

**NORTH BRANCH FIRE DISTRICT #1 ORDINANCES**

*Effective:*

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## Introduction

The North Branch Fire District #1 (“NBFD”) was created in 1972, so that its members could cooperatively build and maintain a single water delivery and wastewater treatment system. NBFD is known as a “consolidated district,” and it has some powers that are similar to a town government (like eminent domain).

Consolidated districts were devised by the Vermont Legislature, which adopted laws establishing the authority of Fire Districts (*See* Title 20 at Ch. 171), Sewer Districts (*See* Title 24 at Ch. 105), and Water Districts (*See* Title 24 at Ch. 91). If NBFD’s ordinances are inconsistent with any of these statutes, the statute generally controls.

These ordinances only apply to those within the district.

## Article I: EFFECTIVE DATE and ENFORCEMENT

### *Section 1.10:*

These ordinances shall become effective sixty (60) days after adoption by the Nbfd Prudential Committee. If a permissive referendum is filed under 24 V.S.A. § 1973, the statute shall govern the effective date. These ordinances shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

In the past, Nbfd referred to the rules applicable to users as “bylaws” and “ordinance-plans.” To the extent that any “bylaws,” “ordinance-plans,” or other sorts of rules governing the Nbfd or its users conflicts with these Ordinances, the Ordinances control.

Pursuant to 24 V.S.A. § 1971(b), these ordinances are designated “civil” and violations thereof where the violated ordinance sets forth a fine (or range of fines) up to the statutory maximum set forth at § 1974a may be heard in the Judicial Bureau pursuant to Title 4. (At the time of adoption of these ordinances, the maximum fine was \$800.00. *Id.*)

This Section does not limit the ability of Nbfd to commence suit in the Civil Division at any time or related to any issue.

## Article II: DEFINITIONS

### **Section 2.01:** *Application for Gallonage Contract*

A written request to the District’s Prudential Committee by a consumer to purchase the annual gallonage required to connect a project to the public sewer, accompanied by payment of the fees and charges required for hookup. *See*

### **Section 2.02:** *Bedroom*

Any room within a building or structure that is permitted, used, or serves as sleeping quarters.

In determining the number of bedrooms contained in any residence, it shall be presumed that all residences contain a living room, kitchen, bathroom and at least two bedrooms.

### **Section 2.03:** *Board*

The Prudential Committee, which is may also be referred to as “the committee.”

### **Section 2.04:** *Biochemical Oxygen Demand (or “BOD”)*

The quantity of oxygen utilized in the biochemical oxidation and decomposition of organic matter in five (5) days at 20°C, expressed in milligrams per liter (mg/L).

**Section 2.05:** *Boundary Lines*

All land comprising the Deerfield River watershed which lies in the Town of Dover. *See* Dover Town Record Vol. 8 at 32 (March 30, 1972).

**Section 2.06:** *Building Drain*

The part of the lowest horizontal piping of a drainage system, beginning five (5) feet outside the inner face of the building wall, which receives the discharge of waste from other drainage pipes inside the walls of the building and conveys it to the building sewer.

**Section 2.07:** *Building Sewer*

The part of the drainage system extending from the building drain to a public sewer, private sewer, septic tank system, or other treatment system. A sewer serving one building will be considered a “building sewer.” Any other sewer will be considered a “collection sewer.” *See* § 2.08, *supra*.

**Section 2.08** *Collection Sewer (or “Collection System”)*

A system of sewers that transports wastewater from building sewers to the wastewater treatment/disposal system.

**Section 2.09:** *Combined Sewer*

A sewer receiving both surface runoff and sewage.

**Section 2.10:** *Commercial*

Any type of use that is neither residential nor industrial.

**Section 2.11:** *Construction*

Any excavation related to buildings, structures, or site preparation (including for sewer pipelines and manholes) which may be serviced by Nbfd’s sewer system.

**Section 2.12:** *Consumer*

Any person, corporation, or association (as owner, occupant, or tenant) in any premises that is or will be serviced by Nbfd’s sewer system.

**Section 2.13:** *District*

North Branch Fire District No. 1, also referred to as “Nbfd.”

**Section 2.14:** *Daily Gallonage*

The total number of gallons of water per day to be potentially consumed by a completed project, as determined by the Nbfd.

**Section 2.15:** *Garbage*

Household or commercial waste, including litter, ashes, leaves, debris, paper, combustible materials, and waste related to food preparation.

**Section 2.16:** *Industrial Waste*

The liquid or solid waste from industrial manufacturing process, trade, or business; which is distinct from sanitary sewage or wastes permitted in Operating Permit #ID-90074.

**Section 2.17:** *Meter*

A device designed to measure and record the amount of water consumed and communicate that information to the Nbfd. All users within the District must install a meter.

**Section 2.18:** *Natural Outlet*

Any outlet into a pond, ditch, lake, watercourses, or other surface or ground water.

**Section 2.20:** *pH*

The standard measure of the acidity or alkalinity of a solution.

**Section 2.21:** *Planned Residential Development (or "PRD")*

An area of land to be developed as a single entity for two (2) or more dwelling units, served by one or more sewer pipelines connected to the public sewer.

**Section 2.22:** *Planned Unit Development (or "PUD")*

An area of land to be developed as a single entity for two (2) or more dwelling units and/or mixed commercial or industrial uses; the plan for which does not correspond in lot size, density, type of dwelling, use, lot coverage, or required open space to the regulations established under the municipality's zoning ordinances.

**Section 2.23:** *Project*

The commercial, industrial, or residential development and/or improvement on a consumer's land intended to be directly or indirectly connected to the public sewer, or that development or improvement on a consumer's land that is already connected to the public sewer.

**Section 2.24:** *Properly Shredded Food Waste*

Waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.

**Section 2.25:** *Prudential Committee*

The executive branch and governing body of the Nbfd, which also constitutes the Board of Sewer Commissioners under 24 VSA § 3614.

**Section 2.26:** *Public Sewer*

A sewer in which all owners of abutting properties have equal rights, and which is controlled by the Nbfd.

**Section 2.27:** *Residential*

Relating to one or more structures used for dwelling or recreational purposes but not used for commercial income from, or service to, the public.

**Section 2.28:** *Sanitary Sewer*

A collection system that carries sewage and to which storm, surface and ground water are not intentionally admitted.

**Section 2.28:** *Sewage*

Shall mean the combined water-carried wastes from residences, business buildings, institutions, and industrial establishments.

**Section 2.29:** *Sewage Treatment Plant*

Any arrangement of devices and structures used for treating sewage.

**Section 2.30:** *Sewage Works*

Any facilities for collecting, pumping, treating and disposing of sewage.

**Section 2.31:** *Sewer*

A pipe or conduit for carrying sewage.

**Section 2.32:** *Slug*

Any discharge of water, sewage or industrial waste that, in concentration of constituent or quantity of flow, exceeds for any period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration for constituent or quantity of flow.

**Section 2.33:** *Storm Drain or Storm Sewer*

A sewer that carries storm and surface waters and drainage, including unpolluted cooling water but excluding sewage and industrial waste.

**Section 2.34:** *Subdivision*

The division of a parcel or parcels of land into separate lots, each intended for future residential, commercial, or industrial uses and to be connected to the public sewer.

**Section 2.35:** *Suspended Solids*

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

**Section 2.36:** *Uncommitted Reserve Capacity (or “URC”)*

The remaining capacity that can be allocated to new properties who submit an Application for Gallonage. *See* § 2.01.

**Section 2.37:** *Watercourse*

A channel in which a natural flow of water occurs continuously or intermittently.

**Article III: BUILDING SEWERS AND CONNECTIONS**

**Section 3.01:**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer, manhole, or appurtenances thereof without first obtaining a written permit from the Board. Any proposed new discharge into the system or substantial change in the volume or character of pollutants discharged into the system requires notification to the Nbfd at least forty-five (45) days prior to the proposed change.

**Section 3.02:**

Where manholes may be located, no person shall construct a driveway, widen, or lengthen any roadway, or raise the level of any driveway or roadway, without first obtaining a written permit from the Nbfd. Private landowners and the Town of Dover must notify the Nbfd at least sixty (60) days prior to paving in an area where manholes maybe located.

**Section 3.03:**

All landowners must complete an Application for Gallonage Contract to connect to the Nbfd’s sewer system. They must pay all required fees, as determined by the Nbfd, at the time the application is filed.

**Section 3.04:**

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. Application may be made and paid by a leaseholder. The owner shall indemnify the Nbfd from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Gallonage may not be transferred from one property or lot to another without written approval from the Prudential Committee.

**Section 3.05:**

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. In such cases, the building sewer from the front building may be extended to the rear-building sewer.

**Section 3.06:**

Old building sewers may be used in connection with new building sewers only when they are found (based on examination and testing by an engineer licensed in the State of Vermont; and the Nbfd) to meet all requirements of these ordinances.

**Section 3.07:**

The size, slope, alignment, construction materials of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Nbfd. In the absence of code provisions or in addition thereto, the materials and procedures set forth in appropriate specifications of the A.S.T.M. (American Society Testing Materials), W.E.F. (Water Environmental Federation), Manual of Practice No. 9 and the current State of Vermont Environmental Protection Rules (E.P.R.), as may be amended from time to time, shall apply.

**Section 3.08:**

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

**Section 3.09:**

No person shall make a connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains or other sources of surface runoff or ground water to a building sewer or building drain.



**Section 3.10:**

The connection of the building sewer into the public sewer shall conform to the requirements of any building and plumbing code or other applicable rules and regulations which are made a part hereof, and to the procedures set forth in appropriate specifications of the A.S.T.M., W.E.F. Manual Practice No. 9 and the E.P.R. All such connections shall be made gas-tight and watertight. Before installation, the Nbfd or its representative must approve any deviation from the proscribed procedures and materials.

**Section 3.11:**

The applicant for the building sewer permit shall notify the Nbfd 120 hours in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of an engineer licensed in the State of Vermont and a representative or agent of the Nbfd.

**Section 3.12:**

All excavations for building sewer installation shall be adequately guarded with barriers and lights to protect the public. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner approved by the Nbfd.

**Section 3.13:**

The owner of any house, building, or property used for human occupancy, employment, recreation or other purpose, situated within the Nbfd and abutting on any street, alley or right-of-way on which there is now located (or may in the future be located) a public sanitary sewer of the Nbfd is required to install, at their expense, suitable toilet facilities therein and to connect them to the public sewer, provided that the sewer is within 250 feet of the structure to be served. If undue hardship would result, the property owner should request, in writing, a deferral of this requirement. For more information, *see* § 9.03.

**Section 3.14:**

Privies, cesspools, open sewer outlets, and other hazardous and noxious methods of waste disposal shall not exist where a public sewer system is available for service.

**Section 3.15:**

The Nbfd reserves the right to install meters, repair the building sewer and/or collection system lines, and charge the owner for expenses incurred if the owner does not make the repairs in the time limit, as set forth in a written notice of violation.

## Article IV: USE OF THE PUBLIC SEWERS

### Section 4.01:

No person shall discharge or cause to be discharged any storm water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer. If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the Nbfd's wastewater facilities, it shall cause the deposit or obstruction to be promptly removed and all damage to be promptly repaired. The cost for such work, including materials, labor and supervision, shall be borne by the person causing such deposit, obstruction, or damage.

### Section 4.02:

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 Nbfd and the State. Industrial cooling water or unpolluted process water may be discharged, on written approval of the Nbfd and the State, to a storm sewer, combined sewer, or natural outlet.

### Section 4.03:

No person shall discharge or cause to be discharged any of the following described waters or wastes to public sewers:

(A). Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, unless it shall first flow through an approved gas or oil separator, installation of which shall be approved by the Nbfd and the State.

(B). Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantities, either singly or by interaction with other wastes, which may 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 facility.

(C). 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, ungrounded garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers etc., either whole or ground by garbage grinders.

(D). Wastes that create a fire or explosion hazard in the sewers or wastewater facility, waste products that will impair the hydraulic capacity or structural integrity of the sewer system, and wastes that, in any quantity, create a hazard to people, the sewer system, the treatment process, the receiving esters, or sludge disposal.

#### **Section 4.04:**

No person shall discharge or cause to be discharged the following substances, materials, waters or wastes if it appears likely that such wastes can harm either the sewers, sewage treatment process or equipment, may have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In determining the acceptability of these wastes, the Nbfd may consider such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

The substances prohibited are:

- (A) Any liquid or vapor having a temperature higher than 150°F or 65°C.
- (B) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32°F-150°F / 0°C-65°C. Any commercial food preparation facility that includes any food preparation equipment, i.e. microwaves, mixers, ovens, and/or slicers, for serving food on the premises or take-out shall install a grease trap in accordance with the most recent Building Officials Code Administrators (BOCA) plumbing regulations.
- (C) The installation and operation of any garbage grinder equipment with a motor of greater than three-fourths (3/4) horsepower shall be subject to the review and approval of the Nbfd.
- (D) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Nbfd for such materials.
- (F) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Nbfd as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- (G) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Board, in compliance with applicable State and Federal regulations.
- (H) Any waters or wastes having a pH under 5.0 or over 8.5

(I) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works or cause the effluent limitations of the discharge permit to be exceeded.
4. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein. *See* § 2.32.

(J) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process 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.

(K) The Nbfd or its personnel must check swimming pool water for pH levels and chlorine content forty-eight (48) hours before discharging into the Municipal sewer system. The Nbfd will set the discharge rate and may require adjustment based upon the pH level and chlorine content.

**Section 4.05:**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in § 4.04 to the extent that, in the judgment of the Nbfd or its authorized representative, they 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 Nbfd may:

- A. Reject the wastes.
- B. Require pretreatment to and acceptable condition for discharge, and/or
- C. Require control over the quantities and rates of discharge, and/or
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 4.11 of this article.

If the Nbfd permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Nbfd, and subject to the requirements of all applicable codes, ordinances, laws and the Municipal discharge permits. Further, such pretreatment installations must be consistent with the requirements of any State and/or Federal pretreatment permit issued to the industry.

**Section 4.06:**

Grease, oil and sand interceptors shall be provided when, as determined by the Nbfd, they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwellings units. All interceptors shall be of a type and capacity approved by the Nbfd and shall be located as to be readily and easily accessible for routine cleaning by the owner and inspections by the Nbfd.

**Section 4.07:**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, the owner, at their expense shall maintain them in satisfactory condition.

**Section 4.08:**

The owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with necessary meters and appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with the plans approved by the NBF. The manhole shall be accessible at all times. All industries discharging into a public sewer shall perform monitoring of their discharges as determined by the Nbfd, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results to the Nbfd. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary of the Agency of Natural Resources in accordance with such permit. Records of any monitoring may be supplied to the Agency of Natural Resources.

**Section 4.09:**

All measurements, tests, analyses of the characteristics of waters and wastes to which reference is made in the ordinances shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, as approved by the State of Vermont, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. If no special manhole has been required, the control manhole shall be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effects of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH is determined from periodic grab samples.

**Section 4.10:**

Any entity held in violation of the provisions of these ordinances may have its disposal authorization terminated.

**Section 4.11:**

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Nbfd and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Nbfd for treatment, subject to payment, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal, State, or local laws and are compatible with any user charge and industrial cost recovery system in effect.

**Section 4.12:** Each user of the Nbfd system shall provide a capped clean-out as close as practical to the outside of the building wall, accessible and at least eighteen inches (18”) above the surface of the ground, for each building sewer.

**Article V: PROTECTION FROM DAMAGE**

**Section 5.01:**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of unlawful mischief as set forth in 13 V.S.A. § 3701.

**Article VI: AUTHORITY OF INSPECTORS**

**Section 6.01:**

The Nbfd and other duly authorized employees of the Nbfd, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of these ordinances. The Nbfd or its representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for treatment.

**Section 6.02:**

While performing the necessary work on private properties, referred to in § 6.01 above, the Nbfd or duly authorized employees of the Nbfd shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the Nbfd employees, and the Nbfd shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article IV, Section 4.08.

**Section 6.03:**

The Nbfd or other duly authorized employees of the Nbfd, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Nbfd holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, and repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**Article VII: PENALTIES**

**Section 7.01:**

Any person found to be violating any provision of these ordinances, except § 501, shall be given written notice stating the nature of the violation and provided a reasonable time limit for the satisfactory correction thereof. A violation is a civil matter and may enforced in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. If enforced in that manner, a civil penalty of not more than \$800 may be imposed for each violation. The waiver fee shall be \$100.00 for the first offense, and \$200.00 for all subsequent offenses within six-month period. Each day the violation continues constitutes a separate violation.

**Section 7.02:**

Any person violating any provisions of these ordinances shall become liable to the Nbfd for any expense, loss, or damage occasioned the District by reason of such offense, including any attorney's fees or expenses associated with enforcement.

**Section 7.03:**

Notwithstanding any of the forgoing provisions, the Nbfd may institute any appropriate action, injunction, or other proceedings and/or actions, to prevent, restrain or abate violation hereof, pursuant to 24 V.S.A. § 1974a(b).

**Article VIII: RATES, METERS AND PAYMENT**

**Section 8.01:**

All property owners within the District may be taxed upon the ratable estate of the District for the payment of capital expenditures and/or bonded indebtedness. Tax and sewer benefit assessment rates will be established by the Nbfd from time to time.

**Section 8.02:**

All costs of operation and routine maintenance of the sewer treatment system shall be borne by the users only. A sewage disposal charge shall be assessed against each consumer connected to the sewer system, and such charge shall be used solely for the payment of operation and maintenance expenses, bond repayment, and allocation to the Capital Reserve.

The sewer disposal charge shall be computed by metered consumption of water in a manner that assures that the distribution of the cost of operation and maintenance of the treatment works shall be in proportion to such user's contribution to the wastewater loading of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user.

Notwithstanding the foregoing, a minimum monthly charge may be assessed.

The Nbfd shall utilize a financial management system for accounting of revenue and expenses for operation and maintenance. These revenues and expenses shall be audited annually by an independent certified public accountant.

**Section 8.03:**

All taxes and sewer disposal charges shall be billed semiannually on the first day of May and the first day of November. Payments are to be made to the North Branch Fire District on or before June 15 and December 15, respectively, of each year, after which date such payments shall be considered delinquent. When these dates fall on a non-business day (Saturday, Sunday, Holiday), payments postmarked, or made in person, on the next regular business day of the North Branch Fire District #1, shall be deemed as being timely.

Bills and other notices may be sent by email. Any users who request to opt-out on paperless billing or notification may be charged a processing fee.

Delinquent sewage disposal charges and all other fees, charges and costs levied and imposed under these ordinances shall be a lien upon real estate connected to the District's public sewer system to the same effect as taxes are a lien upon real estate. *See* 24 VSA 3612(a). In addition, any fee levied by the Nbfd for the support of its sewage treatment or disposal plant, as defined in 24 VSA § 3601(3), as well as any benefit assessment levied under 24 VSA § 3615(4), may constitute a lien upon real estate located within the District, regardless of whether such real estate is connected to or served by the Nbfd's public sewer system.

**Section 8.04:**

All bills remaining unpaid after the due date shall be assessed an eight percent (8%) penalty charge plus 1% interest per month for the first three (3) months and 1 ½% interest per month thereafter. *See* 32 V.S.A. § 1674. All unpaid bills together with penalty and interest shall be a lien upon the real estate being served.

**Section 8.05:**

All monies due shall be billed to the owner of the property, or his/her legal agent under 24 V.S.A. §§ 3615 and 3612(a), (b) and (d).



### **Section 8.06:**

The Board may suspend sewage disposal service to any property or consumer whose charges remain delinquent after ninety (90) days from the due date. Service will be reinstated when all conditions in such cases have been complied with, including payments of the amount overdue and costs of reinstatements, if any. The Town of Dover Health Officer and the Vermont Health Department will receive notice from the Nbfd of the suspended service.

**Section 8.07:** The District shall not accept an Application for Gallonage Contract for any class of connection to the wastewater sewers or wastewater treatment facilities unless there is sufficient capacity available. Consumers intending to connect to the public sewer shall submit an Application for Gallonage Contract and all fees determined by the Nbfd. No application for gallonage will be accepted without an attached copy of a completed State wastewater permit application or copy of a prior approved wastewater permit. If said project is exempt from needing a wastewater permit, written communication from the Agency of Natural Resources stating such must be attached to the application. The Nbfd may deny a request for gallonage if the applicant owes money to the Nbfd. Fees or charges related to the Application for Gallonage may be used for capital improvements or future expansion.

- A. Total gallonage reserved for any project will be calculated by the Nbfd using the Agency of Natural Resources Engineering Design Criteria, including inflow and infiltration, and shall match all State and local permits. For the purpose of calculating reserve gallonage, the Nbfd will recognize reductions on design flows if approved by the ANR. For residential projects, calculations are made at 120 gallons per day per bedroom with a minimum of two bedrooms.
- B. The rate per gallon / hookup charge shall be calculated at a rate per gallon-that the Nbfd shall set.
- C. The hookup fees shall be calculated at a rate per gallon by the Nbfd, using the Agency of Natural Resources Engineering Design Criteria, including inflow and infiltration, with the exception of bedrooms, which shall be calculated at 120 gallons each. For the purpose of calculating hookup rates, the District *does not* recognize metered flow calculations, low flow fixture reductions, or design flow reduction calculations due to the connection to a wastewater system. Payment is due when the Application for Gallonage Contract is submitted.
  - (1) If Federal, State and/or local permit or permits are required for any project for which payment in Article VIII, Section 8.07(C) (1) has been made, including but not limited to State Land Use Act 250 permit, ANR, wastewater permit, Zoning Permit, or a Certificate of Compliance from a State Department or Agency, then they shall be filed with the Nbfd prior to construction, within ninety (90) days of the receipt of the permit or permits. All purchased gallonage is allocated to the property.
  - (2) All Application for Gallonage Contract fees, as determined by the Nbfd, are collected at the time the contract is submitted. Among other terms, provisions, and covenants, contracts shall also provide the following:

- (a) The name, names, or title of the recorded owner of the property affected.
- (b) A description of the land upon which the project will be situated, as described in an attached deed.
- (c) A description, in adequate detail of the project intended, including but not limited to, the number of bedrooms contained therein. A copy of the floor plans or a blueprint will be required as an attachment to the project description.
- (d) The courses and distances of all proposed sewer pipelines and force mains, whether located on the property of the consumer or elsewhere, the position of all new manholes and pumping stations if any, the number of units or the number and description of lots to be serviced, the gallonage to be reserved for the project, the officially designated identifying number and location of existing municipal manholes to which new pipelines will be connected, and the numbering of all new manholes. Each new manhole shall be numbered in consecutive order from the appropriate municipal manhole, such numbers to include, as prefix, the official number of said municipal manhole, followed by a hyphen and another number, starting with the figure "1", such as, "Manhole 52-1, 52-2,52-3 etc."
- (e) If written request is made to and approved by the Nbfd, the consumer shall give, grant and convey to the Nbfd, as Municipal property, all new eight inch (8") gravity fed pipelines and the manholes in such lines. Pipes of less than eight inches (8") in diameter, forced mains and pumping stations will not be accepted and taken by the Nbfd as Municipal property.
- (f) The Nbfd will require a twenty foot (20') permanent easement through the property to adjacent properties as deemed appropriate by the Board.
- (g) The consumer shall have a Vermont licensed plumber install meters supplied by the Nbfd once there is an incoming water service and a single water fixture installed.
- (h) The consumer shall obtain and record in the Dover Land Records all easement for right of way over private lands, and State and municipal permits for construction and right of way on public property and roads, when required.
- (i) The Nbfd will plug all new lines prohibiting flowage and unplug the same when full compliance with the terms and conditions of the contract are met.
- (j) When applicable, hookup charge and reserve gallonage calculations.

- (3) All projects, which have been approved for connection to the public sewer, and for which contracts with the NBFD have been made shall have low flow plumbing fixtures installed, including low flow toilets using 1.6 gallons of water per flush and restrictors in all faucets and showers, allowing no more than two gallons per minute, or less, and which are approved by State code or standards. The NBFD reserves the right to impose a lien on the building in the amount of a reasonable estimate of the cost to retro fit to said fixtures for failure to comply. Any building that contains fixtures, that do not comply with the above, will retro fit at closing or refinancing, or at the Prudential Committee's discretion, to 1.6 gallon per flush toilets and two gallon per minute faucet restrictors.

**Section 8.08:**

Meters will be installed to measure the incoming water supply to all buildings. Penalties (*see* rates) will be assessed if meters which are not operational are not repaired or replaced two weeks after notification; and the NBFD may estimate usage at its discretion where meters are not installed or operational.

There may be more than one meter per building or more than one building per meter if they are under the same ownership, or as determined by the Prudential. Bypass meters and submeters are available from the NBFD as requested by the consumer and approved by the Board. There is a five dollar (\$5.00) semiannual charge for such meter. Bypass meters are only used on water lines that do not drain back to the plant.

**Section 8.09:**

All meters shall be the property of the NBFD.

**Section 8.10:**

The NBFD reserves the right at any time to substitute the metering service and install a new meter at the property owner's expense. The NBFD will, at its discretion, replace endpoints and water meters every twenty (20) years if applicable technology has not changed. The cost of replacement will be borne by the property owner.

## Article VIII: RATES, METERS AND PAYMENT

**Section 8.11:**

Any consumer may request the installation of a new meter. However, the consumer shall be responsible for the cost in the substitution or change of said meter.

**Section 8.12:**

All water meters whether new or replacement shall be set by a Vermont Licensed plumber and be installed with a water filter prior to the meter. After said meter has been set, it shall not be removed, tampered with, altered or disturbed except by written permission of the Nbfd. Any unpermitted removal, tampering, alteration or disturbance of a meter may constitute theft of services in violation of 13 V.S.A. § 2582 (or other criminal statutes) which is punishable by up to 10 years incarceration. *Id.*

**Section 8.13:**

The consumer shall be responsible at his/her expense for the repair or replacement of malfunctioning or damaged meters due to tampering, clogging, freezing or other mistreatment. Upon notification by the Nbfd, the consumer shall repair or replace the meter within a reasonable period. Meters are available at the Nbfd Office and can be picked up by any Vermont Licensed plumber. Failure to repair the meter within the prescribed period will result in civil penalties or suit for injunctive relief. If a meter malfunctions or fails to register, the consumer will be charged the average daily consumption based upon their history, or in the absence thereof, usage common to other users for that type of service.

**Section 8.14:**

Nothing in § 8.13 of this Article shall prevent the Nbfd from repairing or replacing malfunctioning or damaged meters and passing charges on to the consumer. The consumer shall pay the Nbfd, upon presentation of itemized bill, the cost of such repair. In the case of theft or disconnection of said meter, the consumer shall pay the Nbfd the full value thereof to replace said meter.

**Section 8.15:**

The Prudential Committee must approve commencement of all actions related to the collection of unpaid fees of any sort, including by service interruption or tax sale. The Prudential Committee may contact delinquent users for the purpose of collection, determine how to proceed with any collection efforts, and must determine any resolution of a claim Nbfd has for money owed to it.

**Article IX: PRIVATE WASTEWATER DISPOSAL**

**Section 9.01:**

The installation of septic tanks for subsurface soil disposal of the effluent may be unobjectionable when properly installed and maintained. However, the discharge of septic tank effluent or overflow to any open drain, ditch, stream, or other open outlet is not permissible. A Discharge into wells penetrating water bearing formations is not allowed.

**Section 9.02:**

All houses, buildings, or properties within the District, which are required by any other authority to have sanitary or industrial wastewater facilities, are subject to the jurisdiction of these ordinances, and if located where a proper wastewater sewer is not available, shall, as specified by § 3.13 of these ordinances, be equipped at the owner’s expense with suitable wastewater facilities connected to a private wastewater disposal system, which complies with the provisions of this Article.

**Section 9.03:**

All houses, buildings, or properties that are within two-hundred fifty (250) feet of an existing sewer line and are not connected may, at the Board’s discretion, be allowed to retain their septic tanks, or similar wastewater disposal facilities if such wastewater disposal facility can, at the homeowner’s expense, be certified (every three years), by a Vermont Certified Site Technician or a Vermont licensed Engineer as a nonpolluting facility.

**Section 9.04:**

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times in accordance with the conditions of any State, or local operating permit and at no expense to the NBFD. Such facilities shall be subject to inspection by the NBFD at reasonable times. All private systems must be certified by an engineer or qualified technician to be in full compliance with all ANR regulations and standards.

**Section 9.05:** No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Town of Dover or the Town Health Officer, or other applicable authority.

**Article X:           VALIDITY:**

**Section 11.01:**

All prior Ordinances (or “Ordinance-plans”) are hereby repealed.

**Section 11.02:**

If a court of competent jurisdiction declares any Section or Subsection of these ordinances unconstitutional or otherwise invalid, such judgment shall not affect the constitutionality or validity of the remaining Sections or Subsections.

**Section 11.03:**

The Prudential Committee of the District, as provided by law, may amend these ordinances at any time.

## Article XI:           ORDINANCES IN FORCE

These ordinances shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law.

Duly enacted by the Nbfd Prudential Committee at Dover, in the County of Windham and State of Vermont, this 12<sup>th</sup> day of January 2022, at a duly called and held meeting thereof.

Steve Montello, Chair

Bob Stone, Vice Chair

Jon Prial

Peter Edwards

Ken Westby