

TOWN OF CHARLOTTE
THOMPSON'S POINT WASTEWATER DISPOSAL SYSTEM ORDINANCE

The Board of Selectmen of the Town of Charlotte hereby ordain:

The Thompson's Point Wastewater Ordinance adopted on September 27, 1993, is hereby amended as follows :

ARTICLE I – GENERAL PROVISIONS

Section 101. This Ordinance is adopted by the Sewer Commissioners for the Town of Charlotte to establish regulations regarding use of the Thompson's Point sewage disposal system to establish a fund to pay for costs associated with the rehabilitation and upgrade of said system when required.

Section 102. This Ordinance shall be known as the "Thompson's Point Wastewater Disposal Ordinance".

Section 103. The provisions of this Ordinance shall be reviewed at intervals not exceeding five years by the Sewer Commissioners with the objective of assessing the continued applicability of these provisions; to consider any recommendations proposed for their improvements; and to determine if, and what, changes are advisable due to advances in technical methods or processes of waste treatment and sewage collection available to the Town of Charlotte.

Section 104. In the case of any other applicable application, bylaw, ordinance or statute which differs from the provisions of this Ordinance, the more strict shall apply.

ARTICLE II – DEFINITIONS

Unless the text specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

Section 201. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade expressed in milligrams per liter.

Section 202. "Commission" shall mean the Charlotte Sewer Commission and agents and representatives duly authorized by it.

Section 203. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food from the handling, storage and sale of produce.

Section 204. "Hazardous Waste" means waste as defined by 10 VSA 6602(4) as it is now constituted or hereafter amended. "Hazardous material" means material defined by 10 VSA 6602(16) as it is now constituted or hereafter amended.

Section 205. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Section 206. "Person shall mean any individual, firm, company, association, society, corporation or group.

Section 207. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solutions.

Section 208. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in dimension.

Section 209. "Public Sewer" shall mean the subsurface sewage disposal system, collection system, pumping facilities and related improvements operated by the Town of Charlotte. This system is generally shown on plans entitled, "Town of Charlotte Wastewater Facilities," dated July 27, 1993, prepared by Trudell Consulting Engineers.

Section 210. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Section 211. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage which are part of the public sewer.

Section 212. "Sewer shall mean a pipe or conduit for carrying sewage.

Section 213. "Slug" shall mean any discharge of water or sewage which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

Section 214. "Structure" shall mean any building which is equipped with toilet facilities, facilities for the cooking of food, or any facilities which generate sewage.

Section 215. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or the liquids, and which are removable by laboratory filtering.

Section 216. "Town" shall mean the Town of Charlotte, Vermont, and shall include the Commission, above defined.

ARTICLE III – CONNECTION TO PUBLIC SEWER

Section 301. Except as otherwise provided in Section 303 below, the owner of every structure located in the "Thompson's Point Sewer Service Area" as defined in Section 302 below shall connect or allow the connection of such structure to the public sewer on or before July 1, 1994.

Section 302. There is hereby established and designated the "Thompson's Point Sewer Service Area" which consists of the lands presently owned by the Town of Charlotte on Thompson's Point, so-called, which the Town acquired by warranty deed of Hayden and Nayman Barnes, dated April 11, 1839, of record in Volume 11 at page 146 of the Charlotte Land Records. This property is generally shown and depicted on a plan entitled, "Plan of Town Farm, Thompson's Point, Charlotte, Vermont," dated February 1932, last revised May 1938, and prepared by H.M. McIntosh. This sewer service area does not include, at this time, those lots located on Lane's Lane, so-called, which are designated as lots 201 through 208, but does include lots 210 and 211 on Lane's Lane.

Section 303. Owners of the following structures shall be required to connect such structures to the public sewer on or before the date specified in this section :

- a. The caretaker structure located on Thompson's Point as shown on the plan referenced in Section 302 above shall be exempt from connection to the public sewer.
- b. Any structure connected to an onsite sewage disposal system, which onsite system has been substantially reconstructed (replacement of over 75% of the system) within the past eight years pursuant to an approval granted by the Town of Charlotte may continue to use such system provided the owner of such system can demonstrate that it is not creating any health problems and not contributing to water pollution. However, such owner shall be required to connect to the public sewer at such time as the Town determines that the owner's onsite system is creating a potential health problem or is polluting ground or surface water, and provided further that the owner shall

connect such system to the public sewer within 10 years of the date the owner completed such substantial renovation.

Section 304. Any structure constructed in the Thompson's Point Sewer Service Area after July 1, 1994 shall be connected to the public sewer before any use or occupancy of such building.

ARTICLE IV – CAPACITY OF THE PUBLIC SEWER

Section 401. The public sewer is designed to have sufficient capacity to accommodate anticipated sewage flows from all structures located within the Thompson's Point Sewer Service Area as of July 1, 1993. Such structures are listed on Schedule A, which is incorporated into this Ordinance. It is, in addition, designed to accommodate flows from certain buildings located within the sewer service area which do not presently have facilities which generate sewage may, in the future, be modified to have such facilities. These buildings are listed on Schedule B which is incorporated into this Ordinance.

Section 402. Any structure listed on Schedule A or any building listed on Schedule B may be renovated or reconstructed provided such renovation or reconstruction does not increase occupancy of the structure or increase plumbing connections which result in increased sewage flows.

Section 403. No structure or building located outside of the Thompson's Point Sewer Service Area may connect to the public sewer.

Section 404. No structure or building located within the Thompson's Point Sewer Service Area which is not listed on Schedule A or B may connect to the public sewer.

ARTICLE V – USE OF THE PUBLIC SEWER

Section 501. The Thompson's Point sewage disposal system is intended only for the treatment and disposal of domestic sanitary waste; which includes toilet wastes, kitchen sink, lavatory, and showers, only. All such waste shall be conveyed initially by gravity flow or a pump to a septic tank which shall be an integral part of the treatment process. Settled effluent from the septic tank shall be discharged by a pump into a pressurized sewer and conveyed to the sewage works for additional treatment and disposal.

Section 502. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to the public sewer.

Section 503. No person shall discharge or cause to be discharged any of the following described waters or wastes to the public sewer :

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b. Any waters or wastes containing hazardous waste, hazardous material, toxic or poisonous solids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- c. Any waters or wastes having a pH lower than 6.5 or higher than 9.0 or having other corrosive property capable of causing damage or hazard to the sewage works or individuals working on the public sewer.

Section 504. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Commission that such wastes can harm the public sewer or sewage treatment process, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Commission will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewer treatment process, capacity of the public sewer, degree of treatability of wastes in the public sewer, and other pertinent factors. The substances prohibited are :

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit, (65 degrees centigrade).
- b. Any garbage including kitchen wastes, coffee grounds or vegetable matter.
- c. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Commission as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies having jurisdiction, for such discharge to the receiving waters.
- d. Materials which exert or cause :
 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 2. Excessive discoloration (such as, but not limited to, dye, wastes and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
4. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- e. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed.

Section 505. All measurements, tests, and analyses of the characteristics of waters and wastes, to which reference is made in this ordinance shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, and shall be determined at a point in close proximity to the source. Sampling shall be determined at a point in close proximity to the source. Sampling shall be carried out by customarily accepted methods to reflect the effect to constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(The particular analyses involved will determine whether a twenty-four(24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all outfalls whereas pH's are determined from periodic grab samples).

Section 506. No person shall discharge any substance into the public sewer on or before April 1 of any year or on or after November 1 of any year.

Section 507. Every structure connected to the public sewer shall be equipped with toilet facilities that use no more than 1.5 gallons per flush.

Section 508. No structure connected to the public sewer shall have a garbage grinder installed on any plumbing fixture in the structure.

Section 509. No structure shall be connected to the public sewer unless authorized to do so under this Ordinance.

ARTICLE VI – SEWER RENTS

Section 601. The Commissioners shall, at least annually, review and establish the following rents to pay all costs associated with construction, maintenance and operation of the public sewer for the fiscal year :

- a. Rent for Capital Cost – This rent shall be established by the Commissioners based on their determination of the amount needed to pay capital construction costs associated with the public sewer shall be an equal amount for each structure connected to or served by the public sewer during the fiscal year or any portion thereof.

- b. Rent for Operation, Maintenance and Reserve – This rent shall be established by the Commissioners based on their determination of the amount needed to pay all costs other than capital construction costs associated with the public sewer, including payments to the Maintenance and Rehabilitation Fund in Article VII, and shall be an amount based on a fixed fee plus gallons of use per structure.

Section 602. The Commissioners shall establish a schedule for billing sewer rent to the owners of structures connected to or served by the public sewer, In the event any sewer rent is not paid within 30 days from the date of billing, the owner shall pay to the Town, in addition to such rent, interest at the rate of 1.5% per month, or any portion thereof.

Section 603. The owner of every structure connected to or served by the public sewer shall be liable for payment of the sewer rents. Such rents shall be a lien on the structure and the owner's leasehold interest in the lot on which the structure is located in the same manner and to the same effect as taxes are a lien under 32 VSA §5061. Such rents, if unpaid, may be collected in the same manner provided by 24 VSA §3612. In addition, if rents are unpaid, the Town may discontinue sewer service to the structure pursuant to 24 VSA Chapter 129.

Section 604. The Commissioners shall operate the public sewer on a fiscal year that will begin on July 1 and end on June 30.

Section 605. The Commissioners shall establish separate accounts for the deposit of sewer rents and the payments of expenses associated with the public sewer.

ARTICLE VII – MAINTENANCE & REHABILITATION FUND

Section 701. The Commissioners shall establish a fund to be used for the purpose of financing any major rehabilitation of the public sewer or any major maintenance or upgrade of the public sewer. Monies deposited in this fund shall only be used for the purpose of major rehabilitation or major maintenance and upgrade of the public sewer.

Section 702. The Commissioners shall make an annual deposit to the fund, up to the maximum amount established in Section 703 below, equal to 100 percent of the estimated, routine costs for operation, maintenance and debt payment for the public sewer.

Section 703. The fund shall not exceed \$150,000 dollars. The Commissioners shall annually review this amount to ensure that it is adequate to cover anticipated replacement or upgrade costs. The fund shall be maintained in one or more accounts insured to the maximum level authorized by the Federal Deposit Insurance Corporation.

Section 704. Except as provided below, any expenditure of funds from the fund shall be approved by the voters of the Town at a duly warned annual or special Town meeting.

Section 705. The Commissioners may expend monies from the fund for repair of the public sewer if they first determine that :

- a. repairs are required to maintain or protect the system, protect the public health or safety, or prevent water pollution; and
- b. the funds available in the operation and maintenance account for the public sewer are insufficient to pay for such repair.

ARTICLE VIII – PROTECTION FROM DAMAGE

Section 801. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the public sewer. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in Title 13, Section 3701 of the Vermont Statutes Annotated.

ARTICLE IX – POWERS AND AUTHORITY OF INSPECTORS

Section 901. Duly authorized representatives of the Commission bearing proper credentials and identification shall be permitted to enter all structures, upon reasonable advance notice, for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.

Section 902. Duly authorized representatives of the Commission bearing proper credentials and identification shall be permitted to enter on all property on which the public sewer is located for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the public sewer lying within said property. All entry and subsequent work, if any, on said property, shall be done so that the property is restored substantially to its condition before the performance of such work.

ARTICLE X – PENALTIES

Section 1001. Any person found to be violating any provision of this ordinance except Article VIII shall be served by the Commission this written notice, stating the nature of the violation and providing a reasonable time stated in such notice, permanently cease all violations.

Section 1002. Any person who violates Article VIII or continues any violation beyond the time limit provided for Section 1 of this article on conviction thereof, shall be fined in an amount not to exceed \$100 for each violation. Each

day any such violation shall continue shall be deemed a separate offense. All amounts collected hereunder shall be payable to the Town.

Section 1003. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expenses, losses, or damage including, without limitation, costs of repair, fines or penalties imposed by any regulatory body or payment in lieu thereof, and attorney's fees.

Section 1004. The Commission is empowered to enforce this ordinance by all lawful means, at law or in equity or both concurrently.

Added text is shown underlined.

Schedule A1 & B1 have been substituted for Schedule A & B.

Adopted this _____ day of _____, 2001.

CHARLOTTE SELECTBOARD

This Ordinance shall be effective on _____, 2001 unless on or before _____, 2001, a petition signed by at least five percent (5%) of the qualified voters of the Town is filed with the Town Clerk or Selectboard requesting a town meeting vote on the question of disapproving the Ordinance.

SCHEDULE A

Listing of Structures to be Served by the Town of Charlotte Thompson's Point
Wastewater Treatment and Disposal System

Collection Line	Owner of Residence	Number of Buildings	Lot No. (s)
A	Hodges	1	50
	Currier	1	12,13
	Oppenshaw	1	14
	Reid	1	11
	VanZandt	1	15,16
	Gilroy	1	17
	Barton	1	10
	Barton & Rivera	1	8,9
	Paul	1	18
	Illick	1	6,8
	Hicks	1	19
	Teetor	1	4,5
	Crane/Gibbs	2	20,21
	Hawley	1	198
	Allmon	1	22,23
	Snoddon	1	24
	Coleburn	3	194-197
	Moore/Colby-Giraud	3	25,26
	Barrie/Kalteyer/Engberg	2	27
	Bedford/Carroll	2	28,29,30
	Kuenne	1	31
Simpson/Hall	3	32,33,34,35	
Outwater	1	36,37	
Braun	1	39,40	
Price	1	41	
Subtotal		34	
Aa	Bicknell	1	56,61
	Palmer	1	45
	Bacon	1	42,43
Subtotal		3	

Collection Line	Owner of Residence	Number of Buildings	Lot No.(s)
B	Beaudin	1	210
	Tremblay	1	211
	Nash	1	134
	Jennison	1	133
	Hall	1	132
	Jones	1	130,131
	Peden	1	129
	Brooks	2	127,128
	Hagar	1	125,126
	Garner/Bird	2	123,124
	Garner/Bird	1	122
	Johnson	1	120,121
	Fairbank	1	119
	Cole	1	117
	Seymour/Townsend	2	114, 115
Subtotal		18	
C	Lutz	1	100
	Smith	1	101,102
	Mariboe	1	102,103
	Regan	1	104
	Thompson	1	105
	Kenny	1	106,107
	Fitzpatrick/Kennedy B.	2	107,108,109
	Kennedy, M./Turner	2	110,111
	Partridge	1	112,113
Subtotal		11	
D	Price	1	47
	Trainer	1	46
	Glade	1	59
	Rutter III	1	48
	Rutter Jr.	1	51
	Mack	1	52
	Manning	1	53
	Mitchell, G.	1	54
	Mitchell, M./Mitchell,G.	2	55,56
	Affolter	1	57
	Mahairas	1	60,61
Subtotal		12	

Collection Line	Owner of Residence	Number of Buildings	Lot No.(s)
G	Thompson's Pt. CC	1	138,139
	Tonino	1	193
	Bennett	2	190
	Stoerker/Cook	2	185-188
	Tucker/Green	2	183,184
	Baker/McLoughlin	2	180,181
	Stetson/Bancroft	2	176-179
	Joyce	2	174,175
	Curtis	2	172,173
Subtotal		16	
H	Biddle/Gallagher	3	138,139,144
	Boyle/Palmer	2	145,146
	Cooper	1	147
	French	1	148
	Powers/Carlson	2	149,150
	Buswell	1	151
	Horsford	1	152,153
	Bowers	1	154
	Williams	1	155
	Blake	1	156
	Fallon	2	157
	Cobb	1	158
	Foster	1	159-161
	Twitchell	1	162
	Horsford	1	163,164
	Baker C. Sr.	1	165,166
	Jensen/Baker	2	167
	Pastore	1	168,169
Baker, N.	1	170,171	
Subtotal		25	
Grand Total		119	

SCHEDULE B

Listing of Approved Future Connections to Town of Charlotte Thompson's point Wastewater Treatment and Disposal System

Collection Line	Owner of Residence	Number of Buildings	Lot No.(s)
A	Barrie/Kalteyer/Engberg	1	27
	Simpson/Hall	1	32-35
B	Hagar	1	125,126
	Johnson	1	120,121
	Fairbank	1	119
	Cole	1	117
C	Smith	1	101,102
Grand Total		7	

SCHEDULE A1
Listing of Approved Connections to Thompson's Point
Wastewater Treatment and Disposal System

<u>Collection Line</u>	<u>No. of Connections</u>	<u>Lot Number(s)</u>
A	1	50
	1	12,13
	1	14
	1	11
	1	15,16
	1	17
	1	10
	1	8,9
	1	18
	1	6,8
	1	19
	1	4,5
	1	20 (shared tank)
	1	21 (shared tank)
	1	198
	1	22,23
	1	24
	2	194-197
	2	25
	1	26
	2	27
	1	28
	1	29,30
	1	31
	1	32,33
	1	34
	1	35
	1	36,37
	1	39,40
	1	41
Subtotal	33	
Aa	1	56,61
	1	45
	1	42,43
Subtotal	3	

<u>Collection Line</u>	<u>No. of Connections</u>	<u>Lot Number(s)</u>
B	1	210
	1	211
	1	134
	1	133
	1	132
	1	130,131
	1	129
	1	127(shared tank)
	1	128(shared tank)
	1	125,126
	1	124
	1	120,121
	1	119
	1	117
	1	115(shared tank)
1	114(shared tank)	
Subtotal	18	
C	1	100
	1	101,102
	1	104
	1	105
	1	106,107
	1	107,108 (shared tank)
	1	109 (shared tank)
	1	110 (shared tank)
	1	111 (shared tank)
	1	112.,113
	Subtotal	11
D	1	47
	1	46
	1	59
	1	48
	1	51
	1	52
	1	53
	1	54
	1	55 (shared tank)
	1	56 (shared tank)
	1	57 (shared tank)
	1	60,61
Subtotal	12	

<u>Collection Line</u>	<u>No. of Connections</u>	<u>Lot Number(s)</u>
G	1	138,139
	1	193
	1	190
	1	187,188
	1	185,186
	1	184
	1	183
	1	181
	1	180
	1	178,179
	1	176,177
	1	174,175
	1	172
	1	173
Subtotal	14	
H	1	138,139(shared tank)
	1	144(shared tank)
	1	145(shared tank)
	1	146(shared tank)
	1	147
	1	148
	1	149(shared tank)
	1	150(shared tank)
	1	151
	1	152,153
	1	154(shared tank)
	1	155(shared tank)
	1	156
	1	157
	1	158
	1	159-161 (shared tank)
	1	162(shared tank)
	1	163,164
	2	165,166
	1	167
	1	168,169
	1	170,171
Subtotal	23	
GRAND TOTAL	114	

SCHEDULE B1

Listing of approved future connections to Thompson's Point Wastewater Treatment and Disposal System. This is a list of pre-existing structures located within the sewer service area that may be modified to connect to the system in the future. These buildings do not have facilities that generate sewage but they may be modified to have such facilities. (Section 401)

<u>Collection Line</u>	<u>No. of Connections</u>	<u>Lot Number(s)</u>
A	1	27
	1	32,33
B	1	125,126
	1	120,121
	1	119
	1	117
C	1	101,102
GRAND TOTAL	7	

