

TOWN OF PANTON
Post Office Box 174, Vergennes, Vermont 05491



SEWAGE ORDINANCE
RELATING TO THE CONSTRUCTION AND USE OF
INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEMS

1. PURPOSE

This Ordinance is adopted under Title 24 of the Vermont Statutes Annotated, Chapter 102 (24 V.S.A. 102), entitled “On-Site Sewage Systems”. The purpose of this Ordinance is to preserve the public health, to prevent pollution and to secure the sanitary protection of surface and ground waters in the Town of Pantton. This Ordinance is intended to ensure that all sewage is discharged into approved sewage treatment systems, and to accomplish the following:

- (a) Prevent the creation of health hazards and public nuisances, which include the effects of surfacing sewage effluent and the contamination of drinking water, groundwater or surface waters;
- (b) Insure adequate drainage as it relates to the proper functioning of sewage disposal systems; and
- (c) Insure that facilities are designed, constructed, operated and maintained in a manner which promotes sanitary and healthful conditions.

2. DEFINITIONS

Applicant - The legal owner of the property requiring a sewage disposal system construction permit, or on which a sewage disposal system is to be constructed or altered.

Environmental Protection Rules - The document issued by the State of Vermont Agency of Natural Resources under the title “Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules,” effective date January 1, 2005, promulgated by the Vermont Department of Environmental Conservation, Wastewater Management Division.

Family - Two or more persons who may or may not be related by blood or marriage, who occupy, sleep in, and cook and consume their meals in the same premises, living together as a household.

Interested Person - A person as defined in §4465 of Title 24 V.S.A. Chapter 117.

Minor Modification - Generally understood to be work on or replacement of elements of the sewage disposal system other than those located in the disposal field.

Multiple Family Dwelling - A building used as living quarters by two or more families, living independently of each other.

Permit - A written authorization issued by a duly-appointed representative of the Town.

Person - An individual, partnership, institution, public or private corporation, or any other entity having an interest in property in the Town.

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

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

Sewage Control Officer - The legally designated officer of the Town, acting under the authority of this Ordinance. The Sewage Control Officer shall be appointed by the Town Selectboard, and may also serve as the Town's Health Officer, Administrative Officer, or as any other duly-elected or -appointed Town official.

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

3. APPLICABILITY OF THE ORDINANCE

All sewage disposal systems in the Town of Panton shall be built, altered, repaired and used in accordance with this Ordinance. This includes sewage disposal systems for seasonal dwellings, single and multiple family homes and commercial and industrial properties.

3.1. SEASONAL DWELLINGS

3.1.1. Any seasonal dwelling constructed after the enactment of this Ordinance must have a Disposal System Construction Permit meeting the full minimum standards of this Ordinance. The use of any existing seasonal dwelling shall not be changed until the requirements of §3.5 (Change of Use) are met.

3.1.2.1. A seasonal dwelling constructed prior to enactment of this Ordinance shall not be required to have a sewage disposal system provided no health hazard, public nuisance or surface or ground water pollution exists. The Sewage Control Officer and/or the Town Health Officer shall be empowered to determine whether such conditions exist. If such conditions are determined to exist,

- (a) A properly-functioning disposal system or an approved alternative waste disposal means shall be installed, or
- (b) The existing system shall be upgraded to meet the standards of this Ordinance to the extent that compliance is possible, or
- (c) The source of running water shall be removed from the dwelling and the generation of sewage shall be terminated.

3.1.2.2. The owner of a seasonal dwelling requiring a Disposal System Construction Permit shall obtain a Certificate of Compliance as required by §4.5 of this Ordinance prior to occupying and using the dwelling, or allowing its occupancy and use by others..

3.2. ***SINGLE FAMILY RESIDENTIAL STRUCTURES***

Single family residences shall require a Disposal System Construction Permit before commencement of construction on the property. Construction, in this case, shall be understood to mean the construction of a foundation for or erection of a new building, as well as any reconstruction, conversion, structural alteration, relocation or enlargement of any structure that falls under the change of use provisions of §3.5, et. seq., and any work which involves or may affect any portion of existing or proposed sewage disposal or water supply facilities on the site.

The owner of a single family residence requiring a Disposal System Construction Permit shall obtain a Certificate of Compliance in accordance with §4.5 of this Ordinance prior to occupying or using the dwelling, or allowing its occupancy and use by others.

3.2.1.1. No sewage disposal system shall be altered, repaired or rebuilt in any way, except as provided in §3.2.2, until a Disposal System Construction Permit has been applied for and issued.

3.2.1.2. When a minor modification (see *Definitions*) to an existing system for a single family dwelling is proposed, the Sewage Control Officer may waive the Disposal System Construction Permit requirement on a case -by-case basis and issue a

Minor

Permit instead. The Sewage Control Officer will be empowered to determine what constitutes a minor modification.

3.3. **MULTIPLE FAMILY DWELLINGS (INCLUDING DUPLEXES)**

The owner of a multiple family dwelling shall submit a copy of a State-approved Wastewater System and Potable Water Supply Permit to the Sewage Control Officer prior to the commencement of construction on the property. Such permits shall be accepted as satisfying the Disposal System Construction Permit requirement of §4.3 of this Ordinance unless evidence is presented to support the allegation that the State permit is based on false, fraudulent or misleading information.

The owner of a multiple family dwelling shall obtain a Certificate of Compliance as required by §4.5 of this Ordinance prior to occupying and using the dwelling, or allowing its occupancy and use by others.

3.4. **COMMERCIAL AND INDUSTRIAL STRUCTURES**

The owner of a commercial and/or industrial structure shall submit a copy of a State-approved Wastewater System and Potable Water Supply Permit to the Sewage Control Officer prior to the commencement of construction on the property. Such permits shall be accepted as satisfying the Disposal System Construction Permit requirement of §4.3 of this Ordinance unless evidence is presented to support the allegation that the State permit is based on false, fraudulent or misleading information.

The owner of a commercial and/or industrial structure shall obtain a Certificate of Compliance as required by §4.5 of this Ordinance prior to occupying or using the structure, or allowing its occupancy and use by others.

3.5. **CHANGE OF USE**

3.5.1. Change of use shall include the addition of plumbing or running water to existing structures, the addition of bedrooms, conversion of seasonal dwellings to single or multiple family residential structures, and conversion of single family residential structures to multiple family or commercial or industrial uses.

3.5.2. No structure shall be altered in any way to change the use of the structure until the Sewage Control Officer is satisfied that the existing sewage disposal system is adequate for the proposed use, or a Disposal System Construction Permit has been applied for and issued to authorize the modifications required to accommodate the proposed use.

3.5.3.1.No structure shall be altered in any way to change the use of the structure unless its sewage disposal system and all proposed alterations meet the minimum standards of this Ordinance.

3.6. **REPLACEMENT SYSTEMS**

Before a failed system is replaced, it is important to determine the cause of failure, in order to assure that a subsequent related failure will not occur in the replacement system. A Disposal System Construction Permit shall be obtained prior to installing a replacement system, and a Certificate of Compliance shall be obtained prior to use of the system.

3.6.1.1. Existing single family dwelling and seasonal 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 or a public nuisance, or pollute surface or groundwater. Whether an existing system is causing such conditions shall be determined by the Sewage Control Officer and/or the Town Health Officer. Existing systems determined to be a health hazard, a nuisance or source of pollution shall be upgraded to meet the standards of this Ordinance to the extent that compliance is possible.

3.6.2. Variances from the technical standards of the Environmental Protection Rules for replacement wastewater systems may be granted in the following limited circumstances:

- (1) Replacement systems shall be constructed in accordance with the requirements for new wastewater systems whenever possible.
- (2) Replacement systems that serve lots, buildings or structures, or campgrounds under the Environmental Protection Rules may be granted the minimum necessary variances from the technical standards when full compliance cannot be obtained or when it would not be cost effective, meaning the value of the incremental increase in environmental and human health protection does not outweigh the cost of achieving the incremental increase.
- (3) A wastewater system does not have to be a failed system in order to qualify for a variance.
- (4) Any replacement system must result in equal or better environmental and human health protection than the previous system.
- (5) Variances may not be granted if they would allow a replacement system to remain a failed system.
- (6) Variances will not be granted for replacement systems when:
 - (A) the replacement system is for a project that requires a permit under the Environmental Protection Rules but never obtained the permit, unless the project is a subdivided lot that qualifies for the exemption described in §1-403(a)(4) of the Rules or farm buildings or structures that qualify for the exemption

described in §1-404(a)(9) of the Rules; or

(B) the replacement system will allow an increase in design flow.

3.6.2.1 Requests for variances shall be accompanied by plans and specifications for the wastewater system for which a variance is being requested and a statement of the grounds for the request. The disposition of the variance request shall be in writing and shall state the reasons for a denial or the specifications and conditions for any approval.

3.6.2.2 Approval of a variance under this section shall not relieve the applicant of the responsibility to comply with all other State and local laws, rules or ordinances.

3.6.3. 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 to the Sewage Control Officer prior to commencement of construction of the replacement system.

3.7. ***OTHER APPLICABLE REGULATIONS***

In cases of conflict with any other applicable regulation, bylaw, Ordinance or statute which differs from this Ordinance, the stricter authority shall prevail.

4. PERMIT PROCEDURE

4.1. ***APPLICATION FEES***

Application fees for permits shall be established by the Town Select board, and shall accompany permit applications when they are submitted to the Sewage Control Officer.

4.2. ***DESIGN REVIEW***

All applications shall be reviewed by the Sewage Control Officer, or by such expert consultants whose services he (or she) may deem it necessary to retain in order to adequately evaluate the submitted test and design data. The submitted data shall include site and test pit evaluations, and a complete septic system installation drawing package, as defined in §4.3, below. The Sewage Control Officer shall review the data package to determine whether the proposed system design complies with the minimum standards of this Ordinance and the Vermont Environmental Protection Rules.

Pre-application for a Disposal System Construction Permit may be made to the Sewage Control Officer prior to the accomplishment of site evaluation or design work, but the permit will not be issued until the design data package is complete. The pre-application shall be on the form prescribed for the Disposal System Construction Permit.

4.3. ***DISPOSAL SYSTEM CONSTRUCTION PERMIT***

The owner of a property which requires a sewage disposal system for its development and useful occupancy, and on which a sewage disposal system is proposed to be built, altered or replaced, shall apply for a Disposal System Construction Permit prior to the commencement of construction of such a system. The application package shall contain soil and site information as required by the Vermont Environmental Protection Rules (*see Definitions*), a complete set of design drawings for the disposal system, and the designation and location of a replacement disposal field. The system shall be designed as specified by the provisions of the Vermont Environmental Protection Rules. Technical information for the application shall be prepared by a certified Site Technician or a Professional Engineer registered to practice in the State of Vermont.

The Disposal System Construction Permit shall be granted or denied by the Sewage Control Officer, depending upon his findings after review of the application data package has been completed. If the disposal system is not constructed within two (2) years of the date on which the permit was issued, the permit shall expire, but may be renewed upon application in accordance with §4.6 of this Ordinance.

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

The owner of a property on which he (or she) intends to make a minor modification (see §3.2.2) or to construct a structure which does **not** require running water for its useful occupancy, shall make an application for a Minor Permit on the form prescribed for this purpose prior to the commencement of construction. Minor modifications shall **not** include changes of use as described in §3.5. The construction of a vault or pit privy shall require the issuance of a Minor Permit prior to the commencement of its installation or use (see §7.1). Such applications shall contain sufficient soils information to enable the Sewage Control Officer to evaluate the suitability of the project.

4.5. ***CERTIFICATE OF COMPLIANCE***

The applicant shall notify the designer of the sewage disposal system, or a certified Site Technician or Professional Engineer registered to practice in the State of Vermont, of the need for an inspection prior to covering the system with soil. A final inspection report shall be submitted to the Sewage Control Officer, certifying that the disposal system has been installed in accordance with the approved design. Any variations from the approved design shall be noted in the report.

The Sewage Control Officer shall issue a Certificate of Compliance to the applicant when he (or she) is satisfied that the sewage system has been correctly installed and is ready for use. A newly constructed dwelling may not be occupied until the Certificate of Compliance has been obtained. An existing dwelling which requires the installation of a replacement system may be occupied provided a Certificate of Compliance is obtained within a reasonable length of time after the commencement of the installation of the replacement system.

The Sewage Control Officer shall be empowered to decide what constitutes a reasonable length of time in such cases.

4.6. ***TERMS AND CONDITIONS OF THE PERMITS***

4.6.1.1. If the disposal system is **not** constructed within two (2) years of the date the Disposal System Construction Permit is issued, the permit shall expire, but may be renewed upon application if the following criteria are met:

- (a) Renewal shall occur **prior** to the time of the actual construction of the disposal system.
- (b) The applicant may be required to submit a report to the Sewage Control Officer that verifies that the original permit conditions can be met. The Sewage Control Officer may request the applicant to submit a recommendation prepared by a qualified consultant (see § 4.3) if he (or she) determines that additional information is needed to certify that site conditions have not changed and that the original permit conditions can be met.

The Sewage Control Officer may set additional terms and conditions, as he (or she) deems necessary, on the renewed permit. A permit **shall** be renewed unless the application is found to be based on false, fraudulent or misleading information, or the original permit conditions can no longer be met.

4.6.1.2. Disposal System Construction Permits which are denied renewal are void. A new application must be made for a Disposal System Construction Permit in such cases.

The conditions of the Ordinance in effect at the time of the new application shall apply to the new permit.

4.6.1.3. Conditions of construction or use may be placed on the Disposal System Construction Permit, the Certificate of Compliance, or the Minor Permit by the Sewage Control Officer.

4.6.4.1. All permits run with the land, and are binding upon each of the present and subsequent owners of the property. At the discretion of the Sewage Control Officer, 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.

4.6.5. Easements for an off-lot sewage disposal system must be conveyed to the permittee and recorded in the land records of both the conveyer and the permittee prior to issuance of a Disposal System Construction Permit for such a system.

4.7. ***REVOCATION OF PERMITS***

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

- (a) False, fraudulent, or misleading information contained in the permit application.
- (b) Installation of a system which does not comply with the conditions of the permit.
- (c) 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.
- (d) Information which shows that the proposed septic system will not comply with this Ordinance, due to insufficient isolation distances to water supplies.
- (e) Failure to comply with this Ordinance, or any terms or conditions of permits issued under this Ordinance.

4.7.2.1. A petition for revocation may be addressed to the Sewage Control Officer, in writing, by any person. Such petition shall include the name and address of the petitioner, the petitioner's interest in the matter, and a brief statement outlining the

basis for the requested revocation of the permit. Any agency of the Town may also file a petition and participate in the revocation proceedings. Revocation shall be considered by the Sewage Control Officer based **only upon the standards established in §§4.7.1(a) through (e) of this Ordinance.** The Sewage Control Officer shall notify the permittee in writing, and within 72 hours, of the receipt of a petition for revocation of his (or her) permit.

4.7.2.2. Receipt of a petition shall initiate the revocation procedure. If, after due consideration of the petition, the Sewage Control Officer decides to revoke the permit, he (or she) shall give both the permittee and the petitioner written notice of

the revocation within 72 hours of the decision. All sewage disposal system construction on the permittee's property shall cease immediately upon notification of revocation of the permit.

4.7.2.3. Appeal of the Sewage Control Officer's revocation of a permit shall follow the procedure established in §5.0 of this Ordinance.

5. APPEALS

Any interested person aggrieved by a decision of the Sewage Control Officer may appeal that decision in writing to the Town Select board within thirty (30) days of such decision. The Selectboard shall hold a properly-warned public hearing within thirty (30) days of such an appeal, and shall render a decision in writing to the appellant within fifteen (15) days after the close of the hearing. Following a Selectboard hearing, any interested person aggrieved by a decision of the Selectboard may appeal that decision to the Superior Court, but the administrative process of this Ordinance must be exhausted before such an appeal is made.

6. ENFORCEMENT

A person who neglects or refuses to comply with the provisions of this Ordinance may be fined not more than \$500 for each offense by the Superior Court. Each day that a violation is continued shall constitute a separate offense (24 V.S.A., §1974). Nothing in this Ordinance shall be construed to prevent the local Board of Health or the Town Health Officer from carrying out their duties as prescribed in 18 V.S.A., Chapter 11.

7. WATER SAVING AND COMPOSTING TOILETS AND OTHER WATER SAVING DEVICES.

Water conservation is strongly encouraged, as it significantly increases the operating life of septic systems.

7.1. WATERLESS TOILETS

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.**

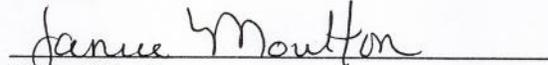
7.2. PRIVIES

Properly sealed vault privies, pit privies and similar facilities may be considered on a case-by-case basis by the Sewage Control Officer, and may be used provided they meet the isolation distances established for disposal fields in §1-503 of the Vermont Environmental Protection Rules, and separation from groundwater and bedrock, ledge, and impermeable soil applicable to leachfields. The Sewage Control Officer shall determine whether proper isolation distances have been maintained. A Minor Permit shall be obtained prior to contracting for, or installation of, vault privies, pit privies, or similar facilities.

Adopted by the Selectboard of the Town of Panton, Vermont,
this 9 day of May, 2005



Ronald Atkins, Chair



Janice Moulton



Ann Sullivan

Approved by the Vermont Department of Environmental Conservation:



5/25/05
Date

and made effective:

Date

Document PSO-2 (1/29/05)