

WATER ORDINANCE

Regulating the Use of West Windsor's Municipal Water System

This Ordinance establishes the policies, rules, and regulations necessary to govern and operate the West Windsor Mountain Water System of the Town of West Windsor, Vermont. This Ordinance supersedes all previous rules, regulations, and ordinances. A copy of this Ordinance is available at the Town Clerk's Office. Questions about this Ordinance should be directed to the West Windsor Town Administrator.

ARTICLE 1

General Provisions, Ownership, Authority, and Responsibilities

SECTION 1.01 – Purpose and General Provisions

The purpose of this Ordinance is to establish rules and procedures to ensure that the West Windsor Mountain Water System can provide water for fire protection and potable water that meets State and Federal drinking water quality standards on an ongoing basis.

The rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are designated as the "Water Ordinance." This Ordinance is adopted by the West Windsor Selectboard under 24 V.S.A. §3315 and 24 V.S.A. Chapter 59.

The West Windsor Town Clerk shall file certified copies of this Ordinance, as well as certified copies of any amendments to this Ordinance as may be hereafter adopted, in the Town records and with the Board and the Town Health Officer.

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

If there is a conflict between the terms of this Ordinance and any other applicable regulation, by-law, ordinance, or statute, the stricter shall apply.

SECTION 1.02 – Ownership

A. The Public Water System

The Town of West Windsor owns the West Windsor Mountain Water System, a public water system operating under the authority of 24 V.S.A. Chapter 89 and 10 V.S.A. Chapter 56. The Public Water System is subject to Public Community Water System Permit to Operate, WSID #5599-16.0, issued by the Vermont Department of Environmental Conservation, Drinking Water and Groundwater Protection Division, effective September 1, 2016, and any amendments thereto.

The Public Water System includes all physical infrastructure for the supply, treatment, pumping, storage, transmission, and distribution of water, up to and including any Curb Stop, that is owned by the Town, together with all real property and easements held by the Town in conjunction with such physical infrastructure. The Public Water System does not include Private Distribution Mains.

The Town acquired the physical infrastructure and associated real property and easements presently comprising the Public Water System through an Asset Purchase Agreement, dated January 15, 2015, by and between the Town of West Windsor and Snowdance, LLC. The Public Water System shall include such additional water supply infrastructure and associated real property and easements as the Town, from time to time, may acquire.

The Town is responsible for the operation, maintenance, and repair of the Public Water System.

An official Public Water System map shall be prepared and maintained by the Town showing the boundaries of the area served by the Public Water System, the location of the Public Water System infrastructure, and real property and easements associated with the Public Water System.

B. Private Water Systems

Private Water Systems are all water supply systems, and all portions thereof, not owned by the Town, including Private Distribution Mains, Service Connections and all interior plumbing. The appropriate property owner, homeowner association, developer, or other private party is responsible for the operation, maintenance, and repair of a Private Water System.

SECTION 1.03 – Authority and Responsibilities

A. Board of Water Commissioners

Pursuant to 24 V.S.A. Chapter 89, the West Windsor Selectboard shall constitute the Board of Water Commissioners (the “Board”). The Board shall have general authority and supervision over the Public Water System. Such authority shall include, but not be limited to, setting rates and fees, establishing rules and regulations for operation and maintenance of the Public Water System, granting allocations of uncommitted Public Water System reserve capacity, and providing for expansion and improvement of the Public Water System.

The Board may prescribe emergency rules governing the supply and use of water from the Public Water System as it may deem appropriate. Such rules may be adopted at any duly held meeting of the Board.

B. Water System Operator

The Board shall appoint a Water System Operator who shall hold appropriate water system operator certification from the Vermont Department of Environmental Conservation.

The Water System Operator shall have responsibility for the day-to-day operation of the Public Water System, including ensuring compliance with rules and regulations of the Board, this Ordinance, the Permit to Operate, and applicable State and Federal laws, rules, and regulations. The Water System Operator’s duties shall include, but are not limited to:

- Submitting a monthly water system operations summary to the Department.
- Complying with all drinking water quality monitoring requirements set forth in the Vermont Water Supply Rule.
- Notifying the Department of any contaminant, residual disinfectant, or turbidity levels that exceed specifications established under 40 CFR Part 141.
- Notifying the Board of any known leaks, equipment failures, or other conditions that could negatively impact the functioning of the Public Water System or the quality of the water.

No work may commence on any portion of the Public Water System or a Private Distribution Main or Service Connection without the prior approval of the Water System Operator.

C. Utility Advisory Committee

The Selectboard may establish a Utility Advisory Committee to serve in an advisory capacity to the Selectboard in matters related to the operation of the Public Water System and Public Sewer System. The duties and responsibilities of the Utility Advisory Committee, composition of the Utility Advisory Committee, and terms of Committee members shall be established by Selectboard resolution.

D. Town Treasurer

The Town Treasurer shall be responsible for Customer billing and collection of rates and fees. The Treasurer shall provide the Board with financial information needed to prepare budgets and reports, set rates and fees, assess the Public Water System's financial condition, and plan for the ongoing operation, repair, replacement, improvement or expansion of the Public Water System.

E. Town Administrator

The Town Administrator shall be responsible for facilitating communication and problem solving among the Public Water System constituents including the Board, the Operator, the Utility Advisory Committee, the Treasurer, Customers, users, contractors and the Department.

ARTICLE 2 Definitions

SECTION 2.01 – Definitions

Unless specifically defined in this Article, words, and phrases used in this Ordinance shall have their common ordinary meaning, and are intended to give this Ordinance its most reasonable application. Words in the present tense include the future tense. The single number includes the plural and vice versa unless the context clearly indicates otherwise. The word "shall" is mandatory. The word "may" is permissive.

"Average Day Demand" (ADD) shall mean the total metered volume of water produced by the Public Water System during the preceding one-year period divided by 365 days, expressed in gallons per day.

"Board" shall mean the Selectboard of West Windsor, constituting the Water Commissioners as provided in 24 V.S.A., Chapter 89.

"Capacity" shall mean the total water storage volume capacity of the Public Water System less Fire Flow.

"Curb Stop" shall mean the valve placed at the point of connection between the Public Water System and a Service Connection or between a Private Distribution Main and a Service Connection.

"Customer" shall mean any individual, group, society, association, firm, company, or corporation who receives water service from the Public Water System and is a property owner, whether or not that individual is the ultimate user.

“Department” shall mean the Vermont Department of Environmental Conservation.

“Fire Flow” shall mean five hundred gallons per minute (500 gpm) at 20 p.s.i. system residual pressure for a 2-hour duration.

“Maximum Day Demand” (MDD) shall mean the single day maximum metered volume of water produced by the Public Water System during the preceding one-year period, expressed in gallons per day. In the absence of metered data necessary to determine the Maximum Day Demand, the Maximum Day Demand shall mean Average Day Demand multiplied by the Peaking Factor.

“Peaking Factor” shall mean the ratio of the Maximum Day Demand to the Average Day Demand. In the absence of metered data necessary to calculate the Peaking Factor, the Peaking Factor shall be two (2).

“Permit to Operate” shall mean the Public Community Water System Permit to Operate, WSID #5599-16.0, issued by the Vermont Department of Environmental Conservation, Drinking Water and Groundwater Protection Division, effective September 1, 2016, and any amendments thereto.

“Private Distribution Main” shall mean any water distribution pipe connected to the Public Water System that is not owned by the Town and which serves more than one property, dwelling, or building.

“Public Water System” shall mean the West Windsor Mountain Water System.

“Reserve Capacity” shall mean Capacity less Maximum Day Demand.

“Service Connection” shall mean the water line that is connected to the Curb Stop and provides water to a single property, dwelling, or building, and which is not part of the Public Water System.

“Subdivision” shall mean a tract of land which has been partitioned or is intended to be divided for the purpose of sale or lease into two (2) or more lots. A Subdivision shall include any commercial or industrial complex, business park, multi-family residential project, planned unit development, or planned residential development.

“Town” shall mean the Town of West Windsor.

“Uncommitted Reserve Capacity” shall mean that portion of the Reserve Capacity remaining after subtracting the total design flow for all existing Preliminary Capacity Allocations and Final Capacity Allocations.

“Water System Operator” shall mean the person appointed by the Board to have responsibility for the day-to-day operation of the Public Water System.

ARTICLE 3 Abbreviations

SECTION 3.01 – 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 same.

C.F.R. shall mean Code of Federal Regulations

gpd shall mean gallons per day.

V.S.A. shall mean the Vermont Statutes Annotated.

ARTICLE 4 Capacity Allocation and Connection

SECTION 4.01 – Ownership of Capacity

The Uncommitted Reserve Capacity of the Public Water System is the property of the Town of West Windsor. The Uncommitted Reserve Capacity of the Public Water System may be allocated by the Board in the manner described below.

SECTION 4.02 – Reserve Capacity Allocation

A. Allocation Priority

Applications for an allocation of the Public Water System's Uncommitted Reserve Capacity shall be reviewed by the Board on a first-come, first-serve basis. However, the Board retains the right to review applications and make Allocations on other than a first-come, first-serve basis if the Board finds that such action is in the best interests of the Town.

The Board, after consultation with the Utility Advisory Committee, may adopt Allocation priorities for the Public Water System consistent with the best interests of the Town, in which case Allocations of Uncommitted Reserve Capacity shall be made in a manner consistent with such adopted Allocation priorities.

B. Allocation on Design Flow Basis

The allocation of the Public Water System's Uncommitted Reserve Capacity shall be based on a project's design flow demand in gallons per day. Any difference between actual water use and a project's allocation is the property of the Town of West Windsor and not available to the allocation holder for another project or project expansion.

Each application for Preliminary Capacity Allocation and Final Capacity Allocation shall include a calculation of the total design flow for the proposed project in gallons per day for all uses, as determined by the Table A2-1 of Unitized Average Day Flows established in the Vermont Environmental Protection Rules, Chapter 21, Water Supply Rule. Should an applicant propose a use which does not strictly conform to one in the Table of Unitized Average Day Flows, the applicant shall provide an anticipated design flow for the use, an explanation of how the design flow was calculated, and written documentation that the projected design flow for the use is acceptable to the Department.

If the total anticipated design flow for a proposed project exceeds one thousand (1,000) gallons per day, the design flow calculations in the Preliminary Capacity Allocation and Final Capacity Allocation shall be certified by a Vermont registered Professional Engineer.

C. Capacity Allocation Process

The Public Water System capacity allocation process shall consist of four (4) phases: Preliminary Capacity Allocation, Final Capacity Allocation, Construction Permit, and Certificate of Compliance.

Persons requesting an allocation of the Public Water System's Uncommitted Reserve Capacity for a Subdivision shall follow the procedure outlined below by making application for a Preliminary Capacity Allocation, Final Capacity Allocation, Construction Permit, and Certificate of Compliance for each lot in the proposed Subdivision. When lots within a Subdivision are transferred, the Final Water Capacity Allocation and any Construction Permit and Certificate of Compliance for the lot shall transfer to the new owner. The lot owner or lessee shall be bound to comply with the conditions and requirements of the Final Capacity Allocation and Construction Permit.

D. Preliminary Capacity Allocation

Persons requesting an allocation of the Public Water System's Uncommitted Reserve Capacity shall first apply to the Board for a Preliminary Capacity Allocation. The application for a Preliminary Capacity Allocation shall be made on forms prescribed by the Board and shall include the application fee specified in the Schedule of Rates and Fees in Appendix A.

Upon receipt of a complete application with the application fee, and upon making finding that the Public Water System has sufficient Uncommitted Reserve Capacity to accommodate the total design flow of the proposed project, the Board may issue a Preliminary Capacity Allocation.

A Preliminary Capacity Allocation is intended only for project planning purposes and shall not constitute a binding commitment of the Public Water System's Uncommitted Reserve Capacity. A Preliminary Capacity Allocation is valid only for the project as described in the application. If the total design flow of the project's proposed uses is changed, a new Preliminary Capacity Allocation application shall be submitted. A Preliminary Capacity Allocation is not transferable except to a successor or assignee of the project for which the Preliminary Capacity Allocation was issued.

Upon being issued a Preliminary Capacity Allocation, the holder shall be assessed the Preliminary Allocation Fee specified in the Schedule of Rates and Fees in Appendix A. If the Preliminary Allocation Fee is not paid within thirty (30) days of issuance of the Preliminary Capacity Allocation, the Preliminary Capacity Allocation shall expire with no refund of any fees previously paid and the allocation shall revert to the Town.

A Preliminary Capacity Allocation shall expire one (1) year from the date of issuance. At the request of a holder, and upon payment of the Preliminary Capacity Allocation Extension Fee, a Preliminary Capacity Allocation may be extended by the Board for one (1) year.

E. Final Capacity Allocation

The holder of a Preliminary Capacity Allocation may apply to the Board for a Final Capacity Allocation. The application for a Final Capacity Allocation shall be made on forms prescribed by the Board and shall include the fee specified on the Schedule of Rates and Fees in Appendix A. Upon receipt of a complete application with the specified fee, and upon finding that the proposed project has obtained all required Local, State and Federal permits and approvals, and upon finding

that sufficient Uncommitted Reserved Capacity is available for the proposed project, the Board shall issue a Final Capacity Allocation.

A Final Capacity Allocation shall constitute a commitment of the Public Water System's Uncommitted Reserve Capacity in the amount outlined in the Final Capacity Allocation. A Final Capacity Allocation may include conditions and may include provision for revocation by the Board upon failure to meet such conditions or otherwise fulfill the requirements of the Final Capacity Allocation. A Final Capacity Allocation is not transferrable except to a successor or assignee of the project for which the Final Capacity Allocation was issued or as provided for Subdivisions in paragraph C. above.

Upon being issued a Final Capacity Allocation, the holder shall be assessed the Final Capacity Allocation Fee specified in the Schedule of Rates and Fees in Appendix A. If the Final Capacity Allocation Fee is not paid within thirty (30) days of issuance of the Final Capacity Allocation, the Final Capacity Allocation shall expire with no refund of any fees previously paid and the allocation shall revert to the Town.

A Final Capacity Allocation shall expire one (1) year from the date of issuance. At the request of the holder, and upon payment of the Final Capacity Allocation Extension Fee specified in the Schedule of Rates and Fees, a Final Capacity Allocation may be extended by the Board for one (1) year.

If the holder of a Final Capacity Allocation does not submit a construction permit application for a connection to the Public Water System prior to the expiration of the Final Capacity Allocation, or any extension thereof, the Final Capacity Allocation shall be void and the allocation shall revert to the Town with no refund of any fees previously paid to the Town.

F. Construction Permit

No connection may be made to the Public Water System without a Construction Permit issued by the Board. The application for a Construction Permit shall be made on forms prescribed by the Board and shall include the application fee specified in the Schedule of Rates and Fees in Appendix A. Application for a Construction Permit shall be submitted to the Board at least forty-five (45) days prior to the commencement of construction of any connection to the Public Water System.

For a single residential Service Connection, a sketch and description of the proposed work shall be attached to the Construction Permit application. For subdivisions, major projects involving multiple users, or other projects that are more complex than a single residential Service Connection, two sets of detailed construction plans and specifications shall be provided with the application. The Town may require such plans to be prepared by a Vermont registered professional engineer.

Upon finding that the plans and specifications for the proposed connection to the Public Water System are satisfactory, that the proposed connection is in conformance with this Ordinance and all applicable design and construction standards, and that the proposed connection will not adversely affect the Public Water System, the Board shall approve the Construction Permit. A Construction Permit may include conditions and may include provision for revocation by the Board upon the holder's failure to meet such conditions or otherwise fulfill requirements of the

Construction Permit. The Board may require, as a condition of a Construction Permit, dedication to the Town of physical infrastructure and associated easements for the approved project.

A Construction Permit shall expire and the allocation shall revert to the Town with no refund of any fees previously paid to the Town if the work authorized by the Permit has not commenced within one (1) year of issuance. Work on the project shall be diligently pursued after commencement and completed within two (2) years of the start of the work authorized by the Permit.

G. Certificate of Compliance

All projects shall obtain a Certificate of Compliance from the Board or its designee before the use of the Public Water System. Such Certificate shall be issued if the authorized work was completed in accordance with the Construction Permit and this Ordinance.

The Board may, from time to time, inspect work to ensure work is completed in accordance with the Construction Permit. Subsurface components shall not be backfilled or covered before being inspected. A final inspection by the Board shall be made before water use may commence and before a Certificate of Compliance is issued. The Board may designate a Vermont registered professional engineer to perform compliance inspections. The cost of such inspection shall be paid by the Construction Permit holder.

The applicant shall record the Construction Permit and the Certificate of Compliance in the land records of the Town of West Windsor, along with reference to the location of the approved connection plans and specifications.

SECTION 4.03 – General Requirements

Should the Board determine that review of any Preliminary Capacity Allocation, Final Capacity Allocation, or Construction Permit application requires technical or expert assistance, the applicant shall pay the costs incurred by the Board in obtaining such assistance. Such costs shall be paid by the applicant before issuance of the Preliminary Capacity Allocation, Final Capacity Allocation, or Construction Permit.

No person shall complete construction of any Service Connection with the Public Water System in any manner other than that set forth in any plans and specifications submitted to and approved by the Board. No person shall fail to disclose any deviations or variations from such plans to the Board at the first date such variations or deviations become known to such person.

Any false or misleading statement in any application for a Preliminary Capacity Allocation, Final Capacity Allocation, or Construction Permit shall invalidate the Allocation or Permit and shall be deemed a violation of this Ordinance. Any Allocation or Permit may be suspended or revoked at any time by the Board for violation of any of the conditions of this Ordinance, violation of the specific terms and conditions of the Allocation or Permit, or refusal to permit an inspection by the Board or its duly authorized representatives.

SECTION 4.04– Permits to be Kept on Project Premises

All Construction Permits shall be kept on the project premises and shall be made available to the Board or its duly authorized representatives at any time. Failure to keep Permits available shall be presumptive evidence that the work or operation being conducted is without a Permit and is a violation of this Ordinance.

SECTION 4.05 – Connection to the Public Water System

A. Costs and Indemnification

The cost of all connections to the Public Water System, including but not limited to, excavation, labor, material, and inspection costs shall be borne by the Construction Permit holder. Streets, sidewalks, and other Town property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. The cost for such work shall be borne by the Construction Permit holder.

The Construction Permit holder shall indemnify the Town from any loss or damage that may be caused directly or indirectly by the installation and connection to the Public Water System.

B. Separate Service Connections

A separate and independent Service Connection shall be provided for every building except that if one building stands at the rear of another on an interior lot and no separate connection can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the service connection from the front building may be extended to the rear building if permitted by the Board and subject to such conditions as the Board may impose.

C. Cold Weather Connection

No service connections shall be installed between December 1 and April 1 or when frozen ground conditions exist, as determined by the Water System Operator.

SECTION 4.06 – Construction Standards

All construction shall comply with the applicable provisions of the Vermont Environmental Protection Rules, Chapter 21, Water Supply Rule and with any supplemental construction standards and requirements that may be adopted by the Board. Materials and processes used in constructing a Service Connection shall be as indicated in the Hardware Specifications set forth in Appendix B.

The Property owner shall be responsible for all costs associated with the maintenance of the Service Connection whether the maintenance is undertaken at the Property owner's discretion or upon the order of the Water System Operator.

SECTION 4.07 – Change of Use

Any person proposing a change or expansion of use, whether or not this change affects the property's existing daily water design flow, shall be required to complete the appropriate application process stated in this Article unless waived in part or in full by the Board. If the applicant is required to obtain the permit approval, the Board may decide to waive some or all of the fees if they determine that the change of use does not require additional allocation when compared to the property's existing water design flow.

ARTICLE 5 Fire Protection

SECTION 5.01 – Automatic Fire Suppression “Sprinkler” Systems

Applicants who propose to install a sprinkler system shall follow the application process outlined in Section 4.02. Sprinkler systems shall meet applicable State codes.

The applicant shall furnish the Town with a complete set of drawings which show the location of the premises to be sprinklered and the location of all valves, pipes, hydrants, tanks, sprinkler heads and other appurtenances. These plans will remain the property of the Town.

SECTION 5.02 – Fire Hydrants

The Board will consider requests for the installation of new fire hydrants by the West Windsor Volunteer Fire Department and by property owners connected to the Public Water System. The Town may install public fire hydrants as it deems necessary.

The Town may require applicants for new or expanded service to include fire hydrants in their project as a condition for receiving approval to connect to the Public Water System. The number and location of the hydrants shall be determined by the Board. All new hydrants shall be inspected and approved by the Board before water service is provided. All fire hydrants, supply piping, and connections shall become the property of the Town once they have been inspected, approved and accepted.

No person or persons shall obstruct access to any fire hydrant by placing or permitting snow, debris, building materials, or other obstruction to remain on or about the hydrant.

Fire hydrants, whether on public or private property, may not be used for any other purpose than the extinguishment of fires, normal flushing operations done by the Town, or other purposes deemed appropriate and necessary by the Board after written consent of the Board is obtained. Fire hydrants shall not be opened by an individual other than an agent of the Town or a duly authorized representative of the Fire Department. A violation of this provision may be prosecuted as a criminal violation under 13 V.S.A. §3729.

All hydrants found to be inoperative shall be flagged/bagged, in a manner acceptable to the Fire Department, to indicate that condition. When hydrants are found to be inoperative, the Fire Department shall be notified in writing within twenty-four (24) hours.

ARTICLE 6 Leaks & Other Issues

SECTION 6.01 – Leak in Service Connection

If a leak is discovered in a Service Connection or any portion of a Private Water System, the property owner shall be notified and water service shall be shut off by a Town representative. The property owner is responsible for the repair or replacement of the Service Connection or portion of the Private Water System and all associated costs. Water service shall be restored by the Town after the repair is made.

SECTION 6.02 – Backflow Prevention

A connection capable of permitting backflow from any other source of water to the Public Water System is prohibited. If the owner of a building that has such a connection fails or refuses to eliminate the cross connection within a period established by the Board, water service shall be discontinued, and all disconnection and reconnection fees shall be applicable. All new connections shall include an appropriate backflow prevention device. Additional backflow prevention devices shall be installed on industrial and commercial service connections, and on services with flow greater than 15 gpm. See the Hardware Specifications in Appendix B for backflow device requirements.

SECTION 6.03 – Interruption of Service

While it is the Town's intention to give reasonable notice in advance of any work which must be done that will necessitate interruption of the water supply, such notice is provided only as a courtesy and is not an obligation of the Town. In the event of interruption of service, the Town shall not be liable for any damage or loss, nor for any adjustment in rates or billing.

ARTICLE 7 Unauthorized Use or Connection

SECTION 7.01 – Unauthorized Connection to the Public Water System

No unauthorized person shall cover or uncover, make any connections with, alter, or disturb any component of the Public Water System without first obtaining a Construction Permit from the Board, as required herein.

SECTION 7.02 – Unauthorized Use of Water

No Public Water System Customer shall supply water to another party except as permitted by the Board as an emergency measure. Water shall not be obtained from any hydrant or other part of the Public Water System without the written approval of the Board.

Water shall not be allowed to run to waste through any faucet or fixture or be kept running for any longer than necessary for its proper use except as permitted by the Board or Water Operator. To prevent any and all waste of water, the Board may discontinue service or take other necessary action.

ARTICLE 8 Water Fund Rates & Fees

SECTION 8.01 – Water Fund

There is hereby established a Water Fund which shall be used to collect, hold, invest, and disperse monies for payment of the just debts of the Public Water System. The fiscal year for the Water Fund runs from January 1 to December 31. All monies collected, held, and dispersed on behalf of the Public Water System shall be identified with the Water Fund and shall not be identified with any other fund, including the Town's General Fund. Nothing herein shall prohibit the deposit of monies into a single account with monies from other Town funds, including the General Fund, for administrative or investment purposes.

An annual Water Fund audit report shall be prepared at the same time and in the same manner as the Town Audit Report. The annual report shall be made available to the Utility Advisory Committee and the Board. The annual report shall also be made available to the users of the system and the public at large after its receipt and approval by the Board.

SECTION 8.02 – Water Charges

To provide for the operation and maintenance of the Public Water System, a Water Charge shall be imposed upon every Customer.

Water Charges shall be calculated on the basis of Equivalent User Units (EUUs), where one EUU represents the volume of water used by a typical single-family living unit served by the Public Water System. For the purpose of calculating Water Charges, one EUU shall be 200 gpd. Water Charges for any use other than a single-family home, mobile home, condominium unit, or other single-family living unit shall be calculated based upon Table A2-1 of Unitized Average Day Flows established in the Vermont Environmental Protection Rules, Chapter 21, Water Supply Rule. The calculated Unitized Average Day Flow for such Customer's use shall be divided by 200 gpd to determine the number of EUUs for that use. For uses not specified in the Table of Unitized Average Day Flows, the number of EUUs shall be established by dividing the calculated design flow established under Section 4.02.B. by 200 gpd. Fractional EUUs shall be rounded up to the nearest whole number.

A Customer's Water Charge shall be the number of EUUs for the Customer's use, multiplied by the Water Use Rate. The Water Use Rate shall be calculated by the Board to provide the Town with sufficient revenues to pay all expenses associated with debt retirement, treatment fees, capital reserve funds, and all other expenses related to operating and maintaining the Public Water System. The Water Use Rate shall be determined by the Board after consultation with the Utility Advisory Committee.

No abatement of a Customer's Water Charge, or any other fee or charge, shall be considered because of disuse, diminished use, interruption of service caused by Public Water System repair or maintenance, or vacancy of any premises. The Water Charge and all other fees and charges shall be paid by the Customer as billed, regardless of use, unless permission to temporarily discontinue, or permanently abandon, water service is granted by the Board.

Permission to discontinue or abandon water service shall only be granted if the Board finds that the premises served by the Public Water System have been rendered unusable by fire, natural disaster, or other unforeseen circumstance for which the Customer is not at fault.

If the Customer intends to repair or rebuild the premises, the Customer may request a temporary discontinuance for up to 180 days. If permission to temporarily discontinue water service is granted, water service shall be shut off and will be reinstated at the Customer's request. No Water Charge shall be levied while the water service is shut off, or for 180 days, whichever is less. If it is not possible to repair or rebuild the premises within one hundred eighty (180) days, the Customer may request an extension of the temporary discontinuance for an additional one hundred eighty (180) days. A discontinuance of more than three hundred sixty (360) days shall be considered a permanent abandonment of water service.

If the Customer does not intend to repair or rebuild the premises, the Customer may request a permanent abandonment of water service. If permission to permanently abandon water service

is granted by the Board, the Customer shall forfeit all existing water allocations for the premises and physically disconnect the Service Line from the Public Water System. Service shall not be reestablished unless the Customer applies for and receives an allocation under Article 4.

In addition to the Water Charge, the Board may from time to time establish and levy the following fees and charges:

Application Fees – Fees charged to cover the cost of processing applications as required in this Ordinance. Any costs incurred for review by the Town’s engineers are over and above the application fee.

Fire Protection Fee – An annual fee charged to cover the costs associated with maintaining the fire protection components of the Public Water System.

Service Call and Inspection Charges – Charges to cover the cost of service calls and inspections so that those costs are borne by the person in need of such services and not by the other Customers of the Public Water System.

Special Charges – Fees charged for collection of overdue accounts and reconnection of service disconnected because of nonpayment. Fees charged shall not exceed those prescribed by 24 V.S.A. Chapter 129.

Interest and Penalties – Charges that will be incurred for overdue water accounts and overdue bills for other charges and fees. Interest and penalties are charged to provide a monetary deterrent for overdue accounts and delinquent bills.

Other charges – The Board shall be authorized to establish such other charges as are reasonable and prudent for the proper supply of water to the Customers of the Public Water System.

The Water Charge, and all other fees and charges, shall be set forth in a Schedule of Rates and Fees attached hereto as Appendix A. The Schedule of Rates and Fees may be amended or revised by the Board from time to time, after consultation with the Utility Advisory Committee, without amendment to this Ordinance.

All fees, penalties, and charges paid are non-refundable. However, if a dispute involving a bill or charge is decided in favor of the Customer, the Customer may have the monies credited to the Customer’s account, or refunded if no longer a customer of the Public Water System.

ARTICLE 9 Billing Procedures

SECTION 9.01 - Billing

Bills for Water Charges will be prepared by the Town Treasurer annually and shall be payable at the Treasurer’s office.

Payment of water bills shall be the responsibility of the Customer. Bills will be rendered in the name and last known address of the Customer as listed on the Town’s grand list. Customers are responsible for notifying the Town Treasurer of any changes in mailing address. Failure to receive

a bill does not relieve the Customer from the obligation to pay the bill, including any related interest and/or penalty charges.

Bills for other fees and charges, as applicable, will be levied at the time the service is provided.

ARTICLE 10 Capital Planning and System Expansion

SECTION 10.01 – Capital Planning

The Board will adopt a ten-year Public Water System capital plan. The plan will include proposed Public Water System capital projects required to keep the Public Water System's infrastructure in good operating condition, the estimated cost of those proposed projects, and the anticipated method of financing. The Board will review and update the capital plan not less than every five years.

In determining financing methods, the Board will give consideration to the Public Water System's debt capacity, its accumulated depreciation, any capital reserve fund established pursuant to 24 V.S.A 3313(b), and its projected unrestricted fund balance. Unrestricted reserves may not be accumulated to levels that exceed the reasonably estimated need for maintenance of the Public Water System's capital assets plus an allowance for unforeseen operating and capital contingencies.

In accordance with Section 10.03 below, when it can be established by the Board, after consultation with the Utility Advisory Committee, that doing so is in the best interests of the Public Water System, its users and the Town, restricted reserves may be set aside to help fund system expansion or extension projects identified in the capital plan.

Capital planning, debt capacity, and reserve balance projections shall be considered by the Board in setting water rates.

SECTION 10.02 – Public Water System Expansion

The Town is not financially obligated to expand, extend, or connect the Public Water System within or outside the existing water service area.

SECTION 10.03 – Public Water System Expansion Funding

The engineering, design, construction and development costs of Public Water System expansion and extensions which have been approved by the Board, after consultation with the Utility Advisory Committee, shall be paid for by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansions, unless the Board, after consultation with the Utility Advisory Committee, determines that funding all, or part, of the expansion or extension from borrowed funds, property taxes, Public Water System fees and/or funds set aside for expansion, reserves that may be specifically accumulated for such projects, and/or other revenue sources, is advantageous to the Public Water System as a whole and is in the financial best interest of both the Town and Public Water System users.

SECTION 10.04 – Expansion Impacts

If it is determined that an expansion of the Public Water System will cause a potential reduction in the standards of service to existing Customers, new users requesting connection will be required to complete any Public Water System improvements needed to eliminate any such impacts as a condition for obtaining an Allocation and/or Construction Permit, as herein required.

ARTICLE 11

Delinquent Accounts and Disconnection of Service

SECTION 11.01 – Collection of Delinquent Accounts/Disconnection of Service

Disconnection of service for delinquent payment of a valid bill or charge shall conform to the process prescribed by 24 V.S.A. Chapter 129. Notice of disconnection shall be provided to the Customer before disconnection and in the form required by 24 V.S.A. §5143. A copy of the notice shall be sent to the occupant of a building which will be affected by the disconnection if the occupant is different from the Customer.

Disconnection of water service shall occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day specified on the notice of disconnection, or within the same hours during the four business days thereafter. When service is disconnected or interrupted, the individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected, or if no responsible adult is then present, shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the Customer has to do to have service restored. As a condition of receipt of water service, each Customer grants the Town, its duly authorized agents and employees, the right to enter upon the Customer's premises to close the curb stop and disconnect service for delinquent payment of a bill or charge.

SECTION 11.02 – Agreement for Payment of Delinquent Bill or Other Charges

All delinquent Customers shall be given an opportunity to enter into a reasonable agreement with the Town to pay the delinquent bill and avoid disconnection of service. The Town will not enter into any such agreement for payment of the full amount of the delinquent bill over any period more than six (6) months, nor will the Town enter into any agreement which does not also require the Customer to pay all future charges as they become due. Failure to satisfy the terms of such an agreement shall subject the Customer to disconnection without further notice, in addition to any other collection action which the Town may take.

If an agreement is reached after collection trips have been made, or service has been reconnected, the charges for such action may be added to the delinquent bill or charge to which the agreement relates. Interest shall accrue on the entire delinquent amount to which the agreement relates. The amount of the interest charge on overdue accounts shall be the same as the amount of the interest charge applied to delinquent taxes as set forth in 32 V.S.A., §5136.

SECTION 11.03 – Restoration of Water Service

If water service has been disconnected for delinquency of payment of a valid bill or other charge, the Town shall restore service within twenty-four (24) hours of the Customer's request to do so, provided the cause for disconnection has been removed, or an agreement has been reached between the Customer and the Board to pay the delinquent bill.

Restoration of service, to the extent feasible, shall be done so as to avoid charging a Customer overtime wages and other abnormal expenses.

SECTION 11.04 – Tax Sales and Liens on Real Property

The charges for water shall be a lien upon the real estate furnished with the water in the same manner and to the same effect as taxes are a lien on real estate under 32 V.S.A. §5061. If a property owner fails to enter into an agreement for payment of a delinquent bill, or fails to abide by the terms of such an agreement, the Board may sell the property at tax sale or use other remedies available for the collection of the delinquent charges, including foreclosure of its lien.

**ARTICLE 12
Appeals**

SECTION 12.01 – Appeals

A Customer may appeal the amount of a bill, the applicability of this Ordinance as it relates to the provision of water service, decisions of the Water System Operator, delinquencies, disconnections, and denial of a permit to the Board. No appeal may be made with respect to the water rates themselves. During the appeal, any disconnection shall be postponed.

**ARTICLE 13
Powers and Authority of Inspectors**

SECTION 13.01 – Powers and Authority of Inspectors

The Town and its duly authorized representatives, bearing proper credentials and identification, shall be permitted, at reasonable times, to enter all properties connected to, or desiring to connect to the Public Water System. When possible, reasonable notice shall be given to the building occupant and property owner before inspection of, or entrance onto, private property.

Any person who refuses to allow a duly authorized Town representative to enter upon that property, through which the Town holds a Public Water System easement, for purposes related to the operation, maintenance, repair, inspection, measurement, or sampling of the Public Water System, is liable for any damages that may result, and may be disconnected from the Public Water System.

ARTICLE 14
Prohibitions and Penalties for Violation of Rules

SECTION 14.01 – Prohibitions

No person shall 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 prosecution under 13 V.S.A. §§3701 and 3729.

No person shall erect, place, install or permit to be erected, placed or installed any permanent structures or tree(s) on land that contains Public Water System components or is subject to a Public Water System easement or right-of-way.

No person shall connect any plumbing connected to the Public Water System to a well, spring or other source of water. Connections to the Public Water System shall be entirely separate from any other water service.

No person shall violate, and no Customer shall permit any person to violate at the Customer's service location, any provision of this Ordinance, or shall violate any order, direction, or emergency rule adopted by the Board.

SECTION 14.02 – Penalties for Violation of this Ordinance

Any violation of this Ordinance, except as otherwise specifically set forth herein, may be prosecuted as a civil violation utilizing the civil enforcement procedures set forth in 24 V.S.A. §1974a. Any person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800 per day for each day that such violation continues. The Water System Operator and Town Administrator shall be authorized to act as Issuing Officials in pursuing a municipal complaint before the Judicial Bureau.

In such civil proceedings, the Issuing Official is authorized to recover civil penalties in the following amounts for each violation:

First Offense:	\$200
Second Offense:	\$400
Third Offense:	\$600
Fourth Offense and Subsequent Offenses:	\$800

An Issuing Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First Offense	\$150
Second Offense	\$300
Third Offense	\$450
Fourth Offense and subsequent offenses	\$600

The Issuing Official shall issue a written warning for a violation of this Ordinance before issuing a municipal complaint for the first offense of this Ordinance. The written warning shall state the period in which the violation must be cured. If the violation is not cured within the time period specified, the Issuing Official shall issue a municipal complaint.

In addition to the recovery of civil penalties provided for above, the Town may seek to enforce this Ordinance by an appropriate action for injunctive or monetary relief. Further, nothing herein shall be construed to limit other rights, remedies or penalties available by law.

**ARTICLE 15
Severability**

SECTION 15.01 – Severability

Each of the provisions of this ordinance is severable. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

**ARTICLE 16
Effective Date**

SECTION 16.01 – Effective Date

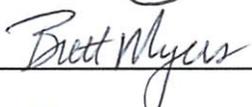
This Ordinance shall become effective sixty (60) days after its adoption by the Selectboard unless a petition signed by at least five percent of the voters of West Windsor is filed with the municipal clerk within 44 days following the date of adoption asking for a vote to disapprove the ordinance in accordance with 24 V.S.A. §1973, in which case that statute shall govern the taking effect of this Ordinance.

On the effective date of this Ordinance, all other local rules and regulations in conflict with this Ordinance are hereby repealed.

Duly adopted by the Selectboard of the Town of West Windsor, Windsor County, State of Vermont, on the 22nd day of October 2018, at a duly called and duly held meeting of said Board.

SELECTBOARD
TOWN of WEST WINDSOR:







I, the undersigned duly elected Town Clerk for the Town of West Windsor, do acknowledge by my signature that this document is the Town of West Windsor Water Ordinance, adopted by the Selectboard on October 22, 2018.

Dated this 22nd day of October, 2018.

Cathy R Archibald
Town Clerk's Signature

Cathy R Archibald
Town Clerk's Printed Name

Appendix A Schedule of Rates and Fees

Water Use Rate: \$495/EUU

Temporary disconnection/reconnection: \$25/occurrence

Application for Preliminary Capacity Allocation: \$25

Preliminary Capacity Allocation fee: \$1/gpd

Preliminary Capacity Allocation Extension Fee: \$2/gpd

Application for Final Capacity Allocation: \$25

Final Capacity Allocation Fee: \$3/gpd

Final Capacity Allocation Extension Fee: \$4/gpd

Application for Construction Permit: \$900

Certificate of Compliance Inspection: as billed by Board-designated VT registered professional engineer

Fee for collection of overdue accounts: as prescribed by 24 V.S.A. Chapter 129

Interest on overdue accounts: 1% per month, for first 3 months; 1½ % per month, for each additional month

Appendix B Hardware Specifications

Service Line Material Specifications:

All service lines shall be type K copper or 200 psi CTS plastic.

Fitting Specifications:

All fittings shall conform to AWWA Standards.

Service Line Installations:

Water service lines shall not be laid in the same trench with other lines unless the other lines contain drinking water from the same system or have been plugged and abandoned. The municipality considers the common use of a trench for water lines, sewer lines, telecommunications lines, natural gas lines, and electrical lines to represent an unacceptable construction practice which can create unsafe conditions. Co-location of lines within a common trench shall be grounds for denial or discontinuance of water service. The water service line shall be:

1. A minimum of ten feet away from all combined or sanitary sewers including house sewers;
2. A minimum of five feet away from all storm sewers; and
3. Installed at a minimum depth of 4.5 feet. If a depth of 4.5 feet is not possible due to extenuating factors (e.g. other utilities or ledge), insulation will be required as specified by the municipality.

Quarter-Turn Stop Valve Specifications:

A quarter-turn stop valve rated at a minimum of 250 pounds per square inch shall be required for every water service. The valve shall be:

1. Located inside the building near the service entrance;
2. Easily accessible;
3. Protected from freezing; and
4. Installed on the inlet side of the water meter (if a meter is present) as close to the foundation wall as practical.

The property owner is responsible for the installation, maintenance, operation, repair, and replacement of this valve.

Dual Check Valve Specifications:

A dual check valve manufactured as per American Society of Mechanical Engineers (ASME) specification Number 1024 shall be installed at all domestic and small commercial services (less than 15 GPM flow). Other backflow devices shall be installed at industrial, commercial, or other services greater than 15 GPM flow as required by the municipality and as recommended by the Vermont Department of Environmental Conservation.