

WATER ORDINANCE

for

BARTON VILLAGE INC.

Adopted by

the

BOARD OF TRUSTEES

on

June 13, 1995

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June 13, 1995

BARTON VILLAGE INC. (BVI)
WATER ORDINANCE

1. Purpose: The principal objective of this ordinance is to assure the provision to the inhabitants of Barton Village a supply of treated water in accordance with federal and state standards for domestic, sanitary, agricultural, commercial and industrial purposes, fire fighting, for supplying the Village with water for all lawful municipal purposes, to set up a system whereby present water users do not sacrifice any standard of service for the benefit of new users connecting to the system and to make certain that no one can take advantage of the system to the detriment of any other user.

2. Definitions: The terms "municipal", "Village" and "BVI" are used for Barton Village Inc. The term "Superintendent" is used for the Superintendent of the Water Department of BVI. The term "Board" is used for "Board of Trustees of BVI". Authorized agents include the Board, the Superintendent, BVI employees and any contractor hired to work on the water system.

3. Responsibility of Existing Users: The existing users are responsible for the funding of the required system maintenance and operation including general purpose local capital improvements or improvements required by federal or state laws and regulations. All other expansions, additions or proposed improvements that are required for or requested by new users will be the financial responsibility of those new users. After construction, testing and acceptance by the Village, these new expansions, additions, or proposed improvements shall become the property of the Village to the curb stop.

The water facilities were constructed from bond money approved by the voters. The payment for these bonds is based on all properties to which the service is provided regardless whether or not the services are utilized by the property. Accordingly, if a customer chooses to have the service shut off, the minimum monthly fee, as approved by the Board, will be charged by and is due to BVI. The Board shall not authorize an individual well for any property to avoid this charge or for any purpose.

4. Commissioners of the Water Dept.: The commissioners of the Water Department shall be the Board who shall have the responsibility for setting the water rates and for the operation, control, maintenance, improvement and repair of the municipal water works, its appurtenances and all municipal property pertaining thereto.

5. Board's Plans and Records: The Superintendent, for the Board, shall keep on file in the Village Clerk's office, subject at all office hours to inspection by any person, such maps, plans and records as are available relating to the location of all reservoirs, mains, service pipes, valves and other fixtures in use by the Water Dept.

6. Consent to Rules: This ordinance and any rules, regulations and policies of the Board relating to public water supply shall be considered as stating the conditions upon which municipal water will be furnished, and persons using municipal water shall be considered by so doing to express their consent to conform to the requirements of this ordinance and any rules, regulations and policies promulgated hereunder.

7. Compliance with Rules: Only on compliance with the provisions and requirements of this ordinance and the rules, regulations and policies promulgated hereunder can persons become, or having already become, can they continue to be, users of municipal water and enjoy or possess the privileges and advantages afforded by the municipal water system; and during the refusal or failure of any person to comply with any such provisions, requirements, rules, regulations and policies, all rights of such person to use municipal water shall wholly cease. However, such person is still responsible for paying for the debt retirement and fixed costs of the water facilities as set by the Board. BVI will have copies of this ordinance available at the Village Clerk's office.

Any failure, neglect or delay on the part of the Board to withhold water service under the powers given them by laws, regulations and this ordinance shall not constitute or be construed to be a waiver of their right to do so.

8. Tampering, Diverting or Polluting the Water System: The BVI Ordinance dated March 17, 1992 Regulating Water Meter Tampering remains in effect. This ordinance provides that no person shall tamper with or bypass a water meter in the BVI water system. A person found violating this ordinance shall be fined \$2000 for the use of the Village Water Department and shall be additionally liable for damages under 24 VSA 3307.

Tampering with municipal water system property is prohibited. Any valve, building, hydrant, water main, Village service line, tank, reservoir, or any other appurtenant part of the water system which is deemed the property of the Village, shall not be adjusted, operated, or tampered with by any person except those authorized by the Board. If a customer or owner is known to have tampered with any Village property or its works, such action shall be grounds for discontinuance of water service, and any cost due to such tampering will be charged to said customer or person.

In accordance with 24VSA3307, if any person diverts the water or part thereof of any of the the artesian wells, ponds, springs, streams, aqueducts, water courses or reservoirs, which shall be taken, used or constructed by such municipal corporation, or shall corrupt the same, or make it impure, or commit any nuisance therein, or shall bathe therein, or within the limits, that may be taken or prescribed by such municipal corporation pursuant to the provisions of this chapter, or injure or destroy any artesian well, dam, embankment, aqueduct, pipe, reservoir, conduit, hydrant, structure, pump, machinery, or other property held, owned or used by such municipal corporation under the provisions of this chapter,

such person shall be liable to such municipal corporation in treble damages therefor, to be recovered in a civil action on this statute, and any such person on conviction of a violation hereunder shall be fined not exceeding \$100.00 or committed to the commissioner of corrections not more than six months or both.

Any person found polluting and or putting anything into the BVI water system will be fined up to \$2000 plus any other remedies afforded by 24VSA3307.

9. Rules: The following rules may be changed or eliminated by a policy of the Board. Current fees and charges are listed in Appendix I of this ordinance. The Board reserves the right to make changes to the fees and charges without the necessity of updating this ordinance. However, there shall be a public hearing on any changes in fees and charges before they are approved.

A. Water Service Application: Because the water system is limited in capacity, the first step in obtaining an approval for a proposed project is to apply for and receive a water capacity commitment recommended by the Superintendent and approved by the Board. The water capacity commitment is required for new construction, a new hookup to an existing property or construction on a previously existing site. If there is no capacity commitment, an application for full approval will not be accepted until such time as the project is either reduced to meet the water source (May Pond) capacity reserves or more capacity is constructed within the system.

Applications will be accepted subject to there being an existing main in a street right-of-way abutting on the premises to be served. For those developments without an existing main, see paragraphs 25 and 26.

B. Connection Fee: The customer shall pay a water connection fee and for all BVI labor, material, machinery use, engineering and contractors required to provide a curbstop installation to a property to deliver water service. The customer is responsible for all costs from the curbstop connection to the private property. In any case that may involve public property, BVI retains final approval of the engineering plans submitted by the customer. The customer shall ensure that all hookups are in accordance with federal and state laws and regulations and the BVI Water Ordinance and policies.

For any new development in the Village, the owner applying for water service is responsible for the water line from the owner's property to an existing Village water main or service line.

C. Impact Fees: The BVI impact fee is a one time fee levied on new construction or existing buildings that require new or increased water services for recoupment of costs for previously expended capital outlay for the construction of the Village water facilities. The impact fees collected will be deposited in the Major Equipment Improvement/ Repair Fund for these facilities. The impact fee is waived for any person who has requested water services prior to the enactment of this ordinance

For each estimated 48,000 gallons usage per year an impact fee of \$336.00 is assessed. The impact fee represents the share

paid by each customer, using 48,000 gallons per year, of the cost of the water plant through 1994. This fee will be (\$336.00 plus \$67.20) \$403.20 in 1995 and thereafter will increase by \$67.20 per year, each year, starting in 1996. As a basis for the estimate of water usage, a family of two persons is estimated at 48,000 gallons per year. For each additional person 24,000 gallons per year will be added. A minimum of 48,000 gallons per year will be used for a residence. For new commercial properties, change of use, or increased commercial demand BVI will utilize the data provided by the Vermont Agency of Natural Resources for estimated commercial property water usage. A minimum of 75,000 gallons per year will be used for commercial properties.

Where an impact causes any potential reduction in the standards of service to existing users, new users requesting connections will be required to complete such system improvements to eliminate any such impacts as a condition for obtaining a water connection permit.

D. Overdue Bills: A charge will be added to the unpaid portion of the bill on the day following the printed due date on the bill. A failure to receive a bill for water service shall not constitute an excuse for failure to pay the same before the date at which the interest is required to be added to all unpaid bills.

E. Shutoff of Service: The shutoff of service procedures herein are in accordance with Vermont Statute 24 V.S.A. Chapter 129. Water service will be shut off when bills are overdue. The Village Water Department clerk will send out a notice of impending disconnect to the customer. This notice must be sent within 40 days of the water bill becoming overdue and sent not more than 20 days nor less than 14 days prior to the disconnect of service. Failure to exercise this within 40 days does not relinquish the right of BVI to do so. If the customer cannot pay the overdue bill and interest the Board may allow the customer to keep from having the water service shut off if the following requirements are met:

- at least one half of the overdue bill must be paid immediately
- the balance of the overdue bill must be paid over a maximum of the next six months
- current bills must be paid by the due date each month
- the customer must sign an agreement to abide by these provisions

Water service disconnection shall not be permitted if:

(1) The delinquent bill or charge, or aggregate delinquent bills and charges do not exceed \$25.00.

(2) The delinquency is due solely to a disputed portion of a charge which is the subject of an appeal to the Board.

(3) The delinquency is due to a failure to pay a deposit, water line extension, special assessment, special construction charge, or other nonrecurring charge.

(4) The disconnection would represent an immediate and serious hazard to the health of the ratepayer or a resident within the ratepayer's household, as set forth in a physician's certificate which is on file with the Water Department Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, providing the certificate is in fact received

within seven days.

(5) The ratepayer has not been given an opportunity to enter into a reasonable agreement to pay the overdue bill or, having made such agreement, has abided by its terms.

When service is disconnected or interrupted at the premises of the ratepayer, which shall include disconnection or interruption at or near the premises of the ratepayer, the individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected or interrupted, or if no responsible adult is then present, shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the ratepayer has to do to have service restored.

F. Water Department employees are responsible for installation and repair to the curb stops. Village employees will not work on water lines on private property. A curb stop is a valve between the water main and the property service line. This valve and the line from the water main to it are the property and responsibility of BVI. BVI is responsible for all water lines under BVI property.

G. BVI is responsible for the maintenance of the water mains. If these mains run under private property and BVI has an easement, BVI will repair/replace these mains. If there is no easement, BVI will not maintain it.

H. Blowoff: A blowoff is set by the Village to keep water running for the Village interests to prevent freezing or to maintain water quality. Each blowoff must be recommended by the Supt. and approved by the Board. In an emergency situation the Superintendent has the authority to establish a temporary blowoff. The Superintendent shall cause each blowoff to be set at a minimum flow to accomplish its purpose and shall monitor the rate of each blowoff. Customers involved in a blowoff situation shall be charged the higher of their average use of water for a similar period of time or 4000 gallons per month.

I. Customers are responsible to pay for all water left running at their discretion to prevent freezing or any other reason.

J. The Village reserves the right in periods of drought or emergency or when deemed essential for the protection of public health, safety, and welfare, to restrict, curtail or prohibit the use of water for secondary purposes, such as sprinkling, car washing, or filling swimming pools, and shall have the right to fix the hours and periods when water may be used for such purposes. Any person found not abiding the water restrictions shall be subject to a fine as set by the Board which will be added to the next water bill.

K. For any case where water service is terminated because of a fault, unpaid bill or wrong practice by the customer, the customer shall pay the debt and fixed costs of the water system during the time that the water is shut off.

L. Compliance with federal and state laws and regulations regarding copper lines and the non-use of lead is mandatory for any new development or replacement of old lines.

10. Water Rates

Establishment of Water Rates: The Board shall review water

revenues and expenses at least annually and establish all water rates, budgets, rents and charges and when payment of these rates will become due and payable. The Board shall hold a public information hearing on proposed new water rates before meeting to vote to establish the new rates. Notice of this hearing will be sent along with the previous month's water bills and it will also be announced in the local paper at least one week in advance of the meeting.

Water rates , fees and penalty interest thereon shall be a lien on the real estate supplied with the water service, and may be collected in the same manner as the other taxes of the Village, and the owners of such real estate shall be subject to the same liabilities therefore as for other Village taxes. In addition, the Village shall be entitled to recover from such owners all costs of collecting delinquent water rate accounts and fees.

11. Notice of Water Wastage: All persons taking water must keep the fixtures and service pipe within their own premises in good repair and fully protected from frost, and must prevent all unnecessary waste of water. May Pond , the BVI water source , is a very finite source of water, especially in the warm months. It is incumbent on all customers to protect this source by eliminating wastage. The Village shall not be liable for leakage of pipes or fixtures, upon the premises of the customer, nor for any obstructions therein caused by frost or otherwise, nor for any damage resulting from any of the foregoing causes. However, in order for the Village to protect the water supply, after 24 hours if a significant water leak problem of a customer has not been repaired, the Village reserves the right to shut off the water at the curb stop or , if necessary, to complete repairs or to contract for such repairs to be completed and to charge and collect the cost of the repairs from the customer.

12. Discontinuance of Water Service on Customer Request: When it is desired to discontinue the use of water, notice must be given to the Village at least 48 hours in advance, except in emergencies, as bills will be made and collected until the water is shut off at the Village curb stop. A fee is charged for each time the water service is turned on or turned off.(see Appendix I) During the period that the water is shut off the customer is still required to pay the minimum monthly water fee as set by the Board. The customer is responsible for any damage done to any water meter which the customer has not protected from damage. If the customer requests that the water meter be removed to protect it from freezing, BVI Water Department employees will do so and charge for removal and again for installation.

13. No Rate Reduction for Disuse or Vacancy: No abatement of the water rate will be considered by reason of disuse or diminished use, or vacancy of premises. The minimum charge as set by the Board shall be paid monthly regardless of use.

14. Charge for Unauthorized Use of Water: When a person has used municipal water for unauthorized purposes, a charge shall be made

against the premises for the time the water has been so used, or for the quantity estimated by the Board in their sole discretion or shown by meter measurement to have been used, and said charge increased by fifty percent shall be collected immediately or the water service shall be cut off.

15. Obstructing Village Water System Appurtenances: No person shall by any means obstruct access to any curb stop, hydrant or any other appurtenance of the Village water system.

16. Injury or Damage to Village Water System Appurtenances: No person shall remove, carry off, or in any way injure, interfere or meddle with, any hydrant, valve, stand-pipe, valve box, valve cover, pipe, tool, apparatus, fixture, building, machinery or fence belonging to the municipal water system.

17. Access to Premises (Private property): Any authorized agent of the board including Water system employees, contractual agents of the Village, members of the governing body, Village employees, and/or the Water Superintendent, with suitable identification, will make an appointment with the owner to have access to the premises for inspection. If the owner denies permission, the Village has the right to have access to all premises served water at all reasonable hours during any day of the week, except state or federal holidays and Sundays, unless an emergency is believed by the governing body to exist, for purposes of inspecting plumbing and fixtures, identification of cross connections, to set, remove, or read meters, to ascertain the amount of water used and the manner of use, and to enforce these regulations. If a customer or building occupant prohibits access to the premises, the customer or occupant must immediately arrange for an inspection that will take place within 24 hours, otherwise water service may be disconnected and the established disconnect and reconnect fees will apply. Reconnection shall not be made until an authorized Village representative has been permitted to inspect the premises and finds no valid reason to continue the disconnection of the service. The customer is still responsible for the debt retirement and fixed costs of the water system during the duration of the disconnect.

18. Hydrants: The Board has a primary safety responsibility to maintain the hydrant system. The cost of the maintenance, repair and replacement of the Village hydrant system is assigned to the Water Department. Hydrants and the hydrant system shall be used for no other purpose than for fire protection or on approval of the Superintendent to flush a sewer or water line. The Superintendent will plan to flush hydrants twice each year. The Superintendent shall plan this to be completed in the months when the Village population is at a minimum, such as April and October, and at a time to minimize the disruption of service to the customers. The date and time of flushing will be posted in the newspaper to advise residents not to use water during the flushing period.

The Superintendent shall provide a hydrant status report to the Board and Fire Department chief each month in time for the first trustees meeting of the month. The Superintendent shall give top

priority to restoring failed hydrants and in the meantime shall ensure that all non-working hydrants have black color coded caps.

The Superintendent shall provide the Board with a hydrant plan annually (during budget planning for the upcoming budget year) for maintenance, repair and replacement to keep the hydrant system in proper working order.

19. Permission to Draw Water from Hydrants: No person shall open any hydrant or draw water therefrom except under the direction of the Superintendent, or duly authorized agent, or a duly authorized agent of the Fire Dept. During a major fire in the Village, the Fire Department chief and the Superintendent or authorized agents must coordinate on the time of usage of water to ensure that the finite supply in the water reservoir is not exhausted. An alternate source of water must be found if one hydrant is in continuous service for nine hours or two hydrants for four and one half hours.

20. Notice to Fire Department of Shut Offs: The Superintendent or authorized agent, whenever the water supply is cut off from any hydrant for repairs or other causes, shall immediately give notice thereof to the Fire Department chief or elected Fire Dept. engineers. This notice will be followed up immediately by a written report to the Fire Department chief and the Board. The notice shall state particularly to what extent the hydrants are so rendered unavailable for fire service ; and shall also notify when the said hydrants are again in working order.

21. Power to Refuse Water Service: The Board shall have power to withhold the water service from any person failing or refusing to comply with any of the provisions, orders, requirements or rules and regulations of the federal or state government and the Village. Any failure, neglect or delay on the part of the Board to withhold water service under the powers given them by this section shall not constitute or be construed to be a waiver of their right so to do, and they may at any time, after finding that the user of the water service is violating any provision or requirement of this ordinance or any rule or regulation hereunder, cause the water to be shut off. This person shall pay the debt retirement and fixed costs of the water system while the water service is shut off.

22. Notice of Intent to Terminate Service for Other Than Overdue Bills: Whenever it becomes the duty of the Board, under the provisions of this ordinance, to shut off water, they shall, unless otherwise specified, have its agent give the user twenty four hours notice of the time when the water will be shut off if the provisions of this ordinance and BVI policies are not met.

23. Temporary Shut Off - Notice: Whenever the Board or Superintendent have cause to shut off the supply of water on any line of pipe for repairs, they shall attempt to immediately notify the water users on such line of pipe, state as nearly as possible the length of time such supply will be shut off; however, that in case of sudden burst or other emergency, the water may be shut off without notice, in which case public notice as aforesaid shall be

given the water users on the line of pipe so affected as soon as possible after shutting off the water. Before, during and after the water service is restored, or for any other reason, the Village accepts no responsibility for any damage done by "dirty water". The Village assumes no liability beyond that covered by the BVI insurance policy provisions. The Village will not be responsible for meeting unusually high water quality standards for specialized industrial processes for its customers nor will it be held responsible for interrupted service or poor water quality caused by legitimate use of the fire hydrants or hot weather conditions that tend to aggravate the environmental conditions in the water system.

24. Application for New or Increased Water Service from an Existing Water Main: The applicant shall state fully and truly all the purposes for which the water may be required, and shall submit a new application prior to making any alteration in that purpose. No person shall use water from the municipal water supply for purposes other than those stated in such application. New service connections will not be made between November 15th and April 15th of each year. Exemptions may be granted if recommended by the Superintendent and approved by the Board. A new water service shall not be attached to a water main until written approval by the Board is completed on the application and all required fees and charges are paid.

25. Water Main Extension, New Water Service, Plan Approval and Construction; Requirement for Connection: Municipal water service may be extended only upon the recommendation of the Superintendent and prior approval of the Board. The costs of such extension and improvements to the water system necessitated thereby shall be borne by the owners of the property benefitted or being benefitted by such extension. Any person desirous of constructing an extension to the water system or connecting from their property to the Village water system shall apply to the Board. Upon preliminary approval of the application by the Board, the applicant shall have final plans and specifications developed by a professional engineer licensed to do business in Vermont whom the Board agrees has demonstrated proficiency in water system design, and is registered as a civil or sanitary engineer in Vermont. Said plans and a letter describing the proposed project shall be submitted to the Village office at least 45 days prior to the intended date of construction. Construction shall not commence until written approval of the plans has been issued by the state department having authority to approve such projects as appropriate and the BVI Board. All work performed by non-municipal agents, such as developers or contractors, shall remain uncovered until the Superintendent or an authorized Village representative has inspected the work and approves it in writing to the Board. The Superintendent shall ensure compliance with said inspection and report completion thereof in writing to the Board. When water mains are to be constructed, the developer or potential customer shall engage a professional engineer agreed to by the Board to observe the construction to insure the work proceeds in accordance with the approved plans. The engineer shall certify to the Board in writing the completeness, suitability and adherence to

the approved plans and shall include submission of record drawings to the Board within sixty days of work acceptance by the Board. If the Superintendent believes that the water main extension is not being constructed in accordance with the approved plans, the Superintendent shall advise the Board and the Board may immediately order construction suspended and engage a professional engineer to review the work and provide a report to the Board regarding compliance with the plans. The cost of the engineer obtained by the Board shall be the responsibility of the applicant if significant discrepancies are noted between the municipality's approved plans and the constructed water main extension which are unacceptable to the Board. Any discrepancies noted shall be corrected by the applicant under the direction of the Board's professional engineer at the expense of the applicant for both engineering observation and construction correction.

Both new construction and existing buildings in the Village limits may connect to the BVI water system if newly laid BVI water lines are within 100 feet of the buildings and must pay the minimum monthly water charge. The cost of new water mains will be prorated based upon the frontage of the property along the main.

26. Ownership and Maintenance of Service Line: All service lines up to the curb stop shall be installed and operated by the Village. Repairs and replacements shall be done by the Village. The cost of repairing, replacing or installing a new service line between the curb stop and to the building shall be the responsibility of the customer. In a new development, however, the Board may permit the developer to install the municipal service line if done in accordance with federal and state laws and regulations and this ordinance. Minimum service line internal diameter for a single family residence shall be 3/4 inch. All service lines shall be lead free, type K copper, and all fittings shall be U.S. or Canadian manufactured brass.

27. Service Line Trench: Water service pipes shall not be laid in the same trench with another pipe unless the other pipe contains drinking water from the same system or has been plugged and abandoned. The water service line shall be kept at least ten feet away from all combined or sanitary sewers including house sewers and shall not be laid in the same trench with a sewer line. Five feet shall represent a minimum distance between storm sewers and the water line. An abandoned sewer line shall have twenty feet of pipe removed and all remaining ends shall be sealed with concrete. The Board considers the common use of a trench for water lines, sewer pipes, and electrical lines to represent an unacceptable construction practice which, if done, will increase the risk of contamination of the water system and create unsafe working conditions. Common trench construction shall be ground for denial or discontinuance of water service if established at a hearing held by the Board.

28. Significant Drawdown of Water: At any time there is a planned significant use of water, such as activities at the fairgrounds or making the ice rink, the Superintendent shall be notified at least

forty eight hours in advance. In the event of a fire in the Village, the Sheriff's Dept. will notify the on-call dispatcher. The dispatcher will notify the Water Department on call operator. For failure to properly notify the Superintendent, persons shall be liable for any expense to BVI caused by the affect on the water system.

29. Water Meters: Where possible, 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 on approval of the Board, flat rate fees shall be used to establish water charges. The Village may install meters whenever deemed expedient or appropriate. The customer can receive water through a meter upon written application to the Village and after payment of required fees. (Fees-Appendix I)

All meters shall be installed at the foundation wall where the building service line enters the building, and the customer shall provide and maintain a warm and accessible place for it. For new construction and original installation in an existing building, based upon the recommendation of the Supt. and approval of the Board, the standard 5/8" to 3/4" meter will be provided by the Village. The piping arrangement for meter installations shall be provided by the Superintendent. The change of meters larger than the standard meter or for any change from the original meter and the installation of same shall be the responsibility of the customer for those costs over the standard meter costs. A Village Water Department representative must inspect and approve the meter installation before water is permitted to flow through it. Costs of maintenance and replacement of meters larger than the standard meter (5/8" to 3/4") shall be the responsibility of the customer being served. The size of the meter will in all cases be determined by the Board and these rules. Large water users who desire to purchase and maintain their own water meter and require a larger capacity meter than the standard meter defined herein may do so on the recommendation of the Superintendent and after written approval of the Board. These customers will be compensated by reducing their cost by the current policy of the Board.

* Meter repairs and replacements (except for meters larger than 5/8" to 3/4") necessitated by ordinary wear will be provided by the Village. In case of damage to the water meter due to freezing, hot water or other causes under the control of the customer, the cost of removing, repairing and/or replacing the meter will be charged to the customer.

A. Testing: The Superintendent shall arrange for suitable means of testing water meters. If tests are requested by the customer more than once every twelve months, then the tests will be at the sole expense of the customer. The customer requesting such a meter test shall make a deposit to cover the cost of removal, testing and re-installation. If a meter tested at the request of a customer shows the meter does not conform to flow tolerance criteria in Table 1 in Appendix II, the deposit made by the customer shall be refunded and a replacement meter will be installed at no cost to the customer. If the original meter conforms to the standards, the customer's deposit will be retained by the Village and the meter may be continued in use at the same location or a replacement meter

may be installed at the discretion of the Superintendent.

For determination of accuracy of positive cold water displacement meters, see Table 1 in Appendix II. A meter shall not be returned to or placed in service if it registers over or under by more than 2% at the intermediate or maximum flows or less than 90% of the minimum flow. When a meter is tested and a meter error of more than 2% is found an appropriate percentage adjustment shall be made to the metered consumption record of the past month's billing period and the portion to date of the current billing period. Refunds due to a customer will be credited to the customer's account.

B. Multiple Meters or Meter Changeover: Water shall not be double metered. Each newly constructed separate apartment, each residential unit of a townhouse, condominium, multiple housing unit, or duplex building shall be individually metered. Each townhouse unit and condominium unit shall have a separate service connection. Existing apartments at the time this ordinance is approved may remain with one meter per building. Apartments may, however, be metered separately on request of the owner, but the owner must bear the expense of plumbing changeover, meter costs and installation. In such case the Superintendent shall review and recommend for Board approval the proposed plumbing arrangement prior to the plumbing modification. The Board may, upon the recommendation of the Superintendent, permit the owner's licensed plumber to install the water meters but inspection and applying the seal shall be done by the Superintendent or Village authorized agent.

If a building's plumbing does not meet Vermont's plumbing code, a service connection or meter installation shall not be made. However, buildings constructed prior to 1959 are not required to comply with the plumbing code except that: (1) an unprotected or improperly protected cross connection shall be grounds for denial of service, or (2) inspection by the Superintendent in company with a licensed plumber reveals that the existing plumbing cannot support a water meter, in which case upon recommendation by the Superintendent and approval of the Board service may be denied or a request for a meter may be denied.

C. Meter Protection and System Safety Devices: All new meter installations by the Village must be provided with an operable stop and waste valve inside the building near the service entrance, easily accessible, and protected from freezing. All piping shall be so arranged as to prevent back-siphonage and to permit draining whenever necessary. Backflow devices will be required.

D. Remote Reading Registers: Remote reading registers for the water meters acceptable to the Village shall be utilized. If provided by the Village as a retrofit to expedite its meter reading and billing procedures, the installation will be at Village expense. Remote reading registers shall be installed externally and near the electric meter to facilitate Village readings. If a remote reading register malfunctions, the reading on the water meter itself is the official reading.

30. Cross Connections, Protected: A cross connection shall not be created without the approval of the Board. A cross connection shall mean any direct or indirect pipe connection between the water supply and another supply of liquid or gas. If the Board approves a cross connection, it shall be protected against backflow and/or back siphonage, in accordance with accepted cross connection control methods established by the Vermont State Dept. of Health. In addition, a connection capable of permitting backflow from any other source of water, any plumbing fixture, device, or appliance or from any waste outlet or pipe having direct connection to waste drains to the public water system is prohibited. 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 Board, water service shall be discontinued. The Board will take into account the seriousness of the violation in establishing a time period for the owner to make the correction, but in no case shall it exceed sixty days. If service is discontinued due to non-compliance, a hearing will be held by the Board on request by the affected customer within five days following shut off. The Board will determine if service will be restored. If service will be restored, the Superintendent shall recommend for Board approval the conditions for restoration of service. The Board shall require payment of disconnection and reconnection fees. All new connections shall include an appropriate backflow device installed next to the meter and downstream. A dual check valve manufactured as per A.S.S.E. 1024 shall be installed at all domestic and small commercial services under 15 GPM flow. Other backflow devices shall be installed at industrial, commercial or other services greater than 15 GPM flow as recommended by the Vermont State Department of Health.

31. Fluctuation of Pressures Caused by Customers Apparatus: Customers shall not install water pumps or high rate water consumption devices that will adversely affect the Village water system's pressure or operating conditions or use water so as to unduly interfere with the service of another customer. Where a customer proposes to install apparatus which requires water in sudden and/or large quantities, which will unduly reduce the operating pressure on the BVI system, said customer shall obtain the approval of the Board.

32. Backflow Preventers and Pressure Reducers: All current customers are advised to install backflow preventers to ensure that contaminated water or gases cannot be drawn into their water lines. Customers in the low lying areas of the water system are advised to install pressure reducers to protect their water lines from the highest water pressures of the Village water system. Backflow preventers are mandatory in any new construction or wherever a water meter is newly installed.

33. Safeguarding Water-Using Devices: All customers having hot water tanks or secondary systems supplied by automatic make-up valves shall install and maintain in operating condition

appropriate backflow and temperature/pressure relief valves to prevent damage to the water device or secondary system. Backflow protection of boiler fluid using a backflow device meeting Standard A.S.S.E. 1012 is required if a dual check valve meeting Standard A.S.S.E. 1024 does not exist in the water service line at the entrance of the building. The Village will not be liable for damage resulting from the lack of or failure of such protective devices as required by this section.

34. Temporary Service: Contractors, builders and property owners desiring temporary water service for construction purposes shall make application in writing to the Village and secure approval for this service. Temporary water services will be supplied providing it does not interfere with use of water for general purposes. The cost of temporary service and the cost of its removal shall be borne by the applicant. The Superintendent shall estimate the cost of temporary service for the approval of the Board and the cost shall be payable in advance to the Village. For a single home temporary service the minimum monthly charge for 4000 gallons will be charged. Upon completion of the use of temporary service an accounting shall be made by the Superintendent.

35. Winter Provisions: The Village shall not be required to install any service lines or service connections during winter conditions, except by special arrangement as recommended by the Supt. of the Water Dept. and approved by the Board, in which case the customer shall pay for the excess over normal costs. In those cases where customer owned service pipe is frozen, the thawing shall be done by the owner at the expense of the owner. If it is determined by the Superintendent that the freezing is between the Village main and the curb stop, the Superintendent shall recommend to the Board on a case by case basis that it should be the responsibility of the Village to restore service. To avoid recurrence, the Village may order an examination of the customer's service pipe or customer's main and if the same is not at a depth of at least five and one-half feet, as required, the Village reserves the right to require it to be so relocated at the customer's expense to the proper depth before service is resumed.

36. Duties of The Superintendent of the Water Department: It shall be the duty of the Superintendent to ensure that the Village water system is operated and maintained in compliance with federal and state laws and regulations, the BVI Water Ordinance, BVI Board policies and within the BVI approved Water Department operating budget.

The Superintendent shall, in addition to BVI duties and responsibilities, be the designated Village coordinator for all work on the water system mandated by federal or state authorities.

The Superintendent shall by October 1, 1995, assisted by a professional engineer as required and within budget constraints, submit an assessment of the May Pond water capacity as the BVI water source, the committed reserve capacity and the uncommitted reserve capacity for the Board to consider in water service applications. The Superintendent may have additional duties

assigned as needed by the Board.

37. Appeals: Any person may appeal a judgment of the Board to the responsible State of Vermont agency.

38. Review of BVI Water Ordinance: The Superintendent shall review this ordinance at least yearly and recommend to the Board any changes required to keep it current and effective.

39. It is not the intent of this ordinance to circumvent approvals required by any other governmental body or agency with jurisdiction over BVI for any new facility or change of uses.

40. Water System Improvements: The water system has a 1989 filtration system and an enclosed treated water reservoir. This water then runs into an antiquated pipe distribution system. The Board and the Superintendent will continue efforts to upgrade this distribution system. They will also continue to investigate and develop a municipal well system to supplement the May Pond water source and to make system improvements as required and as funds permit.

BVI Water Ordinance

Appendix I

FEES AND CHARGES

1. Water connection fee (paragraph 8B): \$75.00
2. Impact fee: see paragraph 9C
3. Overdue bills (para 8E): 1% per month added to the unpaid portion of the bill
4. Turn on or turn off charge (paragraph 11): \$25.00
5. Removal or installation of water meter at customer request (paragraph 11): \$25.00
6. Water meter tests (paragraph 30A): \$75.00

BVI Water Ordinance

Appendix II

Table 1
Water Meter Flow Tolerance Table

For determination of accuracy of positive cold water displacement meters, Table 1 below with tolerances as stated shall be used.

Table 1
Flow Tolerance Table
(Flow in Gallons per Minute)

Meter Size	Minimum Flow	Intermediate Flow	Maximum Flow
5/8"	0.25	2	15
3/4"	0.50	3	25
1 1/2"	1.50	8	80
2 "	2.00	15	120
3 "	4.00	20	250
4 "	7.00	40	350
6 "	12.00	60	700

ORDINANCE IN FORCE

This Ordinance shall be full force and effective sixty (60) days from date of its adoption unless a petition is filled in accordance with Title 24, Section 1973, Vermont Statutes Annotated, in which case the effective date shall be as governed by Title 24, Section 1973 (e), Vermont Statutes Annotated.

The within and foregoing Ordinance was adopted pursuant to Law by the Trustees of the Village of Barton on June 13, 1995.

Ronald Royce

Michael Warforth

Ronald A. Gagnon

Barton Village Trustees

A TRUE RECORD:
ATTESTED BY:

Colleen Cloutier
Barton Village Clerk