TOWN OF WAITSFIELD
COMMUNITY WATER SYSTEM

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WATER ORDINANCE

Adopted by the Waitsfield Selectboard
May 9, 2011

Town of Waitsfield
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Town of Waitsfield Community Water System
Waitsfield, Vermont

WATER ORDINANCE

Regulating the Use of Waitsfield's Community Water System

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Town of Waitsfield Community Water System Ordinance

1. **General Provisions**
   All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "TOWN OF WAITSFIELD COMMUNITY WATER ORDINANCE," herein alternatively referred to as the "Ordinance." This Ordinance is adopted pursuant to 24 V.S.A. §3315 and 24 V.S.A. , Chapter 59, §1971 et seq., by the Town of Waitsfield Selectboard.

   a. The Waitsfield Town Clerk shall file certified copies of the Ordinance, as well as certified copies of any additions and amendment to this Ordinance as may be hereafter be adopted, in the municipal records and provide the same to the Selectboard, Town Health Officer and any designated enforcement officers.

   b. The principal objective of the Water Works, as defined herein, is to provide a potable water supply, permitted by the State of Vermont, under efficiently managed conditions.

   c. If there is conflict between the terms of this Ordinance and any other applicable regulation, by-law, or ordinance, the more strict shall apply.

   d. The Ordinance shall comply with Title VI of the civil rights act of 1964 which prohibits discrimination in a Federally Assisted Program on the basis of Race, Color or National Origin.

2. **The Water Commission**
   a. The Selectboard shall appoint five (5) Water Commissioners for staggered terms to the Town of Waitsfield Water Commission. The five Commissioners shall be comprised of at least one property owner with a connection to the community water system and one member of the Town of Waitsfield Selectboard.

   b. The provisions of this Ordinance shall be evaluated at intervals not exceeding five (5) years by the Water Commission to assess their continued applicability and appropriateness; to consider any recommendations proposed for their improvement; and to determine what changes, if any, are advisable due to advances in technical methods or processes of potable water treatment, storage, and transmission to the Town.

   c. The Water Commission shall be responsible for enacting regulations and policies governing the operation of the Water Department. The Water Commission shall make and establish all needful water rates for control and operation of the water system. It shall carry out the duties specifically required of it under state law and the regulations and policies that it enacts.

   d. The Water Commission may contract to sell water to such customers outside the Town as it may deem beneficial to the Town, providing that there is, at the time such contract is made, water in excess of that necessary for use within the limits of the Town.

   e. The Water Commission may prescribe emergency rules governing the supply and use of water as it may deem appropriate to accommodate water supply emergencies. Such rules shall be adopted at any duly held meeting of the Water Commission.

f. The Water Commission shall adopt rules of procedure, and shall comply with the requirements of Title 1, V.S.A., Chapter 5, pertaining to Vermont's open meeting and public records laws.

3. **Definitions and abbreviations**
Unless the context specifically indicates otherwise, the meaning of the terms and abbreviations used in this Ordinance shall be as follows:

a. "Base Fee" shall mean the debt service, operations and maintenance cost, and included water allocation per ERU over a specified time period that is assessed to the owner of each unit regardless of whether a meter exists for each unit or for several units.
b. "Business Unit" shall mean any place where business is carried out or where employees are stationed, including but not limited to an office, store, beauty salon, gas station, restaurant, school, clinic or any other place that is non-residential and is separately operated and distinguished from other businesses in the same building.
c. "Service Stop Valve" shall mean the valve installed on the service pipe after it enters a building and before the water meter.
d. "Clerk" shall mean the person who has been duly authorized to send out water bills, receive payment for water charges, issues notices for disconnection of water, and otherwise assist the Water Commissioners in the operation of the water department.
e. "Cold Weather Construction" shall mean non-emergency construction work on the water system during the period from November 15 to April 15 of each year, especially work on distribution mains or service lines during this period.
f. "Commercial" shall mean any building for use other than for residential or agricultural purposes.
g. "Commissioners" shall mean the Water Commission of the Town of Waitsfield.
h. "Community Water System" shall mean a Public Water System as defined by the Vermont Water Supply Rules.
i. "CWS" – Shall mean the Community Water System
j. "Connection Fee" shall mean the charge per ERU to connect to the water system
k. "Corporation Valve" shall mean the water shut off valve attached to the saddle at the water main, to which the water main to the ROW is attached
l. "Cross Connection" shall mean any direct or indirect pipe connection between the potable water supply and another supply of liquid or gas.
m. "Curb Stop" shall mean the valve on the service line, typically at the edge of the Town highway right of way at the User's property, which provides water service to the User.
n. "Customer" shall mean any Person responsible for payment of water service.
o. "Development" shall mean any changes to real property that will result in any additional potable water usage and/or amended State Water or Waste Water Permit that increases the actual or potential potable water usage on the property
p. "Discontinuance of Water Service" shall mean deliberate interruption of water service by the Water Commission to the User for any lawful reason, including, without limitation for reason of delinquent payment, prevention of excessive water loss, to protect against contamination of the system or for tampering with water system
q. "Distribution Main" ("Water Main" or "Main") shall mean the primary supply pipe from which service connections are made, to supply water to the User through service lines.
r. "Emergency Termination of Water Service" shall mean execution of an immediate water service shut-off due to:

i. “Emergency Termination of Water Service” shall mean execution of an immediate water service shut-off due to: Water leakage between the curb stop and building
ii. Discovery of a direct and unprotected cross connection
iii. Unauthorized excessive use of water
iv. Violation of special “restrictive use” orders issued by the Water Commission; and/or,
v. Any other situation that could contaminate or significantly deplete available water in the system or presents a risk of unreasonable harm, including financial harm, to the users or the public.

s. “ERU" means Equivalent Residential Unit. Water customers other than single family residences shall have their ERUs calculated by dividing the estimated waste water use listed in the current version of the Vermont Water/Wastewater Rules by the current gallons per day as identified in the appendices..

t. “Extension of Water Main” shall mean any extension of distribution mains in accordance with the rules, regulations, standards and specifications of the Municipality.

u. “Improved” shall mean any improvement to the property that will result in any additional potable water usage and/or amended State Water or Waste Water Permit that increases the potable water usage on the property

v. “Industrial Facility” shall mean any structure(s) used or intended for use as a business enterprise for manufacturing, processing, or assembling any product, commodity or article.

w. “Institutional Facility” shall mean any individual self-contained facility deemed by the Water Commission to be important to the general health and well being of the community. Such facilities may include schools, municipal offices, care facilities, medical facilities, libraries, etc.

x. “Issuing Officer” shall mean a person designated by the Water Commission and approved by the Selectboard to issue a municipal civil violation ticket (civil complaint).

y. “May” is permissive, indicating a choice. “Shall” is mandatory.

z. “Main Line” shall mean the distribution main conduit running from the distribution main to and including the curb stop at the property line of the User or to the edge of the right-of –way.

aa. “Municipality” means the Town of Waitsfield.

bb. “Municipal Office” shall mean the place designated by the Water Commission to receive applications for service, receive payments of water bills and where public notices and notices of discontinuance of service are generated and posted, i.e. Waitsfield Town Office.

cc. “Municipal Representative” means a duly authorized member of the Selectboard, Water Commission, or their designee.

dd. “Non Transient Non Community (NTNC)” shall mean a Water System as defined by Vermont Water Supply Rule

ee. “Operator” means the person designated by the Water Commission to operate the water system and certified by the Vermont Water Supply Division.

ff. “Owner” means the person, firm, corporation, trusteeship, or governmental agency that has title to the property that is served by the water system and who is ultimately responsible for payment of all rates, fees and charges.

gg. “Person” shall mean any natural person, corporation, municipality, , partnership, unincorporated corporation other legal entity, including the State of Vermont and any department, agency or political subdivision thereof.

hh. "Property Owner" shall mean any person(s) identified as holding title to the property by recorded deed.

ii. "Reasonable Hours" shall mean between 8:00am and 8:00 pm.

jj. "Residential Unit" shall mean a livable abode, which includes, at a minimum, a kitchen or kitchenette, bathroom, and bedroom or other room that serves as sleeping quarters.

kk. "Saddle" shall mean the mechanism for attaching a smaller service line to a larger water line; a circular device bolted or otherwise attached to the water main through which a hole is drilled in the water main to supply water to the service line.

ll. "Service Lines" shall mean the conduit connected on one end to the curb stop and the other end terminating just inside the User's building, at the service stop valve and including the connection to the water meter, to provide water service.

mm. "Subdivision" shall mean the division of any land, parcel, or area of land into two or more lots or parcels for the purpose of conveyance, transfer, improvement or sale, which may include appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use.

nn. "Superintendent, Operator, Water Operator" shall mean the designee of the Commission responsible for management and operation of the community water system and certified by the Vermont Water Supply Division (Vermont Agency of Natural resources, Department of Environmental Conservation).

oo. "Tap" shall mean any connection of a service line or extended main to the distribution main.

pp. "Unconnected Properties" shall mean those properties, which do not receive water service.

qq. "Usage Charge" shall mean the charge for water usage over the water allocation included in the base fee.

rr. "User" shall mean any person who receives water from the Community Water System (CWS) through a pipe connection.

ss. "Water Commission" shall mean the commissioners appointed by the Town of Waitsfield Selectboard.

tt. "Water Shut-Off Notice" shall mean notice of discontinuance of service.

uu. "Water Service Area" shall mean the area primarily in the Village District and Irasville Village District as defined in Appendix E.

vv. "Water System-Municipal" shall mean the potable water system owned and operated by the municipality through its' Water Commission. This system includes all sources, pipes, storage and treatment facilities that convey potable water between the source and the curb stop.

ww. "Water System-Private" shall mean any water system located on the customer's premises or property not supplied or owned by the municipality and not part of the public water system. The system may be potable or non-potable.

xx. "Water System-Consecutive" shall mean any water distribution system licensed by the State Of Vermont not owned by the parent community water system but served by the community water system.

yy. ANSI **-** Shall mean American National Standards Institute.

zz. ABPA- Shall mean the American Backflow Prevention Association.

aaa. ASME - Shall mean American Society of Mechanical Engineers.

bbb. ASTM - Shall mean American Society of Testing and Materials.

ccc. SSE- American Society of Sanitary Engineering

ddd. AWWA - Shall mean American Water Works Association.

eee. GMWEA- Shall mean the Green Mountain Water Environment Association, Inc.
fff. GPQ – Shall mean Gallons Per Quarter
ggg. NPC - Shall mean National Plumbing Code.
hhh. VRWA- Shall mean the Vermont Rural Water Association.
iii. NEWWA - Shall mean New England Water Works Association, a section of AWWA.
jjj. NFPA- Shall mean National Fire Protection Association.
kkk. UL- Shall mean Underwriters Laboratory.

4. Connection to Community Water System

a. The Water Service Area boundaries of the Waitsfield Community Water System are shown on the map identified as Attachment # 1. A larger and clearer copy of this map may be seen at the Waitsfield Town Office.

b. Within the Water Service Area boundaries, <u>any new</u> or improved structure, the useful occupancy of which would increase the actual or potential potable water usage beyond the capacity of any existing well or spring on the property must be connected to the Community Water System. No new drilled wells, dug wells or springs shall be permitted as a potable water supply within Water Service Area boundaries.

c. In the Water Service Area of the Community Water System service area, any wells or springs currently being used as sources of potable water may continue to be so used, but further development or replacement of them as water sources shall be prohibited.

d. Any property owner that wishes to connect to the Community Water System may apply, by way of an accurate, complete and proper application, to be connected in accordance with the terms, regulations, and procedures set forth elsewhere in this Ordinance.

e. Any owner of property located within the Water Service Area whose dwelling or other occupied building requiring plumbing is 500 feet or more from an existing water main may request a variance from Water Commissioners to install a drilled well. The Board shall not unreasonably withhold approval of such variance. The Commissioners shall notify the Vermont Department of Environmental Conservation (DEC Water Supply Division) of any such request prior to making any decision. The property owner will have to apply to the Water-Wastewater Division Regional Office for a water well permit. The Commissioners may attach reasonable conditions to the grant of a variance under this section.

f. Connected properties may continue to use existing wells and springs only for non potable use and only if an inspection by Water Commission personnel for unpermitted cross-connections has occurred and a licensed plumber has certified that such cross connections do not exist.

5. Application for Service

Application for new service shall be made in writing to the Water Commission, on forms furnished by the Community Water System (see Appendix B – Water Service Application). The owner of the premises who shall be responsible for payment of the connection fee and subsequent water charges shall make such application.

6. **Shut-Off and Restoration of Service**
   Fees regarding non-payment of water rates shall be assessed in accordance with 24 V.S.A. Chapter 129. Except as provided in 24 VSA 5143, the Water Commission may shut off water service for violation of special "restriction of water use" notices, or for continued violation of these regulations. After correction of the cause for water shut-off by the customer and on request by the customer for restoration of service, a turn-on/reconnection fee, plus any other applicable unpaid fees shall be due and payable before service will be restored.

7. **Connection Fees**
   a. A connection fee shall be due and payable to the clerk of the municipality before a new service connection is constructed and only after the Water Commission has approved the connection. Water service shall not be provided until the Water Commission has installed a meter in the building to be served. Whenever feasible, a meter shall be installed in accordance with applicable requirements within 15 working days of the Water Commission's receipt of a request for a meter installation provided all applicable fees have been paid to the municipality and the service line installation work is deemed satisfactory by an appropriate representative of the Water Commission. The amount of the fees shall be established by the Water Commission, which is authorized to establish or amend water connection fees from time to time by majority vote of the Commission members.

   b. The Waitsfield community Water System shall provide:
      i. The meter
      ii. A back-flow prevention device
      iii. A pressure reducing valve

   c. The property owner shall provide:
      i. Excavation of the distribution main and tap. All work done on or around the water line must be done by qualified personnel approved by the Operator and meeting all AWWA standards.
      ii. Saddle, corporation, piping to curb stop and curb stop. (see section 8 Curb Stops)
      iii. Excavation of the waterline into the building.
      iv. Labor and materials to install waterline from water main into the building.
      v. Labor and materials for all backfill including sand or stone fill around piping as required. Inspection and approval of waterline by Operator required prior to backfill.
      vi. Shut-off service stop valve on the building line (see Section 12 for specifications).

8. **Curb Stops**
   Curb stops shall be installed at the property line of the right of way in which the main water transmission line lies and shall be under the municipality's control and ownership. There shall not be a waste port for draining water from the service line unless the Water Commission is satisfied that the top of the highest water table is at least 12 inches below the bottom of the valve.

9. **Ownership and Maintenance of Service Lines**
   a. The line from the water transmission main to the curb stop shall be owned, operated and maintained by the Waitsfield Community Water System.

b. The service lines shall be paid for, installed, operated and maintained by the owner. The cost of repairing or replacing the service line (from the curb stop to the building) shall be the responsibility of the owner.

c. Service Lines paid for and installed by the Community Water System in the water service area as part of the initial system development will be owned, operated and maintained by the Community Water System. The cost of repairing or replacing these service lines shall be the responsibility of the Community Water System.

d. Existing water main(s) and service lines in former Public Community Water Systems and Non Transient Non Community properties shall be operated and maintained by the owner. The cost of repairing or replacing the water main or service line shall be the responsibility of the owner.

e. The minimum service line diameter for a single family residence shall be ¾ inch; all service lines installed, , and all fittings shall conform to AWWA Standards, ANR Water Supply Division rules and technical standards, Vermont Statutes and The Water Commission's standards. The Water Commission may require a larger than ¾ inch I.D. service line when the demand flow rate will exceed 15 GPM (gallons per minute). In a new development, the Water Commission may permit the developer to install the water main if done in accordance with acceptable standards and under the supervision of the Operator.

10. Service Line Leaks

In the event a leak is discovered in a service line, water service shall be shut off by a municipal representative and restored after the repair is made. The owner of the service line is responsible for the cost of locating, repairing and/or replacing the service line, unless it is owned by the Town. Also, if a service line is discovered or known by the Water Commission to be constructed of materials not meeting the Community Water System's materials standards, the Water Commission may require the owner to replace the entire line with approved pipe materials regardless of whether or not the line has leaked in the past.

11. Service Line Trench

In the event a leak is discovered in a service line, water service shall be shut off by a representative of the Water Commission and restored after the repair is made. The owner is responsible for the cost of the repair or replacement of the service line, unless it is owned by the Community Water System. Also, if a service line is discovered or known by the Water Commission to be constructed of materials not meeting the Community Water System's materials standards, the Water Commission may require the owner to replace the entire line with approved pipe materials regardless of whether or not the line has leaked in the past.

12. Stop Valve

Every water service line shall require a service stop valve (rated at 250 pounds per square inch pressure) located inside the building near the service entrance, easily accessible, protected from freezing, and installed on the inlet side of the water meter as close to the foundation wall as practical. The installation, maintenance, operation, repairs and replacement of this valve is the responsibility of the property owner. There shall not be any connections in an incoming service line that are not metered.

13. Cold Weather Construction

New service or extension of mains shall not be constructed during the period November 15 to April 15 without prior cold weather construction approval of the Water Commission. 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.

14. Denial or Postponement of Service

The Water Commission may deny or postpone service due to: cold weather, insufficient water, insufficient pressure, absence of a deposit for service line construction, absence of connection fee, to prevent contamination through a cross connection, or when the Water Commission determines that the service line leaks or does not meet the material standards of the Community Water System.

15. Unauthorized Use of Water

A customer shall not supply water to another party except as the Water Commission may permit such extended use in an emergency. A person shall not obtain water from any hydrant or other fixture of the Community Water System without the written approval of the Water Commission. Any violation of water use shall be grounds for discontinuance of water service until the matter is resolved to the satisfaction of the Water Commission and any and all required fees are paid to the clerk.

16. Restriction or Prohibition of Certain Water Uses

When necessary to conserve the water supply, the Water Commission may restrict or prohibit the use of hoses, sprinklers and any other non-essential water use or water-using device for all customers. Such notice shall be posted in at least three places in the municipality where the public generally congregates or visits and at least once in a newspaper of general circulation for the area. Violation of a municipal notice, directive or order to conserve water by a customer after one written reminder by a Water Commission representative shall be grounds for immediate discontinuance of service. A hearing, if requested by the affected customer, shall then be held within five days by the Water Commission to determine if the water will continue to be shut off or water service will be restored. If the Water Commission determines the shut-off was due to a violation of municipal notice to conserve, all applicable shut-off and reconnection fees shall apply. If it is determined that no violation occurred, then no shut-off or reconnection fees will apply and reconnection shall take place as soon as possible but at least by the following day.

17. Maintenance of Plumbing

To prevent leaks and damage, all customers shall maintain at their own expense the plumbing and fixtures within their own premises in good repair and provide protection from freezing. The cost of replacement or repair of a meter, backflow preventer, and/or pressure reducing valve damaged by freezing, or otherwise damaged by customers, occupants or others shall be paid by the owner on receipt of a bill submitted by the Water Commission. Water conserving devices meeting all applicable State and Federal standards shall be used whenever fixtures and faucets are replaced.

18. Cross Connections, Protected

A connection capable of permitting backflow from any other source of water to the public water system is prohibited. Such connections include, but are not limited to any plumbing fixture, device or appliance or from any waste outlet or pipe having direct connection to waste drains or an existing onsite potable water source. If the owner of the building involving such a connection fails or refuses to eliminate or properly protect the cross connection within a time period established by the Water Commission, water service shall be discontinued with all disconnection and reconnection fees applicable once the situation is remedied. A cross connection shall not be created without the approval of the Water Commission. If permitted, it shall be protected against backflow and/or back-

siphonage in accordance with accepted cross-connection control methods established by the Vermont Department of Health. All new connections shall include an appropriate backflow prevention device installed between the meter and interior household plumbing. A dual check valve manufactured as per A.S.M.E. specification Number 1024 shall be installed at all domestic and small commercial services (under 15 GPM flow). Other backflow devices shall be installed at industrial, commercial or other services greater than 15 GPM flow as required by the Water Commission and as recommended by the Vermont Department of Health.

19. Fluctuation of Pressures by Customers' Apparatus

Customers shall not install water pumps or high rate water consumption devices that will adversely affect the water system's pressure or operating conditions or use water so as to unduly interfere with the service of another customer. Where a customer has or proposes to install apparatus that requires water in sudden and/or large quantities, that will reduce the operating pressure in the main or service line substantially, or cause damage or inconvenience to other customers or damage to the water system, the Water Commission shall require the customer to install devices that will confine such fluctuation of demand and pressure to within reasonable limits determined by the Water Commission. If the customer, after receiving written notice from the Water Commission, fails to offer an acceptable remedial plan within a time limit set by the Water Commission, a hearing shall be held within five days by the Water Commission to determine whether or not service will continue. If waiting five days for a hearing to be scheduled will, in the opinion of the Water Commission, pose a public health threat to other customers, then water service shall immediately be terminated until it is established at a hearing what action, if any, will be taken. Such action may include continued termination of service or restoration of service on receipt of disconnection and reconnection fees plus assurance of the installation of proper back flow or other devices to maintain pressure changes within an acceptable range.

20. Safeguarding Water-Using Devices

a. All customers having hot water tanks or secondary systems supplied by automatic make-up valves shall install and maintain in operating condition appropriate backflow and temperature/ pressure relief valves to prevent damage to the water device or secondary system or their appurtenances should it become necessary for the Water Commission to shut off the water main or water service line and to protect against loss of pressure for any other reason. Water service supplied to any customer not providing such protective devices will be done at the customer's risk.

b. A backflow device meeting Standard A.S.S.E. 1012 is required if a dual check valve meeting Standard A.S.S.E. 1024 does not exist on the boiler. The Town shall not assume liability, and specifically disclaims any liability whatsoever, for damage resulting from backflow/pressure where the protective devices required by this section are absent or fail.

21. Access to Premises

Water system employees, contractual agents of the Community Water System, members of the Water Commission, the water system operator, the water superintendent and the clerk, with suitable credentials and identification, and upon reasonable notice to the building owner(s) and resident(s) (which, except in the case of an emergency, shall be construed as at least 24-hours notice), shall have access to all premises served water during reasonable business hours (which, except in the case of an emergency shall be construed as between 7 a.m. and 7 p.m.) during any day of the week, except on State or federal holidays and on Sundays (unless an emergency requiring

access is reasonably believed by the Water Commission to exist on those days) for the purpose of inspecting plumbing and fixtures, identification of cross connections, to set, remove, or read meters, to ascertain the amount of water used and the manner of use, for measurement, sampling or testing purposes, and to enforce these regulations. If a customer or building occupant prohibits access to the premises, the customer or occupant must arrange for alternative access to occur within 24 hours, otherwise the Water Commission may direct that water service be disconnected on 48-hours written notice, with reconnection subject to all applicable fees. Reconnection shall not be made until an authorized municipal representative has been permitted to inspect the premises and finds no valid reason to continue the disconnection of service.

22. Responsibility for Water Charges

The property owner served by the water system is responsible for payment of all charges for water service rendered to the property. The owner is obligated to pay at least the minimum base fee regardless of whether the residence or business is occupied. Any additional fees established on meter readings above the allotted quantity of water shall also be charged to the owner and are due and payable on presentation of a bill. If property is to be sold or transferred, the Operator must receive a written request for a final meter reading for prorated bills at least two weeks in advance of the sale or transfer. The water rates, charges and fees shall be established by the Commission, which is authorized to establish or amend said rates, charges and fees from time to time by resolution.

23. Billing Procedures

Bills will be issued to the property owner quarterly based on the calendar year, the amount of which will be in accordance with rates shown in the separate document titled "Water Rates, Special Charges and Connection Fees" (see Appendix A). Said bills are due immediately and will be considered in arrears if unpaid within 30 days of the date appearing on the invoice. Interest will be charged to all bills in arrears at the rate of 18% per annum or the maximum rate allowed under state law, whichever is less. Bills in arrears shall be due and payable in accordance with procedures set forth in 24 V.S.A. Chapter 129.

24. Disconnection of Service

Bills for water service are due and payable to the clerk when received as indicated on the statement and shall be considered delinquent when unpaid 30 days following the due date. Water service may be discontinued: 1) by reason of nonpayment of water bills; 2) to eliminate a health hazard; 3) for violation of any special order restricting water use; 4) or for fraudulent use of water. If the customer requests a hearing, one shall be held by the Water Commission within five work days of the request to determine if water service will continue to be denied or, if to be restored, then under what conditions. Service, once discontinued, shall not be restored until the reason for discontinuance of service has been eliminated. Before service is discontinued for delinquency of payment, the Water Commission shall follow the procedure set forth in 24 V.S.A., Chapter 129. Notice for payment request and shut-off will be mailed at least 14 days in advance of the shut-off date. Shut-off on account of delinquency of payment will not be made on a day immediately preceding a Saturday, a Sunday, or a state or federal holiday. When the Water Commission dispatches an agent to effect a shut-off 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, or emergency incident results in a shut-off, a reconnection charge as indicated on the attached rate schedule will be assessed for resumption of

service in addition to the disconnection charge if the problem is determined to be the responsibility of the customer except as provided in 24V.S.A. 5146.

25. Interrupted or Unsatisfactory Service

If, by reason of shortage of supply or for the purpose of making repairs, extensions, connections, placing or replacing meters, or for any reason beyond the control of the Water Commission, it becomes necessary to shut water off in a main or service line, the municipality will not be responsible for any damages caused by such shut-off, and no adjustment of rates will be allowed unless the interruption is in effect for a continuous period in excess of 10 days, in which case a prorated adjustment of the minimum base fee will be made on the next billing. Notice of water shut-off will be issued when feasible, but nothing in this rule shall be construed as requiring the giving of such notice. The Water Commission will not be responsible for meeting unusually high water quality standards for specialized industrial processes for its customers nor will it be held responsible for interrupted service or poor water quality caused by legitimate use of the fire hydrants.

26. Meters and Related Apparatus

a. General: Where possible, all water will be sold on the basis of a base and metered measurements. When it is impractical to install a meter (including a meter/pit vault) such as where a freeze free area is not available and on approval of the Water Commission, flat rate fees shall be used to establish water charges. The Water Commission shall install meters whenever deemed expedient or appropriate. The customer can receive water through a meter upon written application to the clerk of the municipality and after payment of all required fees. The size of the meter will, in all cases, be determined by the Water Commission and these rules.

b. Meter Setting: Unless otherwise required by the Water Commission, all meters shall be installed at the foundation wall (or the mechanical room in the case of a slab on grade building, condominium unit or mobile home) where the building service line enters the building, and the customer shall provide and maintain a warm and accessible place for it. The piping arrangement for meter installations shall be in accordance with the requirements of the Water Commission. A Community Water System representative must inspect and approve the water meter installation before water is permitted to flow through it.

c. Repairs and Replacements: For standard house meters (5/8” x 3/4”) maintenance, repairs and replacements necessitated by ordinary wear will be provided by the Water Commission. The cost of meter repairs and/or replacement necessitated by freezing, hot water, or other causes under the control of the customer will be charged to the property owner. The costs of maintenance, repairs and replacements of meters larger than the standard house meters (5/8” x 3/4”) shall be the responsibility of the property owner.

d. Testing: The Water Commission shall arrange for suitable means of testing its meters. All tests will be at the sole expense of the customer unless initiated by the Water Commission. The customer requesting a meter test shall make a deposit in an amount established under “Water Rates, Special Charges and Connection Fees” to cover the cost of removal, testing and re-installation. If a meter tested at the request of a customer shows the meter does not conform to flow criteria established by AWWA standards, the deposit made by the customer shall be refunded and a new meter installed at no cost to the customer. If the meter conforms to the standards of these rules, the Water Commission will retain the customer’s deposit and the

meter may be continued in use at the same location. Water Commission reserves the right to remove and test any and all meters.

e. Multiple Meters: Water shall not be double metered. Each newly constructed separate apartment and each residential unit of a townhouse, condominium or duplex building shall be individually metered. Existing apartments may remain with one meter per building, but the correct size meter must be installed if not already in place

27. Water Use Adjustments

a. Meter Malfunction or Removal: If a meter is removed from service at the request of the customer, the customer will continue to pay the base rate plus the O&M fee and the Water Commission will make an estimate of the water consumption in excess of the base rate during the period of removal, said estimate to be based on the average consumption for similar periods for the customer, and the water charges will be computed accordingly. If the Water Commission initiates the meter removal, water consumption for the period of meter removal shall not be estimated or charged to the customer

b. Adjustment: When a meter is tested and found to be over-reading in excess of 2%, an appropriate percentage adjustment shall be made to the metered consumption record of the past billing period and the portion to date of the current billing period.

28. Fire Hydrants

Fire hydrants, whether on public or private property, may not be used for any other purpose than the extinguishment of fires, normal flushing operations done by the Water Commission or such purposes agreed to in writing by the Water Commission. In no case shall fire hydrants be opened by any person other than an agent of the municipality or a duly authorized representative of the fire department. Hydrants shall not be used for irrigation, filling of swimming pools, dust control, water games or any other non-legitimate use. A violation of this provision may be prosecuted as a criminal violation pursuant to 13 V.S.A. §3729 or other applicable provision of Title 13, V.S.A.

29. Tampering with the Community Water Supply System

Tampering with Community Water System property is not permitted. Any valve, pump, pump house, hydrant, curb stop, water main, municipal service line, meter, tank reservoir or any other appurtenant part of the water system, which is deemed the property of the Water Commission, shall not be adjusted, operated or tampered with by any person except those authorized by the Water Commission. If a customer or owner is known to have tampered with any Community Water System property or its works, such action shall be grounds for discontinuance of water service, and any cost due to such tampering will be charged to said customer or person. A violation of this provision may be prosecuted as a criminal violation pursuant to 13 V.S.A. §3701, §3784 or other applicable provision of Title 13, V.S.A.

30. Water Main Extension, Plan Approval, Construction

Any person desirous of constructing an extension to the water system shall apply to the Water Commission. Upon preliminary approval of the application by the Water Commission, the applicant shall have final plans and specifications developed by a professional engineer having demonstrated proficiency in water system design and who is registered to practice civil or sanitary engineering in Vermont. Said plans and a letter describing the proposed project shall be submitted to the municipal office at least 45 days prior to the intended date of construction. Construction shall not

commence until approval of the plans has been issued by: 1) the state department having authority to approve such projects, and 2) the Water Commission. All work performed by non-municipal agents, such as developers or contractors, shall remain uncovered until an authorized Water Commission representative has inspected the work and indicates general satisfaction with it. When water mains are to be constructed, the developer shall engage a professional engineer approved by the Water Commission to observe the construction and insure that the work proceeds in accordance with the approved plans. The engineer shall certify to the Water Commission the completeness, suitability, and adherence to the approved plans and shall include submission of record drawings to the Water Commission within 60 days of work acceptance by the Water Commission. If the Water Commission believes that the water main extension is not being constructed in accordance with the approved plans, the Water Commission may engage a professional engineer to review the work and provide a report to the Water Commission regarding compliance with the plans. The cost of the engineer obtained by the Water Commission shall be the responsibility of the applicant if significant discrepancies are noted between the Water Commission's approved plans and the constructed water main extension which are unacceptable to the Water Commission. Any discrepancies noted shall be corrected by the applicant under the observation of the professional engineer engaged by the Commission at the expense of the applicant for both engineering observation and construction correction. Upon the completion of the constructed water mains, final inspections and approvals and after a two year warrantee period the Town shall take ownership of the constructed water mains in the ROW and require permanent easements for access to the water main if constructed on private land.

31. Materials

All materials used in the construction, repair, or alteration of any part of the water system must meet existing state and industry standards. If the Water Commission finds that any materials used do not meet such standards, it may require that the substandard materials be removed and replaced with materials that meet existing standards. All materials must be compliant with Vermont's" No Lead Law", 9 V.S.A. §2470h (2).

32. Protection from Damage

No person shall maliciously, willfully or negligently contaminate, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment, which is part of the Water System. A violation of this provision may be prosecuted as a criminal violation pursuant to 13 V.S.A. §3701, §3784 or other applicable provision of Title 13, V.S.A.

33. Enforcement and Penalties

a. Any violation of this Ordinance, except as otherwise specifically set forth herein, may be pursued as a civil violation utilizing the civil enforcement procedures set forth in 24 V.S.A. §1974a. Each day a violation continues shall be considered a new violation. In such civil proceedings, an Issuing Officer or 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:	$50
Second Offense:	$100
Third Offense:	$150
Fourth Offense and Subsequent Offenses:	$250

Offenses shall be counted on a calendar year basis.

An Issuing Officer or Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First Offense:	$100
Second Offense:	$150
Third Offense:	$250
Fourth Offense and Subsequent Offenses:	$500

Offenses shall be counted on a calendar year basis.

b. Any violation of the sections of this Ordinance set forth below may be pursued as a criminal violation utilizing the criminal ordinance procedure set forth in 24 V.S.A. §1974:

   Section 27

   Section 28

   Section 31

   Any law enforcement officer may issue a criminal citation for violation of the provisions of this Ordinance referenced above.

c. In additional to the enforcement authority set forth above, the Water Commission shall have the right to institute any civil action which it deems appropriate to obtain injunctive or monetary relief, or both.

d. The Water Commission shall, when its discretion time allows, provide any person found to be violating any provision of this Ordinance with written notice stating the nature of the violation and providing a reasonable time period for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, correct the violation.

e. Any Issuing Officer or Municipal Official designated by the Water Commission and approved by the Selectboard may issue a municipal complaint ticket for violation of the provisions of this Ordinance.

34. Water Rates, Special Charges, and Connections Fees

From time to time, the Water Commissioners shall establish water rates, special charges, and connection fees in order to provide for the efficient operation and financial stability of the water system. When, in the opinion of the Water Commission, existing rates, charges or fees must be revised, the Water Commission will notify ratepayers of its intent by way of a Notice published in a newspaper of local interest. Following such Notice, the Water Commission shall convene a warned Public Hearing to explain the proposed revisions and to receive comments from ratepayers. After taking all comments into consideration, the Water Commission shall establish rates, charges and fees and will cause Notice of same to be published in a newspaper of local interest and posted at 3 places within the water system service area.

35. Appendices

Appendices are not part of the Ordinance. They are subject to the regulatory and policy making authority of the Water Commission and may be revised from time to time to meet the changing needs of the water system.

36. Publication and Effective Date

a. No section of this Ordinance shall be construed to supersede or replace any Vermont Statute.

b. This Ordinance shall be entered in the minutes of the Selectboard meeting, and posted in at least three (3) conspicuous places within the Town of Waitsfield and published by title in accordance with VSA24 Section 1972 in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.

c. This ordinance shall become effective sixty (60) days after the date of its adoption by the Selectboard, unless a petition is filed with the Town Clerk forty-four (44) days after the date of its adoption. The petition should be addressed to the Selectboard, should be signed by at least five percent (5%) of the qualified voters of the Town, and should ask for a special meeting to be called on the question of disapproving the Ordinance.

d. Questions about the ordinance may be directed to the Town Administrator, Waitsfield, Vermont, or by calling telephone number (802) 496 2218.

Adopted and signed this 9th day of May, 2011 by the Selectboard of the Town of Waitsfield, Vermont:

Kate Williams, Chair

Charles Hosford

Salvatore Spinosa

Paul Hartshorn

William Parker

Appendix A – Rates, Special Charges and Connection Fees

Town Of Waitsfield Water System

Water Rate, Special Charges and Connection Fees

Effective December 20, 2013

Water Rates

1. Metered Properties
   a. Base Fee – per ERU charge that pays the debt service of the Waitsfield community Water System, the Operation + Maintenance costs and is inclusive of the first 10,000 gallons per quarter(GPQ)
      i. Debt Service: $600 per ERU
      ii. O & M: $200 per ERU
      iii. Total Base Fee: $800 per ERU
      Paid in advance each quarter.
   b. Usage charge over 10,000 GPQ
      $6.00 per 1,000 gal

2. Unmetered Use
   a. Unmetered use shall only be granted by the Water Commission.

Minimum Charge: The minimum charge will be based on one ERU.

Connection Fee:
2013 Fee: $1,000 per ERU.
2014 Fee: $2,000 per ERU.
2015 Fee: $3,000 per ERU.

Municipality will supply water meter, pressure reducing valve and back-flow prevention device. Connection fee for water lines greater than ¾ inch in diameter will be determined at time of application.

Special Charges:
Reconnection trip: $25 ($37.50 overtime)
Account Transfer: $25
Meter Test Deposit: $100

Fines:
Charges for disconnection/reconnection resulting from delinquent accounts will be according to Vermont State Statute Title 24 VSA § 5151.

Rates set by the Waitsfield Water Commission on December 20, 2013.

Appendix B Town of Waitsfield Community Water Commission
Service Connection Permit Application

Property Owner: _____
Applicant: _____
Mailing Address: _____
Property Location: _____
Phone: _____ Email: _____
I hereby apply for permission to construct a:

☐ **New Water Service**: See Town of Waitsfield Water Ordinance, Sections 3-33 and Appendix A .
☐ **Other**: _____

Name, address of Contractor, Company or Individual who will undertake the proposed work:
Name _____
Address: _____
Phone: _____ Fax: _____ Email: _____

Water Service Information:
1. ☐ Commercial ☐ Residential ☐ Industrial ☐ Other (describe) _____
2. Type and Size of Service: _____

Permit Conditions:
1. Work must commence within one year from the date of this permit.
2. The Waitsfield Community Water System must be contacted 48 hours prior to: a. Construction of service connection b. Meter installation and c. Final inspection. No work may begin without Water Commission approval.
3. Final inspection and approval by Water Commission. is required prior to water service use. Any use without Approval will be subject to penalties per Water Ordinances.
4. All Allocation and/or Connection fees shall be paid at the time service connection(s) are constructed.
5. Applicant is responsible for all labor and material costs of connection except that Town shall supply water stop valve, 5/8" meter, remote reader, pressure reducing valve and backflow prevention device for each unit.
6. _____
_____

Signatures:
I (we) hereby certify that I (we) have read the applicable provisions of the Town of Waitsfield Community Water Ordinance and I agree to abide by the terms and conditions contained therein, conditions as noted above or attached to this Permit. Moreover, I (we) certify that the information contained in this application is true and correct to the best of my knowledge and agree that this permit may be revoked for any negligent or intentional misrepresentation.

Applicant: _____ Applicant: _____
Date: _____ Date: _____

OFFICE USE ONLY:
Connection Fees: Water $_____ Final Inspection: $_____ Other: $_____
$_____ Connection Fees Paid _____ Approved by: _____ _____
Date Water Commission Date
Check #_____ Property Tax I.D.# _____
Inspected by: _____ Date(s): _____
Comments: _____
_____

Appendix C - Customer Inquiry Policy

INTRODUCTION

The Waitsfield Community Water System is a full service water supply system. It is a municipal entity. The Town of Waitsfield Water Commission serves as the governing body and exercises its authority by majority vote at regularly noticed meetings. The Water System Operator is primarily responsible for the operation of the water system on a daily basis. 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 Waitsfield Town Report.

CUSTOMER SERVICE

It is the policy and the goal of the Waitsfield Community Water System to keep all customers informed about matters of the water system through the use of public meetings, announcements in local newspapers and radio stations, Annual Reports, Consumer Confidence 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 water pipe requiring interruption of service or other actions that result in customer inquiries or complaints. Except in the case of an emergency, the Waitsfield Community Water System 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 Waitsfield Community Water System 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 Water Commission at (802) ___-____.
   b. Contact local Health Officer or State Health Department.
   c. Contact the Water Supply Division, 1-800-823-6500.

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 Waitsfield Water Commission, it should be noted on the minutes of the Water Commission 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 _____, 2011

Waitsfield Water Commission

Appendix D – Water Disconnect Notice

According to Statute, this form must be printed on pink paper

Town of Waitsfield Community Water System
Water Disconnect Notice

Date: _____

Amount in Arrears: $_____

Dear Customer:

According to our records, your (water 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:
Waitsfield Community Water System Billing Department
Town of Waitsfield
9 Bridge Street
Waitsfield, VT 05673
(802) 496-2218

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:

Water Commission and Selectboard Chairs
Town of Waitsfield
9 Bridge Street
Waitsfield, VT 05673
(802) 496-_____

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.

Appendix E – Water Service Area

The Water Service Area comprises of the Village District West of the Mad River, the Irasville Village District and three parcels north of the Village District.

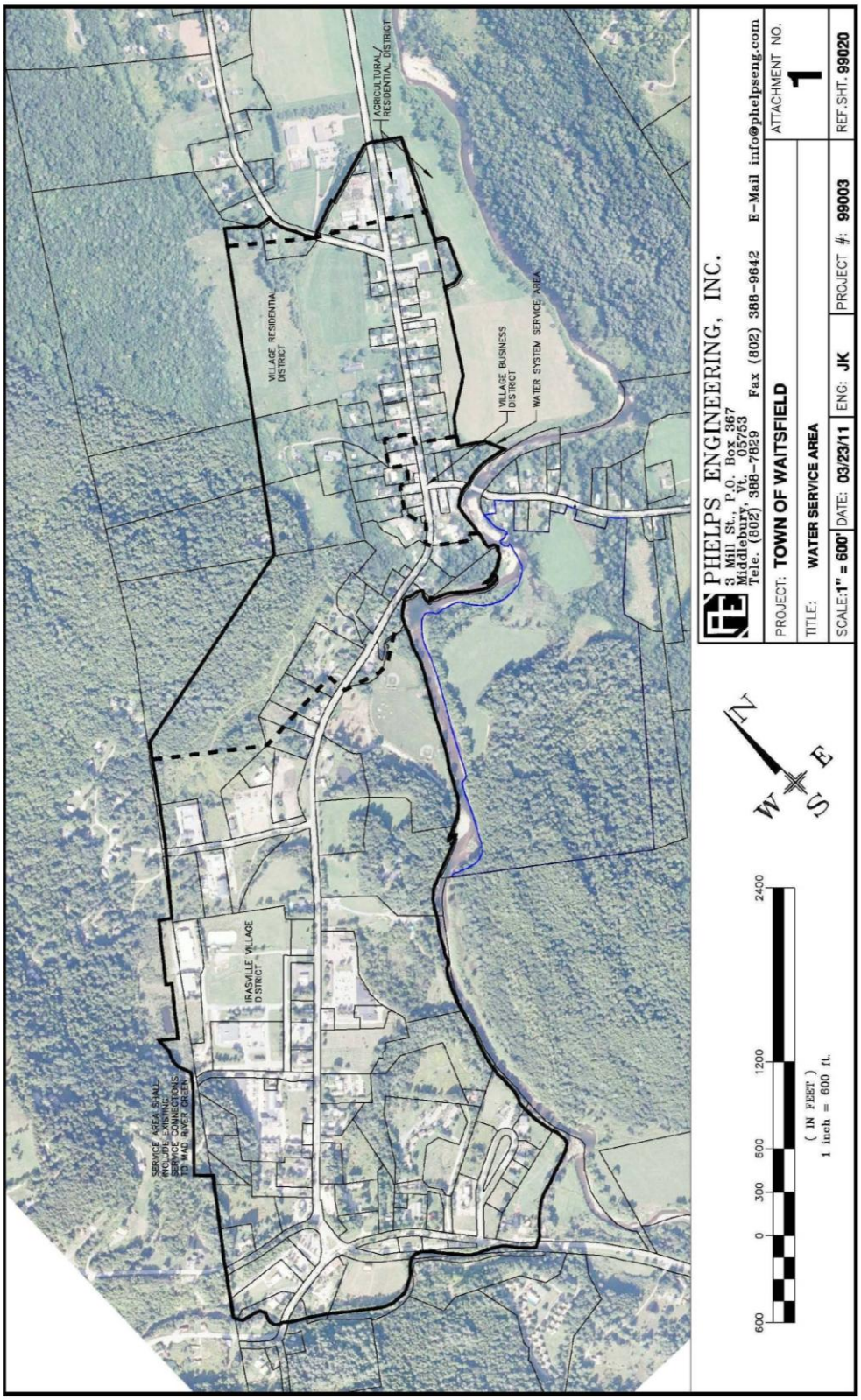
This Water Service Area includes the area located within the following boundaries, as depicted on the Waitsfield Water Service Area Map

A. Village District West of the Mad River: The northern boundary shall be the dividing boundary between the Waitsfield Elementary School parcel (parcel map #99051.000) and the Historic Wait House parcel (99052.000), so called, as referenced in the Waitsfield Land Records Book 21, Page 105. Such boundary shall continue in a westerly direction to a point 1,000 feet from the centerline of Vermont Route 100; shall then turn in a southerly direction parallel to Route 100 at a distance of 1,000 feet from the centerline to a point where the boundary intersects with the north fork of Tributary 15, as described in the Town Flood Insurance Rate Map; shall turn east to follow the center of the stream until its confluence with the Mad River excluding Parcel #99117.000 which shall now be in the Irasville Village District; then shall turn north following the center of the River across Bridge Street (TH#1) and shall then follow the boundary line of the 100 year floodplain as described on the Town Flood Insurance Rate Map, to the northern boundary line. Excluded within this district, as described herein, are those parcels included in the Historic Waitsfield Village District described in (B) and (C), below.

B. Irasville Village District: This District shall comprise the area located within the following boundaries: The Mill Brook running out of South Fayston and emptying into the Mad River on the south; the Mad River from the point of the Mill Brook, so-called, on the east to a point on the Mad River where it intersects with Tributary 15, as described on the Town Flood Insurance Rate Map and to include parcel #99117.000; Tributary 15 to its north fork, then along its north fork to its intersection with the Waitsfield/Fayston Town line to the point of beginning.

C. The Parcels North of the Village District: Parcel # 99049.00 Mad River Garden Center, Parcel #99050.000 Mad River Valley Health Center and Parcel # 99051.000 Waitsfield Elementary School.

Appendix F – Penalty and Waiver Schedule

To be developed.

Attachment 1 - Water Service Area