

TOWN OF FAIRFAX, VT

**SEWER ALLOCATION AND
CONNECTION ORDINANCE**



Amended July 2, 2012

**TOWN OF FAIRFAX, VT
SEWER ALLOCATION AND CONNECTION ORDINANCE**

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Definitions

Unless specifically defined in this article, words and phrases used in this ordinance shall have their common ordinary meaning, and are intended to give this ordinance its most reasonable application.

“Allocation fee” shall mean the financial amount due, as determined by the BOARD, imposed on owners for reserved capacity allocation.

“BOARD” shall mean the Board of Selectmen of Fairfax, comprised as the Sewage Disposal Commissioners as provided in 24 VSA Section 3614.

“Committed Reserve Capacity” shall mean the total amount of development wastewater flow (gallons per day) from all projects/buildings approved by the BOARD and the DEPARTMENT for discharge to the treatment PLANT, but not yet discharging at the time of the calculation.

“Connection Fee” means the same as “Sewer Use Fee”. See “Sewer Use Fee”.

“Department” shall mean the Vermont Department of Environmental Conservation.

“Development” shall mean the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial, manufacturing, farming, educational, medical, charitable, civic, recreational, religious uses, subdivisions and intent to subdivide.

“Owner” shall mean any person, who owns or possess any property connected to the municipal wastewater collection system or proposes to connect to the municipal wastewater system as applicant.

“PLANT” shall mean the municipal sewage treatment PLANT owned by the Town of Fairfax.

“PLANT Wastewater Flow” shall mean wastewater passing through the treatment PLANT in gallons per day on an annual average basis (365 day average) except where flows vary significantly from seasonal development. In the latter case, PLANT wastewater flow is determined as the average throughout the high seasonal use period, as determined by the BOARD.

“Public Sewage System or Facilities” shall mean all facilities for collecting, pumping, treating and disposing of sewage and is controlled, owned and operated by the Town of Fairfax.

“Reserve Capacity” shall mean the permitted wastewater flow minus the actual PLANT wastewater average daily flow during the preceding 12 months.

Definitions Cont.:

“SEWERS” shall mean the sewage collection and transmission system owned by the Town of Fairfax. The sewage collection system can include house connections, sewers, force mains, pump stations, and low pressure sewers.

“Sewer User Fee” shall mean the financial amount due, as determined by the BOARD, charged to property owners for the benefit to connect to the main sewer/house connection.

“Shall” is mandatory; “May” is permissive.

“Subdivision” shall mean a tract of land, which has been divided or is intended to be divided into two (2) or more lots for any purpose, in accordance with the Town’s current Subdivision Regulations.

“Superintendent” shall mean that employee of the Town of Fairfax who shall be designated by the Selectboard to operate and maintain the public sewage facilities, oversee sewer connections, and other activities stated within this ORDINANCE.

ARTICLE 1
Capacity Allocation and Connection

SECTION 1- Ownership & Permit

The Town of Fairfax owns and operates a sewage treatment and disposal PLANT (PLANT) and a sewage collection and transmission system (SEWERS) as defined in 24 V.S.A., SECTION 3501(6) and 3601. The PLANT has a permitted capacity, and is operated in accordance with a discharge permit issued by the Vermont Department of Environmental Conservation (DEPARTMENT) under authority granted in 10 V.S.A., Chapter 47. The board of sewage disposal commissioners (BOARD) is obligated by law to comply with conditions of that permit, and to operate and manage the PLANT and SEWERS as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101.

SECTION 2- Introduction to Reserve Capacity Allocation

The permitted capacity of the PLANT and SEWERS is the property of the Town of Fairfax. The uncommitted reserve capacity of the PLANT and SEWERS shall be allocated by the BOARD in the manner described below. This ordinance is adopted pursuant to the provisions of 24 V.S.A., SECTION 3625, in the manner provided in 24 V.S.A., Chapter 59 (or in the manner provided for in 24 V.S.A., Chapter 117), and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the BOARD to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the Town of Fairfax. Nor shall it be construed to impair or inhibit the ability of the Town of Fairfax’s PLANT to contract with persons for the collection, transmission and treatment of sewage.

- b) Be accompanied by a calculation of the applicant's wastewater flow to be generated by the project/development;
- c) Include calculations for the volume, flow rate, strength, infiltration/inflow and any other characteristics determined appropriate by the BOARD;
- d) Unless waived by the BOARD all calculations required in (a) and (b) above for developments generating over 1000 g.p.d. shall be certified by a Vermont registered professional engineer.
- e) Be accompanied by plans and specifications for the construction of building sewers (from the buildings to municipal sewers) and any municipal sewer extensions, including pump stations, required to service the development/proposed connection prepared by a Vermont registered professional engineer. This requirement to submit plans and specs may be waived by the BOARD until final connection approval.
- f) Include payment of allocation fee as set forth in the Town's Schedule of Rates and Fees.

SECTION 3.04 - Preliminary Allocation Approval Requirements

Upon receipt of an acceptable sewer use application and supportive documents, the BOARD may make preliminary approval of uncommitted reserve capacity/allocation upon making affirmative findings that:

- a) The proposed wastewater is of domestic, sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection; or
- b) The proposed wastewater is not of domestic sanitary origin and that sufficient evidence has been presented by the owner to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the PLANT and SEWERS and that the proposed wastewater shall not alone or in combination with other wastes cause a violation of the discharge permit, pass through the PLANT without treatment, interfere or otherwise disrupt the proper quality and disposal of PLANT sludge or be injurious in any other manner to the PLANT or SEWERS and that there is sufficient uncommitted reserve capacity to accommodate the strength and volume of the proposed connection.
- c) The proposed use of wastewater capacity complies with the allocation principles and is not in conflict with any other enactment adopted by the BOARD or the Town of Fairfax.

SECTION 3.05 - Preliminary Allocation Permit Approval

The BOARD, after making the approval findings above, may issue a preliminary wastewater allocation permit, which approval shall be a binding commitment of capacity to the applicant contingent on compliance with any conditions attached to the preliminary permit and the subsequent issuance of a final allocation permit. The preliminary allocation approval permit conditions shall include:

- a) Specification that the period of time during which the preliminary allocation permit approval shall remain valid is two (2) years from the date of the Town's preliminary allocation permit approval.
- b) Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the preliminary allocation approval.
- c) Provision for revocation by the action of the BOARD on failure of the owner to fulfill requirements of the preliminary allocation approval.
- d) Specification that the recipient of the preliminary allocation approval may not transfer, by any means, the preliminary allocation approval to any other person or connect to the SEWERS. If there is a change from the original application, then the Owner must reapply and the revised project will be considered a new project.
- e) **There shall be no refund** of any fees paid.

SECTION 3.06 - Final Allocation Permit Approval Requirements

Prior to final allocation approval, the following requirements shall be met by the owner:

- a) Applicable local, State and Federal permits have been secured for the development/project;
- b) Reserve capacity allocation fees and other local fees or taxes set by the BOARD, have been paid in full to the Town of Fairfax. Allocation fees shall be partially based on the volume and strength of the proposed wastewater flow. The Board shall establish the fee schedule.
- c) The owner must submit "plans and specifications" for connection to and, if necessary, extension of the municipal SEWERS depending on the nature of the connection or extension project. The Board may contract engineering services for consultation and inspection services during construction, at the expense of the applicant.
- d) The owner shall schedule and pay for the physical construction of the connection to the Town's main sewer line. The main sewer line shall be located in an easement area granted to the Town. At the same time the owner shall obtain all necessary easements and rights-of-way.

SECTION 3.07 - Final Allocation Permit Approval Conditions

A final allocation permit is an agreement between the Town of Fairfax and the Owner. The Owner who is issued the final allocation permit does not own the capacity and forfeits all rights to capacity if preliminary and final allocation permit conditions are not met.

Committed Reserve Capacity allocated in conjunction with the final allocation permit for building development shall revert to the municipality if the permit recipient has failed to "initiate construction" *within two years* of the issue date of the final wastewater allocation permit.

The final allocation permit *shall expire three years* from the date of its issuance if sewer connection has not been made. The Board may issue, at its discretion, a one-time extension upon the request of the owner. The one time/one year extension granted will require an additional fee.

If a permit expires after three years or after any extension of time provided by the BOARD, the unused portion of the committed capacity allocation at the time of expiration shall revert to the municipality. **There shall be no refund** of any fees paid.

The reserve capacity allotted to lots that are either unsold or do not have building construction completed at the time of permit expiration shall revert to the municipality without refund of any fees paid. Reserve capacity shall also revert to the municipality from any reductions made to the development wastewater flow planned for each lot subsequent to approval.

The applicant shall record the final allocation permits in the land records of the Town of Fairfax along with copies of all fees paid and reference to the location of the approved connection plans and specifications. When the owner of a residence and/or subdivision sells or otherwise conveys individual lots within the three year time frame, the final allocation permit will run solely with the land and shall transfer when the property transfers. The new owner becomes bound to comply with all permits issued and the plans and specifications for connecting the municipal SEWERS. The transferred permit shall be considered new by ownership but carry the original expiration date. If the subdivision allocation permit expires or is terminated for any reason, the BOARD shall then notify the Vermont Agency of Natural Resources Watershed Management Division thereof.

SECTION 4 - Connection Requirements

The construction of the connection and, if necessary, the municipal SEWER extension, must be overseen by the Town to assure compliance with the plans and specs and good construction practice in a manner acceptable to the BOARD.

The Superintendent shall be notified at least five business days in advance of any proposed construction of the connection. The construction of the connection and tie-in to the municipal sewer shall not be performed unless the Superintendent is present and shall not be covered until approved by the Superintendent. Additional constraints may be found in this Ordinance, where applicable.

The Superintendent shall have the authority to inspect activities pertaining to the construction of the connection, building sewer and any other related facilities, such as grinder pumps, or pump stations, that may affect the Public Sewage System.

Fees are set by the BOARD and have to be paid in full to the Town of Fairfax, prior to granting connection approval.

SECTION 4.01 - Authority to Require Connection

Nothing herein shall be construed as limiting or impairing the authority of the Town of Fairfax or its BOARD to require connections to the PLANT and SEWERS under the general laws of the state or local ordinances.

ARTICLE 2 **Sewer Rents & Fund Management**

SECTION 1 - OPERATION AND MAINTENANCE - A quarterly sewer charge, which shall be determined by the BOARD, is hereby imposed upon every property owner having a building or structure on their premises and who are served by the municipal public sewage system where sewage may be collected for the use of the premises by the Owners, or other users and owners of real property within the Town of Fairfax. The quarterly sewer charge shall be for the purpose of the payment associated with the costs of operating, maintaining and repairing said system including loan repayment expenses. The BOARD may establish quarterly charges separately for bond payments, for fixed operating and maintenance costs not dependent on actual or estimated use and for variable operations and maintenance costs dependent on actual or estimated use.

SECTION 2 - The sewer charges established in SECTION 1 of this ARTICLE and defined hereinafter may be charged whether or not the property is occupied, when the property is connected to the public sewage system by the necessary building sewer as required under the terms of this ORDINANCE. The rate structure shall incorporate the requirements of 40 CFR, §35.935-13 or §35.2140, as applicable.

SECTION 3 - The quarterly charges stipulated in SECTION 1 of this ARTICLE shall be based upon rate structure(s) decided by the BOARD as provided for in 24 V.S.A., Chapter 101.

ARTICLE 9
Ordinance in Force

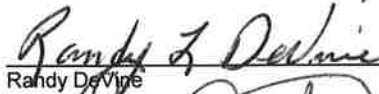
SECTION 1 - This ORDINANCE shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

SECTION 2 - Duly enacted and ordained by the Selectboard of the Town of Fairfax, Franklin County, State of Vermont, on the 12th day of July, 2012, at a duly called and duly held meeting of said BOARD. This ORDINANCE shall become effective sixty (60) days from the date hereof.

ATTESTED BY:



Deborah Woodward, Town Clerk

 7/2/12 Chair
Robert A. Horr

 Vice-Chair
Randy DeVine


Chris Santee

David Shea

 7/2/12
Thomas Fontaine

Town of Fairfax Selectboard

TOWN OF FAIRFAX

WASTEWATER SCHEDULE OF RATES AND FEES

Rate Structure:

The rate structure is based on metered wastewater discharged into the system. Charges will be billed quarterly in January, April, July and October.

Charges for Sewer Services:

1. Sewer Charge: The Sewer Charge is for the Operating and Maintenance Cost of the wastewater collection, treatment and disposal system. Only connected users will be assessed the sewer charge based on usage.
2. Separate Sinking Fund / Set-Asides for Major Expenditures may be established based on equivalent users.
3. Any bond payment due is due regardless of usage.
4. Special Fees and Charges:
 - I. Sewer Allocation Application / Permit Fee: \$100
 - II. Final Allocation Application / Permit Fee:
 - a. Residential: \$1000
 - b. Non Residential: Flow base x \$5.00
 - III. Connection Fee:
 - a. Residential: \$1000 will be charged for each living unit connected to the Municipal system and will be billed for each unit as a unit; duplex \$2,000, triplex \$3,000.
 - b. Non Residential Connection Fee: Flow base x \$5.00
 - IV. Delinquency Charge: A late fee penalty charge of \$25.00 will be applied after the due date per the bill quarter.
 - V. Time Extension Fee: \$100. See Section 3.07.
 - VI. Conditional Use, See Section 3.03 (a): Flow base x \$5.00

SEWER ALLOCATION APPLICATION PERMIT

Application Approval Section 3.03 (a)

Development Review Board/Zoning

Approved _____ Not Approved _____

Date: _____

Conditions: _____

**Preliminary Approval/Permit (2 years)
Section 3.04 and 3.05**

Town of Fairfax Selectboard

Date Issued: _____

Expiration Date: _____

Fee Paid: _____ Date Paid: _____

Conditions: _____

**Final Approval Permit: (2-3 years)
Section 3.06 and 3.07**

Town of Fairfax Selectboard

Date Issued: _____

First Year Expiration Date: _____

Initiate Year Expiration Date: _____

Third Year Expiration Date: _____

Fee Paid: _____ Date Paid: _____

Time Extension Granted: _____ Date: _____ (Fee \$100.00)

Connection:

All Fees Paid: _____ Date: _____ Amount Paid: _____

Points of Inspection:

I have inspected the connection to the sewer system described above and permission is granted to cover the area.

Water Superintendent

SEWER ALLOCATION APPLICATION PERMIT

Application Approval Section 3.03 (a)

Development Review Board/Zoning

Approved _____ Not Approved _____

Date: _____

Conditions: _____

**Preliminary Approval/Permit (2 years)
Section 3.04 and 3.05**

Town of Fairfax Selectboard

Date Issued: _____

Expiration Date: _____

Fee Paid: _____ Date Paid: _____

Conditions: _____

**Final Approval Permit: (2-3 years)
Section 3.06 and 3.07**

Town of Fairfax Selectboard

Date Issued: _____

First Year Expiration Date: _____

Initiate Year Expiration Date: _____

Third Year Expiration Date: _____

Fee Paid: _____ Date Paid: _____

Time Extension Granted: _____ Date: _____ (Fee \$100.00)

Connection:

All Fees Paid: _____ Date: _____ Amount Paid: _____

Points of Inspection:

I have inspected the connection to the sewer system described above and permission is granted to cover the area.

Water Superintendent