



# **RANDOLPH VILLAGE WATER DISTRICT ORDINANCE**

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Effective September 10, 2018

Randolph Village Water District Ordinance

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# Randolph Village Water District Ordinance

## ARTICLE 1

### APPLICABILITY AND DEFINITIONS

#### § 101 – AUTHORITY

This Ordinance is adopted by the Selectboard of the Town of Randolph under authority of 24 VSA Chapter 89, 24 VSA Chapter 129 and acting in its capacity as Water Commissioners pursuant to the Randolph Plan of Merger.

#### § 102 – SEVERABILITY CLAUSE

Each of the provisions of this Ordinance is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

#### § 103 - EFFECTIVE DATE AND REPEALS

- A. This Ordinance shall become effective sixty (60) days after its adoption by the Selectboard. If a petition is filed under 24 VSA §1973, that statute shall govern the taking effect of this Ordinance.
- B. Upon becoming effective, the Randolph Village Water District Ordinance adopted February 2, 2010, and the Town of Randolph, Vermont Policy on Water and Sewer Bill Abatements adopted March 17, 2009, are repealed.

#### § 104 - RULES FOR THE CONSTRUCTION OF LANGUAGE

- A. Words in the present tense include the future tense.
- B. The single number includes the plural and vice-versa unless the context clearly indicates to the contrary.
- C. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.

#### § 105 - WORDS DEFINED

The following definitions shall have the meaning indicated, unless otherwise expressly stated in this Ordinance:

**ABATEMENT** – The reduction or waiver of any or all charges or fees related to the usage of the public water system.

**ACCESS FEE** - A special assessment which is an additional fee charged for any initial connection to or expansion of use of the public water system for the purpose of funding capital improvements and not operating expenses. The access fee permits the customer to "buy into" the existing system.

**ALLOCATION** - The amount of water allotted to a building.

**APPLICANT** - The person submitting an application as regulated by this Ordinance. A person who has been granted an allocation or other such approval, or issued a permit shall also be known herein as the "applicant."

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**APPLICATION FEE** - The initial fee charged to an applicant to process an application as required in this Ordinance.

**CAPITAL IMPROVEMENT** - The repair, replacement or expansion of the District's supply, distribution or storage facilities.

**CAPITAL IMPROVEMENT FUND** - The fund consisting of all water access fees paid and such other funds as may be placed in it from time to time. It shall be used only for capital improvements to the public water system and not for operating expenses.

**COMMISSIONERS** – Board of Water Commissioners. Such Board is the Selectboard of the Town of Randolph, Vermont acting in its capacity as Water Commissioners pursuant to the Randolph Plan of Merger.

**COMMITTEE** – The Water/Wastewater Advisory Committee.

**CONNECTION FEE** shall mean a fee imposed on applicants for the municipality's cost of performing, supplying materials, supervising, inspecting and administering a connection to the water system including any necessary water service extension, upgrading water mains or for any portion of these activities.

**CUSTOMER** - Any owner whose property, condominium unit or mobile home (if situated on property not owned by the mobile home owner) receives water service from the Department.

**DELINQUENT WATER BILLS** – Water bills shall become delinquent if payment is not received by the Treasurer by the due date clearly printed on the bill. Payments postmarked by the due date but received after it shall be considered overdue.

**DEPARTMENT** - The Town of Randolph Village Water Department. It is the department responsible for managing and operating the public water system for the Randolph Village Water District.

**DESIGN FLOW** – The water demand, in gallons per day, needed to serve a lot, building, structure or campground that is established the VEPRs or by written documentation from the Vermont Agency of Natural Resources.

**DEVELOPMENT** – The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation, landfill, and any change or increase in the use of any building or other structure, or land, or extension of use of land.

**DISTRICT** – The geographic boundaries of the Town of Randolph Village Water District, as described herein.

**EXPANSION OF EXISTING SERVICE** - Any change on a property already served by the Department which could increase the usage of water on that property as determined using the state tables of unitized daily flows referenced herein. It shall also mean any change of service from residential to commercial in an existing structure, or any other change of use or change of circumstances which the Commissioners determine will result in a change in usage of water.

**FIRE PROTECTION SYSTEM** - A private water system contained within a structure used for the exclusive purpose of providing fire protection within the structure serviced. Such a system shall include, but not be limited to, sprinkler systems and fire hose systems.

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**NOTICE, WRITTEN** – A letter or other written document notifying the addressee of a violation, impending action to be taken, or other issue. Such written notice is to be delivered to the addressee either by first class certified mail, return receipt requested or hand delivered, unless specified otherwise herein.

**OWNER** - Any person who owns or possesses any property or condominium unit connected to the public water system or proposes to connect to the public water system.

**PERMIT** – A written document issued pursuant to this Ordinance giving a designated person or applicant permission to use, operate and/or construct, alter, renovate or connect to the public water system.

**PERMITTEE** – The person to whom a permit is issued.

**PERSON** - An individual, association, partnership, society, corporation and any other incorporated or unincorporated organization or group.

**QUALIFIED CONTRACTOR** – A contractor or construction firm that has been deemed competent by the Superintendent as provided herein in the installation of water systems.

**SELECTBOARD** – The Town of Randolph Selectboard.

**SERVICE AREA** – Properties currently served by the public water system or property that is within 500 feet of a water main or hydrant of the public water system.

**SERVICE CONNECTION** - The water line that runs from the public water main to the structure to be served.

**STANDARD SPECIFICATIONS** – Requirements and specifications for the materials, equipment, construction, installation and maintenance of the public water system. If adopted, these specifications are appended to this Ordinance.

**STRUCTURE** - An assembly of materials for occupancy or use, including but not limited to a building or mobile home. “Building” is synonymous with “structure.”

**SUPERINTENDENT** – The Superintendent of the Randolph Village Water District, also herein referred to as “Water Superintendent.”

**TREASURER** - The Treasurer of the Town of Randolph.

**TOWN** - The Town of Randolph, Vermont.

**V.E.P.R.** – State of Vermont Environmental Protection Rules

**V.S.A.** – Vermont Statutes Annotated

**W/WAC** – Water/Wastewater Advisory Committee. See also “Committee”.

**WATER MAIN** – The primary supply pipe or conduit from which service connections are made to supply water to the customer.

**WATER SERVICE, ADEQUATE** – Water supplied by the public water system that meets the state standards required for its operation.

**WATER SYSTEM** – All piping, facilities and appurtenances, excluding service connections, for supplying, distributing, storing and treating potable water.

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**WATER SYSTEM, PRIVATE** – Any component of a water system that is not under the control of nor operated by the Randolph Village Water District.

**WATER SYSTEM, PUBLIC** – The public community water system as defined by state statute owned and operated by the Randolph Village Water District. “Public community water system” shall be synonymous with “public water system.”

**ARTICLE 2**

**GENERAL ADMINISTRATION**

**§ 201 – VILLAGE WATER DISTRICT BOUNDARY**

- A. The Village Water District, hereinafter referred to as the District, shall be defined by a metes and bounds description and is illustrated by the map entitled "Village Water District" as recorded with the Town Clerk and attached hereto as part of this Ordinance. Any inconsistencies between the boundary description below and the map illustration shall be controlled by the boundary description.
- B. The boundaries of the District are described as starting at a point marking the intersection of the northerly former Village boundary line with Braintree town line; thence proceeding easterly along the old Village boundary line to a point approximately 500 feet westerly of Route 12; thence proceeding northerly along a line 500 feet distant from the northerly side of Vermont Route 12 to State Aid Road #6 (Windover Road); thence proceeding southerly on a line 500 feet distant from the easterly side of Windover Road to Route 66; thence proceeding easterly on a line 500 feet distant from the northerly side of Route 66 to the westerly side of Vermont Interstate 89; thence proceeding southerly along the westerly side of Interstate 89 approximately 1,000 feet to a point 500 feet southerly on Route 66; thence proceeding westerly along a line 500 feet distant from the southerly side of Route 66 to Town Highway #59 (Fish Hill Road); thence proceeding southerly on a line 500 feet distant from the easterly side of Fish Hill Road to Town Highway #47 (Voghell Road); thence proceeding westerly along the northerly side of Voghell Road to its intersection with Fish Hill Road and continuing southerly along Town Highway #67 (Sunset Hill Road) approximately 500 feet to a point; thence proceeding northerly on a line 500 feet distant from the westerly side of Fish Hill Road to Route 66; thence proceeding westerly on a line 500 feet distant from the southerly side of Route 66 to the Third Branch of the White River; thence following the Third Branch and then the easterly boundary line of the old Village to a point 500 feet easterly of Town Highway #77 (Beanville Road); thence proceeding southerly on a line 500 feet distant from the easterly side of Beanville Road to the Bethel town line, thence proceeding westerly along the Bethel town line approximately 1,100 feet across Route 12 to a point; thence proceeding northerly on a line 500 feet distant from the westerly side of Route 12 to a point; thence proceeding northerly on a line 500 feet distant from the westerly side of Route 12 to the southerly old Village boundary line; thence proceeding westerly along the old Village boundary line to the Braintree town line, and thence proceeding northeasterly along the Braintree town line to the point and place of beginning.
- C. The District boundary is different from the area served by the public water system. The current service area is shown on the map entitled "Water Service Area" which is appended to this Ordinance. When a majority of all the voters within the District present and voting on the question at a meeting held under 24 VSA Chapter 53 authorize the construction for specific facilities outside the existing service, the Commissioners shall be authorized to extend the geographical boundaries of the existing service area to the specific facilities.



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### **§ 202 – PURPOSES OF THE DISTRICT**

The purpose of the District is to provide potable water that meets all state standards. The District also provides fire protection.

### **§ 203 - PURPOSES OF THIS ORDINANCE**

- A. The purpose of this Ordinance, entitled "Randolph Village Water District Ordinance," hereinafter referred to as the Ordinance, is to provide an orderly procedure for all applicants for connection to and expansion of existing service of the public water system which will assure timely review, and acceptance of properly constructed extensions and connections, to provide orderly and established procedures for the operation of the Department, and to regulate the uses of the system by its customers.
- B. A specific purpose of this Ordinance is to assure that any standard of service for existing customers is not sacrificed or compromised for the benefit of potential new customers requesting connection to the system.

### **§ 204 - BOARD OF WATER COMMISSIONERS**

Pursuant to 24 VSA, Chap. 89, the Selectboard of the Town of Randolph, shall constitute the Board of Water Commissioners, hereinafter referred to as the Commissioners, with the powers herein enumerated. Such powers shall include overall authority regarding the Village Water Department, hereinafter referred to as the Department. Such overall authority shall include, but not be limited to, setting rates and fees; establishing rules and regulations for system operation and maintenance; establishing personnel structure of the Department; and providing for the growth and improvement of the public water system.

### **§ 205 - TOWN MANAGER**

- A. The Town Manager shall be the person ultimately responsible for the operation, maintenance, control, improvement and repairs of the public water system, subject to supervision and control of the Selectboard as provided by law. The Town Manager shall provide direction, when needed, to the Superintendent, as provided in the job description for the position.
- B. In instances when a potential decision of the Town Manager regarding a water bill adjustment would have a financial impact in excess of \$500, the Town Manager shall consult with the Water/Wastewater Advisory Committee (see §206 below) before issuing such decision. This notwithstanding, if the Committee is unable to hear the request in a timely manner at a meeting, the Town Manager shall solicit comments from Committee members via email and notify the Committee of his or her decision.
- C. Any person aggrieved by an action or decision of the Town Manager may state his grievance to the Commissioners which shall investigate the matter at issue and decide the same in a timely manner so as to insure the proper operation of the water system and to insure fair and equal treatment to the customers.

### **§ 206 - WATER/WASTEWATER ADVISORY COMMITTEE (WWAC)**

- A. There is hereby established a Water/Wastewater Advisory Committee. The Committee shall consist of no less than 3 and no more than 7 members, appointed by the Selectboard, who must be residents of the Town. A majority of the members of the Committee must also reside or own property in either the water or sewer district (see Randolph Sewer District

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Ordinance). Members of the Committee shall serve at the pleasure of the Selectboard, which may remove members at any time and for any or no reason upon majority vote.

- B. The duties of the Committee shall be to advise and assist the Commissioners, Town Manager and Superintendent as needed. In general, this may entail preliminary reviews and recommendations on allocation requests, determinations of need, abatement issues, disconnection requests and construction plans. The Committee may also provide advice to the Commissioners, Town Manager and Superintendent regarding budget issues, capital projects, Ordinance revisions and construction standards. The Committee shall serve in an advisory capacity only and may only exercise that authority explicitly granted herein and by resolution of the Selectboard.

### **§ 207 - WATER SUPERINTENDENT**

- A. The Water Superintendent, hereinafter referred to as the “Superintendent”, shall have the duties and responsibilities described herein and in any job description and shall be appointed by the Town Manager subject to the Town’s personnel policy and approved by the Commissioners. As time allows, the Superintendent shall attend Committee meetings and keep the Committee updated on the public water system.
- B. Any person aggrieved by an action or decision of the Superintendent may state his grievance to the Town Manager which shall investigate the matter at issue and decide the same in a timely manner so as to insure the proper operation of the public water system and to insure fair and equal treatment to the customers.

### **§ 208 – CONFORMANCE WITH OTHER REGULATIONS**

A proposed project may be required to obtain other permits from the local, state, or federal government. The securing of final approvals of the project pursuant to this Ordinance does not remove the responsibility of the applicant from obtaining other applicable permits, such as public building permits, zoning permits, road access permits, etc. All applicants are advised to seek advice as to the compliance requirements of all applicable permits and to contact the regional permitting specialist at the Vermont Agency of Natural Resources to ascertain whether any state permits, or amendment thereto, are required.

### **§ 209 - PENALTIES**

- A. Except as otherwise specified herein, any person found to be in violation of any provision of this Ordinance shall be served by the Town Manager with written notice stating the nature of the violation and providing a reasonable time limit, as determined by the Superintendent, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and take all other necessary steps to come into compliance with this Ordinance. If the violation occurs on private property, the owner, if not the offender, shall also be sent a copy of the written notice of violation.
- B. This is a civil ordinance and shall be enforced by the Superintendent, Town attorney, or other duly authorized designee of the Selectboard in the Judicial Bureau in accordance with 24 VSA §§1974a et seq. Any violation of this Ordinance shall be punishable by a fine of not more than eight hundred dollars (\$800.00). Each day the violation continues shall constitute a separate offense.

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- C. Any person violating any of the provisions of this Ordinance shall become liable to the Town and District for any expense, legal fees, loss, or damages incurred by the Town and District by reason of such offense.
- D. In addition to invoking the penalties provided herein and otherwise available, including all legal and equitable remedies, the Commissioners are authorized to order abatement of any violation.
- E. Protection from damage and unauthorized use - No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structures, appurtenances, or equipment which is part of the public water system. No person shall, in any way or by any device, obtain the use of the water from the public water system without consent of the Department and in compliance with the provisions of this Ordinance. No customer shall, except with the written consent of the Commissioners, be allowed to furnish water from the public water system to other persons or property nor to charge for such supply. Providing, however, a lessor may furnish water to a lessee, and charge for the same, and at the same rate as furnished by the Department to the premises. Any person violating this provision shall be liable to the District in treble damages therefore, to be recovered in a civil action, and any such person on conviction of a violation hereunder shall be fined not exceeding \$800.00 or committed to the Commissioner of Corrections not more than six months, or both. Each day the violation continues shall constitute a separate offense.

### **§ 210 - VARIANCES**

- A. A person may request a variance from provisions of this Ordinance. However, it is understood that a variance cannot be granted for certain provisions, as they may have been implemented by a vote of the District (i.e. assessing penalties and interest for late payments) or are required by state rules and statutes.
- B. Requests for a variance shall be in writing and shall be submitted to the Town Manager or his or her designee. The request shall include the provision for which the variance is requested, the reason for the request and sufficient information to ascertain whether all of the criteria below are met.
- C. Requests for variances shall be reviewed and heard by the Committee, which shall provide a recommendation to the Commissioners for final action. The variance shall be granted if all the criteria below are met. Conditions may be imposed as necessary and appropriate under the circumstances to adhere to the purpose of this Ordinance.
- D. Variance Criteria
  - 1. The variance, if granted, provides a practical solution to an unusual situation that will have no adverse effect on the public system or customers of the system and is unlikely to set a precedent due to the uniqueness of the situation.
  - 2. Compliance with the provision will create an unnecessary hardship, which may include extreme financial considerations.
  - 3. The variance, if granted, will represent the minimum variance that will afford relief and will represent the least modification possible of the provision.

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### **§ 211 - CAPITAL IMPROVEMENT FUND**

This Ordinance confirms and maintains the water capital improvement fund established by the Town of Randolph, Vermont Water Ordinance effective April 3, 1993. It shall consist of all water access fees paid and such other funds as may be placed in it from time to time. Monies in this fund shall be used only for capital improvements to the public water system as designated by the Commissioners, and not for annual operating expenses. The capital improvement fund balance shall not exceed the estimated costs of the purposes for which the fund was established.

### **§ 212- GENERAL FINANCIAL RESPONSIBILITY**

The customers will continue to be responsible for the required system operation and maintenance including general purpose prioritized local capital improvements to the system.

### **§ 213 - INSPECTION OF AND ENTRANCE TO PRIVATE PROPERTY**

- A. The Town Manager, Superintendent and other duly authorized employees of the Town or Department bearing proper credentials and identification shall be permitted at all reasonable times to enter all properties connected to or desiring to connect to the public water system for the purposes of meter reading, inspection, observation, measurement, prevention of unnecessary waste, sampling, and testing in accordance with the provisions of this Ordinance.
- B. The Town Manager, Superintendent and other duly authorized employees of the Town or Department bearing proper credentials and identifications shall be permitted at all reasonable times to enter all private properties through which the Town or Department holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, prevention of unnecessary waste, sampling repair and maintenance of any portion of the public water system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- C. Inspectors of the Department or persons so authorized by the Department shall be permitted at all reasonable times to enter applicable parts of every building connected to the public water system for the purpose of inspection, removing or replacing meters, examining fixtures and observing the manner in which water is used.
- D. Whenever possible, reasonable notice shall be given to the building occupant and/or owner prior to inspection of or entrance to private property.
- E. The Department may open the ground in any streets, lanes, avenues, highways and public grounds for the purpose of constructing, maintaining or repairing any component of the public water system and appurtenances, as may be necessary for conducting the water and effectuating the purposes of this Ordinance. Such streets, lanes, avenues, highways and public grounds shall not be injured, but shall be left in as good condition as before the construction, maintenance or repair work.

### **§ 214 - RATES AND FEES**

- A. The Commissioners, as authorized in 24 VSA Chapter 89, have hereby established the following rates and fees, which may be amended by the Commissioners from time to time:

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1. Water usage rate – The rate charged a customer that is based on water usage as measured by a water meter or, for other atypical circumstances, another method approved by the Superintendent that equitably assesses a charge for the use of the public water system. A service connection fee or a minimum usage charge established by the Commissioners will be assessed for all connections whether or not the building is occupied. The money billed for water consumption shall be collected by the Treasurer and used for operating, maintenance and capital expenses.
  2. Application fee – A fee charged to cover the costs of processing an application as required in this Ordinance. Any costs incurred for review by the Department's Engineer are over and above the application fee. The money collected for applications shall be used for operating expenses, recording fees and the administrative costs associated with processing applications.
  3. Access fee – A fee charged for each connection to or expansion of use of the public water system and based on design flow quantities. The money collected shall be placed in the water capital improvement fund.
  4. Fire protection system access fee – An annual fee charged for each fire protection system on properties that do not have metered public water service.
  5. Violation penalties – A charge that will be incurred for violations of this Ordinance. Such charge is to provide a monetary deterrent for violating this Ordinance and to help offset the District's administrative costs associated with enforcing violations.
  6. Service calls and inspection charges – A charge to cover the costs of service calls and inspections so that they are borne by the person in need of such services and not by the other customers of the District.
  7. Special charges – Fees charged for collection of overdue accounts and reconnection of service disconnected because of nonpayment. Fees charged shall not exceed those prescribed by 24 VSA § 5151 and amendments thereto.
  8. Interest and penalties – A charge that will be incurred for overdue water accounts and bills for other charges and fees (see above). Such charge is to provide a monetary deterrent for overdue accounts and delinquent bills.
  9. Minimum billing for damaged structures – A charge assessed for damaged structures pursuant to §216(E) [Billing Abatements] in lieu of the water usage rate in item #1 above.
- B. Unless set forth elsewhere in this Ordinance, the current rate and fee schedule established by the Commissioners is appended to this Ordinance.
- C. The Commissioners shall be authorized to establish such other charges as are reasonable and prudent for the proper supply of water to the customers of the District.
- D. No abatement of the water rate shall be considered by reason of disuse, diminished use, temporary interruption of service or vacancy of premises. Any minimum charge, as established by the Board, shall be paid as billed, regardless of use, until permission to disconnect is granted pursuant to this Ordinance and the physical disconnection is documented and accepted by Department personnel.

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- E. All fees, penalties and charges paid are non-refundable. This notwithstanding, a customer that disputes a bill or charge and such dispute is decided in favor of the customer may have the monies credited to his or her account, or refunded if he or she is no longer a customer of the public water system.
- F. All requests for abatements shall comply with §216 [Billing Abatements].

### **§ 215 - BILLING FOR SERVICE**

- A. Billing for service will be prepared at the Office of the Town Manager every three (3) months and shall be payable at the Treasurer's office.
- B. Payment of water bills shall be the responsibility of the customer. Bill will be rendered in the name and last known address of the customer as listed on the Town's grand list. Customers are responsible for notifying the Town Clerk and the Town's Utility Billing personnel of any changes in mailing addresses. Failure to receive a bill does not relieve the customer from the obligation of payment of the bill or of accrument and payment of interest and/or penalty charges for late payments.
- C. All water usage of the public water system shall be metered. If, from any cause, a meter or its remote reader fails to register the amount of water passing through it, the customer shall be charged at the average quarterly usage as calculated when the meter was functioning properly over the past two years or as long as the connection has been metered if less than two years.
- D. Billing for fire protection systems shall be as set forth in this Ordinance.
- E. Delinquent Bills
  - 1. Payments for all water bills shall be received by the Treasurer by the due date clearly printed on the bill. Payments postmarked by the due date but received after it shall be considered overdue and thus delinquent.
  - 2. Delinquent bills shall bear interest at the rate of not more than 1% per month, or fraction thereof, for the first three months and thereafter 1½% per month, or fraction thereof, from the due date of such bill. Such bill shall also be assessed a one-time 8% penalty.
  - 3. The delinquent charges for water service shall be a lien upon the real estate furnished by the Department in the same manner and to the same effect as taxes are a lien on real estate under 32 VSA §5061. The discontinuance of water service due to delinquent payment of water bills shall be addressed in accordance with 24 VSA, Chapter 129.

### **§ 216 – BILLING ABATEMENTS**

#### **A. General Requirements**

- 1. Any person requesting an abatement of his or her water bill for reasons other than authorized running of water to prevent freezing shall provide such a request in writing within 30 days from the due date of the bill. As described below, a form may be provided depending on the nature of the abatement. Only requests from persons who are customers of the service from which an abatement is being sought shall be considered. Failure to request an abatement within the afore-mentioned 30 days shall render the bill final and payable as indicated on the bill.

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2. The Town Manager shall take action on all requests in a timely manner, preferably before the next billing cycle of the customer. The Town Manager is encouraged to consult with the Water Superintendent about the request to ascertain the facts and nature of the request and also may forward the request to the Water/Wastewater Advisory Committee for a recommendation. If the amount of the abatement, if granted, would be over \$500, the Town Manager is encouraged to obtain a recommendation from the Committee.
3. The customer shall be notified in writing of the any Committee meeting at which the abatement request will be discussed and of the Town Manager's final decision regarding the request.
4. An abatement request does not absolve the customer from having to pay the bill in question in a timely manner and special charges may be assessed as described above for delinquent bills.
5. Once an abatement has been granted:
  - a. If the bill has been paid in full, the abatement shall be reflected as a credit to the customer's water account. This notwithstanding, a refund will be paid if the customer will not own the property at the time of the next bill or if the amount of the credit would likely take more than 3 billing periods to be depleted based on average usage.
  - b. If the bill has not been paid in full or not paid at all, a revised bill shall be prepared and delivered to the customer.

### B. Allowable Abatements

In general, requests for water bill abatements shall be granted if it can be ascertained that the water did not pass through the meter or if the water was used by the Town. Specific situations which qualify for a water abatement are as follows:

1. A bill for which a water meter tested by Department personnel was found to over register the amount of water passing through it . If the meter, after testing, is found to be accurate within 5% or is under registering, the charge for the testing shall be borne by the customer making the abatement request.
2. Water needed by the Town that is obtained from the customer.
3. Running of water to prevent freezing ONLY if authorization to do so is received from the Department prior to allowing it to run, as required in this Ordinance. Such authorization must be obtained each year and a prior authorization does not automatically carry over to subsequent years.
4. If the water in the water main has been disturbed due to an unforeseen repair or maintenance operations (i.e. not routine flushing) and becomes discolored, an abatement is allowed for running of water until it is clear ONLY if authorization to do so is received from the Department prior to allowing it to run. (see paragraph F below).
5. A structure with water service that has been rendered unusable or uninhabitable due to damage from circumstances or events such as fire, flood, etc. Abatements shall be subject to the provisions in subsection E below.

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### C. Typical Unallowable Abatements

Below is a list of typical situations for which water bills will not be abated. It is not intended to be an exhaustive list but is included only to clarify the most common situations for which abatements are requested and to illustrate the types of situations for which abatements will not be granted.

1. Vacancy and/or non-use of a structure, either in whole or in part.
2. Outdoor use of water for car washing or lawn watering.
3. Leaking toilets, dripping faucets or other such faulty appliance or indoor plumbing.
4. Excessive use by tenants.
5. Unauthorized running of water to prevent freezing or to clear up discolored water for reasons other than allowed in subparagraph B.4 above.
6. Pools filled prior to receiving abatement approval.
7. Topping off of swimming pools

### D. Calculation of Abatement

The amount of the abatement shall be for the water not used by the customer or as otherwise determined to reflect the amount not used. For the specific situations described above, the amount of the abatement shall be as follows:

1. For water meters found to be over registering - the amount of over-registration based on the water meter testing.
2. For water utilized by the Town - the actual amount used if it was metered separately or if meter readings were obtained such that the actual usage is known, or the difference between the current bill and the average bill for that billing cycle from the past 3 years.
3. For authorized running of water - the difference between the current bill and the average bill for that billing cycle from 4 previous years when water was not running or the average bill from the previous 4 consecutive billing cycles, whichever is more indicative of what the actual usage would have been if the water had not run. The amount of the abatement may be calculated differently, however, if the customer provides documentation that demonstrates that other readings should be used as they would be more indicative of actual usage.
4. For damaged structures – see subsection E below.

### E. Abatement Requirements for Damaged Structures

1. If a structure has been damaged, the customer shall provide documentation as to the nature and extent of the damage. The abatement of water bills shall be granted if such documentation demonstrates that:
  - a. the structure is unusable or uninhabitable;
  - b. the damage is not the result of neglect or lack of maintenance by the property owner; and
  - c. water service is not needed.



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2. If an abatement is granted, the following provisions shall apply.
  - a. There shall be no water use during the abatement period.
  - b. The structure shall not be occupied or used for anything other than repairs to the structure during the abatement period. If water service is needed for repairing or rebuilding the structure, the abatement will cease.
  - c. Measures shall be taken to prevent water from leaking or wasting from the system. This may involve measures such as shutting off the curb stop or capping the service connection. The abatement shall not commence until this work has been completed to the satisfaction of the Superintendent.
  - d. The customer shall be responsible for any usage up to the incident that caused the damage. If the meter is still readable, the bill shall be based on the reading. If the meter is not readable, the bill shall be prorated and based on the average bill for the same billing cycle over the past 3 years. The amount of the bill may be calculated differently, however, if the customer provides documentation that demonstrates that other readings should be used as they would be more indicative of actual usage.
  - e. The abatement shall consist of a minimum billing for damaged structures as established in §213(A)(9) [Rates and Fees]. The maximum number of abated bills shall not exceed six, not including the bill indicated in subsection (d) above. The number of abated bills may be extended by the Town Manager if it can be demonstrated to his or her satisfaction that there are extenuating circumstances that are beyond the control of the customer that are delaying the repair or reconstruction of the damaged structure.

### F. Abatement Authorized by Department Personnel

If unforeseen repairs or maintenance operations by Department personnel cause discoloration of water in the public water system, Department personnel may authorize a customer to run his or her water until it runs clear. In such instances, Department personnel may grant an abatement of the water bill in the amount of 1 HCF and shall so inform the utility billing clerk of the abatement. If the customer feels that more than 1 HCF of water was used, he or she shall request a larger abatement as described in subsections A – D above.

**ARTICLE 3**

**SERVICE PROVISIONS**

**§ 301 - DISTRICT SERVICE**

- A. All new development requiring water use that is within the service area shall be required to obtain water service from the Department unless the Department is unable to provide adequate water service.
- B. This notwithstanding, one- and two-family residences shall not be required to connect to the public water system if the residence is to be constructed on an existing lot or on a lot created by (or within) a two-lot subdivision AND would require the construction of a service connection longer than 200 feet or for which the service connection would reasonably have to traverse through ledge, watercourses, wetlands and as such, would create a hardship.

**§ 302 – APPLICANT REQUEST FOR DISCONNECTION**

Disconnection of existing services from the public water system for reasons other than nonpayment of a valid bill or charge requires the Commissioners' approval of a written request submitted by the owner of the property served. No disconnection shall be approved unless the Commissioners determine that the Department is unable to provide adequate water service or a new use of the property is proposed that does not require water usage. The physical disconnection shall be approved by the Superintendent or his or her designee(s). No minimum quarterly billing shall be charged to the property, however, such water charges will continue until the physical disconnection is approved as mentioned.

**§ 303 – DISCONNECTION FOR NONPAYMENT**

- A. Disconnection of service for delinquent payment of a valid bill or charge shall conform to the process prescribed by 24 VSA Chapter 129. Notice of disconnection shall be provided to the customer prior to disconnection and in the form required by 24 VSA § 5143. A copy of the notice shall be sent to the occupant of a building which will be affected by the disconnection if the occupant is different than the customer. All delinquent customers shall be given an opportunity to enter into a reasonable agreement with the Town to pay the delinquent bill and avoid disconnection of service.
- B. Pursuant to 24 VSA §5143, the property shall not be disconnected for delinquent payment if such disconnection would represent an immediate and serious hazard to the health of the customer or a resident within the customer's household, as set forth in a physician's certificate that is submitted to the Town Manager. 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. Pursuant to 24 VSA § 5142, a "Physician's certificate" means a written statement by a duly licensed medical practitioner certifying that a ratepayer or resident within the ratepayer's household would suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. The certificate will be considered valid and in force for 30 days, or the duration of the hazard, whichever is less.

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- C. Disconnection of water service shall occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day specified on the notice of disconnection, or within the same hours during the four business days thereafter. When service is disconnected or interrupted, the individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected, 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 customer has to do to have service restored.

### **§ 304 - REQUEST TO RESUME SERVICE**

After service has been disconnected because of a customer's failure to abide by any provision of this Ordinance, it shall be restored within 24 hours upon the customer's written request to the Commissioners or Town Manager when the cause for disconnection of service has been removed or when an agreement has been reached between the customer and the Commissioners or Town Manager regarding the dispute that led to the disconnection or when directed to do so by the Commissioners.

### **§ 305 - LIABILITY FOR DAMAGES**

- A. The District furnishes water, not pressure, and does not guarantee a continuous supply. No responsibility will be assumed by the District for any damage to any property, plumbing, appliances, etc., in any building.
- B. No person shall be entitled to damages or a refund of any portion of a payment refunded for the following:
1. Interruption of service occasioned by accident to any portions of the water system
  2. Interruption of service for purposes of additions or repairs, nor
  3. Non-use occasioned by absence.

### **§ 306 – INTERRUPTION OF SERVICE**

- A. Notice of interruption of service is not required. While the Department attempts to give notice, as far as possible, in advance of any work which must be done that will necessitate interruption of the supply, such notice is to be considered a courtesy only, and not a requirement on the part of the Department.
- B. Any announcement of interruption of service will be by general announcement. Failure of tenant or owner to receive notice of interruption of service shall create no liability on the part of the District, the Department or its employees. Owners are encouraged to install range boilers, hot water tanks and all other equipment connected with the water supply system in such a manner that damage will not occur if the service is interrupted without notice.
- C. Whenever supply to a hydrant is to be interrupted for repairs or other causes, the Superintendent or his or her designee shall notify the fire department. Such notification shall include the nature of the problem and the estimated duration of the interruption. The Superintendent or his or her designee shall also notify the fire department when service has been reinstated.

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### **§ 307 - RUNNING WATER**

- A. Water shall not be allowed to run to waste through any faucets or fixtures to prevent freezing or be kept running for any longer than necessary for its proper use except as allowed herein. The Department is required to restrain and prevent any and all waste of water and, to that end may, when necessary, turn off the water or take such other action as, in its judgment, appears proper.
- B. Should running water become necessary to prevent freezing, the owner annually shall request in writing or on a form provided by the Department that the water be allowed to run and written consent shall be provided by the Superintendent prior to allowing the water to run.
- C. This notwithstanding, in emergency situations, the Superintendent or Department personnel may orally require or authorize the running of water and no written request by the customer or consent by the Superintendent is required. The Superintendent shall be responsible for notifying utility billing personnel of such oral consent to run the water.
- D. Water shall only be allowed to run to prevent freezing at no or reduced water billing for no more than one (1) year, if the freezing is occurring or due to a problem with that portion of the water system that is the customer's responsibility, as set forth in this Ordinance. It shall be the customer's responsibility to fix the problem within the one (1) year or pay full billing for running the water. If the freezing problem is due to the public water system, then this one-year limit shall not apply and the billing abatement shall be as described in this Ordinance.

### **§ 308 - TEMPORARY SERVICE PERMIT**

#### A. Applicability

Contractors, builders and owners desiring temporary water service for construction or other purposes including, but not limited to, the filling of swimming pools, shall obtain a temporary service permit prior to use of the temporary service. The need for a temporary service permit shall be waived for a public entity if the duration of the service is either not continuous or less than a day. Public entities requiring temporary service shall only be required to pay the service fee described in subparagraph C(4) and charged the expenses described in subparagraph C(3) if the Superintendent deems the charges, including water usage, to be significant.

#### B. Application Requirements

1. Applicants for a temporary service permit shall submit the following:
  - a. Application fee set by the Commissioners and a form provided by the Town which shall include, as a minimum:
    - i. description of the proposed project
    - ii. reason for the use of the water
    - iii. proposed connection to public water system
    - iv. proposed disposal of the water used
    - v. duration of use (i.e. starting and ending dates)
    - vi. description of when the water will be needed (i.e. weekdays 7 AM – 5 PM)



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### **§ 309– SUPPLEMENTAL PRIVATE WATER SUPPLY**

- A. A property connected to the public water system shall not develop or utilize a supplemental private water supply unless the following requirements are met:
  - 1. The private water supply will serve a one- or two-family residence only, or be used for agricultural or irrigation purposes.
  - 2. Prior to the commencement of any work on the supplemental private water supply system, written notification shall be provided to the Superintendent that describes the nature of private water supply and how it will be utilized.
  - 3. The plumbing for the private water supply shall be completely separate from the plumbing for the public water supply. No cross connections shall be allowed.
  - 4. Prior to operation of the private water supply, the supplemental private water supply system shall be inspected and approved by the Superintendent if the requirements of this section are met.
  - 5. If the property is also served by the public sewer system, a meter shall be installed on the private water supply unless otherwise allowed by the Randolph Sewer District Ordinance.
- B. Properties with a supplemental private water supply shall continue to be billed for the public water service as described in this Ordinance.
- C. Nothing in this section shall be construed to apply to a property that does not maintain both a private water supply and connection to the public water system.

# Randolph Village Water District Ordinance

## ARTICLE 4

### ALLOCATION PROVISIONS

#### § 401 – WATER SERVICE APPROVALS AND DETERMINATIONS

The following water service approvals and determinations are required prior to the commencement of any construction or consumption of any water related to the proposed project, as herein provided:

- A. New water service approval – This is required for a new structure that will be connected to the District system, and involves, as a minimum, the granting of allocation from the system.
- B. Change of existing use review – This is required for an existing structure that is currently served by the District which will be changing its current or previous use. Such change of use may or may not involve a physical expansion of the existing structure. This review will result in a determination of whether an increase in water demand will result and an additional allocation is required.
- C. Expanded water service approval – This is required when it has been determined in paragraph B above that a new use of a property that is currently served by the District will result in an increase in water demand and require the granting of additional allocation from the system.
- D. Construction permits - No unauthorized person shall uncover, make any connections with or opening into, use, or disturb any component of the public water system without first obtaining a construction permit, as required in this Ordinance.
- E. Temporary service permits - Except for hydrant use by the fire departments or the Department, all temporary water service shall require prior approval and the issuance of a temporary permit, as required in §308 [Temporary Service Permit].

#### § 402 - GENERAL ALLOCATION PROVISIONS

- A. All water allocations belong to a structure and remain with that structure. However, if a structure is developed as condominium units or an existing structure is converted into condominium units, the allocations belong to a space within the structure or condominium unit and remain with that space or unit.
- B. Once operational, if actual usage by the project (as measured when operational) exceeds the granted or grandfathered allocation, then the applicant or his or her assigns must make a new application for additional allocation and must pay the access fee in effect at that time.
- C. Notwithstanding the above provisions and provided there isn't a change of use, allocations that were reviewed and determined by the Committee prior to the adoption of this Ordinance shall not be changed as a result of this Ordinance's adoption unless an error has been made by the Committee.

#### § 403 - FORFEITURE OF ALLOCATION

- A. Any allocation shall be forfeited if the Commissioners grant a request to disconnect per this Ordinance.

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- B. The Commissioners may re-approve an allocation to an applicant after forfeiture only upon approval of a new application and after all provisions of the application procedure are completed including submission of a new application and fee and payment of the necessary access fee.

### **§ 404 - DETERMINATION OF ALLOCATION**

The amount of allocation shall be determined as set forth in this section, as applicable.

#### A. General Determination

1. The amount of allocation needed shall be the cumulative design flows (in gallons per day) of all the uses in the structure as determined by the table of unitized average daily flows established in the Vermont Environmental Protection Rules (VEPR) Chapter 21, Water Supply Rule and any amendments or revisions thereto. The current table is appended to this Ordinance. However, if the Vermont Agency of Natural Resources (ANR) provides written confirmation that a different design flow is needed for a particular use, the amount of allocation shall reflect this different amount.
2. Should an applicant propose a use that cannot be reasonably categorized by the above-mentioned table, the applicant shall provide the projected design flow for the use, how this design flow was calculated and documentation that the projected design flow is acceptable to ANR.

#### B. New Structures

The amount of allocation needed for new structures shall be as set forth in subsection A above.

#### C. Existing Structures

The allocation for an existing structure shall be one of the following, as applicable:

1. For structures that have been granted an allocation, the most recently granted allocation shall be considered the allocation for the structure.
2. For structures that have never been granted an allocation but have been paying water bills, the allocation shall be considered grandfathered and shall be either:
  - a. The highest design flow, after factoring in all allowable reductions, of any use of the structure in the last five (5) years from date of application if the structure has been in use at any time during the last five years, or
  - b. The current usage that is the basis for a minimum billing if the structure has been vacant for five years from the date of application.

#### D. New Use in an Existing Structure

The design flow of a new use shall be determined as set forth in subsection A above. The additional allocation needed for the new use shall be the difference between the design flow of the new use and the allocation of the existing structure, as set forth in subsection C above. If the design flow of the new use is less than the allocation of the existing structure, then no additional allocation is needed.



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### E. Expanding an Existing Use

A customer shall apply for additional allocation if the design flow of the existing use, as determined in subsection C above is increased. The customer shall require an additional allocation of at least the total design flow increase of the existing use.

### F. Reducing an Existing Use

1. Once an allocation has been granted and paid for, it shall not be reduced unless forfeited.
2. Notwithstanding subsection (1) above, if the uncommitted reserved hydraulic capacity of the WWTP is less than or equal to 20% or if the average day demand of the public water supply is 80% of the capacity of the public water supply, the Commissioners may re-evaluate the allocations of the entire District and adjust them in a fair and equitable manner based upon historic and/or current design usage.

### G. Removal or Destruction of an Existing Structure

1. If a structure is removed or destroyed, the allocation may be transferred to a new structure constructed on the property or to other structures on the property, if any.
2. Retaining Allocation
  - a. If the allocation for the structure removed or destroyed was granted, then there is no time limit by which the allocation must be transferred to a new structure.
  - b. If the allocation for the structure removed or destroyed was grandfathered, then it must be re-allocated within 5 years of when the structure was destroyed and/or removed or the allocation is forfeited.
  - c. To retain the allocation until it is either transferred or re-allocated as allowed above, the minimum billing shall continue to be paid. Accounts more than one year in arrears shall result in forfeiture of the allocation.

## **§ 405 – WATER SERVICE APPLICATION PROCEDURES**

### A. Application

1. All applications for allocation shall be made on a form available at the Town Offices and signed by the owner or his or her duly authorized agent. The application shall be accompanied by a plan showing the property to be serviced, the structure to be serviced, the use of the structure, proposed sizes of lines, general utility layout and any other information required by the Commissioners to allow it to conduct a thorough review of the request.
2. An application fee shall be paid in full before any application is processed.
3. Projects may be phased provided all construction is completed within 5 years. If a project is proposed to be phased, the applicant shall provide the phasing schedule with the application. This schedule shall include the following, at a minimum, for each phase:
  - a. what is to be constructed
  - b. estimated start and completion dates

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- c. the amount of requested allocation
- d. what infrastructure improvements are to be constructed, if any

### B. Review

Applications for water service shall be reviewed by the Committee which shall provide a recommendation to the Commissioners. The Committee may require additional information to allow it to conduct a thorough review of the application.

### C. Approval

1. The recommendation of the Committee shall be brought to the Commissioners at its next available meeting. The Commissioners may request additional information or shall act on the application when it has sufficient information to do so. Such action by the Commissioners shall be to approve or deny the application. If approved, conditions may be placed on the approval if such conditions are needed to ensure that the public water system is in compliance with state and federal laws, the welfare of the general public and the public water system are protected, and/or to reinforce the requirements of this Ordinance.
2. An allocation shall be approved, with or without conditions, if all of the following are met:
  - a. System capacity – There is sufficient capacity in the water supply and treatment facilities to adequately supply and treat the additional water demand.
  - b. Water distribution system – The distribution system through which the water will flow has sufficient capacity and will not in any way be negatively affected by the additional demand.
  - c. Compliance with the Ordinance – The water connection is in compliance with this Ordinance.

### **§ 406 - ACCESS FEES**

- A. An access fee shall be due and payable within 30 days of invoice. The amount and timing of the invoice(s) shall be as follows:
  - Single family residences - 100% of access fee invoiced upon granting of allocation.
  - All other uses – 20% of access fee invoiced upon granting of allocation.  
20% of access fee invoiced with 4 billings for usage starting after the first one.
- B. Notwithstanding subsection A above, if a project is to be phased, 20% of the total access fee for the entire project shall be paid within 30 days of the date of the invoice for the fee. For the remaining access fee, 20% of the access fee for each phase will be invoiced with 4 billings for usage starting after occupation of any structure and use of the water service for the phase.
- C. The payment schedule outlined in subsections A and B above may be applied, in a best-fit manner, to outstanding access fees for allocations that were granted between January 1, 2018 and the effective date of this Ordinance.

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- D. Failure to pay the access fee in the above described time or abide by any other requirement of this section shall be grounds for the forfeiture of the allocation granted and of any and all fees already paid, and shall, in addition, relieve the District of any further obligation to the applicant.

### **§ 407 – TIMEFRAME TO CONNECT**

- A. Within 18 months of receiving allocation approval, a project must either (1) be connected to the system and using water, or (2) pay the quarterly usage charge based on the full allocation of the project, regardless of whether water is being used or whether the project is connected to the system. However, if the project is not connected to the system and does not have the ability to use water service within 5 years of receiving the allocation, the allocation shall be forfeited.
- B. If a project is to be constructed and connected to the public water system in phases, the provisions above shall apply to each phase of the project as approved by the Commissioners. If the final connection for the last phase has not been made within 5 years of the date the allocation was granted, any unused allocation shall be forfeited.

**ARTICLE 5**

**SYSTEM AND CONSTRUCTION REQUIREMENTS**

**§ 501 - SERVICE CONNECTIONS**

A. Curb Stops

1. Curb stops shall be installed as shown on Figure 1 (see Appendix E), as applicable, unless the Superintendent determines that another location for the curb stop would be more appropriate due to extenuating circumstances, in which case the Superintendent shall determine the alternate location for the curb stop to be installed and who shall be responsible for it . Similarly, if a situation arises that does not fit any of those depicted in Figure 1, the Superintendent shall determine the location for the curb stop to be installed and who shall be responsible for it.
2. If the Superintendent determines the location of the curb stop to be something other than what is depicted in Figure 1, he or she shall prepare written documentation of the reason for the alternate location, measured ties to the curb stop and an outline of maintenance responsibilities. Such documentation shall be kept on file and provided to the owner.

B. District's Responsibilities

1. As applicable, the District shall be responsible for the repair and maintenance of the portion of an individual or joint service connection as shown on Figure 1 or as determined in subsection (A) above.
2. If Figure 1(D) is applicable, the curb stop shall be located within 15 feet of the water main unless the Superintendent determines another location is more appropriate.
3. If the curb stop for the connection is at or near the limits of the District's responsibility outlined above, the District shall be responsible for its repair and maintenance as well.
4. The property owner shall indemnify the Department from any loss or damage that may directly or indirectly be occasioned by the maintenance of the District's portion of their service connection.

C. Property Owners' Responsibilities

1. Property owners shall be responsible for the repair and maintenance of that portion of their service connection that is not the responsibility of the District, as shown in Figure 1.
2. Property owners shall be responsible for obtaining any easement for the portion of their service connection that crosses other property – public or private - and/or that is not the responsibility of the District.
3. Property owners shall be responsible for the construction of their entire service connection, even that portion that, once constructed, will be the responsibility of the District to repair and maintain. In addition to obtaining a construction permit as required in this Ordinance, property owners may be required to obtain other local permits, such as a road access permit, and state permits such as a water/wastewater

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permit from the Agency of Natural Resources, prior to construction of their service connection.

### D. Independency

1. A separate and independent service connection shall be provided for every structure except as provided for below.
2. Where one structure stands at the rear of another, the service connection for the front structure may be extended to the rear structure, with the Commissioners' approval, if one of the following conditions are found:
  - a. The rear structure is on the same parcel as and is accessory to the front structure; or
  - b. There is no adjoining alley, court, yard or driveway available where a service connection can be constructed for the rear structure.

E. Existing service connections may be used for new structures only when they are found, upon examination and test by the Superintendent or his or her designee, to meet all requirements of this Ordinance. All related costs of the examination and test shall be borne by the applicant.

F. Services connections shall not have any hose connections or other means of using or obtaining water that is not metered.

### G. Construction Requirements

1. No service connections shall be installed between December 1 and April 1 or when frozen ground conditions exist, as determined by the Superintendent.
2. The construction permittee for the service connection shall notify the Superintendent when the service is ready for inspection and connection to the public water system. The connection shall be made under the supervision of the Superintendent or his or her designee.
3. All excavations for service connection installation shall be adequately guarded with barricades and lights in accordance with applicable standards of the State of Vermont Occupational Safety and Health Administration.
4. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town and Department. The cost for such work shall be borne by the construction permittee.
5. In addition to the requirements above, construction, repair and maintenance of the service connection shall comply with the construction standards as provided for herein.

### **§ 502 - METERS**

A. Metering shall be required in all connections unless otherwise allowed in accordance with this Ordinance. If metered, all public water used shall be registered by the meter. All meters must be purchased by the owner from the Department and are to be installed by the owner in conformance with the Department standards. Once installed and approved by the Superintendent or his or her designee, the meter shall become part of the public water system,

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be solely the responsibility of the Department, and normal maintenance and replacement shall thereafter be borne by the Department.

- B. The owner will be responsible for any damages caused by misuse or freezing of any meter. It shall be the owner's responsibility to report any apparent malfunctions of the meter.
- C. A main meter shall be installed in accordance with this section for all structures that have multiple customers (i.e. apartment or office buildings) and the owner shall be solely responsible for payment of all water usage. The owner may install individual meters for each unit within the structure for the purpose of apportioning the usage registered by the main meter. Such meters shall be the responsibility of the owner and the Department is not required to take individual readings of these meters.
- D. Notwithstanding the provisions of subsection (C) above, if a structure or property consists of more than one condominium unit, each condominium unit shall be separately metered and the unit's owner shall be solely responsible for payment of the water usage for the unit.

### **§ 503 - LOW-FLOW DEVICES**

All new development is required to install low-flow water fixtures. These fixtures shall be considered approved by the Superintendent if they meet the state standards for such. Use of low-flow appliances and pressure-reducing valves are strongly recommended.

### **§ 504 - HYDRANTS**

- A. Hydrants are the property of the Department. All public fire hydrants and their connections shall be maintained by the Department.
- B. Public fire hydrants are for fire protection, including the extinguishing of fires and the conducting of a bona fide drill or practice burn, for the flushing of water mains, and as provided for elsewhere in this Ordinance. No other use of public fire hydrants shall be made without a temporary service permit, as required in Article 3.
- C. A minimum 6-foot clearance shall be maintained around hydrants and free from potential obstacles including, but not limited to, parked vehicles, trees, bushes and fences.
- D. Hydrants that are to be installed as part of a new development or subdivision and shall conform to the design standards of the Department (appended) and shall be private and not become the property or responsibility of the District unless accepted as noted and described in this Ordinance.

### **§ 505 - FIRE PROTECTION SYSTEMS**

- A. Fire protection systems shall be used for fire protection only. Using water from the fire protection system for anything other than fire protection purposes may result in prosecution for unauthorized use. No connection for any other use shall be made to a fire protection system.
- B. Use of the fire protection system shall not be charged. However, if there is no metered water service to the property, a fire protection system fee shall be assessed, whether the system is used or not.
- C. Backflow devices will be required on all fire protection systems and shall meet the requirements of the standard specifications. In addition, all fire protection system

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installations shall have a written recommendation from the Randolph Fire Services Advisory Committee.

- E. Fire protection shall be provided by the developer in accordance with state rules and regulations and for any water line extension longer than 600 feet from existing hydrants owned by the Department. Flow requirements shall be in accordance with the Insurance Services Organization criteria and shall be reviewed by the Fire Services Advisory Committee and the Superintendent.
- F. All fire protection systems shall be subject to periodic inspections by the Department personnel. An owner of such a system shall give the Department personnel all reasonable facilities for making the inspection and any information concerning such system that may be required. Inspections will be made with as little inconvenience to the owner as possible.
- F. If any fire protection system is inoperable, the owner shall notify the appropriate area fire department immediately.

### **§ 506 - CONSTRUCTION PERMITS**

#### A. General

- 1. No unauthorized person shall uncover, make any connections with or opening into, use, extend or disturb any component of the public water system without first obtaining a construction permit from the Superintendent, as required herein. This section shall not apply to work authorized by a temporary service permit.
- 2. Any construction of or repairs to a service connection shall require a minor construction permit prior to the commencement of such work.
- 3. Major construction permits shall be required prior to any construction for all new projects, developments, subdivision, expansions or other projects that require construction or installation of water system components other than the service connection or meter, regardless of whether the system components are to become part of the public water system. As applicable, major construction permits may only be issued if an allocation has been applied for and granted pursuant to this Ordinance.

#### B. Application Procedure

- 1. The application procedure shall be the same for minor and major construction permits except as set forth herein.
- 2. All applications shall be made on a form available at the Town Offices and signed by the owner or his or her duly authorized agent.
- 3. An application fee shall be paid in full before any application is processed.
- 4. If the contractor to perform the work is identified on the application, proof that the contractor is a qualified contractor as described in §507 shall be submitted. Otherwise, see subsection (E) below.
- 5. For minor permits, a sketch and description of the proposed work shall be provided by the applicant.
- 6. For major permits, two sets of detailed construction plans and specifications, and any other information requested by the Superintendent shall be provided by the applicant.

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The Superintendent may require that such plans be signed and sealed by a professional engineer registered in the State of Vermont.

7. An application shall be considered complete when all of the elements listed above are submitted, as applicable.

### C. Review for Construction Permits

1. Minor permits shall be issued by the Superintendent if the Superintendent finds the proposed work to be in conformance with this Ordinance and the design standards.
2. Major permits shall be issued by the Superintendent if the Superintendent finds the proposed work to be in conformance with this Ordinance and the design standards, and the proposed work will not adversely affect the system or its customers. This review may be made by the Department's Engineer, with all such expenses borne by the applicant.

### D. Time frames

1. The Superintendent shall take action to approve, approve with conditions or deny a minor construction permit within 30 days after receipt of a complete application.
2. The Superintendent shall take action to approve, approve with conditions or deny a major construction permit within 45 days after receipt of a complete application, or may request additional information within this time period. If additional information is requested, the Superintendent shall take action to approve, approve with conditions or deny the major permit within 30 days of receipt of the required additional information.
3. All time frames established in this subsection are guidelines. Every effort shall be made to meet these time frames. It is understood that, in rare circumstances, these time frames may not be met. Failure to meet these time frames shall have no effect on any outcome and shall not create a deemed approval of any application.

### E. Conditions of Permits

1. Nothing shall preclude the Superintendent from placing conditions on any permit, even if for an existing use, if such conditions are needed:
  - a. to ensure that the public water system remains in compliance with state and federal laws and is not adversely affected by the project or use of the property,
  - b. to protect the welfare of the general public, or
  - c. to reinforce the requirements of this Ordinance.
2. In addition to any conditions imposed per subsection (1) above and other system and construction requirements in this Article, the following shall be conditions of approval, as applicable:
  - a. If the contractor to perform the work is not identified on the application, no work shall commence on the permit until the Superintendent has determined that the contractor is qualified contractor, as require in §507 below. The burden of proof that the contractor is qualified shall be the responsibility of the permittee.



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- b. All permits shall require a certificate of compliance from the Superintendent or his or her designee prior to use of the system. Such certificate of compliance shall be issued if the work authorized by the permit was completed in compliance with the permit.
- F. Expiration and appeal of permits
1. Permits shall expire if work authorized by the permit has not commenced within 18 months of issuance. Work on the permit shall be diligently pursued after commencement and be completed within 2 years of start of work authorized by the permit.
  2. An applicant or permittee has the right to appeal to the Town Manager any action taken by Superintendent with respect to an application for a permit within 15 days of such action. The appeal shall be in writing to the Town Manager, and shall state the reasons for the appeal. Town Manager shall make every effort to make a decision within 45 days of receipt of the written appeal. Failure to meet this time frame shall have no effect on any outcome and shall not create a deemed approval of the appeal in favor of the appellant.

### **§ 507 – QUALIFIED CONTRACTORS**

- A. In order to safeguard the public water system and its customers from unnecessary interruption of service due to contractor negligence or ineptitude, a construction permit will only be issued if such work is to be performed by a qualified contractor.
- B. The Superintendent shall determine that a contractor is qualified if the contractor meets all of the following criteria:
1. Has applicable and adequate experience in the construction of municipal systems, as applicable;
  2. Has applicable and adequate experience with construction of residential, commercial or industrial potable water systems;
  3. Has adequate liability insurance;
  4. Has professional licenses, as applicable; and
  5. Has satisfactorily completed previous applicable work in the District, if any.
- C. In making a determination that a contractor is qualified, the District does not warranty, guarantee nor in any way endorse the contractor or the work performed by the contractor. Such a determination simply implies that the contractor appears to have the ability to perform the work due to past experiences.

### **§ 508 - INSPECTION**

- A. All construction permits

All subsurface components shall not be backfilled or covered up prior to being inspected and deemed satisfactorily constructed by the Superintendent or his or her designee. Water service to the structure shall not be provided until such time.

- B. Major construction permits

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1. Upon review of construction plans for a major construction permit, the Superintendent may recommend resident inspection. If so recommended, a resident inspector may be required during construction, at the discretion of the Commissioners, for facilities that are proposed to become the property of the District. The resident inspector shall be appointed by the Commissioners.
2. All cost of resident inspection shall be borne by the permittee.
3. It shall be the duty of the resident inspector to assure that all facilities are installed in accordance with the approved plans and specifications for the project. Any divergence from the approved plans must be approved by the Superintendent.
4. In addition to the requirement in subsection A above, certification of project conformance by the resident inspector, if appointed, and the applicant's engineer shall be required in order to obtain permission from the Department to initiate water service for the project.

### **§ 509 - CONSTRUCTION STANDARDS**

All construction of public water system components, including service connections, shall comply with the applicable provisions of the VEPR Chapter 21 Water Supply Rules that are in effect at the time of application. In addition, the Commissioners may adopt supplemental construction standards and requirements that shall apply to such construction, and, if so adopted, are appended to this Ordinance. All of these rules, standards and requirements, herein after referred to as the construction standards, are appended to this Ordinance.

### **§ 510 - CONSTRUCTION BOND**

For components of a project that are to become the property of the District, the applicant may be required by the Commissioners to post and maintain a bond or letter of credit for at least two years after the District has accepted the water system. The purpose of the bond or letter of credit is to insure that the work that is done remains acceptable for at least two years after completion. The amount of the bond or letter of credit shall be determined by the Commissioners.

### **§ 511 - EXPANSION OF WATER SYSTEM FOR NEW DEVELOPMENT**

#### **A. General Requirements**

1. Other than service connections, expansion of or additions or improvements (collectively referred to as “expansions”) to the public water system required for new development may be permitted provided the following criteria have been met:
  - a. All properties to be served are within the District.
  - b. The expansion will not adversely affect or jeopardize service to existing customers or to the system as whole. To avoid adverse impacts, the applicant requesting the expansion may be required to complete other system improvements to eliminate the impact.
  - c. The expansion will not include the connection of any private water supplies.
2. Expansions shall be the financial responsibility of the developer.
3. Expansions shall require granting of the requisite construction permit by the Superintendent.

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4. Expansions to the public water system are to remain privately owned unless it is requested that such expansion be accepted by the Commissioners as part of the public water system as described below.

### B. Notice of Intent to Accept

1. All expansions of the water system, shall be eligible for acceptance as part of the public water system provided acceptance of the expansion is in the best interest of the District. Factors to consider may include the following:
  - a. Whether the cost to maintain the expansion is exceeded by the revenues to be generated by the existing, proposed and/or potential future customers to be served by the expansion.
  - b. Whether the expansion will allow or enable orderly expansion of the public system for future development.
2. Requests for acceptance of an expansion shall be made in writing prior to issuance of a construction permit. This notwithstanding, the Commissioners may consider requests for acceptance of existing expansions if doing so would allow for the orderly expansion of the public system.
3. Requests for acceptance of an expansion shall be reviewed by the Committee which shall provide a recommendation to the Commissioners. Upon receipt of such recommendation, the Commissioners shall issue a Notice of Intent to Accept an expansion if it meets the requirements of subsections A and B.

### C. Final Acceptance Requirements

1. The Commissioners shall grant final acceptance of the expansion when all of the following, as applicable, are submitted and found satisfactory by the Commissioners:
  - a. Certification of the applicant's engineer and, if required herein, the resident inspector of conformance with the standard specifications, this Ordinance, and approved plans and specifications.
  - b. Submission of all deeds and right-of-way instruments accepted by the Commissioners and suitable for recording in the Town Land Records for all new water system components to be taken over by the District. A 30-foot wide easement shall be required for all water mains to become the property of the District. Such easement shall be centered on the water main unless otherwise specified by the Commissioners. Extent of easements for other system components to become the property of the District shall be specified by the Commissioners.
  - c. Submission of 24" x 36" "as-built" plans: two copies on paper, one copy on reproducible mylar and one electronic copy in a format acceptable to the Superintendent. Such plans shall include, as applicable, layouts, details, profiles, elevations, and ties for all fittings, valves, corporations, curb stops and boxes.
  - d. Submission of three copies of product information and three copies of an operations and maintenance manual of all components of the expansion that are

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to become the property of the District. Such information shall be organized and bound. An electronic copy shall also be provided.

- e. Statement of release of all liens from all subcontractors and suppliers.
  - f. Certification of successful leakage and pressure tests, and chlorination procedures and results of successful bacteriological sampling. Temporary water shall be supplied by the Department only for these activities.
2. When final acceptance of the expansion has been granted, the Department shall be responsible for its operation, care and maintenance. Prior to final acceptance, the full responsibility for the maintenance and repair of the expansion shall rest with the applicant/developer, including all associated costs and expenses.

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