

# TOWN OF CHARLOTTE

## SEWER USE ORDINANCE

Approved January 6, 2020



**Abstract:**

The Town of Charlotte has invested in and maintains a sewer collection system located within the West Village of Town. This Ordinance creates the rules and regulations herein that are established as necessary and desirable for regulating the public's use of these sewers, controlling the character of the discharge of wastes into the public sewer system and providing penalties for violations thereof in the Town of Charlotte, County of Chittenden, State of Vermont.

# TOWN OF CHARLOTTE

## SEWER USE ORDINANCE

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# **SEWER USE ORDINANCE**

**for**

## **Town of Charlotte**

### **RULES AND REGULATIONS**

The Selectboard of the Town of Charlotte does hereby ordain:

The Town of Charlotte, by and through its Selectboard, ordains pursuant to 24 V.S.A. Chapters 97 and 101 and §§ 2291, 3617, that the rules and regulations herein set forth are established as necessary and desirable for regulating the use of public sewers, and the discharge of waters and wastes into the public sewer system and providing penalties for violations thereof in the Town of Charlotte, County of Chittenden, State of Vermont. This Ordinance is separate and independent from the Town of Charlotte, Vermont, Sewage Ordinance, effective December 24, 2004, which regulates on-site sewage systems.

#### **ARTICLE 1**

##### **Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this Sewer Use Ordinance (the “Ordinance”) shall be as follows:

- 1.01 “Accessory Structure” A structure on a lot which is clearly and customarily related to the principal structure or use on that lot. For residential uses these include, but may not be limited to accessory dwellings (as defined by the Town of Charlotte Land Use Regulations), garages, garden and tool sheds, children’s playhouses, boat houses for the storage of three (3) or fewer boats, and permanent swimming pools.
- 1.02 “As-built drawings” shall mean drawings which depict the horizontal and vertical location, size and material types of the components of the sewage conveyance, collection and treatment system.
- 1.03 “Board” shall mean the Selectboard of the Town of Charlotte acting as a Board of Sewage Disposal Commissioners under 24 V.S.A. § 3614.
- 1.04 “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 twenty (20) degrees Celsius, expressed in milligrams per liter.
- 1.05 “Building Sewer Line” shall mean the line running from the building connecting to the Sewer Main. Property owner shall be responsible for installation, maintenance, repair or replacement of Building Sewer Line.

- 1.06 “Connection Permit” shall mean a permit authorizing the permit holder to construct the necessary facilities for connection to the Town's Sewage System. This permit requires the payment of the connection fees at the time of application in an amount as established by the Board and updated from time to time.
- 1.07 “Domestic Wastewater” or “Sanitary Sewage” shall mean normal water-carried household and toilet wastes, wastewater or waste from sanitary conveniences, excluding ground, surface or storm water.
- 1.08 “Development Wastewater Flow” shall mean the flow resulting from full use of the proposed project at its peak daily capacity, which flow shall be calculated using flow quantities adopted by the Board at the time the application for an allocation is submitted.
- 1.09 “Environmental Protection Rules” or “EPR’s” shall mean Chapter 1, Wastewater System and Potable Water Supply Rules, effective April 12, 2019, or as amended thereafter adopted under Title 3 V.S.A. §§808 and 2822(i).
- 1.10 “Force Main” shall mean the pressurized sewer pipe that collects raw wastewater pumped from a raw wastewater pump station or other raw wastewater pumping system.
- 1.11 “Health Officer” shall mean the legally designated Health Officer of the Town of Charlotte or their duly authorized agent.
- 1.12 “Industrial Wastes” shall mean the liquid wastes discharged from industrial manufacturing processes, trade or business as distinct from sanitary sewage. Industrial Wastes shall include any room, group of rooms, buildings or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, or assembling any product, commodity, or article or from which any process wastes, as distinct from sanitary sewage, shall be discharged.
- 1.13 “Low Pressure Effluent” shall mean the Town-owned pressurized sewer pipe that collects septic tank effluent pumped from individual septic tanks through pressurized service connections to the low pressure effluent system.
- 1.14 “Ordinance” shall mean this Sewer Use Ordinance.
- 1.15 “Owner” shall be the owner of record of the property associated with an application for connection at issue.
- 1.16 “Permittee” shall mean an individual or entity that has been granted or assigned a permit and whom is required to follow the administrative and operation standards set forth in the enabling permit.
- 1.17 “Person” shall mean any individual, firm, company, association, society, corporation, group, or other legal entity.
- 1.18 “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

- 1.19 “Preliminary Sewer Allocation Authorization” shall mean an authorization granted by the Board for the reservation of a certain portion of unallocated capacity from the Sewage System for use by the Permittee in acquiring State permits for the subject property.
- 1.20 “Pretreatment” shall mean all of the filtrate technologies authorized by the State of Vermont through the Department of Environmental Conservation’s Drinking Water and Wastewater Management Division’s innovative permit program.
- 1.21 “Private Wastewater Facilities” shall mean all facilities, piping, Building Sewer Lines, pump stations and other related equipment and appurtenances, wholly owned, operated, maintained, repaired or replaced by property Owner. The private line shall begin at the point of connection to the Sewer Main and shall extend back to and into the building including all components between the two points.
- 1.22 “Public Sewer” shall mean a sewer controlled by public authority, in this case the Town of Charlotte.
- 1.23 “Raw Wastewater” shall mean wastewater that has received no initial solids reductions such as by means of septic tank treatment or grinding of the large solids into smaller solids.
- 1.24 “Secretary” shall mean the Secretary of the Vermont Agency of Natural Resources or his or her representatives.
- 1.25 “Selectboard” shall mean the Selectboard of the Town of Charlotte acting as a Board of Sewage Disposal Commissioners under 24 V.S.A. § 3614.
- 1.26 “Settled Effluent” shall mean sewage that receives initial treatment within and that which exits a septic tank.
- 1.27 “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present but which shall not be intentionally admitted.
- 1.28 “Sewage System” or “System” shall mean all facilities for collecting, pumping, treating and disposing of sewage owned by the Town of Charlotte.
- 1.29 “Sewer Main” shall mean an underground sewer pipe owned by the Town, which collects sewage from a series of private Sewer Services.
- 1.30 “Sewer Service” shall mean a privately-owned pipe, line or conduit that begins at the Sewer Main and extends back to and into the private building or other components of Private Wastewater Facilities.
- 1.31 “Shall” is mandatory: “May” is permissive.

- 1.32 “Slug” shall mean any discharge water, sewage, or industrial waste 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 or flows during normal operation.
- 1.33 “Storm Drain” (synonymous with “Storm Sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- 1.34 “Structure” shall mean a house, building or any other assembly of materials used for sustained human occupancy of several hours duration, including but not limited to residence, place of employment, meeting places and places used for recreation.
- 1.35 “Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- 1.36 “Town” shall mean the municipality of Charlotte, Chittenden County, State of Vermont, acting by and through its Selectboard or, in appropriate cases, acting by and through its authorized representatives, agents, deputies or operators.
- 1.37 “Wastewater” shall mean sewage and is synonymous with that term.

## **ARTICLE 2**

### **Abbreviations**

For the purpose of the ORDINANCE, the following abbreviations shall have the meaning ascribed to them under this ARTICLE. References to standards of the following organizations shall refer to the latest edition of same.

- Sec. 1 ANSI shall mean American National Standard Institution.
- Sec. 2 ASME shall mean American Society of Mechanical Engineers.
- Sec. 3 ASTM shall mean American Society for Testing/Materials.
- Sec. 4 AWWA shall mean American Water Works Association.
- Sec. 5 NPC shall mean National Plumbing Code.
- Sec. 6 CS shall mean Commercial Standards.
- Sec. 7 WPCF shall mean Water Pollution Control Federation.
- Sec. 8 ppm shall mean parts per million
- Sec. 9 mg/l shall mean milligrams per liter.
- Sec. 10 Degrees F shall mean degrees Fahrenheit.
- Sec. 11 Degrees C shall mean degrees Centigrade.
- Sec. 12 cm shall mean centimeter.
- Sec. 13 m. shall mean meter.
- Sec. 14 sq. m shall mean square meters.
- Sec. 15 l. shall mean liters.
- Sec. 16 Kg. shall mean kilograms.
- Sec. 17 PWDS shall mean Private Waste Disposal System.

## ARTICLE 3

### Connection Permit

- 3.01 **General Requirements** – After receiving a Preliminary Sewer Allocation Authorization, and prior to expanding a design flow or making a physical connection to the Public Sewer, a Connection Permit application shall be submitted to and approved by the Board.

The application shall include:

- A. Identity of the property owner, lot number, street and mailing address, and contact information.
  - 1. Identity of the applicant if different from the property owner.
- B. Detailed description of the proposed project
- C. Final plans and specifications developed by a professional engineer or site technician licensed by the State, who is registered to practice civil or sanitary engineering in Vermont.
- D. Sewer Connection Application Fee

Work shall not commence until approval of the application has been issued by the Selectboard. Written approval by the Selectboard will contain provisions and conditions such as engineering oversight, submission of record drawings, warranty, the municipality's rights for review of the project and payment by the applicant of the costs of independent technical review (e.g., in the event an outside engineering firm is hired by the municipality to review the project during construction). All work performed to enable connection to the Public Sewer shall remain uncovered until an authorized representative of the Town has inspected the work and indicates general satisfaction with it.

- 3.02 **Section 1111 Access License** – If needed, the applicant shall obtain a license from the Town of Charlotte for any utility work within the public rights-of-way pursuant to 19 V.S.A. § 1111 prior to the issuance of the Connection Permit.

## ARTICLE 4

### Building Sewers and Connections

- 4.01 **Permit Required** - It shall be unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Town. Any person proposing a new discharge into the System or a substantial change in the volume or character of an existing discharge into the System shall first acquire a supplemental sewer allocation (See Sewer Allocation Ordinance) prior to the proposed change, then a Connection Permit for any new connection.

- 4.02 **Building Connection Permits** – The Owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Town. A Connection Fee shall be paid to the Town at the time the application is filed. Copies of fee schedule are available at the Town offices. No permit will be issued until the State Wastewater System and Potable Water Supply Permit has been acquired and confirmation of the same furnished with the application for permit. In addition, a license or permit pursuant to 19 V.S.A. § 1111 (see Section 3.02) from Town of Charlotte is required if installation is within Town Highway Right-of-Way.
- 4.03 **Costs Borne by Owner** - All costs, fees and expenses incident to the installation and connection of the Building Sewer Line to the Public Sewer shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer Line.
- 4.04 **Sewer Service for each Building** - A separate and independent Building Sewer Line shall be provided for every building. Where one building stands at the rear of another, or is located on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, then the building sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer Line. An Accessory Structure on the same parcel is excluded from this requirement. The requirement of a separate and independent connection may be waived by the Selectboard in special circumstances but only if independent connections are not in the best interests of the Town and the health, safety and welfare of its inhabitants.
- 4.05 **Existing Sewer Services** - Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Selectboard, to meet the size, slope, clean-out locations and pressure testing requirements set forth in the EPRs.
- 4.06 **Construction Requirements** - The size, slope, alignment, materials of construction of building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the EPRs, shall be approved before construction begins and shall be inspected during construction by the Board. Those system components not explicitly specified in the EPRs shall be installed in conformance with the typical details included in the document entitled Town of Charlotte Supplemental Typical Sewer Details. Upon inspection by the Town, any part of the installation not in conformance with approved plans and specifications shall be replaced by the Owner. All connections shall be made watertight. No connection shall be made during the period November 15 to April 15 without prior cold weather construction approval of the Board.
- 4.07 **Construction Standards** - The construction standards and specifications applicable to the Sewage System will include the standards, rules, regulations and requirements as specified by:
- a) The EPRs.
  - b) The Town of Charlotte Supplemental Typical Sewer Details for those installations not explicitly detailed in the EPRs. Said standards will be administered by the Board and/or its authorized agent(s).

c) Any other Town, State or Federal agencies having jurisdiction.

- 4.08 **Elevation Differential** - In all buildings in which any building drain is too low to allow gravity flow to the Public Sewer, Sewage carried by such building drain shall be lifted by an approved means prior to discharge to the Public Sewer.
- 4.09 **Private Pump Stations** - Private Pump Stations serving a single building or group of buildings shall be constructed as watertight in conformance with all applicable State of Vermont rules and regulations concerning piping size, number of pumps, emergency storage, alarm system, etc. Private pump stations shall be subject to periodic inspection by the Board. If such inspection reveals items in need of repair or replacement, the Owner shall be notified in writing, given an opportunity to make such repairs in a timely fashion or be subject to violation notice and enforcement of the Penalties set forth in Article 8.
- 4.10 **Unlawful Connection of Surface Water Stormwater or Ground Water** - No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, basement pumps, or other sources of surface water, runoff or groundwater to a Building Sewer Line or building drain which in turn is connected directly or indirectly to the Public Sewer. If any such connection is discovered, the Board shall notify Owner in writing; Owner shall detach the illegal connection immediately or be subject to violation notice and enforcement of the Penalties outlined in Article 8.
- 4.11 **Inspection Notification** - Prior to any connection the Board shall be given forty-eight (48) hours' notice in order that the Town may observe such work. If the Board has not been properly notified, they may require the completed work and connection to be uncovered for examination, at the Owner's expense.
- 4.12 **Installation of Clean-outs** - Clean outs shall be installed in accordance with the EPRs. (See 4.06 above regarding plan submittal, materials and observation by the Selectboard.) The clean out shall be constructed so that it is protected from damage and is readily accessible regardless of time of year. Locations of all clean outs shall be recorded and provided to the Board.
- 4.13 **Quality Control** – The Permittee's engineer shall certify that all existing and new Private Wastewater Facilities and improvements to the Public Sewer shall be free of debris prior to connection to the Public Sewer and placement in operation.
- 4.14 **Testing** - The Owner, at their own cost and expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and shall remove, repair or replace any defective materials, work or equipment when so ordered by the Board.
- 4.15 **Protection and Restoration** - All excavations for Building Sewer Line installation, maintenance, repair and replacement, shall be at the Owner's expense, adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored as near as reasonably practicable to prior condition and in a manner satisfactory to the Town in its sole discretion.

- 4.16 **Maintenance of Traffic** – All work within the town highway rights-of-way shall obtain a license or permit pursuant to 19 V.S.A. § 1111 (see Section 3.02) from the Selectboard. The applicant shall comply with all safety and restoration requirements.
- 4.17 **Time of Year Limitations** - No work within the town highway or other public rights-of-way or work on the Sewer Main or extension shall be made during the period from November 15 to April 15 without prior cold weather construction approval of the Board. The Owner may be assessed additional costs and fees as part of the connection fee to cover any additional expense incurred as a result of cold weather construction.
- 4.18 **Private Wastewater Disposal Systems** - The Town shall not be responsible for maintenance, operation, repair or replacement of any Private Wastewater Disposal Systems (PWDS) or portion thereof.

## ARTICLE 5

### Use of the Public Sewers

- 5.01 **Settled Effluent** –Only Settled Effluent shall be discharged into the Public Sewer.
- 5.02 **Unlawful Discharge of Surface Water or Ground Water** - No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters directly or indirectly to the Public Sewer.
- 5.03 **Discharges of Certain Waters or Wastes Prohibited** - No person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewer:
- a) Any gasoline, benzene, naphtha, fuel oil, waste, motor oil, photographic chemicals or other toxic, flammable or explosive liquid, solid, or gas.
  - b) Any waters or wastes containing toxic pollutants in excess of standards established by the Clean Water Act or poisonous solids, liquids, or gases in sufficient quantity, either singularly 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 wastewater disposal system.
  - c) Any waters or wastes having pH lower than 5.0, or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - d) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of fifty (50) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
  - e) The installation and operation of any garbage grinder is not allowed in any residential properties or land uses connected to the Public Sewer. Commercial use of garbage grinders shall be subject to the review and approval of the Board and may only be installed with appropriate mitigation for strength or character of the Sewage.
  - f) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not, and

1. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers (diatomaceous) earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to, sodium chloride and sodium sulfate). This includes wastes with Total Suspended Solids greater than 150 mg/l
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD (i.e. greater than 300 mg/l), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the Public Sewer.
  - d. Unusual volume of flow or concentration of wastes constituting Slugs.
2. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed.
- g) Any other uses detrimental to the operation of the Public Sewer.

- 5.04 **Pre-Discharge Management of Wastes** - Grease, oil, hair, and sand interceptors shall be provided when necessary for the proper handling of liquid wastes as determined by the Board. The Board shall approve the type, capacity and location of interceptor; the location shall be readily and easily accessible for cleaning and inspection.

Where installed, all grease, oil, hair, and sand interceptors shall be maintained by the Permittee, at their own cost and expense, in continuously efficient operation at all times. Materials collected shall not be reintroduced into the Public Sewer but shall be satisfactorily disposed of elsewhere in accordance with standards, rules or regulations. The Permittee shall provide the Town with records of cleaning, maintenance and inspection when deemed necessary by the Board.

- 5.05 **Maintenance of Treatment Facilities** – The Bboard shall retain qualified personnel to oversee permit compliance and operation of the Sewage System.

- 5.06 **Sampling Infrastructure and Monitoring** - When required by the Board, the Owner of any property serviced by a Building Sewer Line carrying industrial wastes shall install a suitable control manhole or similar structure together with such necessary meters and other appurtenances in the Building Sewer Line to facilitate observation, sampling and measurement of the industrial wastes. Such manhole or similar structure, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Board. The manhole or similar structure shall be installed by the Owner at their own cost and expense, and shall be maintained by the Owner so as to be safe and accessible to the Board at all times.

All Owners discharging industrial wastes into a Public Sewer shall perform such monitoring of their discharges as the Board may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Such records shall be made available upon request by the Board to other agencies having jurisdiction over the Public Sewer's discharge. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit.

- 5.07 **Sampling and Testing Standards** - All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Ordinance shall

be determined in accord with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association.

- 5.08 **Agreements** - No statement contained in this Article 5 shall be construed as preventing any agreement between the Town and any person whereby a waste of unusual strength or character may be accepted by the Town for treatment, subject to appropriate payment therefore provided that such agreements do not contravene any requirements of existing federal, State or local laws and are compatible with any user charge and cost recovery system in effect.

## ARTICLE 6

### Protection from Damage

- 6.01 No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the System. Any person violating this provision may be subject to immediate arrest and criminal charges, including but not limited to the charge of unlawful mischief as set forth in Title 13, Section 3701 of the Vermont Statutes Annotated.

## ARTICLE 7

### Powers and Authority

- 7.01 **Right of Entry** - The Town, bearing proper credentials and identification, shall be permitted to enter all properties serviced by the Public Sewer for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the Ordinance. The Town shall have the right to set up such devices as are necessary to conduct monitoring and/or sampling of any regulated discharge to the Sewage System. The Town may also examine and copy records required to be kept under any permit subject to this Ordinance. The Town shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the Sewage System or waterways or facilities for Wastewater treatment.
- 7.02 **Safety and Indemnification** - While performing the necessary activities on private wastewater facilities or private properties described in Section 7.01, above, the Town shall observe all safety rules applicable to the premises and the property owner or lessee shall be held harmless for injury or death to the Town employees, provided that such injury or death is not caused by the negligence or failure of the property owner to maintain safe conditions.
- 7.03 **Access** – Authorized persons having proper credentials and identification shall be permitted at a reasonable time to enter all private properties through which the Town holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the Public Sewer lying within the easement. All entry and subsequent work, if any, on the

easement shall be done in full accordance with the terms of the duly-negotiated easement pertaining to the private property involved.

- 7.04 **Security Measures** – If a property owner has security measures in force which require proper identification and clearance before entry onto the property, the Owner shall make the necessary arrangements to allow access to any authorized person.
- 7.05 **Obstructions** – Any temporary or permanent obstruction to safe and easy access to any property to be inspected and/or sampled shall be promptly removed by the Owner at the written or oral request of the Town and shall not be replaced. The costs of clearing such access shall be borne by the Owners.
- 7.06 **Delay** – Causing an unreasonable delay in allowing an authorized person access to a property subject to regulation under this Ordinance is a violation of this Ordinance.

## ARTICLE 8

### Enforcement and Penalties

#### 8.01 Administrative Enforcement

- 8.01.1 Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- 8.01.2 Any person found to be violating any provision of this of this Ordinance shall be served by the Town Administrator with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Such notice may require without limitation:
- a) The performance of monitoring, analyses, and reporting;
  - b) The elimination of illicit discharges;
  - c) The cessation of improper practices and operations and implementation of proper practices and operations;
  - d) The abatement of remediation of any contamination of the Public Sewer and waters of the State of Vermont or the United States and restoration of any property impacted by such contamination;
  - e) Establishment of time limits for the completion of all required work;
  - f) Payment of a fine; and
  - g) State that the Notice may be appealed in the manner set forth in Section 8.01.7, below.
- 8.01.3 The Town has the right to require a property owner found to be in violation of this Ordinance to install monitoring equipment and maintain such equipment in proper operating condition, including proper calibration, all at the property owner's expense.
- 8.01.4 If a violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the Town or persons retained by the Town may enter upon the

subject property as described in Article 7, above, and may take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Town to enter upon the premises for the purposes set forth above.

8.01.5 Within thirty (30) days after abatement of the violation, the Owner of the property will be notified of the cost of abatement, including administrative costs. The Owner may file a written protest with the Town Administrator objecting to the amount of the assessment within fifteen (15) days. If the amount due is not paid within a timely manner as determined by the decision of the Town Administrator or by the expiration of the time in which to file an appeal, the charges shall constitute a lien on the property for the amount of the assessment and shall bear interest at the rate of one percent (1%) per month, or portion thereof. The decision of the Town Administrator under this section may be appealed to the Board as provided in Section 8.01.7, below.

8.01.6 The Town may, without prior notice, suspend Sewage System discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of Persons, or to the Sewage System or waters of the State of Vermont or the United States. If the violator fails to comply with a suspension order issued in an emergency, the Town may take such steps as deemed necessary to prevent or minimize damage to the Sewage System or waters of the State of Vermont or the United States, or to minimize danger to Persons.

8.01.7 Any person discharging to the Sewage System in violation of this Ordinance may have their System access terminated if such termination would abate or reduce an illicit discharge. The Town Administrator will notify a violator of the proposed termination of its System access. The violator may appeal the Town Administrator's determination to the Board by filing a written notice of appeal with the Town Administrator within ten (10) business days of the Town Administrator's decision. The Board shall review such appeal at a meeting of the Board preceded by fifteen (15) calendar days written notice of the meeting date to the Violator. Following the meeting, the Board shall issue its decision on the appeal in writing, which decision shall be final.

8.01.8 A Person commits an offense if the Person reinstates Sewage System access to premises terminated pursuant to Section 8.01.7, above, without the prior approval of the Town Administrator.

## 8.02 **Judicial Enforcement**

8.02.1 This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

8.02.2 Any law enforcement officer or other individual designated by the Board to enforce this Ordinance may act as an Issuing Municipal Official and issue and pursue before the Judicial Bureau a municipal complaint for any violation of any provision of this Ordinance.

8.02.3 In addition to the enforcement procedures available before the Judicial Bureau, the Town is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

### 8.03 Penalties

8.03.1 Waiver Fee For Municipal Complaint: An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of this Ordinance:

First offense – \$50.00

Second offense – \$100.00

Third offense – \$200.00

Fourth offense – \$300.00

Fifth and subsequent offenses – \$400.00

Offenses shall be counted on a calendar year basis.

8.03.2 Civil Penalty for Municipal Complaint: An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of this Ordinance:

First offense – \$100.00

Second offense – \$200.00

Third offense – \$400.00

Fourth offense – \$600.00

Fifth and subsequent offenses – \$800.00

Offenses shall be counted on a calendar year basis.

8.03.3 Civil penalty for enforcement courts other than the Judicial Bureau: In addition to any other remedy provided for in this Ordinance, any person who violates any Provision of this Ordinance shall be subject to a civil penalty of up to \$800.00 per day for each day that such violation continues.

8.04 **Disconnection** - Any person delinquent in payment of sewer services fees and bills may be disconnected as provided by 24 V.S.A. Chapter. 129. Collection and reconnection fees will also be assessed the delinquent party (see current fee schedule- Appendix 2).

8.05 **Remedies Nonexclusive** - Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceeding in the Civil Division of Vermont Superior Court to prevent, restrain or abate violations hereof.

8.06 **Violation Provision** - Any Permittee held in violation of the provisions of this Ordinance may have its Connection Permit revoked, Building Sewer Line disconnected and disposal authorization terminated.

## ARTICLE 9

### User Connection Fees and Sewer Use Rates

Acting pursuant to 24 V.S.A. Chapter 101, the Board shall annually determine sewer use rates and charges which are hereby imposed on every person having a building or structure on their premises which is served by the Sewerage System and where Sewage may be collected for the use of the premises by the Owners, or other users of real property within the Town. These rates and charges shall be for the purpose of payment associated with the costs of operating, maintaining

and repairing said System, bond payments, fixed operating and maintenance costs not dependent on actual or estimated use and variable operations and maintenance costs dependent on actual value or estimated use, as well as a capital reserve for maintenance, renewal or replacement. The sewer use rates and charges established in this Article and defined hereinafter shall be charged whether or not the property is occupied, when the property is connected to the System by the necessary Building Sewer Line as required under the terms of this Ordinance. The rate structure shall incorporate the requirements of 40 CFR 35.2140 and 24 V.S.A. Chapter 101. After having been granted an allocation by the Board, the holder of the allocation shall also be assessed connection fees as set forth in this Article. The amount of the fee shall be established by the Board, which is hereby authorized to establish or amend any rates or fees from time to time, by resolution.

9.1. Commercial, Industrial, and preferred Residential Projects Where Allocation is made to Individual Buildings, and Individual Residential Lots.

9.1.1. A connection fee shall be due upon application for a zoning/building permit for the building for which the allocation was granted, based on the estimated Development Wastewater Flow for that building. If the Development Wastewater Flow exceeds the amount of capacity allocated to the Permittee's structure, the Permittee must apply for additional allocation before the zoning/building permit can be issued.

9.2. Residential Projects Where the Allocation is Granted to an Entire Subdivision.

9.2.1. A connection fee shall be due upon application for a zoning/building permit for each residential dwelling structure.

9.3. In cases where an allocation or Connection Permit expires and a new Person applies for capacity for the same, or a different, project on the same site, the Board may consider previous fees paid by the original Person when establishing or deciding to waive fees for the new project.

9.4 Preliminary Allocation and Connection Fees to Incrementally Expand the System; Payment Plan

9.4.1 If the new sewer connection requires the extension of the System, then each new user will contract for, obtain the necessary permits for, and construct the required extension pursuant to the terms of this Ordinance.

9.4.2. All costs, fees and expenses of whatever kind and nature for the System extension shall be fully borne by the constructing Permittee. The expansion of the System shall be documented through the submittal of As-built Plans and certified by a civil engineer licensed in the State of Vermont and delivered to the Town of Charlotte upon completion of the work.

9.4.3. In the case where a future third-party permittee wants to tie into the portion collection system extension constructed by the original constructor permittee, said third-party permittee shall make a prorated payment to the original constructor of the System expansion.

- 9.4.4 Reimbursement from new line extension customers (the “third-party permittee,” above) connecting to said line that was constructed by the original constructor of the System expansion, said person being entitled to reimbursement, shall be based upon an equal sharing of the full cost of construction of the subject line extension paid by the original constructor of the System expansion, adjusted to the percentage used of that line extension to the point of connection.
- 9.4.5 The Town will compute any cost sharing allowance that may be due from the new permittee connecting into the previously expanded collection system that was constructed by the original constructor of the System expansion.
- 9.4.6 Evidence of payment of this contribution-in-aid of construction shall be made prior to the issuance of the Connection Permit.
- 9.5 **Establishment of Fee System** - As noted above, the Board, acting pursuant to 24 V.S.A. Chapter 101, shall annually determine sewer use rates and charges which are hereby imposed on every person having a building or structure on their premises which is served by the Sewerage System and where Sewage may be collected for the use of the premises by the Owners, or other users of real property within the Town. Schedules reflecting the method of calculation of current rates and fees are available at the Town Offices. Fee schedule in force at the time of adoption of this ordinance is attached as Appendix 1.
- 9.5.1 **Capital Reserve Fund** – The following provides for and restricts the use of capital reserve funds to finance future major maintenance, renewal or replacement of the System.
- 9.5.2 A separate capital reserve fund may be utilized for major maintenance, renewal, replacement or permit compliance expenditures associated with the Sewage System. All capital reserve funds shall be established and maintained in accordance with 24 V.S.A. § 3616.
- 9.5.3 Capital reserve establishment shall be accomplished by adoption of a written policy by the Board. Any capital reserve fund policy shall contain at least the following in writing: major maintenance/replacement identification, estimated expenditures, estimated year of expenditure, type of account used to accumulate funds, and source of funding.
- 9.5.4 The Board reserves the right to increase, decrease, stop and/or maintain regular deposits into the capital reserve fund in its sole discretion up to 100% of the normal operation, maintenance and bond costs.. When capital reserve fund monies are not disbursed fully for such expenditure, excess money shall remain in the capital reserve fund for future covered expenses.
- 9.6 **Notice of Fees** - The Selectboard shall, in establishing the rates referred to in Article 9 above, make specific reference to the sewer use rate structure in force at the time of any connection.
- 9.7 **Users of Public System Subject to Fees** - Each house, building, structure or unit within the Town which is serviced by the Public Sewer shall be subject to the sewer use rates. The cost of the annual loan payment for bond retirement and the yearly operation maintenance and replacement shall be borne by the users of this System. The rate

structure shall be based on a system of charges related to the estimated design flow by each user. The Selectboard have the authority to establish rates based upon users pollutant load cost factors, i.e. BOD<sub>5</sub>, and/or appropriate.

- 9.8 **Annual User Charge** - An annual charge is hereby imposed upon every person whose premise is served by the Sewage System of the Town for the service rendered by such System to the Owners and other users of real property, to defray the costs of construction and debt service of said System. A minimum quarterly charge, or base charge, will be imposed on each separate unit to defray all or parts of operation and maintenance costs, project capital costs and debt service, to establish a capital reserve fund and/or other method of computation as determined by the Selectboard. Those users whose structure or unit is unoccupied during the billing quarter will be assessed the referenced base charge.
- 9.9 **Fee Modification** - The Selectboard have the authority to modify, adjust, increase or decrease the charge as may, from time to time, be deemed appropriate. The minimum sewer rate established in Section 9.8 shall be charged whether or not the property is occupied.
- 9.10 **Billing and Late Payments** - In order to determine sewer use charges, meters shall be read quarterly, within a reasonable time after the first of January, April, July and October by Town personnel or duly authorized representatives. Sewer use charges shall be subsequently billed quarterly becoming due on or before the 30<sup>th</sup> day following the date of the invoice. A late penalty of ten percent (10%) of the total amount due shall be charged for payment after the due date. An additional 5% penalty will be assessed on any unpaid balance in each subsequent billing cycle. See “Town of Charlotte Policy Concerning Water and Wastewater Billing Procedures” Appendix 2.
- 9.11 **Disconnection Procedure** - Wastewater service may be disconnected for nonpayment of wastewater bill, health hazard elimination or for violations of this Ordinance. Before service is disconnected for delinquency of payment, the Town shall follow the procedure set forth in 24 V.S.A. Chapter 129 (see Appendix 3 – Disconnection Notice Form).
- 9.12 **Lien for Non-payment** - A sewer use charge shall be a lien upon real estate in the same manner as to the same effect as taxes are a lien upon real estate pursuant to 32 V.S.A. Section 5061.
- 9.13 **Request for Modification** - Any person who feels his user charge, or method used to calculate said user charge, is unjust and inequitable may make written application to the Town requesting a review of his charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.
- 9.14 **Previous Agreements Void** - The rates as established by this Ordinance shall prevail. Any previous contracts, agreements, or arrangements as to rates, method for collection, any other element effecting rates and charges shall be null and void.

## ARTICLE 10

### Monitoring Final Flows, Adjustments to Fees and Change in Discharge

- 10.01 When a project that has received a sewer allocation has been completed and on line for at least one year, the Town shall monitor its actual wastewater flows and determine the actual average daily flow. This will be compared with the estimated Development Wastewater Flow on which the allocation was based, and the capacity allocated to the project.
- 10.02 If the actual average daily flow exceeds the allocation, the Permittee shall apply for an allocation equal to the difference and shall pay the standard allocation fee assessed by the Town at that time.
- 10.03. If the actual average daily flow is less than the allocation, the difference, in gallons per day, shall be added to the Town's unallocated reserve capacity. There shall be no refund of previously paid allocation fees or holding fees.
- 10.04 Any Person proposing a new discharge into the System, a modification to the Building Sewer Line or other Private Wastewater Facilities, or a substantial change in the volume or character of the Sewage that is being discharged into the System shall notify the Town and may be required to submit new or amended applications and fees for such change in Sewage discharge into the System. No connection, modification or change in the volume or character of the Sewage that is being discharged into the System shall be made without written approval from the Town.

## ARTICLE 11

### Responsibilities and Liabilities

- 11.01 **Interruption of Work** - The Town shall not be liable for any damage caused by, and not limited to, interruption of service for emergency repairs to the Sewage System.
- 11.02 **Notice of Interruption** - The Town shall not be required to provide notice of emergency interruption but will make a reasonable effort to notify users of scheduled System shut-downs. Notice of scheduled interruption may be provided as a courtesy only except as noted in Section 11.03 below.
- 11.03 **Disconnection Notice** - Users shall be notified in writing of interruption of service by "Disconnection" as provided by the provisions of Section 9.11 of this Ordinance and 24 V.S.A. Chapter 129.
- 11.04 **No Entitlement to Damages** - No Person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage occasioned by emergency interruption or accident to any portion of the Sewage System, or for non-use occasioned by absence or any other reason.
- 11.05 **System Management** - The Town will comply with State regulations with regard to testing, monitoring, and reporting of the Sewer System.

11.06 **Sewer System Capacity** - The Town shall, at no time, jeopardize its current Permittees by authorizing more connections than the System can accommodate.

**ARTICLE 12**

**Validity**

12.01 The Board may make such rules and regulations relating to the use of Sewerage System of the Town as it shall deem necessary for proper operations of the sewerage works.

12.02 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

12.03 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

12.04 These rules may be amended at any time by the Board as provided by law.

**TOWN OF CHARLOTTE**  
**Policy Concerning Wastewater Billing Procedures**

The Charlotte Selectboard, acting as the board of sewage disposal commissioners, adopts the following policy regarding the wastewater billing procedures for the Town of Charlotte Wastewater Department:

1. When quarterly bills are sent out for water and wastewater service, an account with an outstanding balance from the previous quarter will be stamped "PAST DUE" in red. A notice will be included with the bill which states that the account must be current prior to the next quarterly bill or a service shut-off notice will be posted. The notice will include contact information for the Wastewater Billing Department, in order to set up a payment plan if necessary.
2. A customer that has an outstanding balance for two consecutive quarters, and who has not contacted the Wastewater Billing Department to set up a payment plan, will receive a "Disconnect Notice" a minimum of fourteen days prior to service shut-off. The procedure will adhere to those set forth in 24 V.S.A. Chapter 129.
3. During the fourteen day notice period, the customer may do one of the following:
  - a. Settle the account in total;
  - b. Set up a payment plan with the Wastewater Billing Department;
  - c. File an appeal with the Charlotte Selectboard
4. If the customer fails to take action as outlined above, service will be discontinued at the conclusion of the notice period in conformance with 24 V.S.A. Chapter 129.

Policy adopted by the Selectboard on \_\_\_\_\_, 2019.

**Town of Charlotte  
Wastewater Disconnect Notice**

Date: \_\_\_\_\_

Amount in Arrears: \$ \_\_\_\_\_

Dear Customer:

According to our records, your wastewater service account is still unpaid. Please make full payment of the account or contact our office to make satisfactory arrangements before \_\_\_\_\_. If this is not done, we will no longer

be able to extend credit and will have to discontinue your service, on that day or any one of the following four business days. (Under the law, "business days" means Monday through Thursday, excluding legal holidays, when the offices are not open to the public). An unpaid bill is a lien on your real property, and may lead to tax sale proceedings.

Special Charges: Section 5151 of Title 24, Vermont Statutes Annotated, provides that we charge a fee for coming to your location to collect the amount overdue. Also, the same statute provides that we shall charge a reconnection fee for restoration of service if your service has been disconnected for nonpayment. These fees are as follows:

Collection Trips - \$25.00, regardless of number

Reconnection – During normal hours = \$25.00, for Overtime = \$37.50

Interest Charged according to Title 32 VSA § 5136(a)

If payment has already been sent, we recommend that you contact our office to make certain that payment is recorded on your account by the indicated date as such payment may have become delayed or lost in the mail. Payment in the mail does not constitute payment until received by us.

THIS IS A FINAL REQUEST FROM:  
Charlotte Wastewater Billing Department  
Town of Charlotte  
PO Box 133  
Charlotte, VT 05461  
(802) 482-2281

Other Important Information: If you have a question concerning this bill or if you want to seek an agreement with us to pay the balance due in partial payments over a period of time, you should contact this office as soon as possible after receipt of this notice. In the event an agreement is entered into, failure to abide by the terms of agreement can lead to disconnection without further notice. If disconnection would result in an immediate and serious health hazard to you or to a resident within your household, disconnection will be postponed upon presentation of a duly licensed physician's certificate.

Appeals: If you cannot reach agreement as to payment of this bill with the department listed above, you may appeal to:

Chairperson, Charlotte Selectboard  
Town of Charlotte  
PO Box 133  
Charlotte, VT 05461  
(802) 482-2096

An appeal cannot be taken unless you first attempt to settle with the billing department. You may appeal only as to the proper amount of your bill or the correctness of application of the rules and regulations. You may not appeal as to the level or design of the rates themselves. No charge shall be made for the appeal. However, undisputed portions of the charges giving rise to this notice must be paid before the disconnection date given above.

# **CHARLOTTE WASTEWATER DEPARTMENT CUSTOMER INQUIRY POLICY**

## **Appendix 3**

### **INTRODUCTION**

The Town of Charlotte provides a municipal wastewater collection, conveyance and disposal system. It is a municipal organization. The Town of Charlotte Selectboard serves as the governing body and makes all major decisions at regularly warned meetings. The Selectboard is primarily responsible for the operation of the wastewater system. The Town Clerk/Treasurer's Office is responsible for billing and accounts payable. Records are audited annually and an Annual Report is published annually in the Charlotte Town Report.

### **CUSTOMER SERVICE**

It is the policy and the goal of the Town of Charlotte to keep all customers informed about matters of the wastewater system through the use of public meetings, announcements in local newspapers, Annual Reports, and occasionally by newsletter. However, it is inevitable that not all customers are in fact aware of all matters. There are also some incidents, such as a leak in the sewer pipe requiring interruption of service or other actions that result in customer inquiries or complaints. Except in the case of an emergency, the Town of Charlotte will make an effort to inform the customers of interruptions of service. Therefore, this policy is adopted to guide the appropriate persons in registering, handling and documenting complaints.

### **STEPS IN HANDLING COMPLAINTS**

The following steps are to be taken by any Town of Charlotte official who receives a complaint from any source.

1. Listen without interruption. Take notes of the complaint as the problem is being described.
2. Ask questions to clarify the problem if necessary.
3. Determine who the complaint should be referred to, and advise the complainant of your determination. Refer the matter to the appropriate person, and be sure to provide written notes. Avoid having the complainant call around to different people.
4. Follow up to ensure customer satisfaction. If the customer is not satisfied with the action taken or the results, the following contacts should be provided to the customer:
  - a. Contact the Selectboard at (802) 425-3533.
  - b. Contact local Town Health Officer or State Health Department.
  - c. Contact the State Drinking Water and Groundwater Protection Division

5. In all cases be sure to document all pertinent information to be kept on file.

## **DOCUMENTATION**

Many routine questions and minor complaints can be resolved promptly, and there is no need for documentation. If there is a major complaint or concern it is important to record the nature of the complaint and the results of any action taken. If the problem is of a serious nature or requires action by the Charlotte Selectboard, it should be noted on the minutes of the Selectboard meetings.

## **DISSEMINATION**

This policy is to be provided to all officers, contractors and others who may be in a position to receive inquiries, questions, or complaints regarding the wastewater system. It should be reviewed annually and updated or amended as appropriate.

Adopted \_\_\_\_\_, 2019