

DRAFT #1 – 11/26/14

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**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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- 62
- 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 ~~Ordinance~~ 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.

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- 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 | ~~(td)~~ “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 | ~~Fff)~~ “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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167 2. Commercial: Individual, self-contained facility or business including, but not limited
168 to, such as a store, motel, hotel, garage. A meter will be required for each building in a
169 hotel/motel complex.

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

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

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

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

180 nn) "Public Water System ~~Public~~" ~~shall mean~~ the potable water system owned and operated by
181 the municipality. This system includes all sources, pipes, storage, and treatment facilities that
182 convey potable water between the source and the curb stop.

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

Comment [TL9]: Customer/user/owner?

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

189 2. Mandatory Connection to Municipal Water System

190 All units receiving construction approval (building permit, site plan approval or final plat
191 approval) subsequent to the adoption of and any amendment to this ordinance, situated within the
192 Town of Hinesburg and abutting on any street, alley or right-of-way in which there is located an
193 adequate municipal water line as determined by the Public Works Department municipality is
194 hereby required at his/her own expense to connect directly to the municipal water system in
195 accordance with the provisions of this ordinance. Said connection is mandated unless undue
196 hardship would result, in which case the property owner should request in writing a deferral of
197 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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199 3. Application for Service

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

Comment [TL11]: Definition of owner above covers this

205 4. Shut-Off, and Restoration of Service

206 Collection fees, disconnection fees and re-connection fees associated with the regarding non-
207 payment of water bills/rates shall be assessed in accordance with 24 V.S.A. Chapter 129. The
208 governing Selectboard may shut off water service for violation of special "restriction of water
209 use" notices, to eliminate a public health hazard, or for continued violation of these regulations.
210 Any shut-off by the governing board may necessitate a shut-off charge to the customer. After
211 correction of the cause for water shut-off by the customer and on request by the customer for

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212 restoration of service, a turn-on fee plus any other unpaid fees shall be ~~due and payable~~ paid
213 before service will be restored.

214 5. Connection Fees

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

- 225 ÷
226 a. ~~The meter~~
227 b. ~~A back flow prevention device~~

228
229 The property owner shall provide:

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

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

241 6. Curb Stops

242 Curb stops shall be installed at the property line of the ~~right right-of-of~~ way in which the pipe lies
243 and shall be under the ~~municipalities municipality's~~ control and ownership. There shall not be a
244 waste port for draining water from the service line unless the Selectboard is satisfied that the top
245 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

247 7. Ownership and Maintenance of Service Line

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

Comment [TL14]: ?

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258 **8. Service Line Leaks**

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

266
267 **9. Service Line Trench**

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

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

278
279 **10. Quarter Turn Stop Valve**

280 Every water service shall require a quarter-turn stop valve (rated at 250 pounds per square inch
281 pressure) located inside the building near the service entrance, easily accessible, protected from
282 freezing, and installed on the inlet side of the water meter as close to the foundation wall as
283 practical. The installation, maintenance, operation, repairs and replacement of this valve ~~is are~~
284 the responsibility of the property owner. There shall not be any connections in the incoming
285 service line that are not metered.

286
287 **11. Cold Weather Construction**

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

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292
293 **12. Denial or Postponement of Service**

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

299
300 **13. Unauthorized Use of Water**

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

304 shall be grounds for discontinuance of water service until the matter is resolved to the
305 satisfaction of the Selectboard and any and all required disconnection and reconnection fees are
306 paid to the clerk.
307

308 **14. Restriction or Prohibition of Certain Water Uses**

309 When necessary to conserve the water supply, the municipality may restrict or prohibit the use of
310 hoses, sprinklers and any other non-essential water uses or water-using devices for all customers.
311 Such notice shall be posted in at least three places in the municipality where the public generally
312 congregates or visits and at least once in a newspaper of general circulation for the area. Notice
313 shall be posted on the Town's website. Violation of a municipal notice, directive or order to
314 conserve water by a customer after one written reminder by a municipal representative shall be
315 grounds for immediate discontinuance of service. A hearing, if requested by the affected
316 customer, shall then be held within five days to determine if the water will ~~continue to be remain~~
317 shut off or water service will be restored. If the Selectboard determines the shut-off was due to a
318 violation of a municipal notice to conserve, all applicable shut-off and reconnection fees shall
319 apply. If it is determined that no violation occurred, ~~then~~ no shut-off or reconnection fees will
320 apply and reconnection shall take place as soon as possible, but ~~at least by no later than~~ the
321 following day.
322

323 **15. Maintenance of Plumbing**

324 To prevent leaks and damage, all customers shall maintain, at their own expense, the plumbing
325 and fixtures within their own premises in good repair and provide protection from freezing. The
326 cost of replacement or repair of a meter damaged by freezing, or otherwise damaged by
327 customers, occupants or others shall be paid by the owner on receipt of a bill submitted by the
328 municipality. Water conserving devices meeting all applicable State and Federal Standards will
329 be used whenever fixtures and faucets are replaced.
330

331 **16. ~~Cross-Cross-Connections, Protected~~**

332 A connection capable of permitting backflow from any other source of water to the public water
333 system is prohibited. Such connections include, but are not limited to, any plumbing fixture,
334 device or appliance or from any waste outlet or pipe having direct connection to waste drains. If
335 the owner of the building involving such a connection fails or refuses to eliminate or properly
336 protect the ~~eross-cross~~-connection within a time period established by the Selectboard, water
337 service shall be discontinued with all disconnection and reconnection fees applicable once the
338 situation is remedied. A ~~eross-cross~~-connection shall not be created without the approval of the
339 Selectboard. If permitted, it shall be protected against backflow and/or back-siphonage in
340 accordance with accepted cross-connection control methods established by the Vermont
341 Department of Health. All new connections shall include an appropriate backflow prevention
342 device installed between the meter and interior household plumbing. A dual check valve
343 manufactured as per A.S.M.E.
344 ~~number~~ specification ~~N~~number 1024 shall be installed at all domestic and small commercial services
345 (under 15 GPM flow). Other backflow devices shall be installed at industrial, commercial or
346 other services greater than 15 GPM flow as required by the municipality and as recommended by
347 the Vermont Department of Health.
348

349 **17. Fluctuation of Pressures by Customers' Apparatus**

350 | Customers shall not install water pumps or ~~high-high~~-rate water consumption devices that will
351 | adversely affect the water system's pressure or operating conditions or use water so as to unduly
352 | interfere with the service of another customer. Where a customer has or proposes to install an
353 | apparatus, which requires water in sudden or large quantities, the Selectboard shall require the
354 | customer to install devices, ~~which will that~~ confine such fluctuation of demand and pressure to
355 | remain within reasonable limits. If the customer, after receiving written notice from the
356 | municipality, fails to remedy the situation, a hearing will be held within five days to determine
357 | whether or not service will continue ~~to the customer~~. During this five-day period water service
358 | may be disconnected, if warranted by the opinion of the Selectboard, and all disconnection and
359 | reconnection fees shall apply.

361 | 18. Safeguarding Water-Using Devices

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

373 | 19. Access to Premises

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

Comment [TL16]: Includes the superintendent and operator

385 | 20. Responsibility for Water Charges

386 | The property owner served by the water system is responsible for payment of all charges for
387 | water service rendered to the property. The owner is obligated to pay at least the minimum base
388 | fee regardless of whether the residence or business is occupied. Any additional fees established
389 | on meter readings above the minimum allotted quantity of water shall also be charged to the
390 | owner and are due and payable on presentation of a bill. If property is to be sold or transferred,
391 | the ~~Town~~ Operator must receive a written request for a final meter reading for prorated bills at
392 | least two weeks in advance of the sale or transfer. ~~The amount of w~~ Water rates, charges and fees
393 | shall be established by the ~~Board~~ Selectboard, which is authorized to establish or amend said
394 | rates, charges and fees ~~from time to time~~ by resolution.

395

396 **21. Billing Procedures**

397 Bills will be issued quarterly to the property owner ~~quarterly~~, based on the calendar year, ~~the~~
398 The amount of which will be in accordance with the rates shown in the separate document titled,
399 “Water Rates, Special Charges and Connection Fees” (see Appendix A). Said bills are due
400 immediately and will be considered ~~in arrears~~late if unpaid in 30 days. Interest will be charged to
401 all late bills ~~in arrears~~ at the rate of 18% per annum or the maximum rate allowed under statute
402 law, whichever is less. In addition, a penalty of 5% will be levied on all late bills ~~in arrears~~. Late
403 Bills in arrears shall be due and payable in accordance with procedures set forth in 24 V.S.A.
404 Chapter 129. In the case of rental property, bills will be issued to the property owner, in care of
405 the tenant, if requested to do so in writing by the property owner.

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

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

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

431 **23. ~~Municipality-Municipality-~~Initiated Disconnection of Service**

432 Bills for water service are due and payable to the clerk when received, as indicated on the
433 statement, and shall be considered ~~in arrears~~late if unpaid in 30 days. Water service may be
434 discontinued:

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

439
440 If the customer requests a hearing, one shall be held within five work days to determine if water
441 service will continue to be denied, or ~~if to be restored~~ under whatwith conditions. Service, once

442 discontinued, shall not be restored until the reason for discontinuance has been eliminated.
443 Before service is discontinued for delinquency of payment, the municipality shall follow the
444 procedure set forth in 24 V.S.A. Chapter 129. Notice for payment request and shut-off will be
445 mailed at least 14 days in advance of the water shut-off date (see Appendix D – Disconnection
446 Notice Form). Shut-off on account of delinquency of water rate payment will not be made on a
447 day immediately preceding a Saturday, Sunday or a state or federal holiday. When the
448 Selectboard dispatches a ~~n-agent representative~~ to effect a shut-off caused by delinquency of
449 payment and, upon arrival, payment is made to the ~~agent representative~~ for all charges due
450 including the collection fee as permitted under 24 V.S.A. Chapter 129, service will be permitted
451 to continue. If a violation of rules, health hazard or emergency incident results in a shut-off, a
452 reconnection charge will be assessed for resumption of service in addition to the disconnection
453 charge.
454 ~~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?

456 24. Interrupted or Unsatisfactory Service

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

469 25. Meters and Related Apparatus

470 **a. General** Where possible, all water will be sold on the basis of metered measurements.
471 When it is impractical to install a meter such as in a mobile home and on approval of the
472 Selectboard, flat rate fees shall be used to establish water charges. The municipality shall
473 install meters whenever deemed expedient or appropriate. The customer can receive
474 water through a meter upon written application to the clerk of the municipality and after
475 payment of all required fees. The size of the meter will, in all cases, be determined by the
476 municipality and these rules.

477 **b. Meter Setting** All meters shall be installed at the foundation wall (or the mechanical
478 room in the case of a slab on grade building, condominium unit or mobile home) where
479 the building service line enters the building, and the customer shall provide and maintain
480 a warm and accessible place for it. The piping arrangement for meter installations shall
481 be in accordance with the requirements of the municipality. A municipal representative
482 must inspect and approve the water meter installation before water is permitted to flow
483 through it.

484 **c. Repairs and Replacements** For standard house meters (5/8" x 3/4") maintenance,
485 repairs and replacements necessitated by ordinary wear will be provided by the
486 municipality. The cost of meter repairs and/or replacement necessitated by freezing, hot
487 water, or other causes under the control of the customer will be charged to the property

488 owner. The costs of maintenance, repairs and replacements of meters larger than the
489 standard house meters (5/8" x 3/4") shall be the responsibility of the property owner.
490 **d. Testing** The municipality shall arrange for suitable means of testing its meters. All
491 tests will be at the sole expense of the customer unless initiated by the municipality. The
492 customer requesting a meter test shall make a deposit in an amount established under
493 "Water Rates, Special Charges and Connection Fees" to cover the cost of removal,
494 testing and re-installation. If a meter tested at the request of a customer shows the meter
495 does not conform to flow criteria established by AWWA standards, the deposit made by
496 the customer shall be refunded and a new meter installed at no cost to the customer. If the
497 meter conforms to the standards of these rules, the municipality will retain the customer's
498 deposit and the meter may be continued in use at the same location. Municipality reserves
499 the right to remove and test any and all meters.

500 **e. Multiple Meters** Water shall not be double metered. Each newly constructed separate
501 apartment and each residential unit of a townhouse, condominium or duplex building
502 shall be individually metered. Existing apartments may remain with one meter per
503 building, but the correct size meter must be installed if not already in place.
504

505 26. Water Use Adjustments

506 a. **Meter Malfunction or Removal** If a meter is removed from service at the request of
507 the customer, the municipality will make an estimate of the water consumption during the period
508 of removal, said estimate to be based on the average consumption for similar periods for the
509 customer, and the water charges will be computed accordingly. If the municipality initiates the
510 meter removal, water consumption for the period of meter removal shall not be estimated or
511 charged to the customer.

512 b. **Adjustment** When a meter is tested and found to be over-reading in excess of 2%, an
513 appropriate percentage adjustment shall be made to the metered consumption record of the past
514 billing period and the portion to date of the current billing period.
515

516 27. Fire Hydrants

517 Fire hydrants, whether on public or private property, may not be used for any other purpose than
518 the extinguishment of fires, normal flushing operations done by the Water Department or such
519 purposes agreed to in writing by the municipality. In no case shall fire hydrants be opened by any
520 person other than an agent of the municipality or a duly authorized representative of the fire
521 department. Hydrants shall not be used for irrigation, filling of swimming pools, dust control,
522 water games or any other nonlegitimate use. Violators will be prosecuted to the full extent of the
523 law as it pertains to tampering with public water systems.
524

525 28. Tampering With Public Water System, Prohibited

526 Tampering with municipal water system property is not permitted. Any valve, pump, pump
527 house, hydrant, curb stop, water main, municipal service line, tank reservoir or any other
528 appurtenant part of the water system, which is deemed the property of the municipality, shall not
529 be adjusted, operated or tampered with by any person except those authorized by the
530 municipality. If a customer or owner is known to have tampered with any municipal water
531 system property or its works, such action shall be grounds for discontinuance of water service,
532 and any cost due to such tampering will be charged to said customer or person.
533

534 **29. Water Main Extension, Plan Approval and Construction**

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

549 **30. Materials**

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

553 **30. Protection From Damage**

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

558 **31. Penalties**

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

571 **32. Capacity Allocation Reserve**

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

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

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

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588 **33. Allocation Purchase, Maintenance, and Forfeiture**

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

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

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

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

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

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

620 **Appendix A**

621 Town Of Hinesburg Water System
622 Water Rate, Special Charges And Connection Fees
623 Effective July 1, 2007Month x, 2015

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626 Water Rates:

627

628 1. Metered Properties

629 \$60.00 per quarter for first 500 cubic feet water usage

630 \$0.031 per cubic foot for water usage above 500 cubic feet

631

632 2. Unmetered Properties

633 \$60.00 per quarter base charge

634 \$40.00 per quarter unmetered usage charge

635

636 Connection Fee:

637 \$1000 per unit. Municipality to supply water meter and back-flow prevention device.

638 Connection fee for waterlines greater than ¾ inch in diameter will be determined at time of
639 application.

640

641 Allocation Charge

642 \$2,500 for the first 210 gallons per day of capacity.

643

644 Allocation deposit

645 10% of the total allocation charge.

646

647 Allocation Holding Fees

648 \$100 per year for three years.

649 \$150 per year for two year extension, if granted by the Selectboard.

650

651

652

653 Special Charges:

654 Disconnect Fee: \$60.00

655 Reconnection Fee: \$60.00

656 Deactivation Fee \$60.00

657 Activation Fee: \$60.00

658 Meter Test Deposit: \$75.00

659

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

662

663

664

665 **Town of Hinesburg Water/Wastewater Department Appendix B**

666 **Service Connection Permit Application**

667 **Property Owner/Applicant:** _____ Phone

668 # _____

669

670 Mailing

671 Address: _____

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.

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).

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 _____

717 _____
718 _____
719 _____
720 _____

721 **Signatures:**

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

725 Applicant(s): _____

726 Date: _____

727 Approved By: _____

728 Date: _____

729

730 **OFFICE USE ONLY:**

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

732 \$ _____ Connection Fees Paid _____ Inspected BY: _____

733 Date Date Town of Hinesburg

734 Check # _____ Property Tax I.D.# _____

735 Notes: _____

736 _____

737 _____

738 _____

739

740 **Appendix C**

741 **HINESBURG WATER DEPARTMENT**

742 **CUSTOMER INQUIRY POLICY**

743

744 **INTRODUCTION**

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

751

752 **CUSTOMER SERVICE**

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

762

763 **STEPS IN HANDLING COMPLAINTS**

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

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

778 **DOCUMENTATION**

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

784 **DISSEMINATION**

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

788 Adopted November 15, 2003

791 **Appendix D**

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

793 **Town of Hinesburg Water & Wastewater Department**
794 **Water/Wastewater Disconnect Notice**

795 Date: _____

796 Amount in Arrears: \$ _____

800 Dear Customer:

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

807

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

810
811 Special Charges: Section 5151 of Title 24, Vermont Statutes Annotated, provides that we charge
812 a fee for coming to your location to collect the amount overdue. Also, the same statute provides
813 that we shall charge a reconnection fee for restoration of service if your service has been
814 disconnected for nonpayment. These fees are as follows:

815 Collection Trips - \$25.00, regardless of number
816 Reconnection – During normal hours = \$25.00, for Overtime = \$37.50
817 Interest Charged according to Title 24 VSA § 5156

818
819 If payment has already been sent, we recommend that you contact our office to make certain that
820 payment is recorded on your account by the indicated date as such payment may have become
821 delayed or lost in the mail. Payment in the mail does not constitute payment until received by us.

822
823 THIS IS A FINAL REQUEST FROM:
824 Hinesburg Water & Wastewater Billing Department
825 Town of Hinesburg
826 PO Box 133
827 Hinesburg, VT 05461
828 (802) 482-2281

829
830 Other Important Information: If you have a question concerning this bill or if you want to seek
831 an agreement with us to pay the balance due in partial payments over a period of time, you
832 should contact this office as soon as possible after receipt of this notice. In the event an
833 agreement is entered into, failure to abide by the terms of agreement can lead to disconnection
834 without further notice. If disconnection would result in an immediate and serious health hazard
835 to you or to a resident within your household, disconnection will be postponed upon presentation
836 of a duly licensed physician's certificate.

837
838 Appeals: If you cannot reach agreement as to payment of this bill with the department listed
839 above, you may appeal to:

840
841 [The Hinesburg Selectboard](#)
842 [c/o the Town Administrator](#)
843 [10632 Vermont Route 116](#)
844 [Hinesburg, VT 05461](#)
845 [\(802\) 482-2281, ext. 221](#)
846 ~~[Robert S. Bast, Chairperson, Hinesburg Selectboard](#)~~
847 ~~[Town of Hinesburg](#)~~
848 ~~[PO Box 133](#)~~
849 ~~[Hinesburg, VT 05461](#)~~
850 ~~[\(802\) 482-2096](#)~~

851
852 An appeal cannot be taken unless you first attempt to settle with the billing department. You may
853 appeal only as to the proper amount of your bill or the correctness of application of the rules and
854 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