

**VILLAGE OF ALBURGH
COMMUNITY WATER SYSTEM**



WATER ORDINANCE

Adopted by the Alburgh Village Trustees

October 6, 2014

Village of Alburgh
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WATER ORDINANCE

Regulating the Use of Alburgh's Community Water System

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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 "VILLAGE OF ALBURGH 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 Village of Alburgh Trustees.

- a. The Alburgh Village Clerk shall file certified copies of the Ordinance, as well as certified copies of any additions and amendment to this Ordinance as may hereafter be adopted, in the municipal records and provide the same to the Trustees, Water Superintendent 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 Village Trustees

- a. The Trustees shall be comprised of five (5) residents of Alburgh Village elected by Alburgh Village voters at the Annual Village Meeting.
- b. The provisions of this Ordinance shall be evaluated at intervals not exceeding five (5) years by the Trustees 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 Village.
- c. The Trustees shall be responsible for enacting regulations and policies governing the operation of the Water Department. The Trustees shall make and establish all essential water rates and regulations for control and operation of the water system. They shall carry out the duties specifically required of them under state law and the regulations and policies that they enact.
- d. The Trustees may contract to sell water to such customers outside the Village as they may deem beneficial to the Village, providing that there is, at the time such contract is made, water in excess of that necessary for use within the limits of the Village.
- e. The Trustees 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 Trustees.
- f. The Trustees 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. "AWWA" shall mean American Water Works Association
- b. "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
- c. "Clerk, Village 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 Trustees in the operation of the water department

- d. "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
- e. "Commercial" shall mean any building for use other than for residential or agricultural purposes
- f. "Community Water System" shall mean a Public Water System as defined by the Vermont Water Supply Rules.
- g. "Connection Fee" shall mean the charge per ERU to connect to the water system
- h. "Corporation Valve" shall mean the water shut off valve attached to the saddle at the water main, to which the water main right-of-way is attached
- i. "Cross Connection" shall mean any direct or indirect pipe connection between the potable water supply and another supply of liquid or gas
- j. "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
- k. "Customer" shall mean any Person responsible for payment of water service
- l. "CWS" shall mean the Community Water System
- m. "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
- n. "Discontinuance of Water Service" shall mean deliberate interruption of water service by the Village 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
- o. "Distribution Main, Water Main, Main" shall mean the primary supply pipe from which service connections are made to supply water to the User through service lines.
- p. "Emergency Termination of Water Service" shall mean execution of an immediate water service shut-off due to:
 - i. 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 Trustees;
 - 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
- q. "ERU" shall mean 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
- r. "Extension of Water Main" shall mean any extension of distribution mains in accordance with the rules, regulations, standards and specifications of the Municipality
- s. "GPQ" shall mean Gallons Per Quarter
- t. "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
- u. "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

- v. "Institutional Facility" shall mean any individual self-contained facility deemed by the Trustees 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.
- w. "Issuing Officer" shall mean a person designated and approved by the Trustees to issue a municipal civil violation ticket (civil complaint) per V.S.A. 1974a and 1977
- x. "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
- y. "May" is permissive, indicating a choice. "Shall" is mandatory
- z. "Municipal Office" shall mean the place designated to receive applications for service, receive payments of water bills and where public notices and notices of discontinuance of service are generated and posted
- aa. "Municipal Representative" shall mean a duly authorized member of the Trustees or their designee
- bb. "Municipality" shall mean the Village of Alburgh
- cc. "Non Transient Non Community (NTNC)" shall mean a Water System as defined by Vermont Water Supply Rule
- dd. "Owner" shall mean 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
- ee. "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
- ff. "Property Owner" shall mean any person(s) identified as holding title to the property by recorded deed
- gg. "Reasonable Hours" shall mean between 7:00 a.m. and 7:00 p.m.
- hh. "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
- ii. "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
- jj. "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
- kk. "Service Stop Valve" shall mean the valve installed on the service pipe after it enters a building and before the water meter
- ll. "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
- mm. "Superintendent, Operator, Water Operator" shall mean the designee of the Trustees 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)
- nn. "Tap" shall mean any connection of a service line or extended main to the distribution main
- oo. "Trustees" shall mean those officers duly authorized and elected by Village of Alburgh voters
- pp. "Unconnected Properties" shall mean those properties, which cannot 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 Service Area" shall mean the area primarily in the Village District and those properties outside Village boundaries but who share the water system as defined in the map which accompanies this Ordinance
- tt. "Water Shut-Off Notice" shall mean notice of discontinuance of service
- uu. "Water System- Consecutive" shall mean any water distribution system licensed by the State not owned by the parent community water system but served by the community water system (i.e. South Alburgh Fire District #2)
- vv. "Water System- Municipal" shall mean the potable water system owned and operated by the municipality through its Trustees. 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

4. Connection to Community Water System

- a. The Water Service Area boundaries of the Alburgh Village 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 Alburgh Municipal Office.
- b. Within the Water Service Area boundaries, any new 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 Village limits.
- c. In the Village limits, 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 Village limits whose dwelling or other occupied building requiring plumbing 500 feet or more from an existing water main may request a variance from the Trustees to install a drilled well. The Board shall not unreasonably withhold approval of such variance. The Trustees shall notify the Vermont Department of Environmental Conservation (DEC Water Supply Division) of any such request prior to making any decision. The property owner shall apply to the Water-Wastewater Division Regional Office for a water well permit. The Trustees 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 Superintendent 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 Trustees on forms furnished by the Village Clerk (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 V.S.A. 5143, the Village 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 Village Clerk before a new service connection is constructed and only after the Trustees have approved the connection. Water service shall not be provided until the Superintendent 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 Trustees’ 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 Trustees. The amount of the fees shall be established by the Trustees, authorized to establish or amend water connection fees from time to time.
- b. The Village of Alburgh shall provide unless otherwise stated:
 - i. The meter
 - ii. A pressure reducing valve if needed

- 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 Superintendent and meeting all AWWA standards
 - ii. Saddle, corporation valve, 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
 - vi. Inspection and approval of waterline by Superintendent required prior to backfill
 - vii. 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 Superintendent 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 Village of Alburgh.
- 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 Village in the water service area as part of the initial system development will be owned, operated and maintained by the Village. The cost of repairing or replacing these service lines shall be the responsibility of the Village.
- 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 such water mains or service lines 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, Agency of Natural Resources Water Supply Division rules and technical standards, Vermont Statutes and the Superintendent's standards. The Trustees 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 Trustees may permit the developer to install the water main if done in accordance with acceptable standards and under the supervision of the Superintendent.

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 Village. Also, if a service line is discovered or known by the Superintendent to be constructed of materials not meeting the Community Water System's materials standards, the Trustees 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 Village representative 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 Superintendent to be

constructed of materials not meeting the Community Water System's materials standards, the Trustees 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. The Village shall have the right to visit properties within the service area connected to the water system, and inspect the properties for both signs of cross connection or unauthorized use (see section 21: Access to Premises). If either is noted by the Municipal Representative, water service to the property shall be terminated until the violation has been remedied and all applicable fines have been paid in full as defined by this Ordinance.

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 Trustees. 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 Trustees 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 Trustees determines 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. However, the Trustees 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 Trustees. Any violation of water use shall be grounds for discontinuance of water service until the matter is resolved to the satisfaction of the Trustees 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 Trustees 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 Village 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 Trustees to determine if the water will continue to be shut off or water service will be restored. If the Trustees determine 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 Trustees. Water conserving devices meeting all applicable State and Federal standards may 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 Trustees, 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 Trustees. 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 Trustees 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 Trustees shall require the customer to install devices that will confine such fluctuation of demand and pressure to within reasonable limits determined by the Trustees. If the customer, after receiving written notice from the Trustees, fails to offer an acceptable remedial plan within a time limit set by the Trustees, a hearing shall be held within five days by the Trustees to determine whether or not service will continue. If waiting five days for a hearing to be scheduled will, in the opinion of the Trustees, 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 Trustees 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 Village 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, Village Trustees, 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 superintendent 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 Trustees 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 superintendent 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 Trustees, 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, 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 at the date provided and will be considered in arrears if unpaid within 20 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 20 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 Trustees 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 Trustees 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 Village 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 Trustees, 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 Trustees 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 Apparatuses

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 Trustees, flat rate fees shall be used to establish water charges. The Village 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 Trustees and these rules.

b. **Meter Setting:** Unless otherwise required by the Trustees, 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 Trustees.

A Village 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 maintenance, repairs and replacements necessitated by ordinary wear will be provided by the Village. The cost of meter repairs and/or replacement necessitated by freezing, hot water, or other causes deemed by the Village to be 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 shall be the responsibility of the property owner.

d. **Testing:** The Trustees shall arrange for suitable means of testing its meters. All tests will be at the sole expense of the customer unless initiated by the Village. 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 Village will retain the customer's deposit and the meter may be continued in use at the same location. The Trustees reserve 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 average of the previous year's usage and the Trustees 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 Village 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 Village or such purposes agreed to in writing by the Trustees. 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 Village, shall not be adjusted, operated or tampered with by any person except those authorized by the Trustees. 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 Trustees. Upon preliminary approval of the application by the Trustees, 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 Trustees. All work performed by non-municipal agents, such as developers or contractors, shall remain uncovered until an authorized Village 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 Trustees to observe the construction and insure that the work proceeds in accordance with the approved plans. The engineer shall certify to the Trustees the completeness, suitability, and adherence to the approved plans and shall include submission of record drawings to the Trustees within 60 days of work acceptance by the Village. If the Trustees believe that the water main extension is not being constructed in accordance with the approved plans, the Trustees may engage a professional engineer to review the work and provide a report to the Trustees regarding compliance with the plans. The cost of the engineer obtained by the Trustees shall be the responsibility of the applicant if significant discrepancies are noted between the Village's approved plans and the constructed water main extension unacceptable to the Trustees. Any discrepancies noted shall be corrected by the applicant under the observation of the professional engineer engaged by the Village 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 warranty period the Village shall require permanent easements for access to the water main if constructed by curb stop. Notwithstanding anything herein to the contrary, the applicant shall be financially responsible for any and all engineering service necessary for said extension, including any services of the Village Superintendent.

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 Village 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 person found to be violating any provision of this Ordinance shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation. Any person who shall continue any violation beyond the time limit mentioned above shall be guilty of a misdemeanor and on conviction thereof shall be fined the maximum amount allowed under State statute. Each week in which any such violation shall continue shall be deemed a separate offense. In addition to any fine imposed, any person violating any of the provisions of this Ordinance shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such offense. Notwithstanding any of the foregoing provisions, the municipality may institute any appropriate action including injunction or other proceeding to prevent, restrain, or abate violations of any provision of this Ordinance.

34. Water Rates, Special Charges, and Connections Fees

From time to time, the Trustees 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 Trustees, existing rates, charges or fees must be revised, the Trustees will notify ratepayers of its intent by way of a Notice published in a newspaper of local interest. Following such Notice, the Trustees shall issue an individual letter explaining the proposed revisions and to receive comments from ratepayers. After taking all comments into consideration, the Trustees 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 Trustees 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 Trustee meeting minutes, and posted in at least three (3) conspicuous places within the Village of Alburgh and published by title in accordance with V.S.A. 24 Section 1972 in a newspaper circulating in the Village 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 Trustees, unless a petition is filed with the Village Clerk forty-four (44) days after the date of its adoption. The petition should be addressed to the Trustees, should be signed by at least five percent (5%) of the qualified voters of the Village, and should ask that a special meeting be called on the question of disproving the Ordinance.

d. Questions about the Ordinance may be directed to the Alburgh Village Clerk, or by calling telephone number (802) 796-3763.

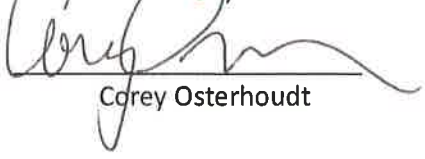
Adopted and signed this 6th day of October, 2014 by the Alburgh Village Trustees:


Wendy Tatro, Chair


Beth Savage

Troy Lund


Pat Hayes


Corey Osterhoudt