

Town of Hinesburg

Water Use Ordinance

Adopted April 1999

Amended February 2000 (Ban on Disconnection)

Revised September 2003 (Clarification of Billing Procedure, Connection Service and an Update of Fee Schedule)

Amended ~~January~~ Month 2015[?] (Allocation fees, holding fees, capacity reserve, allocation prioritization, clarification of mandate connection language,)

Town of Hinesburg Water Department Mission Statement:

The Water Department will provide adequate water to meet the demands of the users. The Town of Hinesburg will ensure water quality meets all ~~Minimum~~ minimum State and Federal ~~S~~standards, striving to provide water of the highest quality ~~standards~~ within the confines of local budget constraints. ~~The f~~Facilities, equipment and records shall be kept in a manner consistent with the high professional standards of the Town of Hinesburg.

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- 63 The ~~municipality~~ Town of Hinesburg, Vermont, by and through its Selectboard, ordains that the
- 64 ~~Regulations~~ herein set forth are established as necessary and desirable for regulating the use of
- 65 ~~public of public~~ water systems and providing penalties ~~thereof in Hinesburg, Chittenden County,~~
- 66 ~~and State of Vermont.~~ Be it ordained and enacted by the Hinesburg Selectboard, ~~of Hinesburg,~~
- 67 ~~State of Vermont,~~ as follows:
- 68
- 69 1. **Definitions:** Unless the context specifically indicates otherwise, the meaning of the terms used
- 70 in this ~~O~~rdinance shall be as follows:
- 71
- 72 a) “Base Fee” – ~~the shall mean a~~ minimum water charge per business or residential unit ~~over for~~
- 73 a specified time period ~~that is~~ assessed to the owner of each unit regardless of whether a meter
- 74 exists for each unit or for several units.

- 75 b) “Business Unit” ~~shall mean~~ an office, place where business is carried out or where
76 employees are stationed. ~~This includes but is not limited to: (a few examples not meant to be all~~
77 ~~inclusive);~~ a store, beauty salon, gas station, restaurant, school, clinic or any other place of
78 business that is not residential and is separately operated and distinguished from other businesses
79 in the same building.
- 80 c) “Cellar Stop” ~~shall mean~~ – the valve installed on the service pipe after it enters the building
81 and before the water meter.
- 82 d) “Clerk” ~~the shall mean the duly-duly-~~appointed ~~person individual that who~~ sends out water
83 bills, receives payment for water charges, and issues notices for disconnection of water.
- 84 e) “Cold Weather Construction” ~~shall mean~~ all non-emergency construction work occurring
85 during the period between November 15 to April 15 on the water system, especially distribution
86 mains or service lines.
- 87 f) “Commercial” ~~shall mean~~ any building for in use that is not other than for residential,
88 institutional or industrial ~~purposes~~.
- 89 ~~g) “Commissioners” shall mean the Selectboard of the Town of Hinesburg.~~
- 90 h) “Corporation” ~~shall mean~~ the water ~~shut shut-~~off valve attached to the saddle at the water
91 main, to which the Service Line Municipal is attached; a corporation shall be brass ball valve
92 style, MacDonald 4701 Series or ~~approved~~ equivalent approved by the Town.
- 93 i) ~~“Cross-Cross-Connection” shall mean~~ any direct or indirect pipe connection between the
94 potable water supply and another supply of liquid or gas.
- 95 j) “Curb Stop” ~~shall mean~~ the valve on the service line, typically at the edge of the Town
96 highway ~~right right-of-of-~~way on the User’s property, which provides water service to the User.
- 97 k) “Customer” ~~shall mean~~ any person, firm, corporation, or governmental subdivision ~~who is~~
98 granted water service or ~~who is~~ responsible for payment ~~of for~~ water service.
- 99 l) “Discontinuance of Water Service” ~~shall mean~~ deliberate interruption of water service by the
100 Municipality to the User ~~(for reason of delinquent payment, prevention of excessive water loss,~~
101 ~~to protect against contamination of the system or for tampering with water system).~~
- 102 m) “Distribution Main” (“Water Main” or “Main”) ~~shall mean~~ the primary supply pipe from
103 which service connections are made, to supply water to the User through service lines.
- 104 n) “Emergency Termination of Water Service” ~~shall mean execution of an~~ immediate water
105 service shut-off due because of, but not limited to, any of the following to:
- 106 1. Water leakage between the curb stop and building
- 107 2. Discovery of a direct and unprotected cross connection
- 108 3. Unauthorized and excessive use of water
- 109 4. Violation of special “restrictive use” orders issued by the ~~governing body~~ Selectboard
- 110 5. Any other situation that could contaminate or significantly deplete ~~available~~
111 ~~waterwater~~ system capacity in the system
- 112 o) “Extension of Water Main” ~~shall mean~~ any extension of distribution mains in accordance
113 with the rules, regulations, standards and specifications of the Municipality.
- 114 ~~p) “Governing Body” means the Selectboard that represents the body politic.~~
- 115 q) “Industrial Facility” ~~shall mean~~ any structure(s) used or intended for use as a business
116 enterprise for manufacturing, processing, or assembling any product, commodity or article.
- 117 r) “Institutional Facility” ~~shall mean~~ any individual self-contained facility deemed by the
118 Selectboard to be important to the general health and ~~well well-~~being of the community. Such
119 facilities could include schools, municipal offices, care facilities, medical facilities, libraries, etc.
- 120 s) “May” is permissive, indicating a choice. “Shall” is mandatory.

Comment [TL1]: Commissioners and governing body consolidated under inserted definition for Selectboard, the term used throughout. Re-letter the section.

Comment [TL2]: Do we need both customer and user?

Comment [TL3]: Doesn’t the section on disconnect/discontinuance cover the reasons and process?

Comment [TL4]: Re-letter section

Comment [TL5]: Is this a necessary definition, giving the broad use and meaning of the terms in ordinance, statute, etc.?

- 121 | t) “Municipality” ~~means~~ the Town of Hinesburg.
- 122 | u) “Municipal Office” ~~shall mean~~ the place designated by the governing body to receive
- 123 | applications for service, receive payments of water bills and where public notices and notices of
- 124 | discontinuance of service are generated and posted, i.e. Hinesburg Town Hall.
- 125 | v) “Municipal Representative” ~~means~~ — a member of the Selectboard or its representative, the
- 126 | clerk, the treasurer, the public works director or the operator.
- 127 | w) “Operator(s)” ~~means the person~~ — individual or individuals designated by the governing body
- 128 | to operate the water system.
- 129 | x) “Owner(s)” ~~means~~ the person or persons, firm, corporation, trusteeship, or governmental
- 130 | agency that has title to the property ~~that is~~ served and ultimately responsible for payment of all
- 131 | rates, fees and charges.
- 132 | y) “Person” ~~means~~ an individual person, owner, corporation, church, business, governmental
- 133 | agency, or estate.
- 134 | z) “Property Owner” ~~shall mean~~ — that person(s) identified as the owner of the property, as shown
- 135 | in the by recorded deed.
- 136 | aa) “Reasonable Hours” ~~shall mean~~ between 8:00 a.m. and 8:00 p.m.
- 137 | bb) “Residential Unit” ~~shall mean~~ — a livable abode, which includes as a minimum, a kitchen or
- 138 | kitchenette, bathroom, and bedroom or other room that serves as sleeping quarters.
- 139 | cc) “Saddle” ~~shall mean~~ the mechanism for attaching smaller service line to larger service line;
- 140 | a circular device bolted or otherwise attached to the water main through which a hole is drilled in
- 141 | the water main to supply water to the service line. For the purpose of this ordinance shall mean a
- 142 | Smith-Blair Series 317 or approved equivalent.
- 143 | dd) “Shall” is mandatory. “May” is permissive, indicating a choice.
- 144 | ~~tbd)~~ “Selectboard” – the governing body of the Town of Hinesburg, serving as the water
- 145 | commissioners for the purposes of this ordinance.
- 146 | ee) ~~“SLB”~~ “Service Line-Building (SLB)” ~~shall mean~~ the water pipe connected on one end to
- 147 | the curb stop and the other end terminating just inside the User’s building, at the water meter,
- 148 | including the connection to the water meter, to provide water service.
- 149 | ~~Ffrr)~~ “SLM” “Service Line-Municipal (SLM)” ~~shall mean~~ the pipe running from the
- 150 | distribution main to and including the curb stop at the property line of the User, or to the edge of
- 151 | the right-of-way.
- 152 | gg) “Subdivision” ~~shall mean~~ the division of any land, parcel, or area of land into two or more
- 153 | lots or parcels for the purpose of conveyance, transfer, improvement or sale, which may include
- 154 | appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated ~~to for~~
- 155 | public use.
- 156 | hh) “Superintendent” ~~shall mean~~ the ~~Appointee~~ appointee of the ~~Governing Body~~ Town
- 157 | ~~designated as~~ responsible for management and operation of the public water system.
- 158 | ii) “Tap” ~~shall mean~~ any connection of a service line or distribution main or extended main to
- 159 | the main.
- 160 | Tbd) “Town” – the Town of Hinesburg.
- 161 | jj) “Unconnected Properties” ~~shall mean~~ — those properties, which do not receive water service.
- 162 | kk) “Unit” ~~shall mean~~ any building or specific portion thereof which is separately identifiable.
- 163 | All unit designations shall be as determined by the Selectboard. Units may be designated as one
- 164 | of the following as:
- 165 | 1. Residential: Self-contained housekeeping facility for individual or single-family
- 166 | (house, duplex, apartment, condominium, etc.).

Comment [TL6]: See note 10

Comment [TL7]: Verify lettering prior to or upon
final edit

Comment [TL8]: Reflects change in
appointment process, without locking into any
single method for doing so.

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2. Commercial: Individual, self-contained facility or business including, but not limited to, such as a store, motel, hotel, garage. A meter will be required for each building in a hotel/motel complex.

3. Industrial: Individual, self-contained facility for uses, including but not limited to, in manufacturing or industry.

4. Institutional: Individual, self-contained facility deemed by the Selectboard to be important to the general health and well-being of the community. Such facilities could include, but are not limited to, schools, municipal offices, care facilities, medical facilities, and libraries, etc. All unit designations shall be as determined by the Selectboard.

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ll) "User" shall mean any person who is a customer and who receives water from the municipality through a pipe connection.

mm) "Water Shut-Off" shall mean discontinuance of service.

nn) "Public Water System-Public" 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.

oo) "Private Water System-Private" shall mean any water system located on the customer's premises or property not supplied by the public water system. The system may be potable or non-potable.

Comment [TL9]: Customer/user/owner?

pp) "Secondary Water System-Secondary" shall mean any distribution system not owned by the parent municipal water system but served by the municipal water system.

2. Mandatory Connection to Municipal Water System

All units receiving construction approval (building permit, site plan approval or final plat approval) subsequent to the adoption of and any amendment to this ordinance, situated within the Town of Hinesburg and abutting on any street, alley or right-of-way in which there is located an adequate municipal water line as determined by the Public Works Department municipality is hereby required at his/her own expense to connect directly to the municipal water system in accordance with the provisions of this ordinance. Said connection is mandated unless undue hardship would result, in which case the property owner should request in writing a deferral of this requirement.

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Comment [TL10]: Are there ways to "strengthen" the connection language – this section is much like similar provisions in other ordinances.

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3. Application for Service

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

Comment [TL11]: Definition of owner above covers this

4. Shut-Off, and Restoration of Service

Collection fees, disconnection fees and re-connection fees associated with the regarding non-payment of water bills/rates shall be assessed in accordance with 24 V.S.A. Chapter 129. The governing Selectboard may shut off water service for violation of special "restriction of water use" notices, to eliminate a public health hazard, or for continued violation of these regulations. Any shut-off by the governing board may necessitate a shut-off charge to the customer. 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 fee plus any other unpaid fees shall be ~~due and payable~~ paid before service will be restored.

5. Connection Fees

A connection fee shall be ~~due and payable~~ paid to the clerk of the municipality before a new service connection is constructed and only after the ~~governing Select~~board has approved the connection. Water service will not be provided until the municipality has installed a meter in the building to be served. The meter will be installed within 15 working days of the municipality's receipt of a request for a meter installation provided all applicable fees have been paid ~~to the municipality~~ and the work is deemed satisfactory by the ~~appropriate municipality representative~~. ~~The amount of the fees shall be established by the Board/Selectboard, which is authorized to establish or amend water connection fees from time to time by resolution.~~ The municipality shall provide the meter and a back-flow prevention device.

a. The meter

b. A back-flow prevention device

The property owner shall provide:

- a. Excavation ~~of for~~ the distribution main and tap. All work done on or around the water line must be done by qualified personnel approved by the ~~Operator municipality~~ and meeting all AWWA standards.
- b. Saddle, corporation, copper piping to curb stop, and curb stop.
- c. Excavation ~~of for~~ the waterline, ~~as far as into~~ the building.
- d. Labor and materials to install waterline from water main into the building.
- e. Labor and materials for all backfill, including sand or stone fill around piping as required. Inspection and approval of waterline by ~~Operator the municipality is~~ required prior to backfill.
- f. Shut-off valve on the building line (see ~~section Section~~ 9 for specifications).

Comment [TL12]: waterline or water line?
Make consistent throughout

6. Curb Stops

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

Comment [TL13]: "...at the outside edge of the municipal right-of-way on the property where one or more units will be served by the connection to the water system..." Edit to reflect

7. Ownership and Maintenance of Service Line

The SLM shall be operated and maintained by the municipality. The SLB shall be installed, operated, and maintained by the owner. The cost of repairing or replacing the SLB shall be the responsibility of the owner. The minimum SLB diameter for a ~~single single~~-family residence shall be ¾ inch; all service lines installed shall be type K copper or 200 psi CTS plastic, and all fittings shall conform to AWWA Standards. The Selectboard may require a larger than ¾ inch I.D. SLB when the demand flow rate will exceed 15 GPM (gallons per minute). ~~In a new development, the~~ Selectboard may permit the developer in new developments to install the SLM if done in accordance with acceptable standards and under the supervision of the ~~Operator municipality~~.

Comment [TL14]: ?

8. Service Line Leaks

In the event a leak is discovered in an SLB, water service shall be shut off by ~~the a representative of the~~ municipality and restored after the repair is made. The owner is responsible for the cost of the repair or replacement of the SLB. ~~Also, if an~~ SLB is discovered or known by the ~~Selectboard municipality~~ to be constructed of materials not meeting the ~~municipality's~~ materials standards ~~established in this ordinance~~, the ~~municipality owner~~ may ~~be required~~ ~~the owner~~ to replace the entire line with approved ~~pipe~~ materials regardless of whether or not ~~there has been a leak line has leaked in the past~~.

9. Service Line Trench

Water service ~~pipes~~ shall not be laid in the same trench with another pipe unless the other pipe contains drinking water from the same system or has been plugged and abandoned. The water service line shall be kept at least 10 feet away from all combined or sanitary sewers including house sewers; five (5) feet away from all storm sewers and shall not be laid in the same trench with a sewer line. The water service line shall be installed at a minimum depth of 4.5 feet. If a depth of 4.5 feet is not possible due to extenuating factors (i.e. other utilities or ledge), insulation will be required as specified by the ~~Operator municipality~~. The Selectboard considers the common use of a trench for water lines, sewer pipes and electrical lines to represent an unacceptable construction practice which, if done, will create unsafe working conditions. Common trench construction shall be grounds for denial or discontinuance of water service.

Comment [TL15]: Pipes vs. lines, throughout.

10. Quarter Turn Stop Valve

Every water service shall require a quarter-turn 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 are~~ the responsibility of the property owner. There shall not be any connections in the incoming service line that are not metered.

11. Cold Weather Construction

New service or extension of mains shall not be constructed during the period ~~beginning on~~ November 15th ~~to and ending on~~ April 15th without prior ~~cold weather construction~~ approval of the Selectboard. The owner may be assessed an additional charge ~~as part of the connection fee~~ to cover ~~the any~~ additional expenses incurred as a result of cold weather construction.

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12. Denial or Postponement of Service

The Selectboard may deny or postpone service due to, ~~but not limited to, the following~~: cold weather, insufficient water, insufficient pressure, absence of a deposit for service line construction, ~~absence of connection~~ ~~non-payment of all applicable fees~~, to prevent contamination through a cross connection, or when the Selectboard determines that the service line leaks or does not meet the material standards of the municipality.

13. Unauthorized Use of Water

A customer shall not supply water to another party except as the Selectboard may permit such extended use in an emergency. A person shall not obtain water from any hydrant or other fixture of the municipality without the written approval of the Selectboard. Any violation of water use

shall be grounds for discontinuance of water service until the matter is resolved to the satisfaction of the Selectboard and any and all required disconnection and reconnection fees are paid to the clerk.

14. Restriction or Prohibition of Certain Water Uses

When necessary to conserve the water supply, the municipality may restrict or prohibit the use of hoses, sprinklers and any other non-essential water uses or water-using devices 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. Notice shall be posted on the Town's website. Violation of a municipal notice, directive or order to conserve water by a customer after one written reminder by a municipal representative shall be grounds for immediate discontinuance of service. A hearing, if requested by the affected customer, shall then be held within five days to determine if the water will ~~continue to be remain~~ shut off or water service will be restored. If the Selectboard determines the shut-off was due to a violation of a 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~~ no later than the following day.

15. 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 damaged by freezing, or otherwise damaged by customers, occupants or others shall be paid by the owner on receipt of a bill submitted by the municipality. Water conserving devices meeting all applicable State and Federal Standards will be used whenever fixtures and faucets are replaced.

16. ~~Cross-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. If the owner of the building involving such a connection fails or refuses to eliminate or properly protect the ~~eross-cross~~-connection within a time period established by the Selectboard, water service shall be discontinued with all disconnection and reconnection fees applicable once the situation is remedied. A ~~eross-cross~~-connection shall not be created without the approval of the Selectboard. If permitted, it shall be protected against backflow and/or back-siphonage in accordance with accepted cross-connection control methods established by the Vermont Department of Health. All new connections shall include an appropriate backflow prevention device installed between the meter and interior household plumbing. A dual check valve manufactured as per A.S.M.E. specification ~~N~~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 municipality and as recommended by the Vermont Department of Health.

17. Fluctuation of Pressures by Customers' Apparatus

Customers shall not install water pumps or ~~high-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 an apparatus, which requires water in sudden or large quantities, the Selectboard shall require the customer to install devices, ~~which will that~~ remain confine such fluctuation of demand and pressure to remain within reasonable limits. If the customer, after receiving written notice from the municipality, fails to remedy the situation, a hearing will be held within five days to determine whether or not service will continue ~~to the customer~~. During this five-day period water service may be disconnected, if warranted by the opinion of the Selectboard, and all disconnection and reconnection fees shall apply.

18. Safeguarding Water-Using Devices

All customers having hot water tanks or secondary systems supplied by automatic makeup valves shall install and maintain in operating condition appropriate backflow, temperature/pressure relief valves, and thermal expansion tanks as needed to prevent damage to the water device or secondary system or their appurtenances should it become necessary for the Selectboard to shut off the water main or service line and to protect against loss of pressure for any other reason. In areas of the ~~Water-water~~ System where high static water pressure is experienced, customers shall install and maintain in operating condition pressure reducing valves. Water service supplied to any customer not providing such protective devices will be done at the customer's risk. Accordingly the municipality will not be liable for damage resulting from the lack of or failure of such protective devices as required in this section.

19. Access to Premises

Water ~~system~~ Department employees, contractual agents of the municipality, members of the Selectboard, ~~the Water System Operator~~, the Director of ~~Public Works~~ Buildings and Facilities, and the clerk, with suitable identification, shall have access to all premises served by the water system at all reasonable hours during any day of the week, except state and federal holidays and Sundays (unless an emergency is believed to exist by the municipality ~~to exist~~) for the purpose of inspecting plumbing and fixtures, identification of ~~cross-cross~~ connections, to set, remove or read meters, to ascertain the amount of water used and the manner of use, and to enforce these regulations. If a customer or occupant prohibits access to the premises, the customer or occupant must arrange for an inspection to take place within 24 hours, otherwise water service may be discontinued with all disconnection and reconnection fees applied.

Comment [TL16]: Includes the superintendent and operator

20. 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 minimum 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 ~~Town~~ 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 amount of w~~ Water rates, charges and fees shall be established by the ~~Board~~ Selectboard, which is authorized to establish or amend said rates, charges and fees ~~from time to time~~ by resolution.

21. Billing Procedures

Bills will be issued quarterly to the property owner ~~quarterly~~, based on the calendar year. ~~the~~
The amount of which will be in accordance with the 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~~late if unpaid in 30 days. Interest will be charged to
all late bills ~~in arrears~~ at the rate of 18% per annum or the maximum rate allowed under statute
law, whichever is less. In addition, a penalty of 5% will be levied on all late bills ~~in arrears~~. Late
~~Bills in arrears~~ shall be due and payable in accordance with procedures set forth in 24 V.S.A.
Chapter 129. In the case of rental property, bills will be issued to the property owner, in care of
the tenant, if requested to do so in writing by the property owner.

22. ~~User-User-~~Initiated Termination or Deactivation of Service

Disconnection from the water system is prohibited, per ~~Vermont State Statute Title 24,~~
~~Section V.S.A. § 3315~~, with the following exception:

1. The property owner shall notify the Selectboard in writing of intent to terminate service.
2. On receipt of the required termination fee, the municipality shall terminate service by shutting off the curb stop or otherwise discontinuing supply. The property owner shall remove 20 feet of the building service line, which on acceptance after inspection by ~~the a~~ municipal representative will represent a termination of service.
3. The property owner shall enter into an agreement (binding upon the current owner, his or her heirs and assigns and recorded in the land records) to obligate the owner and property to the quarterly payment of the minimum base fee. Failure to pay following termination or termination without approval will result in a penalty ~~of equal to two times the double the~~ minimum base fee in effect at the time of termination, plus interest and court costs. If the property owner wishes to deactivate the water service for a specified period, he or she shall submit a request in writing to the Selectboard. Upon Selectboard approval and receipt of the required deactivation fee, the municipality shall deactivate service by shutting off the curb stop. Unless waived by the Selectboard, the property owner will be obligated to pay the minimum base fee until reactivation of the service. Water service will not be deactivated if any outstanding balance for service is owed for the property. When the owner wishes to reactivate the water service, he or she shall notify the Selectboard in writing of such intention. Upon receipt of the required activation fee, the municipality shall restore service by turning on the curb stop.

23. ~~Municipality-Municipality-~~Initiated 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 ~~in arrears~~late if unpaid in 30 days. Water service may be discontinued:

- 1) ~~by reason of~~ nonpayment of water bills,
- 2) to eliminate a health hazard,
- 3) for violation of a special order restricting water use, or
- 4) for fraudulent use of water.

If the customer requests a hearing, one shall be held within five work days to determine if water service will continue to be denied, or ~~if to be~~ restored ~~under what~~with conditions. Service, once

discontinued, shall not be restored until the reason for discontinuance has been eliminated. Before service is discontinued for delinquency of payment, the municipality 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 water shut-off date (see Appendix D – Disconnection Notice Form). Shut-off on account of delinquency of water rate payment will not be made on a day immediately preceding a Saturday, Sunday or a state or federal holiday. When the Selectboard dispatches a ~~n-agent representative~~ to effect a shut-off caused by delinquency of payment and, upon arrival, payment is made to the ~~agent representative~~ 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, health hazard or emergency incident results in a shut-off, a reconnection charge will be assessed for resumption of service in addition to the disconnection charge.
~~resumption of service in addition to the disconnection charge.~~

Comment [TL17]: Do we still want folks in the field accepting payments, especially when we may need further verification of the amount due?

24. Interrupted or Unsatisfactory Service

If, by reason of shortage of supply or for the purpose of making repairs, extensions, connections, ~~placing installing~~ or replacing meters, or for any reason beyond the control of the municipality, 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~~ more than 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 municipality 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 metered measurements. When it is impractical to install a meter such as in a mobile home and on approval of the Selectboard, flat rate fees shall be used to establish water charges. The municipality 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 municipality and these rules.

b. Meter Setting 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 municipality. A municipal 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 municipality. 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 municipality shall arrange for suitable means of testing its meters. All tests will be at the sole expense of the customer unless initiated by the municipality. 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 municipality will retain the customer's deposit and the meter may be continued in use at the same location. Municipality 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 municipality will make an estimate of the water consumption 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 municipality 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 Water Department or such purposes agreed to in writing by the municipality. 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 nonlegitimate use. Violators will be prosecuted to the full extent of the law as it pertains to tampering with public water systems.

28. Tampering With Public Water System, Prohibited

Tampering with municipal water system property is not permitted. Any valve, pump, pump house, hydrant, curb stop, water main, municipal service line, tank reservoir or any other appurtenant part of the water system, which is deemed the property of the municipality, shall not be adjusted, operated or tampered with by any person except those authorized by the municipality. If a customer or owner is known to have tampered with any municipal 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.

29. Water Main Extension, Plan Approval and Construction

Any person desirous of constructing an extension to the water system shall apply to the municipality. Upon preliminary approval of the application by the Selectboard, the applicant shall have final plans and specifications developed by a professional engineer whom the municipality agrees has demonstrated proficiency in water system design, and is registered to practice civil or sanitary engineering in Vermont. Construction shall not commence until the State department having due authority and the Selectboard of the municipality has issued approval of the plans. Written approval by the Selectboard will address issues such as engineering oversight, submission of record drawings, the municipality's rights for review of the project and payment by the applicant in the event the municipality hires an outside engineering firm in the event the water mains are not being constructed according to original plans. The municipality reserves the right to require a meter installation at the curb stop for private water main extensions. All work performed shall remain uncovered until an authorized municipal representative has inspected the work and indicates general satisfaction with it. A record drawing of the extension will be recorded at the clerk's office at the builder's expense.

30. Materials

Materials used in building service lines from the curb stop to the meter shall be specified and approved by the municipality. All materials used and methods employed shall conform to the National Plumbing Code and AWWA Standards, all latest editions.

30. Protection From Damage

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment, which is part of the Water System. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in V.S.A. Title 13, Section 3701.

31. Penalties

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

32. Capacity Allocation Reserve

As a matter of policy, the Selectboard will attempt to retain 10 percent of the permitted capacity of the municipal water system in an allocation reserve. At no time will the capacity allocation reserve be less than 3.5 percent of the permitted capacity of the municipal water system.

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Allocation may be made from the reserve by the Selectboard for projects as listed in priority order below:

1. Municipal, educational, or institutional projects.
2. Redevelopment projects at the former Saputo Cheese Plant, or subsequently designated redevelopment priority site.
3. Projects whose circumstances are so unique that the allocation cannot be met without using capacity from the reserve, and are deemed by the Selectboard to be in the best long-term public health, safety, and welfare of the Town.

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33. Allocation Purchase, Maintenance, and Forfeiture

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All applicable allocation fees shall be paid in full prior to the issuance of a zoning permit. Allocation must be purchased in full within three years of the date of issuance, unless a two-year extension is granted by the Selectboard. The owner shall pay an annual allocation holding fee as specified in Appendix A. An extension may only be granted when the capacity reserve is at or exceeds 10 percent of the total permitted capacity of the municipal water system. Annual holding fees for a two-year allocation extension are specified in Appendix A.

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Upon issuance of an allocation letter, the owner must pay an allocation deposit equal to 10 percent of the total allocation fee.

If the allocation is not paid for in full prior to the expiration of the three- or five-year allocation window, the allocated capacity will be returned to either the general allocation pool or the capacity allocation reserve if the total available capacity of the municipal water system is 10 percent of the total permitted capacity of the system or less. Holding fees paid for allocation that is not purchased in full prior to the expiration of the allocation will not be refunded. An owner may not apply to regain the expired allocation for a period of two years.

The allocation deposit and holding fees may be applied to the overall allocation/connection fees owed by the owner.

34. Emergency-Only Utilization of the “Old Wells”

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The “old wells,” located west of Town Hall and Stella Road, will be left connected to the municipal water system but not utilized, except in an emergency situation. The capacity of the wells will not be counted in the Town’s calculation of permitted capacity, nor will the capacity be available for allocation and subsequent purchase. If other water sources are connected to the water system that capably serve the Town’s standard and emergency water capacity needs, the old wells will be disconnected from the water system entirely.

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Appendix A

Town Of Hinesburg Water System

Water Rate, Special Charges And Connection Fees

Effective July 1, 2007 Month x, 2015

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Water Rates:

1. Metered Properties

\$60.00 per quarter for first 500 cubic feet water usage

\$0.031 per cubic foot for water usage above 500 cubic feet

2. Unmetered Properties

\$60.00 per quarter base charge

\$40.00 per quarter unmetered usage charge

Comment [TL18]: Will need to adjust the blended (i.e. fixed and variable) rates based on re-payment schedule from VMBB/SRF. First, we'll need to know what we've borrowed. Can block the section out using the \$1.5 million authorization.

Connection Fee:

\$1000 per unit. Municipality to supply water meter and back-flow prevention device.

Connection fee for waterlines greater than $\frac{3}{4}$ inch in diameter will be determined at time of application.

Allocation Charge

\$2,500 for the first 210 gallons per day of capacity.

Comment [TL19]: Single charge, based on the fact that water allocation is, in total, closer to 400 gpd per state rules and wastewater is 210 gpd (which should be the water standard).

Allocation deposit

10% of the total allocation charge.

Allocation Holding Fees

\$100 per year for three years.

\$150 per year for two year extension, if granted by the Selectboard.

Special Charges:

Disconnect Fee: \$60.00

Reconnection Fee: \$60.00

Deactivation Fee \$60.00

Activation Fee: \$60.00

Meter Test Deposit: \$75.00

Charges for disconnection/reconnection resulting from delinquent accounts will be according to Vermont State Statute Title 24 VSA § 5151.

Town of Hinesburg Water/Wastewater Department Appendix B

Service Connection Permit Application

Property Owner/Applicant: _____ Phone

_____

Mailing

Address: _____

672
673 Property
674 Location: _____
675
676 I hereby apply for permission to construct a:
677
678 **New Water Service** " See Town of Hinesburg Water Use Ordinance, Sections 3-25, 30 and
679 Appendix A
680
681 **New Wastewater Service** " See Town of Hinesburg Wastewater Ordinance Name, address of
682 Contractor, Company or Individual who will undertake the proposed work:
683
684 _____
685 Phone # _____
686 Fax # _____
687 Email _____
688
689 **Water Service Information:**
690 1. Commercial " Residential " Industrial " Other "
691 (describe) _____
692 2. Type and Size of Service:
693 _____
694
695 **Wastewater Service Information:**
696 1. Commercial " Residential " Industrial " Other "
697 (describe) _____
698 2. Type and Size of Service:
699 _____
700
701 **Permit Conditions:**
702 1. Work must commence within one year from the date of this permit.
703 2. Water/Wastewater Department must be contacted 48 hours prior to:
704 a. Construction of service connection
705 b. Meter installation and
706 c. Final inspection. No work may begin without Water/Wastewater Department approval.
707 3. Final inspection and approval by Water/Wastewater Dept. is required prior to water or
708 wastewater service use. Any use without Approval will be subject to penalties per
709 Water/Wastewater Ordinances.
710 4. All Allocation and/or Connection fees shall be paid at the time service connection(s) are
711 constructed.
712 5. Applicant is responsible for all labor and material costs of connection except that Town shall
713 supply 5/8" meter, remote reader and backflow prevention device for each unit.
714 6.
715 _____
716 _____

Signatures:

I hereby certify that I have read the applicable excerpts for the Town of Hinesburg Water and Wastewater Ordinances and I agree to abide by the conditions contained therein, conditions as noted above or attached to this Permit.

Applicant(s): _____

Date: _____

Approved By: _____

Date: _____

OFFICE USE ONLY:

Connection Fees: Water \$1000 Wastewater \$1000 Final Inspection:

\$ _____ Connection Fees Paid _____ Inspected BY: _____

Date Date Town of Hinesburg

Check # _____ Property Tax I.D.# _____

Notes: _____

Appendix C

**HINESBURG WATER DEPARTMENT
CUSTOMER INQUIRY POLICY**

INTRODUCTION

The Hinesburg Water Department is a full service water supply system. It is a municipal organization. The Town of Hinesburg Selectboard serves as the governing body and makes most major decisions at regularly warned meetings. The Water System Operator is primarily responsible for the operation of the water system. The Town Clerk/Treasurer's Office is responsible for billing and accounts payable. Records are audited annually and an Annual Report is published annually in the Hinesburg Town Report.

CUSTOMER SERVICE

It is the policy and the goal of the Hinesburg Water Department to keep all customers informed about matters of the water system through the use of public meetings, announcements in local newspapers and radio stations, Annual Reports, Consumer Confidence Reports and occasionally by newsletter. However, it is inevitable that not all customers are in fact aware of all matters. There are also some incidents, such as a leak in the water pipe requiring interruption of service or other actions that result in customer inquiries or complaints. Except in the case of an emergency, the Hinesburg Water Department will make an effort to inform the customers of interruptions of service. Therefore, this policy is adopted to guide the appropriate persons in registering, handling and documenting complaints.

STEPS IN HANDLING COMPLAINTS

The following steps are to be taken by any Hinesburg Water Department official who receives a complaint from any source.

1. Listen without interruption. Take notes of the complaint as the problem is being described.
2. Ask questions to clarify the problem if necessary.
3. Determine who the complaint should be referred to, and advise the complainant of your determination. Refer the matter to the appropriate person, and be sure to provide written notes. Avoid having the complainant call around to different people.
4. Follow up to ensure customer satisfaction. If the customer is not satisfied with the action taken or the results, the following contacts should be provided to the customer:
 - a. Contact the Selectboard at (802) 482-2096.
 - b. Contact local Health Officer or State Health Department.
 - c. Contact the Water Supply Division, 1-800-823-6500.
5. In all cases be sure to document all pertinent information to be kept on file.

DOCUMENTATION

Many routine questions and minor complaints can be resolved promptly, and there is no need for documentation. If there is a major complaint or concern it is important to record the nature of the complaint and the results of any action taken. If the problem is of a serious nature or requires action by the Hinesburg Selectboard, it should be noted on the minutes of the Selectboard meetings.

DISSEMINATION

This policy is to be provided to all officers, contractors and others who may be in a position to receive inquiries, questions, or complaints regarding the water system. It should be reviewed annually and updated or amended as appropriate.

Adopted November 15, 2003

Appendix D

According to Statute, this form must be printed on pink paper

Town of Hinesburg Water & Wastewater Department Water/Wastewater Disconnect Notice

Date: _____

Amount in Arrears: \$ _____

Dear Customer:

According to our records, your (water) (wastewater) service account is still unpaid. Please make full payment of the account or contact our office to make satisfactory arrangements before _____ . If this is not done, we will no longer be able to extend credit and will have to discontinue your service, on that day or any one of the following four business days. (Under the law, “business days” means Monday through Thursday, excluding legal holidays, when the offices are not open to the public).

An unpaid bill is a lien on your real property, and may lead to tax proceedings.

Special Charges: Section 5151 of Title 24, Vermont Statutes Annotated, provides that we charge a fee for coming to your location to collect the amount overdue. Also, the same statute provides that we shall charge a reconnection fee for restoration of service if your service has been disconnected for nonpayment. These fees are as follows:

Collection Trips - \$25.00, regardless of number

Reconnection – During normal hours = \$25.00, for Overtime = \$37.50

Interest Charged according to Title 24 VSA § 5156

If payment has already been sent, we recommend that you contact our office to make certain that payment is recorded on your account by the indicated date as such payment may have become delayed or lost in the mail. Payment in the mail does not constitute payment until received by us.

THIS IS A FINAL REQUEST FROM:

Hinesburg Water & Wastewater Billing Department

Town of Hinesburg

PO Box 133

Hinesburg, VT 05461

(802) 482-2281

Other Important Information: If you have a question concerning this bill or if you want to seek an agreement with us to pay the balance due in partial payments over a period of time, you should contact this office as soon as possible after receipt of this notice. In the event an agreement is entered into, failure to abide by the terms of agreement can lead to disconnection without further notice. If disconnection would result in an immediate and serious health hazard to you or to a resident within your household, disconnection will be postponed upon presentation of a duly licensed physician's certificate.

Appeals: If you cannot reach agreement as to payment of this bill with the department listed above, you may appeal to:

[The Hinesburg Selectboard](#)

[c/o the Town Administrator](#)

[10632 Vermont Route 116](#)

[Hinesburg, VT 05461](#)

[\(802\) 482-2281, ext. 221](#)

[Robert S. Bast, Chairperson, Hinesburg Selectboard](#)

[Town of Hinesburg](#)

[PO Box 133](#)

[Hinesburg, VT 05461](#)

[\(802\) 482-2096](#)

An appeal cannot be taken unless you first attempt to settle with the billing department. You may appeal only as to the proper amount of your bill or the correctness of application of the rules and regulations. You may not appeal as to the level or design of the rates themselves. No charge shall

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855 be made for the appeal. However, undisputed portions of the charges giving rise to this notice
856 must be paid before the disconnection date given above.
857