing.

All water rents or charges imposed under this division will be billed to the owner of the property or its legal agent.

Sec. 18-173. When due.

See Sec. 18-5.

Sec. 18-174. Late payment penalty.

On all water rent bills remaining unpaid after due date, an eight per cent penalty will be charged. All bills remaining unpaid will also be assessed a one per cent interest charge per month.

Sec. 18-175. Abatement.

No abatement of water rent charges levied under this division will be allowed by reason of disuse, or diminished use, vacant tenements or premises, unless water has been turned off at the curb by the water department; and then only on a monthly or quarterly basis.

Sec. 18-176. Turn-on and turn-off fees.

A charge of twenty-five dollars (\$25.00) will be made by the utility department for turning water on or off for any consumer. A charge of ninety dollars (\$90.00) will be made if the work is required to be performed during other than regular departmental working hours.

Sec. 18-177. Back payments required upon discovery of unauthorized use.

In all cases where any one is found using the water of the town water department in any manner without paying for same, such, for instance, as unchartered or abandoned service, such person must pay all back bills from the time they assumed ownership of the property and all costs in connection with same within fifteen (15) days of discovery of the illegal connection, or service will be discontinued without further notice. Back rates will be measured by meter or fixtures found in the premises at time of discovery.

Sec. 18-178. Cut-off of service for nonpayment.

All charges imposed under this division remaining unpaid after ninety (90) days from due date are delinquent, and the water supply will be cut off. Water will not be turned on again until all conditions in such cases including payment of the charges and expenses connected with the shutting off and turning on of the water have been complied with.

Sec. 18-179. Connection charges.

- a) Each new customer who connects to the public water system or current customer who requests an increase in usage shall be charged a connection charge computed on the basis of estimated water use at the time of connection. A single-family residence with 3 bedrooms is the basic unit of consumption. One unit is 450 gallons of water per day and a connection charge of \$1,000.00 per unit (\$2.23 per gallon per day) will be charged at the time of connection. There is a minimum base use charge of \$1,000.00 for up to 450 gallons per day. Beyond that usage, there will be a per gallon charge of \$2.23. This connection charge shall be paid when the fee for the building permit is paid and proceeds shall be placed in the Capital Improvement Fund for improvements to the water system.

b) Water Use Chart

ESTABLISHMENT	DESIGN VALUE	Gallons Per Person Per Day (Unless otherwise noted below)
Assembly Areas, Conference Rooms	5	
Airports	5	
Bathhouses	5	
Bowling Alley (no food service)	75	Per Lane
Camps:		
Campground with central comfort stations (4 people per site)	100	Per Site
With flush toilets, no showers (4 people per site)	75	Per Site
Construction Camps (semi-permanent)	50	
Day camps (no meals served)	15	
Day Care Centers	15	Per Child or Employee, Per Shift
Resort camps (night & day) with limited plumbing	50	
Cafeterias	50	Per Seat
Churches Sanctuary seating x 25%	5	
Church Suppers	8	
Cottages	50	
Country Clubs	100	Per Resident Member
Country Clubs	25	Per Non-Resident Member Present
Dairy Farms	20	per tie-up
Dentists' Office	35	Per Staff Member
Plus	200	Per Chair
Doctors' Office	35	Per Staff Member

Plus	10	Per Patient
Dwellings		
Apartments	75	Per Person with Minimum of 2 People Per Bedroom
Boarding Houses	50	
Plus Addition for non-resident boarders	10	
Multiple dwelling (condominiums, townhouses, clustered housing)	75	Per Person with Minimum of 2 People/Bedroom
Den with Couch	55	
Rooming House	40	Per Occupant Bed Space
Single Family Dwellings	150	Per Bedroom
Factories	15	Gallons Per Person, Per Shift, exclusive of Industrial Wastes
Gyms	10	Per Participant
	3	Per Spectator
Hairdressers	10	Per Operator
Plus	150	Per Chair
Hotels** with Private Baths	50	Per Sleeping Space
Hospitals	250	Per Bed
Institutions other than hospitals	125	Per Bed
Laundries, self-service	500	Per Machine
Mobile Home Parks		
Systems Serving 4 or fewer trailers	450	Per Space
Systems Serving 5 or more trailers	250	Per Space
Motels** with private baths	50	Per Sleeping Space
Nursing Homes	125	
Picnic Parks (toilet waste only/picnickers)	5	
Restaurants (toilet and kitchen wastes, including restaurant and bar seats)	30	Per Seat
Additional for restaurant serving 3 meals per day	15 Per Seat	
Restaurants (fast food-see Cafeteria)		
Schools		
Boarding	100	
Day, without gyms, cafeterias & showers	15	
Day, with gyms, cafeterias & showers	25	
Day, with cafeteria, but without gyms and showers	20	
Service Stations	500	First set of gas pumps
Plus	300	Each set thereafter
Shopping Centers/Stores;		
Large Dry Goods	5	Per 100 Square Feet
Large supermarkets with meat department, without garbage grinder	7.5	Per 100 Square Feet
Large supermarkets with meat department, with garbage grinder	11	Per 100 Square Feet
Small Dry Goods (in shopping centers)	100	Per Store
Subdivision	450	Per Lot or 150 Gallons Per Day Per Bedroom, whichever is larger
Theaters		
Movie	5	Per Auditorium Seat
Drive-in	5	Per Car Space
Travel trailer parks without individual water & sewer hookups		
Comfort Station	90	Per Trailer Space
Dumping Station	35	Per Trailer Space
Travel trailer parks with individual water & sewer Hookups	125	Per Trailer Space
Veterinary clinic (3 or fewer doctors)		
Without animal boarding	750	Per Clinic
With animal boarding	1500	Per Clinic

Workers		
Construction (at semi-permanent camp)	50	
Day at schools and offices	15	Per Person Per Shift

* Elderly housing may be calculated at 1.5 people per bedroom.

** Does not include laundry or restaurant waste.

- c) In the event that the property owner or his or her authorized representative appears before any of the Town or State Boards (Selectboard, Brattleboro Planning Commission, Development Review Board, Zoning Administrative Officer or District II Environmental Commission) for a change in the use of a building, or addition thereto, an additional charge will be levied based on the difference between the computation based on the existing number of units and the computation based on the number of proposed units at the time of such change.

Sec. 18-180. - 18-184. Reserved.

DIVISION 3. USE

Sec. 18-185. Permit - Required.

No contractor, builder or any other person shall use water for any purpose, whether such water is drawn from a service pipe controlled by a meter or not, without first having completed a permit application at the office of the water department

Sec. 18-186. Same - Unlawful to allow another to use water without.

No person supplied with water by the water department for domestic or other uses shall permit any contractor, builder, or other person to take water through his service connection to be used for other purposes, unless such contractor, builder or other person shall first exhibit a duly authorized permit therefore from the water department.

Sec. 18-187. Sprinkling of gardens, lawns and streets restricted.

The sprinkling of gardens, lawns and streets shall be limited to the sprinkling season; namely, March first to December first of each year and shall be further restricted as follows:

- 1) Sprinklers cannot be used during the time of fires.
- 2) No water shall be used through a hose except with a nozzle or sprinkler device with combined openings of not more than one-quarter (+) inch. Sprinklers shall not be allowed to run on sidewalks or roadways. Any use of water through a hose or device other than as above permitted will be a violation of rules, for which the supply of water may be shut off and discontinued.
- 3) The Selectboard may restrict the use of garden and lawn sprinkling by allowing the even-numbered side of the street to sprinkle on even-numbered calendar days, and the odd-numbered side on the odd-numbered calendar days.

Sec. 18-188. From fire hydrants for other than fire uses.

Anyone wishing to use water from a fire hydrant for other than fire uses must have a special permit from the fire department or water department. An employee from either department must attend such usage. Use by any others is prohibited.

Sec. 18-189. Selectboard authorized to restrict use in emergencies.

The Selectboard may further restrict water use in emergencies as they may deem necessary.

Sec. 18-190. Multiple use of service pipe restricted.

No occupant or owner of any building into which water is introduced will be allowed to supply water to any other person or families, except by permission of the water department. In case two (2) or more persons or families are so supplied with water from the same service pipe, if either fails to pay his water rent when due, or to comply with any rule of the water department, the water may be shut off from such pipe by the water department and the service discontinued to all persons supplied by said service main until the rent is paid and the rules complied with.

Sec. 18-191. Apparatus requiring continuous flow required to be metered.

No water closet, urinal, or other apparatus of any kind requiring a continuous flow of water will be permitted, unless the service is metered.

Sec. 18-192. Air conditioner use restricted.

Air conditioners exceeding three (3) tons may not be operated on any system that does not reuse the water.

Sec. 18-193. Department not liable for damage occasioned by defects in consumer's equipment.

It is expressly stipulated that the water department shall not be liable for any damage done by reason of the breaking of, or defect in, any of the consumer's pipe or appliance.

Secs. 18-194- 18-198. Reserved.**DIVISION 4. EQUIPMENT; INSTALLATION,
SPECIFICATIONS AND MAINTENANCE****Sec. 18-199. Owner's or plumber's agreement; plumbing permit required.**

No owner or plumber shall do any plumbing in connection with the water department's system until he shall have executed an agreement to comply with the water department's rules and regulations, and obtained a permit for the same.

Sec. 18-200. Plumbing work - Report upon completion.

Plumbers shall make full and complete reports of the uses for and to which water is applied. Said return must be made by the plumber doing the work within forty-eight (48) hours after the completion of said work, as the water will not be turned on for any premises until after said return is made, inspection made by the water department, and the work found to be in accordance with the rules and regulations herein prescribed.

Sec. 18-201. Same - Plumbers not to supply others with water during course of.

Plumbers shall not supply water to any person through any connection while his work is being done and unfinished.

Sec. 18-202. Same - Plumbers not to leave water on upon completion.

Plumbers shall not leave the water turned on in new building work after work is completed, but must turn the water off and notify the water department.

Sec. 18-203. Additions or alterations to conduits, pipes or fixtures; right of entry.

No additions or alterations in or about any water conduit, pipe, or fixtures shall be made without permission from the water department. Free access shall be given to the water department at all reasonable hours for the examination of pipes and fixtures, and for the taking of meter statements. Where access is denied, the supply of water may be discontinued.

Sec. 18-204. Tapping of mains restricted.

Tapping of water mains will not be permitted between December first and March fifteenth of any year except by special agreement, nor will such tapping be permitted by other than water department employees or their authorized agent.

Sec. 18-205. Service main branch permit required.

A special permit must be secured when it is proposed to put a branch in a service main.

Sec. 18-206. Pipe - Type; size; pressure check.

- a) In all cases service pipe in the streets and alleys must be of copper or equivalent up to and including two (2) inches of standard make approved by the water department. Larger than two (2) inches must be cast-iron pipe.
- b) Cast-iron pipe shall be subject to a hydrostatic pressure of two hundred fifty (250) pounds to the square inch before they are laid. Copper pipe shall be of type K soft roll tubing.

Sec. 18-207. Same - Service.

Every service pipe shall be laid at a depth of five (5) feet, and on the inside, near the foundation wall where it enters, shall be provided with a "stop and waste" cock approved by the water department which shall at all times be kept free of obstruction, to the end that the consumer may thereby conveniently shut off the water and drain his pipes in case of necessity.

Sec. 18-208. Same - Depth of service.

All service pipes up to the "stop and waste" cock inside the house shall be laid at a depth of not less than five (5) feet underground. A "stop and waste" cock shall be provided according to section 18-207, and each sill cock and hose bib shall have its separate "stop and waste."

Sec. 18-209. Meters - Department's right to substitute.

The water department reserves the right to at any time substitute metered service at its established rates for any service in which there is an excessive use or continual waste of water based on a legitimate use of fifty (50) gallons per capita per day.

Sec. 18-210. Same - Consumer may request, etc.

Any consumer may request the installation of a water meter. An applicant for water service by meter will be furnished a meter up to and including two (2) inches by the water department, and the water department will maintain the meter at its own expense. Meters larger than two (2) inches shall be furnished by the consumer, but shall be of a type approved by the water department, and shall be kept in repair by the consumer. Only one (1) building will be supplied through any one (1) meter.

Sec. 18-211. Same - Pit; location.

- a) Whenever a meter cannot be conveniently and safely located within a building the consumer shall construct, at a place approved by the water department, a meter pit of brick or concrete substantially round, not less than four and one-half (4+) feet in diameter, and covered with a twenty-four (24) inch regulation ring and cover fitted for the water department's lock. A duplicate of the water department key will be furnished to the consumer by the water department.
- b) All meters will be set by the water department, in a location determined by it, but the meter will not be set until the consumer has provided the proper place and has installed proper meter couplings. After a meter has been set, it shall not be moved or disturbed without permission from the water department.

Sec. 18-212. Same - Multiple unit buildings.

In case of single ownership, any double house, flat or other building shall be supplied through a single meter. When the two (2) halves or parts of a double house, or other building, are in separate ownership, separate meters must be set for each part.

Sec. 18-213. Same - Out of order; billing rate when.

If a meter gets out of order and fails to register, the consumer will be charged during such failure at the average daily consumption as shown by the meter when it was in good order,

Sec. 18-214. Same - All water passing through to be billed.

All water passing through a meter will be charged for whether used or wasted.

Sec. 18-215. Same - Repairs, testing.

- a) Ordinary repairs to water department meters will be made by the water department at its own expense. In case of damage to a meter by reason of any act or omission of the consumer, the consumer shall pay the water department the cost of its repair on presentation of an itemized bill; and in case of theft or complete disconnection of a meter the consumer shall pay the water department the full value thereof.
- b) Meters will be tested by the water department upon request of the consumer. But if the test shall establish the accuracy of the meter to be within two (2) per cent the consumer shall pay to the water department the actual expense of making the test.

Sec. 18-216. Same - Connections, etc.

Plumbers are required to make proper connections for meters and receive instructions from the water department in regard to location of meters. Meter tail pieces shall be supplied by water department.

Sec. 18-217. Check valves.

- a) Check valves will be required between meters and all house fixtures and on all meter connections to steam boilers and hot water tanks. Check valves will be installed at the consumer's expense.
- b) When a building includes a tank supply in its water system, the tank must be provided with an automatic cut-off to close the inlet when the tank is full, or meter service will be required.

Sec. 18-218. Outside closets.

Outside closets must be anti-freezing. Water will not be furnished directly or indirectly for flushing outside closets of other types.

Sec. 18-219. Fire lines.

- a) Fire protection lines within buildings must be installed in such manner that all pipes will be open and easily accessible for inspection at any time. No connection for any other purpose whatever will be permitted with fire service lines. Service tanks to furnish air pressure for a dry system must be connected with a metered service, and not with a fire service.
- b) Any water service line furnishing private fire protection cannot be connected in any manner to any other source of water except by special permit from the state department of health.

Sec. 18-220. Elevator lines.

No fixture for general use can be attached to elevator standpipe or motor lines, but must be entirely separate from such. All such lines shall be equipped with an air-cushion chamber.

Sec. 18-221. Tap size.

In the case of each application for water service connection pursuant to section 18-151 the water department reserves the right to name the size of tap to be inserted in the main. Applicants desiring a tap larger than the size so named will be granted the right to such larger tap only on condition that they pay a ratably larger price for each use desired.

Sec. 18-222. Leaks.

- a) The water department reserves the right to shut off service lines when waste of water occurs by reason of leakage.
- b) This rule applies to leaks in the street or on the consumer's property. The water will be cut off until such time as repairs have been made and the turnoff charge has been satisfied.

Sec. 18-223. Department not liable for interruption of service to boilers, engines, etc.

Where water is taken directly from the mains of the water department for steam boilers, gas engines, heating plants, and domestic hot water tanks, the water department does not guarantee an uninterrupted supply, or a sufficient or uniform pressure, and shall not be liable for any damage or injury done by reason of the interruption of supply or variation of pressure. Check valves will be required on all boilers and hot water heating lines at consumers' expense.

Sec. 18-224. Electrical ground.

The water department does not assume any responsibility for an adequate electrical ground system in any property.