

**SEWAGE ORDINANCE FOR THE TOWN OF MONKTON
RELATING TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS**

SECTION I. PURPOSE

This ordinance is adopted under V.S.A. Title 24, Chapter 102 (On-Site Sewage Systems). The purpose of this ordinance is to:

1. prevent the creation of health hazards;
2. prevent surfacing sewage; the contamination of drinking water, groundwater, and surface water;
3. insure adequate drainage related to the proper functioning of sewage disposal; and
4. insure that facilities are designed, constructed, operated, and maintained in a manner which will promote sanitary and healthful conditions.

SECTION II. APPLICABILITY OF ORDINANCE

1. All single family home and camp construction shall receive a disposal system construction permit before commencement of construction on the property. All alterations of existing septic systems shall receive a disposal system construction permit before alteration of the system, except as provided for in Section II, #2, a.
2. All sewage disposal systems shall be built, altered and used in accordance with this ordinance. This includes, but it not limited to, single family homes, group and community on-site sewage disposal systems. Construction and alteration of these systems shall not occur until a permit has been issued by the Sewage Officer (see Definitions) appointed by the Board of Selectmen.

Exceptions:

- a. When a minor modification (see Definitions) to an existing system is proposed, the Sewage Officer may waive the permit requirement on a case-by-case basis. The Sewage Officer will determine what constitutes a minor modification.
- b. Existing single family home sewage disposal systems in operation at the time of adoption of this ordinance are approved, provided that such systems do not create a health hazard, nuisance or pollute surface or ground water. Whether an existing system is causing a health hazard, nuisance or is polluting surface or groundwater shall be determined by the

Sewage Officer. Existing systems determined to be a health hazard, nuisance or polluting surface or groundwater shall be upgraded to meet the standards of this ordinance to the extent possible.

3. No single family dwelling served by a sewage disposal system shall be altered in any way so as to increase the residential capacity of the structure unless the Sewage Officer determines that the existing sewage disposal system has an adequate capacity or a Sewage Disposal Construction Permit has been issued to increase the capacity of such system.
4. In case of any other applicable regulation, bylaw, ordinance or statute which differs from this ordinance, the more strict shall apply.

SECTION III. APPLICATION PROCEDURE

1. Disposal System Construction Permit

Any person who intends to build, replace or alter a sewage disposal system shall apply for a Disposal System Construction Permit. The application shall contain soil and site information as required by Vermont Health Regulations (see Definitions) and a design for a disposal system. The system shall be designed as specified by the Vermont Health Regulations.

Technical information for the application shall be prepared by an On-Site Sanitary Specialist of the Vermont Association of Conservation Districts, Inc., a certified Site Technician B, or a professional Sanitary or Civil Engineer.

The Construction Permit shall be granted or denied by the Sewage Officer. The permit shall become void if the disposal system is not completed within two (2) years of date of issue. In cases where the proposed project requires a Zoning Permit, the Zoning Permit shall serve as the Disposal System Construction Permit and may be issued only after the Sewage Officer has determined the sewage disposal system design to be in compliance with this ordinance.

2. Disposal System Use Permit

The designer of the approved sewage disposal system shall submit a final inspection report to the Sewage Officer. Such report shall certify whether the disposal system has been installed as approved. Any variations from the approved design shall be noted in the report. The Sewage Officer may also inspect the system before it is covered with soil. The Sewage Officer shall issue a Disposal System Use Permit when satisfied that the

installed sewage system is in compliance with this ordinance. The dwelling may not be occupied until the Disposal System Use Permit has been issued. In cases where the proposed project requires a Zoning Permit, the Zoning Occupancy Permit shall serve as the Disposal System Use Permit.

3. Terms and Conditions of Permits

All permits run with the land and are binding upon each and subsequent owners. At the discretion of the Sewage Officer all permits issued under this ordinance, or those permits with conditions of use issued pursuant to this ordinance, may be filed in the town land records.

SECTION IV. ALTERNATIVE SYSTEMS & PERMITTED DEVIATIONS

1. Chemical toilets, privys, composting toilets and incineration toilets may be approved on a case-by-case basis by the Sewage Officer. If one of the above toilets is used and soil conditions allow, the absorption area of the associated subsurface sewage disposal system may be reduced. However there must be sufficient area available to add to the leachfield in the event that conventional toilets are used to replace the waterless toilets.

Full replacement area for a disposal field is required. If the disposal field is reduced in size, the Monkton Board of Selectmen shall insure that subsequent owners of the property are aware of the limitations of the reduced disposal field. When plumbing or water use is increased in the household, the disposal field shall be redesigned and reconstructed in accord with the new design. Reduction in the size of any mound system will not be permitted.

2. At the discretion of the Monkton Board of Selectmen and authorized in writing, deviations from the design specifications in Sections 5-905 and 5-907 of the Vermont Health Regulations may be allowed. Such deviations will only be allowed if the minimum soil and site requirements and the performance standards of the Vermont Health Regulations will be met.

SECTION V. APPEALS

1. Any applicant aggrieved by a decision of the Sewage Officer may appeal that decision in writing to the Monkton Board of Selectmen within thirty (30) days of such decision. The Monkton Board of Selectmen shall hold a hearing within thirty (30) days of such an appeal and shall render a decision within fifteen (15) days after the close of such hearing. Any person aggrieved by a decision of the Board of Selectmen may appeal that decision to Superior Court.

SECTION VI. ENFORCEMENT

1. Violation of the provisions of this Ordinance may be enforced pursuant to 24 V.S.A., Section 1974, which includes a fine of up to \$500 for each violation (each week the violation continues shall constitute a separate offense) and/or injunctive relief.
2. Nothing in this Ordinance shall be construed to prevent the Local Board of Health or the Health Officer from carrying out their duties as prescribed in 18 V.S.A., Chapter 11.

SECTION VII. SEVERABILITY

If any portion of this Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

SECTION VIII. DEFINITIONS

Applicant -- the person who owns the premises on which a sewage disposal system will be constructed or altered.

Family -- one or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

Minor Modification -- generally understood to be work on or replacement of the septic tank or the piping between the tank and the house. The Sewage Officer shall decide what constitutes a minor modification on a case-by-case basis.

On-Site Sewage Disposal System -- system for disposal of waste using soil as a disposal medium, including a tank for collection of solids and a leach area for liquids, or any other system which disposes of wastewater on-site.

Permit -- a written authorization issued by the Monkton Sewage Officer.

Person -- any institution, public or private corporation, individual, partnership, or other entity.

Sewage Officer -- Health Officer or Deputy Health Officer of the Town of Monkton.

Single Family Dwelling -- a building used as living quarters for one family.

Vermont Health Regulations -- Vermont Health Regulations Chapter 5, Sanitary Engineering; Subchapter 10, Wastewater Treatment and Disposal -- Individual On-Site Systems: effective June 7, 1983, promulgated by the Vermont Department of Health and adopted by the Vermont Department of Water Resources and Environmental Engineering, July 1, 1984. These Regulations are incorporated in to this Ordinance by reference.

Adopted by the Monkton Board of Selectmen:

Chairman, Board of Selectmen

12/19/91
Date

Approved by the Vermont Department of Water Resources and
Environmental Engineering:

Date

and made effective: _____
Date

History: Adopted on December 6, 1986. Amended _____