

TOWN OF CHARLOTTE
THOMPSON'S POINT WASTEWATER DISPOSAL SYSTEM ORDINANCE

Last revised October 8, 2018

The Selectboard of the Town of Charlotte, henceforth known as the Board of Sewer System Commissioners for the Town of Charlotte, hereby ordains:

The Thompson's Point Wastewater Ordinance adopted on September 27, 1993, as amended on October 9, 2000, April 13, 2001 and June 7, 2007, is hereby amended and restated as follows:

ARTICLE I – GENERAL PROVISIONS

Section 101. This Ordinance is adopted by the Board of Sewer System Commissioners for the Town of Charlotte to establish regulations regarding use of the Thompson's Point Sewage Disposal System and to establish a fund to pay for costs associated with the operation, maintenance, repair, expansion, and upgrade of said system when required. The Thompson's Point Sewage Disposal System is governed by Vermont Agency of Natural Resources Department of Environmental Conservation Indirect Discharge Permit No. ID-9-0244, PIN EJ98-0002, dated June 6, 2018, as hereafter renewed and/or amended from time-to-time.

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

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

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

ARTICLE II – DEFINITIONS

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

Section 201. "Bedroom" shall mean any room within a building or Structure that serves primarily as sleeping quarters.

Section 202. "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade expressed in milligrams per liter.

Section 203. "Commission" shall mean the Charlotte Board of Sewer System Commissioners and agents and representatives duly authorized by it.

Section 204. "Hazardous Waste" shall mean waste as defined by 10 VSA §6602(4) as it is now constituted or hereafter amended from time to time. "Hazardous Material" means material defined by 10 VSA §6602(16) as it is now constituted or hereafter amended from time to time.

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

Section 206. "Low-Flow Design" shall mean devices that incorporate a water saving function during use and that comply with the following limits: toilets of 1.6 gallons per flush; showerheads of 2 gallons per minute; faucets of 2 gallons per minute; clothes washing machines of 13 gallons per load; and dishwashers of 3.5 gallons per load.

Section 207. "Occupancy" shall carry the same meaning as "Bedroom."

Section 208. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Section 209. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solutions.

Section 210. "Plumbing Connection" shall mean any fixture or appliance connected to the Public Sewer that generates Sewage.

Section 211. "Public Sewer" shall mean the subsurface Sewage disposal system, collection system, pumping facilities, and related improvements operated by the Town of Charlotte extending from the point of connection of a Structure to either an ejector station or a STEP Tank to and through the subsurface Sewage disposal system. This system is generally shown on plans entitled, "Town of Charlotte Wastewater Facilities," dated July 27, 1993, prepared by Trudell Consulting Engineers. As-built plans are created and maintained by the System Operator, are reviewed and approved by the System Engineer, and are maintained on the Town's computer server and in the Town Clerk's vault.

Section 212. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, and institutions, together with such ground, surface, and storm waters as may be present.

Section 213. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of Sewage which are part of the Public Sewer.

Section 214. "Sewer" shall mean a pipe or conduit for carrying Sewage.

Section 215. "STEP Tank" refers to a combined Septic Tank and Effluent Pump station.

Section 216. "Structure" shall mean any building which is equipped with toilet facilities, facilities for the cooking of food, or any facilities which generate Sewage.

Section 217. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or the liquids, and which are removable by laboratory filtering.

Section 218. "System Operator" shall mean the Person designated by the Commission to oversee the operation and to operate the Public Sewer.

Section 219. "System Engineer" shall mean the Person designated by the Commission to provide engineering support to the System Operator for the Public Sewer.

Section 220. "Thompson's Point Wastewater Advisory Committee (TPWAC)" is the committee described in Article IX of this Ordinance.

Section 221. "Town" shall mean the Town of Charlotte, Vermont, and shall include the Commission, above defined.

ARTICLE III – CONNECTION TO PUBLIC SEWER

Section 301. Except as otherwise provided in Section 303 below, the owner of every Structure located in the “Thompson’s Point Sewer Service Area” as defined in Section 302 below shall connect or allow the connection of such Structure to the Public Sewer.

Section 302. There is hereby established and designated the “Thompson’s Point Sewer Service Area” which consists of the lands presently owned by the Town of Charlotte on Thompson’s Point, so-called, which the Town acquired by warranty deed of Hayden and Nayman Barnes, dated April 11, 1839, of record in Volume 11 at page 146 of the Town Land Records. This property is generally shown and depicted on a plan entitled, “Plan of Town Farm, Thompson’s Point, Charlotte, Vermont,” dated February 1932, last revised May 1938, and prepared by H.M. McIntosh. This sewer service area includes all lots located on Lane’s Lane, so-called, even though the Lane’s Lane lots are not depicted on the referenced McIntosh plan.

Section 303. The caretaker Structure located on Thompson’s Point as shown on the plan referenced in Section 302 above shall be exempt from connection to the Public Sewer. Lot 204 on Lane’s Lane is also exempt from connection until the Structure thereon is converted to seasonal use in accordance with an Agreement dated June 19, 1979, and recorded in Volume 36 at page 272 of the Town Land Records.

Section 304. The following applies to Lots 201 through 208 located on Lane’s Lane: All Structures with plumbing fixtures shall connect to the Public Sewer by December 31, 2028, or prior to this date, either voluntarily, or in the event the Town determines in its sole discretion that a Structure’s associated on-site wastewater disposal system fails to:

1. comply with applicable state or federal standards,
2. prevent surfacing of Sewage and/or prevent the creation of a health hazard
3. prevent the pollution and/or contamination of drinking water supplies, groundwater, or surface water, or
4. maintain sanitary and healthful conditions during operation.

If Lot 204 is not converted to seasonal use in accordance with Section 303 herein prior to December 31, 2028, then it shall connect to the Public Sewer within one hundred eighty (180) days of its conversion to seasonal use.

Section 305. The owner of a Structure on Lots 201 through 208 shall pay a connection fee set by the Commission to the Town in the manner described below. The connection fee shall include three components:

- 1) The cost associated with extending the Public Sewer to Lane’s Lane has been calculated to be \$2,400 per connection.
- 2) The pro-rated, depreciated cost of the original construction has been calculated to be \$10,500 per connection. The owner of a Structure on Lots 201 through 208 may choose to pay to the Town the portion of the connection fee composed of the pro-rated, depreciated cost of the original construction of the sewer system in equal increments each year over a twenty-year period beginning in the year that the owner’s Structure is connected to the Public Sewer. The Structure’s owner may pay this portion of the connection fee in less than twenty years at their own discretion.
- 3) The cost to connect each Structure on Lane’s Lane to the Public Sewer will be determined when each Structure is connected. The owner of a Structure may have either the System Operator or an independent contractor, to be supervised by the System Operator, connect their Structure to the Public Sewer. If the Owner has the System Operator

connect the Structure, the Owner will be billed the cost by the Town. If the Owner has an independent contractor connect the Structure, the Owner will pay the contractor directly, and the Owner will also be billed by the Town for the System Operator's supervision of the contractor.

Before the required final approval by the System Engineer for the connection of a Structure on any of Lots 201 through 208 to the Public Sewer, the owner of the Structure shall pay to the Town the portions of the connection fee associated with extending the Public Sewer to Lane's Lane and connecting the Structure thereto.

Section 306. In the event that any portion of the connection fee is not paid within 30 days from the date of the billing, the owner of the connected Structure shall pay to the Town, in addition to such fee, interest at a rate of 1.5% per month, or any portion thereof. Such fee and interest shall be a lien on both the Structure and the owner's leasehold interest in the lot on which the Structure is located in the same manner and to the same effect as taxes are a lien under 32 VSA §5061. (See Section 606, below).

Section 307. Once a lot is connected to the Public Sewer, the leaseholder shall pay the sewer rent as indicated in Article VI herein.

ARTICLE IV – CAPACITY OF THE PUBLIC SEWER

Section 401. The Public Sewer is designed to have sufficient capacity to accommodate anticipated Sewage flows from all Structures located within the Thompson's Point Sewer Service Area as described in Section 302 herein. Such Structures are listed on Schedule A, which is incorporated into this Ordinance by reference.

Section 402. Any Structure (as defined herein) listed on Schedule A may be renovated or reconstructed provided such renovation or reconstruction does not increase Occupancy of the Structure. Such renovation or reconstruction must meet the following:

- A. No increase in Occupancy as defined in Sections 207 & 201.
- B. Bathroom Plumbing Connections are limited to one toilet, one lavatory, one bathtub, and one showerhead per bathroom.
- C. All new or replacement plumbing fixtures and appliances must incorporate Low-Flow Design as defined in Section 206.

Section 403. No Structure or building located within the Thompson's Point Sewer Service Area which is not listed on Schedule A may connect to the Public Sewer.

ARTICLE V – USE OF THE PUBLIC SEWER

Section 501. The Public Sewer is intended only for the treatment and disposal of domestic sanitary waste, which is limited to only toilet wastes, grey water, kitchen sink, lavatory, showers, bathtubs, dishwashers and washing machines. All such waste shall be conveyed initially by gravity flow or a pump to a septic tank which shall be an integral part of the treatment process. Settled effluent from the septic tank shall be discharged by a pump into a pressurized sewer and conveyed to the treatment facility for additional treatment and disposal.

Section 502. No Person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, Industrial Wastes or unpolluted industrial process waters to the Public Sewer.

Section 503. No Person shall discharge or cause to be discharged substances, materials, waters, or wastes in the Public Sewer other than domestic

sanitary Sewage, such as, water from toilet wastes, grey water, kitchen sink, lavatory, showers, bathtubs, dishwashers and washing machines. The discharge of other substances, materials, waters, or wastes may harm the Public Sewer or Sewage treatment process, or can otherwise endanger life, limb, public property, or constitute a nuisance, and is a violation of this Ordinance.

Section 504. All measurements, tests, and analyses of the characteristics of waters and wastes, to which reference is made in this Ordinance, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association as amended from time to time, which is incorporated by reference herein, and shall be determined at a point in close proximity to the source. Sampling shall be determined at a point in close proximity to the source. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the treatment facility and to determine the existence of hazards to life, limb, and property.

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

Section 505. No Person shall discharge any substance into the Public Sewer before April 15th of any year or after October 31st of any year, or if the system is otherwise not operational.

Section 506. All toilets shall be of Low-Flow Design.

Section 507. No Structure connected to the Public Sewer shall have a garbage grinder or disposal installed on any plumbing fixture in the Structure.

ARTICLE VI – SEWER RENTS

Section 601. The Commissioners shall establish separate accounts for the deposit of sewer rents and the payments of expenses associated with the Public Sewer based on a fiscal year starting July 1st and ending June 30th.

Section 602. The Commissioners shall establish a fund to be used for the purpose of financing all costs other than capital costs associated with the Public Sewer, including costs for operating, planned repairs and minor maintenance of the Public Sewer, known as the Thompson's Point Wastewater Operating Fund (the "Operating Fund").

Section 603. The Commissioners shall establish a fund to be used for the purpose of financing any major maintenance, repairs, improvements, or upgrade of the Public Sewer known as the Thompson's Point Wastewater Capital Fund (the "Capital Fund"). Monies deposited in this fund shall only be used for the purpose of paying capital costs for major maintenance, repairs, improvements, and upgrades of the Public Sewer, expanding the system within the Sewer Service Area and building up a reserve.

Section 604. The Thompson's Point Wastewater Advisory Committee (TPWAC) shall annually present to the Commissioners a recommended budget with proposed sewer rents for the operating year.

- A. To prepare the budget, the TPWAC shall determine, with the assistance of the System Operator and System Engineer, the cost of operations, planned repairs, and maintenance which will be paid from the Operating Fund.

- B. The TPWAC, System Operator, and System Engineer will also determine planned upgrades and major rehabilitations, which costs, fees and expenses will be paid from the Capital Fund.
- C. The Commission shall review and approve the budget for the fiscal year, and establish the following rents:
 1. Maintenance & Operation Rent—this rent shall be based on the amount needed to pay all costs other than capital costs associated with the Public Sewer and shall be a fee per gallon of use per connection. These monies shall be deposited into the Operating Fund. Sewer usage will be determined by the previous year's water usage as measured by the Town's water meters.
 2. Capital Cost Base Rent—this rent shall be based on the amount needed to pay capital costs for major maintenance, repairs, improvements, expansions and upgrades, and to build up a reserve, and shall be the same amount per connection. These monies shall be deposited into the Capital Fund.

Section 605. The Commissioners shall establish a schedule for billing sewer rent to the owners of Structures connected to or served by the Public Sewer. In the event any sewer rent is not paid within thirty (30) days from the date of billing, the owner shall pay to the Town, in addition to such rent, interest at the rate of 1.5% per month, or any portion thereof.

Section 606. The owner of every Structure connected to or served by the Public Sewer shall be liable for payment of the sewer rents. Such rents shall be a lien on the Structure and the owner's leasehold interest in the lot on which the Structure is located in the same manner and to the same effect as taxes are a lien under 32 VSA §5061. Such rents, if unpaid, may be collected in the same manner provided by 24 VSA §3612. In addition, if rents are unpaid, the Town may discontinue sewer service to the Structure pursuant to 24 VSA Chapter 129.

ARTICLE VII – PROTECTION FROM DAMAGE

Section 701. No Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any Structure, appurtenance, or equipment which is a part of the Public Sewer.

Section 702. In the event of damage to any Sewer or wastewater system component or the Public Sewer, leaseholders shall immediately notify the System Operator. Damage caused by leaseholders, their employees, agents, contractors, guests or invitees will be repaired by the System Operator, at the expense of the leaseholder involved (subject to the latest approved billing rates).

Section 703. Driveways and parking areas are not to be extended over components of the Sewer or Public Sewer. Vehicular traffic over exposed or shallow-buried Sewer service lines is prohibited. No Structure or landscaping shall be installed in a manner that restricts access to pump station or basins, STEP Tanks, or Sewer or wastewater piping.

Section 704. Leaseholders are required to maintain electrical service to wastewater pump basins and STEP Tanks between April 1st and November 15th of each season. If electrical power is not available during that time period, the Town is entitled to reimbursement by the leaseholder for costs and expenses associated with rental and operation of a generator and associated labor.

Section 705. Water meters installed by the Town on each lot served by the Public Sewer remain the property of the Town. Water meters shall be accessible to the System Operator at all times. The Town is entitled to fair

compensation if the System Operator is required to make return trips to read water meters not accessible during routine water meter readings.

Section 706. Should the Town incur costs for work outside the scope of the System Operator contract resulting from leaseholder action, inaction or negligence, the Town may recover such costs from the responsible leaseholder following review of such costs by the TPWAC, described in Article VIII, and approval of such costs by the Commissioners.

ARTICLE VIII – THOMPSON'S POINT WASTEWATER ADVISORY COMMITTEE

Section 801. There is hereby established and created the "Thompson's Point Wastewater Advisory Committee" (TPWAC) which is to consist of seven (7) members. Five (5) are to be voting members and two (2) are non-voting members. The 5 voting members shall include three (3) Thompson's Point leaseholders or representatives thereof, appointed by the Commissioners for staggered 3-year terms, as well as one (1) Town Officer, to be appointed by the Commissioners, and one (1) Selectboard member. The non-voting members shall be the System Engineer and the System Operator.

Section 802. The duties and responsibilities of the TPWAC are detailed in a document entitled "Thompson's Point Wastewater Advisory Committee Roles and Responsibilities," which is adopted and amended from time to time as needed by the Sewage Commission and incorporated herein by reference.

ARTICLE IX – POWERS AND AUTHORITY OF INSPECTORS

Section 901. Duly authorized representatives of the Commission bearing proper credentials and identification shall be permitted to enter all Structures and onto all property on which the Public Sewer is located for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Public Sewer in accordance with the provisions of this Ordinance. All entry and subsequent work, if any, on said property shall be done so that the property is restored as near as reasonably practicable to its condition before the performance of such work.

ARTICLE X – THOMPSON'S POINT WASTEWATER SYSTEM LEASEHOLDER GUIDELINES

Section 1001. There is hereby established and duly adopted by the Commission the "Thompson's Point Wastewater System Leaseholder Guidelines" (TPWSLG) as amended from time to time. The TPWSLG is incorporated herein by reference.

ARTICLE XI – ENFORCEMENT AND PENALTIES

Section 1101. Any violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau, except where otherwise indicated. Any Person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800 per day for each day that such violation continues. Each day any such violation shall continue shall be deemed a separate offense. All amounts collected hereunder shall be payable in accordance with 13 V.S.A. § 7251(a) as amended from time to time. Before a Notice of Violation is issued, the Commission will be notified.

- A. Violation enforcement shall be in accordance with the provisions of 24 V.S.A. §§1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, the Town's Town Administrator, Health Officer, a Commission member, a Law Enforcement officer or a duly authorized designee of the Commission shall be the designated enforcement

officer(s) and Issuing Municipal Official(s) and issue and pursue before the Judicial Bureau a municipal complaint for any violation of this Ordinance.

- B. Nothing herein shall preclude the Town from pursuing any other remedy provided by law for the violation of this Ordinance, including injunctive relief.

Section 1102. Penalties and Costs.

- A. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$160
Second offense	\$320
Third offense	\$480
Fourth offense	\$640
Fifth and subsequent offenses	\$800

- B. An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any Person who declines to contest a municipal complaint and pays the waiver fee:

First offense	\$100
Second offense	\$250
Third offense	\$400
Fourth offense	\$550
Fifth and subsequent offenses	\$700

- C. Any Person violating any of the provisions of this Ordinance shall also be liable to the Town for any costs, expenses, losses, or damage including, without limitation, costs of repair, sampling and monitoring expenses, fines or penalties imposed by any court or government entity or payment in lieu thereof, court costs, and attorney's fees.

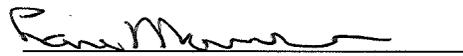
Section 1103. Nothing in this Ordinance shall be construed to limit any other remedies or penalties available to the Town under any applicable federal, state, or local law, rule, regulation, or ordinance, and it is within the discretion of the Town to seek cumulative remedies.

ARTICLE XII – SEVERABILITY

Section 1201. If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

Adopted this 8th day of October, 2018.

CHARLOTTE SELECTBOARD


Lane Morrison, Chair


Matthew Krasnow, Vice Chair


Fritz Tegatz


Carrie Spear


Frank Tenney

This Ordinance shall be effective on December 7, 2018, unless on or before November 21, 2018, a petition signed by at least five percent (5%) of the qualified voters of the Town is filed with the Town Clerk or Selectboard requesting a Town meeting vote on the question of disapproving the Ordinance.