



**ARTICLE I. PURPOSE**

The purpose of this Ordinance is preserve public health, prevent pollution and secure the sanitary protection of waters. This ordinance is intended to ensure that sewerage is discharged into an approved sewerage treatment system and to accomplish the following:

- A. Prevent the creation of health hazards which include, but are not limited to surfacing sewerage; contaminated drinking water, ground water and surface water;
- B. Ensure adequate drainage related to the proper function of sewerage disposal; and
- C. Ensure that facilities are designed, constructed, operated and maintained in a manner which will promote sanitary healthful conditions.

**ARTICLE II. TABLE OF CONTENTS**

Article I.	Purpose
Article II.	Table of Content
Article III.	General Provisions
Section 21.01	Definitions
Section 21.02	Inspection and Right of Entry
Section 21.03	Mandatory Sewer Connections; Septic Tanks
Section 21.04	Discharge to Natural Outlets Generally
Article IV.	Private Sewage Disposal Systems
Section 21.05	Permit Required
Section 21.06	Class of Permits; Form and Contents of Application
Section 21.07	Ownership of Capacity
Section 21.08	Reserve Capacity Allocation Requests
Section 21.09	Preliminary Allocation Determination
Section 21.10	Final Capacity Allocation
Section 21.11	Expiration of Allocation
Section 21.12	Billing and Payment
Section 21.13	Responsibility for Payment
Section 21.14	Water/Wastewater Disconnection for Delinquent Payment of Fees

- Section 21.15 Owner to Bear Costs of Installation of Building Sewer
- Section 21.16 Roof Downspouts, Exterior Drains, Etc., Not to be Connected to Building Sewers
- Section 21.17 Inspection of Sewer Required Prior to Connection to Public Sewer

Article V. Use of Public Sewers

- Section 21.18 Discharge of Storm water, Surface Water, Etc., Generally
- Section 21.19 Prohibited Discharges to Public Sewers
- Section 21.20 Prohibited Discharges to Public Sewers Without Approval
- Section 21.21 Alternatives when Prohibited Substances are to be Discharged
- Section 21.22 Interceptors Required for Certain Liquid Wastes

Article VI. Violation of Chapter; Penalties

- Section 21.23 Violation of Chapter
- Section 21.24 Civil Action
- Section 21.25 Penalties

Statutory Cross References: 24 V.S.A. s 3501 et seq; 24 V.S.A. s 3601 et seq.

**ARTICLE III. GENERAL PROVISIONS**

**SECTION 21.01. DEFINITIONS**

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

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

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

BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER shall mean a sewer receiving both surface runoff and sewage.

GARBAGE shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES shall mean the liquid wastes from industrial manufacturing processes, trades or businesses as distinct from sanitary sewage.

MUNICIPAL SYSTEM shall mean a sewerage disposal collection system operated by the municipality.

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

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

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

PUBLIC SEWER shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

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

SEWAGE TREATMENT PLANT shall mean any arrangement of devices and structures used for treating sewage.

SEWER shall mean a pipe or conduit for carrying sewage.

SEWERAGE WORKS shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SLUG shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

STORM DRAIN (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling waters.

SUSPENDED SOLIDS shall mean solids that either float on the surface or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

WATER POLLUTION CONTROL PLANT shall mean the sewage treatment plant.

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

## **SECTION 21.02. INSPECTION AND RIGHT OF ENTRY**

A. The City shall be permitted to enter all properties for the purposes of inspection, observation,

measurement, sampling and testing in accordance with the provisions of this chapter. The City shall have authority to inquire into any processes including metallurgical chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for waste treatment.

- B. While performing the necessary work on private properties the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.
- C. The City shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**SECTION 21.03 MANDATORY SEWER CONNECTIONS**

- A. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter,
- B. Maintenance of all private sewerage facilities including but not limited to:
  - 1. building plumbing systems,
  - 2. building sewers to the main,
  - 3. sewer connection to the main,
  - 4. sewer appurtenances, shall be the responsibility of the property owner, at his/her expense.
- C. The property owner shall be solely responsible for continually maintaining such facilities in satisfactory operating condition. Maintenance shall include, but not be limited to:
  - 1. maintaining flow,
  - 2. clearing obstructions in the building sewer to the main,
  - 3. maintaining all joints gas and water tight,
  - 4. repair or replace collapsed, deteriorated or defective materials, and
  - 5. all other work which is necessary and essential to maintaining proper operation and preserving the structural integrity and water tightness of the system. Building sewers that discharge into a City owned sewer manhole are responsible for the sewer connection up to discharge side of the sewer main within said manhole.

**SECTION 21.04. DISCHARGE TO NATURAL OUTLETS GENERALLY**

No person shall discharge or cause to be discharged to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters

**ARTICLE IV. BUILDING SEWERS AND CONNECTIONS**

**SECTION 21.05. PERMIT REQUIRED**

No unauthorized person shall uncover, make any connections with or opening into, use, litter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the department of public works.

**SECTION 21.06. CLASSES OF PERMITS; FORM AND CONTENTS OF APPLICATION**

- A. There shall be two (2) classes of building sewer permits:
  - 1. Residential and commercial service, and
  - 2. Service to establishments producing industrial wastes.
- B. In either case, the owner shall make application on forms furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent.

**SECTION 21.07. OWNERSHIP OF CAPACITY**

- A. The City of Winooski owns the wastewater collection system and wastewater treatment facility. The City is obligated to comply with conditions put forth by the Department of Environmental Conservation Water Supply Division as it relates to wastewater collection and capacity requirements.
- B. The capacity of the City of Winooski's water distribution and storage system is the property of the City of Winooski.

**SECTION 21.08. RESERVE CAPACITY ALLOCATION REQUESTS**

- A. All allocations to projects shall be based on the project's wastewater demands. Any differential between actual demands and requested demands is not available for reallocation by the allocatee for another project or for project expansion.
- B. Persons seeking an allocation of uncommitted wastewater reserve capacity of less than 1,000 gpd shall apply to the City for an allocation on an authorized form. Persons seeking an allocation of uncommitted wastewater reserve capacity of more than 1,000 gpd shall apply to the City for a preliminary allocation on an authorized form prepared and certified by a Vermont registered engineer. Such applications shall:
  - 1. Be accompanied by a calculation of the project's water demand to be generated by the project/development following VT Water Supply Rule requirements;
  - 2. Any other information requested by staff or the City;

3. The City reserves the right to require a Vermont registered engineer prepare the authorized form for any allocation request, at the applicant's expense.
- C. All such applications may be denied when they are deemed to be incomplete. All staff decisions may be appealed by the applicant to the City Council. The City Council reserves the right to deny any application in its sole discretion, and consistent with law.

**SECTION 21.09 PRELIMINARY ALLOCATION DETERMINATION**

- A. Upon receipt of the application for wastewater allocation with supportive documents, the City shall make a preliminary determination regarding allocation of uncommitted reserve capacity. The City shall issue a preliminary allocation upon making affirmative findings that there is sufficient wastewater reserve capacity, as of the date of the application to accommodate the development wastewater supply demand for the proposed development. Supporting documents for this section shall include a description of the land development for which allocation is sought, together with written confirmation from the Director of Planning and Zoning or his/her designee indicating that 1) the applicant has submitted to the Department of Planning and Zoning a land development project proposal in sufficient detail for the Department of Planning and Zoning to determine whether the proposal is viable under the current zoning regulations and 2) the land development project as proposed generally appears to be viable under said regulations, subject to certain approvals.
- B. A preliminary determination by the City for wastewater allocation capacity shall not constitute a binding commitment of capacity to the applicant and may be revoked by the City Council at its sole discretion. A preliminary determination may be used by the applicant that a proposed development has sufficient wastewater capacity available to proceed through the development review process.

**SECTION 21.10 FINAL CAPACITY ALLOCATION**

- A. An applicant who holds a preliminary wastewater allocation of capacity may apply for a final application upon occurrence of the following:
1. Obtained site plan, conditional use and/or variance approval(s), if such approvals are the only approvals except a zoning permit, required for the proposed development under City zoning and subdivisions regulations then in effect; or
  2. Obtained final approval for a subdivision, Planned Unit Development or planned Residential Development if such approvals are the only approvals, except a zoning permit, required for the proposed development under City zoning and subdivision regulations then in effect; or
  3. Obtained all approvals required under subsection 1 and 2 above, if such approvals are required for the proposed development under City zoning and subdivision regulations then in effect; or
  4. Does not require any approvals under City zoning and subdivision regulations then in effect.
  5. The request shall be accompanied with payment for the full amount of the allocation requested.
- B. Upon receipt of an application for a final wastewater allocation, the City shall grant a final allocation upon determination that the applicant has a preliminary allocation, which has not been revoked, and that sufficient uncommitted reserve capacity is available for the development and that all fees have been received.

- C. A grant of final allocation shall constitute a binding commitment of wastewater capacity to the applicant subject to the applicant's compliance imposed on such allocation. The final allocation shall specify the allowed volume and any other characteristics determined appropriate by the City. Upon the issuance of final allocation, the allocation shall continue for a period of three years from the date of issuance of allocation or complete build out of the project, whichever comes first. The City may allow a period longer than three years if a developer so requests in writing and the City determines that the three year initial time period is not a realistic time within which to expect connection to the municipal wastewater system. At any point during the initial three year time period an applicant may also request an extension of up to three additional years. Unused allocations are not eligible for refunds. Any pre-existing wastewater allocation granted prior to the date of this Ordinance shall have three years from the date of this Ordinance to utilize said allocations or the allocations shall expire.
- D. A wastewater capacity allocation is not transferable to any other person or development, except a successor in interest of the development for which the allocation has been granted.

**SECTION 21.11 EXPIRATION OF ALLOCATION**

- A. A final wastewater capacity allocation shall expire: 1) on the date that any approval required for grant of the final allocation expires unless the applicant has obtained an extension for the development and demonstrated significant progress toward the completion of the project for which the zoning permit has been granted; or 2) when the meter serving the project has been installed, whether or not the project is fully occupied, and any metered usage is obtained.
- B. The section above notwithstanding, for developments which an applicant has obtained a portion of the water allocation, the remaining portion of the final allocation shall expire three (3) years from the date of issuance of the final allocation, unless extended as provided below.
  - 1. The applicant may, depending on the volume of the approved allocation, apply to the City to extend the capacity allocation for one period of three (3) years from the date of expiration of the original final allocation provided that the application extension is filed prior to the expiration date of the original final allocation, and the applicant requesting the extension has been working diligently to complete the project.
  - 2. Upon expiration of the final allocation, approved extension, or any portion thereof, the remaining capacity shall revert to the City. There shall be no refund on fees paid for the unused or reverted allocation.
  - 3. In all cases, design allocations shall be considered expired when the project is complete and a history of metered usage can be utilized to establish usual demands of the project.
  - 4. In the event the project is not built within the approved time period, and all allocation fees have been paid, the customer may be refunded the paid allocation fees less a 1.27% administrative fee.
- C. The City shall strive to review and approve projects on a first come, first served basis. The City retains the right to review applications on other than a first come, first served basis if the City deems such action is in the City's best interest. The City may attach conditions related to the wastewater infrastructure (e.g. line improvements, future tie-in provisions, etc.) to allocation approvals to achieve the goals and policies of the City, the cost of which shall be borne by the applicant. The City also reserves the right to deny applications for any reason at their sole

discretion.

- D. All customers shall request a change in use whenever there will be a permanent “substantial change increase” in water volume use from an existing connection. A substantial change increase is defined as:
  - 1. Equivalent to one (1) gallon less than the flow quantities established in the current edition of the Vermont Water Supply Rule, Standard Flow Quantities, required for a single dwelling, or
  - 2. Greater than fifty percent (50%) of the historical use registered on the meter for normal billing over a three year period or a. above, whichever is less, or
  - 3. The conversion of an existing single family home to multiple occupancy residential, mixed use, commercial, retail, or industrial structure, or
  - 4. The conversion of a commercial or industrial unit to one that differs from the original approval.
- E. A user fee shall be paid by all users of the City’s water/wastewater system based upon the multiplied product of their metered usage, and a water rate/1000 cubic feet as set by the City, except as set forth in subsection below:
- F. All wastewater charges are based on actual usage for each individual account per billing cycle.
- G. Charges are payable whether or not water is physically turned on or off to the facility at the meter during part or all of the billing period, provided the service connection is physically connected to the mainline. Water service termination at the curb stop needs to be arranged with the City or a quarterly bill will be assessed. No abatement of water/wastewater bills or minimum fees will be allowed by reason of disuse, diminished use, or vacancy of premises without proper notice to the Department, and water service termination at the curb stop.
- H. Any account that has been finalized between regular billing cycle readings shall be billed for the larger of: the actual metered usage, the estimated usage, or the minimum charge for the billing period, when 45 days or more have occurred since the last reading. For readings less than 45 days apart, no sewer usage charge shall be applied unless actual usage is 100 cubic feet or more. The City may adjust final water bills on a case-by-case basis.

**SECTION 21.12. BILLING AND PAYMENTS**

- A. Wastewater charges will be invoiced quarterly to all residential and commercial accounts. Wastewater charges shall be payable on or before the 30th day following the date of the invoice or a later date as shown on the invoice. In the event that such charge is not paid when due, a one-time penalty of eight percent (8%) shall be applied and interest of One (1.0%) percent monthly shall be imposed by the City per month after the first thirty (30) days of delinquency and monthly thereafter until the invoice is paid. If any account shall remain delinquent, the City may also take action that is consistent with the provisions of Title 24, V.S.A. Chapter 129, Uniform Water and Sewer Disconnect, as presently constituted and as amended from time to time, to obtain payment of delinquent charges or to discontinue water service. Such charges shall be a lien upon the real estate as provided in 24 V.S.A. 3306 and 32 V.S.A. 5061.
- B. New water connections made during a billing period shall be billed on the following basis:
  - 1. The billing shall be the larger of the actual metered billing, the estimated usage, or the minimum charge for the billing period.



2. Notwithstanding above, the City may adjust new water connection water bills on a case-by-case basis.
- C. Should any meter become inoperative between readings, upon investigation and discretion of the City the customer shall be billed at the average amount of the preceding two quarters that the meter recorded correctly, or the previous year's same quarter, or an average as determined by the City.

**SECTION 21.13. RESPONSIBILITY FOR PAYMENT**

- A. In consideration of water service supplied by the City all property owners are responsible for payment of bills rendered for water used by the owner, their tenants, successors in tenancy or in ownership, and all other operations at the specified location, unless and until proper notice is given to the City of termination of service on a specific date. The property owner shall abide by all rules and regulations established by the City consistent with enforcement of the provisions of this ordinance.
- B. All water charges will be billed to the owner of record of the facility(s) served, unless waived by the City. Although another person may pay the service rate, the owner of the premises shall ultimately be held responsible for such fees. In the event that all charges are not paid on a timely basis, the owner of record will be solely responsible for all penalties, fees, interest and delinquent charges. Each time a bad check is received for payment of a water bill the account shall be charged a returned check fee as established by and as may be modified from time to time by the Council in addition to any other penalties. Failure to receive a bill does not relieve the owner of the obligation for payment or for the payment of penalties.

**SECTION 21.14. WATER/WASTEWATER DICONNECTION FOR DELINQUENT PAYMENT OF FEES**

The City of Winooski may disconnect water/sewer services to ratepayers as a collection procedure for delinquent water and/or sewer bills or charges (24 VSA § 5151) in accordance with the conditions and provisions as set out in Title 24, Chapter 129, "Uniform Water and Sewer Disconnect", of the Vermont Statutes Annotated (VSA), as the same may be amended from time to time. This statute delineates the operative definitions, conditions and procedures the City shall observe for both disconnections and reconnections based on the then-current edition of 24 VSA.

**SECTION 21.15. OWNER TO BEAR COSTS OF INSTALLATION OF BUILDING SEWER**

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

**SECTION 21.16. ROOF DOWNSPOUTS, EXTERIOR DRAINS, ETC., NOT TO BE CONNECTED TO BUILDING SEWERS**

No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**SECTION 21.17. INSPECTION OF SEWER REQUIRED PRIOR TO CONNECTION TO PUBLIC SEWER**

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

**ARTICLE V. USE OF PUBLIC SEWERS**

**SECTION 21.18. DISCHARGE OF STORM WATER, SURFACE WATER, ETC., GENERALLY**

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling waters or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to natural outlet approved by the City.

**SECTION 21.19. PROHIBITED DISCHARGES TO PUBLIC SEWERS**

- A. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - 1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - 3. Any waters or wastes having a pH lower than 6.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
  - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**SECTION 21.20. PROHIBITED DISCHARGES TO PUBLIC SEWERS WITHOUT APPROVAL**

- A. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes, if it appears likely in the opinion of the City that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the City will give consideration to such

factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
2. Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit.
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.
6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids, such as but not limited to, fuller's earth, lime slurries and lime residues or of dissolved solids, such as but not limited to, sodium chloride and sodium sulfate.
  - b. Excessive discoloration, such as but not limited to, dye wastes and vegetable tanning solutions.
  - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
10. Waters or wastes containing substances which are not amenable to treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant

effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**SECTION 21.21. ALTERNATIVES WHEN PROHIBITED SUBSTANCES ARE TO BE DISCHARGED**

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 21.20, and which in the judgment of the City may have a deleterious effect upon the sewerage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:
  - 1. Reject the wastes;
  - 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  - 3. Require control over the quantities and rates of discharge; and/or
- B. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City, and subject to the requirements of all applicable codes, ordinances and laws.

**SECTION 21.22. PROCEDURES AND POLICIES FOR MANAGING SEWER BACKUPS**

- A. It is the policy of the City of Winooski that the City, will respond to requests for assistance by municipal sewer customers, in the event of a sewer backup, in the following manner:
  - 1. An investigation shall be made to determine if the sewer blockage is in the City sewer main (i.e. between municipal manholes or at municipal manholes).
  - 2. If the sewerage flow in the municipal manholes is flowing freely, the indication is that the blockage is occurring in the service connection at or between the building and the sewer main. The affected sewer customer(s) shall be notified and informed that the problem appears to be in the service lateral. It is the responsibility of the sewer customer to correct the problem and the City will take no further action to repair. The City, however, reserves the right granted under this ordinance to inspect and approve all repairs that are made.
  - 3. If the blockage is determined to be in the municipal system, the City shall be responsible for removing the blockage and reestablishing flow. If the sewer backup appears to have been caused by a blockage in the sewer main, the City shall assist the sewer customer in making arrangements and paying for a one-time cleaning of the affected area to include walls, floors, carpets and affected upholstered furniture, to a ceiling amount of one-thousand dollars (\$1,000) per dwelling or business.
  - 4. The purpose of providing the initial cleanup services identified in this section is to provide for a minimum level of public health protection to the affected sewer customer. The risk of exposure to pathogenic bacteria and other health related contaminants is assumed to be greater with a sewer main blockage, potentially involving many sewerage

customers, than blockages involving a single service.

5. The City shall not be responsible for replacement or repairs to the structure or its contents, including but not limited to walls, floors and floor coverings, heating and other mechanical systems, and furniture and furnishings.
6. If, upon inspection of the facility by a City representative, it is found that the service connection or interior house plumbing does not meet the requirements of the public works standards, the City Sewer Ordinance, the state plumbing code or other similar accepted standards, the City can, as a condition of continued service, require that the appropriate plumbing changes be made. The City may also seek any penalties allowable under law for violation of the referenced standards.
7. The City accepts no legal responsibility for sewer backups or restitution as a result of such backup in that such backup is considered to be an act of God. Actions taken by the City are solely for the purpose of protecting the public health.

## **ARTICLE VI. VIOLATION OF CHAPTER; PENALTIES**

### **SECTION 21.23. VIOLATION OF CHAPTER.**

- A. Any person found violating any provision of this chapter shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Failure to do so will result in criminal or civil penalties as provided for in this chapter.
- B. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

### **SECTION 21.24 CIVIL ACTION**

In additional to the enforcement authority set forth in this chapter, the City shall have the right to institute civil action which it deems appropriate to obtain injunctive or monetary relief.

### **SECTION 21.25 PENALTIES**

- A. Any first (1st) or second (2nd) violation of this Chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 1, Section 1.11 of Winooski City Code.
- B. All third (3rd) and subsequent violations of this Chapter will be a criminal violation and subject to criminal penalties and enforcement as provided for in Chapter 1, Section 1.11 of the Winooski City Code.

6710935\_2:10780-00007