

RICHMOND WATER RESOURCES DEPARTMENT WATER ORDINANCE

Article 1. CONSENT TO RULES.

This chapter and any rules and regulations of the Water Department shall be considered as stating the conditions upon which Town water will be furnished, and every person using Town 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.

Article 2. 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 Town water and enjoy or possess the privileges and advantages afforded by the Town 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 Town water shall wholly cease.

Article 3. SUPERINTENDENT OF WATER DEPARTMENT.

The superintendent of the Water Department shall have the responsibility for the operation, control, maintenance, improvement and repair of the Town water works, its appurtenances, and all Town property pertaining thereto, subject to the orders and ordinances of the Water and Sewer Commission.

Article 4. SUPERINTENDENT'S PLANS AND RECORDS.

The superintendent of the Water Department shall prepare and keep on file in his/her/their office or place of work, subject to the reasonable inspection of any member of the Water & Sewer Commission, such maps, plans and records as may be necessary to fully and properly show the location of all known reservoirs, mains, service pipes, valves and other fixtures in use by the Water Department, and shall turn them over to his/her/their successor in office.

Article 5. 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 Town 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 January 6, 2020. Exemptions may be granted by the Water and Sewer Commission.

Article 6. 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 to the property line, and a water shut-off installed, which portion shall become the property of the Town upon inspection by the water department. 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 will be done as outlined in Richmond's Public Improvement Standards and Specifications.

All work shall be performed by the applicant at his cost and inspected by the Town prior to connection. The applicant shall also be responsible for obtaining all construction and access permits as necessary for working in the public right of way and on private property.

(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) Any building or development whose ownership is condominiumized and split into separate owners, shall be required to either:

- A. Install separate and independent curb stops from the main and individual meters for each owned unit, or:
- B. Establish an active HOA responsible for the entire building or development and owners in whole. Separate shut-off valves must be provided for each unit after the Town curb stop. Should a leak occur, the Town will shut off the main curb stop to the building or development.

(c) The Superintendent.

shall establish the design and specifications on all meters, each of which shall have a remote reading feature. The Water Department shall provide all main meters.

(d) Reserved.

(e) All water usage shall be metered.

(f) The property owner is responsible for making the connection to the water main as required under the rules of the water department.

(g) Water service charges shall be paid by the property owner for each direct or indirect new connection requested per the fees in place.

(h) A new connection charge shall not be charged to a property owner upgrading an existing connection.

(i) The Water and Sewer Commission may reduce or waive, at its discretion, the connection charge for any connection, if such action would serve as an incentive for new development or expansion of existing commercial and/or industrial property or result in significant advantage to the water system as a whole.

Article 7. 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.

Article 8. 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 Town 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.

Article 9. 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 Town curb stop.

Article 10. 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 appropriate charges, as established by the Water and Sewer Commission, shall be paid quarterly, regardless of use, so long as the service pipe is connected to the main.

Article 11. USE OF WATER FOR UNAUTHORIZED PURPOSE.

No person shall give away or use any water from the Town 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 Superintendent , or his/her/their 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 they shall have made all necessary repairs and paid all outstanding charges owed the Town.

Article 12. CHARGE FOR UNAUTHORIZED USE.

When a person has used Town 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 Superintendent or shown by meter measurement to have been used. The Water and Sewer Commission may impose additional penalties if warranted.

Article 13. USE OF HYDRANTS.

Hydrants 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, except, per order of the Water and Sewer Commission, water may be purchased from the hydrant at the wastewater treatment facility during regular business hours per fees established.

Article 14. OBSTRUCTING TOWN WATER SYSTEM APPURTENANCES.

No person shall by any means obstruct access to any curb stop, hydrant or other appurtenance of the Town water system.

Article 15. INJURY OR DAMAGE TO TOWN WATER SYSTEM APPURTENANCES.

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

Article 16. 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 superintendent or his/her/their authorized agent.

Article 17. 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.

Article 18. ONE METER PER PREMISES.

Premises of different persons shall not be supplied through one meter, except as otherwise provided herein. No private person, personage, or property owner shall, in any case, have access to or control of, the meter, valves, lines, of another private person, personage, or property owner, unless a legally binding agreement has been reached between such persons.

Article 19. 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. All bills for separate meters at the same property shall go to the owner of the property.

Article 20. 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 the average of the previous same three quarters, as shown by the meter during its use when in order. The consumer will be notified, in writing on the bill, that the Water Department will repair or replace the meter.

Article 21. 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 superintendent and shall not be moved or disturbed without his/her/their permission. In case of the use of water through a meter in such manner that the meter does not, in the opinion of the Superintendent, accurately measure the water actually passing through it, the Water Department shall place such meter on such service as will, in the superintendent'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 superintendent of the Water Department which shall be situated on an easily accessible exterior wall of the structure as determined by the superintendent.

Article 22. SUPERINTENDENT MAY ORDER INSPECTION.

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

Article 23. 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.

Article 24. NOTICE OF WATER WASTAGE.

The owner of premises using Town water, or his duly authorized agent, upon notice from the superintendent 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, Article 28

Article 25. POWER TO REFUSE WATER SERVICE.

The superintendent 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 superintendent to withhold water under the powers given him/her/them by this section shall not constitute or be construed as a waiver of his/her/their right to do so, and he/she/they may at any time, after finding that a user of Town 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 Town water shall have fully complied with such provisions, orders, requirements, and rules and regulations.

Article 26. WATER RATES.

(a) Rates. The superintendent may, from time to time, submit to the Town Manager such proposals of amendment to the rates of the Water Department as may be deemed in the best interest of the Town. Such rates may include a standby or capacity charge for fire protection for buildings that are located within the Town water supply service area but are not connected to such water supply.

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

(c) All water rates shall be payable to and collected by the Financial Director at their 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 a specified passage of time from the billing date, a penalty will be added to the rate charged. The bill will show the exact due date.

(2) If said bill is not paid on or before the specified passage of time from the billing date, the Water Department may, without further notice, at the discretion of the Superintendent with consultation from the Town Manager and Town 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/or shutting off the water service are paid to the Town Financial Director.

(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 Water and Sewer Commission.

(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 a penalty 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 Town, and the owners of such real estate shall be subject to the same liabilities therefore as for other Town taxes. CROSS REFERENCE: Tax liens on real property, force and effect, see 32 V.S.A., Sec. 5061.

Article 27. 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 proper shut-off valve, the water shall not be again turned on to such service until a suitable shut-off valve is properly placed therein.

Article 28. NOTICE OF INTENT TO TERMINATE SERVICE.

Whenever it becomes the duty of the superintendent, under the provisions of this Article, to shut off water, he/she/they 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.

Article 29. NOTICE TO FIRE DEPARTMENT OF SHUT-OFFS.

The superintendent, whenever he/she/they shall cut off the supply of water from any of the hydrants in any part of the Town for repairs or other causes, shall immediately give notice thereof to the chief of the Fire Department. He/she/they shall state in the notice particularly to

what extent the hydrants are so rendered unavailable for fire service; and shall also notify the chief when said hydrants are again in working order.

Article 30. PERMISSION TO DRAW WATER FROM HYDRANTS.

No person shall open any hydrant or draw water therefrom, except under the direction of the superintendent , or the chief of the Fire Department.

Article 31. TEMPORARY SHUT-OFF: NOTICE.

Whenever the superintendent shall have cause to shut off the supply of water on any line of pipe for repairs, he/she/they 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.

Article 32. 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, curb stop, stop-box or cover, pipe, tool, apparatus, fixture, building, machinery to fence belonging to the Town 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. -7- 3-III Sec.

Article 33. 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 Town, 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 Water and Sewer Commission, 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 Water and Sewer Commission may direct one or more of the following water conservation measures for all consumers on the water supply, including any 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 Town'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 Town'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 Town'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; Superintendent, 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. -8- 3-III 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. Enacted November 25, 1970. Amendment enacted March 22, 1972. [Sec. 3-325 (d), (1) and (2)]. Amendment enacted October 24, 1979 [Sec. 3-304]. Date of Publication: 10/31/79. Effective Date: 12/15/79. Amendment enacted March 11, 1987 [Sec. 3-305 rewritten]. Date of Publication: 3/17/87. Effective Date: 3/23/87. Amendment enacted April 13, 1988 [Sec. 3-305 rewritten]. Date of Publication: 4/25/88. Effective Date: 5/02/88. Amendment enacted May 24, 1989 [Sec. 3-333 added]. Date of Publication: 6/08/89. Effective Date: 6/14/89. Amendment enacted January 24, 1990 [Sec's. 3-305 (a) and 3-305 (b) rewritten, Sec's. 3-305 (b) (1) and 3-305 (b) (2) added, Sec. 3-305 (c) rewritten, Sec's. 3-305 (d) and 3-305 (e) added, Sec. 3-305 (f) rewritten; Sec. 3-

317 rewritten; Sec. 3-319 rewritten; Sec. 3-320 (a) rewritten, Sec. 3-320 (b) added; Sec's. 3-325 (d), 3-325 (d) (1) and 3-325 (d) (2) rewritten, Sec. 3-325 (d) (3) added]. Date of Publication: 2/01/90. Effective Date: 2/14/90. Amendment enacted February 14, 1990 [Sec. 3-305 (g) added; former subsections (g) and (h) retitled (h) and (i), respectively]. Date of Publication: 2/22/90. Effective Date: 2/28/90. Amendment enacted August 28, 1991 [Sec. 3-325 (a) rewritten]. Date of Publication: 9/09/91. Effective Date 9/16/91. Amendment enacted May 13, 1998 [Sec. 3-305, (g) and (i) rewritten]. Date of Publication: 5/21/98. Effective Date: 5/27/98. Amendment enacted April 26, 2000 [Sec. 3-305, (b) and (e) rewritten]. Date of Publication: 5/04/00. Effective Date: 5/10/00. Amendment enacted October 10, 2001 [Sec. 3-333, (a) ... a new (2) inserted and the remaining subsections renumbered (3) through (5); and (c) rewritten]. Date of Publication: 10/15/01. Effective Date: 10/21/01. Amendment enacted September 18, 2002 [Sec. 3-305 (c), (d) and (e); Sec. 3-316; Sec. 3-319; and Sec. 3-320 (a) rewritten]. Date of Publication: 9/26/02. Effective Date: 10/02/02. Amendment enacted October 27, 2010 [Sec. 3-305(a) rewritten]. Date of Publication: 11/11/10. Effective Date: 11/17/10.

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