

TOWN OF HINESBURG
MUNICIPAL WATER USE ORDINANCE

11 601



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Adopted this 2nd day of May, 2016

Received and recorded this 19th day of August, 2016

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Change History

<i>Adoption Date</i>	<i>Changes</i>
April 1999	Initial adoption
February 2000	Clarified billing procedure, connection service, and updated fee schedule
September 2003	Ban on disconnections
May 2016	Align with wastewater allocation ordinance, add language requiring mandatory hookup, create allocation policy, reorganize

Mission Statement

The Town of Hinesburg will endeavor to provide water to all of its users, businesses, and guests that is the finest water quality, ensure continual compliance with all applicable State and Federal standards, and maintain facilities, equipment, and records reflective of the highest of professional standards. At all times, the pursuit of this mission will be balanced with consideration of the cost to all end users.

Public Water System Ordinance

This ordinance was adopted to regulate all aspects of the Hinesburg public water system including: the allocation policy, definition of the distribution area, the responsibilities of the user, the responsibilities of the municipality, water rates and fees.

All use of the term Board in this document shall mean the Water and Wastewater Commissioners of the Town of Hinesburg acting as a board of water and wastewater commissioners under 24 V.S.A., § 3614. As of the date of adoption of the 2016 revision of this ordinance the Board is made up of the five Selectboard members of the Town of Hinesburg.

Water/Wastewater Allocation Dependency

Water allocation shall not be granted within the water service area without a corresponding municipal wastewater allocation sufficient to enable appropriate and full utilization of any water allocation, except in areas where the water and wastewater service areas are not contiguous.

Allocation Policy

Prior to the start of a new fiscal year the Board shall determine the Uncommitted Reserve Capacity and designate allocation pools for the following categories:

1. Municipal, educational, institutional, or special projects
2. Projects within the existing village core defined to include the following districts:
 - a. Village district
 - b. Commerce Street portion of the Commercial district
 - c. Industrial 3
 - d. Industrial 4
3. All other zoning districts within the water service area

Each year, and in the following order of priority, the Board shall:

1. Reserve a minimum allocation pool of 5,000 gallons per day (GPD) or all remaining Uncommitted Reserve Capacity, whichever is less, for category 1 above.
2. Reserve a minimum allocation pool of 5,000 GPD or all remaining Uncommitted Reserve Capacity, whichever is less, for category 2 above.

3. Designate all or a portion of the remaining Uncommitted Reserve Capacity to category 3 above. The Board may choose to further divide the category 3 capacity to specific zoning districts of the water service area.

In each category, the Board may choose to divide the pool into subsets for residential and enterprise uses.

Allocation pool designations shall be made, approved, and recorded on the Annual Allocation Pool Designations form in Appendix E. With the exception of changes to the minimum required allocations for categories 1 and 2 above, amending allocation pool designations shall not require changes to or re-approval of this Ordinance

The designated available capacity for each category shall be for the period from July 1 of the first year to June 30 of the following year. Once the annual water designations have been assigned, the Board shall communicate its decision to the appropriate Town staff. The appropriate Town staff shall be responsible for keeping track of the residual balance in the annual allocation pools of the various categories throughout the year and to report that balance to the Board.

When assigning capacity to allocation categories, the Board shall consider phasing requirements and other conditions as recommended by the Development Review Board (DRB) intended to implement provisions of the Town Plan and Zoning and Subdivision Regulations, pursuant to 24 V.S.A. § 3625. At its discretion, the Board may impose phasing that sets a maximum annual allocation limit per project.

For projects that require DRB review, unallocated, permitted capacity shall be allocated by the Board according to the following:

Preliminary Allocation (subject to an application fee)

- Granted after DRB sketch plan approval for projects requiring subdivision
- Granted prior to DRB approval for all other projects

The preliminary allocation is contingent on DRB approval and shall expire if the project is denied at any stage by the DRB. In all cases the Board may make phasing recommendations to the DRB or impose other conditions. Application fees are not refundable.

Final Allocation (subject to an allocation fee)

- Granted after DRB final approval and may include revisions to the preliminary allocation based on the DRB approval

The final allocation may include phasing or other conditions as recommended by the DRB or as deemed necessary by the Board.

If there is not adequate capacity in the designated allocation pool to fulfill the requirements of a project, the DRB or the Board shall deny the permit application.

For projects that do not require DRB review, unallocated, permitted capacity shall be allocated according to the following:

Preliminary Allocation (subject to an application fee)

- If 1,000 GPD or less, granted by the Board's designated authority when an application is submitted
- If greater than 1,000 GPD, granted after an application is reviewed and approved by the Board

Final Allocation (subject to an allocation fee)

- Fee is due prior to receiving a certificate of occupancy

If there is not adequate capacity in the designated allocation pool to fulfill the requirements of a project, the Board's designee or the Board shall deny the permit application.

All allocations to projects shall be based on the calculated GPD as determined by the most current State and/or Federal regulations.

Project Allocations

During the ensuing fiscal year the Board may grant allocations for individual projects within the Water Service Area (see exceptions below). No allocations shall be granted beyond the capacity assignments made to the allocation categories as defined above. The Board shall act on all applications on a first come, first served basis, or as directed by the Town Zoning and Subdivision Ordinances, as soon as practical, but no later than sixty days after it receives an application. The Board may attach conditions related to water infrastructure (e.g., line improvements, pump station improvements, future tie-in provisions, etc.) to allocation approvals in order to achieve the goals and policies of the Town Plan.

Allocation Details

The Board may grant an allocation to a single residence, enterprise, multi-unit building, to a proposed change of use, or to an entire subdivision. In the case of a proposed change of use or subdivision the required allocation shall be a total of all proposed uses. In all cases if an allocation is granted, the Board shall make allocations to individual buildings or to individual units in multiple unit buildings and not as a lump sum to be used at the owner or developer's discretion.

The allocation shall be considered as "used" by the building when the water meter serving the building or individual unit is installed. Until the meter is installed, the allocation is subject to Holding Fees. After installation of the meter, water usage is subject to the Town's water use fees in accordance with the rate table in Appendix B of this ordinance.

If an allocation is not used within three (3) years of the date the allocation is granted by the Board, it shall expire and revert to the Town's Uncommitted Reserve Capacity. There shall be no refund of any allocation or holding fees paid on the reverted allocation. The Board may grant extensions if it finds that the holder of the allocation has been working diligently to implement the project and no relevant local or State approvals have expired. The Board shall not be obligated to approve an extension.

Exceptions for Allocations Outside of the Service Area

The Board may grant allocations for an expansion of an existing use or a new use outside of the service area if that expansion does not require a subdivision. This exception does not apply to existing users on Route 116 north of the service area because the existing infrastructure does not support any expansion.

Cost Recovery for Water Expansion

The cost of any extension of the water lines to provide for new users shall be borne by the persons to be served by the expansion.

Any payments for line extensions shall not be construed as payments towards allocation or holding fees required for the individual units of the development.

Application Requirement

Persons wishing to use the water system shall apply to the Board on a Water and Wastewater Allocation application. The application shall include:

1. A calculation of the GPD as determined by the most current Vermont Department of Water Supply rules to be generated by the project.
2. All calculations required above for developments requiring over 1,000 GPD shall be certified by an engineer registered with the State of Vermont.
3. Plans and specifications for the construction of building plumbing fixtures (from the buildings to municipal lines) and any municipal extensions, including pump stations, required to service the development shall be prepared by a Vermont registered engineer. These plans shall also address any necessary improvements to existing public or private infrastructure. Improvement plans for deficient, existing infrastructure need not address the entire municipal water system, and may focus on necessary improvements that are proportional in nature to the proposed development. This requirement to submit plans and specifications may be waived by the Board.

Completed water applications shall be returned to the office of the Town Administrator and marked with the time and date received in the Town Offices.

Fees

After being granted a Preliminary Allocation, the holder of the allocation shall be assessed an Application Fee as set forth in Appendix B of this ordinance. Upon receiving Final Allocation the recipient shall be assessed an Allocation Fee as set forth in Appendix B of this ordinance. The amount of the fees shall be established and may from time to time be amended by the Board, which is hereby authorized to establish or amend all water fees by resolution.

1. An Application Fee shall be due upon submitting an application to the DRB or Zoning Administrator.
2. An Allocation Fee shall be due upon receiving a Final Allocation for the building/use for which the allocation was granted.
3. An Allocation Holding Fee shall be due quarterly. The Holding Fee rate shall be established by the Board and included in the rate table found in Appendix B of this ordinance. Payment is due within thirty (30) days of billing date.
4. If the Allocation or Holding Fee is not paid when due, the unused allocation shall expire and revert to the Town's Uncommitted Reserve Capacity.
5. In cases where an allocation expires and a new person applies for capacity for the same project or a different project on the same site, the Board may consider previous fees paid by the original person when establishing fees for the new project.

Mandatory Connection to Municipal Water System

All units receiving construction approval (building permit, site plan approval, or final plat approval) within the water service area as defined in Appendix D shall connect directly to the municipal water system in accordance with the provisions of this ordinance. Individual or community wells shall not be allowed within the municipal water system service area and/or village growth center. A property owner may request that this requirement be waived by the Board due to Undue Hardship.

Cold Weather Construction

The construction of a new water service or the extension of mains shall not occur between November 15th and April 15th without prior approval of the municipality. The owner may be assessed a charge to cover any additional expense incurred as a result of violating this rule.

Connection Fees

A Connection Fee shall be due and payable to the clerk of the municipality before a new service connection is constructed and only after the municipality has approved both an allocation application and the connection. Water service will not be provided until the municipality has installed a meter in the building to be served. The meter will be installed within 15 working days of the municipality's receipt of a request for a meter installation, provided all applicable fees have been paid to the municipality.

The municipality shall provide:

1. The meter
2. A back-flow prevention device

The property owner shall provide:

1. Excavation of the distribution main and tap. All work done on or around the waterline must be done by qualified personnel approved by the municipality and meeting all American Water Works Association (AWWA) standards.
2. Saddle, corporation, copper piping to curb stop and curb stop. The municipality will provide a list of preferred components. See Appendix F
3. Excavation of the waterline into the building.
4. Labor and materials to install waterline from water main into the building.
5. Labor and materials for all backfill including sand or stone fill around piping as required. Inspection and approval of the waterline by the municipality is required prior to backfill.
6. Shut-off valve on the building line. See Appendix F

Shut-Off and Restoration of Service

Connection fees, disconnection fees and reconnection fees regarding non-payment of water rates shall be assessed in accordance with 24 V.S.A. Chapter 129. The municipality may shut off water service for violation of restriction of water use notices, to eliminate a public health hazard, or for continued violation of these regulations. Any shut-off by the municipality may result in a user being assessed a charge for that shut-off. The user may also be assessed a restoration of service fee following the correction or cessation of the causes of the water shut-off. All applicable fees assessed to the user shall be paid in full prior to the restoration of water service.

Curb Stops

Curb stops shall be installed at the property line of the right-of-way in which the water lines are installed and shall be under the municipality's control and ownership. There shall not be a waste port for draining water from the service line unless the municipality is satisfied that the top of the highest water table is at least 12 inches below the bottom of the valve.

Ownership and Maintenance of Service Line

The municipal service line shall be operated and maintained by the municipality. The building service line shall be installed, operated and maintained by the owner. See Appendix F for service line installation and materials specifications. In a new development, the municipality may permit the developer to install the municipal service line if done in accordance with acceptable standards and under the supervision of the municipality.

Service Line Leaks

In the event a leak is discovered in a building service line, water service shall be shut off by a representative of the municipality and restored after the repair is made. The owner is responsible for the cost of the repair or replacement of the building service line. Also, if a building service line is discovered or known by the municipality to be constructed of materials not meeting the municipality's standards, the owner may be required to replace the entire line with approved materials regardless of whether or not the line has leaked in the past. See Appendix F for materials specifications.

Denial or Postponement of Service

The municipality may deny or postpone service due to:

1. Cold weather
2. Insufficient water
3. Insufficient pressure
4. Absence of a deposit for service line construction
5. Unpaid connection or allocation fees
6. To prevent contamination through a cross connection
7. When a determination has been made that the service line leaks or does not meet the material standards of the municipality

Unauthorized Use of Water

A user shall not supply water to another party unless permitted by the municipality as an emergency measure. Water shall not be obtained from any hydrant or other fixture of the municipality without the written approval of the Board. Any violation of water use shall be grounds for discontinuance of water service until the matter is resolved and any and all required fees or charges are paid in full.

Restriction or Prohibition of Certain Water Uses

When necessary to conserve water, the municipality may restrict or prohibit the use of hoses, sprinklers, and any other non-essential water use or water-using device. Such notice shall be posted in at least three places in the municipality, on the municipal website, and be published at least once in a newspaper of general circulation. Violation of a municipal notice, directive or order to conserve water after one written reminder shall be grounds for immediate discontinuance of service. A hearing with the Board, if requested by the effected user, shall be held within five days to determine if the water service will continue to be discontinued or water service will be restored. If the Board determines the shut-off was due to a violation of municipal notice to conserve, all applicable shut-off and reconnection fees shall apply. If it is determined that no violation occurred, no shut-off or reconnection fees will apply and reconnection shall take place as soon as possible.

Maintenance of Plumbing

All users, at their own expense, shall maintain in good repair and protect from freezing the plumbing and fixtures within their premises. The owner is responsible for the labor and material cost of replacement or repair of a meter damaged by freezing, or otherwise damaged by customers, occupants or others, upon receipt of a bill from the municipality.

The user or owner is responsible for payment of all water consumption regardless of whether or not that consumption is the result of defective plumbing, defective fixtures, negligence, accident, or natural event. The Board may approve a onetime exception from this obligation after review of a written appeal.

Water conserving devices meeting all applicable State and Federal Standards will be used whenever fixtures and faucets are replaced.

Cross Connections

A connection capable of permitting backflow from any other source of water to the public water system is prohibited. Such connections include, but are not limited to any plumbing fixture, device or appliance or from any waste outlet or line having direct connection to waste drains. If the owner of the building involving such a connection fails or refuses to eliminate or properly protect the cross connection within a time period established by the municipality, water service shall be discontinued with all disconnection and reconnection fees applicable once the situation is remedied. All new connections shall include an appropriate backflow prevention device installed between the meter and interior household plumbing. Other backflow devices shall be installed at industrial, commercial or other services greater than 15 GPM flow as required by the municipality and as recommended by the Vermont Department of Health. See Appendix F for backflow device requirements.

Fluctuation of Pressures by User-Owned Apparatus

Users shall not install water pumps or high-rate water consumption devices that will adversely affect the municipal water system's pressure or operating conditions; nor shall a user's water consumption unduly interfere with the service of another user. When a request is made to install an apparatus or other equipment which requires water in sudden or large quantities, the municipality shall require the installation of equipment or other devices to confine such fluctuation of demand and pressure within reasonable limits. If a user fails to remedy a situation that adversely impacts the municipal water system after receiving written notice from the municipality to cease and desist, the Board will convene within five days to determine whether or not water service will continue. During this five-day period, water service shall be disconnected. All disconnection and reconnection fees shall apply.

Safeguarding Water-Using Devices

To protect against the loss of system pressure for any reason, including authorized shut off of the water main or service line, all users shall install protective devices and maintain said device in proper operating condition. Such devices include backflow valves, temperature/pressure relief valves, and thermal expansion tanks. This applies to all customers with hot water tanks or secondary systems supplied by automatic makeup valves. In areas where high static water pressure is experienced, pressure reducing valves shall be installed and maintained in good operation condition by the customer. Water service to any unit that does not have such protective devices installed shall be at the owner's risk. The municipality shall not be liable for damage resulting from the lack of or failure of such protective devices as required in this section.

Access to Premises

Municipal employees or officials, contractual agents of the municipality, or other separately designated individuals, with suitable identification, shall have access to all premises served by the water system during reasonable hours, Monday through Friday. The municipality may seek access outside of the reasonable hours and on weekends and holidays in response to an emergency. Such access shall be for the purpose of inspecting plumbing and fixtures; identifying cross connections; setting, removing, or reading meters; ascertaining the amount of water used and the manner of use; and enforcing these regulations. If a user, owner, or other occupant prohibits access to the premises, the user or owner must arrange for an inspection to take place within 24 hours. Failure to arrange an inspection within the period specified may result in discontinuance of water service, with all disconnection and reconnection fees applied.

Responsibility for Water Charges

The property owner served by the water system is responsible for payment of all charges for water service provided to the property. The owner shall pay the minimum base fee regardless of whether the residence or business is occupied. If property is to be sold or transferred, the municipality must receive a written request for a final meter reading for prorated bills no less than two weeks prior to the sale or transfer. Water rates, charges and fees shall be established by the Board, which is authorized to establish or amend said rates, charges, and fees by resolution.

Billing Procedures

Bills will be issued to the owner quarterly based on the calendar year. Bills will be calculated using the rates shown in the separate document titled, "Water Rates, Connection Fees and Special Charges" (see Appendix B). All bills are due within 30 days of the billing date. Interest will be charged for any payment received more than 30 days after the billing date at the rate of 18% annually or the maximum rate allowed under State law, whichever is less. In addition, a penalty of 5% will be levied on all unpaid balances. Unpaid balances shall be due and payable in accordance with procedures set forth in 24 V.S.A. Chapter 129. In the case of rental property, bills will be issued to the property owner, in care of the tenant, if requested to do so in writing by the property owner.

User-Initiated Termination

Disconnection from the water system by a user or owner is prohibited, per Vermont State Statute Title 24, Section 3315, unless the action follows the process prescribed:

1. The property owner notifies the municipality, in writing, of the intent to terminate service.
2. Following receipt of the required termination fee, the municipality shall terminate service by shutting off the curb stop or otherwise discontinuing supply.
3. The property owner shall remove 20 feet of the building service line, which will be inspected by the municipality to ensure compliance. Service shall be considered terminated following an inspection deemed satisfactory by the municipality.
4. The property owner shall enter into an agreement (binding upon the current owner, his or her heirs and assigns, and recorded in the land records) to obligate the owner of the property to pay the quarterly minimum base fee. Failure to pay following termination, or following termination without approval, shall result in a penalty of two times the minimum base fee plus interest and court costs.

Property Owner Initiated Water Service Deactivation

A property owner seeking deactivation of water service for a period shall submit a request in writing to the municipality. Upon municipal approval and receipt of the deactivation fee paid in full, the municipality shall deactivate service by shutting off the curb stop. Unless waived by the Board, the property owner will be obligated to pay the minimum base fee until reactivation of the service. Water service shall not be deactivated if any outstanding balance for service is owed for the property or unit. A request to reactive water service shall be submitted in writing to the municipality. Upon receipt of the activation fee, the municipality shall restore service by turning on the curb stop.

Municipality Initiated Water Service Deactivation

Water service may be discontinued:

1. Due to nonpayment of water bills
2. To eliminate a health and/or safety hazard
3. For violation of a special order restricting water use
4. For fraudulent use of water

A hearing with the Board may be requested to challenge a deactivation of service initiated by the municipality. Hearings shall be held within five working days to determine if the deactivation will continue or if water service is to be restored. Any hearing order restoring service will list compliance conditions for the owner or user. Once service is deactivated it shall not be restored until the reason for deactivation has been eliminated or otherwise remedied and all applicable fees and charges are paid in full. Prior to deactivation due to delinquency of payment, the municipality shall follow the procedure set forth in 24 V.S.A. Chapter 129.

Interrupted or Unsatisfactory Service

In the event the municipality finds it necessary to shut-off water service, the municipality shall not be responsible for damages caused by the shut-off nor any adjustment in rates or billing. An adjustment to the minimum base fee may occur if the interruption of service occurs for ten consecutive days or more. Said adjustment to the minimum base fee shall be a prorated adjustment appearing on the next quarterly bill. Examples of reasons for interrupted or unsatisfactory service may include, but are not limited to:

1. Supply shortages
2. Repairs
3. Extensions
4. Connections
5. Placement or replacement of meters
6. Any reason beyond the control of the municipality

Notice of water shut-off will be issued when feasible, but nothing in this ordinance shall be construed as requiring such notice. The municipality shall not be responsible for meeting unusually high water quality standards for specialized industrial processes nor shall it be responsible for interrupted service or poor water quality caused by legitimate use of the fire hydrants.

Meters Required

All water will be sold on the basis of metered measurements. When it is impractical to install a meter, such as in a mobile home, and following approval of the municipality, flat rate fees shall be used to establish water charges. The municipality shall install meters whenever deemed expedient or appropriate. The owner or user can receive water through a meter upon written application to the municipality and after payment of all required fees. Water shall not be double-metered. Each newly constructed apartment and each residential unit of a townhouse, condominium, or duplex building shall be individually metered. Existing apartments may remain metered through an individual building meter, but the correct size meter shall be installed if one is not already in place. The size of the meter will, in all cases, be determined by the municipality.

Meter Placement, Maintenance, and Replacement

All meters shall be installed at the foundation wall, or in the case of buildings built on grade in the mechanical room where the building service line enters the building. The customer shall provide and maintain a warm and accessible location for the meter. The piping arrangement for meter installations shall be in accordance with the requirements of the municipality. See Appendix F. A municipal representative must inspect and approve the water meter installation before water is permitted to flow through it.

The maintenance, repair, and replacement of standard residential meters resulting from ordinary wear shall be provided by the municipality. The maintenance, repair, and replacement of meters necessitated by freezing, hot water, or other cause under the control of the user shall be the responsibility of the property owner. The maintenance, repair, and replacement of meters larger than standard residential meter shall be the responsibility of the property owner. All meter tests will be at the expense of the owner, unless testing is initiated by the municipality. A customer requesting a meter test shall deposit an amount established in, "Water Rates, Special Charges and Connection Fees," sufficient to cover the cost of removal, testing, and re-installation of the meter. See Appendix B. If the meter test shows that the meter does not conform to flow criteria established by AWWA standards, the deposit shall be refunded and a new meter installed at no cost. If the meter test shows that the meter conforms to applicable standards, the municipality will retain the deposit and the meter may be left in place and in use. The municipality reserves the right to remove and test any and all meters.

Town of Hinesburg Water Use Ordinance

If a meter is removed from service for testing at the request of the property owner, the municipality will estimate water consumption during the period of removal. The estimate shall be based on the average consumption of the building and/or units within for a representative period as determined by the municipality. Water charges will be calculated based upon the estimate. If the municipality initiates the meter removal, water consumption for the period of meter removal shall not be estimated or charged to the owner or user.

When a meter is tested and readings are determined to exceed actual consumption by 2% or more, an appropriate percentage adjustment shall be made to the metered consumption record of the past billing period and the portion to date of the current billing period.

Fire Hydrants

Fire hydrants, whether on public or private property, may not be used for any other purpose than the extinguishment of fires, normal flushing operations done by the municipality, or other purposes deemed appropriate and necessary by the municipality. Fire hydrants shall not be opened by an individual other than an agent of the municipality or a duly authorized representative of the fire department. Violators will be prosecuted to the full extent of the law as it pertains to tampering with public water systems.

Tampering With Public Water System

No individual shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment, which is considered by the municipality to be a part of the water system. Violations shall be grounds for deactivation of water service and any cost due to such actions will be charged to said owner, user, or other responsible party. An individual violating this provision may also be subject to immediate arrest under the charge of unlawful mischief as set forth in V.S.A. Title 13, Section 3701.

Any person found to be violating any provision of this ordinance shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The accused offender shall, within the period of time stated in such notice, permanently cease all violations of the ordinance. An individual continuing with any violations beyond the time limit included in this section shall be guilty of a misdemeanor and on conviction thereof shall be fined the maximum amount allowed under State statute. Each day in which any such violation shall continue shall be deemed a separate offense. In addition to any fine imposed, any individual violating any of the provisions of this ordinance shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such offense. Notwithstanding any of the foregoing provisions, the municipality may institute any appropriate action, including injunction or other proceeding to prevent, restrain or abate violations of any provision of this ordinance.

Water Main Extension Within the Water Service Area

A request for a water main extension within the water service area as defined in Appendix A may be made to the Board subsequent to DRB review and approval. Upon preliminary approval of the application, the applicant shall have final plans and specifications developed by a professional engineer who has demonstrated proficiency in water system design and is registered to practice civil or sanitary engineering in Vermont. Construction may begin after the municipality and all applicable State regulatory entities have issued plan approval and/or permits. The Board's approval shall address, but may not be limited to, the following:

1. Engineering oversight
2. Submission of record drawings
3. Applicant's responsibility to pay for outside engineering services requested or required by the Town

4. Meter installation at the curb stop for private water main extensions

All work shall remain uncovered until an authorized municipal representative has inspected the work and has written an official correspondence stating that the Town is satisfied that it complies. A record drawing of the extension will be recorded at the clerk's office at the builder's expense.

Water Main Extension – Outside of the Water Service Area

A request for a water main extension that would effectively extend the water service area beyond the boundaries of the water service area shall not be approved, unless the Board has first found that the extension is necessary for public health and safety.

Emergency-Only Utilization of Wells 1 and 3

Wells 1 and 3, the "old wells," located west of Town Hall and Stella Road will be left connected to the municipal water system but not utilized, except in an emergency situation as determined by the Board. The capacity of the wells will not be counted in the Town's calculation of permitted capacity, nor will the capacity be available for allocation and subsequent purchase. If other water sources are connected to the water system that capably serve the Town's standard and emergency water capacity needs, wells 1 and 3 will be disconnected from the water system entirely and properly abandoned per State Water Supply rules.

Severability

If any portion of this ordinance and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and any amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

Appendix A - Definitions

Allocation

The decision by the Board to commit a specified amount of wastewater treatment capacity measured in Gallons per Day to a specific project.

Allocation Fee

A fee for the allocation of water capacity, specified as dollars per GPD, as established by the Board.

Base Fee

The minimum per unit charge assessed on all water users for a specified time period regardless of whether a meter exists for each unit or for several units.

Board

The Water and Wastewater Commissioners of the Town of Hinesburg acting as a board of water and wastewater commissioners under 24 V.S.A., § 3614.

Building Service Line

The water line connected on one end to the curb stop and the other end terminating just inside the user's building at the water meter, including the connection to the water meter, to provide water service.

Cellar Stop

The valve installed on the service line after it enters the building and before the water meter.

Clerk

The duly appointed individual or individuals who distribute water bills, receive payment for water charges, and issue notices of disconnection for water.

Commercial

A place of business, including but not limited to the following: offices, retail stores, beauty salons, gas stations, restaurants, schools, clinics, or any other places of business.

Corporation

The water shut-off valve attached to the saddle at the water main, to which the municipal service line is attached. The corporation shall be a brass ball valve style, MacDonald 4701 Series, or approved equivalent.

Cross Connection

Any direct or indirect line connection between the potable water supply and another supply of liquid or gas.

Curb Stop

The valve on the service line, typically at the edge of the highway right-of-way on the user's property, which provides water service to the User.

Discontinuance of Water Service

The deliberate interruption of water service by the municipality to the user for reasons including but not necessarily limited to delinquent payment, prevention of excessive water loss, protection against contamination of the system, or for tampering with water system.

Enterprise

Any project, commercial or industrial, planned to house or otherwise serve a business enterprise.

Emergency Termination of Water Service

Immediate water service shut-off due to one or more of the following:

1. Water leakage between the curb stop and building
2. Discovery of a direct and unprotected cross connection
3. Unauthorized excessive use of water
4. Violation of special restrictive use orders issued by the Board
5. Any other situation that could contaminate or significantly deplete available water in the system

Industrial

Any project used or intended for use for manufacturing, processing, or assembling any product, commodity or article.

Institutional

Pertaining to the public sector project or a municipal obligation, or a project deemed by the Board to be important to the general health and wellbeing of the community. Such projects could include schools, town offices, care facilities, medical facilities, libraries, affordable housing (as defined in Zoning Regulations), elderly housing, assisted living facilities, or other.

May

The use is permissive in the context of this ordinance, indicating a choice.

Municipality

The Town of Hinesburg.

Municipal Office

The place designated by the governing body to receive applications for service, allocation requests, payment, and where public notices and notices of discontinuance of service are generated and posted. Unless otherwise designated, the municipal office is the Hinesburg Town Hall.

Municipal Representative

A member of the Board or its representative, the clerk, the treasurer, the utilities director, the operators, or other individual designated by the Town Administrator.

Municipal Service Line

The water line running from the distribution main to and including the curb stop at the property line of the user or to the edge of the right-of-way.

Municipal Water System

The potable water system owned and operated by the municipality. This system includes all sources, supply lines, storage, and treatment facilities that convey potable water between the source or sources and the curb stop.

Operator

An individual or individuals designated by the municipality to operate the water system.

Owner

The individual, firm, corporation, trusteeship, or governmental agency with title to the property served and ultimately responsible for payment of all rates, fees and charges.

Town of Hinesburg Water Use Ordinance

Private Water System

Any water system located on the customer's premises or property not supplied by the public water system. The system may be potable or non-potable.

Reasonable Hours

Reasonable hours will be determined by the municipality, but will be considered to be between 8:00 a.m. and 8:00 p.m. unless otherwise noted.

Residential

Any dwelling unit or abode which includes a minimum of a kitchen or kitchenette, bathroom, and bedroom or other room that serves as sleeping quarters.

Saddle

The mechanism for attaching smaller service lines to larger service lines.

Secondary Water System

Any distribution system not owned by the municipality but served by the municipal water system.

Shall

The use is mandatory in the context of this ordinance.

Special Projects

Projects whose circumstances are so unique that the allocation cannot be met without using capacity from the reserve, and are deemed by the Board to be in the best long-term public health, safety, and welfare of the Town. These may include projects and/or businesses awarded funding through the Town's revolving loan fund.

Subdivision

The division of any land, parcel, or area of land into two or more lots or parcels for the purpose of conveyance, transfer, improvement or sale, which may include appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use.

Superintendent

An individual or individuals designated by the municipality to operate the water system.

Tap

Any connection of a service line or distribution main or extended main to the main.

Uncommitted Reserve Capacity

Is that portion of the Reserve Capacity remaining after subtracting the Committed Reserve Capacity.

Unconnected Properties

Those properties which do not receive water service.

Undue Hardship

Degree of hardship created by the contents of the ordinance that creates unreasonable or excessive current and future costs for a user, and/or otherwise constitutes health and safety concerns. Within the context of this ordinance, undue hardship is a relative concept and intended as a last resort. A lack of municipal water system capacity to serve individual users or development proposals does not, by itself, constitute an undue hardship. The Board is the arbiter of whether or not an undue hardship exists with respect to compliance with this ordinance.

Unit

Any building or specific portion thereof separately identifiable as residential, commercial, industrial, or institutional as defined in this ordinance. Unit designations, if not clear or otherwise listed in this ordinance, shall be determined by the Board.

User

Any individual or entity receiving water from the municipality.

Water Main or Main

The primary supply line from which service connections are made to supply water through service lines.

Water Main Extension

Any extension of distribution mains in accordance with the rules, regulations, standards and specifications of the municipality.

Water Shut-Off

Discontinuance of service.

Appendix B Water Rates, Connection Fees, and Special Charges

Water Rates, Connection Fees, and Special Charges
Effective July 7, 2016

Water Rates:

1. Metered Properties
\$80.45 per quarter for first 500 cubic feet water usage
\$0.035 per cubic foot for water usage above 500 cubic feet
2. Unmetered Properties
\$80.45 per quarter base charge
\$52.00 per quarter unmetered usage charge

Connection Fee: \$2,000 per unit

Connection fee for waterlines greater than three-quarters of one inch in diameter will be determined at time of application.

Application Fee: \$2.80 per GPD

Allocation Fee: \$25.40 per GPD

Allocation Holding Fee: \$0.50 per GPD per quarter

Special Charges:

Disconnect Fee: \$75.00
Reconnection Fee: \$75.00
Deactivation Fee: \$75.00
Activation Fee: \$75.00
Meter Test Deposit: \$75.00

Disconnection and Reconnection Fees:

Charges for disconnection/reconnection resulting from delinquent accounts will be according to Vermont State Statute Title 24 VSA § 5151.

Appendix C Water and Wastewater Allocation Application

Town of Hinesburg
Water/Wastewater Service Connection Application

Property Owner/Applicant: _____

Phone #: _____

Mailing Address: _____

Property Location: _____

I hereby apply for permission to construct a:

New Water Service, see Town of Hinesburg Water Ordinances

New Wastewater Service, see Town of Hinesburg Wastewater Ordinances

Name, address of Contractor, Company or Individual who will undertake the proposed work:

Phone: _____ Fax: _____

Email: _____

Water Service Information:

Commercial, Residential, Industrial, Other (describe) _____

Type and Size of Service: _____

Wastewater Service Information:

Commercial, Residential, Industrial, Other (describe) _____

Type and Size of Service _____

Permit Conditions:

Work must commence within one year from the date of this permit. No work may begin without Water/Wastewater Department approval.

1. Water/Wastewater Department must be contacted 48 hours prior to:
 - a. Construction of service connection
 - b. Meter installation
 - c. Final inspection
2. Final inspection and approval by Water/Wastewater Dept. is required prior to water or wastewater service use. Any use without Approval will be subject to penalties per Water/Wastewater Ordinances.
3. All Allocation and/or Connection fees shall be paid at the time service connection(s) are constructed.
4. Applicant is responsible for all labor and material costs of connection except that Town shall supply 5/8" meter, remote reader and backflow prevention device for each unit.

I hereby certify that I have read the applicable Town of Hinesburg Water and Wastewater Ordinances and I agree to abide by the conditions contained therein, conditions as noted above, or additional conditions attached to this permit.

Town of Hinesburg Water Use Ordinance

11 621

Signatures

Applicant(s): _____

Date: _____

Board of Commissioners Chair: _____ Date: _____

OFFICE USE ONLY:

Allocation Fees Received:

Water \$ _____ Check # and Date _____ Property Tax ID # _____

Wastewater \$ _____ Check # and Date _____ Property Tax ID # _____

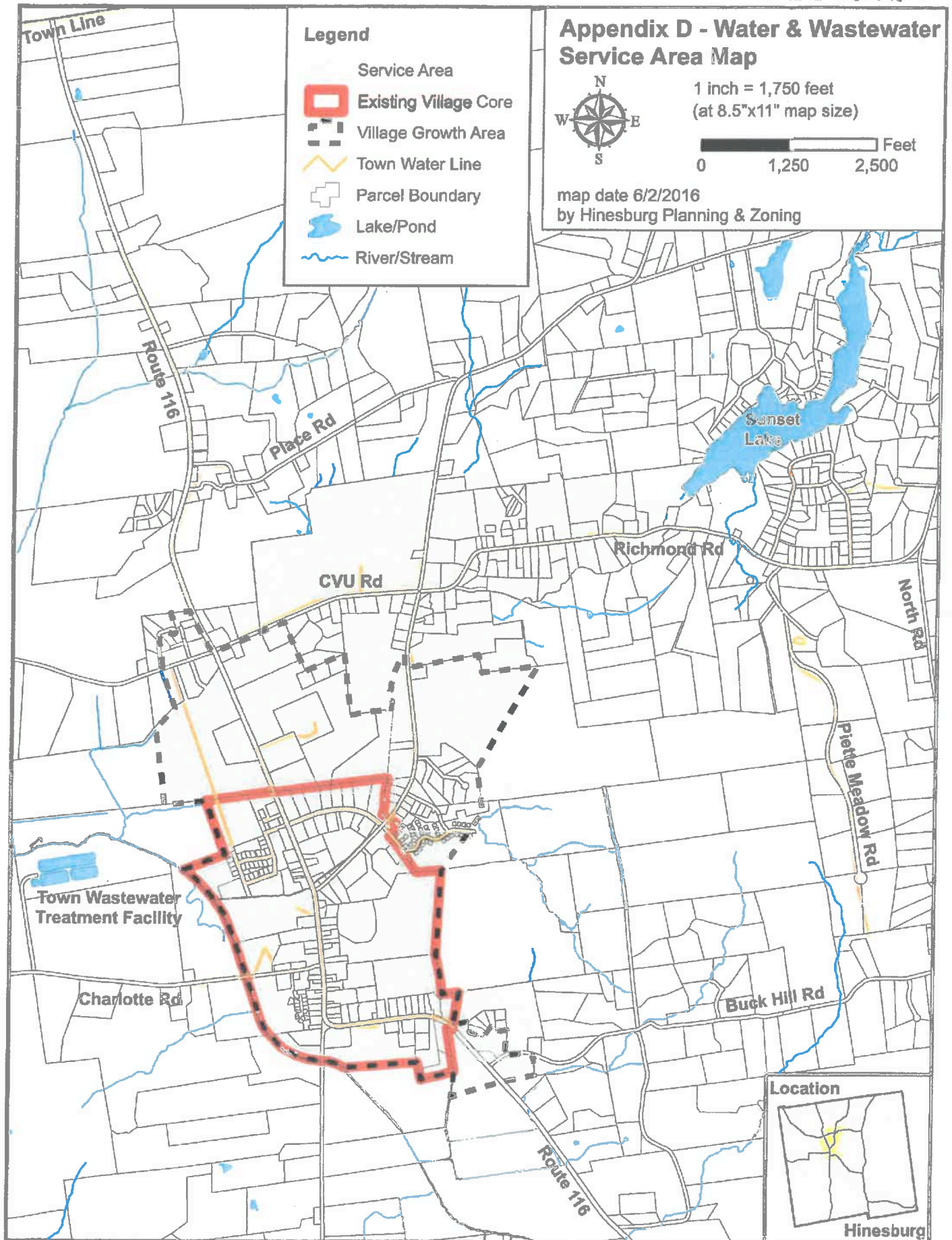
Connection Fees Received:

Water \$ _____ Check # and Date _____ Property Tax ID # _____

Wastewater \$ _____ Check # and Date _____ Property Tax ID # _____

Final inspection by: _____

Notes: _____



Appendix E Annual Allocation Pool Designations

Annual Allocation Pool Designations Form

The following water allocation pool designations were made and approved by the Board for the period:

July 1, 2016 to June 30, 2017

Permitted Water Capacity: 260 gallons per minute (gpm)

Water Capacity as gallons per day: $260 \times 720 = 187,200$ gallons per day (GPD)

Actual Water Use (06/01/15 through 05/31/16): 133,953 gallons per day

Remaining Capacity: 53,247 gallons per day

Approved Residential Allocations (unconnected): 7,350 gallons per day

Approved Enterprise Allocations (unconnected): 3,845 gallons per day

Estimated Nanofiltration "loss": 21,060 gallons per day

Reserve (@ 5% permitted capacity): 9,360 gallons per day

Allocable capacity: 11,632 gallons per day

Category 1 requirement

Municipal, Educational, Institutional, Special Projects - Minimum of 5,000 Gallons per Day (GPD) or all remaining Uncommitted Reserve Capacity, whichever is less

Total GPD	Residential	Enterprise
5,000		

Category 2 requirement

Projects in the village core defined as the Village District, the Commerce Street portion of the Commercial District, Industrial Districts 3 and 4 - Minimum of 5,000 GPD or all remaining Uncommitted Reserve Capacity, whichever is less

Total GPD	Residential	Enterprise
5,000		

Category 3

Projects in all other zoning districts of the water service area including Village Northeast, Village Northwest, All remaining Commercial districts, Industrial 5, Residential 1, and Residential 2

Total GPD	Residential	Enterprise
1,632	1,142	490

Or

District	Total GPD	Residential	Enterprise
Village Northeast			
Village Northwest			
Commercial			
Industrial 5			
Residential 1			
Residential 2			

One equivalent base unit = 210 gallons per day.

Town of Hinesburg Water Use Ordinance

Total Category 1 and 2 capacity in FY17 = 23.8 equivalent base units per category (47.6 total).

Total Category 3 Capacity in FY17 = 7.8 equivalent base units (if all capacity is allocated).

Enterprise and certain residential units (senior housing, one-bedroom units) may be allocated at less than one equivalent base unit.

Nanofiltration capacity = 88.75% efficiency of system (estimate, year one of operation).

Board of Commissioners Chair: _____

Date: _____

Appendix F Hardware Specifications

Business Service Lines

The minimum business service line diameter for a single-family residence shall be three-quarters of an inch. The municipality may require a business service line with a diameter larger than three quarters of an inch if the demand flow rate exceeds 15 gallons per minute (GPM).

Service Line Material Specifications

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

Fitting Specifications

All fittings shall conform to AWWA Standards.

Service Line Installations

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

The water service line shall be:

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

Quarter-Turn Stop Valve

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

1. Located inside the building near the service entrance
2. Easily accessible
3. Protected from freezing
4. Installed on the inlet side of the water meter as close to the foundation wall as practical
5. The property owner is responsible for the installation, maintenance, operation, repair, and replacement of this valve. All connections in the incoming service line shall be metered.

Dual Check Valve

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

Meter Maintenance

Standard house meters are those meters for use with 5/8" x 3/4" installations. The maintenance, repair, and replacement resulting from ordinary wear will be provided by the municipality. The cost of meter repair or replacement necessitated by freezing, hot water, or other cause under the control of the user shall be the responsibility of the property owner.

Town of Hinesburg Water Use Ordinance

The cost of maintenance, repair, and replacement of meters larger than standard house meters (5/8" x 3/4") shall be the responsibility of the property owner.