

**Town of Hardwick Community Water System  
Hardwick, Vermont  
WATER ORDINANCE**

Regulating the Use of the Town of Hardwick’s Community Water System

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# **Town of Hardwick Community Water System Ordinance**

## **1. General Provisions**

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

a. The Hardwick 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 Select Board, Town Health Officer and any designated enforcement officers.

b. The principal objective of the Hardwick Water System, as defined herein, is to efficiently provide a potable water supply, meeting all standards and permits by the State of Vermont.

c. If there is conflict between the terms of this Ordinance and any other applicable regulation, by-law, or ordinance, the stricter terms 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 Town**

a. The Hardwick Select Board shall serve as the Town Water Commission unless it chooses by a majority vote to appoint a separate Commission. If the Select Board appoints a separate Commission, it shall consist of five (5) Commissioners for staggered two (2) year terms. The five Commissioners shall be comprised of at least one property owner with a connection to the community water system and one member of the Town of Hardwick Select Board, and the Town Manager. The Town Manager shall be a permanent nonvoting member of the Commission.

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

c. The Town shall be responsible for enacting regulations and policies governing the general operation of the Water Department. The day to day operation of all Town departments are under the direct control of the Town Manager or those designated by the Town Manager. The Town shall meet annually to review water rates, and fees necessary for efficient and effective control and operation of the water system. The Town and the Town Manager shall carry out the duties specifically required of it under state law and the regulations and policies that it enacts.

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

e. The Town 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 Town.

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

### 3. Definitions and abbreviations

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

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

- iii. **Unauthorized** excessive use of water
- iv. Violation of special **“restrictive use”** orders issued by the Town; and/or,
- v. Any other situation that could contaminate or significantly deplete available water in the system or presents a risk of unreasonable harm, including financial harm, to the users or the public.
- s. **“ERU”** means Equivalent Residential Unit. Water customers other than single family residences shall have their ERUs calculated by dividing the estimated waste water use listed in the current version of the Vermont Water/Wastewater Rules by the current gallons per day as identified in the appendices..
- t. **“Extension of Water Main”** shall mean any extension of distribution mains in accordance with the rules, regulations, standards and specifications of the Municipality.
- u. **“Improved”** shall mean any improvement to the property that will result in any additional potable water usage and/or amended State Water or Waste Water Permit that increases the potable water usage on the property
- v. **“Industrial Facility”** shall mean any structure(s) used or intended for use as a business enterprise for manufacturing, processing, or assembling any product, commodity or article.
- w. **“Institutional Facility”** shall mean any individual self-contained facility deemed by the Town to be important to the general health and wellbeing of the community. Such facilities may include schools, municipal offices, care facilities, medical facilities, libraries, etc.
- x. **“Issuing Officer”** shall mean a person designated by the Town to issue a municipal civil violation ticket (civil complaint).
- y. **“May”** is permissive, indicating a choice. **“Shall”** is mandatory.
- z. **“Main Line”** shall mean the distribution main conduit running from the distribution main to and including the curb stop at the property line of the User or to the edge of the right –of – way.
- aa. **“Municipality”** means the Town of Hardwick.
- bb. **“Municipal Office”** shall mean the place designated by the Town to receive applications for service, receive payments of water bills, and where public notices and notices of discontinuance of service are generated and posted, i.e. Hardwick Memorial Building.
- cc. **“Municipal Representative”** means the Town Manager or his/her designee.
- dd. **“Non-Transient, Non Community (NTNC)”** shall mean a Water System as defined by Vermont Water Supply Rule
- ee. **“Operator”** means the person designated by the Town to operate the water system and certified by the Vermont Water Supply Division.
- ff. **“Owner”** means the person, firm, corporation, trusteeship, or governmental agency that has title to the property that is served by the water system and who is ultimately responsible for payment of all rates, fees and charges.
- gg. **“Person”** shall mean any natural person, corporation, municipality, partnership, unincorporated corporation other legal entity, including the State of Vermont and any department, agency or political subdivision thereof.
- hh. **“Property Owner”** shall mean any person(s) identified as holding title to the property by recorded deed.
- ii. **“Reasonable Hours”** shall mean between 8:00am and 8:00 pm.
- jj. **“Residential Unit”** shall mean a livable abode, which includes, at a minimum, a kitchen or kitchenette, bathroom, and bedroom or other room that serves as sleeping quarters.
- kk. **“Saddle”** shall mean the mechanism for attaching a smaller service line to a larger water line; a circular device bolted or otherwise attached to the water main through which a hole is drilled in the water main to supply water to the service line.
- ll. **“Service Lines”** shall mean the conduit connected on one end to the curb stop and the other end terminating just inside the User’s building, at the service stop valve and including the connection to the water meter, to provide water service.

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

nn. **“Operator, or Water Operator”** shall mean the designee of the Town Manager for the Town of Hardwick responsible for management and operation of the community water system and certified by the Vermont Water Supply Division (Vermont Agency of Natural resources, Department of Environmental Conservation).

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

pp. **“Unconnected Properties”** shall mean those properties, which do not receive water service.

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

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

ss. **“Town”** shall mean the Hardwick Select Board or the commissioners appointed by the Town of Hardwick Select Board.

tt. **“Water Shut-Off Notice”** shall mean notice of discontinuance of service.

uu. **“Water Service Area”** shall mean the area primarily in the Village District and other areas as defined in Appendix E.

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

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

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

**Other definitions:**

ANSI - Shall mean American National Standards Institute.

ABPA- Shall mean the American Backflow Prevention Association.

ASME - Shall mean American Society of Mechanical Engineers.

ASTM - Shall mean American Society of Testing and Materials.

AMSSE - American Society of Sanitary Engineering

AWWA - Shall mean American Water Works Association.

GMWEA - Shall mean Green Mountain Water Environment Association

GPQ – Shall mean gallons per quarter

NPC – Shall mean National Plumbing Code

VRWA – Shall mean Vermont Rural Water Association

NWWA – Shall mean New England Water Works Association

NFPA – National Fire Protection Association

#### **4. Connection to Community Water System**

a. Within the Water Service Area boundaries - no new drilled wells, dug wells or springs shall be permitted as a potable water supply within the urban compact and or service area of the water system

#### **5. Application for Service**

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

Addition of units or a change of use to an existing service requires the approval of the Town via an application made in writing on forms furnished by the Town. The owner of the premises shall be responsible for the payment of the connection fee and subsequent water charges and shall be responsible for making 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 Town may discontinue water service for violation of special “restriction of water use” notices, or for continued violation of these regulations. After correction of all violations of this ordinance caused by the customer and upon request by the customer for restoration of service, the service will be restored. Prior to restoration of service, any other applicable fees that are due shall be paid in full.

#### **7. Connection Fees**

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

b. The Town of Hardwick Water System shall provide:

- i. The meter
- ii. A back-flow prevention device

c. The property owner shall provide:

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

## **8. Curb Stops**

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

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

a. The line from the Town's water transmission main to the curb stop shall be owned, operated and maintained by the Town of Hardwick Water System.

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

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

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

e. The minimum service line diameter for a single family residence shall be  $\frac{3}{4}$  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 Town's standards. The Town may require a larger than  $\frac{3}{4}$  inch I.D. service line when the demand flow rate will exceed 15 GPM (gallons per minute). In a new development, the Town may permit the developer to install the water main if done in accordance with acceptable standards and under the supervision of the Town.

## **10. Service Line Leaks**

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

## **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.

## **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 Town. 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 Town may deny or postpone service for or to: cold weather, insufficient water, insufficient pressure, absence of a connection fee, prevent contamination via a cross connection, or when the Town determines that the service line leaks or does not meet the material standards of the Hardwick Community Water System.

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

A customer shall not supply water to another party except as the Town 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 Town. Any violation of water use shall be grounds for discontinuance of water service until the matter is resolved to the satisfaction of the Town 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 Town 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 Town 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 Town to determine if the water will continue to be shut off or water service will be restored. If the Town 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 owner on receipt of an invoice submitted by the Town. Water conserving devices meeting all applicable State and Federal standards shall 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 Town, 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 Town. If permitted, it shall be protected against backflow and/or back siphoning in accordance with accepted cross-connection control methods established by the Vermont Department of Health. All new connections shall include an appropriate backflow prevention device installed between the meter and interior household plumbing.

A dual check valve manufactured as per A.S.M.E. specification Number 1024 shall be installed at all domestic and small commercial services (under 15 GPM flow). Other backflow devices shall be installed at industrial, commercial or other services greater than 15 GPM flow as required by the Town 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 Town shall require the customer to install devices that will confine such fluctuation of demand and pressure to within reasonable limits determined by the Town. If the customer, after receiving written notice from the Town, fails to offer an acceptable remedial plan within a time limit set by the Town, a hearing shall be held within five days by the Town to determine whether or not service will continue. If waiting five days for a hearing to be scheduled will, in the opinion of the Town, 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 Town to shut off the water main or water service line and to protect against loss of pressure for any other reason. Water service supplied to any customer not providing such protective devices will be done at the customer's risk.

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

### **20. Access to Premises**

Water system employees, contractual agents of the Town Water System, the water system operator, and the Public Works Forman, with suitable credentials and identification, and upon reasonable notice to the building owner(s) and resident(s) (which, except in the case of an emergency, shall be construed as at least 24-hours' notice), shall have access to all premises served water during reasonable business hours (which, except in the case of an emergency shall be construed as between 7 a.m. and 7 p.m.) during any day of the week, except on State or federal holidays and on Sundays (unless an emergency requiring access is reasonably believed by the Town 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 Town 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 owner is obligated to pay at least the minimum base fee regardless of whether the residence or business is occupied. Any additional fees established on meter readings above the allotted quantity of water shall also be charged to the owner and are due and payable on presentation of a bill. If property is to be sold or transferred, the Operator must receive a written request for a final meter reading for prorated bills at least two weeks in advance of the sale or transfer. The water rates, charges and fees shall be established by the Commission, which is authorized to establish or amend said rates, charges and fees from time to time by resolution.

### **22. Billing Procedures**

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

### **23. Disconnection of Service**

Bills for water service are due and payable to the clerk when received as indicated on the statement and shall be considered delinquent when unpaid 30 days following the due date. Water service may be discontinued: 1) by reason of nonpayment of water bills; 2) to eliminate a health hazard; 3) for violation of any special order restricting water use; 4) or for fraudulent use of water. If the customer requests a hearing, one shall be held by the Town 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 Town 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. Failure to pay a water bill that results in disconnection of service, will require the water customer to pay a deposit equal to the average of one quarterly billing period to that property and to pay the arrearage of the bill entirely or enter into agreement to pay a portion of the bill and make monthly payments thereafter. The goal of the agreement is for the customer to keep up with current payments and to pay off the total arrearage within one year.

When the Town dispatches an agent to effect a shut-off caused by delinquency of payment and, upon arrival, payment is made to the agent for all charges due including the collection fee as permitted under 24 V.S.A., Chapter 129, service will be permitted to continue. If a violation of rules, or emergency incident results in a shut-off, a reconnection charge as indicated on the attached rate schedule will be assessed for resumption of service in addition to the disconnection charge if the problem is determined to be the responsibility of the customer except as provided in 24V.S.A. 5146.

### **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 Town, 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 Town 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:** Where possible, all water will be sold on the basis of a base and metered measurements. When it is impractical to install a meter (including a meter/pit vault) such as where a freeze free area is not available and on approval of the Town, flat rate fees shall be used to establish the water charges. The Town shall install meters whenever deemed expedient or appropriate. The customer can receive water through a meter upon written application to the clerk of the municipality and after payment of all required fees. The size of the meter will, in all cases, be determined by the Town and be guided by this ordinance. When the Town determines a meter is viable and necessary for installation, the property owner will have two weeks from the date of notice by the Town that a meter is to be installed. A property owner's failure to install a meter within the prescribed timeframe determined by the Town, may lead to disconnection of service after proper notice.

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

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

**d. Testing:** The Town shall arrange for suitable means of testing its meters. All tests will be at the sole expense of the customer unless initiated by the Town. The customer requesting a meter test shall make a deposit in an amount established under "Water Rates, Special Charges and Connection Fees" to cover the cost of removal, testing and re-installation. If a meter tested at the request of a customer shows the meter does not conform to flow criteria established by AWWA standards, the deposit made by the customer shall be refunded and a new meter installed at no cost to the customer. If the meter conforms to the standards of these rules, the Town will retain the customer's deposit and the meter may be continued in use at the same location. Town 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. In the instance where there are individual units but one meter, each unit will pay the base rate plus the operation and maintenance fee.

## **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 operation and maintenance fee and the Town will make an estimate of the water consumption in excess of the base rate during the period of removal, said estimate to be based on the average consumption for similar periods for the customer, and the water charges will be computed accordingly. If the Town initiates the meter removal, water consumption for the period of meter removal shall not be estimated or charged to the customer

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

## **27. Fire Hydrants**

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

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

Tampering with Community Water System property is not permitted. Any valve, pump, pump house, hydrant, curb stop, water main, municipal service line, meter, tank reservoir or any other appurtenant part of the water system, which is deemed the property of the Town, shall not be adjusted, operated or tampered with by any person except those authorized by the Town. 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.

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

Any person wanting to construct an extension to the water system shall apply to the Town. Upon preliminary approval of the application by the Town, 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 Town. All work performed by non-municipal agents, such as developers or contractors, shall remain uncovered until an authorized Town representative has inspected the work and has indicated general satisfaction with it.

When water mains are to be constructed, the developer shall engage a professional engineer approved by the Town to observe the construction and insure that the work proceeds in accordance with the

approved plans. The engineer shall certify to the Town the completeness, suitability, and adherence to the approved plans and shall include submission of record drawings to the Town within 60 days of work acceptance by the Town. If the Town believes that the water main extension is not being constructed in accordance with the approved plans, the Town may engage a professional engineer to review the work and provide a report to the Town regarding compliance with the plans. The cost of the engineer obtained by the Town shall be the responsibility of the applicant if significant discrepancies are noted between the Town's approved plans and the constructed water main extension which are unacceptable to the Town. Any discrepancies noted shall be corrected by the applicant under the observation of the professional engineer engaged by the Town at the expense of the applicant for both engineering observation and construction correction. Upon the completion of the constructed water mains, final inspections and approvals and after a two year warrantee period the Town shall take ownership of the constructed water mains in the ROW and require permanent easements for access to the water main if constructed on private land.

### **30. 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 Town 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).

### **31. 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.

### **32. 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

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 Town shall have the right to institute any civil action which it deems appropriate to obtain injunctive or monetary relief, or both.

d. The Town 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 Town Manager and approved by the Select Board may issue a municipal complaint ticket for violation of the provisions of this Ordinance.

### **33. Water Rates, Special Charges, and Connections Fees**

On an annual basis, the Town will reevaluate and 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 Town, existing rates, charges or fees must be revised, the Town will notify ratepayers of its intent by way of a Notice published in an agenda and posted in 3 public locations within the Town. Following such Notice, the Town shall convene a public meeting to explain the proposed revisions and to receive comments from ratepayers. After taking all comments into consideration, the Town 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.

### **34. Appendices**

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

**36. Publication and Effective Date**

- a. No section of this Ordinance shall be construed to supersede or replace any Vermont Statute.
- b. This Ordinance shall be entered into the minutes of the Select Board meeting, and posted in at least three (3) conspicuous places within the Town of Hardwick and published by title in accordance with VSA 24, Section 1972 in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- c. This ordinance shall become effective sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed with the Town Clerk forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five percent (5%) of the qualified voters of the Town, and should ask for a special meeting to be called on the question of disapproving the Ordinance.
- d. Questions about the ordinance may be directed to the Town Manager of the Town of Hardwick, Vermont, or by calling telephone number (802) 472 6120

Adopted and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the Select Board of the Town of Hardwick, Vermont:

\_\_\_\_\_  
Eric Remick, Chair

\_\_\_\_\_  
Danny Hale, Vice Chair

\_\_\_\_\_  
Shari Cornish

\_\_\_\_\_  
Kathleen Hemmens

\_\_\_\_\_  
Lawrence Hamel

Attested to by Town Clerk, Hardwick, VT

\_\_\_\_\_  
Alberta Miller