

**South Alburgh Fire District No. 2  
COMMUNITY WATER SYSTEM**

**WATER ORDINANCE**

Adopted by the South Alburgh Fire District No. 2 Prudential Committee

June 9, 2014

Amended June 19, 2023 in 7. Connection Fees

South Alburgh Fire District No. 2  
1 North Main Street, Suite 2  
Alburgh, VT 05440

**South Alburgh Fire District No. 2 Community Water System**

**Alburgh, Vermont**

**WATER ORDINANCE**

Regulating the Use of the South Alburgh Fire District No. 2 Community Water System

**Table of Contents**

1.	General Provisions .....	4
2.	The SAFD2 Prudential Committee .....	4
3.	Definitions and Abbreviations .....	4
4.	Connection to Community Water System.....	8
5.	Application for Service .....	8
6.	Shut-Off and Restoration of Service.....	8
7.	Connection Fees.....	8
8.	Curb Stops.....	9
9.	Ownership and Maintenance of Service Lines .....	9
10.	Service Line Leaks .....	10
11.	Stop Valve .....	10
12.	Cold Weather Construction .....	10
13.	Denial or Postponement of Service .....	10
14.	Unauthorized Use of Water .....	11
15.	Restriction or Prohibition of Certain Water Uses .....	11
16.	Maintenance of Plumbing .....	11
17.	Cross Connections, Protected.....	11
18.	Fluctuation of Pressures by Customers' Apparatus .....	12
19.	Safeguarding Water-Using Devices .....	12
20.	Access to Premises .....	12
21.	Responsibility for Water Charges .....	12
22.	Billing Procedures .....	13
23.	Disconnection of Service .....	13
24.	Interrupted or Unsatisfactory Service .....	13
25.	Meters and Related Apparatus.....	13
26.	Water Use Adjustments.....	14
27.	Fire Hydrants .....	14
28.	Flushing Hydrants.....	15

29.	Tampering with the Community Water Supply System .....	15
30.	Water Main Extension, Plan Approval, Construction.....	15
31.	Materials .....	15
32.	Protection from Damage.....	16
33.	Enforcement and Penalties .....	16
34.	Water Rates, Special Charges, and Connections Fees .....	17
35.	Appendices .....	17
36.	Publication and Effective Date.....	17
<b>APPENDICES</b> .....		18
	(To Be Developed) .....	18
<b>ATTACHMENTS</b> .....		19
	Attachment 1 - Water Service Area .....	20

## **1. General Provisions**

All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "South Alburgh Fire District No. 2 (SAFD2) COMMUNITY WATER ORDINANCE," herein alternatively referred to as the "Ordinance." This Ordinance is adopted pursuant to 24 V.S.A. §3315 and 24 V.S.A., Chapter 59, §1971 et seq., by the South Alburgh Fire District No. 2.

- a. The Alburgh Town Clerk shall file certified copies of the Ordinance, as well as certified copies of any additions and amendment to this Ordinance as may hereafter be adopted, in the municipal records and provide the same to the District, Water Superintendent and any designated enforcement officers.
- b. The principal objective of the Water Works, as defined herein, is to provide a potable water supply, permitted by the State of Vermont, under efficiently managed conditions.
- c. If there is conflict between the terms of this Ordinance and any other applicable regulation, by-law, or ordinance, the stricter shall apply.
- d. The Ordinance shall comply with Title VI of the civil rights act of 1964 which prohibits discrimination in a Federally Assisted Program on the basis of Race, Color or National Origin.

## **2. The SAFD2 Prudential Committee**

- a. The SAFD2 Prudential Committee shall be comprised of members who reside within District boundaries elected by District voters at the Annual SAFD2 Meeting.
- b. The provisions of this Ordinance shall be evaluated at intervals not exceeding five (5) years by the Committee to assess their continued applicability and appropriateness; to consider any recommendations proposed for their improvement; and to determine what changes, if any, are advisable due to advances in technical methods or processes of potable water treatment, storage, and transmission from the Village.
- c. The Prudential Committee shall constitute a board of water commissioners as provided in 24 VSA 3313(a) for all purposes under 24 VSA Chapter 89. The Committee shall be responsible for enacting regulations and policies governing the operation of the SAFD2 Community Water System. The Committee shall make and establish all needful water rates for control and operation of the water system. They shall carry out the duties specifically required of them under state law and the regulations and policies that they enact.
- d. The Committee may contract to sell water to such customers outside of the District as they may deem beneficial to the District in compliance with the Agreement with the Village of Alburgh, providing that there is, at the time such contract is made, water in excess of that necessary for use within the limits of the District.
- e. The Committee may prescribe emergency rules governing the supply and use of water as it may deem appropriate to accommodate water supply emergencies. Such rules shall be adopted at any duly held meeting of the SAFD2 Prudential Committee.
- f. The Committee shall adopt rules of procedure, and shall comply with the requirements of Title 1, V.S.A., Chapter 5, pertaining to Vermont's open meeting and public records laws.

## **3. Definitions and Abbreviations**

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

- a. "Base Fee" shall mean the debt service, operations and maintenance cost, and included water allocation per ERU over a specified time period that is assessed to the owner of each unit regardless of whether a meter exists for each unit or for several units.

- b. "Capital Reserve" shall mean a type of account on a municipality's balance sheet that is reserved for long-term capital investment projects or any other large and anticipated expense(s) that will be incurred in the future.
- c. "Clerk" shall mean the person who has been duly authorized to send out water bills, receive payment for water charges, issue notices for disconnection of water, and otherwise assist the District in the operation of the water department.
- d. "Cold Weather Construction" shall mean non-emergency construction work on the water system during the period from November 15 to April 15 of each year, especially work on distribution mains or service lines during this period.
- e. "Commercial" shall mean any building or use other than for residential or agricultural purposes.
- f. "Committee" shall mean the Prudential Committee of the South Alburgh Fire District No. 2, which is comprised of those officers duly authorized and elected by South Alburgh Fire District No. 2 voters.
- g. "Community Water System" shall mean a Public Water System as defined by the Vermont Water Supply Rules.
- h. "Connection Fee" shall mean the charge per ERU to connect to the water system.
- i. "Corporation Valve" shall mean the water shut off valve attached to the saddle at the water main, to which the water service line to the right-of-way (ROW) is attached.
- j. "Cross Connection" shall mean any direct or indirect pipe connection between the potable water supply and another supply of liquid or gas.
- k. "Curb Stop" shall mean the valve on the service line, typically at the edge of the Town highway right-of-way at the User's property, which provides water service to the User.
- l. "Customer" shall mean any Person responsible for payment of water service.
- m. "CWS" – Shall mean the Community Water System.
- n. "Development" shall mean any changes to real property that will result in any additional potable water usage and/or amended State Water or Waste Water Permit that increases the actual or potential potable water usage on the property.
- o. "Discontinuance of Water Service" shall mean deliberate interruption of water service by the District to the User for any lawful reason, including, without limitation for reason of delinquent payment, prevention of excessive water loss, to protect against contamination of the system or for tampering with water system.
- p. "Distribution Main" ("Water Main" or "Main") shall mean the primary supply pipe from which service connections are made, to supply water to the User through service lines.
- q. "District" shall mean the South Alburgh Fire District No. 2 or members of its authorized Prudential Committee.
- r. "Emergency Termination of Water Service" shall mean execution of an immediate water service shut-off due to:
  - i. Water leakage between the curb stop and building;
  - ii. Discovery of a direct and unprotected cross connection;
  - iii. Unauthorized or excessive use or distribution of water;
  - iv. Violation of special "restrictive use" orders issued by the District;and/or,

- v. Any other situation that could contaminate or significantly deplete available water in the system or presents a risk of unreasonable harm, including financial harm, to the users or the public.
- s. "ERU" means Equivalent Residential Unit. The minimum allocation per property will be one ERU. Water customers other than single family residences shall have their ERUs calculated by dividing the estimated water use listed in the current version of the Vermont Water/Wastewater Rules by the current gallons per day as identified in the appendices.
- t. "Extension of Water Main" shall mean any extension of distribution mains in accordance with the rules, regulations, standards and specifications of the District.
- u. "Flushing Hydrant" shall mean any hydrant installed for the purpose of flushing the distribution system.
- v. "Improved" shall mean any improvement to the property that will result in any additional potable water usage and/or amended State Water or Waste Water Permit that increases the potable water usage on the property.
- w. "Industrial Facility" shall mean any structure(s) used or intended for use as a business enterprise for manufacturing, processing, storing or assembling any product, commodity or article.
- x. "Institutional Facility" shall mean any individual self-contained facility deemed by the District to be important to the general health and well-being of the community. Such facilities may include schools, municipal offices, care facilities, medical facilities, libraries, etc.
- y. "Main Line" shall mean the distribution main conduit running from the distribution main to and including the curb stop at the property line of the User or to the edge of the right-of-way.
- z. "May" is permissive, indicating a choice. "Shall" is mandatory.
- aa. "Municipality" means South Alburgh Fire District No. 2.
- bb. "Municipal Office" shall mean the place designated by the District to receive applications for service, receive payments of water bills and where public notices and notices of discontinuance of service are generated and posted.
- cc. "Municipal Representative" means a duly authorized member of the District or its designee.
- dd. "Non-Transient Non-Community (NTNC)" shall mean a Water System as defined by Vermont Water Supply Rule.
- ee. "Owner" means the person, firm, corporation, trusteeship, or governmental agency that has title to the property that is served by the water system and who is ultimately responsible for payment of all rates, fees and charges.
- ff. "Person" shall mean any natural person, corporation, municipality, partnership, unincorporated corporation other legal entity, including the State of Vermont and any department, agency or political subdivision thereof.
- gg. "Property Owner" shall mean any person(s) identified as holding title to the property by recorded deed.
- hh. "Reasonable Hours" shall mean between 8:00 a.m. and 8:00 p.m.
- ii. "Residential Unit" shall mean a livable abode, which includes, at a minimum, a kitchen or kitchenette, bathroom, and bedroom or other room that serves as sleeping quarters.
- jj. "ROW" shall mean right-of-way, and the legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.

- kk. "Saddle" shall mean the mechanism for attaching a smaller service line to a larger water main; a circular device bolted or otherwise attached to the water main through which a hole is drilled in the water main to supply water to the service line.
- ll. "SAFD2" shall mean the South Alburgh Fire District No. 2.
- mm. "Service Line" shall mean the conduit connected on one end to the corporation stop and the other end terminating just inside the User's building, at the service stop valve and including the connection to the water meter, to provide water service.
- nn. "Service Stop Valve" shall mean the valve installed on the service pipe after it enters a building and before the water meter.
- oo. "Subdivision" shall mean the division of any land, parcel, or area of land into two or more lots or parcels for the purpose of conveyance, transfer, improvement or sale, which may include appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use.
- pp. "Superintendent, Operator, Water Operator" shall mean the designee of the District responsible for management and operation of the community water system and certified by the Vermont Water Supply Division (Vermont Agency of Natural resources, Department of Environmental Conservation).
- qq. "Tap" shall mean any connection of a service line or extended main to the distribution main.
- rr. "Unconnected Properties" shall mean those properties, which do not receive water service.
- ss. "Usage Charge" shall mean the charge for water usage over the water allocation included in the base fee. A portion of the usage charge is intended to contain a capital reserve component.
- tt. "User" shall mean any person who receives water from the Community Water System (CWS) through a pipe connection.
- uu. "Village" shall mean the trustees of the Village of Alburgh, Vermont, duly responsible for providing water to the residents of South Alburgh Fire District No. 2 as defined and agreed upon in the Interlocal Agreement, and amended as appropriate.
- vv. "Village Clerk and Treasurer" shall mean that individual duly authorized and elected by Village of Alburgh voters.
- ww. "Water Shut-Off Notice" shall mean notice of discontinuance of service
- xx. "Water Service Area" shall include the boundaries of South Alburgh Fire District No. 2 as defined by the Alburgh Select Board at a meeting held March 27, 2004, as presented in the Appendices.
- yy. "Water System - Consecutive" shall mean any water distribution system licensed by the State Of Vermont not owned by the parent community water system but served by the community water system.
- zz. "Water System - Municipal" shall mean the potable water system owned and operated by the municipality through its District. This system includes all sources, pipes, storage and treatment facilities that convey potable water between the source and the curb stop.
- aaa. "Water System - Private" shall mean any water system located on the customer's premises or property not supplied or owned by the municipality and not part of the public water system. The system may be potable or non-potable.
- bbb. ABPA - Shall mean the American Backflow Prevention Association
- ccc. ANSI - Shall mean American National Standards Institute
- ddd. ASME - Shall mean American Society of Mechanical Engineers

- eee. ASSE - American Society of Sanitary Engineering
- fff. ASTM - Shall mean American Society of Testing and Materials
- ggg. AWWA - Shall mean American Water Works Association
- hhh. GMWEA - Shall mean the Green Mountain Water Environment Association, Inc.
- iii. GPQ - Shall mean Gallons Per Quarter
- jjj. NPC - Shall mean National Plumbing Code
- kkk. NEWWA - Shall mean New England Water Works Association, a section of AWWA
- lll. NFPA – Shall mean National Fire Protection Association
- mmm. VRWA - Shall mean the Vermont Rural Water Association

**4. Connection to Community Water System**

- a. The Water Service Area boundaries of the SAFD2 Community Water System are shown on the map identified as Attachment # 1. A larger and clearer copy of this map may be seen at the Alburgh Municipal Office.
- b. Any property owner that wishes to connect to the Community Water System may apply, by way of an accurate, complete and proper application, to be connected in accordance with the terms, regulations, and procedures set forth elsewhere in this Ordinance.
- c. Connected properties may continue to use existing wells and springs only for non-potable use and only if an inspection by Superintendent for unpermitted cross-connections has occurred and a licensed plumber has certified that such cross connections do not exist.
- d. Connections to the water system shall be required for all new construction within the service area of the District and the property is located within 500 feet of a water main owned by the District.
- e. Connections to the water system shall be required if a property has a failed water supply system (well or lake) and is required to obtain or amend an existing State of Vermont Potable Water Supply and Wastewater Permit.

**5. Application for Service**

Application for new service shall be made in writing to the District on forms furnished by the District. The owner of the premises who shall be responsible for payment of the connection fee and subsequent water charges shall make such application.

**6. Shut-Off and Restoration of Service**

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

**7. Connection Fees**

A connection fee shall be due and payable to the District, before a new service connection is constructed and only after the District has approved the connection. Water service shall not be provided until the owner has installed a meter in the building to be served. Whenever feasible, a meter shall be provided in accordance with applicable requirements within 15 working days of the District’s receipt of a request for a meter installation provided all



applicable fees have been paid to the municipality and the service line installation (including open trench inspection) work is deemed satisfactory by an appropriate representative of the District. The amount of the fees shall be established by the District, which is authorized to establish or amend water connection fees from time to time by majority vote of the Committee members.

Amendment adopted 06/19/2023 by vote of the Prudential Committee:

"In accordance with Vermont State Law governing the construction and operation of public water systems (Title 24, Chapter 89, Section 3301) SAFD2 will charge a special connection fee for any property when its owner refuses to provide a requested permanent or temporary easement for Phase 2 construction. The special connection fee shall be the greater of \$5,000.00 or 75% of the estimated cost of changes in design & construction that were required to compensate for the absence of the requested easement.

This special connection fee may not be discarded unless paid in full and will be charged at the time of application for water service in addition to all other normal, existing fees and charges. SAFD2 shall maintain a list and file a record against each property to which this special connection fee has been applied. The funds raised by this special connection fee will be applied directly towards debt service to reduce the financial burden of all other SAFD2 users that were subjected to higher costs incurred by the absence of requested easement."

- a. The SAFD2 Community Water System shall provide:
  - i. The meter
  - ii. A back-flow prevention device (for commercial properties)
  - iii. A pressure reducing valve if needed
- b. The property owner shall provide:
  - i. Excavation of the distribution main and tap. All work done on or around the water line must be done by qualified personnel approved by the Superintendent and meeting all AWWA standards
  - ii. Saddle, corporation, piping to curb stop and curb stop. (see section 8 Curb Stops)
  - iii. Excavation of the waterline into the building
  - iv. Labor and materials to install waterline from water main into the building
  - v. Labor and materials for all backfill including sand or stone fill around piping as required
  - vi. Inspection and approval of waterline by Superintendent required prior to backfill
  - vii. Shut-off service stop valve on the building line (see Section 11 for specifications)

## **8. Curb Stops**

Curb stops shall be installed at the property line of the right-of-way in which the main water transmission line lies and shall be under the municipality's control and ownership and in accordance with the latest Water Supply rules. The Customer shall be financially responsible for the water service installation within the right-of-way for a period of 1-year after it was installed. The District shall be financially responsible for all repairs of the water service between the corporation stop and the curb stop, provided the connection was installed in accordance with the State of Vermont water supply rules, it was inspected by the Superintendent, and the service installation warranty has exceeded the 1-year period.

## **9. Ownership and Maintenance of Service Lines**

- a. The line from the water transmission main to the curb stop shall be owned, operated and maintained by the District. Refer to Section 8, curb stops for specific information pertaining to new connections.

- b. The service lines shall be paid for, installed, operated and maintained by the owner. The cost of repairing or replacing the service line (from the curb stop to the building) shall be the responsibility of the property owner.
- c. Existing water main(s) and service lines in former Public Community Water Systems and Non-Transient Non-Community properties shall be operated and maintained by the owner. The cost of repairing or replacing the water main or service line shall be the responsibility of the owner.
- d. The minimum service line diameter for a single family residence shall be ¾ inch; all service lines installed, and all fittings shall conform to AWWA Standards, ANR Water Supply Division rules and technical standards, Vermont Statutes and the Superintendent's standards. The District may require a larger than ¾ inch I.D. service line when the demand flow rate will exceed 15 GPM (gallons per minute) or at the discretion of the District. In a new development, the District may permit the developer to install the water main if done in accordance with acceptable standards and under the supervision of the Superintendent.
- e. During the application for connection review process, the District may request service line hydraulic calculations be completed, given a properties location in distance and elevation from the water system. The customer shall be responsible for providing the appropriate calculations and shall hold harmless the District and Committee for inadequately sized water services and low pressure.

#### **10. Service Line Leaks**

In the event a leak is discovered in a service line, water service shall be shut off by a municipal representative and restored after the repair is made. The owner of the service line is responsible for the cost of locating, repairing and/or replacing the service line. Also, if a service line is discovered or known by the Superintendent to be constructed of materials not meeting the Community Water System's materials standards, the District may require the owner to replace the entire line with approved pipe materials regardless of whether or not the line has leaked in the past. If the leak occurred prior to the water meter, the District may assess a special charge in accordance with this ordinance for unaccounted for water. The District shall estimate the water use based on line size and duration of the break. The property owner shall be responsible for paying all fees prior to having the water turned back on at the property.

#### **11. Stop Valve**

Every water service line shall require a service stop valve (rated at 250 pounds per square inch pressure) located inside the building near the service entrance, easily accessible, protected from freezing, and installed on the inlet side of the water meter as close to the foundation wall as practical. The installation, maintenance, operation, repairs and replacement of this valve is the responsibility of the property owner. There shall not be any connections in an incoming service line that are not metered. The District shall have the right to visit properties within the service area that are connected to the water system, and inspect the properties for both signs of cross connection or unauthorized use (refer to section 21-Access to premises). If either is noted by the Municipal representative, water service to the property shall be terminated until the violation has been remedied and all fines have been paid in full as defined by this Ordinance.

#### **12. Cold Weather Construction**

New service or extension of mains shall not be constructed during the period November 15 to April 15 without prior cold weather construction approval of the District. The owner may be assessed an additional charge as part of the connection fee to cover the additional expense incurred as a result of cold weather construction.

#### **13. Denial or Postponement of Service**

The District may deny or postpone service due to: cold weather, insufficient water, insufficient pressure, absence of a deposit for service line construction, absence of connection fee, to prevent contamination through a cross

connection, or when the District determines the service line leaks or does not meet the material standards of the Community Water System.

#### **14. Unauthorized Use of Water**

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

#### **15. Restriction or Prohibition of Certain Water Uses**

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

#### **16. Maintenance of Plumbing**

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

#### **17. Cross Connections, Protected**

A connection capable of permitting backflow from any other source of water to the public water system is prohibited. Such connections include, but are not limited to any plumbing fixture, device or appliance or from any waste outlet or pipe having direct connection to waste drains or an existing onsite potable water source. If the owner of the building involving such a connection fails or refuses to eliminate or properly protect the cross connection within a time period established by the District, water service shall be discontinued with all disconnection and reconnection fees applicable once the situation is remedied.

A cross connection shall not be created without the approval of the District. If permitted, it shall be protected against backflow and/or back-siphonage in accordance with accepted cross-connection control methods established by the Vermont Department of Health. All new commercial connections shall include an appropriate backflow prevention device installed between the meter and interior household plumbing. A dual check valve manufactured as per A.S.M.E. specification Number 1024 shall be installed at all domestic and small commercial services (under 15 GPM flow). Other backflow devices shall be installed at industrial, commercial or other services greater than 15 GPM flow as required by the District and as recommended by the Vermont Department of Health.

## **18. Fluctuation of Pressures by Customers' Apparatus**

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

## **19. Safeguarding Water-Using Devices**

- a. All customers having hot water tanks or secondary systems supplied by automatic make-up valves shall install and maintain in operating condition appropriate backflow and temperature/ pressure relief valves to prevent damage to the water device or secondary system or their appurtenances should it become necessary for the District to shut off the water main or water service line and to protect against loss of pressure for any other reason. Water service supplied to any customer not providing such protective devices will be done at the customer's risk.
- b. A backflow device meeting Standard ASSE 1012 is required if a dual check valve meeting Standard ASSE 1024 does not exist on the boiler. The District shall not assume liability, and specifically disclaims any liability whatsoever, for damage resulting from backflow/pressure where the protective devices required by this section are absent or fail.

## **20. Access to Premises**

Water system employees, contractual agents of the Community Water System, Committee members, the water superintendent and the clerk, with suitable credentials and identification, and upon reasonable notice to the building owner(s) and resident(s) (which, except in the case of an emergency, shall be construed as at least 24-hour notice), shall have access to all premises served water during reasonable business hours (which, except in the case of an emergency shall be construed as between 8 a.m. and 8 p.m.) during any day of the week, except on State or federal holidays and on Sundays (unless an emergency requiring access is reasonably believed by the superintendent to exist on those days) for the purpose of inspecting plumbing and fixtures, identification of cross connections, to set, remove, or read meters, to ascertain the amount of water used and the manner of use, for measurement, sampling or testing purposes, and to enforce these regulations. If a customer or building occupant prohibits access to the premises, the customer or occupant must arrange for alternative access to occur within 24 hours, otherwise the District may direct that water service be disconnected on 48-hours written notice, with reconnection subject to all applicable fees. Reconnection shall not be made until an authorized municipal representative has been permitted to inspect the premises and finds no valid reason to continue the disconnection of service.

## **21. Responsibility for Water Charges**

The property owner served by the water system is responsible for payment of all charges for water service rendered to the property. The customer is obligated to pay at least the minimum base fee regardless of whether the residence or business is occupied, or if the service has been temporarily suspended as a result of unpaid dues or is unoccupied due to the seasonality of the property. The minimum allocation per property will be one

ERU. Any additional fees established on meter readings above the allotted quantity of water shall also be charged to the owner and are due and payable on presentation of a bill. If property is to be sold or transferred, the superintendent must receive a written request for a final meter reading for prorated bills at least two weeks in advance of the sale or transfer. The water rates, charges and fees shall be established by the District, which is authorized to establish or amend said rates, charges and fees from time to time by resolution. Water service charges constitute a lien against the property served by the SAFD2 system, collectible in the same manner as are property taxes.

## **22. Billing Procedures**

Bills will be issued to the property owner periodically on a schedule set by the District, no more often than monthly or less often than quarterly, the amount of which will be in accordance with established rates. Said bills are due at the date provided and will be considered in arrears if unpaid within 30 days of the date appearing on the invoice. Interest will be charged to all bills in arrears at the rate of 18% per annum or the maximum rate allowed under state law, whichever is less. Bills in arrears shall be due and payable in accordance with procedures set forth in 24 V.S.A. Chapter 129.

## **23. Disconnection of Service**

Bills for water service are due and payable when received as indicated on the statement and shall be considered delinquent when unpaid 30 days following the due date. Water service may be discontinued: 1) by reason of nonpayment of water bills; 2) to eliminate a health hazard; 3) for violation of any special order restricting water use; 4) or for fraudulent use of water. If the customer requests a hearing, one shall be held by the Committee within five work days of the request to determine if water service will continue to be denied or, if to be restored, then under what conditions. Service, once discontinued, shall not be restored until the reason for discontinuance of service has been eliminated. Before service is discontinued for delinquency of payment, the Committee shall follow the procedure set forth in 24 V.S.A., Chapter 129. Notice for payment request and shut-off will be mailed at least 14 days in advance of the shut-off date. Shut-off on account of delinquency of payment will not be made on a day immediately preceding a Saturday, a Sunday, or a state or federal holiday. When the District dispatches an agent to effect a shut-off caused by delinquency of payment and, upon arrival, payment is made to the agent for all charges due including the collection fee as permitted under 24 V.S.A., Chapter 129, service will be permitted to continue. If a violation of rules, or emergency incident results in a shut-off, a reconnection charge as indicated on the rate schedule will be assessed for resumption of service in addition to the disconnection charge if the problem is determined to be the responsibility of the customer except as provided in 24V.S.A. 5146.

## **24. Interrupted or Unsatisfactory Service**

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

## **25. Meters and Related Apparatus**

- a. General: All water will be sold on the basis of a base and metered measurements. The customer will receive water through a meter upon written application to the municipality and after payment of all required fees. The size of the meter will, in all cases, be determined by the District and these rules.

- b. **Meter Setting:** Unless otherwise required by the District, all meters shall be installed at the foundation wall (or the mechanical room in the case of a slab on grade building, condominium unit or mobile home) where the building service line enters the building, and the customer shall provide and maintain a warm and accessible place for it, or in a meter pit. The piping arrangement for meter installations shall be in accordance with the requirements of the District, and shall conform to all Local, State and Federal Plumbing Codes.

A District representative must inspect and approve the water meter installation before water is permitted to flow through it.

- c. **Repairs and Replacements:** For standard house meters maintenance, repairs and replacements necessitated by ordinary wear will be provided by the District. The cost of meter repairs and/or replacement necessitated by freezing, hot water, or other causes under the control of the customer will be charged to the property owner. The costs of maintenance, repairs and replacements of meters larger than the standard house meters shall be the responsibility of the property owner.
- d. **Testing:** The District shall arrange for suitable means of testing its meters. All tests will be at the sole expense of the customer unless initiated by the District. The first step in this process is to collect the information contained within the water meter. Each meter has the ability to retain hourly metered data. From this, the Operator can determine if the meter is working properly and there is high water use, or if there is a leak on the premises. The customer requesting a meter test shall make a deposit in an amount established under "Water Rates, Special Charges and Connection Fees" to cover the cost of the operator making a visit to the property and reviewing the information. The next step would be to physically remove and test the water meter. The customer requesting this type of meter test shall make a deposit in an amount established under "Water Rates, Special Charges, and Connection Fees" to cover the cost of removal, testing and re- installation. If a meter tested at the request of a customer shows the meter does not conform to flow criteria established by AWWA standards, the deposit(s) made by the customer shall be refunded and a new meter installed at no cost to the customer. If the meter conforms to the standards of these rules, the District will retain the customer's deposit and the meter may be continued in use at the same location. The District reserves the right to remove and test any and all meters.
- e. **Multiple Meters:** Water shall not be double metered. Each newly constructed separate apartment and each residential unit of a townhouse, condominium or duplex building shall be individually metered. Existing apartments may remain with one meter per building, but the correct size meter must be installed if not already in place.

## **26. Water Use Adjustments**

- a. **Meter Malfunction or Removal:** If a meter is removed from service at the request of the customer, the customer will continue to pay the base rate plus the O&M fee and the District will make an estimate of the water consumption in excess of the base rate during the period of removal, said estimate to be based on the average consumption for similar periods for the customer, and the water charges will be computed accordingly.
- b. **Adjustment:** When a meter is tested and found to be over-reading in excess of 2%, an appropriate percentage adjustment shall be made to the metered consumption record of the past billing period and the portion to date of the current billing period.

## **27. Fire Hydrants**

Not a service currently authorized or offered by the District. The water system as currently constructed shall be a means of providing safe, reliable drinking water to the residents of the District, and does not meet the requirements of the State of Vermont Water Supply rule for Fire Protection.

## **28. Flushing Hydrants**

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

## **29. Tampering with the Community Water Supply System**

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

## **30. Water Main Extension, Plan Approval, Construction**

Any person desirous of constructing an extension to the water system shall apply to the District. Upon preliminary approval of the application by the Committee, the applicant shall have final plans and specifications developed by a professional engineer having demonstrated proficiency in water system design and who is registered to practice civil or sanitary engineering in Vermont. Said plans and a letter describing the proposed project shall be submitted to the municipal office at least 45 days prior to the intended date of construction. Construction shall not commence until approval of the plans has been issued by: 1) the state department having authority to approve such projects, and 2) the District. All work performed by non-municipal agents, such as developers or contractors, shall remain uncovered until an authorized District representative has inspected the work and indicates general satisfaction with it. When water mains are to be constructed, the developer shall engage a professional engineer approved by the District to observe the construction and insure that the work proceeds in accordance with the approved plans. The engineer shall certify to the District the completeness, suitability, and adherence to the approved plans and shall include submission of record drawings to the District within 60 days of work acceptance by the District. If the District believes that the water main extension is not being constructed in accordance with the approved plans, the District may engage a professional engineer to review the work and provide a report to the Committee regarding compliance with the plans. The cost of the engineer obtained by the District shall be the responsibility of the applicant if significant discrepancies are noted between the District's approved plans and the constructed water main extension unacceptable to the District. Any discrepancies noted shall be corrected by the applicant under the observation of the professional engineer engaged by the District at the expense of the applicant for both engineering observation and construction correction. Upon the completion of the constructed water mains, final inspections and approvals and after a two year warranty period the District shall take ownership of the constructed water mains in the ROW and require permanent easements for access to the water main if constructed on private land.

## **31. Materials**

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

### 32. Protection from Damage

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

### 33. Enforcement and Penalties

- a. Any violation of this Ordinance, except as otherwise specifically set forth herein, may be pursued as a civil violation utilizing the civil enforcement procedures set forth in 24 V.S.A. §1974a. Each day a violation continues shall be considered a new violation. In such civil proceedings, an Issuing Officer or Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pays the waiver fee:

First Offense:	\$ 50
Second Offense:	\$100
Third Offense:	\$150
Fourth Offense and Subsequent Offenses:	\$250

Offenses shall be counted on a calendar year basis.

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

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

Offenses shall be counted on a calendar year basis.

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

- Section 27
- Section 28
- Section 31

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

- c. In addition to the enforcement authority set forth above, the District shall have the right to institute any civil action which it deems appropriate to obtain injunctive or monetary relief, or both.
- d. The District shall, when its discretion time allows, provide any person found to be violating any provision of this Ordinance with written notice stating the nature of the violation and providing a reasonable time period for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, correct the violation.
- e. Any Issuing Officer or Municipal Official designated by the District may issue a municipal complaint ticket for violation of the provisions of this Ordinance.



**34. Water Rates, Special Charges, and Connections Fees**

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

**35. Appendices**

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

**36. Publication and Effective Date**

- a. No section of this Ordinance shall be construed to supersede or replace any Vermont Statute.
- b. The Ordinance shall be entered in Committee meeting minutes. The Notice of Ordinance Adoption shall be posted in at least three (3) conspicuous places within the District and published by title in accordance with V.S.A. 24 Section 1972 in a newspaper circulating in the District on a day not more than fourteen (14) days following the date when the Ordinance is so adopted.
- c. This Ordinance shall become effective sixty (60) days after the date of its adoption by the Committee, unless a petition is filed with District forty-four (44) days after the date of its adoption. The petition should be addressed to the SAFD2 Prudential Committee, should be signed by at least five percent (5%) of the qualified voters of the District, and should ask that a special meeting be called on the question of disproving the Ordinance.
- d. Questions about the Ordinance may be directed to South Alburgh Fire District No. 2, P.O. Box 192, Alburgh, Vermont, or by calling telephone number (802) 796-3800.

Adopted and signed this \_\_\_\_ day of \_\_\_\_\_, 2014 by the SAFD2 Prudential Committee:

\_\_\_\_\_  
Paul Hansen, Chair

\_\_\_\_\_  
John Fitzgerald

\_\_\_\_\_  
Judy Higgins

**South Alburgh Fire District No. 2  
COMMUNITY WATER SYSTEM**

**WATER ORDINANCE**

**APPENDICES**

<date>

**(To Be Developed)**

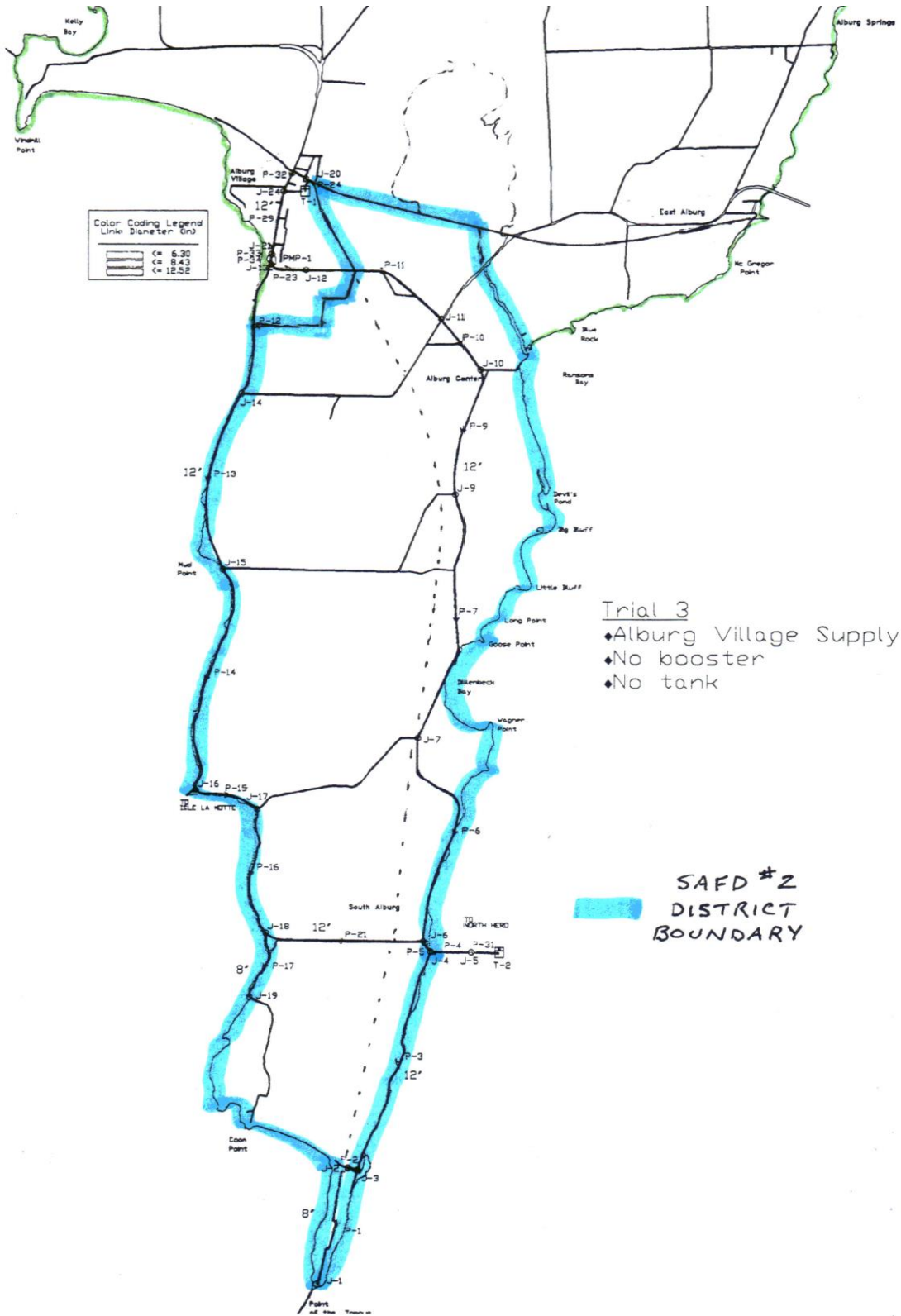
**South Alburgh Fire District No. 2  
COMMUNITY WATER SYSTEM**

**WATER ORDINANCE**

**ATTACHMENTS**

June 9, 2014

# Attachment 1 - Water Service Area



**Description of Boundaries**  
**South Alburg Fire District #2**  
**March 2004**

Beginning at a point in the northwestern corner of property owned by the Three Silos Inc. (WS069) where it meets Lake Champlain. Then proceeding in a Southerly direction following the shores of said Lake to its Southernmost point called Point of Tongue, then proceeding in a Northerly direction following the shoreline of same said Lake to the mouth of Mud Creek. Then proceeding in a Northerly direction, following the Westerly shores of Mud Creek to a point where it intersects the Southerly boundary of the former Vermont Central Railroad. Then following said boundary in a Westerly direction to a point where it meets the property of the Town of Alburg (IP016X) and following the East and South boundaries to a point where it meets the Industrial Park Road. Then following the Easterly side of the Right of Way of said Road in a Southerly direction to the end of Said Road where it meets the former Rutland Railroad. Then heading in a Southerly direction following the Western boundary of said former Railroad to a point where it meets the Easterly boundary of the property owned by Danny and Wanda Duchaine (RS142). Then following the Easterly boundary of said property in a Southerly Direction to its Southernmost corner where it meets the Northerly boundary of property of Sunset Lake Farms LLC (DO024). Then proceeding in a Westerly direction following said boundary to a point where it meets the eastern boundary of property owned by the Village of Alburg (RS106X). Then following the eastern boundary in Southerly direction where it meets the northern boundary of the property of Three Silos Inc. (WS069). Then following in a Westerly direction following the northern boundary of said property to the point of beginning.