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TOWN OF CABOT WATER ORDINANCE

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**ALLOCATION** - A reserved capacity on the Town's water system based on water flows set in ERUs utilizing the Environmental Protection Rules Chapter 21, Water Supply Rule, current edition. Initial Allocation is valid for three years and may be extended.

**ALLOCATION FEE** – A fee paid to the Town yearly per ERU to hold capacity on the Town's water system for future use..

**ALLOCATION SCHEDULE** – A schedule created by the Board for committing reserve capacity to various future uses, and prioritizing the allocation of uncommitted reserve capacity among various classes of users.

**APPLICATION PERMIT** - A permit to connect an unconnected property to the municipal Water System and to take and use water at that property.

**APPROVED** – Accepted by the Board as meeting an applicable specification stated or cited in this ordinance.

**APPROVED BACKFLOW PREVENTION DEVICE** - A device that has been manufactured in full conformance with the standards established by the American Water Works Association Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices and which device is of a model and size approved by the Board for the conditions of the property.

**BACKFLOW** – A flow condition, induced by a differential in pressure, that causes the flow of water or other liquid into the distribution system of a potable water supply, from any source or sources other than its intended source. The backing up of water through a conduit or channel in the direction opposite to normal flow.

**BACKFLOW PREVENTER** – A device or means designed to prevent backflow, including:

**Air-Gap.** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically above the top of the overflow rim of the vessel; and in no case less than one inch.

**Reduced Pressure Principle Device.** An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure relief valve located between the check valves and the same time below the first check valve. The unit shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly. The assembly shall operate to maintain the pressure in the zone between the two check valves at an acceptable level less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved

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Waste Water Permit that increases the actual or potential potable water usage on the property.

DISCONNECTION - The deliberate interruption or disconnection of water and sewer service, or both, to a ratepayer by the Town for any lawful reason, including without limitation, for nonpayment of water or sewer charges, prevention of excessive water loss, to protect against contamination of the system, or for tampering with the water system.

DISINFECTANT – Any substance, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

ELIGIBLE PROPERTY - Any house, building or property used for human occupation, employment, recreation or other human purpose any part of which lies within two hundred fifty (250) feet of a public water main, or which has received an allocation of capacity pursuant to this ordinance.

ERU or EQUIVALENT RESIDENTIAL UNIT shall mean the number assigned to water customers other than single family residences which shall be calculated by dividing the estimated waste water use listed in the current version of the Vermont Water/Wastewater Rules by 2435 gallons per day.

FIRE FLOW – The rate of flow, usually expressed in gallons per minute, that can be delivered from a water distribution system at a specified residual pressure for fire fighting. When delivery is to fire-department pumpers, the specified residual pressure is generally 20 psi.

HEALTH OFFICER - The legally designated Health Officer or Deputy Health Officer of the Town of Cabot, Vermont.

IMPACT FEE - A fee imposed in conjunction with a zoning permit pursuant to 24 VSA § 5200 et seq., which fees may be imposed in addition to the fees and rates established in this ordinance and in the Board's Schedule of Fees.

INDUSTRIAL – any structure(s) used or intended for use as a business enterprise for manufacturing, processing, cleaning, laundering, or assembling any product, commodity, or article.

INDUSTRIAL FLUIDS SYSTEM – Any system containing a fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution, or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and “used waters” originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas,

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- SAMPLING** – The act or technique of selecting a representative part of the water supply for testing.
- SCHEDULE OF FEES** - The Town Schedule of Fees and Fees for Town Water System, which is the list of fees and costs to be imposed for the base user fee, for actual use of water from the water system, and for other costs associated with connection, disconnection, standby or capacity charges for fire protection.
- SERVICE CONNECTION** – Any single water pipeline which provides water to an individual residential living unit, a commercial unit, or an industrial unit from the public water system. The service connection shall start at the corporation stop at the main water line, and extend inside the building to the water meter.
- SHALL AND MAY** – "Shall" is mandatory; "May" is permissive.
- STANDARD METHODS** – Methods for examination of water and wastewater published jointly by the American Public Health Association, the American Water Works Association, or the Water Pollution Control Federation or successor organizations.
- SUBDIVISION** - The partition or intent to partition of a tract of land owned or controlled by a person for the purpose of sale or lease into two (2) or more lots; the act of dividing a parcel of land by sale, gift, lease, mortgage foreclosure, court-ordered partition or filing of a plot plan on the town records where the act of division creates one or more parcels of land of less than ten (10) acres in area, but excluding leases subject to the provisions of VSA Title 10, Chapter 153 relating to mobile homes, subdivision being deemed to have occurred on the conveyance of the first lot or the filing of a plot plan on the town records, whichever shall come first; or the commencement of building development with intent to create a subdivision, as defined herein, such that the building development will be located upon a parcel of land less than ten (10) acres in size.
- TENANT** – Person(s) residing at a property or using a property that is served by the Town water system who are not the property Owner.
- USER** – Any person, firm, corporation, association, or group owning, occupying or using real property that is or may be served by the Town Water System.
- VALVE BOX** – A metal access box set over a valve stem and rising to the ground surface, to allow access to the stem for opening and closing the valve. A cover is provided at the surface to keep out dirt and debris.
- WATER SYSTEM** - The potable water system owned and operated by the Town. This system includes all sources, pipes, storage and treatment facilities that convey potable water between the source and the curb stop.

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#### Section 4.7 - Extension of Water System

Extension of and connections to the water system beyond the limit of the municipal system in place at the time of enactment of this ordinance shall be done as part of and to the standards of a municipal public water supply system (State of Vermont Water Supply Rule, and subsequent amendments thereto).

- a. All municipal water extensions, extended for the purpose of development, shall be a minimum pipe size of eight (8) inch diameter unless waived by the Board and shall be extended to the furthest boundary line of the development property at a location within the Town right-of-way or an easement providing for future extension of the system.
- b. New connections and extensions to the system must maintain adequate pressure and flow and must not adversely affect the existing system or users. The system has limited capacity for expansion. It is specifically the purpose of these procedures to assure that existing users do not sacrifice any standard of service for the benefit of new users connecting to the system. Any reductions in service created by expansion into new areas will be evaluated considering the total impact on the entire system. Where an impact causes any potential reduction in the standards of service to existing users, new users requesting connections will be required to complete such system improvements to eliminate any such impacts as a condition for obtaining a water connection permit.
- c. Extensions of and connections to the municipal water system shall be designed, inspected, tested, and subject to a written opinion of compliance completed upon installation by a qualified professional engineer licensed in Vermont. Construction shall be done only by firms experienced in the construction of municipal water systems, and approved by the Board. System extensions and connections are required to be inspected by an Authorized Town representative.
- d. The existing users will continue to be responsible for the required system operation and maintenance costs including general purpose prioritized local improvements to the system. All other expansions, additions, or proposed improvements that are requested by or required for new users will be the financial responsibility of those users. After construction, testing, and acceptance by the Board, these new expansions, additions, or improvements shall become the property of the Town.
- e. All costs for extension of, or connection to, the public water system shall be paid by the owner/applicant, unless approved by the Board.
- f. All water mains and connections shall be constructed, tested, and disinfected in accordance with AWWA standards and the State of Vermont Water Supply Rule. The test pressure for all mains shall be a minimum of 200 psi; or 150% of working pressure, whichever is greater.

#### Section 4.8 - Hydrant Use



### Section 5.2 - Permit Application

The owner shall make application for initiation of a new service connection to the Board, using the application form found in Appendix A. The application shall identify whether the water use will be for residential, commercial, or industrial purposes and shall be supplemented by any plans, specifications, flow and pressure demands, or other information considered pertinent in the judgment of the Board. A water service application fee, as set forth in the Schedules of Fees, shall be paid to the Board at the time the application is filed. No physical construction between the water service connection and the main waterline shall be made until the application is approved by the Board, all required fees paid, and the service connection is fully tested and found to be acceptable by the Board.

### Section 5.3 - Costs of and Liability for Connection

All costs and expense incident to the design, installation, and connection of the new water service connection shall be borne by the owner. The entire service connection on new construction shall be constructed by the owner to the Board standards. The owner is responsible and must provide all necessary excavation from the water main to the building or structure. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the water service connection.

### Section 5.4 - Design and Construction of Connection

The size, depth, alignment, materials of construction of the building water service connection and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of building and plumbing codes, and any applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the State of Vermont Water Supply Rules, the national Plumbing Code, the States Standards for Water Systems and AWWA Standards, all latest edition, shall apply. Furthermore, the following additional standards shall apply:

- (a) All service connections shall be laid at a minimum depth of 6 feet, unless specifically waived by the Board;
- (b) Service connection taps to the main water line shall only be performed by firms prequalified by the Board to perform the service connection tap;
- (c) A separate and independent corporation stop and curb stop with valve box shall be provided for every building; and
- (d) Water and wastewater lines shall be separated as required.

### Section 5.5 - Scheduling Connection

After application approval and prior to any service connection being made to the main water line, the Board shall be given notice at least two business days in advance so that the work can be scheduled for inspection by the Board. All service connections shall be made during normal workday hours and no connection shall be allowed on Saturday, Sunday, or state holidays. If the Board has not been properly notified and work has proceeded, the Board may require the completed work to be uncovered for examination, at the owner's expense. The property owner/agent shall agree, as a

f) be accompanied by an application fee as established by the Board's Schedule of Fees.

#### Section 6.2 - Preliminary Allocation

Upon receipt of a complete and properly filed application for a connection permit, the Board may make a preliminary allocation of uncommitted reserve capacity after making affirmative findings that there is sufficient uncommitted reserve capacity to accommodate the volume flow of the proposed development; and the proposed use of water capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the Selectboard or municipality.

#### Section 6.3 - Preliminary Connection Approval

The Board may issue a preliminary connection approval, which approval shall be a binding commitment of capacity to the project, that is contingent on compliance with any conditions attached to the preliminary approval and the subsequent issuance of a final connection approval. The preliminary approval conditions may include:

- a) specification of the period of time during which the preliminary connection approval shall remain valid and provisions for extensions if approved by the Selectboard;
- b) incorporation of specific conditions that must be fulfilled by the applicant to maintain validity of the preliminary connection approval;
- c) provision for revocation by the action of the Selectboard on failure of the applicant to fulfill requirements of the preliminary connection approval;
- d) specification that the recipient of the preliminary connection approval may not transfer, by any means, the preliminary connection approval to any other person or connect to the Water System.

#### Section 6.4 - Conditions Precedent to Final Connection Approval

Prior to final connection approval, the following conditions shall be met by the applicant:

- a) proof of payment of the connection fee, permit fee, and impact fee if applicable, as set by the Board in the Schedule of Fees; and
- b) acceptance by the Board of plans and specifications for connection to and, if necessary, extension of the municipal sewer and/or expansion of the Town Water System.

#### Section 6.5 - Final Connection Approval and Issuance of Permit

The Board, on making affirmative finding that all conditions of a preliminary connection approval and/or final connection approval as stipulated in this Article have been fulfilled, shall grant final approval, and may attach to the permit such conditions as they deem advisable. The permit may specify the allowed volume, pressure and any other characteristics of the proposed system determined appropriate by the Board.

The construction of the connection and, if necessary, the municipal water service extension, must be

along with copies of receipts for all fees paid and reference to the location of the approved connection plans and specifications.

#### D -- Transfer of Permit

Notwithstanding the limitations of section 6.6, when the owner/developer of a subdivision sells an individual lot within three (3) years of issuance of a final connection permit, the rights and responsibilities of that permit shall transfer to the new owner who will be bound by the terms of the permit and the plans and specifications for connecting to the Water System, as submitted to the Board in conjunction with the permit application. The transferred permit will be considered a new permit issued on the date of property transfer and the three (3) year expiration date, as outlined above, will apply to this permit.

#### E -- Connection

The Board or its designated agent shall be notified one (1) week in advance of any proposed water connection authorized by a final connection permit. The connection to the Water System shall not be performed nor shall any connection be physically covered or buried until approved by the Board or its designated agent.

#### Section 6.9 -- Invalidation or Suspension of Permit

Any false or misleading statement in any application for a connection permit will invalidate the permit and shall be deemed a violation of this ordinance. In addition, any connection permit may be suspended or revoked at any time by the Board for:

- a) violation of any of the conditions of this ordinance;
- b) violation of the specific terms and conditions of the permit;
- c) non-payment of fees; or
- d) refusal to permit inspection by the Board or its duly appointed representatives.

Suspension shall be confirmed in writing by the Board, and, when possible, the Board shall provide written notice to desist from or make corrections to any practices or operations that violate or contravene the provisions or purposes of this ordinance or the permit. Such notice will allow sufficient time for the correction of the violation.

#### Section 6.11 -- Change in Permitted Allocation

Application for the consent of the Board for an increase or decrease in a connected property's allocation or for a change in a connected property's water usage characteristics shall be made in writing to the Board.

## **ARTICLE 7 - ALLOCATION OF WATER RESERVE**

#### Section 7.1 -- Allocation Schedule



The Board will provide a meter or meters with outside reader for each building on a property where water use will take place, as appropriate to the size of and water use at such building. The provision and requirement for the number of meters provided by the Board in a building is as follows:

- 1) Single-family residential building: one meter
- 2) Single building with multiple independently-owned living units: each living unit has a separate meter unless otherwise directed by the owner or Board.
- 3) Commercial building: one meter for the building
- 4) Industrial building: one meter for each building.

#### Section 8.3 Addition Meters

In the event an owner desires additional meters within a structure to further establish usage in addition to the stated requirements, it shall be the owner's responsibility to purchase and install the additional meters after the master meter.

### **ARTICLE 9 - BACKFLOW PREVENTION**

#### Section 9.1 - Backflow Prevention Devices Required

No water service connection to any premises shall be approved or maintained by the Board of Cabot unless the water supply is protected as required by State laws and regulations and this Ordinance. Service of water to any premises shall be discontinued if a backflow prevention device required by this ordinance is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

#### Section 9.2 - Inspection by Board

The Owner's system shall be open for inspection at all reasonable times and at least once a year to authorized representatives of the Board to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. In those instances where the Board deems the hazard to be greater, inspections may be required at more frequent intervals. When a hazard or violation known to the Board, the Board shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the owner has corrected the conditions in conformance with State Statutes and Town Ordinances.

#### Section 9.3 - Backflow Prevention

An approved backflow prevention device, appropriate to the degree of hazard, shall be installed on each service connection immediately inside the building being served before the first branch line leading off the service connection. The type of backflow protective device required shall depend upon the degree of hazard which exists as follows:

- a) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check

receive a bill does not relieve the owner of the obligation for payment or for the payment of penalties. Invoices will be mailed four times a year. Water charges and fees shall be payable on or before the 30<sup>th</sup> day following the date of the invoice or a later date as shown on the invoice.

#### Section 10.3 -- Schedule of Fees

User fees and all other charges, rates, or rents for, or in connection with, water service shall be adopted by the Board via resolution at a regular or special meeting, shall be referred to and publicly posted as "Town Schedule of Fees and Fees for Town Water System."

#### Section 10.4 -- Revenues

Revenues from the Water System shall be deposited in accounts separate from all other Town accounts, and all expenses for the Water System shall be paid from these Water Accounts, over the signature of the Town Treasurer as ordered by the Board. At any time at the request of the Board, and at the beginning of each new fiscal year, the Town Treasurer shall render a statement of Water Accounts to the Board.

#### Section 10.5 -- Annual Allocation Fee

The Board shall adopt and incorporate into the Schedule of Fees an annual allocation fee, which is the fee to hold system capacity allocation for a parcel of property that is undeveloped or that will remain vacant for a period of time. A property Owner shall pay an allocation fee to retain the service connection and or allocation. This fee shall be paid yearly until either a service connection is made or restored or the property owner relinquishes the allocation to the Board. A property owner who relinquishes a service allocation to the Board and wishes to reconnect will be required to apply for a new allocation/connection, and may be assessed additional fees by the Board.

#### Section 10.6 -- Connection Fees

The Board shall adopt and incorporate into the Schedule of Fees, a required one-time Connection Fee, to be paid at the time of the application for connection to the Water System. The fee will be based on actual costs incurred by the Board to accommodate the connection, plus a fixed administrative fee.

#### Section 10.7 -- Annual User Fees

The Board shall impose an annual user fee upon every person having a building or structure on his/her premises that is connected or required by this ordinance to be connected to the Water System, whether or not the building or structure is occupied, and whether or not water is used on the premises.

#### Section 10.8 -- Determining Annual User Fees

For billing purposes, the Board will determine the number of Equivalent Residential Units (ERU) assigned to each user. In making this determination, the Board shall adhere to the Vermont Environmental Protection Rules, Chapter 21, Water Supply Rule, current edition. One ERU shall be assigned per equivalent of a 2 bedroom residence or usage as determined by the board. No building shall be assigned less than one ERU, but additional ERUs may be assigned fractionally.

Each year, the Board shall determine how much revenue must be raised from user fees to support the operation of the Water System for the ensuing year. This amount will be divided by the total number

### Section 10.14 -- Delinquencies

In the event that any of the above charges are not paid when due, the statutory rate of interest per month shall be added after the first thirty (30) days of delinquency, if voted by the Town. In addition, special charges will be assessed as prescribed by 24 V.S.A. § 5151, and amendments, the schedule for such fees and rates will be located in the Schedule of Fees

If any account shall remain delinquent, the Board may also take any action that is consistent with state law, to obtain payment of delinquent charges or to discontinue water service.

## **ARTICLE 11 -- DISCONNECTION FROM WATER SYSTEM**

### Section 11.1. - Voluntary Disconnection from the system

A request for disconnection must be presented in writing by the owner of the property to the Board, at least 14 days in advance of the requested disconnection date. The request must indicate that the property will no longer be inhabited as of that date.

Water service to the property will be turned off at the street and it will be the owner's responsibility to drain the water system on the property. The Town is not liable for any property damage that results from the disconnection.

If any structures remain on the property after disconnection, the owner will continue to be billed and will remain liable for payment of the base user fee, as established in the current Schedule of Fees, for the purposes of fire protection.

If all structures will be removed from the property before the time of disconnection:

- a. Disconnection from the system shall be completed to the edge of the public right of way, and inspected by the Town's representative. Fees associated with inspection and disconnection will be billed, according to the current Schedule of Fees.
- b. After disconnection the owner must either file a written waiver of water and or wastewater allocations in the Town Land Records or pay the relevant allocation fee, according to the current Schedule of Fees.
- c. Allocation may be retained by renewal and payment of the allocation fee.

### Section 11.2 - Disconnection for Nonpayment

Collections of delinquent water & wastewater bills and disconnection for nonpayment may be enforced by the Town pursuant to 24 V.S.A. § 5143. Disconnection of service shall not be permitted unless payment of a valid bill or charge is delinquent as defined herein, and notice of disconnection has been provided previously to the owner and, if the occupant is different than the owner, to any occupant of a residential dwelling which will be affected by the disconnection.

### Section 11.3 -- Tenant's Right to Request Continued Service

The tenant of a rental dwelling who receives a notice of disconnection because the landlord was delinquent in his or her payments will have the right to request and pay for continued water or sewer

Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in the Vermont Statutes Annotated.

Pursuant to 24 V.S.A. § 3307, if any person diverts the water or part thereof of any of the artesian wells, ponds, springs, streams, aqueducts, water courses or reservoirs, which shall be taken, used or constructed by the Town, or shall corrupt the same, or make it impure, or commit any nuisance therein, or shall bathe therein, or within the limits, that may be taken or prescribed by the Town, or injure or destroy any artesian well, dam, embankment, aqueduct, pipe, reservoir, conduit, structure, pump, machinery, appurtenance, equipment, or other property held, owned or used by the Town; such person shall be liable to the Town 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 \$100.00 or committed to the commissioner of corrections not more than six months, or both.

### ARTICLE 13 - PENALTIES

#### Section 13.1 -- Notice of Violation

Any person found to be violating any provisions of this Ordinance, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. That person shall, within the period of time stated in such notice, permanently cease all violation.

#### Section 13.2 -- Remedies for Violation

Any continuation of the violation beyond the time period provided for in Section 12.1 above, shall be a civil violation of this Ordinance which shall be enforced by the Town attorney, or other duly authorized designee of the Board in the Judicial Bureau in accordance with 24 V.S.A. §§ 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. The Town reserves the right to institute any action for damages and declaratory and injunctive relief, whenever it deems such action to be appropriate. In any action for damages or injunctive relief in which the Town obtains judgment, the defendant shall pay the Town's court costs and attorney's fees, and such amount shall be added to any such judgment.

In addition to any other remedies, the Town shall be empowered to disconnect water service to a ratepayer, after notice, when payment of a valid bill or charge is delinquent as provided by 24 V.S.A. Chapter 129. The Town shall administer the Articles of 24 V.S.A. Chapter 129 as it deems in the best interest of the water system and its operation.

### ARTICLE 14 - VALIDITY AND SEVERABILITY

All ordinances or parts of ordinances in conflict herewith are hereby repealed. 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. Nothing herein shall