Chapter 38

UTILITIES*

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ARTICLE III. WATER SYSTEM

DIVISION 1. GENERALLY

Sec. 38-48. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned Water Service Line means a water service line that serves a building that is demolished and no building or zoning permits for a new building are pending, or, when a new meter service line has been installed to serve a building and use of the old service line has been discontinued.

Allocation means a commitment, issued to an applicant pursuant to these Rules, of a certain number of gallons per day (gpd) from the water distribution system's reserve water storage capacity for use in connection with a land development project. Allocation Fees shall be established by the city council and shall be due in accordance with this Ordinance.

Approved means accepted by the city water department as meeting an applicable specification stated or cited in this article.

Backflow means:

(1) A flow condition, induced by a differential in pressure, that causes the flow of water or other liquid into the distribution system of a potable water supply, from any source or sources other than its intended source.

(2) The backing up of water through a conduit or channel in the direction opposite to normal flow.

Backflow preventer means a device or means designed to prevent backflow.

Backflow Prevention Assembly Type means any effective assembly used to prevent backflow into a potable water system. The type of assembly shall be based on the existing or potential degree of hazard and backflow condition. The types of backflow prevention assemblies are:

(1) Air Gap (AG)

(2) Atmospheric Vacuum Breaker Backsiphonage Prevention Assembly (AVB)

(3) Double Check Valve Backflow Prevention Assembly (DCV)

(4) Double Check- Detector Backflow Prevention Assembly (DCVD)

(5) Dual Check (DC)

(6) Pressure Vacuum Breaker Backsiphonage Prevention Assembly (PVB)

(7) Reduced Pressure Principal Backflow Prevention Assembly (RPZ)

(8) Reduced Pressure Principal-Detector Backflow Prevention Assembly (RPZD)

(9) Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly (SVB)

Bedroom means any room within a building or structure that is permitted, used, or serves as sleeping quarters.

Capacity Allocation means (a decision of) Reserve Capacity set forth to commit a specified amount of water capacity (measured in gallons per day as described herein) to a specific area or areas or specific project.

Capital Improvement means significant improvement to public infrastructure having a purchase, lease or construction cost of more than $5,000 and expected working life of more than five (5) years.

Cellar stop means the valve installed on the service pipe after it enters the building and before the water meter, owned by the Owner of the building. May also be called ball valve, service gate valve, main valve, or angle valve.

Change of Use means the modification of a use of a building or land, or the replacement of a use of a building or land with another use or uses, or the addition of a use or uses to a building or land, or the cessation of a use or uses of a building or land.

Chapter 21 means the most current version of the State of Vermont Environmental Protection Rules, Chapter 21 - Water Supply Rule. EPR Chapter 21 applies to all Public Water Systems in Vermont. For clarification purposes, EPR Chapter 1-Wastewater System and Potable Water Supply Rules, are for non-public water systems.

City Center service area means that area of the city located in the New Town Center, as approved by the Vermont Downtown Board presently in effect or hereafter amended.

Commercial or industrial unit means a single commercial or industrial unit, whether rented or owned by the business or occupant, which has independent ingress and egress or has common ingress or egress with other units within a building or structure, but with separate commercial or industrial facilities. Examples may include, but are not limited to, stores located in shopping centers or separate office or condominium units within a single building or structure. A commercial or industrial unit is for use for other than residential purposes.

Committed Reserve Design Capacity means the total amount of proposed

development water flow (gallons per day, gpd) for all projects/ buildings approved by the City and the State of Vermont for to the water system, but not yet consuming water at the time of calculation.

Completed construction means, for a single building, completion of all foundation, framing, siding, roofs and improvements, or for subdivision development, the completion of all buildings on all building lots.

Connection fee means a onetime fee imposed on applicants for the city's cost to fund upgrades, capital improvements and extensions of the water system in order to maintain capacity for new connections. Said fee is to be paid to the department prior to connecting to the water system.

Conservation Notice or Order means a notice issued by the CWD or city, based on the determination that customary and usual water use will exceed the supply available or compromise fire protection for the time specified in the notice or order.

Contaminant means any physical, chemical, biological, or radiological substance or matter in water.

Contamination means an impairment of the quality of water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewerage, industrial fluids, waste, etc.

Corporation stop (corporation) means a valve for joining a service pipe to a street water main. It is usually owned and operated by the city when within the City right-of-way. It cannot be operated from the surface.

Cross connection means any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water, and the other, water or liquid of unknown or questionable safety, steam, gases or chemicals whereby there may be a flow from one system to the other.

Curb stop means the valve that normally terminates the city's portion of the service line normally located at the highway right-of-way or public water main right-of-way and to which the building's service line is connected to provide water service to the user. It can be operated from the surface.

Department means the city water department. For the purposes of this article, the terms "department" and "city water department" are interchangeable.

Design Capacity (or Permitted Capacity) means the monthly average daily

flow that the City is permitted.

Development means the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial, manufacturing, farming, educational, medical, charitable, civic, recreational, and religious uses.

Development water flow means the estimated flow calculated using Table A2-1- Unitized Average Day Flows, as shown in EPR Chapter 21 latest edition, as promulgated at the time a water allocation letter is requested. The City does not accept historical meter data from another property as an alternative method for determining this flow.

Director means the Director of South Burlington Public Works.

Disconnection means the deliberate interruption by the department of water service to the user.

Disinfectant means any substance, including, but not limited to, chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms and potential pathogens.

Distribution Department. The Distribution Department of the Champlain Water District is responsible for the administration and operation of the City of South Burlington water department and acting as the South Burlington Water Department. At the time of this ordinance approval the Champlain Water District is under a service agreement to act as the Distribution Department.

District means the legislative body of the Champlain Water District or its appointed representatives.

Easement means the authorization of a property owner for the use by another or for a specified purpose, of any designated part of their property.

Excavation means the removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Failed System means any private water treatment system, such as a traditional well system, that no longer effectively supplies Potable Water.

Fire flow means the rate of flow, usually expressed in gallons per minute that can be delivered from a water distribution system at a specified residual pressure for firefighting purposes.

Fire service means the water service provided to a user for fire protection systems or equipment installed on the property of the user, such as a sprinkler system.

First-come, first-served basis means the review of applications or requests for approval in the order in which they were received by the department.

Functioning System means any private water treatment system, such as a traditional well system, that effectively provides a source of potable water.

Hydrant, private, means a hydrant not constructed by the city or within the city public right-of-way, nor on city property or within an easement owned by the city, or a hydrant that has not been accepted by the superintendent or council.

Hydrant, public, means a hydrant installed by the city within public rights-of-way, on city property or within an easement owned by the city, or installed by a person other than the city, which has been offered to and accepted by the city, which acceptance is documented by action of the superintendent or council.

Individual booster pump station means a booster pump system that is owned and operated by the individual service connection, without any oversite or control from the South Burlington water department.

Industrial fluids system means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters; all types of process waters originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalis, circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or firefighting purposes.

Independent Water Meter means a water meter that measures water that is not discharged into the sanitary sewer system. Possible uses include lawn irrigation system meters, cooling tower meters, and designated pool

filling meters.

Indirect Connection means any change in the structure currently being served through an existing connection which will result in additional dwelling units, or in the case of non-residential and tax-exempt space, where such change will result in additional building square footage or an increase in meter size, or the addition of a fire service.

Irrigation system means a network of piping designed to distribute water on or towards plant life to promote growth.

Manifold means a pipe fitting with numerous branches to convey fluids between a large pipe and several small pipes or to permit choice of diverting flow from one of several sources or to one of several discharge points.

Pathogenic means causing or capable of causing disease.

Peak demand means the maximum momentary load placed on a water system.

Permit means a written document issued by the South Burlington Water Department pursuant to this article giving designated persons permission to operate and/or construct, alter, renovate or connect to or draw water from the city water system.

Permit to Operate means a permit issued to the city for the operation of the municipal water system by the State of Vermont Department of Environmental Conservation.

Person, customer or *user* means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, municipal corporation, institution, department, division, bureau, agency or any entity recognized by law requesting or being provided water or fire protection from the city.

Pollution means a condition representing the presence of nonpotable, harmful, or objectionable materials in water.

Potable water means water free from impurities in amounts sufficient to cause disease or harmful physiological effects, with the bacteriological, chemical, physical and radiological quality conforming to applicable regulations and standards of the Safe Drinking Water Act administered by the state water supply division.

Premises means any land and building thereon.

Private street means any road, lane, or way, intended for vehicular access

purpose, which serves more than two lots, and is neither owned nor maintained by the city. Private streets and hence, private water mains and appurtenances shall be marked as such on final plats.

Property owner or *owner* means any full or part Owner, joint Owner, tenant in common, tenant in partnership, joint tenant or tenant in the entirety with legal title to the whole or part of a structure or parcel of land.

Public water system means any system or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that has at least fifteen (15) service connections used by year-round residents or regularly serves at least 25 year-round residents. For the purposes of this Ordinance, a Public Water System shall also mean a water system in which all Owners of abutting properties have equal rights, and is controlled by public entity.

Residential means water consumption consistent with common household activities.

Reserve Design Capacity means the permitted water capacity, as identified in the city's permit to operate, minus the System Water Flow during the preceding 12 months.

Sampling means the act or technique of selecting a representative part of the water supply for testing and analysis.

Service connection or service or service line means each single water pipeline, which provides water to an individual residential living unit, a commercial unit or an industrial unit from the public water system, is a service connection. The service connection shall start at the corporation stop or tap at the main water line and extend inside the building to the water meter. All service connections shall be constructed in accordance with Department approved standards. Once installed, the responsibility for maintenance and repairs on the service connection is split at the curb stop or tapping valve between the owner/applicant and the department. The department has the responsibility for maintenance from the city owned main line up to and including the curb stop which is normally located at the edge of the city right-of-way or tapping valve. The owner/applicant has responsibility for maintenance and repairs from the downstream side of the curb stop or tapping valve, including the downstream connection to and inside the building except for the meter.

Standard methods means methods for examination of water and wastewater published jointly by the American Public Health Association, the American

Water Works Association or the Water Pollution Control Federation or successor organizations.

Street Right-of-Way means any public right-of-way set aside for public travel which is accepted or eligible for to be accepted for maintenance by the City of South Burlington, the State of Vermont, or a bordering Vermont City or Town if so authorized; or has been dedicated for public travel by the recording of a plat or subdivision which has been approved or is subsequently approved by the City of South Burlington; or has otherwise been established as a public street prior to the adoption of the South Burlington land development regulations.

Subdivision means a tract of land, owned or controlled by a person, which has been partitioned or is intended to be divided for the purpose of sale or lease into two or more lots. The term "subdivision" includes any development of a parcel of land such as a commercial or industrial complex, residential project, or combination. .

Substantial Change means a permanent increase or decrease in the water use volume from an existing, or proposed development or building connection.

Superintendent means the administrative director of the South Burlington Water Department. When the Champlain Water District serves as the City's water department this refers to the distribution director or superintendent of the Champlain Water District, or their authorized representative.

System Water Flow means the city's portion of the water passing through the city's water distribution system as measured at the CWD owned master meter vaults, in gallons per day (gpd) on a monthly average daily flow basis for the preceding twelve (12) months.

Tapping sleeves means a split sleeve used in making a wet connection where a single branch line is to be tapped into a water main under pressure. All taps over two-inches (2") require a tapping sleeve and valve.

Traverse means to cross via an easement through, or to pass within a city right-of-way along the edge of, the property in question.

Uncommitted Reserve Design Capacity means the portion of the reserve design capacity remaining after subtracting committed reserve design capacity.

Utility Easement means an approved easement of sufficient width shall be provided in locations acceptable to the city so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision, typically twenty (20) feet centered over the water main.

Valve boxes means a metal box set over a valve and rising to the ground surface, to allow access to the operating nut for opening and closing the valve. A cover is provided at the surface to keep out dirt and debris.

Water main means a pipeline used for the transmission of water to hydrants and service connections, together with such appurtenant facilities as are necessary for the proper operation of the main.

City water main means a water main constructed by the city within public rights-of-way, on city property or within an easement owned by the city, or a water main constructed by a person other than the city which has been offered to and accepted by the city, which acceptance is documented by action of the council. Any other water main in the city which is not a city water main or CWD water main shall be deemed a private main for the purpose of this article and considered an extension of the City water system.

CWD water main (transmission main) means a water main owned and controlled by the Champlain Water District (CWD).

Water distribution/supply system (water works) means any publicly owned water system operated as a public utility under a valid state permit to supply water for domestic purposes. The term "water supply system" includes all sources, facilities and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, treat or store potable water for public consumption or use.

Water service area (service area) means the area served by or planned to be served by the publicly owned water distribution system, as shown on the water service area map, located in Appendix A of this ordinance.

High Service Area, means the geographical area within the water service area of the city, where water is provided from tanks on Dorset Street. This service area can provide drinking water to a building with a first-floor elevation at or below 430 feet in elevation.

Main Service Area, means the geographical area within the water service area of the city, where water is provided from tanks located on Harbor Ridge Road. This service area can provide drinking water to a building with a first-floor elevation at or below 260 feet in elevation.

Wet tap (tap) means a connection made to a main that is pressurized.

Working days means Monday through Friday, excluding legal holidays.

(Ord. of 11-4-2002, art. I, § 1)

Sec. 38-49. Abbreviations.

For the purpose of this article, the following abbreviations shall have the meaning ascribed to them under this section. References to standards of the following organizations shall refer to the latest edition of it.

ANSI means American National Standards Institute.

ASME means American Society of Mechanical Engineers.

ASTM means American Society of Testing and Materials.

AWWA means American Water Works Association.

CWD means the Champlain Water District.

DRB means the development review board of the city.

DWGPD means the Drinking Water Groundwater Protection Division of the Vermont Department of Environmental Conservation.

NPC means National Plumbing Code.

NFPA means National Fire Protection Association.

SBWD means South Burlington Water Department.

(Ord. of 11-4-2002, art. I, § 2)

Sec. 38-50. Water department rates and fees.

All water department rates and fees are adopted by majority vote of the city council and are on file in the city clerk's office.
(Ord. of 11-4-2002, app. I)

Sec. 38-51. Hydrant use permit application.

The city water department's hydrant use permit application is available in the city clerk's office.
(Ord. of 11-4-2002, app. II)

Secs. 38-52—38-70. Reserved.

DIVISION 2. EXTENSION, MODIFICATION AND MAINTENANCE OF CITY AND CWD WATER MAINS

Sec. 38-71. Required Connections; Prohibited Extensions; Modifications

1. Required Extensions and Connections. All property owners located within the water service area shall be required to connect to the public water system, or a property owner may be allowed to connect to an adjacent municipal water system at the discretion of the superintendent.

2. Prohibited Connections and Extensions. Connections to and extensions of the public water system proposed to serve development located outside the water service area are prohibited.
    a. Connections to and extensions of existing water system infrastructure extending to adjacent municipalities are subject to the provisions of the Ordinance Regulating Use of The Town of Shelburne Water System.

3. Changes to Water Service Area within the City of South Burlington to match approved changes to habitat block and habitat connectors under the Land Development Regulations. The City Council, may by resolution approve a change to the boundaries of the water service area, subject to the following limitations:
    a. Such change may only take place upon request by a property owner that has received final approval for a habitat block and habitat connector modification under the South Burlington Land Development Regulations.
    b. The change must exactly match the geography of the approved habitat block and habitat connector modification.
    c. Upon approval by the City Council, the Water Service Area shall be modified as follows: areas approved under the Land Development Regulations be removed from the habitat block and connector shall be added to the water service area and areas approved under the Land Development Regulations to be added to the habitat block and habitat connector shall be removed from the water service area.
4. All other changes to Water Service Area within the City of South Burlington. Any change to the water service area within the City of South Burlington, except those approved under Section 38-71.3, shall require amendment of this Ordinance.

Sec. 38-72. Permits to construct.

It shall be unlawful to construct a water main, service or appurtenance that is to be connected to a city water main, without the prior, written approval of the superintendent. The department shall review plans of all proposed water system construction to ensure compliance with department approved specifications. Any materials and equipment used will meet the most recent version of the "City of South Burlington Department of Public Works Standards and Specifications", henceforth the DPW Standards.

The city is responsible for the distribution of water from the Champlain Water District (CWD) transmission mains or storage facilities to the tap. For that reason, the city regulates water distribution main and service line construction, installation, and maintenance.

To comply with Vermont DEC Drinking Water and Groundwater Protection Division (DWGPD), permit to construct requirements, the

department shall review and comment on plans for a proposed project to ensure plans meet DPW Standards. The department will provide letters to a project's developer stating whether or not the water system has the ability to provide the quantity, quality and pressures to serve the project, after further evaluation as determined by the city. The owner shall repair or replace as required, promptly and without charge, all work, and materials, or parts thereof, which fail to meet the above guarantee during the required warranty period. Any testing, inspections, or certifications required by the State of Vermont and/or the department in relation to the new water system infrastructure will be conducted by or under the supervision of the Professional Engineer responsible for the project. All applicable tests, inspection, record drawings, and certification results shall be supplied to the department.

Water shall only be provided upon satisfaction of all applicable State and local standards and upon authorization by the department. The water system shall be responsible for providing water at adequate quantity and quality in accordance with State regulations and the water system's existing permit to operate. Upon authorization by the department, authorized service to new users shall be covered under and subject to the terms of the water system's permit to operate.
(Ord. of 11-4-2002, art. II, § 1)

Sec. 38-73. Water main construction.

Any water main which is to be connected to a city water main or provide water from the city's water distribution system shall be constructed in accordance with the following standards and requirements:

(1) All municipal water extensions, extended for the purpose of development shall be a minimum pipe size of eight-inch (8") diameter unless waived by the superintendent, and shall be extended to the farthest boundary line of the development property within the city or water system right-of-way or an easement providing for future extension of the system. The superintendent may require the installation of a pipe size larger than that necessary for a development for just cause and at no cost to the city.

(2) Water mains shall be located within the right-of-way limits of public highways in the city, unless the city grants written approval for locations of a water main on other property owned by the city or within an easement granted to the city. Where a water main is to be located in an easement, and will be owned by the city, the easement shall:

a. Be perpetual in duration;

b. Be of sufficient width to accommodate the water main and reasonably needed or anticipated appurtenant facilities, typically twenty (20) feet wide centered over the pipeline as constructed;

c. Be of adequate scope to allow the perpetual repair, replacement, operation and use of the water main and appurtenant facilities located within the easement;

d. Be sufficiently restrictive to prevent the installation or construction of improvements within the limits of the easement, including landscaping improvements, that would place an unreasonable burden on the city when exercising its rights under the easement;

e. Be defined geographically independent of another utility's easement limit, regardless of whether or not the city easement overlaps with another utility's easement;

f. Extend across the entire property to be served to enable continuation of the main across adjoining property; and

g. Act as a bill of sale to convey the water main and appurtenance facilities located in the easement to the city.

(3) The city's water system or extension of the city's water system shall not be extended beyond the boundaries of the City without a formal request for such extension from the city council of the municipality in which service is to be provided and approved as such request by the city council and the CWD board of water commissioners.

(4) The city will not be required to render service where normal system pressures may be expected to fall below thirty-five (35) pounds per square inch (psi) at the first-floor elevation of homes or businesses.

a. Main Service Area: To provide water service at a static pressure

of 35 psi during critical water tank operating levels in the main service area, the city will only render service to buildings with a first-floor elevation at or below 260 feet in elevation.

b. High Service Area: To provide water service at a static pressure of 35 psi during critical water tank operating levels in the high service area, the city will only render service to buildings with a first-floor elevation at or below 430 feet in elevation.

(5) In areas where a static water pressure of 35 psi cannot be achieved, booster pump stations shall not be used to increase the pressure served to the minimum 35 psi.

(6) Individual booster pump stations shall not be allowed for any individual service connection unless installation is approved in writing by the Department and VT DEC DWGPD, and includes a properly sized and located air gap, and conforms to VT DEC DWGPD guidelines.

(7) Looping of water lines shall be a design requirement wherever feasible.

(8) Except in cases of emergency, or otherwise approved by the superintendent in writing, no extensions of water mains or services shall be installed between November 15 and April 1.

(9) A water main shall not be placed in service until the superintendent issues written authorization of such action. Such authorization will not be issued until, at a minimum, the superintendent has been provided written certification from a professional engineer licensed in the state that the water main and appurtenant facilities:

a. Have been constructed in accordance with approved plans and required standards, comply with DPW Standards;

b. Have been inspected and tested with results that demonstrate compliance with applicable standards; and

c. Record drawings as stated in the DPW Standards have been provided.

(Ord. of 11-4-2002, art. II, § 2)

Sec. 38-74. Testing and disinfection of pipeline.

(a) All water mains shall be constructed, tested and disinfected in accordance with DPW Standards..

(b) All costs for all water, materials, equipment and labor to perform the required installation, testing and disinfections of the pipeline shall be borne by the contractor.

(c) From the date the new system is placed into service, until the water main has been accepted by the city, the developer/contractor will be responsible for any necessary repairs or corrections.
(Ord. of 11-4-2002, art. II, § 3)

Sec. 38-75. Work Initiation.

No person shall initiate excavation work within the limits of any city or the CWD water main easement without the prior written approval of the superintendent.
(Ord. of 11-4-2002, art. II, § 4)

Sec. 38-76. Work Modifications.

No person shall perform any work or make any modifications or connections to a city water main without the prior written approval of the superintendent. No person shall operate any valves that are connected to the city's water mains unless done in the presence and/or under the direction of department personnel.
(Ord. of 11-4-2002, art. II, § 5)

Sec. 38-77. Water main maintenance.

The department shall be responsible for the maintenance of all city water mains. The department shall oversee the maintenance of private water mains at current rates for labor and material that shall be billed to the private water main owner.
(Ord. of 11-4-2002, art. II, § 6)

Sec. 38-78. Hydrant maintenance.

(a) The department shall be responsible for the maintenance of all hydrants in the city.

(b) To maintain control of the quality of water as required by State and Federal regulations, and the operability of all fire hydrants within the city, the owner of a private hydrant(s) shall agree to a fire hydrant maintenance agreement with the department. Said agreement shall run with the land and shall be binding on all assigns, grantees, successors and/or heirs of the owner/applicant.

(c) The department shall provide routine service, including flushing, lubricating, flow testing, painting, pumping and leak detection, to private hydrants for this a fee.

(d) If a privately-owned fire hydrant is found to be inoperable and/or in need of repair, the department shall notify the owner and the South Burlington Fire Department in writing of the required repairs. All required repairs shall be made by the Owner within 60 days of the notice to the owner.

(e) In the event weather conditions prevent the required repairs to be made within such 60-day period, a reasonable additional time shall be allowed.

(f) If the required repairs have not been made within the time specified herein, the department or its agents may make the required repairs and the owner shall reimburse the Department for the cost of such work.

(g) Any bill which remains unpaid for the period of 30 calendar days or greater shall result in a lien against the owner's land and shall be subject to collection in the same manner as real property taxes.

(Ord. of 11-4-2002, art. II, § 7)

Sec. 38-79. Connecting to Champlain Water District transmission pipelines.

Persons wishing to connect to or tap a water line owned by the CWD must contact the responsible person in charge of said CWD lines at CWD. Approval may only be granted if the property cannot otherwise be connected to a distribution main and reasonable justification is provided. (Ord. of 11-4-2002, art. II, § 8)

Sec. 38-80. Private water mains and hydrants.

(a) The department shall not maintain any water lines that have not formally been accepted by the city as stated in section 38-73, except in subdivisions that are designed to department specifications and are intended to be accepted, as defined in subsection (e) of this section, or unless the owner has entered into an annual maintenance contract with the department, as outlined in subsection (f) of this section.

(b) All water lines and appurtenances not located in the city right-of-way or public grounds shall be considered private pursuant to this article and other city ordinances.

(c) All water mains and appurtenances located within an area so designated as restricted or private by the developer shall be considered private.

(d) Water lines, hydrants, and appurtenances installed at the request of a property owner in a location that does not directly benefit the city shall be considered private, unless waived by the council.

(e) All water mains and appurtenances in new developments which have not had final inspections by the department, or are still under warranty by the contractor, though not subject to a private system maintenance fee, are liable for all other fees or charges if services are requested by the developer, until such time as the lines are deeded over and accepted by the city, pursuant to this article and other city ordinances. During such time as the water mains and appurtenances are still under warranty and have not been transferred to the city no operation of the water main or its appurtenances may take place without the Department's approval, and only then under the supervision of the Department.

(f) A Private System Maintenance Fee may be established or revised from time to time by the Council to assess charges to properties that have multiple appurtenances including mains, services, gate valves, fire

hydrant gate valves and blow offs in order to maintain the quality of water and pipe work integrity within the private system. The owner of private water appurtenances may enter into an annual maintenance contract with the department for the routine maintenance service of water main gate valves, fire service gate valves, and other appurtenances other than fire hydrants which are covered under other requirements in this ordinance. The routine maintenance service will include gate valve box cleaning, gate valve operation, and blow off operation in accordance with recommended maintenance practices. The owner shall indemnify the department from any loss or damage such as but not limited to leaking valves, pipes, or appurtenances or discolored water that may directly or indirectly be occasioned by the maintenance of the owner's water valves and appurtenances, when maintenance is performed in accordance with established guidelines. It shall be the responsibility of the owner to repair or replace any appurtenance found to be defective, damaged or non-operational as part of the provided contracted maintenance service.
(Ord. of 11-4-2002, art. II, § 9)

Secs. 38-81—38-103. Reserved.

DIVISION 3. BUILDING WATER SERVICE CONNECTIONS

Sec. 38-104. Application for Service.

(a) No person shall initiate construction work to make a connection to a city water main without obtaining a permit from the department authorizing such connection.

(b) Application for a permit shall be made on forms provided by the department and shall be supplemented by any plans, specifications or other information which the department deems necessary to review the application. Required application fees shall accompany applications, unless otherwise stated herein.

(c) Any person proposing a new water allocation from the city's water distribution system shall notify the department at least 45 days prior to the proposed change or connection.

(d) No such change or connection shall be made without written approval from the superintendent as required in this article.

(e) The allocation request shall be supplemented by any plans, specifications, or other information considered pertinent by the department. The applicant shall state fully and truly all the purposes for which water may be required and shall submit a new application prior to making any alterations in that purpose. No person shall use water from the city for purposes other than those stated in such application.
(Ord. of 11-4-2002, art. III, § 1)

Sec. 38-105. CWD Connections.

The department shall act on applications for connections to CWD water mains in accordance with procedures established by CWD. Applicants seeking approval for such connections shall be subject to all applicable CWD procedures, requirements and fees.
(Ord. of 11-4-2002, art. III, § 2)

Sec. 38-106. Service connections.

(a) Service connections to city water mains shall be subject to the following requirements:

(1) All costs and expenses incidental to the installation and connection of the building water service connection from the water main to the building or structure shall be borne by the owner. The owner shall perform all necessary excavation from the main to the curb stop and from the curb stop to the building structure. The owner shall indemnify the department from any loss or damage that may directly or indirectly be caused by the installation of the water service connection. A new water service charge shall not pertain to the properties already serviced by the city unless an indirect connection is proposed. All work shall be performed by the owner at their cost and inspected by the department prior to connection.

(2) A separate and independent corporation stop and curb stop with approved curb box shall be provided for every building. Where one building stands at the rear of another or on an interior lot and no water system is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the department may allow two services from a single corporation stop, providing each building has a separate curb stop and curb box. Use of an existing single corporation stop and service line may only be used when found on visual examination by the department, to be in satisfactory condition and meeting all requirements of this article. The burden of proof and all expenses incurred by the department to determine the condition and adequacy of the service line shall be borne by the owner of said service line. Where fire services are required, there shall be a separate domestic service line and shut off outside the building being served, in a department approved accessible location.
The size, depth, alignment, materials of construction of the building water service connection and the methods to be used in excavating,

placing the pipe, jointing, testing and backfilling the trench shall all conform to DPW Standards or other applicable rules and regulations of the department. In the absence of specification provisions or in amplification thereof, the materials and procedures set forth in appropriate State codes, specifications of the National Plumbing Code, Ten States Standards for Water Main and AWWA Standards, all latest editions, shall apply. Furthermore, the following additional standards shall apply:

a. New type "K" copper shall be used for all service lines up to and including two-inch diameter pipe from the corporation stop to the curb stop. No PVC may be used between the main and curb stop.

b. Service connections over two inches shall require a tapping sleeve and valve.

c. New service lines up to and including one inch (1") shall be copper from the curb stop to the building, unless approved otherwise by the superintendent. 1-1/2" to 2" service lines shall be of a material as specified in the DPW Standards. The department reserves the right to inspect all water service lines from the curb stop to the building.

d. The department shall not be responsible or held accountable for locating any service line between the curb stop and building. Service line locating between the curb stop and building shall be at the discretion of the Department.

e. All service connections shall be laid at a depth of six feet (6'), unless specifically waived by the department.

f. Service connection taps to the main water line shall only be performed by firms qualified to perform the service connection tap. The qualifications of a firm to perform this tap shall be determined by the department.

All building service connections shall be installed in accordance with the guidelines outlined in the DPW Standards.

(3) Prior to any service connection being made to the main water line, the superintendent, or their designee, shall be given at least two working days' notice in order that the work can be scheduled for inspection.

(4) All service connections will be made during normal workday hours and no connection shall be allowed on Friday, Saturday, Sunday or legal city holidays.

(5) If the superintendent, or their designee, has not been properly

notified and the work has proceeded, the superintendent, or their designee, may require the completed work to be uncovered for examination, at the owner's expense and/or be prepared to bear all repair costs if problems arise.

The property owner/agent shall agree, as a condition of receiving approval for connection to the department water system, to restore the street, sidewalk, curbs, electrical lines, grassed or open areas or other features to their original conditions after the installation of the said water line.

(6) The property owner/agent shall be responsible for obtaining all local and/or state permits required prior to any excavation.

(7) Failure to comply with proper restoration of facilities may subject the property owner to penalties regardless of whether the installation was performed by the owner of the property or another party.

(8) Construction within the public right-of-way shall only be performed when appropriate permits have been obtained. Construction within the State Highway right-of-way may require a permit from the Agency of Transportation. New service connections will not be made between November 15 and April 1, without prior approval of the department.

(Ord. of 11-4-2002, art. III, § 3)

Sec. 38-107. Water meters.

All fees and charges shall be paid in full before the connection to the city's water distribution system.

All meters shall be furnished by the water department and shall be installed to City Standards under the direction of the superintendent. The cost of installing meters shall be paid by the property owner. The water department shall not furnish water through any meter over which they do not have exclusive control.

All service connections to city water mains shall have water meters that shall be installed as follows:

(1) All buildings connected to the city's water distribution system shall be required to have meters installed.

(2) When required, a meter may be set inside a meter vault (meter pit, meter box) to assure accurate measuring of all water passing through it. The meter vault shall be constructed in accordance with DPW Standards at the owner's expense and located on the owner's

property in a location approved by the superintendent. The meter vault shall be owned and maintained by the owner, including all appurtenances except the water meter as defined herein. Access shall be provided to the department for meter inspections, reading, maintenance, and replacement.

(3) The property owner of all buildings shall be required to perform all interior or exterior plumbing necessary to safely accommodate access to the required water meters, whether or not the plumbing is new or existing. Interior plumbing work shall be completed by or under the direct supervision of a licensed plumber.

(4) The department will provide a meter with an outside reader sized based on water usage demand information provided by the owner or their designee. In addition to the water meter, the department will provide the following parts at the owners expense and included in the water connection fee, for new meter installations:

a. For 5/8"x3/4", ¾", and 1" meters: straight or angle valve and one meter tail piece (meter connection, spud), two gaskets.

b. For 1-1/2" and 2" meters: meter flanges (mating flanges), two gaskets and bolt packs

c. For meters larger than 2": gaskets and bolt packs for each side of the meter.

(5) In the event an owner desires additional meters within a structure after the city owned meter to further establish usage in addition to the stated requirements, it shall be the owner's responsibility to purchase, install, read and maintain these additional meters. The meters should be approved by the department prior to installation.

(6) In cases where the superintendent determines that it is not feasible or in the best interest of the city to install individual city owned meters for multiple units, the department may allow a single meter to serve multiple units. The number of city owned meters required shall be determined solely by the department.

(7) Additional city owned meters for the purpose of identifying specific commercial/ industrial flows due to the subdivision of an existing building may be installed if approved by the department. Where such additional meters are to be used by the department as a basis for billing, the department shall install the meters at the owner's expense at current connections fees.

(8) It is the responsibility of the department to fix, check or replace defective or non-working city owned water meters within the city. The department will provide any normal maintenance of meters without charge. It is the responsibility of the owner to provide the department access to the building, upon request by the department, to replace, fix or check the non-working meter. The owner shall take reasonable measures to protect the inside meter and outside reader from damage. Reasonable entry and a safe working space shall be provided around the meter for accessibility to remove, repair, install, wire, and read the meter. All meters shall be set horizontally and upright. Meters shall be set immediately inside the entry point of a building unless waived by the superintendent. New meters shall be set approximately 18" off the floor, and at least 6" off the wall.

(9) Each meter installed shall be controlled by a curb stop directly associated with the meter unless waived by the superintendent. Generally, domestic water service connections shall not be supplied from fire sprinkler service connections inside the building. Domestic water services shall have a separate and independent service line tapped on the sprinkler line outside the building with an independent outside shut off.

(10) Water users must connect all fixtures supplied with water on their premises through city owned water meters in such a manner that all water used will be measured. No connections of any type are permitted on the buildings internal plumbing before the water meter.

(11) Failure of a building owner to provide access to the city owned water meter for repairs, maintenance or upgrade, upon request by the

department, shall be considered a violation of this article.

(12) In the event any city owned water meter is removed from any premises at the request of the owner or for any reason, a reinstallation fee shall be charged by the department.

(13) Should a city owned meter become inoperative between readings, upon investigation and discretion of the department, the owner shall be billed at the average amount of the preceding four quarters that the meter recorded correctly or as determined by the department.

(14) During construction of any building, and before the installation of a permanent city owned meter, a contractor may apply to the department for temporary water service and the installation of a construction meter. The meter will be provided by the department prior to water service being turned on. The contractor applying for temporary water service is responsible for all charges for the installation/removal of the meter and the volume of water used during construction.

(15) The department utilizes automatic meter reading (AMR) remote readers and radio read meters that enable the department to read city-owned water meters more efficiently and will allow for real time water usage reports for many customers. Customers are required to upgrade to an AMR reader or radio read meter and shall be assessed a remote reading fee, as determined by the city council, until their upgrade is complete.

(16) Meter locations shall be readily accessible to the department for meter reading, testing, and maintenance without prior notice to the customer so long as such access is consistent with regular meter reading, testing, and maintenance activities. Failure to allow such access shall be considered a material failure to comply with this ordinance.

(Ord. of 11-4-2002, art. III, §4)

Sec. 38-108. Internal piping.

(a) The department may require appropriate tests and repairs be made to the pipes and appurtenances and the owner or their agent, at their expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and repairs and shall remove or repair any defective materials when so ordered by the department.

(b) The department reserves the right to demand any unmetered use, whether intentional or unintentional, be corrected within a reasonable period of time.

(c) The department may send an estimated bill for unmetered water to the owner.

(d) Should the property have a change in use and either an increased or decreased water demand, the department shall install an appropriately sized water meter to accurately meter the change in use water flows, at the owner's expense. The owner or their agent at their expense shall modify all necessary plumbing components to fit the new city owned water meter.

(e) A pressure regulator and recommended associated plumbing devices, including any required backflow prevention devices, shall be installed after the water meter but before the first fixture in the building.

(f) A cellar stop shall be installed before the city-owned water meter and a second valve installed on the opposite side of the meter so that the meter can be isolated. The owner shall be responsible for all costs associated with the purchase, installation and repair of such valves. No bypass lines shall be installed around the city-owned water meter without approval of the superintendent.

(g) No new city-owned water meter shall be installed without a pressure regulator and approved backflow preventer. The full cost of those devices shall be the responsibility of the owner. Owners of buildings that do not currently have appropriate shutoff valves and pressure regulators are encouraged to install them.

(Ord. of 11-4-2002, art. III, § 5)

Sec. 38-109. Ownership responsibilities.

(a) The city owns and is responsible for maintenance and repair of water service connections from the city-owned main line up to and including the curb stop, and the city-owned water meter. Only a department employee may operate, repair, replace, remove, or modify those items. The cost of and

repairs to, or replacement of cellar stops, internal piping, backflow preventers, pressure regulators, and check valves shall be the responsibility of the property owner. The owner is responsible for the service line from the curb stop to the building and for all internal plumbing except for the city-owned water meter.

(b) Once installed and accepted, that portion of the service line from the city-owned main to and including the curb stop shall be the responsibility of the city. All repairs and required replacements of the service line as determined by the superintendent from the city-owned water main to the curb stop are to be performed by the city or its designee, at the city's expense, except that replacements of a water service line with a service pipe of a larger diameter shall be at the expense of the property owner.

(c) All repairs and required replacements of the service line from a water main owned by others (private) to the curb stop or building shall be the responsibility of the owner of the property served by the service line. The city will neither perform the work nor pay for same. All charges associated with inspecting the repairs and replacements of private service lines shall be billed to the owner by the department.

(d) In cases where the city owned water distribution main or service line, valve, valve box, or curb box is damaged, the party responsible for the damage shall be required to make repairs to the damaged line and shall be responsible for all costs associated with said repairs.

(e) Water service lines that have only a tapping valve connected to a city-owned water main, controlling the flow of water through the line to the building shall only be owned and maintained by the department from the city-owned water main up to and including the tapping valve. All costs associated with the repair and maintenance beyond the tapping valve, including any downstream fittings, piping and valving, even if the infrastructure is located within the city right-of-way, shall be borne by the owner.

(f) It shall be unlawful for any person other than those authorized by the superintendent to turn water on or off at the curb stop or gate valve.

(g) It shall be unlawful to remove any seal or connecting pin from a valve, city-owned water meter, or appurtenance.

(h) All abandoned water service connections shall be disconnected from the water main. Proper disconnection includes closing the corporation

stop at the main, disconnecting the service line, and installing V-Bio Poly wrap around the service tap assembly and main. Abandonment of a water service connection controlled by a gate valve shall be done at the downstream side of the gate valve. The cost of said work to be borne by the property owner.

(Ord. of 11-4-2002, art. III, § 6)

Sec. 38-110. Loss or damage of equipment.

In case of loss or damage to the city-owned water meter, remote reader, or equipment supplied by the city, the customer shall be liable for the costs of repair and/or replacement of the city-owned water meter, remote reader, or equipment. Such charges shall include the labor costs of removing, repairing or replacing the city-owned water meter, remote reader, or equipment.
(Ord. of 11-4-2002, art. III, § 7)

Sec. 38-111. Private individual systems.

(a) Customers with private individual water systems that are planning to connect to a city water service line shall first be disconnected before city water service begins, so that water from the private system cannot feed back into the city distribution system.

(b) The department reserves the right to inspect premises at any time for compliance with this section.

(c) The use of pumps at a customer's premises, which pumps are connected in any way to the city water service is prohibited except as stated within this article.

(d) In no instance shall any pump use be allowed to interfere with the quality of service to other city customers, and/or where the possibility of damage to piping of the city or other customers could occur. The use of any pump at a customer's premises shall automatically require the installation of a backflow device, as stated within this article.
(Ord. of 11-4-2002, art. III, § 8)

Sec. 38-112. On-site wells.

(a) On-site wells will not be permitted for new construction where the city water distribution system is reasonably available, unless waived by the superintendent.

(b) (Ord. of 11-4-2002, art. III, § 9)

Sec. 38-113. Cross connection control and backflow prevention.

(a) No water service connection to any premises shall be installed or maintained by the city water department unless the water supply is protected as required by the most recent version of the ordinance from which this article is derived and the ordinance for the control of cross connections within the city.

(b) Service of water to any premises shall be discontinued by the superintendent if a required backflow prevention assembly is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises.

(c) Service will not be restored until such conditions or defects are corrected.
(Ord. of 11-4-2002, art. III, § 10)

Sec. 38-114. Seasonal water service.

Seasonal water service shall be supplied primarily from April 15 to November 1, depending on frost conditions and weather. Seasonal water customers are responsible for winterizing their water service line.

The department shall only install or remove the seasonal meter and turn water off or on at the curb stop when requested by the owner. Curb stops shall be accessible to the department per this article.
(Ord. of 11-4-2002, art. III, § 11)

Sec. 38-115. Meter testing.

(a) A meter test fee shall be charged against the customer's account for those who request that their city owned water meter be removed and tested. The customer shall be informed of this fee prior to the removal of the meter for testing.

(b) The customer shall not be charged for a meter test if the meter is found to be registering fast, outside of AWWA standards in all flow test conditions.
(Ord. of 11-4-2002, art. III, § 12)

Sec. 38-116. Water allocation.

(a) Ownership of capacity.

(1) The city owns the water distribution system and storage system within the city, as defined in this ordinance. The city is obligated to comply with conditions put forth by the state department of environmental conservation drinking water and groundwater protection division as it relates to water distribution and water storage requirements.

(2) The capacity of the city's water distribution and storage system is the property of the city.

(3) A property's water allocation ceases to exist and is removed from the committed reserve design capacity list once the property is connected to the water system. Once connected, the property's demand (or usage) becomes part of the water system's average daily demand. Owners of an existing service connection that are proposing a change in use/demand can take the service connection's average day usage from meter readings and base future usage demands and analysis and proposals on historical water usage plus the proposed requested allocation resulting from the proposed change of use. Typically, the last three years of metered usage will be used to calculate average day usage.

(4) Capacity calculations shall include a reserve capacity of 250,000 gallons per day for the City Center service area, which amount may be reduced from time to time upon the granting of final allocations for development within the City Center service area.



City Center Service Area Map

(b) Reserve capacity allocation.

(1) All allocations to projects shall be based on the development water flow calculation. Any differential between actual flow once connected and the calculated development water flow is not available for reallocation for another project or for project expansion.

(2) Persons seeking an allocation from the uncommitted reserve design capacity shall complete and receive the following two (2) approvals from the department. A project shall not become part of the water system's committed reserve design capacity list until the following

approvals have been obtained:

a. Ability to serve water determination and;;

b. Final capacity allocation approval

(c) Ability to Serve Water Determination.

(1) Applicants shall apply to the department for an ability to serve water determination on the appropriate form. Such application shall:

- Be accompanied by a calculation of the development water flow to be generated by the project/development,
- All calculations over 1,000 gallons per day (gpd) shall be certified by a Vermont registered Professional Engineer, unless waived by the superintendent. Allocations over 10,000 gpd will also require an ability to serve letter from the CWD wholesale department,
- Include payment of preliminary capacity allocation fees if any, as set forth in the rate and fee schedule.
- A projection of the time period for completion of the land development project, and if phased over more than one year, a projection as to the number of units to be connected to the water distribution system.

(2) Upon receipt of the application for an ability to serve water determination with supportive documents, the superintendent shall make a preliminary determination regarding allocation of uncommitted reserve capacity. The superintendent shall award an ability to serve water determination upon making affirmative findings that there is sufficient uncommitted reserve capacity, as of the date of the application to accommodate the development water supply demand for the proposed development without exceeding the water system's permitted capacity or impacting the current water system users.

(3) An ability to serve water determination by the superintendent shall not constitute a binding commitment of capacity to the applicant and may be revoked by the superintendent before a final allocation of capacity is granted if uncommitted reserve capacity ceases to be available. An ability to serve water determination may be used by the applicant to document that as of the date the ability to serve

water determination was obtained, the proposed development has sufficient water capacity available to proceed through the development review process.

(d) Final capacity allocation.

(1) An applicant who holds an ability to serve water determination may apply for a final capacity allocation, after having obtained the following:

a. Site plan, conditional use and/or variance approvals, if such approvals are the only approvals except a zoning permit, required for the proposed development under city zoning and subdivisions regulations then in effect;

b. Final approval for a subdivision, planned unit development or planned residential development if such approvals are the only approvals, except a zoning permit, required for the proposed development under city zoning and subdivision regulations then in effect;

c. A zoning permit if that is the only approval required under city zoning and subdivision regulations then in effect; or

d. Does not require any approvals under city zoning and subdivision regulations then in effect.

(2) Upon receipt of an application for a final allocation, the superintendent shall grant a final allocation approval upon determination that the applicant has an ability to serve water determination which has not been revoked that there is sufficient uncommitted reserve capacity available for the development and that the proposed use of the water allocation complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the city.

(3) Final capacity allocation approval shall constitute a binding commitment of water capacity to the applicant subject to the applicant's compliance imposed on such allocation. The final allocation shall specify the allowed volume and any other characteristics determined appropriate by the superintendent.

(4) The final capacity allocation is not transferable to any other person or development, except a legally binding successor in interest of the development for which the allocation has been granted. Final capacity allocation shall run with the land and the specific land development plans referenced in the applications and shall be binding upon and inure to the benefit of said lands, their heirs, successors, and assigns until the allocation's expiration date.

(5) Once the final capacity allocation approval has been obtained and the appropriate fees have been paid, the project's construction of the connection and if necessary, the municipal water extension, may proceed. The construction of the connection and, if necessary, the municipal water extension, must be overseen by a Vermont registered professional engineer to ensure compliance with the plans and specifications and good construction practice in a manner acceptable to the city and in conformance with approved specifications.

(e) Expiration of allocation.

(1) A preliminary capacity allocation and the associated ability to serve determination shall expire 2 years from the date of allocation, if the applicant has failed to apply for final capacity allocation approval.

(2) A final capacity allocation shall expire on the first to occur of the following events, unless prior to such date the development for which the allocation has been granted has commenced drawing water:

- The applicant has failed to apply for the required zoning permit(s) prior to the allocation's expiration date;
- Any applicable zoning permits have expired;
- Five years from the date the final allocation is granted, for any development that requires any approval under the city zoning or subdivision regulations, or two years from the date the final allocation is granted, for any development that does not require approval under city zoning or subdivision regulations;
- The applicant may apply to the superintendent to extend the capacity allocation for a period of either five years or two years respectively (based on the above) from the date of expiration of the final allocation. The superintendent may approve of the requested extension if the project's proposed use of the water allocation continues to comply with the allocation priorities and principles and is not in conflict with any other enactment adopted by the city.
- Upon expiration of the final allocation or any portion thereof, the remaining capacity shall revert to the city and there shall be no refund of fees paid.

(f) *Project review and approval.* The department shall strive to review and approve projects on a first-come, first-served basis. However, the department retains the right to review applications on other than a first-come, first-served basis if the department deems such action is in the city's best interest. (Ord. of 11-4-2002, art. III, § 14)

Secs. 38-117—38-147. Reserved.

DIVISION 4. USE OF PUBLIC WATER SUPPLY SYSTEM

Sec. 38-148. Primary use.

The primary use of the public water supply system shall be for the supply of potable water to all connected users for residential, commercial, institutional, agricultural and industrial consumption and fire protection for structures within the area served by the distribution system.
(Ord. of 11-4-2002, art. IV, § 1)

Sec. 38-149. Auxiliary use of fire hydrants.

(a) Auxiliary use of the public water system, such as using hydrants to fill swimming pools and the like, shall only be permitted when such uses are approved by the department and not in conflict with the primary uses under section 38-148.

(b) Flooding ice rinks from hydrants is not permitted as an auxiliary use.
(Ord. of 11-4-2002, art. IV, § 2)

Sec. 38-150. Hydrant use; permits.

(a) Except for hydrant use by fire departments in fighting fires or practicing for firefighting, or department use, all of the hydrants in the city shall require prior approval and issuance of a hydrant use permit. The fee schedule is as set forth by the city council. The applicant shall be responsible for providing all necessary hoses. The department shall be responsible for attaching and disconnecting hydrant nozzle gate valves, water meters and backflow devices as required. Water drawn from any fire hydrant shall be considered non-potable and therefore not normally used for human consumption without further recommended testing.

(b) Hydrant permit holders shall be financially responsible for the damage to any hydrant, meter, gate valve, or backflow device, caused by the permit holder or their agent's failure to protect said equipment during use. The hydrant use permit holder shall also be financially responsible for the loss of said equipment and for property damage associated with use of the fire hydrant.
(Ord. of 11-4-2002, art. IV, § 3)

Sec. 38-151. Department rights in an emergency.

In the event of an emergency, the department shall have the right to:

(1) Temporarily cut off the water supply in order to make necessary repairs, connections, etc. While it is the intention to give notice in advance of planned work that may necessitate interruption of the supply, notice is to be considered a courtesy only, and not a requirement on the part of the city. In the case of a break in a pipeline, water may be shut off without notice to perform emergency repairs.

(2) Reserve sufficient supply of water at all times in storage tanks to provide for fires or other emergencies, and restrict and regulate the quantity of water used by customers in case of scarcity or whenever the public welfare may require such restriction or regulation.

(3) Prescribe any temporary regulations as necessitated by emergency conditions.

(4) Deny requests for new connections and uses until sufficient reserve capacity is available.

(5) In the event that a break or leak develops on a customer owned service line, the customer shall be responsible for the repair. If the customer refuses or fails to make necessary repairs to a broken or leaking service line within 24 hours, water service shall be terminated until such repairs are made. The water service may be terminated as a result of a break or leak in any service line at any time when it is determined by the superintendent that a significant amount of water is being lost, the potential for property damage exists, or health and safety is threatened.

(Ord. of 11-4-2002, art. IV, § 4)

Sec. 38-152. Liability.

(a) While it is the intention to give reasonable notice in advance of any work which must be done that will necessitate interruption of the supply, such notice is considered a courtesy only, and not a requirement of the department. Failure of a tenant or customer to receive notice of interruption of service shall entail no liability on the part of the department or its employees. Customers should install all appliances and equipment

connected with the water system in such a manner that damage will not occur if the water is shut off without notice.

(b) The city shall not be liable for any injury, loss or damage of whatever nature occasioned by the failure to maintain a constant uniform pressure within the water mains, leakage of hydrants, pipes, or other appurtenances or for damages occasioned by or growing out of a stoppage of said water by frost or other causes, by any interruption of the supply of water outside of the control of the city except for willful default or negligence on its part, or for damage occasioned by or growing out of an insufficient supply of the same, or for accident or damage of any kind caused by or growing out of the use or failure of said water.

(c) The city shall not be liable for any loss, cost of damage or expense to any person and/or property resulting from the use or presence of municipal water service or appurtenance located on the customer's premises.

(d) The city shall not be responsible for damage caused by dirty water, which may be occasioned by the cleaning of pipes, water main breaks, repairs or installations, or the opening and closing of gate valves or hydrants, when said work is done with reasonable care on the part of the department.

(Ord. of 11-4-2002, art. IV, §§ 5, 6)

Sec. 38-153. Water quality emergency; notification.

(a) In case of a water quality emergency, the department, in accordance with ERP Chapter 21 water supply rules, shall notify the consumer immediately.

(b) The department is ultimately responsible for water quality to the last tap on the municipal system. The term "last tap" means the last point on the system where water enters into a building and is registered at a city owned water meter.

(c) Credit shall not be issued for the minimal use of water that is not fit for consumption by human or animal.

(d) Water quality notices shall be lifted only after the requirements of the water supply rule have been achieved.
(Ord. of 11-4-2002, art. IV, § 7)

Sec. 38-154. Exemption from sewer charges as it relates to pool filling and lawn watering.

(a) *Independent water meters.* Any homeowner may request the installation of an independent water meter that will be exempt from sewer charges. This city owned water meter may be installed by the SBWD after all criteria are met regarding its installation. After its installation no sewer charge will be assessed to any water used through this meter. The homeowner shall be responsible for all other charges associated with the meter, including minimum billing fees charged to the account whether the meter is active or not.

(b) *Criteria for installation of independent meters.* All requirements regarding water meters as stated in this article shall apply. This city owned water meter shall be installed before the existing domestic water meter so that no usage recorded through it is also recorded through the domestic water meter. In addition, each independent residential meter shall have a minimum dual check backflow prevention device installed immediately after the independent meter. The line supplied by this meter shall have no connections to any part of the house plumbing or waste system; it shall only supply an outside spigot or irrigation system that was initially part of the application. The owner shall provide access to the SBWD, upon request, to test, replace, fix or inspect the independent meter. Installation of independent meters in other than residential settings shall be at the discretion of the superintendent.

(c) *Pool filling.* Property owners shall be encouraged to fill swimming pools from house spigots and not from hydrants whenever possible. Property owners shall be exempt from sewer charges when installing and filling a new pool or when replacing a liner that requires complete filling of the pool from

the tap by notifying the department no less than two working days in advance prior to filling the pool. Upon notification, a department employee will visit the property to determine the size of the pool. The department employee shall use standard pool filling quantity formulas to determine how much water will be needed. That amount shall then be credited from sewer charges at the next billing. This exemption from sewer charges shall not apply to topping off pools, or for leaks. If it is determined that it is not feasible to fill a swimming pool from a house spigot and a nearby hydrant is available for this use, then the property owner may fill from that hydrant, provided:

(1) The hydrant shall only be used to fill a new pool or when filling a pool that has had a new liner installed. Topping off a pool from a hydrant shall not be permitted.

(2) The department shall be notified no less than two working days prior to the pool filling.

(3) The property owner shall be responsible for paying the current fire hydrant user fee in advance in addition to the current water rate for all water that passes through the hydrant meter.

(4) The hydrant must be in a location so that the hose line does not cross any roads or drives in order to reach the pool.

(5) The property owner shall be responsible for obtaining all hoses necessary to extend from the hydrant to the swimming pool.

(6) The pool filling shall only take place between 8:00 a.m. and 2:30 p.m.

(7) The property owner shall be responsible for all property damage incurred with the use of the hydrant for pool filling.

(8) The department shall not be held responsible for any discolored (rusty) water discharged into the pool.

If the above criteria can be met, then the department shall install a hydrant nozzle gate valve, hydrant meter and backflow prevention device with a two-inch male nipple (IPS). The department shall flush the hydrant until the water appears satisfactory, close the hydrant nozzle gate valve and take a start reading from the hydrant meter. The property owner or pool company representative shall connect all hoses and open the hydrant nozzle gate valve to fill the pool. At the completion of the filling, the property owner or pool company representative shall close the hydrant nozzle gate valve, disconnect the hose, and notify

the department that the pool filling is complete. The department shall close the hydrant and take a final reading on the hydrant meter to determine actual usage for the pool filling. The property owner shall then be billed for the amount of water metered during the pool filling process.
(Ord. of 11-4-2002, art. IV, § 8)

Sec. 38-155. Maintenance of private hydrants and fire sprinkler systems.

(a) The department maintains a listing on file of private hydrants and fire services. Private water mains and businesses within the city water distribution system with fire hydrants or sprinkler services are billed annually.

(b) The private hydrant charge is imposed in order to defer costs associated with the routine maintenance and testing costs incurred by the department; similar to a service contract. Costs associated with damages and charges outside of routine maintenance are billed to the private hydrant owner. The fire service charge relates to potential unmetered water use through a fire sprinkler system.

(c) The fire service and private hydrant charge shall be established or revised from time to time by resolution of the city council.
(Ord. of 11-4-2002, art. IV, § 9)

Secs. 38-156. Consent to ordinance.

(a) This ordinance shall constitute a part of the contract between each User and the city. Each user of the city's water distribution system shall be bound by this ordinance and all subsequent changes and amendments thereto. The user's application for water service or, in the case of existing connected properties, the user's use of the water distribution system, shall be considered the user's consent to be bound by this ordinance.

(b) Failure to know the information provided within this ordinance will not excuse the user from the consequences of neglect of this ordinance.

(c) Whether or not a signed application for water service is made by the customer and accepted by the department, the rendering of service by the department and its use by the customer, shall be deemed a contract between the parties, subject to all provisions applicable to service as stated

herein.

Secs. 38-157—38-178. Reserved.

DIVISION 5. PROTECTION FROM DAMAGE

Sec. 38-179. Intentional damage.

(a) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the public water distribution system.

(b) Any person violating subsection (a) of this section shall be subject to immediate arrest under the charge of unlawful mischief as set forth in 13 V.S.A. § 3701.

(c) Any person violating this division, on conviction thereof, shall be fined a maximum amount allowed under state statute for each violation.
(Ord. of 11-4-2002, art. V, § 1)

Sec. 38-180. Repair or replacement.

Actual repair or replacement costs shall be charged to the owner or operator of any motor vehicle which causes such damage to any fire hydrant, blow off, curb stop, or appurtenance. Hydrants, valves, curb stops, and standpipes shall not be tampered with or opened or closed by any person except department employees or authorized persons.
(Ord. of 11-4-2002, art. V, § 2)

Sec. 38-181. Interference.

No person shall remove, carry off, or in any way, injure, interfere, meddle with any water tank, hydrant, fire plug, standpipe, valve, valve box, valve cover, curb stop, curb box, pipe, tool, apparatus, meter, reader, fixture, building, machinery or fence belonging to the city. No person shall by any means obstruct access to any curb stop, gate valve, water main, water service, hydrant, , or other appurtenances belonging to the city. No fire hydrant shall have access obstructed by placing or permitting snow, debris, landscape plantings, building material, or other obstructions on or about a hydrant.
(Ord. of 11-4-2002, art. V, § 3)

Sec. 38-182. Contamination.

It shall be unlawful to cause or have caused the deliberate or unintentional contamination of publicly owned water mains or the water supply.
(Ord. of 11-4-2002, art. V, § 4)

Sec. 38-183. Unauthorized fire hydrant use.

No unauthorized use of any fire hydrant within the city shall be permitted. Any person or firm found to be in violation of this section may not be granted a hydrant permit within the city in the future. Any person or firm found to be in violation of this section shall be charged for a minimum water use fee and the hydrant hook-on fee and all civil or criminal penalties allowed.
(Ord. of 11-4-2002, art. V, § 5)

Sec. 38-184. Wasteful consumption.

No person shall permit water from the water system to run to waste through any fixture for any purpose that causes wasteful consumption

without the prior approval of the superintendent. The department shall restrain and prevent any and all waste of water to that end and may, when necessary, turn off water or take such other action as, in its judgment, appears proper.
(Ord. of 11-4-2002, art. V, § 6)

Sec. 38-185. Water Conservation.

It shall be a violation of this article for any customer to violate a city conservation notice or order.

Upon a finding by the city, CWD, DWGWPD, or the Vermont Department of Health that there exists an actual, potential or anticipated threat to the potability, sufficiency, quality, quantity or integrity of the public water supply system, including its tributaries and sources, the city may direct one or more of the following water conservation measures for all consumers of the water supply:

1)A voluntary conservation request seeking the restriction, curtailment or cessation of non-essential water use, including but not limited to, motor vehicle washing, lawn, garden and landscaping watering, street and exterior building cleaning, filling swimming pools, agricultural irrigation, and industrial processing.

2)A prohibition against watering yards and vegetation, washing motor vehicles and mobile equipment, cleaning outdoor surfaces and buildings, operating ornamental fountains and water-consuming displays and the filling or topping off of swimming pools. This prohibition shall not apply to commercial enterprises or watering of food crop trees.

3)An emergency water conservation notice prohibiting the use of water for any activity specified under subsection (1) hereof, and/or limiting the quantity of water to be used on any premises directly or indirectly connected to the city's water system.

4)A mandatory water conservation order prohibiting the use of water for any purpose other than to prevent an immediate and serious health hazard.

Notice of any water conservation measure adopted herein shall be disseminated immediately through the local media and local electronic sites. In addition, such notice may be served upon the occupants of all commercial and industrial premises connected directly or indirectly to the city's water distribution system.
(Ord. of 11-4-2002, art. V, § 7)

Secs. 38-186. Waterline mark out.

(a) Except in cases of emergency, an owner or permittee shall notify the department at least seven days before the start of any water line work in order to allow ample time for the department to mark out it's owned buried utilities, if any, in the area of the work. It shall be the responsibility of the owner or permittee to coordinate with all other utilities affected by the work and to provide notification to "Dig Safe" and/or other utility locating services as required by Vermont Law. The department marks out only the locatable water utilities belonging to the city. The department does not mark out telephone, electric, cable TV, or any other pipes, cables or conduits.

(b) The department shall not be responsible or held accountable for locating any water lines the city does not own. Service line locating between the curb stop and building shall be at the discretion of the department.

Secs. 38-187. Protection from freezing.

(c) When, in the opinion of the superintendent, extended cold weather increases the risk of a water main or service line freezing, the superintendent may authorize or request certain users to let water run to minimize such risk. The department shall keep a list of such users. When authorized, the water and sewer bill for that usage period will be adjusted to reflect the amount of water estimated to have been used for the purpose of freeze-up prevention.

(d) Water users who have experienced service line freezing may request the superintendent for authorization to let the water run as noted above.

(e) No adjustment of billing will be made for water left running to prevent freezing of any pipes other than the water service line.

Secs. 38-188—38-208. Reserved.

DIVISION 6. POWERS AND AUTHORITY OF INSPECTORS*

Sec. 38-209. Right to access.

(a) The superintendent and other duly authorized employees of the department bearing proper credentials and identification shall be permitted

to enter all properties containing a city owned water meter with fair notice to the building owner, resident or occupant, at a reasonable hour, for the purposes of inspection, meter reading, replacement or repair, observation, measurement, sampling, and testing and maintenance in accordance with the provisions of this article.

(b) If a property owner, resident or occupant denies the superintendent or other duly authorized employees of the department access after reasonable notice has been provided to the property owner, resident or occupant, the superintendent may direct disconnection on 48 hours' written notice to the owner, resident or occupant. Once water service has been disconnected, it will not be restored until access has been provided and the department has been paid all applicable charges.
(Ord. of 11-4-2002, art. VI, § 1)

Sec. 38-210. Safety.

While performing the necessary work on private properties referred to in section 38-209, the superintendent or duly authorized employees of the department shall observe all safety rules applicable to the premises established by the owner or tenant, and the owner or tenant shall be held harmless for injury or death to the department employees. The department employees and the department shall indemnify the owner or tenant against liability claims and demands for injury or property damage, except as may be caused by

***State law reference**—Uniform water and sewer disconnection regulations, 24 V.S.A. § 5141 et seq.

negligence or failure of the owner or tenant to maintain safe premises or conditions, including conduct of agents or employees of the owner or agent, as applicable.
(Ord. of 11-4-2002, art. VI, § 2)

Sec. 38-211. Entry onto easement properties.

The superintendent and other duly authorized employees of the department bearing proper credentials and identification shall be permitted to enter all private properties through which the city water department holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, calibration and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved. Failure to allow such access shall be considered a material failure to comply with this ordinance.
(Ord. of 11-4-2002, art. VI, § 3)

Sec. 38-212. Authority to inquire into any processes affecting safe, potable water.

The department shall have the authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other uses beyond the water meter or backflow prevention device that may have a direct bearing on providing safe, potable water to its users. It shall be the duty of every person supplied water by the city to answer inquiries made by the department or its agents in regard to quantity, purposes and manner in which the water is used on the premises to the extent that such use may have a direct bearing on providing safe, potable water to users of the City's water supply.
(Ord. of 11-4-2002, art. VI, § 4)

Secs. 38-213—38-232. Reserved.

DIVISION 7. PENALTIES

Sec. 38-233. Civil penalties; waiver fees.

(a) Any violation of this article, except as set forth in section 38-234, may be pursued as a civil violation utilizing the civil ordinance enforcement procedures set forth in 24 V.S.A. Chapter 59. Any person who violates a provision of this ordinance or who violates any condition of a permit issued hereunder shall be subject to a civil penalty of up to $800 per day for each day that such violation continues. Any law enforcement officer or the director of public works, city engineer, or water department superintendent may act as an issuing municipal Official and issue and pursue before the judicial bureau a municipal complaint for any violation of any provisions of this ordinance.

(b) Each day a violation continues shall be considered a new violation.

(c) An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

Civil Penalties - Water System	
First offense	$200.00
Second offense	$400.00
Third offense	$600.00
Fourth offense and subsequent offenses	$800.00

Offenses shall be counted on a calendar-year basis.

(d) In such civil proceedings, an issuing municipal official is authorized to recover a waiver fee, in lieu of civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

Waiver Fees - Water System	
First offense	$100.00
Second offense	$200.00
Third offense	$300.00
Fourth offense and subsequent offenses	$400.00

Offenses shall be counted on a calendar-year basis.
(Ord. of 11-4-2002, art. VII, § 1)

(Ord. of 11-4-2002, art. VII, § 2)

Sec. 38-234. City has right to institute civil action.

In addition to the enforcement authority set forth above, the city shall have the right to institute civil action which it deems appropriate to obtain injunctive or monetary relief.
(Ord. of 11-4-2002, art. VII, § 3)

Sec. 38-235. Notice of violation; correction.

The department shall, when in its discretion time allows, provide any person found to be violating any provision of this article 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 such notice, correct the violation.
(Ord. of 11-4-2002, art. VII, § 4)

Secs. 38-236—38-265. Reserved.

DIVISION 8. RATES AND FEES

Sec. 38-266. Authority to establish rates.

(a) The city council shall have the authority to establish rates, including, allocation fees, fire suppression fees, water turn on/off fees, connection fees, hydrant use fees, user fees, remote reading fee, and other similar fees to defray the costs of planning, design, construction, operation and maintenance of the system.

(b) The rates shall be established by resolution at an open meeting of the city council and are shown in the adopted rate and fee schedule.
(Ord. of 11-4-2002, art. VIII, § 1)

Sec. 38-267. New Connection fee.

(a) All new users shall pay an allocation and service connection fee after the ability to serve water determination and final water capacity allocation approvals have been obtained, but prior to construction to connect to the water system.

(b) An applicant having a development project involving a single use or unit shall pay one hundred percent (100%) of all connection fees after final allocation approval and before any connection is made to the water distribution system. An applicant having a development project involving multiple dwellings shall pay a connection fee and water allocation fee at the time of request for a water meter.

(c) The water service connection fee is a one-time charge implemented to defray the costs of administering and monitoring the new connection. .

(d) The service connection fee defrays the water system's past, current and future costs, both direct and indirect, of providing potable water and water for fire protection to the customer.

(e) The allocation fee defrays the city's cost of replacement of existing infrastructure and construction of new infrastructure required to increase the system's capacity. Other infrastructure assessment fees may be added to recover system investments as authorized by the city council..

(f) See rate and fee information in section 38-50.
(Ord. of 11-4-2002, art. VIII, § 2)

Sec. 38-268. Hydrant fees.

(a) In conjunction with the approved use of any hydrant within the city water distribution system (not including the fire department while fighting or practicing the fighting of fires) applicants shall pay a hydrant use fee to the department.

(b) The hydrant fee schedule is on file in the city clerk's office.

(c) In addition to payment of the hydrant use fee, the applicant shall be responsible for payment of usage fees for all water taken from the hydrant, either as measured at the meter or a minimum or determined usage charge, whichever is applicable.

(d) All hydrant use must be completed during normal department working hours so as to allow adequate time for shut down and retrieval of the meter.

(e) Hydrant use in excess of the standard one-day period may be approved by the superintendent if such use is determined not to be in conflict with any provision of this article.

(f) Any outstanding balance due for water charges from a requesting person shall be paid in full prior to connecting a hydrant meter to any hydrant within the city.
(Ord. of 11-4-2002, art. VIII, § 3)

Sec. 38-269. Minimum customer fees.

A user fee shall be paid by all users of the city water system that include a base rate and usage fee based upon the multiplied product of their metered water usage, and a minimum water rate as set by the city council, except as set forth in subsection
(1) or (2) of this section, and as shown in the rate and fee schedule on file in the city clerk's office:

(1) There shall be a minimum water usage fee for each individual account, the equivalent of a minimum usage quantity in cubic feet per billing cycle, which shall be set by the city council.

a. The minimum use fee includes:

- Capital costs, variable costs, and costs of service: those expenses directly associated with serving customers, irrespective of the amount of water used, that include meter reading, billing, accounting and collecting of

expenses, maintenance and capital costs related to meters, services, and system investments. These costs also include fire protection costs for hydrant maintenance, water supply and use of hydrants for fire protection afforded to all users.

- Also included are costs for the operation and maintenance expenses associated with water systems, including supply, treatment, distribution, and demand.

This fee is payable whether or not water is physically turned on or off to the facility at the meter during part or all of the billing period, provided the service connection is physically connected to the main line. Water service termination at the curb stop needs to be arranged with the department in order to not be responsible for at least the minimum quarterly bill. No abatement of water rates will be allowed by reason of disuse, diminished use, or vacancy of premises without proper notice to the department, and the termination of water at the curb stop.

(2) Any account that has been finalized between regular billing cycle readings shall be billed for the larger of: the actual metered usage, the estimated usage, or the minimum charge for the billing period, when 30 days or more have occurred since the last reading. For readings less than 30 days apart, no water usage charge shall be applied, unless actual usage is greater than the minimum usage quantity established by council.

(3) In the event that a water meter has been misread to records, or otherwise records the consumption of an amount of water which is different than the actual amount of water consumed, the department shall recover the monies due for the actual amount of water consumed. The department shall correct any errors made by the department immediately upon detection, and adjustment shall be made accordingly upon the authority of the city manager. The department shall keep a record of any adjustment for the correction of errors. In the event of overcharging, a refund shall be paid to the customer who paid the bill. If the current customer who was not the customer at the time the overcharging/undercharging was made, the city manager shall cause such adjustment as necessary for fairness and equity.

(Ord. of 11-4-2002, art. VIII, § 4)

Sec. 38-270. Fees for turning water on/off.

(a) There shall be water shut-off and turn-on fees as determined by the

city council for turning on and shutting off water at the curb stop or fire sprinkler valve.

(b) These fees shall be charged in all cases, except when it is determined that there is an emergency problem with the service connection between the city owned water main and water meter.

(c) Fees for services associated with delinquency disconnects shall be the maximum allowed under 24 V.S.A. ch. 129, Uniform Water and Sewer Disconnect.

(d) The owner of the property is responsible for all problems between the city owned curb stop (defined herein) and the water meter with exception of the city owned water meter itself, which is the department's responsibility.

(e) When multiple service calls are required for a single repair, each call shall be billed individually.

(f) These fees are shown in the rate and fee schedule on file in the city clerk's office.

(Ord. of 11-4-2002, art. VIII, § 5)

Sec. 38-271. Excess revenue.

Excess revenues may be placed into:

(a) a sinking fund, accessible for use in paying off existing water system debt, or

(b) Into a capital reserve fund which can be used to pay the cost of improvements to the water system.

The city council may create one or more dedicated funds under Vermont statues annotated to finance major rehabilitation, major maintenance and costs of upgrading the city's water distribution system, and for the accumulation of funds to be used to match federal funds pursuant to said statutes.

The fund balance of such a dedicated fund shall not exceed the estimated costs of the purposes for which the fund was established and shall be maintained in deposits insured by the United States of America or an agency of the United States. Withdrawals shall be made only for the purposes for which the fund was established. The dedicated fund shall meet the requirements set out for eligibility in the state's revolving loan fund, as applicable.

(Ord. of 11-4-2002, art. VIII, § 6)

Sec. 38-272. Billing cycles.

(a) Water charges will be invoiced quarterly to residential and commercial accounts. Water charges shall be payable on or before the 30th day following the date of the invoice or a later date as shown on the invoice. In the event that such charge is not paid when due, interest of 1 percent shall be imposed by the department per month after the first 30 days of delinquency and monthly thereafter until the invoice is paid. If any account shall remain delinquent, the department may also take action that is consistent with the provisions of 24 V.S.A. ch. 129, Uniform Water and Sewer Disconnect, as presently constituted and as amended from time to time, to obtain payment of delinquent charges or to discontinue water service. Such charges shall be a lien upon the real estate as provided in 24 V.S.A. § 3306 and 32 V.S.A. § 5061.

(b) New water connections made during a billing period shall be billed on the following basis: The billing shall include a base rate and will be the larger of the actual metered billing, the estimated usage, or the minimum charge for the billing period. (Ord. of 11-4-2002, art. VIII, § 7)

State law reference—Uniform water and sewer disconnection regulations, 24 V.S.A. § 5141 et seq.

Sec. 38-273. Water charges.

(a) In consideration of water service supplied by the city, all applicants agree to be responsible for payment of all bills rendered for all water used by the owner, customer their tenants, successors in tenancy or in ownership, and all other operations at the specified location, unless and until proper notice is given to the department of termination of service on a specific date. The applicant shall agree to abide by all rules and regulations established by the department, consistent with enforcement of the provisions of this article.

(b) All water charges will be billed to the owner of record of the facility served, unless waived by the department. Upon written request, the department may provide billing to the owner of record water bills for all tenants within the facility provided each tenant has an individual meter. Although another person may pay the service rate, the owner of the premises shall be held responsible for such fees. In the event the tenant fails to pay all charges on a timely basis, the landlord will be solely responsible for all future and delinquent charges. Each time a bad check is received for payment of a

water bill the account shall be charged that amount as listed in the rate and fee schedule on file in the city clerk's office in addition to any other penalties. It shall be the responsibility of the Owner to notify the department of any change in ownership of the property. Failure to receive a bill caused by others does not relieve the customer of the obligation for payment or payments of penalties for late payment.

(c) There will be a fee for interim or final bills requested due to a change of owners or tenants as listed in the rate and fee schedule on file in the city clerk's office. This fee is in addition to any charges owed for metered water.
(Ord. of 11-4-2002, art. VIII, § 8)

Sec. 38-274. Fire sprinkler systems.

Each structure served by a fire suppression system (sprinklers) shall pay an annual fee for each sprinkler line serving a building based upon fees established by the city council. The fee is shown in the rate and fee schedule on file in the city clerk's office.
(Ord. of 11-4-2002, art. VIII, § 9)

Sec. 38-275. Rate and fee schedule.

The rates and fees referred to in section 38-50 may be reviewed and updated by the city council on an as-needed basis.
(Ord. of 11-4-2002, art. VIII, § 10)

Sec. 38-276. CWD water application fee.

The department residential and commercial service application fee shall be assessed to each building that has applied for a tap to a CWD-owned transmission main, in addition to any connection charges levied by the CWD. In addition, all other rates and fees shall apply according to this article.
(Ord. of 11-4-2002, art. VIII, § 11)

Sec. 38-277. Final water readings.

The department shall read the water meter for real estate transfers when requested by either party for their real estate closing. This reading shall be used as the final reading and will include new property owner information as required by the department.
(Ord. of 11-4-2002, art. VIII, § 12)

Sec. 38-278. Curb stop operation fee.

A customer may request that the department operate the curb stop

instead of the cellar stop when performing meter maintenance and upgrades, and disconnections. Such request shall be made in writing and be valid through the end of the then-current calendar year. Any customer that requests such curb stop operation shall pay a fee as determined by the city council, per occurrence.

Sec. 38-279. Lien priority.

By accepting water service from the city, the customer, their transferees, successors, and assignees, together with any record lien holders of customer, agree that a lien applied by the city shall have priority over all liens, except real estate tax liens. A change of tenants or owners will not relieve the premises from such lien.
(Ord. of 11-4-2002, art. VIII, § 13)

Sec. 38-280. Abatement.

For good cause shown, the city manager may abate any bill and/or fees charged herein. The manager, or their designated agent, will review in private session with the person requesting abatement that person's need for abatement. The manager may abate any bill and/or fees by decision in writing because of financial hardship and inability to pay only or may set up an installment payment schedule. In the event of a default in the installment payment schedule, water service may be terminated upon the terms and conditions provided herein.

Secs. 38-281—38-304. Reserved.

DIVISION 9. DISCONNECTION POLICY*

Sec. 38-305. Purpose.

This water service disconnection policy outlines the water department's conditions of termination and pertinent regulations and allows for the disconnection of water or sewer services, or both, as a delinquency collection procedure for water or sewer delinquencies.
(Ord. of 11-4-2002, art. IX)

Under the uniform water and disconnect, 24 V.S.A., Chapter 129, water accounts which are not paid within thirty (30) days of the bill's receipt or postmark date, whichever is greater in time, become delinquent and may

be disconnected. Disconnections are subject to certain restrictions as specified in the Vermont Statutes.

Before disconnection can occur, the customer must be given notice of delinquency and advised of the possibility of having its service interrupted. The notice must meet the requirements stipulated in 24 V.S.A, Chapter 129.

Sec. 38-306. Reconnections requested outside normal working hours.

It is the policy of the department that reconnection requested outside normal working hours shall only be made in special circumstances and in compliance with 24 V.S.A. § 5141 et seq., as determined by the superintendent or the city manager.
(Ord. of 11-4-2002, art. IX)

Sec. 38-307. Reconnection rates.

Water that is disconnected pursuant to 24 V.S.A. ch. 129 shall be reconnected at the following rates:

Reconnection Rates	
Collection trips (trip maximum, regardless of number)	$25.00
Reconnection:	
Normal hours (7:00 a.m. to 3:30 p.m.)	$25.00
Overtime (after 3:30 p.m., weekends, holidays)	$37.50

(Ord. of 11-4-2002, art. IX)

Secs. 38-308—38-319. Reserved.

***State law reference**—Uniform water and sewer disconnection regulations, 24 V.S.A. § 5141 et seq.