

Village of Enosburg Falls Water System Ordinance

December 22, 2009

The Village of Enosburg Falls by and through its Trustees ordains that the Ordinance herein set forth is established as necessary and desirable for regulating the use of public and private water supplies and providing penalties thereof in the Village of Enosburg Falls, County of Franklin, State of Vermont. Be it ordained and enacted by the Trustees of the Village of Enosburg Falls, State of Vermont, as follows:

ARTICLE I

Definitions

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

- Sec. 1 Building Service Line shall mean the pipe or conduit connected on one end to the curb stop, the other end terminating inside the User's building, including the water meter and valves required to provide water service.
- Sec.2 Cellar Stop shall mean the valve installed on the service line after it enters the building and before the water meter.
- Sec. 3 Commercial shall mean any building or commercial space other than residential, industrial, or fire department building(s). (This definition includes all other municipal buildings).
- Sec.4 Curb Stop shall mean the valve which terminates the service line and to which the buildings service line is connected to provide water service to the User.
- Sec. 5 Department or Water Department shall mean all of the facilities of the water system as owned by the Village of Enosburg Falls.
- Sec. 6 Disconnection shall mean deliberate interruption by the Department of water service to the User, for reason of delinquent payment or other appropriate violations.
- Sec. 7 Distribution Main ("water main" or "main) shall mean the primary supply pipe or conduit from which service connections

are made to supply water to the User, installed or caused to be installed by the Water Department for the distribution of water.

- Sec. 8 Extension or Water Main Extension shall mean any extension of the municipal water system in accordance with the rules, regulations, standards and specifications of the Village of Enosburg Falls.
- Sec.9 Industrial shall mean any structure (s) used or intended for use as a business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article.
- Sec. 10 May is permissive. Shall is mandatory.
- Sec.11 New Service Locations shall mean areas at a distance of more than 200 feet from distribution mains of the Department, where extension of distribution mains is required to provide service.
- Sec. 12 Person shall mean any individual, firm, company, association, group, or other legal entity.
- Sec. 13 Property Owner (Owner) shall mean that person (s) or User, identified as the record owner(s) of a property as shown in the Town of Enosburgh Land Records.
- Sec. 14 Residential shall mean any building consisting of one or two family dwelling unit(s). Any building consisting of more than two family dwelling units shall be considered commercial.
- Sec. 15 Service Line or Service Pipe shall mean the pipe or conduit running from the distribution main to a curb stop at the property line of the User.
- Sec. 16 Subdivision shall mean the division of any part, parcel or area of land into two or more lots or parcels for the purpose of conveyance, transfer, improvement or sale, with appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use, or the use of purchasers or owners of

lots fronting thereon, or as defined in the Subdivision Regulations of the Village of Enosburg Falls.

- Sec. 17 Director shall mean the Director of Public Works. The Director shall be responsible for operation of the Enosburg Falls Water Department. In the event the Director is unavailable the Village Manager or Water Commissioners may designate an alternative Director.
- Sec.18 Tap shall mean any connection of a service pipe to the Main.
- Sec. 19 Unconnected Properties shall mean those properties with boundary line (s) 200 feet or less from distribution mains, which do not receive, water service.
- Sec.20 User Unit or Dwelling Unit shall be defined as provided in the Village Wastewater Ordinance and Wastewater User Charge System document.
- Sec.21 User (Customer) shall mean any person, firm, corporation, association or group receiving or requesting water from the Department.
- Sec.22 Village shall mean the municipality of Enosburg Falls, County of Franklin, State of Vermont, acting by and through its Trustees or, in appropriate cases, acting by and through its authorized representatives, agents, deputies, operators or Director.
- Sec.23 Water Commissioners shall mean the Board of Trustees, all of whom act as water and light commissioners pursuant to the charter of the Incorporated Village of Enosburg Falls.

ARTICLE II

Use of Enosburg Falls Water System

- Sec. 1 The Water Commissioners shall have the authority to establish rules and regulations in order to carry out the provisions of this Ordinance.
- Sec.2 This Ordinance shall constitute a part of the contract between each User and the Village. Each User of the Village Water System shall be bound by this Ordinance, and all subsequent amendments thereto, as well as the Rules and Regulations established by the Water Commissioners. The User's application for water service shall be considered the User's consent to be bound by this Ordinance and any such Rules and Regulations established.
- a. A copy of this ordinance is available at the Village Office.
 - b. A copy of any established Rules and Regulations of the Water Commissioners are available at the Village Office.
 - c. Failure to know this Ordinance, or the established Rules and Regulations will not excuse the User from the consequences of failing to comply with their terms and conditions.
- Sec. 3 Water Supply Emergencies: The Trustees may prescribe emergency rules governing the supply and use of water, as it may deem appropriate to accommodate such emergency. Such rules shall be adopted at any duly held meeting of the Trustees. Any required notice of such meeting shall state that the Trustees will consider adopting emergency rules governing the supply and use of water. Such rules shall be adopted by majority vote of the Trustees, shall be thereafter recorded in the minutes and posted in five (5) locations within the Village and shall become effective immediately upon adoption. Such rules may remain in effect for a period not to exceed ninety (90) days, unless again adopted in the manner set forth herein.
- Sec.4 All water shall be metered except as otherwise provided by this Ordinance or as approved by the Director.
- Sec.5 It shall be unlawful for any person to extend, tap or in any way injure or tamper with a Water Main or Service Pipe. All tapping and turning of Water Main Valves shall be done under the direction of the Director.

- Sec. 6 It shall be unlawful for any person to remove any seal placed on any valves, meter or other appurtenance of the Water Department unless permission to do so has been given in writing by the Director prior to the actual removal of seals.
- Sec. 7 Except with the permission of the Director, no person shall turn on or shut off water to any premises and, water shall not in any instance be turned on to any premise for use at metered rates until meter has been suitably attached.
- Sec. 8 No person shall adjust, open, close, alter or perform any operations to valves, hydrants, or to other parts of the water system, except with the permission of the Director.
- Sec.9 No person shall suffer or permit water from the water system to run to waste through any faucets or fixtures to prevent freezing, or for any other purpose, to be kept running any longer than necessary without prior approval of the Director. The Director shall restrain and prevent any and all waste of water and to that end may, when necessary, turn off water or take such other action as, in his or her judgment, appears proper.
- Sec. 10 No connection will be made to the water system without first submitting a completed Water Connection Application which has been approved by the Director. Forms are available at the Water & Light Department Offices. A Water Impact Fee will be applicable for each Unit. All Water Impact Fee(s) shall be paid in full before any connections are made. The funds from the Water Impact Fees shall be placed into a separate savings account for major maintenance/replacement expenditures, emergencies, and for expansion/upgrading expenses associated with the water system.
- Sec. 11 All fees and charges shall be paid in full before any connection to the water system. All fees and charges shall be set by the Water Commissioners and stated in the Fee Schedule, which is available at the Water & Light Department Offices.

- Sec. 12 Completion of the application and payment of fees shall be considered acknowledgment and agreement by the applicant to conform with all Water Department Rules and Regulations.
- Sec. 13 Contractor "Construction Services" shall include the Water Impact Fee to be paid in full before water is turned on. If service equipment is not then installed in the final location, the additional cost of labor and material to relocate this equipment shall be paid by the contractor.
- Sec. 14 When it is desired to discontinue the use of water, notice shall be given to the Director and water charges shall continue to be collected until the water is turned off at the Curb Stop by the Water Department.
- Sec. 15 The cost of the meter(s) and the cost to install the meters, or any cost for repair caused by frost, hot water, malicious mischief, or any other improper usage 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 meters shall become the property of the Village.
- Sec. 16 All meters shall be installed with cellar stops and a check valve or a valve on each side of the meter. No water meter shall be installed without a pressure regulator or approved backflow preventer where it is considered by the Director to be injurious to either the Water System of the Property Owner. The full cost of these devices shall be at the Owner's cost. All routine and necessary maintenance of the water meter shall be the responsibility of the Enosburg Falls Water Department. Cost of replacement or repairs of cellar stops, check valves, pressure regulators, and backflow preventers shall be the responsibility of the Owner. Required periodic testing of the backflow preventers shall be at the Owner's cost.
- Sec. 17 In installing a service to any premise and furnishing water, material, or labor, the Water Department shall negotiate only with Owner of said premises. The Owner on the other hand, desiring to use Enosburg Falls Water on his premise shall keep the Water Department advised of the address to which bills,

notices and other communications to him shall be delivered and the Owner of the premises shall be held responsible for the same. A change of tenants or owners will not relieve the Owner from liability for payment of delinquent bills and the lien securing said obligation.

Sec. 18 One water meter shall be installed at each location, building, premise, or unit. In Multi-Use or Multi-Occupancy buildings or premises it may be desirable to install more than one meter. Water Department Bill(s) will be applicable for each meter installed, with the exception of private distribution mains as described in Article II, Sec. 19.

Sec. 19 All private distribution mains shall be metered at the point where the main leaves the Village of Enosburg Falls easement or Right-of-Way. Water metered by said meter shall be billed to an association or an individual. The Department will not be responsible for multiple billing from such a meter.

Sec.20 The Water Department shall from time to time make an inspection of fire hydrants belonging to them and keep them in good repair and working condition at all times, except those shut off for repair and shall cause all defects therein to be repaired without unnecessary delay. No person shall open or draw water from any hydrant except:

- (A) The Director, or persons acting under his authority or direction;
- (B) Members of the Enosburgh Fire Department or other Fire Departments and then only in connection with extinguishing fires.

Sec. 21 A damage fee shall be charged the operator of any motor vehicle, which shall cause any fire hydrant to be damaged or broken or otherwise rendered inoperative by reason of accident with said motor vehicle. In addition, said operator shall be liable for costs of material, labor, and equipment required to return the hydrant to operable condition which exceed the damage fee.

- Sec.22 Water mains may be extended only upon an agreement in writing wherein the applicant shall agree to pay for all labor and materials necessary including valves, hydrants, tapping, service pipes, and appurtenances. Also, he shall agree such extension shall be installed to American Water Works Association standards as well as Village, State and local standards.* After the water main extension has been constructed, and has passed the required pressure and bacteriological tests, then it shall be acceptable to the Enosburg Falls Water Department to place the extension in service.
*See Article III for construction standards.
- Sec.23 All material, labor and locations for installation or extension of Mains or Services shall be approved by the Director and/or the Department's Engineer. All water main extensions or alterations must be submitted to the Director on a detailed, workable 24' x 36' print drawing to 1" = 50' or 1" = 40' scale and presented in triplicate at least thirty days prior to the anticipated date construction is to commence.
- Sec.24 Enosburg Falls Water Department shall not be liable for any injury, loss or damage of whatever nature, caused or occasioned by failure to maintain a constant or uniform pressure within the Water Main or by a stoppage of water by frost or other causes, or insufficient supply of water, or for accident or damage of any kind caused or created out of furnishing or failing to furnish water.
- Sec.25 The Village shall not be required to provide notice of interruption. Notice of interruption may be provided as a courtesy only except as noted in Sec. 26 below.
- Sec.26 Users shall be notified in writing of interruption of service by "Disconnection" as provided by the Provisions of this ORDINANCE, (24 VSA CH 129).
- Sec.27 No person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage occasioned by accident to any portion of the water system, or for non-use occasioned by absence or any other reason.

- Sec.28 The Village will comply with State Regulations with regard to testing, monitoring, and reporting of the water system.
- Sec.29 All persons taking water shall keep the fixtures and service pipe within their own premises in good repair and fully protected from frost shall prevent the waste of water. The Water Department shall not be liable for leakage of hydrants, pipes, or fixtures upon the premises of the user nor for any obstructions or restrictions therein caused by frost or otherwise, nor for any damage resulting from the foregoing.
- Sec. 30 Repairs to any service pipe from the curb stop to the meter within the building shall be done at the Property Owner's expense for material, labor, and excavation, backfilling and patching.
- Sec. 31 The Curb Stop shall be located at the limit of Village Right-of-Way or the limit of the Water Main Right-of-Way. The Village shall be responsible for the maintenance of the service pipe from the main up to and including the curb stop. The Property Owner shall be liable for the maintenance of the service pipe from the curb stop to the cellar stop.

ARTICLE III

Construction Standards

- Sec. 1 The Village shall utilize construction standards and specifications as they deem to be in the best interest of the water system. These standards will be administered by the Director and/or his authorized agent (s).
- Sec.2 The construction standards and specifications applicable to the Village of Enosburg Falls' water system will include the standards, rules, regulations and requirements as specified by :
- (a) The Village of Enosburg Falls Water Department.
 - (b) Vermont Health Department.

- (c) Vermont Department of Water Resources.
- (d) Environmental Protection Agency.
- (e) American Water Works Association (most recent specifications apply).
- (t) The Department's Engineer.
- (g) Any other Village, State or Federal agencies having jurisdiction.

Sec. 3 All materials and equipment used will meet the most recent A.W.W.A. specifications and will be compatible with materials and equipment presently utilized in the water system and as approved by the Superintendent.

Sec.4 The Director shall review plans of all proposed water system construction to insure compliance with said standards.

Sec. 5 All construction activities within Village's R.O.W. shall occur between April 1 and November 15, except as approved by the Superintendent.

ARTICLE IV

Water Utility Acceptance Requirements

Water Mains and their related appurtenances shall be eligible for acceptance as a part of the Enosburg Falls Water Department Distribution System when the following criteria have been complied with.

Sec. 1 The installation and materials have been approved by the Directors in compliance with established standards. (See Article III, Sec. 2).

Sec. 2 The installation has passed the necessary hydrostatic pressure and leakage tests in accordance with the latest revisions of AWWAC-600.

- Sec. 3 The installation has been disinfected in accordance with the latest revision of AWWA C-601 and has been certified by the Vermont Department of Health to be free of bacteriological contamination.
- Sec.4 No new main shall be placed in service until it has met the above requirements.
- Sec. 5 The installation must be within an existing or proposed Highway R.O.W., or within a right-of-way or easement that is to be deeded to the Village.
- Sec.6 Prior to the acceptance of any new water facilities into the municipal water distribution system, the Water Department shall be furnished three (3) sets "as built" of Record Drawings and one (1) set of reproducible "as built" Record Drawings. All Record Drawings shall be 24" x 36" in size and drawn to a 1" = 40' or 1" = 50' scale.
- Sec. 7 One (1) year from the date that the new installation was placed in service it may be deeded to the Village of Enosburg Falls and become a part of its distribution system and by such acceptance by the Village of Enosburg Falls shall be responsible for the maintenance of it. However, it should be clearly understood that prior to acceptance into the distribution system full responsibility for the maintenance and repair of the new main and its related appurtenances shall rest with the Owner.

ARTICLE V

Water Rates and Charges

- Sec. 1 All fees, charges, rates or rents of the Water Department for or in connection with the water supply shall be determined by the Water Commissioners and shall be a lien upon real estate, furnished with the service for which such charges, rates or rents are imposed, in the same manner and to the same effect as taxes are a lien on real estate under Section 5061 of Title 32, VSA.

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- Sec.2 No abatement of charges, rates or rents for or in any connection with water supply shall be allowed by reason of disuse or diminished use of such services or vacancy of the premises served, unless reasonable advance notice of such disuse, diminished use or vacancy of premises shall have been given to the Superintendent, nor shall any payment be refunded nor abatement made in connection with charges, rates or rents for water by reason of the occurrence of any of the matters or things specified in Article VII of this Ordinance.
- Sec. 3 Every bill, charge, rent or statement rendered by the Water Department shall, unless specified therein, be paid in full by the due date of said bill, and if not so paid, the unpaid balance shall accrue interest at the rate of one percent per month until such balance is paid in full. All delinquent water bills shall be collected and water service discontinued in accordance with the Municipal Uniform Disconnect Act (24 VSA Ch. 129).
- Sec.4 In the event that the property owner needs a Water Meter removed from any premises it shall be at the property owner's expense.
- Sec. 5 Should any meter become inoperative between readings, upon investigation and discretion of the Director the customer shall be billed at the average amount of the preceding two quarters that the meter recorded correctly.
- Sec. 6 Nothing contained herein shall limit the authority of the Water Department of the Board of Trustees, to impose taxes or assessments upon the grand list, as provided by law.
- Sec. 7 The Owner is responsible for the payment of water bills and is also responsible for notifying the Water Department at the office of the Village Treasurer of any changes in mailing addresses. Failure to receive a bill does not relieve the Owner of the obligation for payment or for the payment of penalties.
- Sec. 8 For each service, the person in whose name the bills are rendered shall be responsible for payment, without regard to whether that Person is the ultimate User. By applying for water

service, the Owner agrees to pay all bills that become due, and, failing to do so, agrees to pay all costs of collection, including attorney's fees.

Sec.9 The Director may direct the Department's Engineer to perform review, testing, inspection or other engineering services. The Owner, Developer or Contractor shall reimburse the Department for 100% of the costs of those services provided.

Sec. 10 Water Department bills are in three (3) parts:
Part 1, base rate; Part 2, water use charges; and Part 3, other fees or charges

Part 1 or Base Rate, is determined by dividing at a minimum the principal and interest associated with bond indebtedness of the Water Department by the number of connected and non-connected units. In addition the Base Rate may include a portion of operation, maintenance, and replacement cost. All connected and non-connected units shall pay this amount regardless of amounts of water used. The Water Commissioners have the authority to adjust the Base Rate annually.

Part 2 or Water Use Charge, is based on actual water consumed. The Water Commissioners have the authority to adjust the Use Charges as needed. The Use Charges are as follows:

- Residential Use
- Commercial Use
- Industrial Use
- Fire Department Use

Part 3 or Other Charges, may include charges for fire hydrant damage, delinquency collection trips, water impact fee(s), fees for bad checks, and engineering services.

Sec. 11 Water Department fee schedules are available at the Village Office.

ARTICLE VI

Powers and Authority of Inspectors

- Sec. 1 The Director and other duly authorized employees of the Water Department bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, removing or replacing meters, measurement, sampling and other testing, in accordance with the provisions of this ordinance. Inspectors and meter readers will carry appropriate identification and will show same upon request to the Property Owner or authorized agent.

ARTICLE VII

Protection from Physical Damage

- Sec. 1 No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Enosburg Falls Water System. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VIII

Conflict

- Sec. 1 If any provision (s) of this Ordinance is (are) found to be in conflict with any provisions of any Zoning, Building, Safety or Health, or other Ordinance or code of the Village, or State of Vermont existing on or subsequent to the effective date of this Ordinance, that provision which, in the judgment of the Superintendent, establishes the higher standard of safety and health shall prevail; and that provision or ordinance which sets the lower standard is hereby declared to be invalid to the extent

that it is found to be in conflict with the provision or ordinance which sets the higher standard and is hereby repealed.

Sec.2 The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

ARTICLE IX

Penalties

Sec. 1 Any violation of the foregoing shall, pursuant to 24 VSA, Section 1974 (a), constitute a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment not-to-exceed one (1) year. Each week the violation continues shall constitute a separate offense. In addition, the Village, pursuant to 24 VSA, Section 1974 (b), may seek injunctive relief, without affecting criminal prosecution brought pursuant to the foregoing sentence. The Village reserves the right to institute any action or damages and declaratory relief, whenever it deems such action to be appropriate. In any action for damages or injunctive relief against a User in which the Village obtains judgment, the User shall pay the Village's court costs and attorney's fees, and such amount shall be added to any such judgment.

Sec.2 In addition to any other remedies, the Village shall be empowered to disconnect water service to a User, after notice, when payment of a valid bill or charge is delinquent as provided by 24 VSA Chapter 129. The Village shall administer the Articles of 24 VSA Chapter 129 as it deems in the best interest of the water system and its operation

ARTICLE X

Ordinance in Effect

Ordinance in Effect

Sec. 1 This Ordinance shall be in force and effect sixty (60) days from the date of enactment by the Board of Trustees for the Village of Enosburg Falls.

Duly enacted and ordained this 22nd day of December, 2009 by the Board of Trustees of the Village of Enosburg Falls, county of Franklin, State of Vermont, at a duly called and duly held meeting of said Board of Trustees.

VILLAGE OF ENOSBURG FALLS
BOARD OF TRUSTEES

By:

Richard Roberge

Michael M. Mauchan

Bruce Hill-Cant

Walter H. East

Jonathan E. Hall
Witness to Signatures