

TOWN OF CHARLOTTE

SEWER USE ORDINANCE

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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 are established as necessary and desirable for regulating the public's use of these sewers, while eliminating the discharge of surface and ground waters while controlling the character of the discharge of wastes into the public sewer systems and providing penalties for violations thereof in the Town of Charlotte, County of Chittenden, State of Vermont.

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SEWER USE ORDINANCE

for

Town of Charlotte

RULES AND REGULATIONS

The Town of Charlotte, by and through its Selectboard, ordains 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 systems and providing penalties for violations thereof in the Town of Charlotte, County of Chittenden, State of Vermont.

Be it ordained and enacted by the Selectboard of the Town of Charlotte, State of Vermont as follows:

ARTICLE 1

Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this 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 Selectboard 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 20 degrees C., expressed in milligrams per liter.
- 1.05 “Building Sewer Line” shall mean the line running from the building connecting to the 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 sewers. 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 or waste from sanitary conveniences, excluding ground, surface or storm water.
- 1.08 “Environmental Protection Rules (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)
- 1.09 “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.
- 1.10 “Health Officer” shall mean the legally designated Health Officer of the Town of Charlotte or their duly authorized agent.
- 1.11 “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage which 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.
- 1.12 “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.
- 1.13 “Ordinance” shall mean this Sewer Use Ordinance.
- 1.14 “Owner” shall be the owner of record of the property associated with an application or at issue.
- 1.15 “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.
- 1.16 “Person” shall mean any individual, firm, company, association, society, corporation, group, or other legal entity.
- 1.17 “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 1.18 “Preliminary sewer allocation” shall mean an authorization granted by the BOARD for the reservation of unallocated capacity from the municipal system for use by the Permittee in acquiring State permitting for the subject property.

- 1.19 “Pretreatment” shall mean all of the filtrate technologies authorized by the State of Vermont through Drinking Water and Wastewater management Divisions innovative permit program.
- 1.20 “Private Wastewater Facilities” shall mean all facilities, piping and pump station wholly owned, operated, maintained, repaired or replaced by property Owner. The private line shall begin at the point of connection to the municipally owned sewer and shall extend back to the building including all components between the two points.
- 1.21 “Public Sewer” shall mean a sewer controlled by public authority, in this case the Town of Charlotte.
- 1.22 “Secretary” shall mean the Secretary of the Agency of Natural Resources, State of Vermont or his or her representatives.
- 1.23 “Selectboard” Shall mean the Selectboard of the Town of Charlotte acting as a board of sewage disposal commissioners under 24 V.S.A., § 3614.
- 1.24 “Settled Effluent” shall mean sewage that receives initial treatment within and that which exits a septic tank.
- 1.25 “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.
- 1.26 “Sewage System” shall mean all facilities for collecting, pumping, treating, and disposing of sewage owned by the Town of Charlotte.
- 1.27 “Sewer Main” shall mean an underground sewer pipe which collects sewage from a series of private sewer services.
- 1.28 “Sewer Service” shall mean a privately owned line that begins at the Public Sewer Main and extends to the private building or private sewer components.
- 1.29 “Shall” is mandatory: “May” is permissive.
- 1.30 “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.
- 1.31 “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.
- 1.32 “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.

- 1.33 “Suspended Solids” shall mean solids that either float on the surface or, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- 1.34 “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.
- 1.35 “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.
- 1.36 “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 Allocation, and prior to expanding a design flow or making a physical connection to the Public Sewer, a Connection Permit application shall be submitted to the Board.

The application shall include:

- A. Identify the property owner, lot number, street and mailing address, and contact information.
 - 1. Identify 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 whom the municipality agrees has demonstrated proficiency in wastewater system design, and is registered to practice civil or sanitary engineering in Vermont.
- D. Sewer Connection Application Fee

Work shall not commence until approval of the plans has been issued by the Selectboard. Written approval by the Selectboard will address issues such as engineering oversight, submission of record drawings, warranty, the municipality's rights for review of the project and payment by the applicant in the event an outside engineering firm is hired by the municipality to review the project during construction. All work performed shall remain uncovered until an authorized representative of the Town has observed the work and indicates general satisfaction with it.

- 3.02 **Section 1111 Access License** – The applicant shall acquire a license from the Town of Charlotte for any utility work within the public rights-of-way prior to the issuance of the Connection Permit.

ARTICLE 4

Building Sewers and Connections

- 4.01 **Permit Required** - No unauthorized person shall 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 pollutants that are being discharged into the system shall first acquire a supplemental sewer allocation (See Sewer Allocation Ordinance) prior to the proposed change and 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. Buried Utility Permit from Town of Charlotte required if installation is within Town Highway Right-of-Way.
- 4.03 **Cost Borne by Owner** - All costs and expense incident to the installation and connection of the building 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.
- 4.04 **Sewer Service for each Building** - A separate and independent building sewer shall be provided for every building; except 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, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. An Accessory Structure on the same parcel is excluded from this requirement. This requirement may be waived by the Selectboard in special cases if independent connections are not in the best interest of the Town.
- 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 State of Vermont Environmental Protection Rules.
- 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 State EPR's and shall be approved before construction begins and inspected during construction by the Selectboard. For those system components not specifically specified in the State EPR's shall be installed in conformance with the typical details included in the document entitled Town of Charlotte Supplemental Typical Sewer Details. Upon inspection, any part of the installation not in conformance with approved plans shall be replaced by the owner. All such 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 Selectboard.

- 13.02 **Construction Standards** - The construction standards and specifications applicable to the Town of Charlotte's Sewage System will include the standards, rules, regulations and requirements as specified by:
- a) Vermont Agency of Natural Resources EPR's
 - b) The Town of Charlotte Supplemental Typical Sewer Details for those installations not specifically detailed in the EPR's. Said standards will be administered by the Selectboard and/or the authorized agent (s).
 - c) Any other Town, State or Federal agencies having jurisdiction.
- 4.07 **Elevation Differential** - In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharge to the sanitary sewer.
- 4.08 **Private Pump Stations** - Private Pump Stations serving a single building or group of buildings shall be constructed 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 Selectboard. If such inspection reveals items in need of repair or replacement, the Owner shall make such repairs in a timely fashion or be subject to the Penalties outlined in Article 9.
- 4.09 **Unlawful Connection of Surface Water 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 runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. If any such connection is discovered, the Selectboard shall notify Owner in writing; Owner shall detach the illegal connection immediately and be subject to the Penalties outlined in Article 10.
- 4.10 **Inspection Notification** - Prior to any connection the Selectboard shall be given forty-eight (48) hours notice in order that the Town may observe such work. If the Selectboard has not been properly notified, they may require the completed work to be uncovered for examination, at the Owner's expense.
- 4.11 **Installation of Clean-outs** - Clean outs shall be installed where the distance from the building to the main sewer is greater than one hundred (100) feet or where bends greater than forty-five (45) degrees are used in the building sewer. (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 while being readily accessible regardless of time of year. Locations of all clean outs shall be recorded and turned over to the Selectboard.
- 4.12 **Quality Control** – The Permittee's Engineer shall certify that all existing and new sewer piping shall be free of debris prior to placement in operation.

- 4.13 **Testing** - The owner, at their own expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and shall remove or repair any defective materials when so ordered by the Selectboard.
- 4.14 **Protection and Restoration** - All excavations for building sewer installation 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 in a manner satisfactory to the Town.
- 4.16 **Maintenance of Traffic** – All work within the highway rights-of-way shall obtain an Highway Access Permit from the Selectboard. The applicant shall comply with all safety and restoration requirements.
- 4.17 **Time of Year Limitations** - No work within the public rights-of-way or work on a public sewer main or extension shall be made during the period November 15 to April 15 without prior cold weather construction approval of the Selectboard. The owner may be assessed an additional charge as part of the connection fee to cover the additional expense incurred as a result of cold weather construction.
- 4.18 **Private Wastewater Disposal Systems** - The Town shall assume no responsibility for maintenance and operation of any Private Wastewater Disposal Systems (PWDS) or portion thereof to which it is not the Owner.

ARTICLE 5

Use of the Public Sewers

- 5.01 **Settled Effluent** – Users of the Public Sewer system are to discharge only Settled Effluent into the system.
- 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 to any sanitary 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 sewers:
- a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - b) Any waters or wastes containing toxic 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 one hundred (50) mg/l 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. Commercial use of garbage grinders shall be subject to the review and approval of the Selectboard. with appropriate mitigation for strength or character of the wastewater.
- f) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - 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 sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
 - 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 System.

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. The Selectboard shall approve type, capacity and location of interceptor; location shall provide ready and easy access for cleaning and inspection.

Where installed, all grease, oil, hair, and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times. Materials collected shall not be reintroduced into the public sewerage system but shall be satisfactorily disposed of elsewhere in accordance with standards, rules or regulations. The Owner shall provide the Town with records of cleaning, maintenance and inspection when deemed necessary by the Selectboard.

5.06 **Maintenance of Treatment Facilities** – The board shall retain qualified personnel to oversee permit compliance and operation of the system.

5.07 **Sampling Infrastructure and Monitoring** - When required by the Selectboard, the Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole or structure together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the

Selectboard. The structure shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible to the Selectboard at all times.

All industries discharging into a Public Sewer shall perform such monitoring of their discharges as the Selectboard may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Selectboard. Such records shall be made available upon request by the Selectboard to other agencies having jurisdiction over discharging to the receiving waters. 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.

- 5.08 **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,
- 5.10 **Agreements** - No statement contained in this article shall be construed as preventing any agreement between the Town and any commercial concern whereby a waste of unusual strength or character may be accepted by the Town for treatment, subject to appropriate payment, therefore, by the commercial concern, provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any user charge and commercial 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 Town of Charlotte Wastewater System. 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 7

Powers and Authority

- 7.01 **Right of Entry** - The Selectboard and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties serviced by the Public Sewer collection system, for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the ORDINANCE. The Selectboard or its representatives 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 sewers or waterways or facilities for wastewater treatment.

- 7.02 **Safety and Indemnification** - While performing the necessary work on private properties referred to in 7.01, above, the Selectboard or duly authorized employees of 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 and the Town shall indemnify the property owner or lessee against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company to maintain safe conditions.

ARTICLE 8

Penalties

- 8.01 **Notice of Violation** - Any person found to be violating any provisions of this ORDINANCE except Article 7, shall be served by the Town with written notice stating the nature of the violation and providing a three day (72 hours) time limit for the satisfactory correction thereof. The Selectboard may grant a written extension, for good cause shown, presented in writing, prior to the expiration of the time limit. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 8.02 **Violation – Penalty** - Any person who shall continue any violation beyond the time limit, and any extension thereof, provided for in 9.01, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500.00 for each violation. Each seven day period thereafter, or any part thereof, without cessation shall be deemed a separate offense.
- 8.03 **Liability for Expenses** - Any person violating any of the provisions of this ORDINANCE shall become liable to the Town for any expense, loss, or damage incurred by the Town by reason of such offense.
- 8.04 **Disconnection** - Any person delinquent in payment of sewer services bills, may be disconnected as provided by 24 VSA Ch. 129. Collection and reconnection fees will also be assessed the delinquent party (see current fee schedule-Appendix 1).
- 8.05 **Remedies Nonexclusive** - Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violations hereof.
- 8.06 **Violation Provision** - Any industry held in violation of the provisions of this ORDINANCE may have its disposal authorization terminated.

ARTICLE 9

User Connection Fee

After having been granted an allocation by the BOARD, the holder of the allocation shall be assessed Connection fees as set forth in this section. The amount of the fees shall be established by the BOARD, which is hereby authorized to establish or amend sewer allocation 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.

10.1.1. 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 structure, the applicant 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.

10.2.1. 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 on the same or a different project on the same site, the BOARD may consider previous fees paid by the original person when establishing 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 master-planned sewer collection system, then each new user will contract for, obtain the necessary permits for, and construct the required extension.

9.4.2. The costs of the system extension shall be fully borne by the constructing permittee. The costs for the expansion of the collection 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, a prorated payment shall be made to the original constructor of the system expansion.

9.4.4 Reimbursement from new line extension customers connecting to said line to customers entitled to reimbursements shall be based upon an equal sharing of the full cost of construction of the subject line extension paid by the original customer, adjusted to the percentage used of that line extension to the point of connection.

- 9.4.5 The Town of Charlotte will compute any cost sharing allowance that may be due from the new permittee connecting into the previously expanded collection system constructor permittee.
- 9.4.6 Evidence of payment of this contribution-in-aid of construction shall be made prior to the release of the Connection Permit.
- 9.5 **Establishment of Fee System** - The Selectboard shall establish the user charge system in accordance with appropriate Federal and State rules and regulations, incorporating requirements of 40 CFR 35.2140 and 24 V.S.A., Chapter 101. The rates shall be established to defray the costs of the Town's upgrades to the facilities, the cost of annual operation and maintenance of the facilities, as well as to provide a capital reserve for renewal or replacement. 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.
- 9.6 **Notice of Fees** - The Selectboard shall, in establishing the rates referred to in 10.01 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 actual water used by each user as determined from a water meter installed on the domestic water supply. In the event a meter installation is not possible, a flat fee will be assessed the unit. The Selectboard have the authority to establish rates based upon users pollutant load cost factors, i.e. BOD₅, and/or appropriate (see Section 8).
- 9.8 **Annual User Charge** - An annual charge is hereby imposed upon every person whose premise is served by the public sewage system of the Town for the service rendered by such public sewerage 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 10.04 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, sometime after the first of January, April, July and October by department personnel or duly authorized representatives. Sewer use charges shall be subsequently billed quarterly becoming due on or before the 30th 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. Notice for payment request and disconnection will be mailed at least 14 days in advance of the wastewater disconnection date (see Appendix 3- Disconnection Notice Form). Disconnection on account of delinquency of wastewater rate payment will not be made on a day immediately preceding a Saturday, Sunday or a state or federal holiday. When the Selectboard dispatches an agent to affect a disconnection caused by delinquency of payment and, upon arrival, payment is made to the agent for all charges due including the collection fee as permitted under 24 V.S.A. Chapter 129, service will be permitted to continue. If a violation of rules, health hazard or emergency incident results in a disconnection, a reconnection charge will be assessed for resumption of service in addition to the disconnection charge. If the customer requests a hearing, one shall be held within five work days to determine if wastewater service will continue to be denied, or if restored under what conditions. Service, once disconnected, shall not be restored until the reason for disconnection has been eliminated.
- 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 Title 32 Vermont Statutes Annotated 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 his 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 the Articles of 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 and Adjustments to Fees

- 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 applicant shall apply for an allocation equal to the difference, and shall pay the standard allocation fee assessed per gpd by the Town at that time.
- 10.03. If the actual average daily flow is less than the allocation, the difference, in gpd, shall be added to the Town's unallocated reserve capacity. There shall be no refund of previously paid allocation fees or holding fees.

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 Works.
- 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 14.03 below.
- 11.03 **Disconnection Notice** - Users shall be notified in writing of interruption of service by "Disconnection" as provided by the Provisions of this ORDINANCE, (24 VSA CH 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 accident to any portion of the Sewage Works, 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 wastewater system.
- 11.06 **Sewer System Capacity** - The Town shall, at no time, jeopardize its current customers by authorizing more new wastewater services than it can accommodate.

ARTICLE 12

Validity

- 12.01 The Selectboard may make such rules and regulations relating to the use of sewerage works of the Town as they 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 Selectboard as provided by law.

**ARTICLE 13
Ordinance in Force**

- 13.01 This ORDINANCE as amended shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- 13.02 Passed and adopted by the Selectboard of the Town of Charlotte, State of Vermont on this ___th day of _____, 2019.

Town of Charlotte
Selectboard

Louise McCarren

Fritz Tegatz

Matt Krasnow

Frank Tenney

Carrie Spear

Adopted by Selectboard _____, 2019
Effective _____, 2019

Received and Recorded this _____ day of _____, 2019.

Mary Mead, Town Clerk

TOWN OF CHARLOTTE
Policy Concerning Water and Wastewater Billing
Procedures

The Charlotte Selectboard adopts the following policy regarding the water and wastewater billing procedures for the Town of Charlotte Water and 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 V.S.A. Title 24, 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 to V.S.A. Title 24, 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 (water) (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 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 24 VSA § 5156

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 1

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 water system. It should be reviewed annually and updated or amended as appropriate.

Adopted _____, 2019