

**Ordinance Regulating Use Of The
Town Of Shelburne Water System**

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SHELBURNE TOWN CLERK'S OFFICE
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ATTEST Sue Moraska, Asst. CLERK

Ordinance Regulating Use Of The Town Of Shelburne Water System

AN ORDINANCE REGULATING THE INSTALLATION AND USE OF PUBLIC AND PRIVATE WATERLINES, THE INSTALLATION OF WATER SERVICE CONNECTIONS, METERS, BACKFLOW DEVICES, HYDRANTS, VALVES AND OTHER EXISTING OR PROPOSED COMPONENTS OF THE WATER SYSTEM OWNED BY THE TOWN OF SHELBURNE WATER DEPARTMENT, COUNTY OF CHITTENDEN, STATE OF VERMONT, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

The Selectboard of The Town of Shelburne hereby ordains:

ARTICLE I Special Terms

A. Definitions

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

Section 1. **Approved-** Accepted by the Shelburne Water Department meeting an applicable specification stated or cited in this ordinance.

Section 2. **Backflow** – (1) A flow condition, induced by a differential in pressure, that causes the flow of water or liquid into the distribution system of a potable water supply, from any source or sources other than its intended source. (2) The backing up of water through a conduit or channel in the direction opposite to normal flow.

Section 3. **Backflow Preventer** - A device or means designed to prevent backflow.

Air –Gap - The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically above the top of the overflow rim of the vessel, and in no case less than one inch.

Reduced Pressure Principle Device - An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly. The assembly shall operate to maintain the pressure on the water supply side of the device. At cessation of normal flow the pressure between the two check valves shall be less than the pressure on the public water supply side of the device.

In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the

inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved these devices must be readily accessible for in-line testing and maintenance and be installed in a location where no part of the device will be submerged.

Double Check Valve Assembly - An assembly of two independently operating approved check valves with tightly closing shut-off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. To be approved these devices must be readily accessible for in-line testing and maintenance.

Section 4. Cellar Stop - The valve installed on the service pipe after it enters the building and before the water meter. It may also be called ball valve, service gate valve, angle meter valve.

Section 5. Chapter 21 - Shall mean the most current version of the State of Vermont Water Supply Rule.

Section 6. Commercial or Industrial Unit - A single, commercial or industrial unit, whether rented or owned by the business or occupant, which has independent ingress and egress or has common ingress or egress with other units within a building or structure, but with separate commercial or industrial facilities. Examples may include, but not limited to, stores located in shopping centers or separate office or condominium units within a single building or structure. A commercial or industrial unit is for use other than residential purposes.

Section 7. Completed Construction - Shall mean: For a single building; completion of all foundation, framing, siding, roofs and improvements; or for subdivision development; the completion of all building on all buildings on all lots.

Section 8. Connection Fee - Charge to be paid by a customer of the Water Department prior to connecting to the Town of Shelburne water system.

Section 9. Conservation Notice or Order - A notice posted in the Town Office's, three (3) or more public places in the Town and on the Town's web site and also published in a daily or weekly newspaper in general circulation in the Town., that is issued by the Selectboard, based on its determination that customary and usual water use will exceed the supply available or compromise fire protection for the time period specified in the notice or order.

Section 10. Contaminant - Any physical, chemical, biological, or radiological substance or matter in water.

Section 11. Contamination - Any introduction into water of microorganisms, chemicals, wastes, or wastewater in a concentration that makes the water unfit for its intended use.

Section 12. Corporation Stop (Corporation) - A valve for joining a service pipe to a street water main. It is usually owned and operated by the Water Utility or Department. It can not be operated from the surface.

Section 13. Cross Connection - Any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water and the other water or liquid of unknown or questionable safety, steam, gases or chemicals whereby there may be a flow from one system to the other.

Section 14. Curb Stop – The valve placed at the point of connection between the public water system and a private service line, normally at the highway right-of-way or public water main right-of-way limits, owned by the Water Utility of Department.

Section 15. Department- Shall mean the Shelburne Water Department.

Section 16. Development- The construction of improvements on a tract of land for any purpose, including but not limited to , residential, commercial, industrial, manufacturing, farming, educational, medical, charitable, civic, recreational, and religious uses.

Section 17. Development Water Flow - The estimated flow calculated using flow quantities, adopted as rules by the State of Vermont, as promulgated at the time a water allocation letter is **requested.**

Section 18. Disinfectant - Any substance including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part to kill or inactivate pathogenic microorganism.

Section 19. Fire Flow- The rate of flow, usually expressed in gallons per minute that can be delivered from a water distribution system at a specified residual pressure for fire fighting.

Section 20. Fire Service - The water service provided to a user for fire protection systems or equipment installed on the property of the user, such as a sprinkler system.

Section 21. Hydrant, Public - A hydrant installed by the Town within public rights-of-way , on Town property or within an easement owned by the Town , or installed by a person other than the Town which has been offered to the Town and accepted by the Town.

Section 22. Hydrant, Private- A hydrant not constructed by the Town or within the Town public right-of- way nor on Town property or within an easement owned by the Town, or a hydrant that has not been accepted by the Water Department.

Section 23. Industrial Fluids System- Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollution, or plumbing hazard if introduced into an approved water supply. This may include but not be limited to: polluted or contaminated used waters; all typed of process waters originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalis, circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, rivers, bays, harbors, seas, irrigation canals or systems, etc; oils gases, glycerin, paraffin's, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or fire fighting purposes.

Section 24. Irrigation System - A network of piping designed to distribute water on or towards plant life to promote growth.

Section 25. Pathogenic- Causing or capable of causing disease.

Section 26. Peak Demand- The maximum momentary load placed on a water system.

Section 27. Permit- A written document issued by the Shelburne Water Department pursuant to this ordinance giving designated person(s) permission to operate and/or construct, alter, renovate or connect to or draw water from the Shelburne Water System.

Section 28. Person ,Customer, User- An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, municipal corporation, institution, department division, bureau, agency or any entity recognized by law requesting water from the Town.

Section 29. Pollution- a condition representing the presence of nonpotable, harmful, or objectionable materials in water.

Section 30. Potable Water- Water free from impurities in amounts sufficient to cause disease or harmful physiological effects, with the bacteriological, chemical, physical and radiological quality conforming to applicable regulations and standards of the Safe Drinking Water Act administered by the VT Water Supply Division.

Section 31. Private Street- Any road, lane or way, intended for vehicular access purpose, which serves a subdivision, and is neither owned nor maintained by the Town. Private streets and hence, private water mains and appurtenances shall be marked as such on final plats.

Section 32. Property Owner- That person(s) or users identified as owner of a property by recorded deed.

Section 33. Public Water Supply- A source of water supply or a water system which is owned or controlled by a Vermont Municipality: also a municipal water system or Town water system.

Section 34. Sampling- The act or technique of selecting a representative part of the water supply for testing.

Section 35. Service Connection - Each single water pipeline which provides water to an individual residential living unit, a commercial unit or an industrial unit from the public water system is a service connection. The service connection shall start at the corporation stop at the water main line and extend inside the building to the water meter. The service connection on new construction shall be constructed by the applicant to the Shelburne water Department Standards. Once installed, the responsibility for maintenance and repairs on the service connection is split at the curb stop between the owner/applicant and the Water Department. The Water Department has responsibility for maintenance from the main line to and including the curb stop. The Owner/applicant has responsibility for maintenance and repairs from beyond the curb stop to and inside the building with exception of the water meter.

Section 36. "Shall" - is mandatory; **"May"** - is permissive.

Section 37. **Standard Methods**-Methods for examination of water and wastewater published jointly by the American Public Health Association, the American Water Works Association or the Water Pollution Control Federation or successor organizations.

Section 38. **“Superintendent”**- The Superintendent of the Shelburne Water Department, or the Superintendent’s representative.

Section 39. **Tapping Sleeves**- A split sleeve used in making a wet connection where a single branch line is to be tapped into a water main under pressure.

Section 40. **Valve Boxes**- A metal or cast iron box or vault set over a valve stem and rising to the ground surface, to allow access to the stem in opening and closing the valve. A cover is usually provided at the surface to keep out dirt and debris.

Section 41. **“Water Department”** shall mean the Board of Water Commissioners of the Shelburne Water Department or its designated representatives or employees.

Section 42. **Wet Tap**- A connection made to a main that is full or under pressure.

B. Abbreviations

For the purpose of this Ordinance, the following abbreviations shall have the meaning ascribed to them under this **Article**. References to standards of the following organizations shall refer to the latest edition of it.

ANSI- Shall mean American National Standards Institute.

ASME- Shall mean American Society of Mechanical Engineers.

ASTM- Shall mean American Society of Testing and Materials.

AWWA- Shall mean American Water Works Association.

CWD – Shall mean Champlain Water District

NPC- Shall mean National Plumbing Code.

NEWWA- Shall mean New England Water Works Association, a section of AWWA

NFPA- National Fire Protection Association

Article II

Connection To and Extension of the Public Water System

Section 1.

No person shall construct a water main that is to be connected to a Town water main, without the prior, written approval of the Superintendent.

Section 2

- a. Unless exempt under sub-section b, or granted a waiver under sub-section c, below, the owner of any house, structure or property used for human occupancy, employment, recreation, or other purposes, situated within the Town in a location where Town water is available at a distance of not more than five hundred (500) feet from the house or structure is hereby required at his/her expense to connect such property directly to the proper public water line in accordance with the provisions of this ordinance within ninety (90) days of official notice to do so.
- b. The owner of any house, structure or property which has been in use for human occupancy, employment, recreation or other purposes prior to Town water becoming available to such structure or property and is in use for such purposes on the date Town water becomes available to such property, is exempt from the requirements of sub-section a, above.
- c. Any property owner required to connect to the Town water system may request a deferral. The request for deferral shall be in writing and shall be submitted to the Board of Commissioners within thirty (30) days of receipt of notice to connect. The Board of Water Commissioners shall take action on the request for deferral within sixty (60) days following receipt of the request. A basis for deferral shall be evidence of satisfactory compliance with State Health Department Drinking Water Standards on the existing water system.

Section 3.

- a. Extension of the water service beyond the limit of the municipal system in place at time of enactment of this ordinance shall be done as part of the standards of a municipal public water supply system (Chapter 21 and subsequent amendments thereto).
- b. All municipal water extensions shall be a minimum pipe size of eight (8) inch diameter unless waived by the Superintendent. The Superintendent may require a minimum pipe size larger than eight (8) inch diameter if such is in the discretion of the Water Department, necessary to accommodate planned or future development.

- c. A municipal water line extension for the development of property shall be extended to the furthest boundary line of the development property at a location within a Town highway or other right-of-way.
- d. There shall be no reimbursements of any cost, including the cost of larger pipe, hydrants, and appurtenances to the public water system, to any person by the Shelburne Water Department for any extension of any public water main, unless approved by the Board of Water commissioners. The Board of Water Commissioners may, in its discretion, reimburse the developer for the difference in cost between the facilities actually needed for the development of the property (reference Section 3 (b) for a minimum size pipe) and the cost of facilities necessary for other future development.
- e. Extension of the municipal water system shall be designed, inspected, tested and written certification completed upon installation by a qualified professional engineer licensed in Vermont. Construction shall be done by firms experienced in the construction of municipal water systems. The determination of qualifications shall be made by the Shelburne Water Department.
- f. Looping of water lines shall be encouraged wherever feasible.
- g. Persons designing, constructing, testing, and disinfecting water mains shall use the most recent version of the Town Of Shelburne Public Works Specifications.
- h. All cost for all water, materials, equipment, and labor to perform the required testing and disinfections of the pipeline shall be borne by the person required to perform the testing and disinfection.
- i. A water main shall not be placed in service until the Superintendent issues written authorization of such action. Such authorization will not be issued until, at a minimum, the Superintendent has been provided written certification from a professional engineer licensed in Vermont that the water main and appurtenant facilities;
 - (1) Have been constructed in accordance with approved plans and required standards;
 - (2) Has been inspected and tested with results that demonstrate compliance with applicable standards.

Section 4

The municipal water system or a connection to the municipal water system shall not be extended beyond the boundaries of the Town of Shelburne without a formal request for such extension from the legislative body of the municipality in which service is to be provided and approved of such request by the Board of Water commissioners and the Board of Selectmen.

Section 5

The Department shall be responsible for the maintenance of all Town water mains. The Department shall be provided notice of the hours of and may observe and inspect the maintenance of private water mains. The cost of such oversight, using current rates for labor and material shall be billed to the private water main owner.

Section 6

The Department shall be responsible for the maintenance of all hydrants in the Town. Each private hydrant owner shall enter into a contract with the Department and shall be assessed a private hydrant fee for service. The Department shall provide routine service, including flushing, lubricating, flow testing, painting, pumping, and leak detection, to private hydrants for this fee. Work beyond routine labor and materials shall be performed at current rates for labor and material and billed to the hydrant owner.

The Department maintains a listing on file of private hydrants. Private water mains and businesses within the Town water system with hydrants are billed annually as referenced in Appendix II of this document. The Private hydrant charge is imposed in order to defer costs associated with the routine maintenance and testing cost incurred by the Department.

Section 7

A person wishing to connect to or tap a water line owned by Champlain Water District must contact the Superintendent.

Section 8

Private Water Mains and Hydrants:

1. The Department shall not maintain any water lines that have not been accepted by the Town, except in subdivisions that are designed to Department specifications and are intended to be accepted, as defined in number 4 below.
2. All water lines and appurtenances not located in the Town right-of-way or public grounds shall be considered private pursuant to this ordinance and others of the Town.
3. All water mains and appurtenances located within an area so designated as restricted or private by the developer shall be considered private unless waived the Water Department.
4. All water mains and appurtenances in new developments which have not had final inspections by the Department, or are still under warranty by the contractor, though not subject to an annual fee, are liable for all other fees or charges if services are requested by the developer, until such time as the lines are deeded over and accepted by the Town, pursuant to this ordinance and others.

ARTICLE III

Water Service Connections

Section 1.

No person shall initiate construction work to make a connection to Town or CWD water mains without obtaining a permit from the Department authorizing such connection. Application for a permit shall be made on forms provided by the Department and shall be supplemented by any plans, specifications or other information which the Department deems necessary to review the application. Any person proposing a new water allocation from the distribution system or a substantial change in the volume from the system shall notify the Department prior to the proposed change or connection. No such change or connection shall be made without written approval from the Superintendent.

Section 2

The Department shall act on applications for connections to Town or CWD water mains in accordance with procedures established by the Department. Applicants seeking approval for such connections shall be subject to all applicable Department procedures, requirements and fees.

Section 3

Service connections to Town water mains shall be subject to the following requirements.

- a. All costs and expense incident to the installation and connection of the building water service connection from the water main to the building or structure shall be borne by the owner. The property owner/agent is responsible and must provide all necessary excavation from the corporation stop to the building structure.
- b. A separate and independent corporation stop and curb stop with approved curb box shall be provided for every building. Where one building stands at the rear of another or on an interior lot and no water system is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the Department may allow two services from a single corporation stop, providing each building has a separate curb stop and curb box. Use of an existing single corporation stop and service line may only be used when found on exam by the Superintendent, to be in satisfactory condition and meeting all requirements of this ordinance. The burden of proof and expenses incurred by the Department to determine the condition and adequacy of the service line shall be borne by the owner of said service line.
- c. The size, depth, alignment, materials of construction of the building water service connection and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Specifications noted in Article II or other applicable rules and regulations of the Department. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the

National Plumbing Code, Ten States Standards for Water main and AWWA Standards, all latest editions, shall apply.

Section 4

All service connections to Town water mains shall have water meters that shall be installed as follows:

- a. All buildings connected to the Town owned water system shall be required to have meters installed.
- b. The property owner of all buildings shall be required to perform all interior or exterior plumbing necessary to accommodate the required meters.
- c. The Department will provide a meter or meters with outside reader(s) for each structure. Meter size will be determined by the Department based on flow information supplied to them from the developer or engineer.
- d. In the event an owner desires additional meters within a structure after the Departments meter to further establish usage in addition to the stated requirements, it shall be the owner's responsibility to purchase, install, read and maintain these additional meters. The meters shall be approved by the Department prior to installation.
- e. In cases where the Superintendent determines that it is not feasible or in the best interest of the Town to install individual meters for multiple units, the Department may allow a single meter to serve multiple units. The number of meters required shall be determined solely by the Department.
- f. It is the responsibility of the Department to fix, check or replace defective or non-working meters within the system. The Department will provide any normal maintenance of meters without charge. It is the responsibility of the owner to provide the Department access to the building, upon request by the Department to replace, fix or check the non-working meter. The owner shall take reasonable measures to protect the inside meter and outside reader from damage. Reasonable space shall be provided around the meter for accessibility to remove, repair, install, wire and read the meter. All meters shall be set horizontally and upright.
- g. Each meter installed shall be controlled by a curb stop directly associated with the meter unless waived by the Superintendent.
- h. Water users must connect all fixtures supplied with water on their premises through their meters in such a manner that all water used will be measured.
- i. Failure of a building owner to provide access to the water meter for repairs, maintenance or upgrade, upon request by the Department, shall be considered a violation of this ordinance.

Section 5

The Department may require appropriate tests be made to the pipes and appurtenances and the owner or their agent at their expense, shall furnish all necessary tools, labor, materials and assistance for such tests and shall remove or repair any defective materials when so ordered by the Department. The Department reserves the right to demand any unmetered use, whether unintentional, be corrected

within a reasonable period of time. The Department may send an estimated bill for unmetered water to the owner.

Section 6

The Town owns and is responsible for maintenance and repair of water service connections from the Town owned lines up to and including the curb stop, and the water meter. Only a Department employee may operate, repair, replace, remove, or modify these items. The owner is responsible for the service line from the curb stop to the building and for internal plumbing except for the meter.

It shall be unlawful for any person other than those authorized by the Superintendent to turn water on or off at the curb stop or gate valve.

It shall be unlawful to remove any seal or connecting pin from a valve, meter, or appurtenance.

A cellar stop shall be installed before the meter and a second valve installed on the opposite side of the meter so that the meter can be isolated. The owner shall be responsible for all costs associated with the purchase and installation of such valves. No bypass lines shall be installed around the meter without approval of the Superintendent.

Section 7

In case of loss or damage to the water meter, or equipment supplied by the Town, the customer shall be liable for the repair and /or replacement of the meter or equipment. Such charges shall include the labor costs of removing, repairing or replacing the meter or equipment.

Section 8

A private water system which the customer has connected to a Town water service line shall be disconnected from its private water source before Town water service begins so that water from the private system cannot feed back into the Town distribution system. The Department reserves the right to inspect premises at any time for compliance with this section. The use of pumps at customer's premises, which pumps are connected in any way to the Town water service is prohibited.

Section 9

Onsite wells will not be permitted for new construction where Town water supply is reasonably available, unless waived by the Superintendent. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting any street, ally, or right-of-way in which there is located Town water, is hereby required at his/her own expense to connect such property to Town water main within one hundred and eighty (180) days of official notice to do so, unless specifically exempted from this provision by the Department. Such notice may be given in the event of a situation that may affect the health of Town residents.

Section 10

A meter test fee shall be charged for those who request that their meter be removed and tested. The customer shall be informed of this fee prior to the removal of the meter for testing. The customer will not be charged for a meter test if the meter is found to be registering fast, outside of AWWA standards. Notwithstanding this section, residential customers may request a meter test once every five (5) years at no cost to the customer.

ARTICLE IV
Use of Public Water Supply System

Section 1

The primary use of the public water supply system shall be for the supply of potable water to all connected users for residential, commercial, institutional, agricultural and industrial consumption and fire protection for structures within the area served by the distribution system.

Section 2

Auxiliary use of the public water system, such as using hydrants to fill swimming pools and the like shall only be permitted when such uses approved by the Department and not in conflict with the primary uses under Section 1. Flooding ice rinks from hydrants is not permitted as auxiliary use.

Section 3

Except for hydrant use by Fire Departments in fighting fires or practicing for fire fighting, or Department use, all of the hydrants in the Town of Shelburne, shall require prior approval and issuance of a hydrant use permit. The fee schedule is as set forth in Article VIII Rates. The applicant shall be responsible for providing the necessary hoses. The Department shall be responsible for attaching and disconnecting hydrant nozzle gate valves, water meters and backflow devices as required. Water drawn from any fire hydrant shall be considered non-potable and therefore not normally used for human consumption without further treatment.

Hydrant permit holders shall be financially responsible for the damage to any hydrant, meter, gate valve, or backflow device, caused by the permit holder or their agent's failure to protect said equipment during use. The hydrant permit holder shall also be financially responsible for loss of said equipment.

Section 4

In consideration of water service supplied by the Shelburne Water Department, all applicants agree to be responsible for payment of all bills rendered and for all water used by the applicant, their tenants, successors in tenancy or in ownership, and all other persons at the specified locations, unless and until proper notice is given to the Department of termination of services on a specific date. The applicant shall agree to abide by all rules and regulations established by the Water Department, consistent with enforcement of the provisions of this ordinance.

Section 5

- a. Water Department responsibility for private water supply mains connected to the Public Water System terminates at the shut off valve(s) to the private system water mains. The Shelburne Water Department assumes no responsibility for hydrant or line maintenance, operational checks, line breaks or other similar items of work in connection with these systems. Private hydrants will be maintained by the Water Department only on a contract basis between the owner and the Water Department.
- b. The Shelburne Water Department may assume responsibility for operation and maintenance of the private water supply main lines, service excluded, at such time as the following conditions for acceptance are met by the owners of the private system:
 - 1) The Department determines that owning the private system would benefit and /or be an improvement to the existing public system.
 - 2) Accurate surveyed as-builts shall be provided to the Water Department, indicating line size and locations, hydrants, valves, curb stops, service connections and all other pertinent features of the system.
 - 3) Deeds, easements or other similar legal documents shall be prepared by the owner and found to be acceptable by the Department transferring the owner's legal interest in the main lines and pertinent features.
 - 4) The Shelburne Water Department shall conduct an inspection of the system and provide the owner with a list of improvements which must be made to bring the water system up to Shelburne Water Department standards prior to acceptance by the Shelburne Water Department. The private water system owner shall make the necessary improvements prior to acceptance of the system by the Shelburne Water Department

Section 6 Exemption from Sewer Charges As It Relates to Pool Filling and Lawn Watering

Irrigation Water Meters: Any homeowner may request the installation of an irrigation water meter that will be exempt from sewer charges. This meter may be installed by the Department after all criteria are met regarding its installation. After its installation no sewer charge will be assessed to any water used through this meter. The homeowner shall be responsible for all other charges associated with the meter including minimum billing fees charged to the account whether the meter is active or not.

Criteria for Installation of Irrigation Meters: All requirements regarding water meters as stated in this ordinance shall apply. This meter shall be installed before the existing house meter so that no usage recorded through it is also recorded through the house meter. In addition, each independent meter shall have a minimum Watts Series 007 Backflow Prevention Device or approved equal, installed immediately after the meter. The line supplied by this meter shall have no connections to any part of the house plumbing system. It shall only supply an outside spigot or irrigation system that was initially applied for. The owner shall provide access to the Shelburne Water Department, upon request, to replace, fix or inspect the meter.

Pool Filling: Property owners shall be encouraged to fill swimming pools from house spigots and not from hydrants whenever possible. Property owners shall be exempt from sewer charges when installing and filling a new pool or when replacing a liner that requires complete filling of the pool from the tap. The property owner must notify the Department no less than two (2) working days in advance prior to filling the pool. Upon notification, a department employee will visit the property and read the water

meter before and after the filling .That amount shall then be credited from sewer charges at the next billing. This exemption from sewer charges shall not apply to “topping off” pools, or for leaks.

If it is determined that it is not feasible to fill a swimming pool from a house spigot and a nearby hydrant is available for this use, then the property owner may fill from that hydrant if approved by the Superintendent provided:

1. The hydrant shall only be used to fill a new pool or when filling a pool that has had a new liner installed.
2. The Department shall be notified no less than two (2) working days prior to the pool filling.
3. The property owner shall be responsible for paying the current Fire Hydrant user fee in advance in addition to the current water rate for all water that passes through the hydrant meter.
4. The hydrant must be in location so that the hose line does not cross any roads or drives in order to reach the pool.
5. The property owner shall be responsible for obtaining all hose necessary to extend from the hydrant to the swimming pool.
6. The pool filling shall only take place between 8:00 AM and 3:00 PM
7. The Department shall not be responsible for any discolored (rusty) water discharged into the pool.

ARTICLE V Protection From Damage

Section 1

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 Public Water system. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in Title 13, section 3701 of the Vermont Statutes Annotated. Any person violating this article on conviction thereof shall be fined a maximum amount allowed under State Statute for each violation.

Section 2

Actual repair or replacement cost shall be charged to the owner or operator of any motor vehicle which shall cause such damage to any fire hydrant, blow off, or appurtenance. Hydrants, valves, curb stops, and standpipes shall not be tampered with or opened or closed by any person except Department employees or authorized persons.

Section 3

No person shall in any way, interfere with or obstruct access to any valves, curb stops, fire hydrants, or other appurtenances within the Town water distribution system.

Section 4

It shall be unlawful to cause or have caused the deliberate or unintentional contamination of publicly owned water mains or water supply.

Section 5

No unauthorized use of any fire hydrant within the Town of Shelburne shall be permitted. Any person or firm found to be in violation of this Section may not be granted a hydrant permit within the Town of Shelburne in the future. Any person or firm found to be in violation of this Section shall be charged for a minimum water use fee and the hydrant hook on fee

Section 6

No person shall permit water from the water system to run to waste through any fixture for any purpose that causes wasteful consumption without the prior approval of the Superintendent. The Department shall restrain and prevent any and all waste of water to that end, and may when necessary, turn off water or take such other action, as its judgment, appears proper.

Section 7

It shall be a violation of this Ordinance for any customer to violate a Town of Shelburne conservation notice or order.

Section 8

- a. If, by reason of shortage of supply or for the purpose of making repairs, extensions or connections or for any other reason beyond the control of the Water Department, it becomes necessary to shut-off water in the mains, the Water Department will not be responsible for any damages incurred by such shut-offs and no refunds of fixture rates will be allowed unless the interruption is in effect for a continuous period in excess of ten days, in which case a proportional refund of fixture rates will be given when practicable, but nothing in this rule shall be construed as requiring the giving of such refund.
- b. The Department or its authorized employees or authorized persons will not be responsible for damage caused by dirty water which may be occasioned by cleaning of pipes, reservoirs or standpipes or the opening and closing of gate valves or fire hydrants when said work is done with reasonable care on the part of the Water Department.

ARTICLE VI

Powers and Authority Of Inspectors

Section 1

The Superintendent and other authorized employees of the Department bearing proper credentials and identification shall be permitted to enter all properties with fair notice to the building owner, resident or occupant for the purposes of inspection, observation, measurement, sampling, and testing and maintenance in accordance with the provisions of this ordinance. If a property owner or occupant denies the Superintendent or other authorized employees of the Department access after reasonable notice has been provided to the property owner, resident or occupant, the Superintendent may direct disconnection on forty-eight (48) hours written notice to the owner, resident or occupant. Once water

service has been disconnected it will not be restored until access has been provided and the Department has been paid all applicable charges.

Section 2

While performing the necessary work on private properties referred to in Section 1 above, the Superintendent or duly authorized employees of the Department shall observe all safety rules applicable to the premises established by the owner or tenant, and the owner or tenant shall be held harmless for injury or death to the Department employees. The Department employees and the Department shall indemnify the owner or tenant against liability claims and demands for injury of property damage except as may be caused by negligence or failure of the owner or tenant to maintain safe premises or conditions, including conduct or agents or employees of the owner or agent as applicable.

Section 3

The Superintendent and other duly authorized employees of the Department bearing proper credentials and identification shall be permitted to enter all private properties through which the Shelburne Water Department holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

Section 4

The Department shall have the authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other uses beyond the water meter or backflow prevention device bearing on providing safe , potable water to its users.

ARTICLE VII

Enforcement And Penalties

Section 1

Any person found to be violating any provisions of this ordinance except Article V shall be served by the Shelburne Water Department 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.

Section 2

If any individual continues any violation beyond the time set forth in a notice issued pursuant to Section 1, any law enforcement officer or other individual designated by the board to enforce this ordinance may act as an issuing Municipal Official and issue and pursue before the Judicial Bureau a municipal complaint for any violation of any provision of this Ordinance.

Section 3

Any violation of this ordinance, except as set forth in Section 4 below, may be pursued as a civil violation utilizing the civil ordinance enforcement procedures set forth in 24 V.S.A. Section 1974a. Each day a violation continues shall be considered a new violation. In such civil proceedings, an Issuing Municipal Official is authorized to recover a waiver fee, in lieu of civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First offense	\$20
Second offense	\$40
Third offense	\$80
Fourth offense	\$160
Fifth offense and subsequent offenses	\$350

Offenses shall be counted on a calendar year basis. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$50
Second offense	\$75
Third offense	\$150
Fourth offense	\$300
Fifth offense and subsequent offenses	\$500

Offenses shall be counted on a calendar year basis.

Section 4

Any violation of the sections of this ordinance set forth below may be pursued as a criminal violation utilizing the criminal ordinance enforcement procedure set forth in 24 V.S.A. Section 1974 or other criminal proceeding authorized by law: Article V, Sections 1 & 4.

Section 5

In addition to the enforcement authority set forth above, the Town shall have the right to institute any civil action which it deems appropriate to obtain injunctive or monetary relief to prevent, restrain or abate violations of any provisions of this ordinance or monetary relief, including, without limitation, recovery for any expense, loss, or damage incurred by the Water Department by reason of such offense.

ARTICLE VIII

Rate, Fees and Charges

Section 1

The Board of Water Commissioners shall have the authority to establish rates, including service initiation fees, hydrant use fees, user fees, turn on/off fees, and other similar fees to defray the costs of construction, operations and maintenance of the system. The Board shall establish such rates by resolution passed at an open meeting of the Board. The fee structure shall be reviewed by the Selectboard on an annual basis.

Section 2

There shall be shut off and turn on fees as determined by the Board of Water Commissioners for turning on and shutting off water at the curb stop. These fees shall be charged in all cases except when it is determined that there is a problem with the service connection between the curb stop and the main line or a problem with the meter or meter connection fittings. The owner of the property is responsible for all problems between the curb stop (not including the curb stop) and the building with the exception of the meter itself.

Section 3

Excess revenues may be placed into a sinking fund, accessible for use on water system related construction or expenses.

Section 4

Water charges will be invoiced quarterly, Water charges shall be payable on or before the 30th day following the date of the invoice or a later date as shown on the invoice. In the event that such charge is not paid when due, a penalty of eight (8%) percent plus 1 1/2 % interest shall be added thereto. The statutory rate of interest per month shall be added the first thirty (30) days of delinquency. If any account shall remain delinquent, the Board of Commissioners may also take action that is consistent with the provisions of Title 24, V.S.A. Chapter 129, Uniform Water and Sewer Disconnect, as presently constituted and as amended from time to time, to obtain

payment of delinquent charges or to discontinue water service. Such charges shall be a lien upon the real estate as provided in 24 V.S.A SS 3612 And 5149.

Section 5

All water charges will be billed to the owner of record of the facility(s) served, unless waived by the Board of Commissioners. Upon written request, the Eater Department will provide to the owner of record, water bills for all tenants within the facility provided each tenant has an individual meter. Bills will not be provided by the Water Department directly to any tenant.

ARTICLE IX

Disconnect Policy

This policy outlines Shelburne Water Department conditions of termination and pertinent regulations and allows for the disconnection of water services as a delinquency collection procedure for water delinquencies. It is the policy of the Department that reconnections requested outside normal working hours shall only be made in special circumstances and in compliance with Title 24, Chapter 129, as determined by the Superintendent or Town Manager.

Water service that is disconnected pursuant to Title 24, Chapter 129 shall be reconnected at the following rates:

Connection Trip: \$25.00/trip, maximum, regardless of number

Reconnection: Normal Hours: 7 a.m. to 3:30 p.m.: \$25.00

Overtime: after 3:30 p.m., weekends, holidays: \$37.50

ARTICLE IX

Validity and Enactment

Section 1

Upon the date this ordinance becomes effective, all ordinances or parts of ordinances in conflict herewith, are hereby repealed.

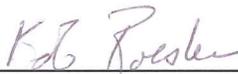
Section 2

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

Section 3

This ordinance shall be in full force and effect from its passage by the Selectboard.

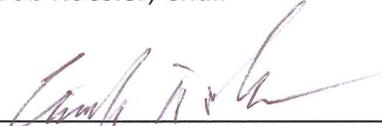
Approved by the Shelburne Selectboard on this 8th day of March, 2011



Bob Roesler, Chair



Bill Smith, Vice Chair



Tim Pudvar



Al Gobeille



Gary von Stange