



RANDOLPH SEWER DISTRICT ORDINANCE

Adopted July 12, 2018
Effective September 10, 2018

Randolph Sewer District Ordinance

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ARTICLE 1

APPLICABILITY AND DEFINITIONS

§ 101 – AUTHORITY

This Ordinance is adopted by the Selectboard of the Town of Randolph under authority of 24 VSA Chapter 89, 24 VSA Chapter 129 and acting in its capacity as Sewer Commissioners pursuant to the Randolph Plan of Merger.

§ 102 – SEVERABILITY CLAUSE

Each of the provisions of this Ordinance is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

§ 103 - EFFECTIVE DATE AND REPEALS

- A. This Ordinance shall become effective sixty (60) days after its adoption by the Selectboard. If a petition is filed under 24 VSA §1973, that statute shall govern the taking effect of this Ordinance.
- B. Upon becoming effective, the Randolph Sewer District Ordinance adopted February 2, 2010, and the Town of Randolph, Vermont Policy on Water and Sewer Bill Abatements adopted March 17, 2009, are repealed.

§ 104 - RULES FOR THE CONSTRUCTION OF LANGUAGE

- A. Words in the present tense include the future tense.
- B. The single number includes the plural and vice-versa unless the context clearly indicates to the contrary.
- C. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.

§ 105 – ABBREVIATIONS

The following abbreviations shall be the shortened form of the word or phrase indicated, the definitions of which may also be included in §106 [Definitions]:

BOD₅ – 5-day biological oxygen demand

I/I – Inflow and/or infiltration

mg/L – milligrams per liter

TSS – Total suspended solids

VEPR – State of Vermont Environmental Protection Rules

VSA – Vermont Statutes Annotated

WWTP – Wastewater treatment plant

WWAC – Water/Wastewater Advisory Committee

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§106 DEFINITIONS

The following definitions shall have the meaning indicated, unless otherwise expressly stated in this Ordinance:

ABATEMENT – The reduction or waiver of any or all charges or fees related to the usage of the public wastewater system.

ACCESS FEE - A special assessment which is an additional fee charged for any initial connection to or expansion of use of the public wastewater system for the purpose of funding capital improvements and not operating expenses. The access fee permits the customer to "buy into" the existing system.

ALLOCATION - The amount of wastewater allotted to a building.

APPLICANT - The person submitting an application as regulated by this Ordinance. A person who has been granted an allocation or other such approval, or issued a permit shall also be known herein as the "applicant."

APPLICATION FEE - The initial fee charged to an applicant to process an application as required in this Ordinance.

BIOLOGICAL OXYGEN DEMAND (BOD₅) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

CAPITAL IMPROVEMENT - The repair, replacement or expansion of the District's wastewater system.

CAPITAL IMPROVEMENT FUND - The fund consisting of all wastewater access fees paid and such other funds as may be placed in it from time to time. It shall be used only for capital improvements to the public wastewater system and not for operating expenses.

COMMISSIONERS – Board of Sewer Commissioners. Such Board is the Selectboard of the Town of Randolph, Vermont acting in its capacity as Sewer Commissioners pursuant to the Randolph Plan of Merger.

COMMITTEE – The Water/ Wastewater Advisory Committee.

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 wastewater system including any necessary wastewater service extension, upgrading sewers or for any portion of these activities.

CUSTOMER - Any owner whose property, condominium unit or mobile home (if situated on property owned by the same owner as the mobile home) receives wastewater service from the Department.

DELINQUENT WASTEWATER BILLS – Wastewater bills shall become delinquent if payment is not received by the Treasurer by the due date clearly printed on the bill. Payments postmarked by the due date but received after it shall be considered overdue.

DEPARTMENT - The Town of Randolph Sewer Department. It is the department responsible for managing and operating the public wastewater system for the Randolph Sewer District.

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DESIGN FLOW – The wastewater flow, in gallons per day, needed to serve a lot, building, structure or campground that is established the VEPRs or by written documentation from the Vermont Agency of Natural Resources.

DEVELOPMENT – The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation, landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

DISTRICT – The geographic boundaries of the Town of Randolph Sewer District, as described herein.

EXPANSION OF EXISTING SERVICE - Any change on a property already served by the Department which could increase the discharge of wastewater from that property as determined using the state tables of unitized daily flows referenced herein. It shall also mean any change of service from residential to commercial in an existing building, or any other change of use or change of circumstances which the Commissioners determine will result in a change or increase in wastewater.

GARBAGE – Solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

GARBAGE, PROPERLY SHREDDED – Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public wastewater, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

NOTICE, WRITTEN – A letter or other written document notifying the addressee of a violation, impending action to be taken, or other issue. Such written notice is to be delivered to the addressee either by first class certified mail, return receipt requested or hand delivered, unless specified otherwise herein.

OWNER - Any person who owns or possess any property or condominium unit connected to the municipal system or proposes to connect to the municipal system.

PERMIT – A written document issued pursuant to this Ordinance giving a designated person or applicant permission to use, operate and/or construct, alter, renovate or connect to the public wastewater system.

PERMITTEE – The person to whom a permit is issued.

PERSON - An individual, association, partnership, society, corporation and any other incorporated or unincorporated organization or group.

QUALIFIED CONTRACTOR – A contractor or construction firm that has been deemed competent by the Superintendent as provided herein in the installation of wastewater systems.

SELECTBOARD – The Town of Randolph Selectboard.

SERVICE AREA – Properties currently served by the public wastewater system or property that is within 500 feet of a sewer line of the public wastewater system.

SERVICE CONNECTION - The pipe and appurtenances that convey wastewater from a structure to the public wastewater system. "Service connection" is synonymous with "building connection."

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SLUG – Any discharge of water, wastewater or process water when in connection with 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 (24) hour concentration of flows during normal operation.

STANDARD SPECIFICATIONS – Requirements and specifications for the materials, equipment, construction, installation and maintenance of the public wastewater system. If adopted, these specifications are appended to this Ordinance.

STRUCTURE - An assembly of materials for occupancy or use, including but not limited to a building or mobile home. “Building” is synonymous with “structure.”

SUPERINTENDENT – The Superintendent of the Randolph Sewer District, also herein referred to as “Wastewater Superintendent.”

TOTAL SUSPENDED SOLIDS (TSS) – Solids that either float on the surface or are in suspension in water, wastewater or other liquids and which are removable by laboratory filtering.

TREASURER - The Treasurer of the Town of Randolph.

TOWN - The Town of Randolph, Vermont.

WASTEWATER – Sanitary waste or used water from any building including, but not limited to, process water and gray water but not including storm water. “Wastewater” shall be synonymous with “sewage.”

WASTEWATER COLLECTION SYSTEM - The piping, manholes, pumping facilities and appurtenances, excluding service connections, that collects and conveys wastewater to the wastewater treatment plant.

WASTEWATER SERVICE, ADEQUATE – Wastewater services supplied by the public wastewater system that meets the state standards required for its operation.

WASTEWATER SYSTEM – Any piping, pumping or treatment facilities and appurtenances used for the collection, conveyance and treatment of wastewater.

WASTEWATER SYSTEM, PRIVATE – Any component of a wastewater system that is not under the control of nor operated by the Randolph Sewer District.

WASTEWATER SYSTEM, PUBLIC - The wastewater system owned and operated by the Randolph Sewer District.

WASTEWATER TREATMENT PLANT (WWTP) - Any arrangement of devices and structures used for treating wastewater.

WATER, GRAY – The wastewater from normal domestic activities such as bathing, clothes washing, food preparation, and cleaning, but excluding wastewater from toilets.

WATER, PROCESS – Liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary wastewater, including suspended solids.

WATER, STORM – Water from roof drains, sump pumps, and other surface water resulting from rain events.

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ARTICLE 2

GENERAL ADMINISTRATION

§ 201 – SEWER DISTRICT BOUNDARY

- A. The Sewer District, hereinafter referred to as the District, shall be defined by a metes and bounds description and is illustrated by the map entitled "Village Sewer District" as recorded with the Town Clerk and attached hereto as part of this Ordinance. Any inconsistencies between the boundary description below and the map illustration shall be controlled by the boundary description.
- B. The boundaries of the District are described as starting at a point marking the intersection of the northerly former Village boundary line with Braintree town line; thence proceeding easterly along the old Village boundary line to a point approximately 500 feet westerly of Route 12; thence proceeding northerly along a line 500 feet distant from the northerly side of Vermont Route 12 to State Aid Road #6 (Windover Road); thence proceeding southerly on a line 500 feet distant from the easterly side of Windover Road to Route 66; thence proceeding easterly on a line 500 feet distant from the northerly side of Route 66 to a point 200 feet westerly of the westerly side of State Aid Road #1 (Main Street in Randolph Center); thence proceeding northerly on a line 200 feet distant from the westerly side of State Aid Road #1 a distant 500 feet to a point, thence proceeding easterly across State Aide Road #1 a distant 400 feet to a point, thence proceeding southerly on a line 200 feet distant from the easterly side of DSR a distant of 1,500 feet to a point, thence proceeding westerly across SAR a distant of 700 feet to a point, thence proceeding westerly along a line 500 feet distant from the southerly side of Route 66 to Town Highway #59 (Fish Hill Road); thence proceeding southerly on a line 500 feet distant from the easterly side of Fish Hill Road to Town Highway #47 (Voghell Road); thence proceeding westerly along the northerly side of Voghell Road to its intersection with Fish Hill Road and continuing southerly along Town Highway #67 (Sunset Hill Road) approximately 500 feet to a point; thence proceeding northerly on a line 500 feet distant from the westerly side of Fish Hill Road to Route 66; thence proceeding westerly on a line 500 feet distant from the southerly side of Route 66 to the White River; thence following the White River and then the easterly boundary line of the old Village to a point 500 feet easterly of Town Highway #77 (Beanville Road); thence proceeding southerly on a line 500 feet distant from the easterly side of Beanville Road to the Bethel town line, thence proceeding westerly along the Bethel town line approximately 1,000 feet across Route 12 to a point; thence proceeding northerly on a line 500 feet distant from the westerly side of Route 12 to a point; thence proceeding northerly on a line 500 feet distant from the westerly side of Route 12 to the southerly old Village boundary line; thence proceeding westerly along the old Village boundary line to the Braintree town line, and thence proceeding northeasterly along the Braintree town line to the point and place of beginning.
- C. The District boundary is different from the area served by the public wastewater system. The current service area is shown on the map entitled "Wastewater Service Area" which is appended to this Ordinance. When a majority of all the voters within the District present and voting on the question at a meeting held under 24 VSA Chapter 53 authorize the construction

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for specific facilities outside the existing service, the Commissioners shall be authorized to extend the geographical boundaries of the existing service area to the specific facilities.

§ 202 – PURPOSES OF THE DISTRICT

The purpose of the District is to provide wastewater disposal that meets all state standards.

§ 203 - PURPOSES OF THIS ORDINANCE

- A. The purpose of this Ordinance, entitled "Randolph Sewer District Ordinance," hereinafter referred to as the Ordinance, is to provide an orderly procedure for all applicants for connection to and expansion of existing service of the public wastewater system which will assure timely review, and acceptance of properly constructed extensions and connections, to provide orderly and established procedures for the operation of the Department, and to regulate the uses of and discharges to the system by its customers.
- B. A specific purpose of this Ordinance is to assure that any standard of service for existing customers is not sacrificed or compromised for the benefit of potential new customers requesting connection to the system.

§ 204 - BOARD OF SEWER COMMISSIONERS

Pursuant to 24 VSA, Chap. 89, the Selectboard of the Town of Randolph, shall constitute the Board of Sewer Commissioners, hereinafter referred to as the Commissioners, with the powers herein enumerated. Such powers shall include overall authority regarding the Sewer Department, hereinafter referred to as the Department. Such overall authority shall include, but not be limited to, setting rates and fees; establishing rules and regulations for system operation and maintenance; establishing personnel structure of the Department; and providing for the growth and improvement of the public wastewater system.

§ 205 -TOWN MANAGER

- A. The Town Manager shall be the person ultimately responsible for the operation, maintenance, control, improvement and repairs of the public wastewater system, subject to supervision and control of the Selectboard as provided by law. The Town Manager shall provide direction, when needed, to the Superintendent, as provided in the job description for the position.
- B. In instances when a potential decision of the Town Manager regarding a wastewater bill adjustment would have a financial impact in excess of \$500, the Town Manager shall consult with the Water/Wastewater Advisory Committee (see §206 below) before issuing such decision. This notwithstanding, if the Committee is unable to hear the request in a timely manner at a meeting, the Town Manager shall solicit comments from Committee members via email and notify the Committee of his or her decision.
- C. Any person aggrieved by an action or decision of the Town Manager may state his grievance to the Commissioners which shall investigate the matter at issue and decide the same in a timely manner so as to insure the proper operation of the wastewater system and to insure fair and equal treatment to the customers.

§ 206 - WATER / WASTEWATER ADVISORY COMMITTEE (WWAC)

- A. There is hereby established a Water/Wastewater Advisory Committee. The Committee shall consist of no less than 3 and no more than 7 members, appointed by the Selectboard, who

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must be residents of the Town. A majority of the members of the Committee must also reside or own property in either the water or sewer district (see Randolph Village Water District Ordinance). Members of the Committee shall serve at the pleasure of the Selectboard, which may remove members at any time and for any or no reason upon majority vote.

- B. The duties of the Committee shall be to advise and assist the Commissioners, Town Manager and Superintendent as needed. In general, this may entail preliminary reviews and recommendations on allocation requests, determinations of need, abatement issues, disconnection requests and construction plans. The Committee may also provide advice to the Commissioners, Town Manager and Superintendent regarding budget issues, capital projects, Ordinance revisions and construction standards. The Committee shall serve in an advisory capacity only and may only exercise that authority explicitly granted herein and by resolution of the Selectboard.

§ 207 - WASTEWATER SUPERINTENDENT

- A. The Wastewater Superintendent, hereinafter referred to as the “Superintendent”, shall have the duties and responsibilities described herein and in any job description and shall be appointed by the Town Manager subject to the Town’s personnel policy and approved by the Commissioners. As time allows, the Superintendent shall attend Committee meetings and keep the Committee updated on the public wastewater system.
- B. Any person aggrieved by an action or decision of the Superintendent may state his grievance to the Town Manager which shall investigate the matter at issue and decide the same in a timely manner so as to insure the proper operation of the public wastewater system and to insure fair and equal treatment to the customers.

§ 208 – CONFORMANCE WITH OTHER REGULATIONS

A proposed project may be required to obtain other permits from the local, state, or federal government. The securing of final approvals of the project pursuant to this Ordinance does not remove the responsibility of the applicant from obtaining other applicable permits, such as public building permits, zoning permits, road access permits, etc. All applicants are advised to seek advice as to the compliance requirements of all applicable permits and to contact the regional permitting specialist at the Vermont Agency of Natural Resources to ascertain whether any state permits, or amendment thereto, are required.

§ 209 - PENALTIES

- A. Except as otherwise specified herein, any person found to be in violation of any provision of this Ordinance shall be served by the Town Manager with written notice stating the nature of the violation and providing a reasonable time limit, as determined by the Superintendent, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and take all other necessary steps to come into compliance with this Ordinance. If the violation occurs on private property, the owner, if not the offender, shall also be sent a copy of the written notice of violation.
- B. This is a civil ordinance and shall be enforced by the Superintendent, Town attorney, or other duly authorized designee of the Selectboard in the Judicial Bureau in accordance with 24 VSA §§ 1974a et seq. Any violation of this Ordinance shall be punishable by a fine of not

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more than eight hundred dollars (\$800.00). Each day the violation continues shall constitute a separate offense.

- C. Any person violating any of the provisions of this Ordinance shall become liable to the Town and District for any expense, legal fees, loss, or damages incurred by the Town and District by reason of such offense.
- D. In addition to invoking the penalties provided herein and otherwise available, including all legal and equitable remedies, the Commissioners are authorized to order abatement of any violation.
- E. Protection from damage and unauthorized use - No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structures, appurtenances, or equipment which is part of the public wastewater system nor cause to be discharged into the system any substance not so authorized by this Ordinance. No person shall, in any way or by any device, obtain the use of the public wastewater system without consent of the Department and in compliance with the provisions of this Ordinance. No customer shall, except with the written consent of the Commissioners, be allowed to furnish public wastewater service from the public wastewater system to other persons or property nor to charge for such service. Providing, however, a lessor may furnish use of the public wastewater system to a lessee, and charge for the same, and at the same rate as charged by the Department to the premises. Any person violating this provision shall be liable to the District in treble damages therefore, to be recovered in a civil action, and any such person on conviction of a violation hereunder shall be fined not exceeding \$800.00 or committed to the Commissioner of Corrections not more than six months, or both. Each day the violation continues shall constitute a separate offense.

§ 210 - VARIANCES

- A. A person may request a variance from provisions of this Ordinance. However, it is understood that a variance cannot be granted for certain provisions, as they may have been implemented by a vote of the District (i.e. assessing penalties and interest for late payments) or are required by state rules and statutes.
- B. Requests for a variance shall be in writing and shall be submitted to the Town Manager or his or her designee. The request shall include the provision for which the variance is requested, the reason for the request and sufficient information to ascertain whether all of the criteria below are met.
- C. Requests for variances shall be reviewed and heard by the Committee, which shall provide a recommendation to the Commissioners for final action. The variance shall be granted if all the criteria below are met. Conditions may be imposed as necessary and appropriate under the circumstances to adhere to the purpose of this Ordinance.
- D. Variance Criteria
 - 1. The variance, if granted, provides a practical solution to an unusual situation that will have no adverse effect on the public system or customers of the system and is unlikely to set a precedent due to the uniqueness of the situation.
 - 2. Compliance with the provision will create an unnecessary hardship, which may include extreme financial considerations.

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3. The variance, if granted, will represent the minimum variance that will afford relief and will represent the least modification possible of the provision.

§ 211 - CAPITAL IMPROVEMENT FUND

This Ordinance confirms and maintains the sewer capital improvement fund established by the Town of Randolph, Vermont Sewer Ordinance effective April 3, 1993. It shall consist of all wastewater access fees paid and such other funds as may be placed in it from time to time. Monies in this fund shall be used only for capital improvements to the public wastewater system as designated by the Commissioners, and not for annual operating expenses. The capital improvement fund balance shall not exceed the estimated costs of the purposes for which the fund was established.

§ 212 - GENERAL FINANCIAL RESPONSIBILITY

The customers will continue to be responsible for the required system operation and maintenance including general purpose prioritized local capital improvements to the system.

§ 213 - INSPECTION OF AND ENTRANCE TO PRIVATE PROPERTY

- A. The Town Manager, Superintendent and other duly authorized employees of the Town or Department bearing proper credentials and identification shall be permitted at all reasonable times to enter all properties connected to or desiring to connect to the public wastewater system for the purposes of meter reading, inspection, observation, measurement, prevention of unauthorized discharges, sampling, and testing in accordance with the provisions of this Ordinance.
- B. The Town Manager, Superintendent and other duly authorized employees of the Town or Department bearing proper credentials and identifications shall be permitted at all reasonable times to enter all private properties through which the Town or Department holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, prevention of unauthorized discharges, sampling, repair and maintenance of any portion of the wastewater system 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.
- C. Inspectors of the Department or persons so authorized by the Department shall be permitted at all reasonable times to enter applicable parts of every building connected to the public wastewater system for the purpose of inspection, removing or replacing meters, examining fixtures and observing the manner in which the wastewater connection is used.
- D. Whenever possible, reasonable notice shall be given to the building occupant and/or owner prior to inspection of or entrance to private property.
- E. The Department may open the ground in any streets, lanes, avenues, highways and public grounds for the purpose of laying down, and repairing pipes, manholes, and appurtenances, as may be necessary for conducting the wastewater and effectuating the purposes of this Ordinance. Such streets, lanes, avenues, highways and public grounds shall be left in as good condition as before the laying of such pipes, manholes and appurtenances.

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§ 214 - RATES AND FEES

- A. The Commissioners, as authorized in 24 VSA Chapter 101, have hereby established the following rates and fees, which may be amended by the Commissioners from time to time. The annual charges stipulated in this section shall be based upon rate structure(s) decided by the Commissioners as provided for in 24 VSA, Chapter 101:
1. Wastewater usage rate – The rate charged a customer that, in most instances, is based on water usage as measured by a water meter or, for other atypical circumstances, another method approved by the Superintendent that equitably assesses a charge for the use of the public wastewater system. A service connection fee or a minimum usage charge established by the Commissioners will be assessed for all connections whether or not the building is occupied. Wastewater usage charges for strength and flow are permissible when wastes are stronger or exceed that of household wastes. The basis for household strength waste may be based on BOD₅ and TSS or other parameter. The money billed for wastewater usage shall be collected by the Treasurer and used for operating, maintenance and capital expenses.
 2. Application fee – A fee charged to cover the costs of processing an application as required in this Ordinance. Any costs incurred for review by the Department's Engineer are over and above the application fee. The money collected for applications shall be used for operating expenses, recording fees and the administrative costs associated with processing applications.
 3. Access fee – A fee charged for each connection to or expansion of use of the public wastewater system and based on design flow quantities. The money collected shall be placed in the sewer capital improvement fund.
 4. Violation penalties – A charge that will be incurred for violations of this Ordinance. Such charge is to provide a monetary deterrent for violating this Ordinance and to help offset the District's administrative costs associated with enforcing violations.
 5. Service calls and inspection charges – A charge to cover the costs of service calls and inspections so that they are borne by the person in need of such services and not by the other customers of the District.
 6. Special charges – Fees charged for collection of overdue accounts and reconnection of service disconnected because of nonpayment. Fees charged shall not exceed those prescribed by 24 VSA § 5151 and amendments thereto.
 7. Interest and penalties– A charge that will be incurred for overdue wastewater accounts and bills for other charges and fees included above. Such charge is to provide a monetary deterrent for overdue accounts and delinquent bills.
 8. Minimum billing for damaged structures – A charge assessed for damaged structures pursuant to §216(E) [Billing Abatements] in lieu of the wastewater usage rate in item #1 above.
- B. Unless set forth elsewhere in this Ordinance, the current rate and fee schedule established by the Commissioners is appended to this Ordinance.
- C. The Commissioners shall be authorized to establish such other charges as are reasonable and prudent for the proper operation of the public wastewater system.

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- D. No abatement of the wastewater usage charge shall be considered by reason of disuse, diminished use, temporary interruption of service or vacancy of premises. Any minimum charge, as established by the Board, shall be paid as billed, regardless of use, until permission to disconnect is granted pursuant to this Ordinance and the physical disconnection is documents and accepted by Department personnel.
- E. All fees, penalties and charges paid are non-refundable. This notwithstanding, a customer that disputes a bill or charge and such dispute is decided in favor of the customer may have the monies credited to his or her account, or refunded if he or she is no longer a customer of the public wastewater system.
- F. All requests for abatements shall comply with §216 [Billing Abatements].

§ 215 - BILLING FOR SERVICE

- A. Billing for service will be prepared at the Office of the Town Manager every three (3) months and shall be payable at the Treasurer's office.
- B. Payment of the wastewater bills shall be the responsibility of the customer. Bills will be rendered in the name and last known address of the customer as listed on the Town's grand list. Customers are responsible for notifying the Town Clerk and the Town's Utility Billing personnel of any changes in mailing addresses. Failure to receive a bill does not relieve the customer from the obligation of payment of the bill or of accrument and payment of interest and/or penalty charges for late payments.
- C. Unless otherwise allowed in §502 [Meters], wastewater bills are based on water metering and all water usage serving a structure on the public wastewater system shall be metered. If, for any cause, a meter or its remote reader fails to register the amount of water passing through it, the customer shall be charged at the average quarterly usage as calculated when the meter was functioning properly over the past two years, or as long as the connection has been metered if less than two years.
- D. Delinquent Bills
 - 1. Payments for all wastewater bills shall be received by the Treasurer by the due date clearly printed on the bill. Payments postmarked by the due date but received after it shall be considered overdue and thus delinquent.
 - 2. Delinquent bills shall bear interest at the rate of not more than 1% per month, or fraction thereof, for the first three months and thereafter 1½% per month, or fraction thereof, from the due date of such bill. Such bill shall also be assessed a one-time 8% penalty,
 - 3. The delinquent charges for wastewater usage shall be a lien upon the real estate furnished by the Department in the same manner and to the same effect as taxes are a lien on real estate under 32 VSA §5061. The discontinuance of wastewater service due to delinquent payment of wastewater bills shall be addressed in accordance with 24 VSA, Chapter 129.

§ 216 – BILLING ABATEMENTS

A. General Requirements

- 1. Any person requesting an abatement of his or her wastewater bill for reasons other than authorized running of water to prevent freezing shall provide such a request in writing

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within 30 days from the due date of the bill. As described below, a form may be provided depending on the nature of the abatement. Only requests from persons who are customers of the service from which an abatement is being sought shall be considered. Failure to request an abatement within the afore-mentioned 30 days shall render the bill final and payable as indicated on the bill.

2. The Town Manager shall take action on all requests in a timely manner, preferably before the next billing cycle of the customer. The Town Manager is encouraged to consult with the Water Superintendent about the request to ascertain the facts and nature of the request and also may forward the request to the Water/Wastewater Advisory Committee for a recommendation. If the amount of the abatement, if granted, would be over \$500, the Town Manager is encouraged to obtain a recommendation from the Committee.
3. The customer shall be notified in writing of the any Committee meeting at which the abatement request will be discussed and of the Town Manager's final decision regarding the request.
4. An abatement request does not absolve the customer from having to pay the bill in question in a timely manner and special charges may be assessed as described above for delinquent bills.
5. Once an abatement has been granted:
 - a. If the bill has been paid in full, the abatement shall be reflected as a credit to the customer's wastewater account. This notwithstanding, a refund will be paid if the customer will not own the property at the time of the next bill or if the amount of the credit would likely take more than 3 billing periods to be depleted based upon average usage.
 - b. If the bill has not been paid in full or not paid at all, a revised bill shall be prepared and delivered to the customer.

B. Allowable Abatements

In general, requests for wastewater bill abatements shall be granted if it can be ascertained that an unusual event occurred whereby there was no discharge into the public wastewater system or the Department authorized running of water for system maintenance. Specific situations which qualify for a wastewater abatement are as follows:

1. Filling of swimming pools which are not drained into the public wastewater system ONLY if request is made and approved PRIOR to the filling of the pool (form to be provided and submitted with request). Such approval must be obtained each year and a prior approval does not automatically carry over to subsequent years.
2. A broken water pipe where the water did not enter into the public wastewater system.
3. Running of water to prevent freezing ONLY if authorization to do so is received from the Department prior to allowing it to run. Such authorization must be obtained each year and a prior authorization does not automatically carry over to subsequent years.
4. For customers connected to the public water system - If the water in the water main has been disturbed due to an unforeseen repair or maintenance operations (i.e. not routine

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flushing) and becomes discolored, an abatement is allowed for running of water until it is clear ONLY if authorization to do so is received from the Department prior to allowing it to run. (see paragraph F below).

5. A structure with wastewater service that has been rendered unusable or uninhabitable due to damage from circumstances or events such as fire, flood, etc. Abatements shall be subject to the provisions in subsection E below.

C. Typical Unallowable Abatements

Below is a list of typical situations for which wastewater bills will not be abated. It is not intended to be an exhaustive list but is included only to clarify the most common situations for which abatements are requested and to illustrate the types of situations for which abatements will not be granted.

1. Vacancy and/or non-use of a structure, either in whole or in part.
2. Outdoor use of water for car washing or lawn watering.
3. Leaking toilets, dripping faucets or other such faulty appliance or indoor plumbing.
4. Excessive use by tenants.
5. Unauthorized running of water to prevent freezing or to clear up discolored water for reasons other than allowed in subparagraph B.4 above.
6. Pools filled prior to receiving abatement approval.
7. Topping off of swimming pools

D. Calculation of Abatement

The amount of the abatement shall be for the wastewater not used by the customer or as otherwise determined to reflect the amount not used. For the specific situations described above, the amount of the abatement shall be as follows:

1. For water meters found to be over registering - the amount of over-registration based on the water meter testing.
2. Broken or leaking water pipe or authorized running of water - the difference between the current bill and the average bill for that billing cycle from 4 previous years when water was not running or the average bill from the previous 4 consecutive billing cycles, whichever is more indicative of what the actual usage would have been if the water had not run. The amount of the abatement may be calculated differently, however, if the customer provides documentation that demonstrates that other readings should be used as they would be more indicative of actual usage.
3. For damaged structures – see subsection E below.

E. Abatement Requirements for Damaged Structures

1. If a structure has been damaged, the customer shall provide documentation as to the nature and extent of the damage. The abatement of wastewater bills shall be granted if such documentation demonstrates that:
 - a. the structure is unusable or uninhabitable;

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- b. the damage is not the result of neglect or lack of maintenance by the property owner; and
 - c. water and wastewater services are not needed.
2. If an abatement is granted, the following provisions shall apply.
- a. There shall be no water use or wastewater generated during the abatement period.
 - b. The structure shall not be occupied or used for anything other than repairs to the structure during the abatement period. If water or wastewater service is needed for repairing or rebuilding the structure, the abatement will cease.
 - c. Measures shall be taken to prevent water from inflowing or infiltrating into the system. This may involve measures such as capping the water and/or wastewater service connection. The abatement shall not commence until this work has been completed to the satisfaction of the Superintendent.
 - d. The customer shall be responsible for any usage up to the incident that caused the damage. If the meter is still readable, the bill shall be based on the reading. If the meter is not readable, the bill shall be prorated and based on the average bill for the same billing cycle over the past 3 years. The amount of the bill may be calculated differently, however, if the customer provides documentation that demonstrates that other readings should be used as they would be more indicative of actual usage.
 - e. The abatement shall consist of a minimum billing for damaged structures as established in §213(A)(9) [Rates and Fees]. The maximum number of abated bills shall not exceed six, not including the bill indicated in subsection (d) above. The number of abated bills may be extended by the Town Manager if it can be demonstrated to his or her satisfaction that there are extenuating circumstances that are beyond the control of the customer that are delaying the repair or reconstruction of the damaged structure.

F. Abatement Authorized by Department Personnel

For customers on the public water system - If unforeseen repairs or maintenance operations by Department personnel cause discoloration of water in the public water system, Department personnel may authorize a customer to run his or her water until it runs clear. In such instances, Department personnel may grant an abatement of the wastewater bill in the amount of 1 HCF and shall so inform the utility billing clerk of the abatement. If the customer feels that more than 1 HCF of water was used, he or she shall request a larger abatement as described in subsections A – D above.

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ARTICLE 3

SERVICE PROVISIONS

§ 301 - DISTRICT SERVICE

- A. All new development requiring wastewater disposal or existing development with a failed on-site wastewater disposal systems that are within the service area shall be required to obtain wastewater service from the Department unless the Department is unable to provide adequate wastewater service.
- B. This notwithstanding, one- and two-family residences shall not be required to connect to the public water system if the residence is to be constructed on an existing lot or on a lot created by (or within) a two-lot subdivision AND would require the construction of a service connection longer than 200 feet or for which the service connection would reasonably have to traverse through ledge, watercourses, wetlands and as such, would create a hardship.

§ 302 – APPLICANT REQUEST FOR DISCONNECTION

Disconnection of existing services from the public wastewater system for reasons other than nonpayment of a valid bill or charge requires the Commissioners' approval of a written request submitted by the owner of the property served. No disconnection shall be approved unless the Commissioners determine that the Department is unable to provide adequate wastewater service or a new use of the property is proposed that does not require wastewater usage. The physical disconnection shall be approved by the Superintendent or his or her designee(s). No minimum quarterly billing shall be charged to the property, however, such wastewater charges will continue until the physical disconnection is approved as mentioned.

§ 303 – DISCONNECTION FOR NONPAYMENT

- A. Disconnection of service for delinquent payment of a valid bill or charge shall conform to the process prescribed by 24 VSA Chapter 129. Notice of disconnection shall be provided to the customer prior to disconnection and in the form required by 24 VSA § 5143. A copy of the notice shall be sent to the occupant of a building which will be affected by the disconnection if the occupant is different than the customer. All delinquent customers shall be given an opportunity to enter into a reasonable agreement with the Town to pay the delinquent bill and avoid disconnection of service.
- B. Pursuant to 24 VSA §5143, the property shall not be disconnected for delinquent payment if such disconnection would represent an immediate and serious hazard to the health of the customer or a resident within the customer's household, as set forth in a physician's certificate that is submitted to the Town Manager. Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, providing the certificate is in fact received within seven days. Pursuant to 24 VSA § 5142, a "Physician's certificate" means a written statement by a duly licensed medical practitioner certifying that a ratepayer or resident within the ratepayer's household would suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. The certificate will be considered valid and in force for 30 days, or the duration of the hazard, whichever is less.

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- C. Disconnection of wastewater service shall occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day specified on the notice of disconnection, or within the same hours during the four business days thereafter. When service is disconnected or interrupted, the individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected, or if no responsible adult is then present, shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the customer has to do to have service restored.

§ 304 - REQUEST TO RESUME SERVICE

After service has been disconnected because of a customer's failure to abide by any provision of this Ordinance, it shall be restored within 24 hours upon the customer's written request to the Commissioners or Town Manager when the cause for disconnection of service has been removed or when an agreement has been reached between the customer and the Commissioners or Town Manager regarding the dispute that led to the disconnection or when directed to do so by the Commissioners.

§ 305 - LIABILITY FOR DAMAGES

- A. The District furnishes wastewater service and does not guarantee a continuous service. No responsibility will be assumed by the District for any damage to any property in any building.
- B. No person shall be entitled to damages or refund of any portion of a payment for the following:
1. Interruption of service occasioned by accident to any portions of the wastewater system
 2. Interruption of service for purposes of additions or repairs
 3. Non-use occasioned by absence

§ 306 - INTERRUPTION OF SERVICE

- A. Notice of interruption of service is not required. While the Department attempts to give notice, as far as possible, in advance of any work which must be done that will necessitate interruption of the service, such notice is to be considered a courtesy only, and not a requirement on the part of the Department.
- B. Any announcement of interruption of service will be by general announcement. Failure of tenant or owner to receive notice of interruption of service shall create no liability on the part of the District, the Department or its employees. Owners are encouraged to install check valves in such a location and manner that damage will not occur if the service is interrupted without notice or if there is a back-up in the system.

§ 307 – UNACCEPTABLE DISCHARGES

- A. General
1. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public wastewater (hereinafter referred to as “unacceptable discharges”):

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- a. Storm water.
 - b. Substances controlled by the Resource Conservation and Recovery Act regulations, including, but not limited to the following: gasoline, benzene, naphtha, fuel oil, other petroleum products, or other flammable or explosive liquid, solid or gas.
 - c. Toxic or poisonous solids, liquids or gases, including medicines, in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the WWTP.
 - d. Water or wastes exceeding the standards included in Appendix F.
 - e. Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in the public wastewater system, or other interference with the proper operation of the system. Such substances shall include, but are not limited to, fats, wax, grease, or oils, whether emulsified or not; ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch, manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - f. Wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite wastewater at the WWTP exceeds the standards for such materials set forth in Appendix F.
 - g. Materials which exert or cause:
 - i. 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).
 - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - iii. Unusual BOD₅, chemical oxygen demand, or chlorine requirements in such quantities to constitute a significant load on the WWTP, which may cause the effluent limitation of the discharge permit to be exceeded.
 - iv. Unusual volume of flow or concentration of wastes constituting “slugs” as herein defined.
2. If there are any spills or leaks of any of the following materials listed in A above, the responsible party shall immediately notify the Superintendent.
 3. Materials, waters or wastes shall also not be discharged or caused to be discharged if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the public wastewater system, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent shall give consideration to such factors as the quantities of subject wastes in relation to flows and

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velocities in the sewer mains, materials of construction of the sewer mains, nature of the wastewater treatment process, capacity of the WWTP, and other pertinent factors.

B. Discharge Agreements

1. No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the District and any non-residential concern, including septage haulers, whereby a process water or other discharge of unusual strength or character may be accepted by the District for treatment provided that such agreements does not contravene any requirements of state or federal rules. Such an agreement may be required for any customer in which anything other than typical sanitary effluent is discharged into the public wastewater system and may be subject to a surcharge payment related to the quality of the discharge.
2. All non-residential discharges into a public wastewater system shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available, upon request, by the Superintendent, to other agencies having jurisdiction over discharging to the receiving waters. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Town when requested.
3. The Superintendent or Manager may require that any non-residential wastewater customer to provide, at their expense, chemical analyses, treatability studies, engineering reports or other documentation which shall be prepared by a professional engineer or a certified laboratory, as applicable when requested if the Superintendent suspects that such a customer is causing adverse reactions in the treatment process.
4. Any customer held in violation of the provisions of this Ordinance or any discharge agreement may have its disposal authorization terminated and may be subject to the penalty provisions of this Ordinance.

C. Existing Connections

1. Nothing in this Ordinance shall be construed as allowing existing customers of the public wastewater system to discharge unacceptable discharges, even if the discharges were not unacceptable prior to the effective date of this Ordinance. The Superintendent shall determine if an existing customer is discharging unacceptable discharges and so notify the customer. The notice shall include the nature of the discharge (i.e. how it is unacceptable), the time frame by when the actions in subsection B below are to be taken and may require that the customer cease and desist any and all discharges until the requirements in subsection B below are met.
2. A customer who has received a notification specified in subsection A above shall either provide documentation that the discharges are acceptable or shall submit and implement a mitigation plan for approval by the Superintendent. The mitigation plan shall detail what action will be taken to eliminate the unacceptable discharges and the time frame by when such action will be taken. The Superintendent shall approve the plan if it is in conformance with the requirements of this Ordinance. The

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Superintendent may impose conditions of approval of the mitigation plan he or she deems appropriate and necessary to ensure compliance with this Ordinance.

D. New Discharges

If unacceptable discharges will be or are proposed to be discharged into the public wastewater system, the wastewater allocation request may be rejected or conditions of approval may be imposed such that the discharge will not have a deleterious effect upon the wastewater system, including the WWTP processes or equipment, or to the receiving waters and will otherwise not create a hazard to life or constitute a public nuisance.

E. Control Measures

1. In order to control unacceptable or potentially unacceptable discharges, any or all of the following may be conditions of wastewater allocation approval or required by the Superintendent: ,
 - a. Pretreatment;
 - b. Equalization of waste flows;
 - c. Interceptors for grease, oil, sand and/or other matter;
 - d. Control manholes;
 - e. Monitoring; and/or
 - f. Other methods to eliminate the unacceptable discharge in a consistent and reliable manner as determined by the Superintendent.
2. The requirements for the above-listed control measures will be specific to the project, however, design guidance is provided in Appendix F [Control Procedures for Potentially Unacceptable Discharges].
3. All control measures shall be constructed and maintained at the owner's expense and shall be operated in a continuously efficient manner at all times, as applicable. The owner may be required to provide copies of reports (e.g. for maintenance, monitoring, etc.), on a regular basis or upon request of the Superintendent.

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ARTICLE 4

ALLOCATION PROVISIONS

§ 401 – WASTEWATER SERVICE APPROVALS AND DETERMINATIONS

The following wastewater service approvals and determinations are required prior to the commencement of any construction or use of any part of the wastewater system related to the proposed project, as herein provided:

- A. New wastewater service approval – This is required for a new structure that will be connected to the District system, and involves, as a minimum, the granting of allocation from the system.
- B. Change of existing use review – This is required for an existing structure that is currently served by the District which will be changing its current or previous use. Such change of use may or may not involve a physical expansion of the existing building. This review will result in a determination of whether an increase in wastewater discharge will result and an additional allocation is required.
- C. Expanded wastewater service approval – This is required when it has been determined in paragraph B above that a new use of a property that is currently served by the District will result in an increase in discharge and require the granting of additional allocation from the system.
- D. Construction permits - No unauthorized person shall uncover, make any connections with or opening into, use, or disturb any component of the public wastewater system without first obtaining a construction permit, as required in this Ordinance.

§ 402 - GENERAL ALLOCATION PROVISIONS

- A. All wastewater allocations belong to a building and remain with that building. However, if a building is developed as condominium units or an existing building is converted into condominium units, the allocations belong to a space within the building or condominium unit and remain with that space or unit.
- B. Once operational, if actual usage by the project (as measured when operational) exceeds the granted or grandfathered allocation, then the applicant or his assigns must make a new application for additional allocation and must pay the access fee in effect at that time.
- C. Notwithstanding the above provisions and provided there isn't a change of use, allocations that were reviewed and determined by the Committee prior to the adoption of this Ordinance shall not be changed as a result of this Ordinance's adoption unless an error has been made by the Committee.

§ 403 - FORFEITURE OF ALLOCATION

- A. Any allocation shall be forfeited if the Commissioners grant a request to disconnect per this Ordinance.
- B. The Commissioners may re-approve an allocation to an applicant after forfeiture only upon approval of a new application and after all provisions of the application procedure are

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completed including submission of a new application and fee and payment of the necessary access fee.

§ 404 - DETERMINATION OF ALLOCATION

The amount of allocation shall be determined as set forth in this section, as applicable.

A. General Determination

1. The amount of allocation needed shall be the cumulative design flow (in gallons per day) of all the uses in the building as determined by the design flows established in the Vermont Environmental Protection Rules (VEPR) Chapter 1, Wastewater System and Potable Water Supply Rules and any amendments or revisions thereto. The current table is appended to this Ordinance. However, if the Vermont Agency of Natural Resources (ANR) provides written confirmation that a different design flow is needed for a particular use, the amount of allocation shall reflect this different amount.
2. Should an applicant propose a use that cannot be reasonably categorized by the above-mentioned table, the applicant shall provide the projected design flow for the use, how this design flow was calculated and documentation that the projected design flow is acceptable to ANR.

B. New Structures

The amount of allocation needed for new structures shall be as set forth in subsection A above.

C. Existing Structures

The allocation for an existing structure shall be one of the following, as applicable:

1. For structures that have been granted an allocation, the most recently granted allocation shall be considered the allocation for the structure.
2. For structures that have never been granted an allocation but have been paying wastewater bills, the allocation shall be considered grandfathered and shall be either:
 - a. The highest design flow, factoring in all allowable reductions, of any use of the structure in the last five (5) years from date of application if the structure has been in use at any time during the last five years, or
 - b. The current usage that is the basis for a minimum billing if the structure has been vacant for five years from the date of application.

D. New Use in an Existing Structure

The design flow of a new use shall be determined as set forth in subsection A above. The additional allocation needed for the new use shall be the difference between the design flow of the new use and the allocation of the existing structure, as set forth in subsection C above. If the design flow of the new use is less than the allocation of the existing structure, then no additional allocation is needed.

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E. Expanding an Existing Use

A customer shall apply for additional allocation if the design flow of the existing use, as determined in subsection C above is increased. The customer shall require an additional allocation of at least the total design flow increase of the existing use.

F. Reducing an Existing Use

1. Once an allocation has been granted and paid for, it shall not be reduced unless forfeited pursuant to this Ordinance.
2. Notwithstanding subsection (1) above, if the uncommitted reserved hydraulic capacity of the WWTP is less than or equal to 20%, the Commissioners may re-evaluate the allocations of the entire District and adjust them in a fair and equitable manner based upon historic and/or current design usage.

G. Removal or Destruction of an Existing Building

1. If a building is removed or destroyed, the allocation may be transferred to a new building constructed on the property or to other buildings on the property, if any.
2. Retaining Allocation
 - a. If the allocation for the building removed or destroyed was granted, then there is no time limit by which the allocation must be transferred to a new building.
 - b. If the allocation for the building removed or destroyed was grandfathered, then it must be re-allocated within 5 years of when the building was destroyed and/or removed or the allocation is forfeited.
 - c. To retain the allocation until it is either transferred or re-allocated as allowed above, the minimum billing shall continue to be paid. Accounts more than one year in arrears shall result in forfeiture of the allocation.

§ 405 – WASTEWATER SERVICE APPLICATION PROCEDURES

A. Application

1. All applications for allocation shall be made on a form available at the Town Offices and signed by the owner or his or her duly authorized agent. The application shall be accompanied by a plan showing the property to be serviced, the structure to be serviced, the use of the structure, proposed sizes of lines, general utility layout and any other information required by the Commissioners to allow it to conduct a thorough review of the request.
2. An application fee shall be paid in full before any application is processed.
3. Projects may be phased provided all construction is completed within 5 years. If a project is proposed to be phased, the applicant shall provide the phasing schedule with the application. This schedule shall include the following, at a minimum, for each phase:
 - a. what is to be constructed
 - b. when the construction is anticipated to start and be completed
 - c. what is the amount of requested allocation

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- d. what infrastructure improvements are to be constructed, if any

B. Review

Applications for wastewater service shall be reviewed by the Committee which shall provide a recommendation to the Commissioners. The Committee may require additional information to allow it to conduct a thorough review of the application.

C. Approval

1. The recommendation of the Committee shall be brought to the Commissioners at its next available meeting. The Commissioners may request additional information or shall act on the application when it has sufficient information to do so. Such action by the Commissioners shall be to approve or deny the application. If approved, conditions may be placed on the approval if such conditions are needed to ensure that the public wastewater system is in compliance with state and federal laws, the welfare of the general public and the public wastewater system are protected, or to reinforce the requirements of this Ordinance.
2. An allocation shall be approved, with or without conditions, if all of the following are met:
 - a. WWTP capacity – There is sufficient capacity at the WWTP to adequately treat the quantity of wastewater to be discharged.
 - b. Wastewater collection system – The collection system through which the wastewater will flow has sufficient capacity and will not in any way be negatively affected by the additional flows or the quality of the discharge.
 - c. Wastewater quality – The wastewater discharged to the public wastewater system is not unacceptable per this Ordinance.
 - d. Compliance with the Ordinance – The wastewater connection and discharge is in compliance with this Ordinance.

§ 406 - ACCESS FEES

- A. An access fee shall be due and payable within 30 days of invoice. The amount and timing of the invoice(s) shall be as follows:

Single family residences - 100% of access fee invoiced upon granting of allocation.

All other uses – 20% of access fee invoiced upon granting of allocation.

20% of access fee invoiced with 4 billings for usage starting after the first one.

- B. Mitigation of the access fee

1. Mitigation of the access fee may be permitted if the Commissioners determine that it is in the best interest of the District to have the wastewater collection system extended or other related infrastructure improvements such as removal of I/I, including disconnection of roof or other sources of stormwater from the system, or other improvement prior to the proposed project coming on-line.

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2. The cost of the mitigation work shall be credited against the access fee provided proper documentation of legitimate expenses is submitted to and approved by the Town Manager. Engineering expenses to prepare the plans for the mitigation work shall not be credited against the access fee.
 3. If the cost of the mitigation work does not exceed the access fee, the remaining balance shall be due prior to the occupation of the building for which the allocation was granted and use of the wastewater service.
 4. Plans of the mitigation work shall be accepted by the Superintendent prior to commencement of any of the work.
- C. Notwithstanding subsection A above, if a project is to be phased, 20% of the total access fee for the entire project shall be paid within 30 days of the date of the invoice for the fee. For the remaining access fee, 20% of the access fee for each phase will be invoiced with 4 billings for usage starting after occupation of any building and use of the wastewater service for the phase.
- D. The payment schedule outlined in the subsections above may be applied, in a best-fit manner, to outstanding access fees for allocations that were granted between January 1, 2018 and the effective date of this Ordinance.
- E. Failure to pay the access fee in the above described time or abide by any other requirement of this section shall be grounds for the forfeiture of the allocation granted and of any and all fees already paid, and shall, in addition, relieve the District of any further obligation to the applicant.

§ 407 – TIMEFRAME TO CONNECT

- A. Within 18 months of receiving allocation approval, a project must either (1) be connected to the system and have the ability to generate wastewater (i.e. have a working water supply and interior plumbing system) or (2) pay the quarterly usage charge based on the full allocation of the project, regardless of whether the building has the ability to discharge wastewater into the system or whether the project is connected to the system. However, if the project is not connected to the system and does not have the ability to generate wastewater within 5 years of receiving the allocation, the allocation shall be forfeited.
- B. If a project is to be constructed and connected to the public wastewater system in phases, the provisions of subsections A – C above shall apply to each phase of the project as approved by the Commissioners. If the final connection for the last phase has not been made within 5 years of the date the allocation was granted, any unused allocation shall be forfeited.

ARTICLE 5

SYSTEM AND CONSTRUCTION REQUIREMENTS

§ 501 - SERVICE CONNECTIONS

A. District's Responsibilities

1. As applicable, the District shall be responsible for the repair and maintenance of the portion of an individual or joint service connection as show on Figure 1. If a situation arises that does not fit any off those depicted in Figure 1, the Superintendent shall determine the location for the service connection. In this instance, the Superintendent shall prepare written documentation for the reason for the alternate location or alignment and an outline of maintenance responsibilities. Such documentation shall be kept on file and provided to the owner.
2. The owner shall indemnify the Department from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of the stub.

B. Owners' Responsibilities

1. The property owner shall be responsible for repair and maintenance of that portion of the service connection that is not the responsibility of the District, as described in (A) above.
2. The property owner shall be responsible for obtaining any easements for the portion of the service line that crosses other private property and/or that is not the responsibility of the district.
3. The owner shall be responsible for the construction of the entire service connection, even that portion that will, once constructed, be the responsibility of the District to repair and maintain. In addition to obtaining a construction permit as required in this Ordinance, the owner may be required to obtain other local permits, such as a road access permit, and state permits such as a water/wastewater permit from the Agency of Natural Resources, prior to construction of the service connection.

C. Independency

1. A separate and independent service connection shall be provided for every structure except as provided for below.
2. Where one structure stands at the rear of another, the service connection for the front structure may be extended to the rear structure, with the Commissioners' approval, if one of the following conditions are found:
 - a. The rear structure is on the same parcel as, and is accessory to, the front structure, or;
 - b. There is no adjoining alley, court, yard or driveway available where a service connection can be constructed for the rear structure.

- D. Existing service connections may be used for new structures only when they are found, upon examination and test by the Superintendent or his or her designee, to meet all requirements

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of this Ordinance. All related costs of the examination and test shall be borne by the applicant.

E. Construction Requirements

1. New service connections shall connect into a manhole whenever possible.
2. No service connections shall be installed between December 1 and April 1 or when frozen ground conditions exist, as determined by the Superintendent.
3. The construction permittee for the service connection shall notify the Superintendent when the service is ready for inspection and connection to the public wastewater system. The connection shall be made under the supervision of the Superintendent or his or her designee.
4. All excavations for service connection installation shall be adequately guarded with barricades and lights in accordance with applicable standards of the State of Vermont Occupational Safety and Health Administration.
5. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town and Department. The cost for such work shall be borne by the construction permittee.
6. In addition to the requirements above, construction, repair and maintenance of the service connection shall comply with the construction standards as provided for herein.

§ 502 - METERS

- A. Water metering shall be required in all connections unless otherwise approved by the Superintendent if, pursuant to this Ordinance, it is deemed that the wastewater usage is not based on water metering. If metered, all water used shall be registered by the meter. All meters must be purchased by the owner from the Department and are to be installed by the owner in conformance with the Department standards. Once installed and approved by the Superintendent or his or her designee, the meter shall become part of the public wastewater system, be solely the responsibility of the Department, and normal maintenance and replacement shall thereafter be borne by the Department.
- B. The owner will be responsible for any damages caused by misuse or freezing of any meter. It shall be the owner's responsibility to report any apparent malfunctions of the meter.
- C. A main meter shall be installed in accordance with this section for all buildings that have multiple customers (i.e. apartment or office buildings) and the owner shall be solely responsible for payment of all wastewater usage. The owner may install individual meters for each unit within the building for the purpose of apportioning the usage registered by the main meter. Such meters shall be the responsibility of the owner and the Department is not required to take individual readings of these meters.
- D. Notwithstanding the provisions of subsection (C) above, if a building or property consists of more than one condominium unit, each condominium unit shall be separately metered and the unit's owner shall be solely responsible for payment of the wastewater usage for the unit.

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§ 503 - LOW-FLOW DEVICES

All new development is required to install low-flow water fixtures. These fixtures shall be considered approved by the Superintendent if they meet the state standards for such. Use of low-flow appliances is strongly recommended.

§ 504 - CONSTRUCTION PERMITS

A. General

1. No unauthorized person shall uncover, make any connections with or opening into, use, extend or disturb any component of the public wastewater system without first obtaining a construction permit from the Superintendent, as required herein.
2. Any construction of or repairs to a service connection shall require a minor construction permit prior to the commencement of such work.
3. Major construction permits shall be required prior to any construction for all new projects, developments, subdivision, expansions or other projects that require construction or installation of wastewater system components other than the service connection or meter, regardless of whether the system components are to become part of the public wastewater system. As applicable, major construction permits may only be issued if an allocation has been applied for and granted pursuant to this Ordinance.

B. Application Procedure

1. The application procedure shall be the same for minor and major construction permits except as set forth herein.
2. All applications shall be made on a form available at the Town Offices and signed by the owner or his or her duly authorized agent.
3. An application fee shall be paid in full before any application is processed.
4. If the contractor to perform the work is identified on the application, proof that the contractor is a qualified contractor as described in §505 shall be submitted. Otherwise, see subsection (E) below.
5. For minor permits, a sketch and description of the proposed work shall be provided by the applicant.
6. For major permits, two sets of detailed construction plans and specifications, and any other information requested by the Superintendent shall be provided by the applicant. The Superintendent may require that such plans be signed and sealed by a professional engineer registered in the State of Vermont if he or she determines it is prudent and warranted due to the scope, size or complexity of the project.
7. Additional information as deemed necessary by the Superintendent to allow for a thorough review of the application may also be required.
8. An application shall be considered complete when all of the elements listed above are submitted, as applicable.

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C. Review for Construction Permits

1. Minor permits shall be issued by the Superintendent if the Superintendent finds the proposed work to be in conformance with this Ordinance and the design standards.
2. Major permits shall be issued by the Superintendent if the Superintendent finds the proposed work to be in conformance with this Ordinance and the design standards, and the proposed work will not adversely affect the system or its customers. This review may be made by the Department's Engineer, with all such expenses borne by the applicant.

D. Time frames

1. The Superintendent shall take action to approve, approve with conditions or deny a minor construction permit within 30 days after receipt of a complete application.
2. The Superintendent shall take action to approve, approve with conditions or deny a major construction permit within 45 days after receipt of a complete application, or may request additional information within this time period. If additional information is requested, the Superintendent shall take action to approve, approve with conditions or deny the major permit within 30 days of receipt of the required additional information.
3. All time frames established in this subsection are guidelines. Every effort shall be made to meet these time frames. It is understood that, in rare circumstances, these time frames may not be met. Failure to meet these time frames shall have no effect on any outcome and shall not create a deemed approval of any application.

E. Conditions of Permits

1. Nothing shall preclude the Superintendent from placing conditions on any permit, even if for an existing use, if such conditions are needed:
 - a. to ensure that the public wastewater system remains in compliance with state and federal laws and is not adversely affected by the project or use of the property,
 - b. to protect the welfare of the general public, or
 - c. to reinforce the requirements of this Ordinance.
2. In addition to any conditions imposed per subsection (1) above and other system and construction requirements in this Article, the following shall be conditions of approval, as applicable:
 - a. If the contractor to perform the work is not identified on the application, no work shall commence on the permit until the Superintendent has determined that the contractor is qualified contractor, as require in §505 below. The burden of proof that the contractor is qualified shall be the responsibility of the permittee.
 - b. All permits shall require a certificate of compliance from the Superintendent or his or her designee prior to use of the system. Such certificate of compliance shall be issued if the work authorized by the permit was completed in compliance with the permit.

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F. Expiration and appeal of permits

1. Permits shall expire if work authorized by the permit has not commenced within 18 months of issuance. Work on the permit shall be diligently pursued after commencement and be completed within 2 years of start of work authorized by the permit.
2. An applicant or permittee has the right to appeal to the Town Manager any action taken by Superintendent with respect to an application for a permit within 15 days of such action. The appeal shall be in writing to the Town Manager, and shall state the reasons for the appeal. Town Manager shall make every effort to make a decision within 45 days of receipt of the written appeal. Again, failure to meet this time frame shall have no effect on any outcome and shall not create a deemed approval of the appeal in favor of the appellant.

§ 505 – QUALIFIED CONTRACTORS

- A. In order to safeguard the public wastewater system and its customers from unnecessary interruption of service due to contractor negligence or ineptitude, a construction permit will only be issued if such work is to be performed by a qualified contractor.
- B. The Superintendent shall determine that a contractor is qualified if the contractor meets all of the following criteria:
 1. Has applicable and adequate experience in the construction of municipal systems, as applicable;
 2. Has applicable and adequate experience with construction of residential, commercial or industrial wastewater systems;
 3. Has adequate liability insurance;
 4. Has professional licenses, as applicable; and
 5. Has satisfactorily complete any previous applicable work in the District, if any..
- C. In making a determination that a contractor is qualified, the District does not warranty, guarantee nor in any way endorse the contractor or the work performed by the contractor. Such a determination simply implies that the contractor appears to have the ability to perform the work due to past experiences.

§ 506 - INSPECTION

A. All construction permits

All subsurface components shall not be backfilled or covered up prior to being inspected and deemed satisfactorily constructed by the Superintendent or his or her designee.

B. Major construction permits

1. Upon review of construction plans for a major construction permit, the Superintendent may recommend resident inspection. If so recommended, a resident inspector may be required during construction, at the discretion of the Commissioners, for facilities that are proposed to become the property of the District. The resident inspector shall be appointed by the Commissioners.

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2. All cost of resident inspection shall be borne by the permittee.
3. It shall be the duty of the resident inspector to assure that all facilities are installed in accordance with the approved plans and specifications for the project. Any divergence from the approved plans must be approved by the Superintendent.
4. In addition to the requirement in subsection A above, certification of project conformance by the resident inspector, if appointed, and the applicant's engineer shall be required in order to obtain permission from the Department to initiate wastewater service for the project.

§ 507 - CONSTRUCTION STANDARDS

All construction of public wastewater system components, including service connections, shall comply with the applicable provisions of the VEPR, Chapter 1, Wastewater System and Potable Water Supply Rules that are in effect at the time of application. In addition, the Commissioners may adopt supplemental construction standards and requirements that shall apply to such construction, and if so adopted, are appended to this Ordinance. All of these rules, standards and requirements, herein after are referred to as the construction standards.

§ 508 - CONSTRUCTION BOND

For components of a project that are to become the property of the District, the applicant may be required by the Commissioners to post and maintain a bond or letter of credit for at least two years after the District has accepted the wastewater system. The purpose of the bond or letter of credit is to insure that the work that is done remains acceptable for at least two years after completion. The amount of the bond or letter of credit shall be determined by the Commissioners.

§ 509 – EXPANSION OF WASTEWATER SYSTEM FOR NEW DEVELOPMENT

A. General Requirements

1. Other than service connections, expansion of or additions or improvements (collectively referred to as “expansions”) to the public wastewater system required for new development may be permitted provided the following criteria have been met:
 - a. All properties to be served are within the District.
 - b. The expansion will not adversely affect or jeopardize service to existing customers or to the system as whole. To avoid adverse impacts, the applicant requesting the expansion may be required to complete other system improvements to eliminate the impact.
2. Expansions shall be the financial responsibility of the developer.
3. Expansions shall require granting of the requisite construction permit by the Superintendent.
4. Expansions to the public water system are to remain privately owned unless it is requested that such expansion be accepted by the Commissioners as part of the public water system as described below.

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B. Notice of Intent to Accept

1. All expansions of the wastewater system shall be eligible for acceptance as part of the public wastewater system provided acceptance of the expansion is in the best interest of the District. Factors to consider may include the following:
 - a. Whether the cost to maintain the expansion is exceeded by the revenues to be generated by the existing, proposed and/or potential future customers to be served by the expansion.
 - b. Whether the expansion will allow or enable orderly expansion of the public system for future development.
2. Requests for acceptance of an expansion shall be made in writing prior to issuance of a construction permit. This notwithstanding, the Commissioners may consider requests for acceptance of existing expansions if doing so would allow for the orderly expansion of the public system.
3. Requests for acceptance of an expansion shall be reviewed by the Committee which shall provide a recommendation to the Commissioners. Upon receipt of such recommendation, the Commissioners shall issue a Notice of Intent to Accept an expansion if it meets the requirements of subsections A and B.

C. Final Acceptance Requirements

1. The Commissioners shall grant final acceptance of the expansion when all of the following, as applicable, are submitted and found satisfactory by the Commissioners:
 - a. Certification of the applicant's engineer and, if required herein, the resident inspector of conformance with the standard specifications, this Ordinance, and approved plans and specifications.
 - b. Submission of all deeds and right-of-way instruments accepted by the Commissioners and suitable for recording in the Town Land Records for all new wastewater system components to be taken over by the District. A 30-foot wide easement shall be required for all sewer mains to become the property of the District. Such easement shall be centered on the sewer main unless otherwise specified by the Commissioners. Extent of easements for other system components to become the property of the District shall be specified by the Commissioners.
 - c. Submission of 24" x 36" "as-built" plans: two copies on paper, one copy on reproducible mylar and one electronic copy in a format acceptable to the Superintendent. Such plans shall include, as applicable, layouts, details, profiles, elevations, and ties for all fittings, manholes, etc.
 - d. Submission of three copies of product information and three copies of an operations and maintenance manual of all components of the expansion that are to become the property of the District. Such information shall be organized and bound. An electronic copy shall also be provided.
 - e. Statement of release of all liens from all subcontractors and suppliers.
 - f. Certification of successful 24-hour leakage and pressure tests and deflection test.

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2. When final acceptance of the expansion has been granted, the Department shall be responsible for its operation, care and maintenance. Prior to final acceptance, the full responsibility for the maintenance and repair of the expansion shall rest with the applicant/developer, including all associated costs and expenses.

~ end of ordinance ~