

Draft Ordinance for Water and Wastewater Abatement

WHEREAS, The Barton Village Wastewater Ordinance has not been reviewed or updated since 1981 and the Barton Village Water Ordinance has not been reviewed or updated since 1995; and,

WHEREAS, The Barton Village Trustees have received requests for abatements of charges under both ordinance for a variety of reasons; and,

WHEREAS, The Water and Wastewater Ordinances do not provide for a systematic process by which the Trustees might determine whether or not to consider abating certain water or wastewater charges; and,

WHEREAS, Barton Village operates a surface water treatment facility constructed in 1990. The system has a design capacity of 252,000 gallons per day. Currently the Village uses between 55,000 gallons and 120,000 gallons per day between the summer season and winter frost periods with blow offs in operation. The cost of production is not proportional to the increase use of water.

WHEREAS, Barton Village operates an aerated lagoon wastewater treatment system. The facility was constructed in 1979 and has an average day design capacity of 265,000 gallons. Currently the facility will see a range of flows from 100,000 to 500,000 depending on precipitation. Daily fluctuations can be in the 10's of thousands of gallons. The lagoon system is designed for large fluctuations between days. The Village needs to continue to address non-sewer connections. The current cost of treatment is not proportional to the increase in customer use.

WHEREAS, Barton Village contracts with a private company to operate the water and wastewater facilities. The Village pays a fixed fee for operation labor. The Village also pays electrical and utility costs associated with the facilities.

WHEREAS, Barton Village currently does not break out the fixed cost of providing the 1st gallon of service to the last gallon of service. The costs associated with leaks or breaks thus create a disproportional burden to a customer that don't reflect the Villages costs to operate.

WHEREAS, other uses of water that do not discharge to the sewer system result in unnecessary fees for wastewater. The administrative time necessary to read meters, etc. for these uses results in a burden to the Village operation. This is a case to move to a base fee system to water and wastewater customers.

WHEREAS, Historically, the Barton Village Trustees followed an informal, case-by-case, process for addressing abatement requests which may not have been consistent; and,

WHEREAS, the Barton Village Trustees have, on this date conducted a duly warned and posted public hearing on this matter and deem it in the best interest of the Village of Barton to have a consistent and clear policy.

NOW, THEREFORE BE IT RESOLVED, THAT, the Barton Village Trustees do hereby enact the following as amendments to the Water and Wastewater Ordinances:

1. Abatements may only be made by the Village Trustees.
2. Only management staff may discuss abatements with citizens prior to Trustees' consideration. Other staff may inform customers of their right to request an abatement but must otherwise refrain from discussing abatement details with customers and must refer customers to management staff. Requests for abatement shall be in writing by the customer.
3. Sewer charges shall be abated for usage associated with running water to avoid freezing of buried pipes or when a catastrophic break occurs within a structure. The system was designed to handle these changing flows and these events are not detrimental to the operation of the system or proportional to the budgets necessary to provide the service.
3. The water ordinance indicates customers are responsible for charges incurred to run water in order to avoid freezing pipes on their property. This will be the case for customers who are connected to a private waterline beyond the limits of the Village ROW. This will also be the case for customers that are connected to water mains that have been replaced and engineered for frost protection. Customers will have 5 years after this date or the date of future construction to replace their water service to a bury depth of six (6) feet when connected to water mains that have been replaced. Customers that are connected to antiquated cast iron water mains will not be responsible for charges incurred to run water to avoid the freezing of buried pipes. If customers choose not to run water or choose not to use blow-offs they are responsible for all costs associated with pipes freezing on their property.
4. Village may request specific residents to run water to avoid freezing water mains. In these situations, the Trustees shall authorize an adjustment of water usage fees. The adjustment shall be made so that the customer is billed an estimated monthly charge based on an the customer's average monthly usage in the past year.
5. Water costs incurred as a result of frozen/burst pipes are the responsibility of the customer. If the customer informs the Village of a water pipe in a timely manner (within 48 hours of the break), the Trustees may abate as follows:
 - a. The Village will, in its sole discretion, determine the amount of water associated with the burst pipes.
 - b. The Village may make arrangements for payment plans associated with the cost of water in the case of burst pipes at no (0%) interest to the customer. Such plans shall not exceed 18 months.
6. It is the policy of the Village to provide monthly meter readings except in such cases where weather or snow or ice prevents access to a property. In the event of a failure to read a meter for water, sewer or electric use for a period of three (3) or more purposes the customer may request an adjustment of not greater than 10% of the water, sewer or electric charges - except in the case where the Village can document that it has no access to the meter either as a result of weather related events or through an action by the customer (gates locked, etc.), in which case no abatement is permitted under any circumstances.

7. Any frozen pipe or leaking pipe between the main and the curb stop is the responsibility of the Village to restore service. 8. Per the current water ordinance, customers may request meter testing. All requests and abatements will be made per the current ordinance.

9. Per the current water ordinance, no abatement shall be issued due to disuse, diminished use, or vacancy of premises. The customer is still responsible for the minimum charge.

10. Typical requests that are un-allowable under this abatement policy are as follows:

Leaking Toilets

Dripping Faucets

Excess Use By Tenants

Outdoor Use (e.g. car washing / lawn watering, etc.)

Vacancy / Disuse

11. Users with private water mains will be abated sewer charges for leaks found to be associated with the buried mains, however no abatement will be allowed for water charges.

BE IT FURTHER RESOLVED, THAT, by passage of this Ordinance the Barton Village Trustees do hereby amend sections of the Water and Wastewater Ordinances corresponding to the processes and clauses contained herein and all other sections of the existing Water and Wastewater Ordinance shall remain unchanged.

Approved this 24 th day of August, 2015 by the Village Trustees of Barton Village, Inc.

Attest:



Ryan Longe, Chair

VERMONT **GENERAL ASSEMBLY****The Vermont Statutes Online****Title 24 : Municipal And County Government****Chapter 059 : Adoption And Enforcement Of Ordinances And Rules****§ 1973. Permissive referendum**

(a) An ordinance or rule adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual or special meeting duly warned for the purpose, pursuant to a petition signed and submitted in accordance with subsection (b) of this section. ✓

(b) A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five per cent of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality within 44 days following the date of adoption of the ordinance or rule by the legislative body.

(c) When a petition is submitted in accordance with subsection (b) of this section, the legislative body shall call a special meeting within 60 days from the date of receipt of the petition, or include an article in the warning for the next annual meeting of the municipality if the annual meeting falls within the 60-day period, to determine whether the voters will disapprove the ordinance or rule. ✓

(d) Not less than two copies of the ordinance or rule shall be posted at each polling place during the hours of voting, and copies thereof made available to voters at the polls on request. It shall be sufficient to refer to the ordinance or rule in the warning by title.

(e) If a petition for an annual or a special meeting is duly submitted in accordance with this section, to determine whether an ordinance or rule shall be disapproved by the voters of the municipality, the ordinance or rule shall take effect on the conclusion of the meeting, or at such later date as is specified in the ordinance or rule, unless a majority of the qualified voters voting on the question at the meeting vote to disapprove the ordinance or rule in which event it shall not take effect. (Added 1969, No. 170 (Adj. Sess.), § 8, eff. March 2, 1970; amended 1971, No. 14, § 12, eff. March 11, 1971.)

BARTON VILLAGE

Amendment to the Water and Wastewater Ordinance

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- Outdoor Use (e.g. car washing / lawn watering, etc.)
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Approved this 24th day of August, 2015 by the Village Trustees of Barton Village, Inc.

Attest:

Ryan Longe, Chair

VERMONT GENERAL ASSEMBLY

Citizens Right To Petition Pursuant To 24 V.S.A. §1973 For A Vote On The Ordinance/Amendment/Spec.

§1973. Permissive referendum

(a) An ordinance or rule adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual or special meeting duly warned for the purpose, pursuant to a petition signed and submitted in accordance with subsection (b) of this section.

(b) A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five percent of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality within 44 days following the date of adoption of the ordinance or rule by the legislative body.

(c) When a petition is submitted in accordance with subsection (b) of this section, the legislative body shall call a special meeting within 60 days from the date of receipt of the petition, or include an article in the warning for the next annual meeting of the municipality if the annual meeting falls within the 60-day period, to determine whether the voters will disapprove the ordinance or rule.

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Questions or comments may be directed to:

David Ormiston, Finance Coordinator, 802-525-4747,
17 Village Square, Barton, VT 05822.

Copies of the amendments may also be obtained at the village offices at the same address.