

TOWN OF WILLISTON, VERMONT

WATER USE ORDINANCE

Adopted: April 19, 1984
Amended: January 25, 1988
October 24, 1991
November 15, 2016, Effective January 14, 2017

Williston Selectboard

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Abstract: This Ordinance regulates the use of the public water supply system for the Town of Williston.

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Article I. AUTHORITY

Regulations herein set forth are established as necessary and desirable for regulating the use of public and private water supplies and providing penalties thereof in the Town of Williston, County of Chittenden, state of Vermont. This ordinance is adopted under authority of Title 24, Chapters 59, 95 and 129 and Title 32, Chapter 133 and other related statutes.

Be it ordained and enacted by the Selectboard of Williston, State of Vermont, as follows:

Article II. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

Section 2.01 Affordable Housing - consists of dwellings that will be made available for rent or for sale at prices in a manner consistent with the Williston Development Bylaws. To qualify as 'affordable,' the future rent or resale price of a unit must be restricted to a rate of appreciation established by agreement with the Town, a housing trust or a public housing agency, as authorized by 27 V.S.A. § 610 and as approved by the town's Development Review Board.

Section 2.02 Backflow Preventer Device - Shall mean any effective assembly used to prevent backflow into a potable water system. The type of assembly shall be based on the existing or potential degree of hazard, and backflow condition.

Section 2.03 Building Service Line shall mean the pipe or conduit, water meter and valves connected on one end to the curb stop, the other end terminating inside the User's building, to provide water service.

Section 2.04 Cellar Stop shall mean the valve installed on the service pipe after it enters the building and before the water meter.

Section 2.05 Commercial shall mean any building for use as other than residential or industrial.

Section 2.06 Commissioners shall mean the Williston Selectboard acting as the Water Commissioners.

Section 2.07 Curb Stop shall mean the valve which terminates the service line and to which the building's service line is connected to provide water service to the User.

Section 2.08 Department or Water Department shall mean all of the facilities of the

water system as owned by the Town of Williston.

Section 2.09 Disconnection shall mean deliberate interruption by the Department of water service to the User, for reason of delinquent payment.

Section 2.10 Distribution Main (“water main” or “main”) shall mean the primary supply pipe or conduit from which service connections are made to supply water to the User, installed or caused to be installed by the Water Department for the transmission of water.

Section 2.11 Extension or Water Main Extension shall mean any extension of the municipal water system in accordance with the rules, regulations, standards and specifications of the Town of Williston.

Section 2.12 Industrial shall mean any structure(s) used or intended for use as a business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article.

Section 2.13 Fire Services shall mean water service provided to User for fire protection systems or equipment installed on the property of the User.

Section 2.14 May is permission. Shall is mandatory.

Section 2.15 New Service Locations shall mean areas at a distance of more than 200 feet from distribution mains of Department, where extension of distribution mains is required to provide service.

Section 2.16 Person shall mean any individual, firm, company, association, group, or other legal entity.

Section 2.17 Property Owner (Owner) shall mean that person(s) or User, identified as owner of property by recorded deed.

Section 2.18 Residential shall mean any building occupied or used as a one or more family dwelling unit.

Section 2.19 Service Line or Service Pipe shall mean the pipe or conduit running from the distribution main to a curb stop at the property line of the User.

Section 2.20 Subdivision shall mean the division of any part, parcel or area of land into two or more lots or parcels for the purpose of conveyance, transfer, improvement or sale, with appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting there on, as defined in the Subdivision Regulations of the Town of Williston.

Section 2.21 Public Works Director shall mean the Appointee of the Town Manager or

their authorized deputy, agent, representative or operator designated as responsible for operation of the Williston Water Department. A reference to the Public Works Director is a reference to the Town Manager and vice versa.

Section 2.22 Tap shall mean any connection to the main.

Section 2.23 Town shall mean the municipality of Williston, County of Chittenden, State of Vermont, acting by and through its Selectboard or, in appropriate cases, acting by and through its authorized representatives, agents, deputies, operators, Superintendent or Commissioners.

Section 2.24 Unconnected Properties shall mean those properties with boundary line(s) 200 feet or less from distribution mains which do not receive water service.

Section 2.25 Unit shall mean any building or specific portion thereof which is separately identifiable as:

- (a) Residential: Self-contained housekeeping facility for one family (house, duplex, apartment, condominium).
- (b) Commercial: Individual, self-contained facility or business such as store, motel, hotel, garage. A meter will be required for each building in a hotel/motel complex.
- (c) Industrial: Individual self-contained facility for use in manufacturing or industry.
- (d) All unit designations shall be as determined by the Commissioners.
- (e) For the purposes of this ordinance each separate individual building will be considered a unit.

Section 2.26 User (Customer) shall mean any person, firm, corporation, association or group receiving or requesting water from the Department.

Article III. USE OF WILLISTON PUBLIC WATER SUPPLY

Section 3.01 This Ordinance shall constitute a part of the contract between each User and the Town. Each User of the Town shall be bound by this Ordinance and all subsequent changes and amendments thereto. The User's application for water service shall be considered the User's consent to be bound by this Ordinance.

- (a) A copy of this Ordinance is available for review at the Town Office.
- (b) Failure to know the Rules and Regulations of this Ordinance will not excuse the User from the consequences of neglect of this Ordinance.

Section 3.02 **Water Supply Emergencies:** The Selectboard may prescribe emergency rules governing the supply and use of water as it may deem appropriate to accommodate such emergency. Such rules shall be adopted at any duly held meeting of

the Selectboard. Any required notice of such meeting shall state that the Selectboard will consider adopting emergency rules governing the supply and use of water. Such rules shall be adopted by majority vote of the Selectboard shall be thereafter recorded in the minutes and posted in five (5) locations within the Town and shall become effective immediately upon adoption. Such rules may remain in effect for a period not to exceed ninety (90) days, unless again adopted in the manner set forth herein.

Section 3.03 All water shall be metered except as otherwise provided by this Ordinance or as approved by the Public Works Director.

Section 3.04 It shall be unlawful for any person to extend, tap or in any way injure or tamper with a Water Main or Service Pipe. All tapping and turning of Water Main Valves shall be done under the direction of the Public Works Director or Authorized agent.

Section 3.05 It shall be unlawful for any person to remove any seal placed on any valve, meter or other appurtenance of the Water Department, unless permission to do so has been given in writing by the Public Works Director prior to the actual removal of said seal.

Section 3.06 Except with the permission of the Public Works Director, no person shall turn on water to any premises or shut off the same and water shall not in any instance be turned on to any premise for use at meter rates until said meter has been suitably attached.

Section 3.07 No person shall adjust, open, close, alter or perform any operations to valves, hydrants, or to any other parts of the water system, except with the permission of the Public Works Director.

Section 3.08 No person shall suffer or permit water from the water system to run to waste through any faucets or fixtures to prevent freezing, or, for any other purpose, to be kept running for any longer than necessary for non-wasteful consumption, without prior approval of the Public Works Director. The Public Works Director shall restrain and prevent any and all waste of water and to that end may, when necessary, turn off water or take such to other action as, in its judgement, appears proper.

Section 3.09 No connection will be made to the water system without first submitting a completed Water Connection Application which has been approved by the Public Works Director. Forms are available at the Town Offices.

Section 3.10 All fees and charges shall be paid in full before the connection to the water system. All fees and charges are as stated in the Fee Schedule which is available at the Town Offices.

Section 3.11 Completion of the application and payment of fees shall be considered acknowledgement and agreement by the applicant to conform with Williston Public

Works Standards and Specifications (WPWS) for Construction and this Ordinance.

Section 3.12 Contractor "Construction Services" shall include the Water Connection Fee before water is turned on, and if service equipment is not then installed in the final location, the additional cost of labor and material to relocate this equipment shall be paid by the contractor.

Section 3.13 When it is desired to discontinue the use of water, written notice shall be given to the Public Works Director and water charges shall continue to be collected until the water is turned off at the Curb Stop.

Section 3.14 All meters shall be furnished by the Water Department and shall be installed to their specifications under the direction of the Public Works Director. The cost of installing meters and any cost for repair caused by frost, hot water, malicious mischief, or any other improper usage shall be paid by the Property Owner. The Water Department shall not furnish water through any meter over which they do not have exclusive control.

Section 3.15 All meters shall be installed with cellar stops and a check valve or a valve on each side of the meter. No water meter shall be installed without a pressure regulator or approved backflow preventer where it is considered by the Public Works Director to be injurious to either the Water System or the Property Owner. The full cost of these devices shall be the responsibility of the Owner. All routine and necessary maintenance of the water meter shall be the responsibility of the Williston Water Department. Cost of replacement or repairs of cellar stops, check valves, pressure regulators, and backflow preventers shall be the responsibility of the Owner. Required periodic testing of the backflow preventers consistent with the Williston Policy for Backflow Prevention Device Inspections & Cross Connections, shall be at the Owner's cost.

Section 3.16 In installing a service to any premise and furnishing Water, Material, or Labor, the Water Department shall negotiate only with the Owner of said premises. The Owner on the other hand, desiring to use Williston Water on their premises shall keep the Water Department advised of the address to which bills, notices and other communications to him shall be delivered and Owner of the premises shall be held responsible for the same. A change of tenants or owners will not relieve the premises from liability for payment of delinquent bills and lien securing said obligation. All user fee bills will be billed directly to the legal owner of the property served.

Section 3.17 One water meter shall be installed at each location, building, premise, or unit. In Multi-Use or Multi-Occupancy buildings or premises it may be desirable to install more than one meter. The determination as to whether more than one meter shall be installed in multi-use occupancy buildings shall be in the sole discretion of the Public

Works Director. Meter fees are applicable for each installation.

Section 3.18 All private distribution mains shall be metered at the point where the private main leaves the Town of Williston system, easement or right-of-way. Water metered by said meter shall be billed to an association or an individual. The Department will not be responsible for multiple billing from such a meter except for private systems where the Town is already conducting multiple billings prior to July 1, 2016.

Section 3.19 The Water Department shall from time to time make an inspection of fire hydrants belonging to them and keep them in good repair and working condition at all times, except as shut off for repair and shall cause all defects therein to be repaired without unnecessary delay. No person shall open any hydrant or draw water from therein except:

- Public Works Director, or persons acting under its authority or direction;
- Members of the Williston Fire Department or other Fire Departments and then only in connection with extinguishing fires.

Section 3.20 The operator of any motor vehicle which damages or breaks a fire hydrant or renders it inoperative by said motor vehicle, shall be liable for the costs of material, labor, and equipment required to return the hydrant to operable condition.

Section 3.21 Water mains may be extended only upon an agreement in writing wherein the applicant shall agree to pay for all labor and materials necessary including valves, hydrants, tapping, service pipes, and appurtenances. Also, the applicant shall agree such extension shall be installed to American Water Works Association (AWWA) standards as well as Town, State and local standards. (See Article IV) After the water main extension has been constructed, and has passed the required pressure and bacteriological tests, then it shall be acceptable to the Williston Water Department to place the extension in services.

Section 3.22 All material, labor and locations for installation or extension of Mains or Services shall be approved by the Public Works Director and/or its Engineer. All water main extensions or alterations must be submitted to the Board of Water Commissioners on a detailed, workable, 24' x 36' print drawing to 1" = 50' or 1" = 40' scale and presented in triplicate at least thirty days prior to the anticipated date construction is to commence.

Section 3.23 Williston Water Department and the Town of Williston shall not be liable for any injury, loss of damage of whatever nature, caused or occasioned by failure to maintain a constant or uniform pressure within the Water Main or by a stoppage of water by frost or other causes, or insufficient supply of water, or for accident or damage of any kind caused or created out of furnishing or failing to furnish water.

Section 3.24 The Town shall not be required to provide notice of interruption. Notice

of interruption may be provided as a courtesy only, except as noted in Section 3.25 below.

Section 3.25 Users shall be notified in writing of interruption of service by “Disconnection” as provided by the Provisions of this ORDINANCE and Title 24, Chapter 129.

Section 3.26 No person shall be entitled to damages, nor have any portion of a payment refunded for any stoppage occasioned by accident to any portion of the water system or for non-use occasioned by absence or any other reason.

Section 3.27 The Town will comply with State Regulations with regard to testing, monitoring, and reporting the water system.

Section 3.28 All persons taking water shall keep the fixtures and service pipe within their own premises in good repair and fully protected from frost and shall prevent the waste of water. The Water Department shall not be liable for leakage of hydrants, pipes or fixtures upon the premises of the user, nor for any obstructions or restrictions therein caused by frost or otherwise, nor for any damage resulting from the foregoing.

Section 3.29 Repairs to any service pipe from the curb stop to the meter within the building shall be performed at the Property Owner’s expense for material, labor, and excavation, backfilling and patching.

Section 3.30 The Curb Stop shall be located at the limit of Town right-of-way or the limit of the Water Main right-of-way. The Town shall be responsible for the maintenance of the service pipe from the main up to and including the curb stop. The Property Owner shall be liable for the maintenance of the service pipe from the curb stop to the cellar stop.

Section 3.31 All privately-owned fire hydrants shall be regularly maintained and kept in good repair by the owner(s) thereof. If a privately-owned fire hydrant is found to be inoperable and/or in need of repair, the Public Works Department shall notify the owner in writing of the required repairs. All required repairs shall be made by the owner within 60 days of the notice to the owner. (In the event weather conditions prevent the required repairs to be made within such 60-day period, a reasonable additional time shall be allowed.) If the required repairs have not been made within the time specified herein, the Town or its agent(s) may make the required repairs and the owner shall reimburse the Town for the cost of such work. Any bill which remains unpaid for the space of 30 days shall be a lien against owner’s land and shall be subject to collection in

the same manner a real property taxes.

Article IV. CONSTRUCTION STANDARDS

Section 4.01 The Town shall utilize construction standards and specifications as it deems to be in the best interest of the water system. Said standards will be administered by the Public Works Director and/or its authorized agent(s).

Section 4.02 The construction standards and specifications applicable to the Town of Williston's water system will include the standards, rules, regulations and requirements as specified by:

- (a) The Town of Williston Public Works Standards;
- (b) Vermont Health Department;
- (c) Vermont Department of Water Resources;
- (d) Environmental Protection Agency;
- (e) American Water Works Association (most recent specifications apply);
- (f) The Town's Engineer; and
- (g) Any other Town, State or Federal agencies having jurisdiction

Section 4.03 Any materials and equipment used will meet the most recent American Water Works Association specifications and will be compatible with materials and equipment presently utilized in the water system, or as approved by the Public Works Director.

Section 4.04 The Public Works Director shall review plans of all proposed water system construction to insure compliance with said standards.

Section 4.05 All construction activities within Town's right of way shall occur between April 1 and November 15, except as otherwise approved by the Public Works Director.

Article V. WATER UTILITY ACCEPTANCE REQUIREMENTS

Section 5.01 Water mains and their related appurtenances shall be eligible for acceptance as a part of the Williston Water Department Distribution System when the

following criteria have been complied with:

- (a) The installation and materials have been approved by the Public Works Director as being in compliance with established standards. (Section 4.02)
- (b) The installation has passed the necessary hydrostatic pressure and leakage tests in accordance with the latest revisions of American Water Works Association (AWWA) C-6000.
- (c) The installation has been disinfected in accordance with the latest revision of AWWA C-601 and has been certified by the Vermont Department of Health to be free of bacteriological contamination.

Section 5.02 No new main shall be placed in service until it has met the above requirements.

Section 5.03 The installation must be within an existing or proposed Highway right of way.

Section 5.04 Prior to the acceptance of any new water facilities into the municipal water distribution system the Water Department shall be furnished three (3) sets of Record Drawings and one (1) set of reproducible Record Drawings. All Record Drawings shall be 24" x 36" in size and drawn to a 1" = 40' or 1" = 50' scale.

Section 5.05 One (1) year from the date that the new installation was placed in service it may be deeded to the Town of Williston and become a part of its distribution system and by such acceptance, the Town of Williston shall be responsible for the maintenance of it. However, it should be clearly understood that prior to acceptance into the distribution system full responsibility for the maintenance and repair of the new main and its related appurtenances shall rest with the Owner.

Article VI. WATER RATES AND CHARGES

Section 6.01 All charges, rates or rents of the Water Department for or in connection with the water supply shall be determined by the Selectboard and shall be a lien upon real estate, furnished with the service for which such charges, rates or rents are imposed, in the same manner and to the same effect as taxes are a lien on real estate under Title 32, Chapter 133, Subchapter 8 of the Vermont State Statutes.

Section 6.02 A water connection charge shall be assessed to all persons submitting new water connection applications to the Town. All charges shall be paid at the time the application is submitted. Water connection charges for units that are perpetually affordable as defined in the Williston Unified Development Bylaws and Section 2.01 of this ORDINANCE, shall be calculated at 50% of the Water Connection Charge approved by the Selectboard for the fiscal year in which the Water Connection application is

submitted.

Section 6.03 The connection charge shall be based on an analysis of future storage and distribution needs of the system as the number of customers increase. The charge shall be based on an analysis to be completed not less than every ten years. Such analysis should include but not be limited to: current capacity of the system compared to current flows; anticipated future development and flows during the ten-year planning period; service area; identification of possible changes to the system; and estimated cost of system improvements to accommodate future anticipated flows.

Section 6.04 The connection charge may be adjusted annually by the Selectboard to account for inflation and/or cost of living increases.

Section 6.05 No abatement of charges, rates or rents for or in any connection with water supply shall be allowed by reason of disuse or diminished use of such services or vacancy of the premises served, unless reasonable advance notice of such disuse, diminished use or vacancy of premises shall have been given to the Public Works Director, nor shall any payment be refunded nor abatement made in connection with charges, rates or rents for water by reason of the occurrence of any of the matters or things specified in this ORDINANCE.

Section 6.06 Every bill, charge, rent or statement rendered by the Water Department shall, unless specified therein, be paid in full by the due date of said bill, and if not so paid, a late charge of ten percent shall be added to the bill and collected as part thereof. All delinquent water bills shall be collected and water service discontinued in accordance with the Municipal Uniform Disconnect Act (Title 24, Chapter 129 of the Vermont State Statutes), or other remedies provided by law.

Section 6.07 In the event any Water Meter is removed from any premise at the request of the Owner or for any reason, a reinstallation fee shall be charged. (This section is not applicable to leaking or faulty meters). (Fee schedule is available at Town Offices.)

Section 6.08 Should any meter become inoperative between readings, upon investigation and discretion of the Public Works Director the customer shall be billed at the average amount of the preceding two quarters that the meter recorded correctly.

Section 6.09 Nothing contained herein shall limit the authority of the Water Department or the Selectboard, to impose taxes or assessments upon the grand list, as provided by law.

Section 6.10 The Owner is responsible for the payment of water bills and is also responsible for notifying the Water Department at the office of the Town Treasurer of any changes in mailing addresses. Failure to receive a bill does not relieve the Owner of

the obligation for payment or for the payment of penalties.

Section 6.11 For each service, the Owner in whose name the bills are rendered shall be responsible for payment, without regard to whether that Person is the ultimate User. By applying for water service, the Owner agrees to pay all bills that become due, and, failing to do so, agrees to pay all costs of collection, including attorney's fees.

Section 6.12 In order to determining water use charges, the water meters shall be read sometime after the first of the second month preceding the due date by Water Department personnel or duly authorized representatives. Water use charges shall be subsequently billed quarterly becoming due March 31, June 30, September 30, and December 31 or the first workday thereafter, of each year.

Article VII. POWERS AND AUTHORITY OF INSPECTORS

Section 7.01 The Public Works Director and other duly authorized employees of the Water Department bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, removing or replacing meters, measurement, sampling and other testing, in accordance with the provisions of this Ordinance. Inspectors and meter readers will carry appropriate identification and will show same upon request to the Property Owner or authorized agent.

Article VIII. PROTECTION FROM PHYSICAL DAMAGE

Section 8.01 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Williston Public Water System. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or other applicable criminal offenses under Vermont law.

Article IX. CONFLICT

Section 9.01 If any provision(s) of this Ordinance is (are) found to be in conflict with any provisions of any Zoning, Building, Safety or Health, or other Ordinance or code of the Town, or State of Vermont existing on or subsequent to the effective date of this Ordinance, that provision which, in the judgement of the Public Works Director, establishes the higher standard of safety and health shall prevail; and that provision or ordinance which sets the lower standard is hereby declared to be invalid to the extent that it is found to be in conflict with the provision or ordinance which sets the higher standard and is hereby repealed.

Section 9.02 The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be

given effect without such invalid part or parts.

Article X. PENALTIES

Section 10.01 Any violation of the foregoing shall, pursuant to 24 VSA, Section 1974 (a), constitute a misdemeanor, punishable by a fine of not more than eight hundred dollars (\$800.00) per offense or imprisonment not to exceed one (1) year. Each day the violation continues shall constitute a separate offense. In addition, the Town, pursuant to 24 VSA, Section 1974(b), may seek injunctive relief, without affecting criminal prosecution brought pursuant to the foregoing sentence. This Town reserves the right to institute any action for damages and declaratory relief, whenever it deems such action to be appropriate. In any action for damages or injunctive relief against a User in which the Town obtains judgement, the User shall pay the Town's court costs and attorney's fees, and such amount shall be added to any such judgement.

Section 10.02 In addition to any other remedies, the Town shall be empowered to disconnect water service to a User, after notice, when payment of a valid bill or charge is delinquent as provided by Title 24, Chapter 129.

Article XI. ORDINANCE IN EFFECT

Section 11.01 This Ordinance as amended shall be in force and effect sixty (60) days from the date of enactment by the Selectboard for the Town of Williston.