

# **CASTLETON FIRE DISTRICT NO. 1 CASTLETON, VERMONT**

## **WATER ORDINANCE**

### Regulating the Use of Castleton Fire District No. 1's Municipal Water System

This ORDINANCE establishes the policies, rules, and regulations necessary to govern and operate the municipal water system of CASTLETON FIRE DISTRICT No. 1, located in Castleton, Vermont (24 V.S.A, Chapter 89, Section 3315). This ORDINANCE supersedes all previous rules, regulations and ordinances and applies to all users regardless of the municipality in which they are located. All existing agreements between individual Property Owners and CASTLETON FIRE DISTRICT No. 1 shall remain in effect provided such agreement is recorded in the CASTLETON FIRE DISTRICT No. 1 records. A copy of this ORDINANCE is available upon request of CASTLETON FIRE DISTRICT No. 1. Questions about this ORDINANCE should be directed to the CASTLETON FIRE DISTRICT No. 1 PRUDENTIAL COMMITTEE Chair.

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## **ARTICLE 1: General Provisions**

### **SECTION 1.01 – GENERAL PROVISIONS**

All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "WATER ORDINANCE" hereinafter referred to as the ORDINANCE. This ORDINANCE is adopted under 24 V.S.A., Chapter 89, Section 3315, by the PRUDENTIAL COMMITTEE of CASTLETON FIRE DISTRICT No. 1.

The CASTLETON FIRE DISTRICT No. 1 Clerk shall file certified copies of this ORDINANCE, as well as certified copies of any additions and amendments to this ORDINANCE as may be hereafter adopted, in the municipal records of CASTLETON FIRE DISTRICT NO. 1 and the Town Health Officer.

### **SECTION 1.02 – PURPOSE**

The principal objective of the Water System (the SYSTEM) is to provide a State permitted potable water supply under timely and efficiently managed conditions.

### **SECTION 1.03 – PERIODIC REVIEW**

The provisions of this ORDINANCE may be reviewed at intervals not exceeding five (5) years by the PRUDENTIAL COMMITTEE with the objective of assessing the continued applicability of these provisions; to consider any recommendations proposed for their improvement; and to determine if, and what, changes are advisable due to advances in the technical methods or processes of potable water treatment, storage, and transmission available to CASTLETON FIRE DISTRICT NO. 1.

The PRUDENTIAL COMMITTEE shall be responsible for enacting ordinances, policies, and construction standards governing the operation of the SYSTEM. The PRUDENTIAL COMMITTEE shall make and establish all needful water rates for the control and operation of the SYSTEM. It shall carry out the duties specifically required of it under the regulations and policies which it enacts.

### **SECTION 1.04 – EMERGENCY RULES**

The PRUDENTIAL COMMITTEE may prescribe emergency rules governing the supply and use of water as it may deem appropriate to accommodate water supply emergencies. Such rules shall be adopted at any duly held meeting of the PRUDENTIAL COMMITTEE.

### **SECTION 1.05 – SUPERCESSION & SEVERABILITY**

If there is a conflict between the terms of this ORDINANCE and any other applicable regulation, bylaw, ordinance or statute, the more strict shall apply.

If a provision of this ORDINANCE is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect the:

- A. Validity or enforceability of any other provision of this ORDINANCE;
- B. Validity or enforceability in other instances of that or any other provision of this ORDINANCE.

## ARTICLE 2: Definitions

### SECTION 2.01 – DEFINITIONS

Unless specifically defined in this Article, words and phrases used in this ORDINANCE, POLICY and CONSTRUCTION STANDARD shall have their common ordinary meaning, and are intended to give this ORDINANCE, POLICY and CONSTRUCTION STANDARD its most reasonable application.

“Backflow” shall mean a flow condition, induced by a differential in pressure that causes the flow of water or other liquid into the distribution of a potable water supply, from any source or sources other than its intended source.

“Backflow Preventer” shall mean a device or means designed to prevent backflow. For specific examples of backflow preventers, refer to the CASTLETON FIRE DISTRICT No. 1 Construction Standards document.

“Best interest” shall be defined by the PRUDENTIAL COMMITTEE and may include meeting economic development or community institutional or DISTRICT needs. Best interest shall be defined on a case by case basis.

“Building Service Line” shall mean the pipe or conduit and valves connected on one end to the curb stop at or near the property line of the Property Owner, the other end terminating inside the Property Owner’s building, to provide water service.

“Business days” shall mean Monday through Thursday, excluding legal holidays.

“Clerk” shall mean the Clerk of the CASTLETON FIRE DISTRICT No. 1.

“Committed Reserve Capacity” shall mean the total amount of development water supply (gallons per day) for all projects/buildings approved by the PRUDENTIAL COMMITTEE and the DEPARTMENT, for supply, storage, and distribution, but not yet connected to the SYSTEM at the time of the calculation.

“Completed Construction” shall mean

1. For building development; completion of construction of all foundations, framing, siding and roofs such that occupancy is permissible.
2. For subdivision development; completion of infrastructure and subdivision improvements.
3. Regardless of the above definitions, projects subject to a State or municipal land use permit shall use completion and other project-related terms based upon the land use permit(s).

“Consecutive Public Water System” shall mean a public water system that receives some or all of its water from a host or wholesale system that is also a public water system. The consecutive system does not provide primary treatment of that water but may provide additional chlorination, if necessary.

“Contract Operator” shall mean that person appointed by the PRUDENTIAL COMMITTEE, and having oversight by the PRUDENTIAL COMMITTEE, to manage the day to day

operations of the SYSTEM. It shall be the duty of the Contract Operator to insure that the regulations and policies of the SYSTEM are implemented and enforced. Decisions of the Contract Operator may be appealed within thirty (30) days to the PRUDENTIAL COMMITTEE in accordance with Article 11 of this ORDINANCE and POLICY.

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

"Customer" shall mean any individual, group, society, association, firm, company, corporation, government or governmental division, who receives water service from CASTLETON FIRE DISTRICT No. 1 and is a Property Owner, whether or not that individual is the ultimate user.

"Delinquency" means a failure of the Customer to tender payment for a valid bill or other charge by a "due date" at least thirty (30) days after mailing, which due date shall be clearly printed on the bill or other charge, or, in the absence of such a printed due date, the date thirty (30) days after postmarking of such bill or charge.

"DEPARTMENT" shall mean the Vermont Department of Environmental Conservation.

"Development" shall mean the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial, manufacturing, farming, educational, governmental, medical, charitable, civic, recreational, religious uses, and subdivisions with the intent to subdivide.

"Development Water Supply Demand" shall mean the water demand resulting from full use of the development at its build-out capacity, which demand shall be calculated using demand quantities, adopted as rules by the DEPARTMENT, as promulgated at the time a connection permit application is made and an allocation is requested of the DISTRICT. The flow quantities shall be as shown in the current Vermont Environmental Protection Rules, Chapter 21, Water Supply Rule.

"Disconnection" means the deliberate interruption of the DISTRICT's water service to the Customer for reasons including but not limited to, water quality issues, meter tampering, delinquent payment, etc.

"DISTRICT" shall mean CASTLETON FIRE DISTRICT No. 1, the PRUDENTIAL COMMITTEE, and/or their authorized deputy, agents or representatives.

"Existing Use" means a use of the SYSTEM that is sanctioned by the DISTRICT through permanent water supply lines which has occurred on a Customer's property on or after January 1, 1980. NOTE: The existence of a water supply line, without concordant use, does not, in and of itself, constitute "use" as herein defined.

"Flow Basis" shall mean the calculated water demand as determined using the Environmental Protection Rules, Chapter 21, current edition.

"Health Officer" shall mean the legally designated Health Officer or Deputy Health Officer of the Town of Castleton.

"Hearing Officer" shall mean the person appointed by the DISTRICT, pursuant to 24 V.S.A., Chapter 129, Section 5147, to act as a fact finder and to hear and investigate evidence, and to make recommendations to the PRUDENTIAL COMMITTEE for final determination of a dispute.

"House Connection" shall mean the pipe or conduit running from the corporation stop at the distribution main to a curb stop at or near the property line of the Property Owner, and including all necessary fittings.

"Initiate Construction" shall mean

1. For building development; the completion of the foundation.
2. For subdivision development; substantial commencement of any site improvement(s) pursuant to the approved subdivision and infrastructure plans.
3. Regardless of the above definitions, construction initiation, if defined in statutory definitions related to a land use law for which a permit has been issued, shall govern.

"Main" see "Water Main".

"Meter Pit" shall mean a water meter assembly designed to be installed underground and not visible at the surface.

"Municipality" shall mean CASTLETON FIRE DISTRICT NO. 1.

"One-Time Water System Fee" or "System Fee" shall mean the financial amount due, as determined by the PRUDENTIAL COMMITTEE, charged to Property Owners for the benefit of connection or provision of another service to the DISTRICT's SYSTEM.

"Payment of a Bill and/or Other Charge" means receipt at the DISTRICT Office of cash, check or money order which is subsequently honored.

"Permit to Operate" shall mean a permit issued by the DEPARTMENT pursuant to authority granted in 10 V.S.A., Chapter 47.

"Physician's Certificate" shall mean a written statement by a duly licensed medical practitioner certifying that a Customer or resident within the Customer's household would suffer an immediate and serious health hazard by the disconnection of the DISTRICT's service to that household.

"Property Owner" shall mean any person, who owns or possesses any property connected to the DISTRICT's SYSTEM or proposes to connect to the municipal SYSTEM as an applicant.

"PRUDENTIAL COMMITTEE" shall mean the members of CASTLETON FIRE DISTRICT NO. 1 Prudential Committee.

"Public Water Supply System" shall mean all facilities for supply, treatment, pumping, storage, transmission, distribution, and metering of water and is controlled, owned and operated by CASTLETON FIRE DISTRICT NO. 1.

"Reserve Capacity" shall mean the permitted source safe yield(s) minus the actual SYSTEM water supply monthly average daily flow during the preceding twelve (12) months.

"Secretary" shall mean the Secretary of the Agency of Natural Resources, State of Vermont or his/her representatives.

"Service Pipe" shall mean "House Connection".

"Shall" is mandatory; "May" is permissive.

"Subdivision" shall mean a tract of land, which has been divided or is intended to be divided into two (2) or more lots for any purpose, in accordance with the Town of Castleton's current Subdivision Regulations and/or State of Vermont land use law.

"SYSTEM" shall mean "Public Water Supply System".

"SYSTEM Water Supply" shall mean water passing through the DISTRICT's facilities in gallons per day on a monthly average daily flow basis for the most recent twelve (12) months.

"Tapping / Inspection Fee" shall mean the fee incurred by a Customer when the DISTRICT makes the physical water service tap or connection to the existing municipal water main.

"Tax Collector" shall mean the person appointed by the DISTRICT to collect all DISTRICT-related taxes/user fees, including delinquent municipal utility charges.

"Tenant" means one who occupies or temporarily possesses land or structures, the title to which is held by another, such as one who rents or leases from a landlord.

"Uncommitted Reserve Capacity" shall mean the portion of the reserve capacity remaining after subtracting the development water demand of all projects approved by the DEPARTMENT and/or PRUDENTIAL COMMITTEE but not yet connected to the water works. Unless otherwise determined, Uncommitted Reserve Capacity shall be calculated as the SYSTEM capacity less the current annual Maximum Daily Demand. Uncommitted Reserve Capacity shall be the property of the DISTRICT.

"Water Main" shall mean water pipe owned and controlled by CASTLETON FIRE DISTRICT NO. 1 laid along or across streets or other rights-of-way to which all Customers have equal rights of access and which is designed to carry potable water.

"Water Meter Assembly" shall mean the meter with meter horn, pack joint connections, integral or separate service valves, pressure regulator and backflow preventer.

"Water Service Area" shall mean that area of properties connected to the CASTLETON FIRE DISTRICT NO. 1 SYSTEM.

## **ARTICLE 3: Abbreviations**

### **SECTION 3.01 – ABBREVIATIONS**

For the purpose of this ORDINANCE, POLICY and CONSTRUCTION STANDARDS, 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.

AC shall mean asbestos-cement.

ANSI shall mean American National Standards institute.

ASME shall mean American Society of Mechanical Engineers.

ASTM shall mean American Society for Testing and Materials.

AWWA shall mean American Water Works Association.

CI shall mean cast iron.

cm shall mean centimeter.

CS shall mean Commercial Standards.

Degrees C shall mean degrees Centigrade.

Degrees F shall mean degrees Fahrenheit.

DI shall mean ductile iron.

gpd shall mean gallons per day.

gpm shall mean gallons per minute.

hp shall mean horsepower.

kg shall mean kilograms

l shall mean liters.

m shall mean meter.

mg shall mean milligrams.

MG shall mean million gallons.

mg/l shall mean milligrams per liter. 1 mg/l equals 1 ppm.



mgd shall mean million gallons per day.

MGD shall mean million gallons per day.

NPC shall mean National Plumbing Code.

ppm shall mean parts per million. 1 ppm equals 1 mg/l.

psi shall mean pounds per square inch. One psi is equal to 2.31 feet of head or water column.

sq.m. shall mean square meters.

TDH shall mean Total Dynamic Head.

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

## **ARTICLE 4: Water Meters**

### **SECTION 4.01 – WATER METERS**

All water usage, except as otherwise provided, will be sold by meter and/or a rate on the Grand List. Meters shall be read by authorized representatives of the DISTRICT on a frequency established by the PRUDENTIAL COMMITTEE. Refer to Article 13 for Prohibitions and Penalties for Violation of Rules.

Following such time as fees are based in part or full upon meter measurements, the Customer may receive water through a meter upon written application to the DISTRICT. The size of the meter will, in all cases, be determined by the DISTRICT.

Except when otherwise provided, meters shall be furnished and owned by the DISTRICT and shall be located in satisfactory locations to protect against frost and other damage. The Customer is responsible for providing a clean, warm and accessible place therefore. The Customer is responsible for notifying the DISTRICT prior to meter installation so the DISTRICT can be onsite to observe said installation. The Customer is responsible for installing the appropriate fixtures to allow for the meter to be set in a horizontal position. In no case shall the DISTRICT deliver water through any meter over which it does not have exclusive control.

### **SECTION 4.02 – DAMAGED METERS**

Should a meter and/or radio read equipment be damaged by frost or be damaged in any other manner for which the Customer is responsible as solely determined by the DISTRICT, the Customer shall be charged the cost of removing, repairing and replacing said equipment.

### **SECTION 4.03 – MALFUNCTIONING METERS AND METER READING DISCREPANCIES (SEE POLICY DOCUMENT)**

### **SECTION 4.04 – METER ACCESSIBILITY**

Representatives of the DISTRICT or persons so authorized by the PRUDENTIAL COMMITTEE must have free access to every building and other installation for the purpose of inspecting, removing, or replacing water meters.

### **SECTION 4.05 – RADIO READ METERS (SEE POLICY DOCUMENT)**

### **SECTION 4.06 – METER AND/OR RADIO READ EQUIPMENT TAMPERING**

No person, except a person authorized by the DISTRICT, shall disconnect any meter or radio read equipment. No person, except a person authorized by the DISTRICT, shall place, replace, move, remove, break the seal, or otherwise disturb the meter and/or radio read equipment in any manner whatsoever. No person shall install a bypass of the meter so as to render its measurement of consumption inaccurate. No person shall commingle another source of supply so as to render the meter inaccurate. This Section applies only to the meter and radio read equipment and not to any connecting fixtures or pipes. This Section shall not be construed to render the DISTRICT liable for any portion of any service. Meter

and radio read equipment tampering will be addressed according to Article 13 of this ORDINANCE.

SECTION 4.07 – METER STANDARDS FOR NEW CONSTRUCTION (SEE POLICY DOCUMENT)

SECTION 4.08 – METERS INSTALLED IN PROPERTIES WITH NON-CONVENTIONAL BASEMENTS (MOBILE HOMES AND HOMES CONSTRUCTED WITH SHALLOW BASEMENTS) (SEE POLICY DOCUMENT)

SECTION 4.09 – METER PITS ON PRIVATE PROPERTY – EASEMENTS REQUIRED (SEE POLICY DOCUMENT)

SECTION 4.10 – MULTIPLE METER INSTALLATIONS FOR MULTI-UNIT RENTAL PROPERTIES (SEE POLICY DOCUMENT)

SECTION 4.11 – PROVISIONS FOR CONDOMINIUMS (SEE POLICY DOCUMENT)

SECTION 4.12 – REPAIR, TESTING AND REPLACEMENT OF METER APPURTENANCES (SEE POLICY DOCUMENT)

SECTION 4.13 – EXPANSION OF JURISDICTION

Should the DISTRICT through its BYLAWS and/or this ORDINANCE expand the SYSTEM to include existing properties currently not under DISTRICT jurisdiction, the DISTRICT may install meters to those existing properties at the DISTRICT's expense.

SECTION 4.14 – METERS INSTALLED IN EXISTING SEASONAL ESTABLISHMENTS OR FACILITIES (SEE POLICY DOCUMENT)

SECTION 4.15 – INSTALLATION OF METERS IN PROPERTIES WITH SUBSTANDARD SERVICE PIPING (SEE POLICY DOCUMENT)

## **ARTICLE 5: Capacity Allocation and Connection**

### **SECTION 5.01 – OWNERSHIP AND PERMIT TO OPERATE**

CASTLETON FIRE DISTRICT No. 1 owns and operates water source facilities and a water distribution system as defined in 10 V.S.A., Chapter 56. The SYSTEM has a permitted capacity, and is operated in accordance with a Permit to Operate issued by the Vermont Department of Environmental Conservation (DEPARTMENT) under authority granted in 10 V.S.A., Chapter 56. The PRUDENTIAL COMMITTEE is obligated by law to comply with conditions of that permit, and to operate and manage the SYSTEM as governmental functions under and pursuant to 10 V.S.A., Chapter 56, and the Federal Safe Drinking Water Act and subsequent regulations.

### **SECTION 5.02 – WATER SYSTEM SERVICE AREA (ALSO SEE POLICY DOCUMENT)**

The regulatory SYSTEM service area is defined by the boundaries of CASTLETON FIRE DISTRICT No. 1. The actual service area reliant upon the DISTRICT's SYSTEM includes the water systems for Castleton Fire District No. 3, Castleton Meadows, and Parsons Hill.

### **SECTION 5.03 – WATER SYSTEM EXPANSION PAID BY THE DISTRICT (SEE POLICY DOCUMENT)**

### **SECTION 5.04 – WATER SYSTEM EXPANSION PAID BY DEVELOPER OR OTHER PRIVATE ENTITIES (SEE POLICY DOCUMENT)**

### **SECTION 5.05 – INTRODUCTION TO RESERVE CAPACITY ALLOCATION (ALSO SEE POLICY DOCUMENT)**

The permitted capacity of the SYSTEM is the property of CASTLETON FIRE DISTRICT NO. 1. The uncommitted reserve capacity of the SYSTEM shall be allocated by the PRUDENTIAL COMMITTEE in the manner described below. This ORDINANCE is adopted pursuant to the provisions of 24 V.S.A., Chapter 89, in the manner provided in 24 V.S.A., Chapter 59 (or in the manner provided for in 24 V.S.A., Chapter 117), and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the PRUDENTIAL COMMITTEE to regulate, control and supervise all means and methods of water production, treatment, and distribution within the CASTLETON FIRE DISTRICT No. 1 regulatory service area, nor shall it be construed to impair or inhibit the ability of CASTLETON FIRE DISTRICT No. 1 to contract with persons for the purchase of water.

### **SECTION 5.06 – RESERVE CAPACITY ALLOCATION OR REALLOCATION (ALSO SEE POLICY DOCUMENT)**

Allocation or Reallocation Flow Basis: Approvals of allocated or reallocated flows shall be based on the applicant's water "flow basis" not actual flows. Any differential between actual flows and the allocation flow basis shall become the property of the DISTRICT and shall not be available to the applicant for re-allotment to another project or a project expansion.

### **SECTION 5.07 – APPLICATION PROCESS INTRODUCTION (SEE POLICY DOCUMENT)**

SECTION 5.08 – APPLICATION PROCESS SUBMITTALS (SEE POLICY DOCUMENT)

SECTION 5.09 – APPLICATION PROCESS PHASES (SEE POLICY DOCUMENT)

SECTION 5.10 – WATER CAPACITY ALLOCATION PERMIT APPROVAL REQUIREMENTS  
(SEE POLICY DOCUMENT)

SECTION 5.11 – WATER CAPACITY ALLOCATION PERMIT APPROVAL CONDITIONS  
(SEE POLICY DOCUMENT)

The PRUDENTIAL COMMITTEE may approve the project as proposed, recommend or require changes, or reject the application for cause. The PRUDENTIAL COMMITTEE shall issue the Water Capacity Allocation Permit, which may be conditioned as follows:

- A. The committed reserve capacity allocation is not transferable to any other person or project unless requested by the original applicant and approved by the PRUDENTIAL COMMITTEE, however, a new application must be submitted.

SECTION 5.12 – WATER CAPACITY ALLOCATION PERMIT EXPIRATION/EXTENSIONS  
(SEE POLICY DOCUMENT)

SECTION 5.13 – WATER CAPACITY ALLOCATION PERMIT REGARDING SUBDIVISIONS  
(SEE POLICY DOCUMENT)

SECTION 5.14 – TRANSFER OF ALLOCATION (SEE POLICY DOCUMENT)

SECTION 5.15 – CONNECTION PERMIT APPROVAL REQUIREMENTS (SEE POLICY  
DOCUMENT)

SECTION 5.16 – CHANGE OF USE (SEE POLICY DOCUMENT)

## **ARTICLE 6: Requirements for Construction of Water Lines and Appurtenances**

### **SECTION 6.01 – CONSTRUCTION PHASE (SEE CONSTRUCTION STANDARDS)**

### **SECTION 6.02 – PRE-CONSTRUCTION MEETING (SEE CONSTRUCTION STANDARDS)**

### **SECTION 6.03 – CONSTRUCTION (ALSO SEE CONSTRUCTION STANDARDS)**

Construction of water lines and appurtenances shall be performed in accordance with all applicable DISTRICT permits, State of Vermont permits, municipal permits and all subsequent written changes or additions thereto which the DISTRICT and the permittee have agreed.

- A. At a minimum, all construction piping shall be built to the Construction Standard specifications of the DISTRICT, and the most restrictive applicable specifications of the Town of Castleton, the Vermont Department of Environmental Conservation (Water Supply Rule and Wastewater System and Potable Water Supply Rule, current revisions), U.S. Environmental Protection Agency, and any other State or Federal agencies having jurisdiction of same.

### **SECTION 6.04 – AUTOMATIC FIRE SUPPRESSION “SPRINKLER” SYSTEMS (SEE CONSTRUCTION STANDARDS)**

### **SECTION 6.05 – FIRE HYDRANTS (SEE CONSTRUCTION STANDARDS)**

### **SECTION 6.06 – BACKFLOW PREVENTION / CROSS CONNECTION CONTROL (ALSO SEE CONSTRUCTION STANDARDS)**

All new water service connections shall be constructed with backflow preventers at the Property Owner's expense. If the Property Owner of a proposed new water service fails to install backflow preventers acceptable to Fire District #1 on their service within a time limit specified by the DISTRICT, their service shall not be connected to the SYSTEM.

Refer to the DISTRICT's Backflow Prevention / Cross Connection Control Policy for requirements.

### **SECTION 6.07 – OWNERSHIP AND MAINTENANCE OF SERVICE LINES (SEE POLICY DOCUMENT AND CONSTRUCTION STANDARDS)**

## **ARTICLE 7: Water System Standards and Procedures**

SECTION 7.01 – WATER QUALITY (SEE POLICY DOCUMENT)

SECTION 7.02 – WATER CONSERVATION (SEE POLICY DOCUMENT)

SECTION 7.03 – CONSECUTIVE SYSTEMS

The DISTRICT will not allow consecutive systems to sell water to other consecutive systems or to expand their service area beyond their original service area boundaries at the time of original allocation approval, without submitting the appropriate application forms for additional allocation and obtaining PRUDENTIAL COMMITTEE approval.

SECTION 7.04 – WATER SYSTEM PRESSURES (SEE POLICY DOCUMENT)

SECTION 7.05 – CHANGES IN WATER QUALITY DUE TO DISTRICT MAINTENANCE  
(SEE POLICY DOCUMENT)

SECTION 7.06 – INTERRUPTION OF SERVICE (SEE POLICY DOCUMENT)

SECTION 7.07 – STEAM THAWING OF FROZEN WATER SERVICE LINES (SEE POLICY  
DOCUMENT)

SECTION 7.08 – LEAK IN PRIVATE LINE OR PRIVATE PLUMBING (SEE POLICY  
DOCUMENT)

## **ARTICLE 8: Water Fund Management**

### **SECTION 8.01 – TYPES OF RESERVE FUNDS**

Property Owners within the DISTRICT shall have financial responsibility for general purpose operations and maintenance, capital improvements, and debt service. Costs for said activities can be met by the expenditure or sale of existing resources including property, use of reserve funds as described in this Article, or by a general obligation bond. The proportion of any obligation assigned to the Property Owners of the DISTRICT shall be in accordance with the Rate Structure of the DISTRICT, as periodically revised.

The following provides for and restricts the use of three (3) different types of reserve funds to finance annual operations and maintenance activities, future major maintenance and/or replacement costs, SYSTEM expansions or upgrades, and to cover costs related to debt service. These funds include Surcharge Funds, Capital Reserve Funds, Sinking Funds, and Reserve for Contingencies, and shall be meet the requirements of 24 V.S.A., Chapter 89, Section 3313.

### **SECTION 8.02 – CAPITAL RESERVE FUND ESTABLISHMENT (SEE POLICY DOCUMENT)**

### **SECTION 8.03 – UNRESTRICTED FUNDS (SEE POLICY DOCUMENT)**



## **ARTICLE 9: Water Charges**

### **SECTION 9.01 – WATER CHARGES**

CASTLETON FIRE DISTRICT No. 1 shall charge Customers (including consecutive water systems) of the DISTRICT's SYSTEM for the purpose of the payment associated with the costs of operating, maintaining and repairing said SYSTEM including loan repayment expenses as appropriate. These fees shall be based upon rate structure(s) decided by the PRUDENTIAL COMMITTEE. Fees may be updated on an annual basis or as the PRUDENTIAL COMMITTEE deems necessary. Fees shall be posted on the duly adopted "Water Charge Rate Schedule" which is available at the DISTRICT'S office. Fees applicable to specific Customers shall reflect agreements in effect.

Other fees and charges may include those for meter maintenance; meter installation or supply; service connection; the provision of sprinkler service; turning on or off of the water service valve or curb stop; fire suppression via the municipal water and fire hydrant system; unusual demands such as the filling of private or institutional pools; irrigation at a commercial or institutional level; or approved use of a fire hydrant.

### **SECTION 9.02 – CHARGING CONNECTED VACANT PROPERTIES (SEE POLICY DOCUMENT)**

### **SECTION 9.03 – CUSTOMER RESPONSIBILITY (SEE POLICY DOCUMENT)**

### **SECTION 9.04 – CHECK ACCEPTANCE/DEFAULT (SEE POLICY DOCUMENT)**

### **SECTION 9.05 – COLLECTION OF DELINQUENT WATER CHARGES (SEE POLICY DOCUMENT)**

## **ARTICLE 10: Disconnection of Service**

### **SECTION 10.01 – DELINQUENT ACCOUNTS / DISCONNECTION OF SERVICE**

Under the Uniform Water and Sewer Disconnect, 24 V.S.A., Chapter 129, water accounts which are not paid within thirty (30) calendar days of the bill's postmark date, or by a due date at least thirty (30) calendar days after mailing, shall become delinquent and may be disconnected. Disconnections are subject to certain restrictions as specified in the Vermont Statutes.

### **SECTION 10.02 – NOTICE REQUIREMENTS BEFORE DISCONNECTION (SEE POLICY DOCUMENT)**

### **SECTION 10.03 – TIME AND MANNER OF DISCONNECTION (SEE POLICY DOCUMENT)**

### **SECTION 10.04 – WHEN DISCONNECTION IS PROHIBITED (SEE POLICY DOCUMENT)**

### **SECTION 10.05 – AGREEMENT FOR PAYMENT OF DELINQUENT BILL OR OTHER CHARGE (SEE POLICY DOCUMENT)**

### **SECTION 10.06 – RESTORATION OF WATER SERVICE (SEE POLICY DOCUMENT)**

### **SECTION 10.07 – TAX SALES AND LIENS ON REAL PROPERTY (SEE POLICY DOCUMENT)**

## **ARTICLE 11: Appeals**

### **SECTION 11.01 – APPEALS (ALSO SEE POLICY DOCUMENT)**

A Customer may appeal with respect to the proper amount of its bill or the applicability of this ORDINANCE to it relating to the provision of water service. No appeal may be maintained with respect to the level or design of water rates themselves. During appeal, disconnection shall be postponed.

The PRUDENTIAL COMMITTEE may appoint one or more of its number to act as Hearing Officer(s) for the purpose of appeal. Alternately, the PRUDENTIAL COMMITTEE may appoint a responsible citizen to act as a Hearing Officer.

The Hearing Officer is appointed pursuant to 24 V.S.A., Chapter 129, Section 5147 to act as a fact finder and to hear and investigate evidence, and to make recommendations to the PRUDENTIAL COMMITTEE for final determination of a dispute.

Upon just cause shown, the PRUDENTIAL COMMITTEE may grant exception to any Customer.

## **ARTICLE 12: Unauthorized Use of Water**

### **SECTION 12.01 – UNAUTHORIZED USE OF WATER (ALSO SEE POLICY DOCUMENT)**

CASTLETON FIRE DISTRICT No. 1 may take legal action against any person who shall use municipal water without authorization from CASTLETON FIRE DISTRICT No. 1 by:

- A. Tapping or making any connection with any street main or service or distribution pipe.
- B. Connecting to the SYSTEM without the use of required backflow prevention devices.
- C. Opening or closing any valve or hydrant connected with said SYSTEM.
- D. Obtaining the use of water without authorization in any way or by any device, including the operation of curb valves by repairmen or plumbers for any purpose.

## **ARTICLE 13: Prohibitions and Penalties for Violation of Rules**

### **SECTION 13.01 – PROHIBITIONS**

No person shall deny access to any inspector of CASTLETON FIRE DISTRICT No. 1 or any person authorized by CASTLETON FIRE DISTRICT No. 1 to conduct an inspection or perform such other duties as set forth in this ORDINANCE.

No person shall violate any emergency rule adopted by the PRUDENTIAL COMMITTEE as provided in Article 1 of this ORDINANCE.

No person shall damage, remove, or tamper with any meter through which water service is being provided. No person shall break the seal of any such meter.

No person shall damage, remove, or tamper with any meter remote, radio read, or wire connecting the meter and remote at a service location. No person shall break the seal of any such remote.

No person shall knowingly cause water to be taken at any service location or elsewhere, in any manner inconsistent with the application for service governing such location, any contract for the supply of water application to such location, any terms and conditions based upon service at such location by the PRUDENTIAL COMMITTEE or this ORDINANCE.

No person shall take or use water from CASTLETON FIRE DISTRICT No. 1's SYSTEM at any location or in any manner that is not authorized by the PRUDENTIAL COMMITTEE. No person may make, and no Customer shall suffer or permit any person to make, any connection to that SYSTEM, unless such connection is authorized by the PRUDENTIAL COMMITTEE.

No person shall connect to any service location protected by an air gap, and defeat the air gap by using any device bypassing the air gap.

No person shall connect storage containers or tanks to any water source including hydrants without a backflow preventer, which will be supplied by the user.

No person shall obstruct the access to any fire hydrant.

No person shall make any connection to any hydrant on CASTLETON FIRE DISTRICT No. 1's SYSTEM, and no person may cause any such hydrant to be opened, except as authorized by this ORDINANCE, or otherwise by the PRUDENTIAL COMMITTEE.

No person shall make any material misstatements of fact in any application for water service.

No person shall complete construction of any service connection with CASTLETON FIRE DISTRICT No. 1's SYSTEM in any manner other than that set forth in any plans and specifications submitted to and approved by the PRUDENTIAL COMMITTEE. No person shall fail to disclose any deviations or variations from such plans to the PRUDENTIAL COMMITTEE at the first date such variations or deviations become known to such person.

No person shall co-mingle or cause any substance to co-mingle with the DISTRICT's SYSTEM.

No person shall violate and no Customer shall suffer or 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 PRUDENTIAL COMMITTEE.

## SECTION 13.02 – PENALTIES FOR VIOLATION OF THIS ORDINANCE

This is a civil ORDINANCE. Enforcement procedures for this civil ORDINANCE shall be in accordance with the provisions of 24 V.S.A., Chapter 59, Sections 1974(a) and 1977 et seq.

Any person violating any of the provisions of this ORDINANCE, shall become liable to CASTLETON FIRE DISTRICT No. 1 for any expenses, loss or damage caused by such offense and shall be served by the PRUDENTIAL COMMITTEE 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 the violation.

Any violation of this ORDINANCE shall be a civil matter enforceable to the extent as referenced in the first paragraph of this SECTION. A civil penalty shall be assessed for each offense. The amount of the civil penalty shall be determined by the Hearing Officer, not to exceed two hundred and fifty dollars (\$250.00) per offense plus the payment for remedial actions caused by the offense. These offenses include the use of any device that subverts airgap protection or use of a hydrant without a backflow preventer. Each day or time the violation continues shall constitute a separate offense. The offender can choose to pay the waiver fee on the complaint or request a hearing to contest the violation with the Judicial Bureau. The waiver fee shall be calculated by the Hearing Officer and shall be equal to 50% of the civil penalty.

Notwithstanding any of the foregoing provisions, CASTLETON FIRE DISTRICT No. 1 may institute any appropriate action including injunction, or other proceeding to prevent, restrain or abate violations hereof, and any other legal and equitable relief to seek compensatory damages and compensation for other fees and expenses as provided in this ORDINANCE.

## **ARTICLE 14: Amendments, Changes, and Petitions**

### **SECTION 14.01 – AMENDMENTS AND CHANGES**

The PRUDENTIAL COMMITTEE may make such amendments, changes, etc., to the ORDINANCE that appear in its judgment to be necessary for the efficient operation and/or in the best interests of the SYSTEM.

All Rules, Regulations, Ordinances, Policies, Procedures, or other regulatory provisions in conflict herewith are hereby repealed.

The invalidity 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 14.02 – PETITIONS**

Citizens have the right to petition for a vote on this ORDINANCE and amendments at an annual or special meeting as provided in 24 V.S.A., Chapter 59. If a petition is received in accordance with 24 V.S.A., Chapter 59 a special meeting shall be called within sixty (60) days of the receipt of the petition to determine whether the voters will approve/disapprove the ORDINANCE and/or amendment hereto.

## ARTICLE 15: Ordinance in Force

### SECTION 15.01 – ORDINANCE IN FORCE

This ORDINANCE shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Duly adopted by the PRUDENTIAL COMMITTEE of CASTLETON FIRE DISTRICT No. 1, Castleton, Vermont, Rutland County, State of Vermont, on the 10th day of July, 20 14, at a duly called and duly held meeting of said PRUDENTIAL COMMITTEE. This WATER ORDINANCE shall become effective sixty (60) days from the date hereof. (September 8, 2014)

#### PRUDENTIAL COMMITTEE OF CASTLETON FIRE DISTRICT No. 1

Chris Cui  
Beverly Harrison  
Raymond H. Ladd  
Ray J. L.

I, the undersigned duly elected Clerk for CASTLETON FIRE DISTRICT No. 1, do acknowledge by my signature that this document is the Water Ordinance as adopted by the PRUDENTIAL COMMITTEE on July 10, 20 14.

Dated this 10th day of July, 20 14.

Sara C. Grey  
Clerk's Signature

SARA C. GREY  
Clerk's Printed Name