

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 strictest 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 Small Scale Wastewater Treatment and Disposal Rules (see definitions) and a design for a disposal system. The system shall be designed as specified by the Small Scale Wastewater Treatment and Disposal Rules.

A certified Site Technician B, or a professional Engineer registered in the state of Vermont and practicing in his/her discipline shall prepare technical information for the application.

The Construction Permit shall be granted 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. (Forty-Eight Hours (48 Hours) notification for inspection is required). The Sewage Officer shall issue a Disposal System Use Permit when satisfied that the installed sewage system is in compliance with this ordinance. In the case of projects requiring 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. All permits issued under this ordinance, or those permits with conditions of use issued pursuant to this ordinance, must be filed in the town land records.

SECTION IV REVOCATION OF PERMITS

The Sewage Officer for any of the following reasons may revoke a Disposal System Construction Permit, Minor Permit or a Certificate of Compliance:

- False, fraudulent, or misleading information contained in the permit application.
- Installation of a system, which does not comply with the conditions of the permit.
- Alteration of the proposed septic system site or replacement areas including effluent dispersion areas so that the proposed septic system does not comply with this ordinance.
- Information which shows the proposed septic system will not comply with this ordinance, including, but not limited to, insufficient isolation distances to water supplies.
- Failure to comply with this ordinance or any terms or conditions of permits issued under this ordinance.

1. Petition for Revocation

A written petition for revocation shall be addressed to the Sewage Officer and shall set forth the name and address of the petitioner, the petitioner's interest in the matter, and a brief statement outlining the basis for revocation of the permit. Revocation shall only proceed based on the standards established in above paragraph.

The Municipality may file a petition and participate in revocation proceedings.

The Selectboard shall notify the permit holder in writing of petition for revocation of permit within seventy-two hours.

2. Revocation Procedure

Receipt of the petition shall initiate the revocation procedure. The Selectboard shall hold a hearing within thirty (30) days of the Sewage Officer receiving a revocation petition. The Selectboard shall render a decision within fifteen (15) days of the conclusion of the hearing.

The Sewage Officer shall give the permit holder written notice of revocation of the permit within seventy-two (72) hours of revocation. All sewage disposal system work must cease immediately upon notification of revocation permit.

SECTION V REPLACEMENT SYSTEMS

Before a system is replaced, it is important that the cause of failure be determined to assure that a subsequent failure is avoided.

A Disposal System Construction Permit must be obtained prior to installing a replacement system. A Certificate of Compliance shall be obtained within a reasonable period of time following the commencement of the installation of the system.

SECTION VI ALTERNATIVE SYSTEMS AND 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 if sufficient area is available to add to the leach field 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 Enosburgh Board of Selectmen shall insure that the 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 Enosburgh Board of Selectmen and authorized in writing, deviations from the design specifications in Section 1-706, Building Sewers, Sewer Collection System and Lift Stations, and 1-708, Disposal Fields, of the Small Scale Wastewater Treatment and Disposal Rules may be allowed. Such deviations will only be allowed if the minimum soil and site requirements and the performance of standards of the Small Scale Wastewater Treatment and Disposal Rules will be met.

SECTION VII APPEALS

Any applicant aggrieved by a decision of the Sewage Officer may appeal that decision in writing to the Enosburgh Board of Selectmen within thirty (30) days of such decision. The Enosburgh 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 their decision to Superior Court; however, the administrative process must be exhausted before the appeal to Superior Court.

SECTION VIII ENFORCEMENT

A person who neglects or refuses to comply with the provision of this ordinance may be fined not more than \$500 for each offense. Each day that a violation is continued shall constitute a separate offense (24 V.S.A., Section 1974).

SECTION IX DEFINITIONS

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

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

Camp (Seasonal Dwelling) – a structure that is not a primary residence and is not occupied for more than six (6) months of the year.

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

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 Town of Enosburgh Sewage Officer.

Person – any institution, public or Private Corporation, individual, partnership, or other entity.

Sewage Officer – legally designated authority of the town acting under authority of this Ordinance. The Selectboard shall appoint the Sewage Officer. The Sewage Officer may be the Health Officer, Administrative Officer or other town official.

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

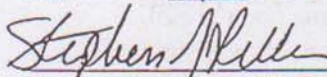
Small Scale Wastewater Treatment and Disposal Rules, effective August 8, 1996, promulgated by the Vermont Department of Environmental Conservation. These Rules are incorporated into this ordinance by reference.

SECTION X SEVERABILITY

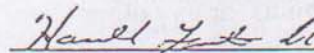
If a court of competent jurisdiction holds any portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

Approval of any sewage disposal system design and installation by the granting of a disposal system construction permit and certificate of compliance shall not imply that the approved system will be free of malfunction. Proper maintenance of septic systems is vital to their proper functioning. The provisions of this ordinance shall not create liability on the part of the town, of any town official, or employee for the sewage disposal system.

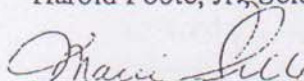
Signed this 21st day of January, in the year 2002



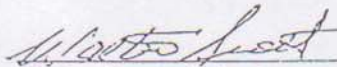
Stephen J. Perley, Chairman



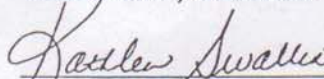
Harold Foote, Jr., Selectman



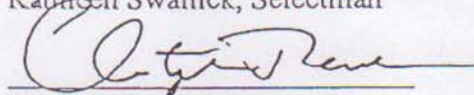
Marie Hull, Selectman



Walter Scott, Selectman



Kathleen Swallick, Selectman



Commissioner Recchia
Vermont Department of Environmental Conservation

SEWER ORDINANCE FOR THE TOWN OF ENOSBURGH
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 homes, seasonal dwellings, single and multiple family homes and commercial and industrial properties shall receive a disposal system construction permit before the commencement of construction on the property.
2. All single family homes, seasonal dwellings, single and multiple family homes, commercial and industrial properties, group or community on-site sewage disposal systems shall be built, altered or used in accordance with this ordinance. 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 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. The Sewage Office shall determine whether an existing system is causing a health hazard, nuisance or is polluting surface or ground water. Existing systems determined to be a health hazard; nuisance or polluting surface or ground water 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