

CHAPTER 3

PUBLIC WORKS

ARTICLE III. WATER DEPARTMENT

Sec. 3-300. CONSENT TO RULES.

This chapter and any rules and regulations of the Water Department shall be considered as stating the conditions upon which city water will be furnished, and every person using city water shall be considered, by so doing, to express his consent to conform to the requirements of this chapter and any rules and regulations of the department.

Sec. 3-301. COMPLIANCE WITH RULES.

Only in compliance with the provisions and requirements of this chapter and the rules and regulations of the Water Department can a person become, or having already become, can a person continue to be, a user of City water and enjoy or possess the privileges and advantages afforded by the city water system; and during the refusal or failure of any person to comply with such provisions, requirements, rules or regulations, all right of such person to use city water shall wholly cease.

Sec. 3-302. COMMISSIONER OF WATER DEPARTMENT.

The commissioner of the Water Department shall have the responsibility for the operation, control, maintenance, improvement and repair of the city water works, its appurtenances and all city property pertaining thereto, subject to the orders and ordinances of the City Council.

Sec. 3-303. WATER COMMISSIONER'S PLANS AND RECORDS.

The commissioner of the Water Department shall prepare and keep on file in his office, subject at all times to the inspection of any member of the City Council, such maps, plans and records as may be necessary to fully and properly show the location of all reservoirs, mains, service pipes, valves, cocks and other fixtures in use by the Water Department, and shall turn them over to his successor in office.

Sec. 3-304. APPLICATION FOR NEW WATER SERVICE.

The applicant shall state fully and truly all the purposes for which the water may be required, and shall submit a new application prior to making any alterations in that purpose. No person shall use water from the city water supply for purposes other than those stated in such application. New service connections will not be made between November 15 and April 15 of each year to be effective December 15, 1979. Exemptions may be granted by the Board of Water and Sewer Commissioners.

Sec. 3-305. NEW WATER SERVICE CHARGES AND REQUIREMENTS TO METER.

(a) A new service connection shall not be attached to a water main except on written application, signed by the owner of the premises to be supplied, or his duly authorized agent. The main shall be tapped and lateral pipe laid by the City to the property line. A new water service charge shall not pertain to properties already serviced by the system unless an indirect connection is proposed. An indirect connection is defined as any change in the structure currently being served through an existing connection which will result in additional dwelling units, or in the case of non-residential and tax exempt space, where such change will result in additional building square footage. However, any modification

to, or alteration of, any existing service connection which requires City participation will be done as outlined in Section 3-305(f). The work will only be done by the City if the service line is less than 2 inches in diameter. On service lines of 2 inches in diameter or larger, all work shall be performed by the applicant at his cost and inspected by the City prior to connection. An estimated cost for inspection shall be provided by the City and paid by the applicant, as outlined in Section (f).

(b) All water consumption shall be provided through a meter with shut-off valves on either side of the meter to allow for meter replacement and repair. Each separate use shall be individually metered.

- (1) Conversion from flat rate to meter rate will only be allowed if each separate use can be individually metered, unless the conversion is from a combined fixture/flat rate to a metered rate.
- (2) Any building whose ownership is condominiumized shall have separate meters for each unit. Separate shut-off valves will be provided for each unit for either the entire water service or individual water heaters, either in the public right-of-way or in the building, if provision is made in a condominium declaration allowing access for the City to enter upon the premises for the purpose of shutting off some or all of the water supply. Individual exemptions to this provision may be granted by the City Council.

(c) The Commissioner of the Water Department shall establish the design and specifications on all meters, each of which shall have a remote reading feature. The Water Department shall provide and install all meters.

(d) Reserved.

(e) All water usage shall be metered.

(f) For every new, direct connection, the property owner shall deposit sufficient funds with the City to cover the cost of labor and materials plus twenty percent (20%) overhead for making the connection to the water main. After making the appropriate connection, the unused balance, less twenty percent (20%) overhead will be refunded to the property owner.

(g) The following water service charges shall be paid by the property owner for each direct or indirect new connection requested:

Single Family	\$ 900.00	per dwelling unit
Two Bedroom or More		
Multi-Family/Condominium	600.00	per dwelling unit
One Bedroom Multi-Family/Condominium	400.00	per dwelling unit
Non-residential	.33	per square foot
Tax Exempt	1.00	per square foot

(h) A new connection charge shall not be charged to a property owner abutting an existing water main, if that property owner has previously requested and been denied the right to connect by the City because an adequate supply of water was not available at the time of the initial request.

(i) The City Council may reduce or waive, at its discretion, the connection charge for non-residential connections, if such action would serve as an incentive for new development or expansion of existing commercial and/or industrial property.

Sec. 3-306. USE OF WATER AFTER SHUT-OFF FOR CAUSE.

No person upon any premises where a domestic service rate is established, or who shall take water by commercial or meter service rates, after the water shall have been shut off for cause, as is provided in this chapter, shall let on the water, or let the water run from the pipes on such premises, or authorize, cause or permit the water to be let on.

Sec. 3-307. USERS' DUTY TO MAINTAIN FIXTURES.

All persons taking water must keep the fixtures and service pipe within their own premises in good repair and fully protected from frost, and must prevent all unnecessary waste of water. The City shall not be liable for leakage of pipes or fixtures upon the premises of the taker, nor for any obstructions therein by frost or otherwise, nor for any damage resulting from any of the foregoing causes.

Sec. 3-308. DISCONTINUANCE OF WATER SERVICE.

When it is desired to discontinue the use of water, notice must be given at the office of the department, as bills will be made and service rates collected until the water is shut off at the city stop-cock.

Sec. 3-309. RATE REDUCTION FOR DISUSE OR VACANCY.

No abatement of the water rate will be considered by reason of disuse or diminished use, or vacancy of premises, unless notice thereof be given at the office of the department. The minimum charge, as established by the City Council, shall be paid annually, regardless of use, so long as the service pipe is connected to the main.

Sec. 3-310. USE OF WATER FOR UNAUTHORIZED PURPOSE.

No person shall give away or use any water from the City water works on any premises, for any other purpose than that for which payment has been made; nor allow the water to be wasted from fixtures out of repair or otherwise. The water commissioner, or his authorized agent, may cut off the water from the premises of any person who shall violate any of the provisions of this section, and such offender shall be deprived of the use of the water until he shall have made all necessary repairs and paid all outstanding charges owed the City.

Sec. 3-311. CHARGE FOR UNAUTHORIZED USE.

When a person has used City water without a permit from the Water Department, a charge shall be made against the premises for the time the water has been so used, or for the quantity estimated by the water commissioner or shown by meter measurement to have been used; and said charge increased fifty percent (50%) shall be collected as provided in Section 3-325 of this Chapter.

Sec. 3-312. USE OF HYDRANTS.

Hydrants, fire plugs and pipes rated as used for fire purposes shall be used for no other purpose except with the permission of the Water Department in flushing sewers and cleaning streets and mains.

Sec. 313. OBSTRUCTING CITY WATER SYSTEM APPURTENANCES.

No person shall by any means obstruct access to any stop-cock, hydrant, fire plug or other appurtenance of the city water system.

Sec. 314. INJURY OR DAMAGE TO CITY WATER SYSTEM APPURTENANCES.

No person shall remove, carry off, or in any way injure, interfere or meddle with any hydrant, fire plug, stand-pipe, valve, valve-box, valve-cover, pipe, tool, apparatus, fixture, building, machinery, or fence, belonging to the City water system.

Sec. 3-315. WATER TURN-ON TO METER.

The water shall not be turned on for use by meter rates until a suitable place has been prepared for a meter to be set as determined by the water commissioner or his authorized agent.

Sec. 3-316. CONTROL AND ACCESS TO METER.

The Water Department shall not furnish water through any meter which it does not either own or over which it does not have exclusive control and to which it does not have full access for meter reading, testing, maintenance and replacement.

Sec. 3-317. ONE METER PER PREMISES.

Premises of different persons shall not be supplied through one meter, except as otherwise provided herein.

Sec. 3-318. MULTIPLE METERS.

Water used through two or more meters upon the same premises, for the same business, and to supply the same pipes used for a common supply, shall be rated as passing through one meter; if used for separate pipes or for different kinds of business, each meter shall be rated separately. In no case, however, shall water be furnished to a meter for less than the established minimum meter rate.*

* See current minimum meter rates for water on file in the City Clerk's Office.

Sec. 3-319. METER FAILURE.

If from any cause a meter or its remote reader fails to register the amount of water passing through it, the consumer will be charged at the average daily rate, as shown by the meter during its use when in order. The consumer will be notified, in writing, that the Water Department will repair or replace the meter.

Sec. 3-320. PLACEMENT OF METER.

(a) Meters must be connected with all fixtures supplied with water on the premises in such a manner that all water used will be measured. All meters shall be set under the direction of the Water Commissioner and shall not be moved or disturbed without his permission. In case of the use of water through a meter in such manner that the meter does not, in the opinion of the Water Commissioner, accurately measure the water actually passing through it, the Water Department shall place such meter on such service as will, in the Commissioner's opinion, correctly register the amount of water used.

(b) All water meters must be equipped with a remote reader of a type specified by the commissioner of the Water Department which shall be situated on an easily accessible exterior wall of the structure as determined by the water commissioner.

Sec. 3-321. WATER COMMISSIONER MAY ORDER INSPECTION.

The water commissioner shall cause the premises of persons using City water to be inspected whenever in his judgment such inspection is necessary, and the meters, pipes, and other fixtures and appliances connected with the service to be examined.

Sec. 3-322. INSPECTION OF PLUMBING FIXTURES, ETC.; DUTY OF CONSUMER.

Any duly authorized officer or agent of the Water Department may enter at all reasonable times the premises of any person supplied with water to inspect the pipes, fixtures, etc., which are used in connection with the water supplied, and it shall be the duty of the person supplied to answer at all reasonable times all proper inquiries made by the department or their agents in regard to the quantity, purposes and manner in which the water is used on the premises.

Sec. 3-323. NOTICE OF WATER WASTAGE.

The owner of premises using City water, or his duly authorized agent, upon notice from the water commissioner that any faucet, closet, hose connection or other fixture on said premises is leaky, or otherwise out of repair so as to waste the water, shall within five days cause the same to be made tight and put in proper condition for the conservation of the water.

CROSS REFERENCE: Notice of intent to terminate service, Sec. 3-327.

Sec. 3-324. POWER TO REFUSE WATER SERVICE.

The water commissioner shall have power to withhold the water supply from any person failing or refusing to comply with any of the provisions, orders, requirements, or rules and regulations of the Water Department. Any failure, neglect, or delay on the part of the water commissioner to withhold water under the powers given him by this section shall not constitute or be construed as a waiver of his right to do so, and he may at any time, after finding that a user of City water is violating any provision or requirement of this chapter or any rule or regulation of the department, cause the water to be shut off, and to remain off, from the premises of such user, until such user of the City water shall have fully complied with such provisions, orders, requirements, and rules and regulations.

Sec. 3-325. WATER RATES.

(a) Water Commissioner Proposes Adjustment in Rates. The water commissioner shall, from time to time as he may see fit, submit to the City Council such proposals of amendment to the rates of the Water Department as he may deem for the best interest of the City. Such rates shall include a standby or capacity charge for fire protection for buildings that are located within the City water supply service area but are not connected to such water supply, or are connected to a private water supply in addition to the City water supply.

(b) Establishment of Water Rates. The City Council shall establish all water rates and when payment of these rates will become due and payable.

(c) Collected by the City Treasurer. All water rates shall be payable to and collected by the City Treasurer at his office.

(d) Notice and Bill: Late Penalty and Interest. Notice and bill for water rates shall be made by mailing the same to the owner or duly authorized agent in charge of the premises where used.

- (1) Such notice and bill shall state the dates of coverage of the bill, and shall also state that unless payment is made on or before passage of forty-five (45) days from the billing date, a penalty of eight percent (8%) will be added to the rate charge, and in addition, the bill will show the exact due date.
- (2) If said bill is not paid on or before the passage of sixty (60) days from the billing date, the Water Department may, without further notice, at the discretion of the water commissioner with consultation from the City Health Officer, cause the water to said premises to be reduced to a trickle and remain so until the delinquent bill plus accrued penalties and the fee for turning on and shutting off the water service are paid to the City Treasurer.
- (3) An interest charge for late payment of water charges shall be imposed per month, or any part thereof, from the due date of the regular payment. The interest rate shall be established by resolution of the City Council.

(e) Failure to Receive Bill. A failure to receive a bill for service rates shall not constitute an excuse for failure to pay the same before the date at which eight percent (8%) is required to be added to all unpaid bills.

(f) Water Rates as Taxes and Tax Liens. Water rates shall be a tax and a lien on the real estate supplied with the water, and may be collected in the same manner as other taxes of the City, and the owners of such real estate shall be subject to the same liabilities therefore as for other City taxes.

CROSS REFERENCE: Tax liens on real property, force and effect, see 32 V.S.A., Sec. 5061.

Sec. 3-326. PROPER SHUT-OFF VALVE REQUIRED.

If, having shut off the water from any service for repairs or other cause, it is found that on said service there is no cut-off back of all fixtures, the water shall not be again turned on to such service until a suitable cut-off is properly placed therein.

Sec. 3-327. NOTICE OF INTENT TO TERMINATE SERVICE.

Whenever it becomes the duty of the water commissioner, under the provisions of this Article, to shut off water, he shall, unless herein otherwise specified, give the user of water on the premises affected not less than twenty-four (24) hours notice of the time when, unless the provisions of this chapter and the rules and regulations of the water department are complied with, the water will be shut off.

Sec. 3-328. NOTICE TO FIRE DEPARTMENT OF SHUT-OFFS.

The commissioner, whenever he shall cut off the supply of water from any of the hydrants in any part of the city for repairs or other causes, shall immediately give notice thereof to the chief engineer of the Fire Department. He shall state in the notice particularly to what extent the hydrants are so rendered unavailable for fire service; and shall also notify the chief engineer when the said hydrants are again in working order.

Sec. 3-329. PERMISSION TO DRAW WATER FROM HYDRANTS.

No person shall open any hydrant or draw water therefrom, except under the direction of the water commissioner, or the chief engineer of the Fire Department, or the Commissioner of Public Works.

Sec. 3-330. TEMPORARY SHUT-OFF: NOTICE.

Whenever the water commissioner shall have cause to shut off the supply of water on any line of pipe for repairs, he shall immediately notify the water takers on such line of pipe, stating as nearly as possible the length of time such supply will be shut off; provided, however, that in case of sudden burst or other emergency, the water may be shut off without notice, in which case notice as aforesaid shall be given the water takers on the line of pipe so affected as soon as possible after shutting off the water.

Sec. 3-331. TAMPERING, ETC., WITH EQUIPMENT BELONGING TO THE WATER DEPARTMENT.

No person shall meddle with, disturb, remove, carry off, or in any way injure any hydrant, valve, valve box or cover, meter, stop-cock, stop-box or cover, pipe, tool, apparatus, fixture, building, machinery to fence belonging to the city water works, nor place anything in such manner as to obstruct or hinder free access to any hydrant or meter.

CROSS REFERENCE: Tampering with water mains, hydrants, etc., see 13 V.S.A., Sec. 3729.

Sec. 3-332. POLLUTION OF THE WATER SUPPLY.

No person shall throw, put or place, or cause to be thrown, put or placed, in any public reservoir, or stream connected therewith, or waters in the city, any stone, dirt, ashes, shavings, stocks, garbage, rubbish or filth of any kind, nor shall wade or bathe or fish in, or cause or permit a dog or animal to go into or swim in the water, nor skate on the ice of a public reservoir.

Sec. 3-333. REGULATION OF WATER CONSUMPTION.

(a) Upon a finding by the City Council, the Board of Health or the Vermont Department of Health that there exists an actual, potential or anticipated threat to the potability, sufficiency, quality, quantity or integrity of any public water supply, including its tributaries and sources, the City Council may direct one or more of the following water conservation measures for all consumers on the water supply, including the extra-territorial water consumers:

- (1) A voluntary conservation request seeking the restriction, curtailment or cessation of non-essential water use, including but not limited to, motor vehicle washing, lawn, garden and landscaping watering, street and exterior building cleaning, filling swimming pools, agricultural irrigation, and industrial processing.
- (2) A prohibition against watering yards and vegetation, washing motor vehicles and mobile equipment, cleaning outdoor surfaces and buildings, operating ornamental fountains and water-consuming displays and the filling or topping off of swimming pools. This prohibition shall not apply to commercial enterprises or watering of food crops or trees.
- (3) An emergency water conservation notice prohibiting the use of water for any activity specified under subdivision (1) hereof, and/or limiting the quantity of water to be used on any premises directly or indirectly connected to the City's water system.

- (4) A mandatory water conservation order prohibiting the use of water for any purpose other than to prevent an immediate and serious health hazard.

(b) Notice of any water conservation measure adopted under Subsection (a) shall be disseminated immediately through the local media, and shall be posted conspicuously in all areas served by the City's public water supply system. In addition, such notice may be served upon the occupants of all commercial and industrial premises connected directly or indirectly to the City's water supply system.

(c) Any person who shall violate any water conservation measure adopted under Subsection (a) and promulgated under Subsection (b) shall be deemed to have committed a civil offense, and shall be subject to the penalties established in Section 1-9(d).

(d) The provisions of Section 3-407 shall apply to the implementation of any water conservation measure adopted under this Section.

CROSS REFERENCE: Water Pollution, see 18 V.S.A., Sec. 1201 et seq.

Sec's. 3-334 to 3-399 reserved.

CHARTER REFERENCE: Water Rates, T.5, Sec's. 9 and 10; Water Commissioner, T.4., Sec. 26; To Protect Water System and Supply, T.3, Sec. 17 (XXXCIII), (XXXIX); To Take Land, T.3, Sec. 17 (XLI). 1955 Charter.

STATE LAW REFERENCES: Water Works, V.S.A., T.24, Sec. 3301 et seq; Water Mains, V.S.A., T.24, Sec. 3401 et seq.

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