

ORDINANCE REGARDING SEPTIC PUMPING
For the Town of Grafton

SECTION 1000 PURPOSE

This ordinance is adopted under VSA Title 24 section 2291, numbers 12, 13 and 14; and VSA Title 18 section 613. The purpose of this ordinance is to preserve the public health, prevent pollution and to secure the sanitary protection of waters within the Special Assessment District which is defined for the purpose of this ordinance as the village boundaries outlined in the Town Plan. This ordinance is intended to ensure that sewage is pumped from on-site septic tanks within the Septic Pumping Area and to accomplish the following:

- 1100. Prevent the creation of health hazards which include, but are not limited to surfacing sewage; contaminated drinking water, groundwater and surface water;
- 1101. Insure that facilities are maintained in a manner which will promote sanitary and healthful conditions.

SECTION 2000 DEFINITIONS

On-site Septic Tank: Tank used for collection of solids located on private or public property.

Septic Pumping Area: The area in which the septic pumping ordinance is in effect. See Exhibit One which is included in this ordinance and defines the Septic Pumping Areas in the village of Grafton, Houghtonville and Cambridgeport.

Septic Pumping Operator: Person or company licensed to do business in the State of Vermont for the purpose of septic pumping, transport and handling.

Septic Pumping: Removal by pump of solids in a septic tank.

Proof of Pumping: A dated statement or other document satisfactory to the Septic Pumping Administrator, such as a paid bill, for septic pumping from a Septic Pumping Operator which shows amount of pumping and date done.

Septic Pumping Administrator: An individual appointed annually by the Board of Selectmen to whom documentation of proof of septic pumping is submitted and who shall also keep a record of those tanks in compliance with this ordinance and those not in compliance. The Septic Pumping Administrator may be the town's Health Officer, Administrative Officer, or other town official.

Septic Tank Owner: Owner of real property upon which there is located an on-site septic tank.

3000. APPLICABILITY OF ORDINANCE

All septic tanks within the Septic Pumping Area shall be pumped not less than once within any four year period in accordance with this ordinance. This includes, but is not limited to,

septic tanks for seasonal dwellings, single and multiple family homes and commercial and industrial properties within the Septic Pumping Area.

4000. PUMPING PROCEDURE

On-site septic tanks shall be pumped by a licensed Septic Pumping Operator not less than once within any 4 year period. The first septic tank pumping is to be completed within 12 months after the passage of this ordinance unless the septic tank owner can provide documentation of proof of pumping within the last four years. If proof is provided, the first septic tank pumping will be not more than four years from the prior date pumped. Proof of pumping must be submitted to the Town at least every four years or the Town may order the tank pumped at the property owner's expense.

5000. DESIGNATION

This ordinance is designated a civil ordinance pursuant to 24 V.S.A. Section 1971(b). This ordinance may be referred to as the Grafton ORDINANCE REGARDING SEPTIC PUMPING and a certification by the Town Clerk that the ordinance was lawfully adopted and currently exists as an ordinance of the Town shall be prima face evidence that the ordinance was lawfully adopted.

6000. ENFORCEMENT

If a septic tank is not pumped within the four year time period, the Septic Pumping Administrator will notify the Health Officer. The Health Officer will issue a written warning that the tank is overdue for pumping and the owner has 30 days to comply or the Town may order the tank pumped and all costs will be the responsibility of the owner. If the owner does not pay for said cost, the town may pay the cost and place a lien on the property for the cost incurred by the town.

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Section 1974(a) and 1977 et seq. If after 45 days from the date of the written warning the septic tank owner has neglected or refused to comply with the provision of this ordinance, a civil penalty may be imposed of not more than \$25 for each offense. The waiver fee for each offense shall be set at \$15.00. Each day that a violation is continued shall constitute a separate offense.

7000. ENFORCEMENT OFFICERS

The custodial official of the Town's ticket books shall be the Town Clerk. The issuing officials shall be the Health Officer and the members of the Selectboard. The appearing officials shall be the Health Officer and the members of the Selectboard.

8000. SEVERABILITY

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

9000. OWNER OBLIGATION

Mandatory periodic septic pumping shall not imply that the septic tank will be free from malfunction. Proper maintenance of septic systems is vital to their functioning and the owner is so responsible. Malfunction of the system may subject the owner to enforcement pursuant to Title 18 section 613 and other remedies as allowed by law. In some instances a septic tank should be pumped more frequently than once every four years and the owner will be so responsible. The provisions of this ordinance shall not create liability on the part of the town, of any town official, or employee related to the septic pumping program.

Adopted by the Grafton Selectboard on August 9, 1999 and made effective on October 8, 1999.