

**TOWN OF EAST MONTPELIER, VERMONT
ORDINANCE RELATING TO INDIVIDUAL
SEWAGE DISPOSAL SYSTEMS**

SECTION I. PURPOSE

This ordinance is promulgated under V.S.A. Title 24, Chapter 102 (On-Site Sewage Systems). The purpose of this ordinance is to:

1. prevent the creation of health hazards;
2. prevent surfacing sewage; the contamination of drinking water, groundwater, and surface water;
3. insure adequate drainage related to the proper functioning of sewage disposal; and
4. insure that facilities are designed, constructed, operated, and maintained in a manner which will promote sanitary and healthful conditions.

SECTION II. APPLICABILITY OF ORDINANCE

No individual sewage disposal system shall be built, altered or used except in accordance with this ordinance, and only after a permit has been issued by the Sewage Officer. When a minor modification to an existing system is proposed, the Selectboard may waive the permit requirement on a case-by-case basis. Existing domestic sewage disposal systems in operation at the time of adoption of this ordinance shall be considered approved, provided that such systems do not create a health hazard or nuisance.

Where a municipal sewer is available for connection from a building, a building sewer handling domestic sewage shall be connected to the municipal sewer. In the case of any other applicable regulation, bylaw, ordinance or statute that differs from this ordinance, the stricter shall apply.

SECTION III. APPLICATION PROCEDURE

1. Construction Permit

Any person who intends to build, replace or alter a sewage disposal system shall submit an application for a Construction Permit to the Sewage Officer or his/her authorized agent. The application shall contain soil and site information as required by the Vermont Department of Environmental Conservation's Environmental Protection Rules, Chapter 1, Wastewater and Potable Water Supply Rules, Effective January 1st, 2005 (<http://www.anr.state.vt.us/dec/ww/EngServ.htm#Rules>). These rules are incorporated into this ordinance by reference. Individual sewage disposal systems shall be designed in accord with said regulations.

2. Occupancy Permit

The applicant shall notify the Sewage Officer or his/her authorized agent at least 48 hours in advance of the date the sewage disposal system is to be installed so that the Sewage Officer or his/her authorized agent can make an inspection during construction. The sewage disposal facilities shall not be used until such facilities have been certified by the Sewage Officer or his/her authorized agent as being in compliance with this ordinance.

SECTION IV. ALTERNATIVE SYSTEMS

Chemical toilets, privies, composting toilets and incineration toilets may be approved on a case by case basis by the Sewage Officer or his/her duly appointed agent. If one of the above toilets is used and soil conditions allow, the absorption area of the associated subsurface sewage disposal system may be reduced, provided sufficient area is available to add to the leach field in the event that conventional toilets are used to replace the waterless toilets. Full replacement area for a subsurface disposal field is also required. Reduction in the size of any mound system will not be permitted. In allowing a reduction of a subsurface disposal field, the Selectboard shall insure that the subsequent owners of the property are aware of the limitations of the reduced disposal field and that said disposal area is increased to normal size prior to installation of water-type toilets.

State of Vermont Department of Environmental Conservation – Innovative and Alternative Systems and Products website:

<http://www.anr.state.vt.us/dec/ww/Innovative.htm>

SECTION V. ADMINISTRATIVE PROCEDURE

This procedure is adopted by the authority granted in 24 V.S.A. Chapter 102 with approval of the State Department of Environmental Conservation.

Technical Information. Technical information required in the application for Construction and Occupancy Permits shall be prepared by a certified Site Technician B, or a Professional Engineer registered in the State of Vermont. This will include construction inspection and said inspection shall be certified to the Town that the system was installed as per the design.

Permit Granting Authority. After any required State approvals have been received, technical information shall be reviewed and Construction and Occupancy Permits shall be granted or denied by the Sewage Officer or his/her authorized agent.

Appeals. Applicants may appeal decisions of the Sewage Officer to the Selectboard. Decisions of the Selectboard may be appealed to Superior Court.

SECTION VI. ENFORCEMENT

Written Orders

1. If the Sewage Officer or his/her authorized agent finds a person failing to comply with this ordinance he/she may, in writing, order the person to comply within a specified period of time.
2. A person who neglects or refuses to comply with a written order of the Selectboard, the Sewage Officer, or his/her authorized agent may be fined not more than \$500 for each offense. Each week that a violation is continued shall constitute a separate offense (24 V.S.A. Section 1974).
3. Upon such neglect or refusal, the Selectboard may prevent, remove or destroy any unhealthful conditions or causes of sickness. Expenses incurred by such action shall be recovered from the person whose legal duty it was to comply with such order.

Hindrance

Any person who attempts to hinder the work of the Sewage Officer or his/her authorized agent, or the Selectboard shall be fined not more than \$500 for each offense.

SECTION VII. DEFINITIONS

Applicant – the person who owns the premises on which the sewage disposal system will be constructed.

Selectboard – the legislative body of the town.

Sewage Officer – the legally designated authority of East Montpelier appointed by the Selectboard, acting under authority of this ordinance. The Sewage Officer may be the Health Officer or other town officer.


On-Site Sewage System – system for disposal of domestic waste using soil as a disposal medium, including a tank for collection of solids and a leach area for liquids.

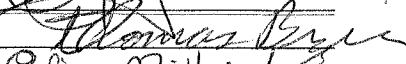
Permit – a written approval issued by the Sewage Officer or other authorized person. Said permit shall become void if not used within two years after the date it is issued.

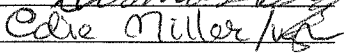
Person – any institution, public or private corporations, individual, partnership, or other entity.

Subsurface Sewage Disposal System – any system which treats and disposal of domestic sewage underground.

**ADOPTED BY THE EAST MONTPELIER SELECTBOARD ON APRIL 18TH,
2005.**

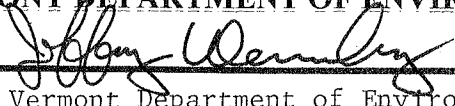






Martha Holden, Chair
Thomas Brazier
Edith Miller

**APPROVED BY THE VERMONT DEPARTMENT OF ENVIRONMENTAL
CONSERVATION:**



Commissioner
Vermont Department of Environmental Conservation

AUTHORIZED AGENT