

# **DORSET FIRE DISTRICT NO. 1 WATER ORDINANCE**

## **1. Legal Authority and Purpose.**

This Water Ordinance is adopted by the Dorset Fire District No. 1 Prudential Committee under the authority of 24 V.S.A. §3315 and 24 V.S.A. Chapter 59. The rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are designated as the “Water Ordinance.”

The Dorset Fire District No. 1 Public Water System operates under the authority of 20 V.S.A. Chapter 171, 24 V.S.A. Chapter 89, and 10 V.S.A. Chapter 56, and is subject to Public Community Water System Permit to Operate, WSID #5020, issued by the Vermont Department of Environmental Conservation, Drinking Water and Groundwater Protection Division, and any amendments thereto.

The purpose of this Water Ordinance is to establish rules and procedures to ensure that the District’s Public Water System will provide potable water that meets State and Federal drinking water quality standards and water for fire protection when possible.

Each Customer of the Public Water System shall be bound by this Ordinance and all subsequent changes and amendments to it. A Customer’s application for or receipt of water service shall be considered consent to be bound by this Ordinance.

## **2. Authority and Responsibilities.**

**A. Prudential Committee.** Pursuant to 24 V.S.A. Chapter 89, the Dorset Fire District No.1 Prudential Committee shall constitute the Board of Water Commissioners. The Prudential Committee shall have general authority and supervision over the Public Water System. Such authority shall include, but not be limited to, setting rates and fees, establishing rules and regulations for operation and maintenance of the Public Water System, authorizing connections to the Public Water System, and providing for expansion and improvement of the Public Water System.

**B. Water System Operator.** The Prudential Committee shall appoint a Water System Operator who shall hold appropriate water system operator certification from the Vermont Department of Environmental Conservation. The Water System Operator shall have responsibility for the day-to-day operation of the Public Water System, including ensuring compliance with rules and regulations of the Prudential Committee, this Ordinance, the Permit to Operate, and applicable State and Federal laws, rules, and regulations.

## **3. Ownership.**

**A. The Public Water System** The Public Water System includes all physical infrastructure owned by the District and used for the supply, treatment, pumping, storage, transmission, and distribution of water, including all System Mains and Corporate Stops, together with all real property and easements owned by the District in conjunction with such physical infrastructure.

The Public Water System shall also include such additional physical infrastructure and associated real property and easements as the District may, from time to time, hereafter construct or acquire.

**B. Private Water Systems.** Private Water Systems are all water supply lines and systems, and all portions thereof, not owned by the District, including all Private Mains, Service Connections, and all interior building plumbing. Unless otherwise agreed by the District and owner(s) thereof, the costs for the installation, operation, maintenance, repair, or disconnection of any Private Water System, or any portion thereof, including any Private Main or Service Connection, shall be borne by the owners of the Private Water System. All such work must comply with District specifications.

**4. Definitions.** The following words and phrases shall have the meaning ascribed by this Section:

**Corporate Stop** shall mean the stop valve placed at the connection of a System Main and a Private Main or a Service Connection. The Corporate Stop is often buried and difficult to access.

**Curb Stop** shall mean an accessible stop valve placed on a Service Connection.

**Private Main** shall mean a water distribution line that is connected to the Public Water System and which serves more than one Customer and is not owned by the District.

**Service Connection** shall mean a water distribution line that is connected to the Public Water System or a Private Main and which serves a single property, dwelling, or building.

**System Main** shall mean that portion of the Public Water System upstream from the Corporate Stop.

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

**5. Tampering with the Public Water System.** No person shall injure, alter, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the Public Water System. Any person violating this provision shall be subject to prosecution under 13 V.S.A. §§3701 and 3729.

**6. Emergency Rules.** The Prudential Committee and its authorized agents may prescribe temporary emergency rules governing the supply and use of water as it may deem appropriate to accommodate and address any such emergency. Such rules shall become effective immediately upon adoption and may remain in effect for a period not to exceed ninety (90) days unless readopted by the Prudential Committee.

**7. Inspection.** The Prudential Committee and its authorized agents, including the Water Operator, shall be allowed, at reasonable times, with due notice, to enter all properties connected to, or desiring to connect to, the Public Water System, for inspection of the pipes and fixtures thereof.

**8. Leaks.** If a leak is suspected in any Private Water System, including any Service Connection or Private Main, the owner or owners shall be notified in writing. Water service may be shut off forty-eight (48) hours after written notification. The owner or owners shall promptly repair the leak at the owner or owners' sole expense.

Water service shall only be restored after satisfactory repair of the leak is made. An inspection by the Water System Operator shall be made before water service is restored. Subsurface components of the Private Water System shall not be backfilled or covered prior to such inspection. If a Service Connection has had more than two (2) leaks, the District shall require the Service Connection to be replaced. If a Private Main has had more than two (2) leaks, it shall be replaced with separate and independent Service Connections for each building receiving water service.

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

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

**10. Interruption of Service.** The District may shut off water service at any time to make repairs or alterations to the Public Water System. While the District intends to give reasonable notice in advance of any work which must be done that will necessitate interruption of the water supply, such notice is provided only as a courtesy and is not an obligation of the District. In the event of disruption of service, the District shall not be liable for any damage or loss, nor for any adjustment in rates or billing.

**11. Disconnection of Service for Nonpayment or Protection of the Public Water System.** As a condition of receipt of water service, each Customer grants the District, its duly authorized agents and employees, the right to enter upon the Customer's premises upon reasonable notice to close the Curb Stop and disconnect service for delinquent payment of a bill or charge or as required to protect the Public Water System from waste.

Disconnection of service for delinquent non-payment of a bill or charge shall conform to the process prescribed by 24 V.S.A. Chapter 129. Notice of disconnection shall be provided to the Customer before disconnection and, in the case of disconnection for non-payment, in the form required by 24 V.S.A. §5144.

**12. Abandonment of Service.** No Customer shall permanently discontinue or abandon service without written permission of the Prudential Committee. Permission to permanently discontinue or abandon water service shall only be granted if the Prudential Committee finds that the premises served by the Public Water System have been rendered unusable by fire, natural disaster, or other unforeseen circumstances for which the Customer is not at fault. Any permanently discontinued or abandoned Private Water System shall be properly capped at the System Main. All cost of disconnection and capping shall be borne by the Customer.

**13. Acquisition of Private Mains.** The District may from time to time acquire existing Private Mains from the owners of the Private Mains. In deciding whether to acquire a Private Main, the Prudential Committee will consider whether acceptance of the Private Main is in the best interests of the District. In making this determination, the Prudential Committee will consider all relevant factors including, without limitation, the number of Customers served by the Private Main, the location and condition of the Private Main and financial impact of acquisition of the Private Main on the District. The Private Main shall be conveyed to the District by bill of sale or other appropriate instrument and shall be accompanied by an easement or easements, granted by the property owner or owners and approved by the Prudential Committee, to allow sufficient access to operate, maintain, repair and replace the distribution line. Upon conveyance to the District, the line shall be part of the Public Water System.

**14. Agreement to Replace Service Connections and Private Mains.** Upon written agreement with a Customer, the District may replace an existing Service Connection at District expense. An agreement to replace a Service Connection shall provide, among other things, that upon replacement, that portion of the replaced Service Connection from the Corporate Stop up to and including the Curb Stop shall be owned and maintained by the District and that portion of the Service Connection from the Curb Stop to the building shall be owned and maintained by the Customer. The District may also agree to replace a Private Main at District expense. Such agreement shall include, among other things, provisions for maintenance and replacement of the Private Main, disconnection procedures, and District access to Curb Stops for disconnection.

**15. Water Charges.** To provide for the operation and maintenance of the Public Water System, a Water Charge shall be imposed upon every Customer. The Water Charge for all Customers shall include a Connection Fee, which shall be a base charge. If permission to temporarily discontinue or permanently abandon water service is granted by the Prudential Committee, the Customer shall still continue to pay the fixed Connection Fee.

The Water Charge for each Customer shall also include a variable charge based upon actual or estimated water use. The variable charge for residential Customers shall be calculated based upon either actual use based on a meter reading or standard use based on the number of bedrooms in the residential Customer's dwelling, multiplied by 13,500 gallons per bedroom per quarter. The variable charge for non-residential Customers shall be calculated based upon actual use based on meter reading or standard use based on Table A2-1-Unitized Average Day Flows established in the Vermont Environmental Protection Rules, Chapter 21, Water Supply Rule. Any difference between a Customer's estimated water use for billing purposes and the Customer's actual water use is the property of the District and not available to the Customer for reallocation to another property or use.

A Pool Surcharge shall also be charged for residential Customers with a swimming pool.

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

All Water Charges and all other fees and charges for, or in connection with, the water supply shall be a lien upon real estate, furnished with the service for which such charges, rates or rents are

imposed, in the same manner and to the same effect as taxes are a lien on real estate under 32 V.S.A. §5061.

No abatement of a Customer's Water Charge, or any other fee or charge, shall be considered because of disuse, diminished use, interruption of service caused by Public Water System repair or maintenance, or vacancy of any premises. The Water Charge and all other fees and charges shall be paid by the Customer as billed, regardless of actual use unless a meter is installed.

**16. Metered Service.** The District may require that each Customer served by the Public Water System have a water meter for the water supplied to such Customer. All meters shall be furnished by the District and shall be installed to its specifications under the direction of the Water Operator. Unless otherwise agreed by the District and the Customer, the cost of installing the water meter shall be borne by the Customer. Cost of replacement or repairs of cellar stops, pressure regulators, and backflow preventers shall be the responsibility of the Customer. All routine and necessary maintenance of the water meter shall be responsibility of the District. The Prudential Committee shall determine the rates for metered water service. Such rates may be amended or revised by the Prudential Committee from time to time, without amendment to this Ordinance. The Water Operator shall be allowed to enter all properties connected to the Public Water System for purposes of reading the meter.

**17. Connection to the Public Water System.**

**A. Connection Permit.** No connection may be made to the Public Water System without a Connection Permit issued by the Prudential Committee. The application for a Connection Permit shall be made on forms prescribed by the Prudential Committee and shall include the application fee specified in the District's most current Schedule of Rates and Fees. Application for a Connection Permit shall be submitted to the Prudential Committee at least 45 days before the commencement of construction of any connection to the Public Water System.

Upon finding that the plans and specifications for the proposed connection to the Public Water System are satisfactory, that the proposed connection is in conformance with this Ordinance and all applicable design and construction standards, and that the proposed connection will not adversely affect the Public Water System, the Prudential Committee shall approve the Connection Permit.

A Connection Permit may include conditions and may include provision for revocation by the Prudential Committee upon failure to meet such conditions or otherwise fulfill requirements of the Connection Permit. The Board may require, as a condition of a Connection Permit, dedication to the District of physical infrastructure and associated easements for the approved project.

**B. Construction Standards.** All construction shall comply with the applicable provisions of the Vermont Environmental Protection Rules, Chapter 21, Water Supply Rule and any supplemental construction standards and requirements that may be adopted by the Prudential Committee.

**C. Separate Service Connections.** Effective the date of the Ordinance, new Private Mains are prohibited as are new connections to an existing Private Main. For all new connections to the Public Water System, a separate and independent Service Connection shall be used for each building receiving water service. The Curb Stop for each new Service Connection shall be the

property of the District and shall be located within the adjacent Town or State highway right-of-way.

**D. Certificate of Compliance.** All new connections shall obtain a Certificate of Compliance from the Prudential Committee. Such Certificate shall only be issued if the authorized connection has been completed in accordance with the Connection Permit and this Ordinance. The Prudential Committee or its designee shall inspect any work to ensure the work has been completed in accordance with the Connection Permit. Subsurface components shall not be backfilled or covered before being inspected. A final inspection by the Prudential Committee, or its designee, shall be made before water use may commence and before a Certificate of Compliance is issued. The Prudential Committee may designate a Vermont registered professional engineer to perform compliance inspections. The cost of such inspection shall be paid by the Connection Permit holder.

**E. Costs and Indemnification.** The costs of any connection to the Public Water System, including but not limited to, excavation, labor, material, and inspection costs shall be borne by the Connection Permit holder. The Connection Permit holder shall indemnify the District from any loss or damage that may be caused directly or indirectly by the installation and connection to the Public Water System. Streets, sidewalks, and other Town of Dorset property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. The cost for such work shall be borne by the Permit holder.

**F. Cold Weather Connection.** No Service Connection shall be installed between December 1 and April 1 or when frozen ground conditions exist, as determined by the Water System Operator.

**18. Backflow Prevention.** Any connection capable of permitting backflow from any other source of water to the Public Water System is prohibited. If the owner of a building that has such a connection fails and refuses to eliminate the cross connection within a period established by the Prudential Committee, water service shall be discontinued, and all disconnection and reconnection fees shall be applicable. All new connections shall include an appropriate backflow prevention device. Additional backflow prevention devices shall be installed on industrial and commercial service connections, and on services with flow greater than 15 gpm.

**19. Penalties for Violation.** Any violation of this Ordinance or any Emergency Rule adopted under Section 6 of this Ordinance, except as otherwise specifically set forth herein, may be prosecuted as a civil violation utilizing the civil enforcement procedures set forth in 24 V.S.A. §1974a. Any person who violates a provision of this Ordinance or an Emergency Rule shall be subject to a civil penalty of up to \$800 per day for each day that such violation continues. The Water System Operator or any Prudential Committee Member shall be authorized to act as Issuing Officials in pursuing a municipal complaint before the Judicial Bureau. In such civil proceedings, the Issuing Official is authorized to recover civil penalties and waiver fees in the following amounts for each violation:

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
First Offense:	\$200	\$150
Second Offense:	\$400	\$300
Third Offense:	\$600	\$450

Fourth Offense and Subsequent Offenses:                      \$800                      \$600

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

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

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

**21. Effective Date.** This Ordinance shall become effective sixty (60) days after its adoption by the Prudential Committee unless a petition signed by at least five percent of the voters of Dorset Fire District No. 1 is filed with the municipal clerk within 44 days following the date of adoption asking for a vote to disapprove the ordinance in accordance with 24 V.S.A. §1973, in which case that statute shall govern the taking effect of this Ordinance.

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

Duly adopted by the Prudential Committee of Dorset Fire District No. 1 on the 13th day of April, 2020, at a duly called and held meeting of said Prudential Committee.

DORSET FIRE DISTRICT NO.1  
PRUDENTIAL COMMITTEE

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