

KJK
FYE
8/28/07

Potable Water Supply and Wastewater Disposal System
Design Filing Requirements Ordinance

The Town of Monkton (hereafter "Town") has the power and the obligation to protect the health, safety and welfare of its residents. Because of amendments to Vermont statutes vesting with the State of Vermont the exclusive power (with some exceptions) to issue permits for the installation of potable water supplies and wastewater systems, the Town believes that it is critically important in order to fulfill its obligations to protect the health, safety and welfare of its residents, to maintain accurate records of the design and location of potable water supply systems and wastewater systems permitted by the State of Vermont and located in the Town. Maintaining accurate records will allow the Town, through its health officer, to fulfill its obligation to determine that potable water supply systems and wastewater systems have not created dangers to the health, safety and welfare of its residents due to failure of such systems. Accordingly, the Town adopts the following ordinance.

ARTICLE 1 PURPOSE

- 1.1 The purpose of this ordinance is to create an information base for the Town in order to assist the health officer of the Town to determine when potable water supply systems and wastewater systems permitted by the State of Vermont and located within the Town have failed and such failure represents a threat to the health, safety and welfare of the residents of the Town.

ARTICLE 2 DEFINITIONS

- 2.1 Agency means the Agency of Natural Resources.
- ~~2.2 Failed Potable Water Supply has the meaning set forth in 10 V.S.A. § 1972(4) as it may be amended from time to time, including any successor statutory provision enacted by the Vermont legislature defining Failed Potable Water Supply replacing or supplanting § 1972(4).~~
- 2.3 Failed Wastewater System means a failed system as defined by 10 V.S.A. § 1972(5), as it may be amended from time to time, including any successor statutory provision enacted by the Vermont legislature defining Failed Wastewater System replacing or supplanting § 1972(5).
- 2.4 Health Officer means the person appointed pursuant to 18 V.S.A. § 601 as it may be amended from time to time, including any successor statutory provision enacted by the Vermont legislature replacing or supplanting § 601, or any deputy or assistant Health Officer lawfully appointed.

- 2.5 Permit means an authorization to construct or to repair or to replace a potable water supply and/or wastewater system issued or granted by the Agency under the Environmental Protection Rules.
- 2.6 Person means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont or any agency, department or subdivision of the State, federal agency, or any other legal or commercial entity.
- 2.7 Potable Water Supply Design Approved Plan shall mean the plan approved by the Agency in connection with a permit for a potable water supply under the Environmental Protection Rules as they may be amended from time to time.
- 2.8 Wastewater System Design Approved Plan shall mean the plan approved by the Agency in connection with a permit for a wastewater system under the Environmental Protection Rules as they may be amended from time to time.

ARTICLE 3 APPROVED PLANS FILING REQUIREMENT

- 3.1 Within thirty (30) days of the issuance of a permit by the Agency under the Environmental Protection Rules which authorizes the installation of or repair or replacement of a potable water supply within the Town of Monkton, the person so permitted or authorized shall file with the Monkton Health Officer a copy of the potable water supply design approved plan. In the event evidence of approval by the Agency is not on the plan itself, the permittee shall file with the plan a certification that it is identical to the potable wastewater supply design approved plan.
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- 3.2 Within thirty (30) days of the issuance of a permit by the Agency under the Environmental Protection Rules which authorizes the installation of or repair or replacement of a wastewater system within the Town of Monkton, the person so permitted or authorized shall file with the Monkton Health Officer a copy of the wastewater system design approved plan. In the event evidence of approval by the Agency is not on the plan itself, the permittee shall file with the plan a certification that it is identical to the wastewater disposal system design approved plan.

ARTICLE 4 ENFORCEMENT

- 4.1 This ordinance shall be enforced as provided by 24 V.S.A. Ch. 59 and Ch. 117, as they may be amended from time to time.

ARTICLE 5 PENALTIES

- 5.1 A civil penalty of not more than One Hundred Dollars (\$100.00) may be imposed for a violation of this ordinance. Each day the violation continues after written notice sent by certified mail return receipt requested, which notice includes a five (5) day opportunity to cure, shall be deemed to be a continuing violation and shall constitute a separate violation punishable by a penalty of One Hundred Dollars (\$100.00).
- 5.2 In addition to the civil penalty, the Town may seek an order pursuant to 24 V.S.A. § 1974a(b) & (c), and may seek injunctive relief or an order that the civil ordinance violation cease pursuant to 24 V.S.A. Ch. 59 and 117.

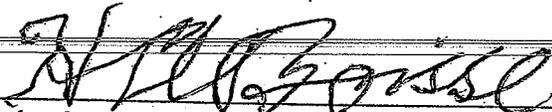
ARTICLE 6 SEVERABILITY

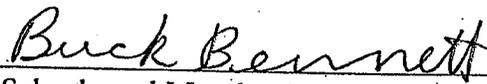
- 6.1 Any part or provision of this ordinance shall be considered severable, and the invalidity of any part or section will not be held to invalidate any other part or section of this ordinance.

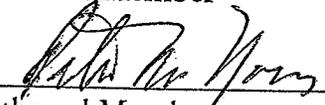
ARTICLE 7 INCONSISTENT REPEAL

- 7.1 All ordinances or parts of ordinances, resolutions, regulations, or other documents promulgated prior to the date of this ordinance and inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

Adopted this 27th day of August, 2007, subject to the procedures set forth in 24 V.S.A. § 1972.


Selectboard Member


Selectboard Member


Selectboard Member