

Bristol Town Administrator

From: Kevin E. Brown <KBrown@langrock.com>
Sent: Wednesday, September 15, 2021 2:01 PM
To: Bristol Town Administrator
Cc: mperlee@langrock.com
Subject: Bristol, Town of - Water Use Ordinance Policy and Fees - Correct #ing.DOCX
Attachments: 1294717v2-Bristol, Town of - Water Use Ordinance Policy and Fees - Correct #ing.DOCX

Sensitivity: Confidential

Hi Val,

I have addressed Joel’s concerns as relayed by Michelle in her email of Sept 13.

I have revised the following sections: 12.02, and 12.04. This document is not redlined because the changes were few and I thought it best for you to have a clean copy to pass on to the Selectboard.

12.04: I find no statutory prohibition against charging for water discharged through a sprinkler system for fire protection/suppression. Joel may be correct that many or most sprinkler systems are installed on the service line upstream from the meter. For such sprinkler systems, there would be no charge. Some sprinkler systems may use metered water. We just do not know which, if any, sprinkler systems in the Town, take water downstream from the meter. Metered sprinkler water gets charged, regardless of the reason for the discharge (fire suppression, testing, malfunction, burst pipe, etc.)

12.02 I believe that Division of Fire Safety, Fire Protection Division handles sprinkler inspections. I did not try to determine the particulars. The Ordinance simply requires the Owner to give the Town a copy of the test results/inspection report and essentially leaves it to the State to administer the sprinkler regulatory requirements.

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Bristol Town Administrator

From: Michelle S. Perlee <MPerlee@langrock.com>
Sent: Monday, September 13, 2021 4:38 PM
To: Kevin E. Brown; Bristol Town Administrator
Subject: Water Ordinance

I talked to Joel. He gave me the following information (I must have misunderstood him).

He does not believe that we can charge by law for water used for fire protection (i.e. sprinklers). He said that all sprinkler systems are usually piped prior to the meter so the water does not run through the meter and therefore would not be charged.

He also said that with respect to 12.02 we will need to revise that as the Town is not qualified to inspect a fire protection system. He suggests that we change that to the following: "Town has the right to request a copy of any inspection completed of the fire protection system which must be conducted by a certified technician."

So I think we seem to be back to that any fire protection system that does not run through the meter will not be charged. Any type of system that runs through the meter will be charged (I am not sure when that will actually happen unless someone puts in a fire protection system in a personal residence b/c all commercial would probably request permission to pipe prior to the meter).

I believe Joel said he was worried about people who may be filling pools with Town water and should be charged for that water. Does that make sense?

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TOWN OF BRISTOL, VERMONT
WATER USE ORDINANCE

Adopted April 23, 1996

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AUTHORITY AND PURPOSE

Pursuant to 24 V.S.A. §1971, 24 V.S.A. 2291(6) and (15), and 24 V.S.A. §3307, §3313, and §3315, the Water Commissioners of the Bristol Water District hereby promulgate and adopt the following ordinance in order to: (1) regulate the installation, operation, and use of water service connections; (2) protect and ensure the efficient operation of the Water System of the Town; (3) provide potable water to buildings occupied by users in the Bristol Water District; and (4) to promote and protect the provision of water for fire protection.

This ordinance is designated as a civil ordinance pursuant to 24 V.S.A. §1971(b).

1.00 DEFINITIONS

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

- 1.01 Curb Stop: the valve which terminates the service line and to which the building's service line is connected to provide water service to the User's building.
- 1.02 Disconnection: a deliberate interruption by the Town of water service to the User, for reason of delinquent payment or a voluntary disconnection pursuant to §4.08.
- 1.03 Distribution Main: the primary supply pipes or conduit of the Town water system to which service lines are connected.
- 1.04 Fire Service: water service provided to User for fire protection systems or equipment installed on the property of the User.
- 1.05 Installer: a contractor or other natural person or business entity that performs work on, installs, constructs, repairs, and/or maintains a building service line, or connects a building service line to a curb stop or distribution main on behalf of an Owner or User.
- 1.06 May is permissive. Shall is mandatory.
- 1.07 New Service Locations: an area for which water service is proposed that is more than 200 feet along a street or right of way from a Town distribution main such that an extension of a distribution main is required to provide water service to a property(ies).
- 1.08 Operator: an agent or representative of the Town responsible for operation and maintenance of the Town water system.
- 1.09 Owner: the person(s) r, identified by recorded deed as owner of property that receives water from the Town water system.
- 1.10 "Person" shall include any natural person, corporation, municipality (other than the Town of Bristol), the State of Vermont or any department, agency, or subdivision of the State, and any partnership, unincorporated association, or other legal entity.

- 1.11 Service Connection: each single water pipeline or conduit which provides water from the Town's public water system. The service connection shall start at the curb stop and extend inside the building up to and including the water meter.
- 1.12 Service Line: the pipe or conduit that connects a distribution main to a curb stop.
- 1.13 Unconnected Properties: those properties with boundary line(s) 200 feet or less from a distribution main which do not have a service connection.
- 1.14 User (Customer) shall mean any person, firm, corporation, association, or group receiving or requesting water from the Town. If the Owner is also the consumer of water supplied to the property, the term "User" includes the Owner.
- 1.15 Water Commissioners shall mean the Selectboard, or agents and authorized representatives.
- 1.16 Water District (District) shall mean the Water Department Service area as defined by the Merger Document.
- 1.17 Water Operator shall mean the same as Operator in Section 1.08.

2.00 GENERAL AUTHORITY, ADMINISTRATION, AND EFFECT OF APPLICATION

- 2.01 The Water Commissioners shall be responsible for the operation of the Town Water System and acting on behalf of the Town, shall sell water to such Users within the Water District consistent with these Rules and Regulations. It may refuse to supply water to any such User and may terminate service to any User, as may be required for the Water Commissioners to carry out their responsibilities imposed by law and these Rules and Regulations.
- 2.02 Actions of the Water Commissioners shall be subject to requirements of the Merger Document and Water Expansion Policy regarding expansion or changes.
- 2.03 The Water Commissioners may enlarge or modify the limits of the Water District in accordance with the Water Expansion Policy.
- 2.04 The Water Commissioners may set water rates for Users outside the Water District in accordance with a Water Expansion Policy.
- 2.05 These Rules and Regulations shall constitute a part of the contract between each User and the Town. Each User shall be bound by these Rules and Regulations and all subsequent changes and amendments thereto.
- 2.06 The filing of an application for a service connection shall constitute consent of the Installer, Owner, and/or User to be bound by these Rules and Regulations, including without limitation .
- 2.07 The filing of an application for a service connection shall constitute a grant of permission to the inspectors of the Town, or the authorized inspection agents of the Town, to access the property and building(s) thereon at all reasonable hours for the purpose of inspecting,

removing, or replacing meters, meter setting appurtenances, and backflow preventer. Inspectors and meter readers will carry appropriate identification and will show same upon request to the property owner or authorized agent. Impostors should be reported at once by calling a member of the Selectboard, or the Town Administrator.

2.08 A copy of this Ordinance shall be posted on the website of the Town of Bristol and shall be furnished to any Installer, Owner, or User upon request.

2.09 The failure of an Installer, Owner, or User to become read, comprehend, and become familiar with this Ordinance shall not excuse the Installer, Owner, or User from the consequences of any failure to comply with or abide by of this Ordinance.

2.10 Water Supply Emergencies: In the event of a water emergency the Water Commissioners, Water Operator, Town Administrator, and/or any other authorized personnel shall refer to Appendix B, the Emergency Rules and Regulations of this Ordinance. A water supply emergency may include, but is not limited to contamination, low water supply at the storage tank, or failure of any part of the water supply or distribution system.

3.00 SERVICE CONNECTION OPERATION, REQUIREMENTS, AND RESTRICTIONS

3.01 All water shall be metered except as otherwise provided by this Ordinance or as approved by the Water Commissioners.

- a. All water meters shall be furnished by and owned by the Town.
- b. All water meters shall be installed in locations that the Town determines will provide satisfactory protection against frost and other damage.
- c. The Town shall not deliver water through any water meter over which it does not have exclusive control.
- d. If an Installer, Owner, or User damages a water meter, then the Owner shall be responsible for the cost of removal, repair, and/or replacement of the damaged water meter.
- e. If water meter ceases to operate properly for reasons other than the acts or omissions of an Installer, Owner, or User, the Town shall remove, repair, and /or replace the water meter at the Town's expense.
- f. If from any cause a water meter fails to register properly the amount of water passing through it, the water consumption charge shall be based upon the User's average daily consumption over the preceding 12 months as determined and calculated by the Town.
- g. Water meters shall be read by the Water Commissioner's authorized agents on a frequency established by the Water Commissioners.
- h. No person shall damage, remove, or tamper with any water meter through which water service is being provided.

- i. No person shall break the seal of any such meter.
 - j. Inspection by the Town of private water systems, other than water meters and back flow preventers requires written permission from the Owner of the property or User of the private water system.
- 3.02 No person shall suffer or permit water from the Town's water system to run to waste through any faucets or fixtures to prevent freezing, or for any other purpose, to be kept running for any longer than necessary for non-wasteful consumption, without prior approval of the Town or as allowed by emergency rules. The Town shall restrain and prevent any and all waste of water and to that end may, when necessary, turn off water or take such other action as deemed appropriate in the exercise of its sole discretion.
- 3.03 No person shall negligently, recklessly, or knowingly cause water to be taken at any service location or elsewhere, in any manner inconsistent with the application for service connection governing such location, any contract for the supply of water applicable to such location, and/or any terms and conditions based upon service at such location by the Water Commissioners or this Ordinance.

4.00 APPLICATION FOR SERVICE CONNECTION

- 4.01 An Installer, Owner, or User shall file with the Water Commissioners and application for a service connection, along with payment of the requisite fees.
- 4.02 The Town's service connection fee, which shall be paid in full, in addition to any other amounts payable, at the time written application is made for service. This fee shall be such an amount as is designated in the "SCHEDULE OF RATES AND CHARGES" (APPENDIX B).
- 4.03 Application for water service shall be made at the office of the Town Treasurer. Forms are available at the Town Clerk's office.
- 4.04 The Water Commissioners may accept applications from persons who are not property owners if:
- a. A deposit is made in the equivalent of one year's estimated billing; and
 - b. The Town receives notarized documentation to the extent of the User/Owner relationship to the obligation of payment of bills and charges;
 - c. Under such circumstances, the Owner shall be relieved of its obligation for payment of bills and charges as provided in Section ____.
- 4.05 The Water Commissioners must approve the application and receive payment of the requisite fees before any connection, alteration, repair, or construction to any portion of the water system occurs.
- 4.06 In the case of a water service line requiring immediate repair, the application may be waived and the Water Operator may authorize the repair. Any repair or alteration

performed without having been witnessed by the Water Operator may be required to be uncovered for inspection at the owner's expense.

- 4.07 An application for a service connection or work thereon shall be completed and submitted as provided in Section 4.01.
- 4.08 The Installer, Owner, or User shall contact the Water Operator at least two working days' notice in advance of the proposed time of a tap or service connection.
- 4.09 An Installer, Owner, or User shall not install any tap or service line, or service connection unless the Water Operator, or its agent is present to observe and inspect the work and installation.
- 4.10 If work on or installation of a service line or service connection occurs without the Water Operator being present to observe and inspect the work the Water Operator may, in the exercise of its sole discretion, may require the completed work to be uncovered for examination and inspection at the Owner or User's sole expense. The fee for the Water Operator's after-the-fact examination and inspection shall be billed to the Owner or User's water service account and shall be paid by the Owner or User. Such after-the-fact examination and inspection shall not preclude the Town from taken further action to enforce this Ordinance

5.00 INSTALLATION OF WATER SERVICE

- 5.01 All work to be performed in a public highway right of way shall require a dig-in-the-street permit from the Town pursuant to 19 V.S.A. §1111.
- 5.02 All connections will be made during normal workday hours and no connections may be allowed Saturday, Sunday, or legal holidays, except in cases of emergency in accordance with Appendix A.
- 5.03 The Owner or User will be responsible for all peripheral costs of installing new water services. These costs include, but are not limited to:
 - a. digging and paving;
 - b. obtaining permits and easements if digging across roadways or the property of others;
 - c. returning all Town or Town-owned property to its original condition.
- 5.04 The Owner or User will be responsible for the entire cost of installing, owning, and maintaining the building service line from the curb stop to the User's premises (with the exception of water meter, meter setting appurtenances, and backflow preventer), regardless of whether the Town performs the installation upon the Owner's request and agreement by the Town, or whether the Owner makes the installation or has an Installer make the connection or perform work on the service line or service connection in accordance with the Town's Construction Specifications.

- 5.05 The installation must comply with the Town's Specifications (Section 9.00 CONSTRUCTION SPECIFICATIONS) from the distribution main to the curb stop to the water meter.
- 5.06 Upon completion of installation and acceptance, the service line shall become the property of the Town and will be maintained by the Town.
- 5.07 Upon completion of installation and approval by the Water Operator after inspection, the service connection shall be owned and maintained by the Owner.
- 5.08 Only one meter shall be installed per curb stop, unless otherwise approved by the Water Commissioners.

6.00 CONSTRUCTION SPECIFICATIONS

- 6.01 The Town shall utilize construction specifications and standards as it deems to be in the best interest of the water system.
- 6.02 The construction specifications and standards applicable to the Town water system are set forth in Appendix C and may include rules, regulations, and requirements as specified by:
 - a. Vermont Health Department;
 - b. Vermont Water Supply Division;
 - c. Environmental Protection Agency;
 - d. American Water Works Association (most recent specifications);
 - e. The Town's Engineer; and
 - f. Any other State or Federal agencies having jurisdiction.
- 6.03 The materials and equipment used shall meet the most recent A.W.W.A. specifications and shall be compatible with materials and equipment utilized in the existing Town's water system.
 - a. Type K copper pipe is preferred for service lines.
 - b. Ductile iron is preferred for water main lines.
 - c. The use of plastic piping requires approval by the Water Commission on a case-by-case basis.
 - d. Tracer wire shall be installed with all plastic piping.
- 6.04 Service lines shall be bedded in four inches (4") of sand below and twelve inches (12") of sand above.
- 6.05 Additional construction specifications and standards applicable to the Town water system are set forth in Appendix C.

7.00 TEMPORARY SERVICE

- 7.01 Contractors, builders, or other persons desiring temporary water service for construction purposes shall complete an application in writing to the Town Treasurer and secure approval for this service.
- 7.02 The cost of installation of temporary service and the cost of its removal shall be borne by the applicant. The estimated cost of installation, consumption, and removal of temporary water service shall be paid in advance of installation, by a deposit to the Town. Upon completion of the use of the temporary service, an accounting shall be made. If the amount of deposit does not cover the actual cost, the applicant shall pay the additional amount. If the deposit exceeds the actual cost, the applicant shall be refunded the difference.
- 7.03 The charges for temporary service are set forth in the "SCHEDULE OF RATES AND CHARGES" (APPENDIX B).

8.00 EXTENSION OF WATER SYSTEM TO NEW SERVICE LOCATIONS

- 8.01 Applicants for water service at a new service location, that will require an extension of the Town's water system, for the purpose of supplying water to more than one (1) residential unit, or for commercial or industrial purposes, shall complete a written service application to the Town, and shall pay the service connection fee set forth in the SCHEDULE OF RATES AND CHARGES" (APPENDIX B).
- 8.02 The applicant shall include drawings of the proposed service which show in detail all service locations, piping appliances, manufacturing processes and/or machines that are to be connected to the water service, including boilers (both high and low pressure).
- 8.03 All water distribution, construction piping, service piping, hydrants, and other appurtenances of the proposed extension of the Town's water system constructed as part of a development or subdivision project shall be built to the Specifications of the Town and all applicable state and federal laws and regulations.
- 8.04 Written approval of the plans by all applicable agencies shall accompany the application for service. See Section 9.01.
- 8.05 The Water Commissioners may require review and approval by an engineer hired the Town. The costs of such engineering review shall be borne by the applicant.
- 8.06 After installation, inspection, testing, approval, and acceptance by the Town, any and all new distribution mains, service lines, and curb stops shall become the property of the Town and part of the Town's water system from the date of acceptance.
- 8.07 Applicants for new service connections shall pay the entire cost of design, engineering review, construction, and testing of water main and appurtenant extensions of the Town's water system, regardless of whether such construction or extension is ultimately accepted by the Town after installation.

- 8.08 The Water Commissioners may limit, restrict or delay new or extended water service, when in the exercise of its discretion, the ability to provide water service is compromised, complicated, or hampered by physical, environmental, topographic, or technical limitations, including but not limited to:
- 8.09 Elevations incompatible with the existing water system.
- 8.10 Distance from the existing designed system.
- 8.11 Additional service volumes which would exceed the permitted capacity of the existing system.
- 8.12 All work to be performed in a public highway right of way shall require a dig-in-the-street permit from the Town pursuant to 19 V.S.A. §1111.

9.00 PROHIBITIONS

- 9.01 No Installer, Owner, or User shall make any material misstatements of fact in any application for service connection or a repair thereof.
- 9.02 No Installer, Owner, or User shall complete construction of any service connection with the Town's water system in any manner other than that set forth in any plans and specifications submitted to and approved by the Water Commissioners.
- 9.03 No Installer, Owner, or User shall fail to disclose to the Water Commissioners any deviations or variations from such plans set forth in the application at the first date such variations or deviations become known to such person.
- 9.04 No Installer, Owner, or User shall obtain the use of water without authorization in any way or by any device, including the operation of curb valves by repairmen and plumbers for any purpose.
- 9.05 No Installer, Owner, or User shall tap or make any connection with any distribution main or service line, without written authorization by the Water Commissioners.
- 9.06 No Installer, Owner, User, or other person shall violate any provision of this Ordinance, any Rules or Regulations of the Water Commission, or any order, direction, emergency rule, or policy adopted by the Water Commission.
- 9.07 No Owner, or User shall suffer or permit any person to violate any provision of this Ordinance, any Rules or Regulations of the Water Commissioners, or any order, direction, emergency rule, or policy adopted by the Water Commissioners with respect to the service connection of the Owner or User.
- 9.08 No Owner, User, or Department of the Town of Bristol shall resell, or transport water supplied by the Town without the written consent of the Water Commissioners. This prohibition shall not apply to a lease agreement that obligates a tenant to pay for water as part of or in addition the rental payment to be made to the landlord.

- 9.09 No person shall adjust, open, close, alter or perform any operations to valves, curb stops, hydrants, or any other parts of the water system without written approval by the Town.
- 9.10 No Installer, Owner, User, or other person shall perform any work or installation of a service connection approved by the Water Commissioners unless and until the Water Operator is present therefore.
- 9.11 No voluntary disconnection from the water system by a User may be made without first submitting a request in writing to the Water Commissioners and paying, in addition to any other amounts payable, a fee as designated in the " Policy of Schedule of Rates and Charges" (Appendix B.)
- 9.12 No person may re-connect to the water system without making proper application according to Section 4.01 of the Ordinance.

10.00 ASSESSMENT AND COLLECTION OF WATER SERVICE FEES

- 10.01 The fees, rates, and charges to which Owners and Users are subject are set forth in APPENDIX B. " SCHEDULE OF RATES AND CHARGES".
- 10.02 From time to time, the Water Commissioners may revise the SCHEDULE OF RATES AND CHARGES in the exercise of their sole discretion and as provided by Vermont law.
- 10.03 Bills and Billing
- a. Bills for water service are prepared at the office of the Town Treasurer and are payable there.
 - b. Water bills are rendered in the name of the Owner, except as provided for under Section
 - c. The Owner or approved applicant under Section 4.04 is responsible for the payment of water bills and is also responsible for notifying the Town at the office of the Town Treasurer of any changes in mailing addresses. Failure to receive a bill does not relieve the Owner of the obligation for payment or for the payment of penalties for late payment.
- 10.04 Deposits: If the Town holds a deposit from an Owner or User, that deposit shall not constitute payment of a delinquent bill and shall not prevent the Town from undertaking disconnection proceedings as set forth in Section 10.05 below.
- 10.05 If Town disconnects the water service provided to a delinquent Owner or User from whom the Town holds a deposit, the Town shall continue to hold the deposit, and water service shall not be restored until the Owner User becomes eligible for restoration of service by payment of the delinquency and any fees that arise from disconnection and/or restoration.

- 10.06 The Town may apply the deposit towards the delinquency and any other fees owed if the Owner or User informs the Town, they wish to terminate water service, or if the Town receives an application for water service at the same location from some other person.
- 10.07 The Town may collect water service delinquency as defined by 24 V.S.A. §5142(3) pursuant to the Uniform Water and Sewer Disconnect procedures set forth in Chapter 129 of Title 24.
- 10.08 Pursuant to 24 V.S.A. §3306, charges, rates, or rents for water constitute a lien upon the real estate furnished with water from the Town's water system in the same manner and to the same effect as property taxes are a lien on real estate pursuant to 32 V.S.A. §5061 and may be collected by a foreclosure proceeding as set forth in 32 V.S.A. §5061(b).
- 10.09 In the exercise of its sole discretion, the Town may choose to undertake collection of a delinquent water account by any means authorized by Vermont law.

11.00 FIRE HYDRANTS

- 11.01 Public fire hydrants are installed for the sole purpose of fire protection and, with the exception of the members of the Fire Department/Water Department operating the same for the legitimate purpose of extinguishing fires, conducting a bona fide fire drill or practice or maintenance of the water system, no other use of hydrants shall be made without the written consent of the Town.
- a. No person or persons shall obstruct the access to any fire hydrant by placing or permitting snow, debris, or building materials, or other obstruction to remain on or about the hydrant.
 - b. No person shall make any connection to any hydrant on the Town's water system, and no person may cause any such hydrant to be opened, except as authorized by these Rules and Regulations, or otherwise by the Water Commissioners.
 - c. The Town may install public fire hydrants wherever and whenever it deems necessary, subject to proper easements or agreements.
 - d. The Water Commissioners will consider written requests for the installation of public fire hydrants by property owners connected to the system.
 - e. The Water Commissioners may require any applicant for new service to install public fire hydrants in his project as a condition precedent to receiving approval to connect to the water system.
 - f. All public fire hydrants and their connections are to be the property of the Town whether installed by the Town or by others.
- 11.02 The Town will not charge an Owner or User for water discharged from a fire hydrant(s) for the purpose of fire protection and/or fire suppression.

12.00 SPRINKLER SYSTEMS

- 12.01 Application for new sprinkler systems shall be subject to all provisions and specifications that the Town may require.
- a. The applicant must furnish the Town with a complete set of drawings which show the location of the premises to be sprinklered and proposed location of all valves, pipes, hydrants, tanks, sprinkler heads, and other appurtenances. These plans will remain as the property of the Town.
 - b. The applicant must also furnish drawings of any later revisions to piping or appurtenances when they are made. The applicant must also furnish estimated maximum flow requirements.
 - c. The Town may decline to supply service, in whole or in part, to any sprinkler system if, in the determination of the Water Commissioners, the system would place undue demands upon any portion of the Town's water system.
- 12.02 Inspection and/or testing of a sprinkler system shall be conducted only by a certified or licensed inspector. Promptly after receipt, the Owner shall supply the Town with a copy of every inspection test result or inspection report concerning a sprinkler system.
- 12.03 When water supplied for fire protection purposes is found to be used for other than fire protection purposes, the water will be shut off by the Town until the offenders give reasonable assurance to the Town that the offense will not be repeated.
- 12.04 Metered water discharged from a sprinkler system for fire protection, fire suppression, or otherwise shall constitute water service which shall be reflected on the water bill and for which the Owner or User shall be responsible.,

13.00 TOWN RESPONSIBILITIES AND LIMITATION OF LIABILITIES

- 13.01 The Town shall not be liable for any damage caused by, but not limited to, interruption of service for repairs, necessary procedures, emergencies, and/or additions or improvements to the water system.
- 13.02 The Town may, but shall not be required, to provide notice of interruption. This provision does not apply to any notices required by the Uniform Water and Sewer Disconnect procedures set forth in Chapter 129 of Title 24.
- 13.03 No person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage or surge of pressure occasioned by accident to any portion of the water works, or in the event of an interruption of service.
- 13.04 The Town shall assume no responsibility for any damage to any apparatus in any house or building due to interruption of service. Property owners should install range boilers, hot water tanks, and all other equipment connected with the water supply system in such a manner that damage will not occur in the event of interruption of service.

- 13.05 The Town will endeavor to provide water to User(s) of high quality and of adequate pressure and quantity. The Town makes no guarantees, whether express or implied, concerning its water system and/or the provision of water to Users, including without limitation, water pressure, continuous supply, purity, or potability.
- 13.06 The Town shall, at no time, jeopardize its current customers by authorizing more new water services than it can supply. The Town shall be under no obligation to commit to any development, any portion of its capacity, but may allocate its capacity amongst various areas of the Water District as the Water Commissioners, in the exercise of their discretion, deem appropriate

14.00 ENFORCEMENT

- 14.01 The Town by and through its Water Commissioners may undertake the enforcement of this Ordinance by such means and against an Installer, Owner, User, or any other person found to be violating any provision of this Ordinance, as the Water Commissioners in the exercise of their discretion see fit.
- 14.02 The remedies set forth herein are not exclusive of any other remedies available, including criminal prosecution, under any applicable federal, state, or local law. Election of one remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the Town of Bristol from seeking multiple remedies
- 14.03 The Town may enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, pursuant to 24 V.S.A., Chapter 59, may pursue all civil and criminal remedies in connection with any violation hereunder, including without limitation an action for declaratory relief pursuant to Chapter 167 of Title 12.
- 14.04 The Water Commissioners may, in the exercise of their sole discretion, undertake enforcement action against an Installer, Owner, User, or any other 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.
- 14.05 Stop Work Order:
- a. In the event that any person holding any permit or approval issued pursuant to this Ordinance or a 19 V.S.A. §1111 dig-in-the street permit issued in connection with work undertaken pursuant to such permit or approval, violates this Ordinance, the Water Officer or other Town agent authorized by the Water Commissioners may issue a Stop Work Order to the Installer, Owner, and/or User.
 - b. The recipient of a Stop Work Order may appeal the Order to the Water Commissioners by filing a Notice of Appeal with the Water Commissioners with 7 days of the date of the Stop Work Order.
 - c. After receipt of a Notice of Appeal of a Stop Work Order, the Water Commissioners shall hold a public hearing on the appeal not less 15 days prior to the appeal hearing. The Stormwater Commissioners shall post notice of the

appeal hearing in three or more public places within the Town of Addison in conformance with the time and location requirements of 1 V.S.A. §312(c)(2) and shall send notice of the appeal hearing to the Appellant by First Class U.S. mail.

14.06 Judicial Bureau Municipal Civil Complaint Ticket: The Town, acting through a designated enforcement agent (issuing municipal official) may enforce any violation of this Ordinance before the Vermont Judicial Bureau pursuant to Chapter 59 of Title 24, 24 V.S.A. §1974a, and Chapter 29 of Title 4.

- a. Enforcement actions before the Judicial Bureau shall commence by the issuance of a municipal civil complaint pursuant to 24 V.S.A. §1977. On application of the Town pursuant to 24 V.S.A. §1974a(c), the Judicial Bureau may order that the violation cease.
- b. Each day that a violation continues shall constitute a separate violation pursuant to 24 V.S.A. §1974a(a).
- c. In lieu of a payment of a civil penalty, the recipient of a §1977 municipal civil complaint (ticket) who declines to contest the ticket shall pay the waiver fee required as set forth herein.
- d. The first offense ticketed for a violation shall be punishable by a civil penalty of Five hundred dollars (\$500.00); the waiver fee shall be Two Hundred Fifty dollars (\$250.00);
- e. A second offense ticketed shall be punishable by a civil penalty of six hundred dollars (\$600.00); the waiver fee shall be Three Hundred dollars (\$300.00);
- f. A third offense ticketed shall be punishable by a civil penalty of Seven hundred dollars (\$700.00); the waiver fee shall be Three Hundred Fifty dollars (\$350.00);
- g. Upon the fourth offense ticketed shall be punishable by a civil penalty of Eight Hundred dollars (800.00); the waiver fee shall be Four Hundred dollars (\$400.00);
- h. If the civil penalty for repeat violations and/or all continuing civil ordinance violations is greater than \$800, the enforcement action shall be brought in the Criminal Division of the Superior Court, Addison Unit, pursuant to 24 V.S.A. §1974a(b).

14.07 Any violation of this Ordinance associated with such acts as tampering, unauthorized access, and/or willful negligence may be pursued as a criminal violation utilizing the criminal ordinance procedure set forth in 24 V.S.A. §1974.

14.08 Injunctive Relief: The Town may bring an action in the Criminal Division of the Superior Court, Addison Unit pursuant to 24 V.S.A. §1974a(b) to prevent, restrain, correct, or abate any violation or activity causing a violation.

15.00 MISCELLANEOUS

15.01 The Water Use Ordinance adopted on April 23, 1996 is hereby repealed.

- 15.02 If any portion of this Ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance which can be given effect without such invalid part, or parts. shall not be affected and shall remain in full force and effect.
- 15.03 If any statute referred to in this Ordinance is amended, this Ordinance shall be deemed to refer to such amended statute.
- 15.04 If any provision of this Ordinance conflicts with any term(s) of the Merger Document, the terms of the Merger Document shall control.

16.00 EFFECTIVE DATE

16.01 This Ordinance shall become effective sixty days after adoption as provided in 24 V.S.A. §1972.

This Ordinance is hereby adopted this _____ day of August, 2021.

Town of Bristol
Water Commissioners

By: _____

Witness to Signatures

Adoption History:

1. Agenda item at regular Selectboard meeting held on _____.
2. Read and approved at a regular Selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____ (date accomplished- usually next regular meeting).
3. Posted in the following five public places on _____.
4. Notice of adoption published in *The Addison Independent* newspaper on _____ (date published- attach copy of actual paper) with a notice of the right to petition.
5. Other actions (petitions, etc.)

Certification of the Town Clerk: I certify this ordinance was adopted as detailed above and filed / recorded on _____.

The Town shall be empowered to enforce the Rules and Regulations of this ordinance in a manner which they deem in the best interest of the water system.

APPENDX A
WATER SUPPLY EMERGENCY RULES AND REGULATIONS

1. Upon detection or notification of an emergency situation regarding the supply of water to the Water Operator and Town Administrator shall be notified immediately. The Chair of the Selectboard and any other authorized persons deemed necessary shall be notified immediately thereafter.
2. The Town Administrator, or his or her authorized designee, is empowered to suspend or implement those provisions of the Ordinance that are necessary to preserve the health and welfare of the persons within the Water Service Area.
3. The Town Administrator, or his or her authorized designee, shall be empowered to utilize any Town equipment or Town personnel she/he deems necessary to accomplish coping with the emergency.
4. Within 24 hours following a water supply emergency the Water Commissioners shall duly warn a special meeting to formally adopt any applicable rules and regulations as they pertain to the specific emergency. Such rules shall be adopted by a majority vote of the Water Commissioners, shall be recorded in the minutes, posted in five (5) locations within the Town and shall become effective immediately upon adoption. Such rules may remain in effect for a period not to exceed ninety (90) days, or until such time as the emergency is over.

APPENDIX B:
SCHEDULE OF RATES AND CHARGES

1.00 Applicability:

This schedule applies to all existing and new Water District accounts.

1.01 Rate Structure:

- a. Metered Usage - Rate includes service charge based on equivalent user unit (E.U.) plus a rate per 1,000 gallons of usage.

One (1) Equivalent User Unit= Average Family= 2.5 persons @ 40 gallons/person per day =1 00 gallons per day.

Usage of 100 gallons per day or less will be charged a minimum of one (1) Equivalent User Unit service charge plus usage at a rate of 100 gallons per day.

Equivalent user values will be calculated to the nearest tenth.

1.02 Current Charges for Water Service:

- a. Service Charge: \$27.01/quarter per E.U.
- b. Usage Charge: \$5.21 per 1,000 gallons.
- c. Charges are billed on a three, (3) month basis and are due and payable within thirty

(30) days after rendering of the bill.

(1) Delinquency Charges: Nine Dollars (\$9.00), plus an Interest Charge of one and one-half percent (1.5%) per month on the unpaid balance that is over thirty (30) days past due.

- d. For complete information about the payment of bills, see Sections 5.01 through 5.06 and 24 V.S.A. Chapter 129.

1.03 Special Fees and Charges:

- | | | |
|----|---|----------|
| a. | Reconnect and/or Disconnect Fee: normal working hours | \$40.00 |
| b. | Reconnect Fee: after hours, holidays, weekends, | \$100.00 |
| c. | Unscheduled Meter Reading (example; property transfers) | \$40.00 |
| d. | New Service Connection Fee: | \$500.00 |

4.01 This fee is payable at the time of application for a new service connection. If the new connection is intended to include more than one account, the fee is to be paid for each new account. The cost of the meter(s), service line pipe, curb stop(s), Water Operator's time, appurtenances, and any other additional materials will be billed separately at the time of installation

- e. Bulk Water Purchase (from Town hydrant):

(1) Up to ten thousand (10,000) gallons: \$75.00 for Water User; \$100 for non-district request.

(2) Over ten thousand (10,000) gallons is rate as determined in 1.03e(1) plus \$4.00/each additional one thousand (1,000) gallons.

- (3) Connection and disconnection charges, materials, and equipment (if any) at cost, plus labor at the current hourly rate of \$40.00 per hour set by the Water Commissioners.

f. Temporary Service:

- (1) All usage, Four Dollars (\$4.00) per one thousand (1,000) gallons.
Minimum charge: Fifty Dollars (\$50.00).
- (2) Connection and disconnection charges, materials, and equipment at cost, plus labor at the current hourly rate of \$40.00 per hour set by the Water Commissioners.

Amended 6/18

Amended 6/19

Amended 5/20

EXHIBIT C
CONSTRUCTION SPECIFICATIONS AND STANDARDS

RESERVED

1294717.2