

COLCHESTER FIRE DISTRICT NO.1

321 WINOOSKI PARK
COLCHESTER, VERMONT 05439
802•654•2872 • fax 802•654•2906

Water Rules & Regulations

Table of Contents

ARTICLE 1: GENERAL PROVISIONS

ARTICLE 2: DEFINITIONS & ABBREVIATIONS

ARTICLE 3: CFD AND CWD WATER MAINS: CONSTRUCTION & MAINTENANCE

- 3.1 *Application for tapping water mains*
- 3.2 *Construction of water mains*
- 3.3 *Construction of fire hydrants*
- 3.4 *Testing and disinfection of pipeline*
- 3.5 *Maintenance of water mains*
- 3.6 *Maintenance of fire hydrants*
- 3.7 *Private water mains and hydrants*
- 3.8 *Acceptance of private mains and hydrants by Fire District*

ARTICLE 4: APPLICATIONS FOR WATER ALLOCATIONS & SERVICE CONNECTIONS

- 4.1 *General*
- 4.2 *Application for water allocations and service connections*
- 4.3 *Allocation process*
- 4.4 *Final capacity allocation*
- 4.5 *Service connection permit*

ARTICLE 5: BUILDING AND MAINTAINING WATER SERVICE CONNECTIONS

- 5.1 *General*
- 5.2 *Service connection requirements*
- 5.3 *Construction of water service connection*
- 5.4 *Cross connections/backflow prevention*
- 5.5 *Final inspection*
- 5.6 *Meter requirements*
- 5.7 *Replacement of lost or damaged water meters*
- 5.8 *Test of customer's meter*
- 5.9 *Maintenance of service connections*
- 5.10 *Testing customers' pipes*
- 5.11 *Seasonal water service connections*
- 5.12 *Connections of private water systems to Fire District's mains*

ARTICLE 6: USES OF PUBLIC WATER SUPPLY SYSTEM

- 6.1 *Primary use*
- 6.2 *Auxiliary uses*
- 6.3 *Use of fire hydrants*

- 6.4 *Emergency uses*
- 6.5 *Limitations on Fire District's liability*
- 6.6 *Water quality emergency*
- 6.7 *Exemption from sewer charges relating to pool filling and lawn watering*
- 6.8 *Private hydrants*

ARTICLE 7: PROTECTION AGAINST DAMAGE AND WASTE

- 7.1 *Damage to Fire District equipment*
- 7.2 *Motor vehicle damage to fire hydrants*
- 7.3 *Obstructing access of Fire District equipment*
- 7.4 *Contamination of water supply*
- 7.5 *Authorized use of fire hydrants*
- 7.6 *Wasteful consumption of water*
- 7.7 *Violation of conservation order*
- 7.8 *Wasteful consumption of water*

ARTICLE 8: POWER AND AUTHORITY OF INSPECTORS

ARTICLE 9: PENALTIES

ARTICLE 10: WATER RATES & FEES

- 10.1 *Establishing rates and fees*
- 10.2 *New users' connection fees*
- 10.3 *Usage fees*
- 10.4 *Billings and payments*
- 10.5 *Shut-off and turn-on fees*
- 10.6 *'Final reading'*
- 10.7 *Hydrant use fee*
- 10.8 *Sprinkler-line fee*
- 10.9 *Funding water system upgrades and debt retirement*
- 10.10 *Fee for tapping CWD main*
- 10.11 *Priority of Fire District liens*

ARTICLE 11: ADOPTION

APPENDIX 1: RATES & FEES SCHEDULE

APPENDIX 2: APPLICATIONS, FORMS & PERMITS

- A. Water allocation: application, preliminary and final allocation approvals
- B. Service connection: instructions, application, permit
- C. Fire hydrant use: application, permit

SUPPLEMENTARY ORDINANCES

- A. Water disconnection for delinquent fees: definitions, procedures, notification letter
- B. Regulations for Control of Cross Connections (in draft)

COLCHESTER FIRE DISTRICT NO.1

321 WINOOSKI PARK
COLCHESTER, VERMONT 05439
802•654•2872 • fax 802•654•2906

WATER RULES & REGULATIONS

ARTICLE 1: GENERAL PROVISIONS

- 1.1 Colchester Fire District No. 1 [the Fire District] owns and operates, under permit of the State of Vermont, a public water system. Under provisions of State law, the Prudential Committee has the powers and responsibilities of water commissioners for the Fire District (see 17 VSA § 2652), and, in accordance with the Fire District's Bylaws (Art. 15), the Prudential Committee has adopted the following Rules & Regulations for the Fire District's water system. These Rules & Regulations, as well as their appendices and all supplementary ordinances adopted by the Prudential Committee, are subject to alteration in whole or in part(s) by the Committee.
- 1.2 These Rules & Regulations, their appendices and supplementary ordinances govern the installation and use of public and private waterlines, the installation of water service connections, meters, hydrants, valves, and other existing or proposed components of the water system owned or operated by the Fire District; and provide penalties for violations thereof; they also establish certain rates and charges for customers, and conditions to be observed by parties connected to its water system.
- 1.3 The Fire District purchases potable water, under contract, from the Champlain Water District [CWD] and distributes this water to customers properly connected to the Fire District's water system. As the Fire District's water system is directly connected to CWD's water system, both the Fire District and its customers are thereby bound to observe the rules and policies for water use duly adopted by CWD.
- 1.4 All customers located within the boundaries of the Fire District who are connected to either the Fire District's water system or directly to CWD's water system are similarly bound by the Fire District's Rules & Regulations. Customers directly connected to CWD's system may also be bound by additional CWD rules and regulations; address inquiries to CWD, 403 Queen City Park Road, South Burlington, Vermont 05403.
- 1.5 The Fire District has entered into a management agreement with CWD Retail Department for the maintenance and operation of the Fire District's water works and for assistance in planning its future development. Under this agreement, the CWD Retail Superintendent (or his agent) is also the Superintendent of the Fire District's water system and works under the supervision of the District Manager. Unless otherwise indicated, the office of Superintendent in these Rules & Regulations refers to his power and responsibilities in the Fire District.

ARTICLE 2: DEFINITIONS AND ABBREVIATIONS

- 2.1 Unless the context specifically indicates otherwise, the meaning of terms used in these Rules & Regulations and their appendices shall be as follows:
Approved - Accepted by Colchester Fire District No. 1 as meeting applicable specification(s) stated

or cited in these Rules & Regulations.

Backflow - (1) A flow condition, induced by a differential in pressure, that causes the flow of water or other 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.

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

Cellar Stop - The valve installed on the service pipe after it enters the building and before the water meter. Cellar stop may also be called **ball valve**, or **service gate valve**.

Chapter 21 - Refers to the most current version of the State of Vermont Water Supply Rule.

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.

Connection Fee - A two part fee comprised of a connection fee and a water initiation fee imposed on applicants for the Fire District's cost of supplying materials, supervising, inspecting and administering a connection to the water system, including any water service extension, upgrade of a water service, or for any portion of these activities.

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

Contamination - An impairment of the quality of water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewerage, industrial fluids, waste, etc.

Corporation Stop (Corporation) - A valve for joining a service pipe to a street water main. It is usually owned and operated by the Fire District. It cannot be operated from the surface

Cross Connection - Any actual or potential connection between the public water supply and a source of contamination or pollution.

Curb Stop - The valve that normally terminates the Fire District's portion of the service line and is normally located at the highway right-of-way or public water main right-of-way and to which the buildings service line is connected to provide water service to the user.

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.

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.

Disconnection - The deliberate interruption by the Fire District or the Superintendent of water service to the user.

Disinfectant - Any substance, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms and potential pathogens.

Easement - The authorization of a property owner for the use of any designated part of his property by another for a specified purpose.

Fire District - Colchester Fire District No.1, its Prudential Committee, officers, and/or appointed representatives.

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 purposes.

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.

First Come, First Served Basis - Shall mean the review of complete plans and applications for approval of a project in the order in which the Superintendent received them.

Hydrant, Public - A hydrant installed by the Fire District within public rights-of-way, on Fire District property, or within an easement owned by the Fire District or Town of Colchester, or installed

by a person other than the Fire District which has been offered to and accepted by the Fire District, which acceptance is documented by action of the Prudential Committee.

Hydrant, Private - A hydrant not constructed by the Fire District or within the Fire District or Town of Colchester public right-of-way, nor on Fire District or Town of Colchester property or within an easement owned by the Fire District of Town of Colchester, or a hydrant that has not been accepted by the Prudential Committee.

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

Manager - The Colchester Fire District No. 1 Manager or a representative authorized by the Prudential Committee to act as general manager of its water system.

Pathogenic - Causing or capable of causing disease.

Permit - A written document issued by the Fire District or its authorized representative pursuant to these Rules & Regulations that gives designated person(s) permission to operate and/or construct, alter, renovate, connect to, or draw water from the Fire District water system.

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 Fire District.

Pollution - A condition representing the presence of non-potable, harmful, or objectionable materials in water.

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

Private Street - Any road, lane, or way, intended for vehicular access purpose, which serves a subdivision, and is neither owned nor maintained by the Fire District or Town of Colchester. Private streets and hence, private water mains and appurtenances shall be marked as such on final plats. The Planning and Zoning Department per the Town of Colchester Zoning and Subdivision Regulations may adopt a street as private.

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

Prudential Committee - The governing body of the Fire District.

Public Water System - Any system(s) or combination of systems owned or controlled by a person that provides drinking water through pipes to the public and that has at least 15 service connections or serves on average at least 25 individuals daily for at least 60 days out of the year.

Residential - Shall mean water consumption consistent with common household activities.

Retail Department - The retail division of the Champlain Water District, which is also responsible under an agreement with the Fire District for managing the operation of the water system owned by the Fire District.

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

Service Connection - Each single family home, condominium unit, single rental unit, mobile home, store, or commercial, educational or industrial establishment, or other living unit which obtains water from a public water system. The service connection shall start at the corporation stop at the main water line and extend inside into the building to the water meter. The applicant shall construct the service connection on new construction to Fire District 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 Fire District. The Fire District has the responsibility for maintenance from the main line to and including the curb stop, which is normally located at the edge of the town right-of-way. The owner/applicant has responsibility for maintenance and repairs from beyond the curb stop to and inside the building with the exception of the meter.

Shall - Is mandatory; **May** - is permissive; **Should** - is suggestive.

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.

Subdivision - Shall mean a tract of land, owned or controlled by a person as defined herein, 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 development of a parcel of land such as a commercial or industrial complex, multi-family project, planned unit development, or planned residential development.

Superintendent - The official responsible for operating and maintaining the Fire District's water system in accordance with these Rules & Regulations and under the supervision of the Manager. By agreement between the Fire District and CWD, the Retail Superintendent of the Champlain Water District, or his authorized representative, is also the Fire District's Superintendent.

Traverse - To cross via an easement through a property, or to pass within a Town, State, or Fire District right-of-way along the edge of a property.

Water Main - A pipeline used for the transmission of water to hydrants and service connections, together with such appurtenant facilities as are necessary for the proper operation of the main.

Fire District Water Main - A water main constructed by the Fire District within public rights-of-way, on Fire District or Town of Colchester property or within an easement owned by the Fire District or Town of Colchester, or a water main constructed by a person other than the Fire District which has been offered to and accepted by the Fire District, which acceptance is documented by action of the Prudential Committee. Any other water main in the Fire District, except a CWD water main, shall be deemed a private main for the purpose of these Rules & Regulations.

CWD Water Main - A water main owned and controlled by CWD.

Water Supply System - Shall mean any publicly owned water system operated as a public utility under a valid State permit to supply water for domestic purposes. This system will include all sources, facilities and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, treat or store potable water for public consumption or use.

2.2 For the purpose of these Rules & Regulations, the following abbreviations shall have these meanings. References to standards of the following organizations shall refer to their latest edition.

ANSI = American National Standards Institute.

ASME = American Society of Mechanical Engineers.

ASTM = American Society of Testing and Materials.

AWWA = American Water Works Association.

CWD = Champlain Water District

GMWEA = Green Mountain Water Environment Association, Inc.

NPC = National Plumbing Code.

NEWWA = New England Water Works Association, a section of AWWA.

NFPA = National Fire Protection Association

VSA = Vermont Statutes Annotated.

VTRWA = Vermont Rural Water Association

ARTICLE 3: CFD AND CWD WATER MAINS: CONSTRUCTION AND MAINTENANCE

3.1 Application for tapping water mains

No person shall construct or modify a water main that is or is to be connected to either a Fire District water main or a CWD main running through the Fire District without the prior, written approval of the Prudential Committee and the Superintendent. Direct connections to a CWD water main require separate written approval by CWD.

3.2 Construction of Water Mains

1. Any water main which is to be connected to a Fire District or CWD main shall be constructed in accordance with the following standards and requirements:

A. Minimum pipe size shall be eight-inch (8”), unless the Superintendent grants written approval for use of a smaller pipe size. The Superintendent may require the installation of a larger pipe size. If the Superintendent requires a pipe larger than that necessary for a development, then the Fire District may reimburse the person or developer installing the water main for the difference in cost of material between the eight-inch (8”) and the larger pipe.

B. Water mains shall be located within the right-of-way limits of public highways in the Fire District, unless the Superintendent with the consent of the Manager grants written approval for locations of a water main on other property owned by the Fire District or within an easement granted to the Fire District. Where a water main is to be located in an easement, the easement shall:

- (1) Be perpetual in duration;
- (2) Be of sufficient width to accommodate the water main and reasonably needed or anticipated appurtenant facilities;
- (3) Be of adequate scope to allow the perpetual repair, replacement, operation and use of the water main and appurtenant facilities located within the easement;
- (4) Be sufficiently restrictive to prevent the installation or construction of improvements within the limits of the easement, including landscaping improvements, that would place an unreasonable burden on the Fire District when exercising its rights under the easement;
- (5) Extend across the entire property to be served to enable continuation of the main across adjoining property; and
- (6) Act as a bill of sale to convey the water main and appurtenance facilities located in the easement to the Fire District.

C. When a water main is extended to serve a specific property, the property owner shall be responsible for constructing the main to the property’s furthest property line to allow for continuation to adjoining properties.

D. Persons designing and constructing water mains shall use the most recent version of the Specifications and Details for the Installation of Water Lines and Appurtenances for all Water Systems owned by the Champlain Water District, the City of South Burlington, Colchester Fire District No. 1, and the Village of Jericho. Looping of water lines shall be a design requirement wherever feasible.

E. Unless otherwise approved by the Superintendent in writing, all water main construction work shall be performed between April 1 and November 15.

F. 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; and
- (2) Have been inspected and tested with results that demonstrate compliance with applicable standards.

G. No person shall initiate excavation work within the limits of any Fire District or CWD water main easement without the prior written approval of the Superintendent.

H. No person shall perform any work or make any modifications or connection to a Fire District or CWD water main without the prior written approval of the Prudential Committee and the Superintendent.

2. The Fire District, acting through the Prudential Committee may take, purchase and acquire any real estate and easements within the Fire District necessary for its water system, subject to the provisions State law (30 VSA §108), and may enter in and upon any land or water for the purpose of making surveys and to lay and repair pipes as necessary to distribute water through the Fire District (24 VSA § 3301, see also §§ 3303, 3304).

3. The Superintendent may authorize agents to open the ground in any street, highway and public grounds in order to lay or repair its water pipes, and shall see such land is returned to such condition as before it was opened (24 VSA § 3304).

3.3 Construction of fire hydrants

1. For subdivisions composed mainly of single-family dwellings, the placement of fire hydrants and their minimum fire flows shall be determined by the planning and zoning requirements of the Town of Colchester, or, as a minimum, there shall be at least one hydrant at each intersection and a maximum of five hundred feet (500') between hydrants with a minimum water flow of 500 gallons per minute (gpm) at the flow hydrant with 20-psi (pounds-per-square-inch) residual pressure at the residual hydrant.

2. For subdivisions composed mainly of multiple-family dwellings, or subdivisions that are mainly commercial, institutional or industrial in composition, the number and placement of fire hydrants shall be determined by the Town of Colchester's fire safety standards. The owners and/or operators of commercial, institutional and industrial complex shall be expected to build a sufficient number and type of fire hydrants for each complex as determined by the Town of Colchester.

3. All fire hydrants owned and operated by the Fire District shall be located in close proximity to the Fire District's water mains. The design of the hydrants should be as similar as possible to hydrants used throughout the Town of Colchester.¹ The standards of construction shall conform to the Specifications and Details for the Installation of Water Lines and

¹ Copies of the Town of Colchester Specifications are available from: Public Works Department, PO Box 55, 835 Blakely Road, Colchester, Vermont 05446. In the those Specifications, 'Water Authority' and 'Engineer' shall be understood to refer to the Fire District and the Superintendent respectively for Fire District No. 1.

Appurtenances for all Water Systems owned by the Champlain Water District, the City of South Burlington, Colchester Fire District No. 1, and the Village of Jericho.

4. Existing public fire hydrants that do not meet the placement and/or design standards stipulated above, but yet are determined to be operational, need not be immediately replaced. The Superintendent shall maintain a list of such hydrants and so inform the Prudential Committee, which shall provide for their replacement in conjunction with new developments in the area and/or upgrades or expansions of the Fire District's water system.

3.4 Testing and Disinfection of Pipeline

1. All water mains shall be constructed, tested and disinfected in accordance with the specifications noted in section 3.2, above. The test pressure for all mains shall be a minimum of 200 psi; or 150% of working pressure, whichever is greater.

2. All costs for all water, materials, equipment and labor to perform the required testing and disinfections of the pipeline shall be borne by the contractor.

3. From the date the new system is placed into service, for one year, the developer/contractor will be responsible for any necessary repairs or corrections.

3.5 Maintenance of Water Mains

The Superintendent shall be responsible for the maintenance of all Fire District water mains. The Superintendent shall oversee the maintenance of private water mains at current rates for labor and material that shall be billed to the private water main owner.

3.6 Maintenance of Fire Hydrants

The Superintendent shall be responsible for the maintenance of all hydrants in the Fire District. The Superintendent shall provide routine service, including flushing, lubricating, flow testing, painting, pumping and leak detection of hydrants. Each private hydrant to which such service is provided may be assessed a private hydrant fee. Work beyond routine labor and material shall be performed at current rates for labor and material and billed to the hydrant owner.

3.7 Private Water Mains and Hydrants

1. The Superintendent shall not maintain any water lines that have not formally been accepted by the Fire District as provided in 3.8 below, except in subdivisions that are designed to Fire District specifications and are intended to be accepted, as defined in number 3.7.5 below.

2. All water lines and appurtenances not located in a right-of-way or public grounds of the Fire District or Town of Colchester shall be considered private pursuant to these ordinances and others of the Fire District.

3. All water mains and appurtenances located within an area so designated as restricted or private by the developer shall be considered private.

4. Water lines, hydrants, and appurtenances installed at the request of a property owner in a location where none was planned or approved shall be considered private, unless waived by the Prudential Committee.

5. All water mains and appurtenances in new developments which have not had final inspections by the Superintendent, 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 Fire District, pursuant to these ordinances and others.

3.8 Acceptance of Private Water Mains and/or Hydrants by Fire District

The Prudential Committee may accept private water mains and/or hydrants, thereby incorporating them into the Fire District's public water system. Such acceptance(s), which is to be duly recorded in writing, shall meet at least the following requirements:

- (1) The transfer shall be perpetual in duration and warranted by the person making the transfer to be free from all encumbrances or attendant liabilities, unless these are specified in the Prudential Committee's written document of acceptance.
- (2) Adequate easement(s) shall be given to the Fire District (see 3.2.1B above)
- (3) The water mains and/or hydrants have been, or by the date of the transfer will be, constructed to Fire District standards (see 3.2.1 and 3.3 above), or the Prudential Committee shall have granted a specific derogation from this requirement.
- (4) The Superintendent, having reviewed the mains and/or hydrants to be transferred and the terms of acceptance, has recommended acceptance to the Prudential Committee.

ARTICLE 4: APPLICATIONS FOR WATER ALLOCATIONS AND SERVICE CONNECTIONS

4.1 General

1. The owner of any houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Fire District is required at his/her own expense to connect such property to a Fire District or CWD water main. Onsite wells are not permitted within the Fire District.

2. Any person proposing to take a new water allocation or to make a substantial change in the volume of water drawn from Fire District or CWD distribution system shall first obtain from the Manager of the Fire District a Preliminary Allocation of water capacity prior to submitting preliminary plans to the Town of Colchester.

3. No person shall initiate construction work to make a service connection to a Fire District or CWD water main without first having obtained an appropriate written permit from the Prudential Committee and the Superintendent. The permit authorizing a connection shall also stipulate the conditions under which the connection shall be made and maintained.

4.2 Application for Water Allocations and Service Connections

1. Persons desiring a new service connection to the Fire District or CWD water distribution systems or proposing to undertake a building project that will entail a substantial change in the volume of water drawn through an existing service connection shall notify the

Fire District Manager at least 30 days (one month) prior to the beginning of construction or the proposed change in volume (see also 4.1.2, above).

2. The approval of all new service connections is a two-stage process:
 - (1) application for adequate water allocation capacity for a new project or substantial change in water volume to an existing connection, with approval by the Manager (the **allocation process**), and
 - (2) application to and approval by the Prudential Committee of the service connection (the **connection process**).
3. A building project involving a substantial change in water volume or a temporary connection permit requires compliance with the allocation process only. The Manager may issue temporary connection permits, after consultation with the Superintendent, for up to one year and may be renewed for a second consecutive year.

4.3 Allocation Process

1. All requests for water capacity allocations and connections shall be directed to the Manager who shall provide in each case an application form for a water allocation (see Water Allocation form, Appendix 2A). The form is to be completed by the applicants and returned to the Manager. Among the items to be provided are:
 - (1) a calculation of the development water flow demand to be generated by the project/development (i.e., the daily amount of water to be used) following VT Water Supply Rule requirements;
 - (2) all calculation over 1,000 gallons per day (gpd) shall be certified by a Vermont registered engineer, unless this requirement is waived by the Manager;
 - (3) any plans, specifications or other information which Manager and Superintendent deem necessary to review the application;
 - (4) an application fee, which is to accompany the completed application form.
2. Upon receipt of the applicant's allocation form and fee, and any supportive documents, the Manager shall consult with the Superintendent before making a preliminary determination regarding the availability of sufficient reserve capacity for the applicant's project.² Upon making an affirmative finding, the Manager shall provide written approval of a Preliminary Allocation to the applicant for the project. The preliminary water allocation affirms that the Fire District can supply as of that date the projected water demand. Though not a binding commitment of capacity to the applicant, it can be used by the applicant to proceed through the development review process. If the Manager determines there is not a sufficient uncommitted reserve capacity for the applicant's project, he shall so inform the applicant, who may wish to revise the project and amend the needed amount of water, or develop alternative means for obtaining sufficient reserve capacity for the project, subject to approval by the Manager.

² The Fire District owns a proportion of the water storage capacity provided by storage tanks on Water Tower Hill in the Town of Colchester under terms of an 'Interlocal Agreement' (May 2003, amended November 2003) of which the Fire District is a party. The storage tanks are owned and operated by CWD.

4.4 Final Capacity Allocation

1. Before a final water capacity allocation permit is approved, and in the case of a new service connection a permit is issued, the holder of a preliminary water allocation shall have:
 - (1) Obtained site plan, conditional use and/or variance approval(s), if such approvals are the only approvals except a zoning permit, required for the proposed development under Town of Colchester zoning and subdivisions regulations then in effect; or
 - (2) Obtained final approval for a subdivision, planned unit development or planned residential development if such approvals are the only approvals, except a zoning permit, required for the proposed development under town of Colchester zoning and subdivision regulations then in effect; or
 - (3) Provides evidence that the project does not require any approvals under Town of Colchester zoning and subdivision regulations then in effect.
2. Having obtained the above approvals, a holder of a Preliminary Allocation of water capacity may apply to the Manager for a Final Capacity Allocation. If the volume requested is the same as that approved in the Preliminary Allocation, the approved form for the latter need simply to be re-submitted (see Appendix 2A). If, however, the volume requested for the final allocation is different the applicant must complete and submit a new application for water allocation. The Manager, after receiving confirmation from the Superintendent of the availability of requested water capacity, shall issue a Final Allocation to the applicant. A new application and fee shall be required when a Preliminary Allocation has expired or been revoked.
3. A grant of Final Allocation, specifying the allowed volume, shall constitute a binding commitment of that water capacity to the applicant subject to the applicant's compliance with any conditions imposed on such allocation.
4. A Final Allocation shall expire on the date stipulated on approval form unless the holder has obtained a zoning permit(s) for the development and initiated the action for which the zoning permit has been granted. The previous notwithstanding, for developments which a holder has obtained a portion of the zoning permits, the remaining portion of the final allocation shall expire three (3) years from the date of issuance of the final allocation, unless extended. A holder may apply to the Manager to extend the capacity allocation for one period of up to three (3) years from the original date of expiration of the final allocation. Upon expiration of the final allocation or any portion thereof, the remaining capacity shall revert to the Fire District.
5. Neither a preliminary nor a final capacity allocation is transferable to any other person or development, except a successor in interest of the development for which the original allocation has been granted. Any differential between actual demand and requested demand is not available to the applicant for reallocation to another project or for project expansion.

4.5 Service Connection Permit

1. The holder of a valid Final Allocation of water capacity may apply for a permit to make a service connection to a Fire District or CWD water main. Applications for such a permit shall be made on forms provided by the Fire District (see Water Connection Application, Appendix 2B), or in the case of taps directly into a CWD main on a form provided by CWD, and shall be supplemented by any plans, specification or other information which the Fire District or CWD

deems necessary to review the applications. A required connection fee shall accompany the application (see Appendix 1, Rates and Fee Schedule).

2. By virtue of seeking approval for service connection(s), applicants thereby acknowledge that they and subsequent owners of the premises connected to the Fire District or CWD's water system shall be subject to all applicable Fire District and CWD procedures, requirements and fees. A permit to make a service connection to a Fire District main shall be issued in writing by the Prudential Committee. A permit to make a service connection directly to a CWD main shall be issued by CWD.

ARTICLE 5: BUILDING AND MAINTAINING WATER SERVICE CONNECTIONS

5.1. General

1. Before building a service connection, involving taps to either the Fire District's or CWD water mains located with the Fire District, the property owner/agent shall be in possession a Final Allocation of water capacity and a valid Service Connection Permit for the connection.

2. All service connections shall be made in accordance with any conditions stipulated with the permit issued for the connection as well as all applicable Fire District and CWD procedures, specifications, requirements, and fees.

3. Prior to any service connection being made to the main water line, the Superintendent or his designee shall be given at least two (2) working day's notice in order that the work can be scheduled for inspection. All service connections will be made during normal workday hours and no connection shall be allowed on Saturday, Sunday or legal District Holidays. If the Superintendent or his designee has not been properly notified and the work has proceeded, the Superintendent or his designee may require the completed work to be uncovered for examination, at the owners' expense and/or be prepared to bear all repair costs if problems arise. The property owner/agent shall agree, as a condition of receiving approval for connection to the water system, to restore the street, sidewalk, curbs, electrical lines, grassed or open areas or other features to their original conditions after the installation of the said water line. The property owner/agent shall be responsible for obtaining all local and/or state permits required prior to any excavation. Failure to comply with proper restoration of facilities may subject the property owner to penalties regardless of whether the installation was performed by the owner of the property or another party.

5.2 Service connection requirements

1. 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 Superintendent shall perform all necessary excavation from the main to the curb stop unless he gives permission to allow excavation by others. The property owner/agent is responsible and must provide all necessary excavation from the curb stop to the building structure. The owner shall indemnify the Fire District from any loss or damage that may directly or indirectly be occasioned by the installation of the water service connection.

2. 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 Superintendent 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 all expenses incurred by the Superintendent to determine the condition and adequacy of the service line shall be borne by the owner of said service line.

3. 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, and terms for final inspection shall all conform to the most recent version of the CWD's specifications. Furthermore, the following additional standards shall apply:

- (1) New type "K" copper shall be used for all service lines up to and including two-inch (2") diameter pipe from the corporation stop to the curb stop. No PVC may be used between the main and curb stop.
- (2) Service connections over two inches (2") shall require a tapping sleeve and valve.
- (3) New service lines up to two inches (2") shall be copper from the curb stop to the building. The Fire District reserves the right to inspect all water service lines from the curb stop to the building.
- (4) All service connections shall be laid at a minimum depth of six feet (6'), unless specifically waived by the Superintendent.
- (5) Service connection taps to the main water line shall only be performed by firms qualified to perform the service connection tap. The qualification of a firm to perform this tap shall be determined by the Superintendent.

5.3 *Construction of water service connection*

All excavations for building water service connections shall be adequately guarded with barricades and lights so as to protect the public from hazard. Construction within the Fire District or Town of Colchester right-of-way shall only be performed when appropriate permits have been obtained. Construction within the State highway right-of-way may require a permit from the Agency of Transportation. Every effort shall be made to permit vehicular traffic at all times.

5.4 *Cross connections/backflow prevention*

No water service connection to any premise shall be installed or maintained by the Fire District unless the water supply is protected as required by the most recent version of these Rules & Regulations and the Fire District's Regulations for the Control of Cross Connections. Service of water to any premise shall be discontinued by the Superintendent if a required backflow prevention assembly is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premise. Service will not be restored until such conditions or defects are corrected.

5.5 *Final Inspection*

For one year from the date a new service connection is placed into service the applicant (developer/contractor) will be responsible for any necessary repairs or corrections as part of the project

warranty. At the end of the one-year period, an inspection will be performed by the Superintendent prior to the project owner assuming ownership of any of lines and appurtenances. The project owner shall be responsible for seeing that the contractor shall repair, replace, or retest all work, materials, or parts that fail during the one year warrant period, including those cited by the Superintendent at the time of the final inspection.

5.5 Meter requirements

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

1. All buildings connected to the Fire District’s water system shall be required to have meters installed. Water shall not, in any instance, be turned on to any premises for use at meter rates until a meter has been suitably attached. The Fire District shall not furnish water through any meter of which it does not have exclusive control.
2. The property owner of all buildings shall be required to perform all interior or exterior plumbing necessary to accommodate the required meters.
3. The Fire District will provide a meter or meters with outside reader(s) in one of the following sizes for each structure. Meter size will be determined by the Superintendent based on flow information supplied to them from the developer or engineer.

<u>Meter Size</u>	<u>Operating Range</u>
5/8" x 3/4"	1/2-20 gpm (standard residential)
3/4" x 3/4"	3/4-30 gpm
1"	1-50 gpm
1 1/2"	2-100 gpm
2"	2 1/2 -160 gpm

4. In the event an owner desires additional meters within a structure after the Fire District’s 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 Superintendent prior to installation.
5. In cases where the Superintendent determines that it is not feasible or in the best interest of the Fire District to install individual meters for multiple units, the Superintendent may allow a single meter to serve multiple units. The number of meters required shall be determined solely by the Superintendent.
6. Additional meters for the purpose of identifying specific commercial/industrial flows due to the subdivision of an existing building may be installed if approved by the Fire District. Where such additional meters are to be used by the Fire District as a basis for billing, the Superintendent shall install the meters at the owner’s expense at current connections fees as shown in Appendix 1.
7. It is the responsibility of the Superintendent to fix, check or replace defective or non-working meters within the Fire District. The Superintendent will provide any normal

maintenance of meters without charge. The property owner shall pay the cost of repairing any damage done to a water meter by frost, hot water, improper usage, or the like. It is the responsibility of the owner to provide the Superintendent access to the building, upon request by the Superintendent, to replace, fix or check the 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.

8. Each meter installed shall be controlled by a curb stop directly associated with the meter unless waived by the Superintendent.

9. 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.

10. Failure of a building owner to provide access to the water meter for repairs, maintenance or upgrade, upon request by the Superintendent or the Manager, shall be considered a violation of these Rules & Regulations.

5.7 *Replacement of lost or damaged water meters*

In case of loss or damage to the water meter, or equipment supplied by the Fire District, 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.

5.8 *Test of customer's meter*

A meter test fee shall be charged against the customer's account 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 shall not be charged for a meter test if the meter is found to be registering fast, outside of AWWA standards.

5.9 *Maintenance of service connections*

1. The Fire District owns and is responsible for maintenance and repair of water service connections from the Fire District owned main line up to and including the curbstop, and the water meter. Only the Superintendent or his agents may operate, repair, replace, remove, or modify these items. The owner is responsible for the service line from the curbstop to the building and for all internal plumbing except for the meter.

2. Water service lines that have only a tapping valve connected to a Fire District owned water main, controlling the flow of water through the line to the building shall only be owned and maintained by the Superintendent up to and including the tapping valve. All costs associated with the repair and maintenance beyond the tapping valve, even if the line is located within the Town of Colchester or Fire District right-of-way, shall be borne by the owner.

3. 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.

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

5. 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.

6. All persons taking water shall keep the fixtures and service pipe within their own premises in good repair and fully protected from frost, and shall prevent all unnecessary waste of water.

5.10 *Testing customers' pipes*

The Superintendent 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 Superintendent. The Fire District reserves the right to demand any unmetered use, whether intentional or unintentional, be corrected within a reasonable period of time. The Fire District may send an estimated bill for unmetered water to the owner.

5.11 *Seasonal water service connections*

Seasonal service shall be supplied by the Superintendent primarily from April 15th to November 1st depending on frost conditions and weather.

5.12 *Connections of private water systems to Fire District's mains*

The owner of a private water system who wishes to connected a Fire District water service line shall see that the private system is disconnected and inspected by the Superintendent before the Fire District water service begins so that water from the private system cannot feed back into the Fire District distribution system. The Fire District reserves the right to inspect premises at any time for compliance with this section. The use of pumps, at a customers premises, that are connected in any way to the Fire District water service is prohibited except upon the prior written consent of the Superintendent. In no instance shall any pump use be allowed to interfere with the quality of service to other Fire District customers, and/or where the possibility of damage to the piping of the Fire District or other customers could occur.

ARTICLE 6: USES OF PUBLIC WATER SUPPLY SYSTEM

6.1 *Primary use*

The primary use of the Fire District's 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 Fire District's water system.

6.2 *Auxiliary uses*

All auxiliary uses of the public water system, such as using hydrants to fill swimming pools, outdoor ice rinks, and the like shall only be permitted when such uses not in conflict with the primary use under 6.1 above and have been approved by the Superintendent.

6.3 *Use of fire hydrants*

1. Except for the use of hydrants by Fire Departments in fighting fires or practicing for fire fighting, or by the Superintendent, all other uses of any hydrants in the Fire District, shall require prior approval and issuance of a hydrant use permit by the Manager (see Appendix 2C, Fire Hydrant Use form). The Fire District shall charge fees for such other use of hydrants, as are set forth in Article 10.7. The applicant shall be responsible for providing the necessary hoses. The Superintendent 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.
2. 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 the loss of said equipment.

6.4 *Emergency uses*

In the event of an emergency the Fire District and/or the Superintendent shall have the right to:

1. Temporarily cut off water supply in order to make necessary repairs, connections, etc. While it is the intention to give notice in advance of planned work that may necessitate interruption of the supply, notice is to be considered a courtesy only, and not a requirement on the part of the Fire District. In the case of a break in a pipeline, water may be shut off without notice to perform emergency repairs.
2. Reserve sufficient supply of water at all times in storage tanks to provide for fires or other emergencies, and restrict and regulate the quantity of water used by customers in case of fire or whenever the public welfare may require such restriction or regulation.
3. Prescribe any temporary regulations as necessitated by emergency conditions.

6.5 *Limitations on Fire District's liability*

1. The Fire District shall not be liable for any injury, loss or damage of whatever nature occasioned by the failure to maintain a constant uniform pressure within the water mains, leakage of hydrants, pipes, or other appurtenances or for damages occasioned by or growing out of a stoppage of said water by frost or other causes, or for damage occasioned by or growing out of an insufficient supply of the same, or for accident or damage of any kind caused by or growing out of the use or failure of said water.
2. The Fire District shall not be responsible for damage caused by dirty water, which may be occasioned by the cleaning of pipes or the opening and closing of gate valves or hydrants, when said work is done with reasonable care on the part of the Superintendent.

6.6 *Water quality emergency*

In case of a water quality emergency, the Superintendent in accordance with Chapter 21 of the State of Vermont Water Supply Rule shall notify the consumer immediately. While the Superintendent is ultimately responsible for water quality to the “last tap” on the municipal system, the last tap shall be considered the last point on the system where water enters into a building and is registered at a water meter. Credit shall not be issued for the minimal use of water that is not fit for consumption by human or animal. Water quality notices shall be lifted only after the requirements of Chapter 21 have been achieved.

6.7 Exemption from sewer charges relating to pool filling and lawn watering

1. Any homeowner connected to the Town of Colchester’s sanitary sewer system may request the installation of an independent water meter that will be exempt from sewer charges. This meter may be installed by the Superintendent 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.

2. For purposes of this exemption, an independent water meter is one that measures water that is not discharged into the sanitary sewer system. Possible uses include lawn irrigation system meters, and designated pool filling meters.

3. 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 Superintendent, upon request, to replace, fix or inspect the meter.

4. 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 Superintendent no less than 2 working days in advance prior to filling the pool. Upon notification, the Superintendent or his agent will visit the property to determine the size of the pool, using standard pool filling quantity formulas to determine how much water will be needed. 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 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. “Topping off” a pool from a hydrant shall not be permitted.
- (2) The Superintendent shall be notified no less than two working days prior to the pool filling.
- (3) The property owner shall be responsible for paying the current Fire Hydrant user fee in addition to the current water rate for all water that passes through the hydrant meter,
- (4) The hydrant must be in a 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 2:30 PM.

- (7) The property owner shall be responsible for all property damage incurred with the use of the hydrant for pool filling.
- (8) The Superintendent shall not be held responsible for any discolored (rusty) water discharged into the pool.

5. If the above criteria can be met then the Superintendent shall install a hydrant nozzle gate valve, hydrant meter and back flow prevention device to the hydrant. The department shall flush the hydrant until the water appears satisfactory, close the hydrant nozzle gate valve and take a start reading from the hydrant meter. The property owner or pool company representative shall connect all hoses and open the hydrant nozzle gate valve to fill the pool. At the completion of the filling the property owner or pool company representative shall close the hydrant nozzle gate valve, disconnect the hose, and notify the Superintendent that the pool filling is complete. The Superintendent shall close the hydrant and take a final reading on the hydrant meter to determine actual usage for the pool filling. The property owner shall then be billed for the amount of water used during the pool filling process.

6.8 *Private hydrants*

The Superintendent may maintain a listing of so-called private hydrants. Private water mains and businesses within the Fire District with fire hydrants or sprinkler services may be billed an annual routine maintenance charge. A private hydrant charge is intended to defer costs associated with the routine maintenance and testing incurred by the Fire District; it is similar to a service contract. Costs associated with damages and charges outside of routine maintenance, however, shall be billed to the owners of private hydrants.

ARTICLE 7: PROTECTION AGAINST DAMAGE AND WASTE

7.1 *Damage to Fire District equipment*

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 Fire District's water system. Hydrants, valves, curb stops, and standpipes shall not be tampered with or opened or closed by any person except the Superintendent or persons authorized by him. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in State law (13 VSA §3701). Any person violating this article on conviction thereof shall be fined a maximum amount allowed under State statute for each violation.

7.2 *Motor vehicle damage to fire hydrants*

Actual repair or replacement costs 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.

7.3 *Obstructing access of Fire District equipment*

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

7.4 *Contamination of water supply*

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

7.5 *Authorized use of fire hydrants*

No unauthorized use of any fire hydrant within the Fire District shall be permitted. Any person or firm found to be in violation of this Section may not be granted a hydrant permit within the Fire District 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.

7.6 *Wasteful consumption of water*

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 Superintendent 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 in its judgment, appears proper.

7.7 *Violation of conservation order*

It shall be a violation of these Rules & Regulations for any customer to violate a conservation notice or order issued by the Superintendent.

ARTICLE 8: POWER AND AUTHORITY OF INSPECTORS

8.1 The Superintendent and his duly authorized agents, all 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, resident or occupant denies the Superintendent or his duly authorized agents 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 Fire District has been paid all applicable charges.

8.2 While performing the necessary work on private properties referred to in section 8.1 above, the Superintendent or duly authorized agents 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 said employees. The Superintendent and the employees 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.

8.3 The Superintendent and his duly authorized agents bearing proper credentials and identification shall be permitted to enter all private properties through which the Fire District 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.

8.4 The Superintendent 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 that may have a direct bearing on providing safe, potable water to its users.

ARTICLE 9: PENALTIES

9.1 Any violation of this ordinance, except as set forth in section 9.3 below, may be pursued as a civil violation utilizing the civil ordinance enforcement procedures set forth in 24 VSA § 1974a. Each day a violation continues shall be considered a new violation. In such civil proceedings, the District Treasurer or Assistant Treasurer (as 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 offences	\$350

Offenses shall be counted on a calendar year basis.

9.2 The District Treasurer or Assistant Treasurer 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 offences	\$500

Offenses shall be counted on a calendar year basis.

9.3 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 VSA § 1974:

- Article 3.1; 3.2.1G and 3.2.1H
- Article 4.1
- Article 5.4 and 5.12
- Article 6.3
- Article 7.4

9.4 In addition to the enforcement authority set forth above, the Fire District shall have the right to institute civil action which it deems appropriate to obtain injunctive or monetary relief.

9.5 The Fire District shall, when its discretion time allows, provide any person found to be violating any provision of this ordinance with written notice stating the nature of the violation and providing a reasonable time period for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, correct the violation.

ARTICLE 10: WATER RATES & FEES

10.1 *Establishing rates and fees*

The Prudential Committee shall establish rates, including service initiation fees, hydrant use fees, usage fees, turn on/shut off fees, and other similar fees to defray the costs of planning, design, construction, operations and maintenance of the system. The rates shall be established by resolution at any Prudential Committee meeting. The Rates and Fees Schedule found in Appendix 1 may be revised by the Prudential Committee on an as-needed basis, and the rates and fees in force shall be those most recently adopted by the Committee, those in the Appendix notwithstanding.

10.2 *New users' connection fees*

All new users shall pay a service connection fee at the time of submittal of the application for water service. The service connection fee defrays the Fire District's past, current and future costs, both direct and indirect, of providing potable water and water for fire protection to the customer (see Appendix 1, Rates and Fees). A separate water service initiation fee, covering the costs of tapping the water main and based on time and material, shall be incurred when the tap is made by the Fire District.

10.3 *Usage fees*

1. Usage fees shall be charged to all users of the Fire District's water system based upon the multiplied product of their metered water usage, and a water rate per cubic foot as set by the Prudential Committee, except as set forth in subsection (A) or (B) below, and as shown in Appendix 1, Rates and Fees Schedule:

- A. The minimum water usage fee for each individual account shall be the equivalent of 1,000 cubic feet per billing cycle.
 - 1. The minimum use fee reflects the fact that all users of the system receive some level of fire protection in addition to the benefit of potable water use. This charge is also based in part of the significant portion of water system expenses that are independent of actual customer usage.
 - 2. This fee is payable whether or not water is physically turned on or off to the facility at the meter during part or all of the billing period, provided the service connection is physically connected to the main line. Water service termination at the curb stop needs to be arranged by the user in order for the user to **not** be responsible for at least a minimum quarterly bill. No abatement of water rates will be allowed by reason of disuse, diminished use, or vacancy of premises without proper notice to the Fire District.
- B. Any account that has been finalized between regular billing cycle readings shall be billed for the larger of: the actual metered usage, the estimated usage, or the minimum charge for the billing period, when 30 days or more have occurred since the last reading. For

readings less than 30 days apart no water usage charge shall be applied unless actual usage is 1,000 cubic feet or more.

10.4 *Billings and payments*

1. Water usage charges will be invoiced quarterly to residential and commercial accounts by the Fire District's Treasurer/Assistant Treasurer.
2. 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. Payment shall be made payable to 'Colchester Fire District No. 1' and sent to the address indicated on the bill. Questions about bills and payments should be directed to the Treasurer/Assistant Treasurer whose address can be found on the bill.
3. In the event a water bill is not paid when due the customer shall become liable to a late payment fee set by the Prudential Committee (see Appendix 1), and the customer shall be sent a late payment notification by the Treasurer/Assistant Treasurer with the next quarterly bill.
4. Should a ratepayer fail to tender payment of a bill within 30 days of the postmark date of a late payment notification, or by a 'due date' clearly printed on the late payment notification that is at least 30 days after the mailing, the customer shall be deemed in delinquency and thereby liable for action by the Fire District in accordance with the provisions of Title 24 VSA, Chapter 129, Uniform Water and Sewer Disconnect, as presently constituted and as amended from time to time, in order to obtain payment of delinquent charges or to discontinue water service (see Supplementary Ordinances, A: Water Disconnection). Delinquent charges shall be a lien upon the real estate as provided in 24 VSA § 3306 and 32 VSA § 5061.
5. All water charges will be billed to the owner of record of the facility(ies) served, unless waived by the Fire District. Upon written request, the Fire District may provide billing to the tenant within the facility of record. Although another person may pay the service rate, the owner of the premises shall be held responsible for such fees. In the event the tenant fails to pay all charges on a timely basis, the owner will be solely responsible for all future and delinquent charges. Each time a bad check is received for payment of a water bill the account shall be charged a bad check fee (see Appendix 1) in addition to any other penalties.
6. Customers are responsible for payment of all bills rendered for all water used until proper notice is given to the Fire District of termination of service on a specific date.
7. New water connections made during a billing period shall be billed on the following basis: the billing shall be the larger of the actual metered billing, the estimated usage, or the minimum charge for the billing period.

10.5 *Shut-off and turn-on fees*

Shut-off and turn-on fees, determined by the Prudential Committee, shall be charged for turning on and shutting off water at the curb stop at the customer's request (see Appendix 1). 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 property owner is responsible for all problems between the curb stop (not including the curb stop) and the building with exception of the meter itself, which is the Superintendent's responsibility. When multiple service calls are required for a single repair, each call shall be billed individually.

10.6 *'Final reading'*

In the case of new construction or when the ownership of property changes, the Fire District shall read the water meter at the time of closing. This reading shall be used as the "final reading" for real estate transfers, when the information is requested by either party for their real estate closing.

10.7 *Hydrant use fee*

1. In conjunction with the approved use of any hydrant within the Fire District's distribution system (not including fire departments while fighting or practicing the fighting of fires), applicants shall pay a hydrant use fee to the Fire District (see 6.3, above, and Appendix 2C). The hydrant fee schedule is shown in Appendix 1, Rates and Fees. Additionally, the applicant shall be responsible for paying a usage fee for all water taken from the hydrant either as measured at the meter or a minimum charge, whichever is greater. All hydrant use must be completed during the Superintendent's normal working hours so as to allow adequate time for shut down and retrieval of the meter. Hydrant use in excess of the standard one-day period may be approved by the Superintendent if such use is determined not to be in conflict with these Rules & Regulations.

2. Any outstanding balance due for water charges by an applicant for hydrant use shall be paid in full prior to connecting a hydrant meter to any hydrant within the Fire District.

10.8 *Sprinkler-line fee*

Each structure served by a fire suppression system (sprinklers) may be charged an annual fee for each sprinkler line served by the Fire District's water system. This fee relates to potential unmetered water used through a sprinkler system.

10.9 *Funding water system upgrades and debt retirement*

1. The Prudential Committee may create a dedicated fund under section 2804 of Title 24 Vermont Statutes Annotated to finance major rehabilitation, major maintenance and costs of upgrading the Fire District's water system, and for the accumulation of funds to be used to match federal funds pursuant to section 1624(d) of Title 10 of VSA.

2. Revenue for such a fund may include a surcharge established by the Prudential Committee of up to 15 percent on the costs of normal operations, maintenance and debt service of the water department (24 VSA §3313(b)).

3. The fund balance of such a dedicated fund shall not exceed the estimated costs of the purposes for which the fund is established, and shall be maintained in deposits insured by the United States of America or an agency of the United States. Withdrawals shall be made only for the purposes for which the fund was established. The dedicated fund shall meet the requirements set out for eligibility in the State's environmental revolving fund (24 VSA § 3313(b) and § 4756(a)(4)).

10.10 *Fee for tapping CWD main*

The Fire District's water allocation application and service connection fees shall be assessed to each building that has applied for a tap to a CWD owned transmission main, in addition to any

connection charges levied by CWD. In addition, all other rates and fees shall apply according to these Rules & Regulations.

10.11 *Priority of Fire District liens*

By accepting water service from the Fire District, the customer, his transferees, successors, and assignees, together with any record lien holders of the customer, agree that a lien applied by the Fire District shall have priority over all liens except real estate tax liens.

ARTICLE 11: ADOPTION

- 11.1** These Rules & Regulations and any supplementary ordinances, shall be in full force from and after sixty (60) days of their adoption by the Prudential Committee of the Fire District, unless they are disapproved by District voters in accordance with State law (24 VSA §§ 1972-73).
- 11.2** The invalidity of any section, section, clause, sentence or provision of these Rules & Regulations, their appendices or supplementary ordinances, shall not affect the validity of any other part of these Rules & Regulations which can be given effect without such invalid part or parts.
- 11.3** These Rules & Regulations, their appendices and supplementary ordinances in whole or in part may be amended by the Prudential Committee at any duly held Committee meeting (Fire District Bylaws, Art. 15.1). Any amendment shall take effect from and after its adoption and publication.

These Water Rules & Regulations were duly adopted by the Prudential Committee on 18 April 2006.

Joseph McLaughlin, SSE,
Clerk - 19 April 2006

Colchester Fire District No. 1

WATER RULES & REGULATIONS: SUPPLEMENTARY ORDINANCES

A: Water Disconnection for delinquent payment of fees

A.1 *General (see Water Rules & Regulations, art. 10.4.7)*

Colchester Fire District No. 1 is permitted by State law to disconnect water services to ratepayers as a collection procedure for delinquent water bills or charges (24 VSA § 5151) but may only do so in accordance with the conditions and provisions as set out in Title 24, chapter 129, "Uniform water and sewer disconnect", of the Vermont Statutes Annotated (VSA). This ordinance delineates the operative definitions, conditions and procedures the Fire District shall observe for both disconnections and reconnections based on the latest edition of VSA.¹

A.2 *Definitions (24 VSA § 5142)*

1. **Disconnection** means the deliberate interruption or disconnection of water service to a ratepayer by the Fire District for nonpayment of water charges.
2. **Delinquency** means failure of the ratepayer to tender payment of a valid bill or charge within 30 days of the postmark date of a late payment notification, or by a 'due date' at least 30 days after mailing, which shall be clearly printed on the notification and which shall control in the absence of the postmark.
3. **Hearing officer** means a person appointed by the Prudential Committee to act as a fact finder and hear and investigate evidence, and to make recommendations to the Prudential Committee for final determination of a disputed disconnection. The hearing officer may be a member of the Prudential Committee or another responsible citizen but may not be the District's Treasurer or Assistant Treasurer.
4. **Late payment notification** means a written notice sent by the Treasurer or Assistant Treasurer to a customer whose water bill remains unpaid at the time of next quarterly billing. The customer is also liable for a late payment fee.
5. **Notice** means the written notice on the 'uniform notice form' set out in A.4 below, sent within 40 days after delinquency and postmarked and sent not more than 20 days, nor less than 14 days prior to the disconnection of service.
6. **Physician's certificate** means a written statement by a duly licensed medical practitioner certifying that a ratepayer or resident within the ratepayer's household would suffer an immediate and serious health hazard by the disconnection of water service to that household. The certificate will be considered valid and in force for 30 days, or the duration of the hazard, whichever is less.
6. **Payment of bill** means the receipt at the office of the District Treasurer of cash, check or money order which is subsequently honored.
7. **Business day** means Monday through Thursday, excluding legal holidays and other time, or the day before such time, when the Fire District's offices are open to the public.
8. **Credit supervisor** is the District's Treasurer or Assistant Treasurer.

A.3 *Conditions under which disconnection is permitted (24 VSA § 5143)*

1. The Fire District shall not disconnect water service to a ratepayer unless payment of a valid bill or charge is delinquent as defined above (A.2.2), and notice of disconnection had been provided as stipulated above (A.2.5) to the ratepayer. A copy of

¹ Using the 2004 amended edition of the VSA.

the notice shall be sent to the occupant of a residential dwelling which be affected by the disconnection if the occupant is different than the ratepayer.

- 2. Disconnection is not permitted if:
 - (1) The delinquent bill or charge, or aggregate delinquent bills and charges do not exceed \$15.00.
 - (2) The delinquency is due solely to a disputed portion of a charge which is the subject of an appeal.
 - (3) The delinquency is due to a failure to pay a deposit, line extension, special assessment, special construction charge, or other nonrecurring charge.
 - (4) The disconnection would represent an immediate and serious hazard to the health of the ratepayer or a resident within the ratepayer's household, as set forth by a physician's certificate which is on file with the Fire District. Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, providing the certificate is in fact received within seven days.
 - (5) The ratepayer has not been given an opportunity to enter into a reasonable agreement to pay the delinquent bill or, having made such agreement, has abided by its terms.

A.4 Uniform notice form (24 VSA § 5144)

The uniform notice form, stipulated by state law, shall be clearly printed on a pink colored sheet of paper, and shall be according to the following form:

Date _____
 \$ _____
Amount in Arrears

Dear Customer:

According to our records, your water service account is still unpaid. Please make full payment of the account or contact our office to make satisfactory arrangement before If this is not done, we will no longer be able to extend credit and will have to discontinue your service, on that day or any one of the following four business days. (Under the law, 'Business days' means Monday through Thursday, excluding legal holidays, when the offices are not open to the public.) An unpaid bill is a lien on your real property, and may lead to tax sale proceedings.

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

- Collection trips - \$25.00, regardless of number
- Reconnection – Normal hours - \$25.00
- Overtime - \$37.50

Interest according to 32 VSA § 5136(a) – namely, on the amount in arrears at the rate of not more than one percent per month, or fraction thereof, for the first three months and thereafter one and one-half percent per month or fraction thereof, from the due date of such charge(s).

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

THIS IS A FINAL REQUEST FORM

(Name of credit supervisor – see A.2.8 above)
 Colchester Fire District No. 1
 271 Winooski Park
 Colchester, Vermont 05439
 Telephone number:

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

APPEALS – If you cannot reach agreement as to payment of this bill with the credit supervisor whose name appears above, you may appeal to:

(Name of Prudential Committee Chairman)
 Colchester Fire District No. 1
 321 Winooski Park
 Colchester, Vermont 05439

Or by calling: (telephone number)

An appeal cannot be taken unless you first attempt to settle with the credit supervisor. You may appeal only as to the proper amount of your bill or the correctness or application of the rules and regulations. You may not appeal as to the level or design of the rates themselves. No charge shall be made for the appeal. However, undisputed portions of the charges giving rise to this notice must be paid before the disconnection date given above.

A.5 *Time and notice of disconnection (24 VSA § 5145)*

1. Disconnection of water service shall occur only between the hours of 8:00 am and 2:00 pm of the business day specified on the notice of disconnection, or within the same hours during the four business days thereafter.
2. When service is disconnected or interrupted at the premises of the ratepayer, which shall include disconnection or interruption at or near the premises of the ratepayer, the individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected or interrupted, 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 ratepayer has to do to have service restored.

A.6 *Restoration of service (24 VSA § 5146)*

If service has been disconnected or interrupted, the Fire District shall within 24 hours restore service upon the customer's request when the cause for disconnection of service has been removed or when an agreement has been reached between the ratepayer and the Fire District regarding the dispute which led to the disconnection or when directed to do so by the Prudential Committee. Restoration of service, to the extent feasible, shall be done so as to avoid charging ratepayers for overtime wages and other abnormal expenses. Reconnections requested outside normal working hours shall only be made in special circumstances and in compliance with 24 VSA, Chapter 179, as determined by the Fire District Manager or Superintendent. No collection or reconnection fees may be charged for disconnections or interruptions of service made for reasons of health or safety of the ratepayers or of the general public.

A.7 *Appeals and exceptions (24 VSA § 5147)*

The Prudential Committee shall promptly and fairly hear any or all appeals by the ratepayer after notice to all interested parties. During appeal, disconnection will be postponed. Upon just cause shown, the Prudential Committee may grant exceptions to any ratepayer. The Prudential Committee may appoint one or more members of the Prudential Committee to act as hearing officers for the purposes of the appeal. Alternatively, the Prudential Committee may appoint a responsible citizen to act as a hearing officer for the appeal.

A.8 *Consumer protection (24 VSA § 5148)*

Nothing prevents the Prudential Committee from adopting further procedures, ordinances, or rules providing greater protection for consumers than are required by the above conditions and procedures.

A.9 *Unauthorized connection (24 VSA § 5150)*

1. The officers and agents of the Fire District entrusted with the care and superintendence of the Fire District may at all reasonable times enter all premises supplied with water from the Fire District to examine the pipes and fixtures and prevent any unnecessary waste, and to examine for sanitary correction thereto.
2. If any person, without the consent of the Fire District, shall use any unauthorized connection to water or a disconnected service, an action of tort under State law may be maintained against such person by the Fire District for recovery of damages thereon.

A.10 *Special charges (24 VSA § 5151)*

The fees charged by the Fire District for collection of overdue accounts and reconnection of service disconnected because of nonpayment shall not exceed the following schedule:

1. Collection trips - \$25.00, regardless of number
2. Reconnection – Normal hours - \$25.00
- Overtime - \$37.50
3. Interest according to 32 VSA § 5136(a) – namely, on the amount in arrears at the rate of not more than one percent per month, or fraction thereof, for the first three months and thereafter one and one-half percent per month or fraction thereof, from the due date of such charge(s).

A.11 *Adoption and future amendment*

1. The Prudential Committee of Colchester Fire District No. 1 has adopted the preceding ordinance for "Water Disconnection for delinquent payment of fees" at a meeting held on 18 April 2006 with the understanding that it comports with current State law and it becomes a supplementary ordinance to the Fire District's Water Rules & Regulations.
2. Any amendments made to the State's "Uniform Water and Sewer Disconnect" law (24 VSA, chapter 129) shall supercede the corresponding items of Fire District's ordinance for "Water Disconnection" without further action by the Prudential Committee.
3. The Prudential Committee may amend this ordinance at any duly held meeting of the Committee, but all amendments must conform to the current State law on the matter. Such amendments shall take effect from and after their adoption and publication.

This ordinance was duly adopted by the Prudential Committee on 18 April 2006,
Joseph McLaughlin, SSE, Clerk