



**Town of Proctor**

**Public Drinking Water System  
Rules and Regulations**

**Adopted: July 10, 2006**  
**Effective: September 8, 2006**  
**Amended: January 24, 2011**  
**Effective: March 25, 2011**  
**Amended: August 26, 2013**  
**Effective: October 24, 2013**  
**Amended: August 22, 2016**  
**Effective: October 21, 2016**  
**Amended: April 23, 2018**  
**Effective: June 22, 2018**

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## **Authority and Purpose**

Pursuant to Title 24, Chapters 89 and 129 of the Vermont Statutes Annotated, it is hereby ordained by the Selectboard of the Town of Proctor, Vermont that the protection of the health and safety of the Town of Proctor and of the general public requires the establishment of minimum standards governing the design, construction, installation, control, and operation of public drinking water systems.

## **Article I – General Provisions**

- Sec. 1 All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the “Public Drinking Water System Rules and Regulations” hereinafter sometimes referred to as the “Ordinance”.
- Sec. 2 The Town of Proctor Clerk shall file certified copies of this Ordinance, as well as certified copies of any additions and amendments to this Ordinance as may be hereafter adopted, in the municipal records and with the Commissioners and Health Officer.
- Sec. 3 The principal objective of public drinking water facilities is to provide the state regulated degree of drinking water treatment and distribution under the most favorable and economical conditions.
- Sec. 4 The property owner of any existing, new or improved lot benefited, improved, served or accommodated by the Proctor Water System, or to which the Proctor Water System is available, within 200 feet of a building or structure) shall connect such improved lot, including all facilities utilized for the conveyance of potable water therein, at his/her expense, in such a manner as the Town may require within ninety (90) days after the postmark date of such notice to the owner from the Town to make such connection, for the purpose of delivery of potable water to such improved lot from the Proctor Water System, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Town from time to time.
- Sec. 5 All existing properties of customers, property owners, ratepayers and users of the Proctor Water System are required to remain connected to the Proctor Water System. Any wells or springs used as sources of potable water as of October 21, 2016 may continue to be so used, but further development or replacement of them as water sources is prohibited.
- Sec. 6 The provisions of this Ordinance shall be reviewed at intervals not exceeding five (5) years by the Commissioners with the objective of assessing the continued applicability of these provisions; to consider any recommendations proposed for their improvement; and to determine if, and what, changes are advisable due to advances in the technical methods or processes of drinking water treatment and distribution available to the Town of Proctor.

## **Article II – Definitions**

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

- Sec. 1 Backflow means (1) A flow condition, induced by a differential in pressure, which 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; (2) The backing up of water through a conduit or channel in the direction opposite to normal flow.

Sec. 2 Backflow Preventer means a device or means designed to prevent backflow. Examples include:

- a. Air-Gap means 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 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.

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, these devices must be readily accessible for in-line testing and maintenance and be installed in a location where no part of the device will be submerged.

- b. Reduced Pressure Principle Device means 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 at 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 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.
- c. Double Check Valve Assembly means an assembly of two independently operating approved check valves with tightly closing shut-off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. To be approved these devices must be readily accessible for in-line testing and maintenance.

Sec. 3 Board means the Selectboard of the Town of Proctor, Vermont.

Sec. 4 Building Connection Line means the pipe or conduit and valves connected on one end to but not including the curb stop, the other end terminating inside the Property Owner's building, to provide water service. The Property Owner shall construct the Building Connection Line on new construction in conformance with the Vermont Standards for Water System Design, Construction and Protection, as amended, and local construction standards as adopted by the Commissioners. The cost of construction shall be borne by the Property Owner. Once installed, the responsibility for maintenance and repairs of the Building Connection Line and all costs associated therein shall be borne by the Property Owner.

Sec. 5 Cellar Stop means the valve installed on the Building Connection Line after it enters the building.

Sec. 6 Clerk means the Town Clerk of the Town of Proctor, Vermont.

Sec. 7 Commercial means any building other than residential or industrial.

Sec. 8 Commissioners means the Board of Water Commissioners. The Selectboard of the Town of Proctor, Vermont shall constitute the Board of Water Commissioners and shall have the power to exercise all authority enumerated in 24 V.S.A. Chapter 89 including, but not limited to: supervising

the Town of Proctor Water Department and making and establishing all needful water rates, charges, rules and regulations for its control and operation.

- Sec. 9 Connection Fee means the financial amount due, as determined by the Commissioners, charged to applicants who apply to connect to the distribution main.
- Sec. 10 Contaminant means any physical, chemical, biological, or radiological substance or matter in water.
- Sec. 11 Contamination means an impairment of the quality of water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, substance or matter in water.
- Sec. 12 Corporation Stop means a valve for joining a Service Line to a distribution main. It is owned and operated by the municipality. It cannot be operated from the surface.
- Sec. 13 Cross Connection means any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water and the other water or liquid of unknown or questionable safety, steam, gases or chemicals whereby there may be a flow from one system to the other.
- Sec. 14 Curb Stop means the valve which isolates the Service Line and to which the Building Connection Line is connected to provide water service to the User.
- Sec. 15 Delinquency means failure of the ratepayer to tender payment for a valid bill or charge within thirty (30) days [of the postmark date of that bill or charge OR by a due date at least 30 days after mailing, which shall be clearly printed on the bill and which shall control in the absence of the postmark.]
- Sec. 16 Disconnection means deliberate interruption or disconnection of water service to a ratepayer by the Town for nonpayment of water or sewer charges, rates, or rents or failure to promptly repair a substantial leak in the Building Connection Line.
- Sec. 17 Disinfectant means any substance, including but not limited to chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate 99.9 to 99.99 percent pathogenic microorganisms and potential pathogens.
- Sec. 18 Distribution Main (water main or main) means the primary supply pipe or conduit used for the transmission of water to hydrants and service lines, together with such appurtenant facilities as are necessary for the proper operation of the main.
- Sec. 19 Extension or Water Main Extension means any extension of the municipal water system in accordance with the rules, regulations, standards, and specifications of the Town of Proctor, Vermont.
- Sec. 20 Fire Flow means 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 firefighting purposes. A Fire Flow shall be greater than 500 gallons per minute for a minimum of 2 hours.
- Sec. 21 Fire Service means the water service provided to a User for fire protection systems or equipment installed on the property of the User, such as a sprinkler system.
- Sec. 22 Health Officer means the legally designated Health Officer or Deputy Health Officer of the Town of Proctor, Vermont.

- Sec. 23 Hydrant, Public means a hydrant installed by the Town within public rights-of-way, on Town property or within an easement owned by the Town, or installed by a person other than the Town that has been offered to the Town and accepted by the Commissioners. Public Hydrants are painted red.
- Sec. 24 Hydrant, Private means a hydrant not constructed by the Town or within the Town public right-of-way, nor on Town property or within an easement owned by the Town, or a hydrant that has not been accepted by the Commissioners. Private Hydrants are painted yellow.
- Sec. 25 Industrial means any structure(s) used or intended for use as a business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity, or article.
- Sec. 26 May/Should: As used in this Ordinance, the word may is permissive and the word shall is mandatory.
- Sec. 27 New Service Locations means areas at a distance of more than 200 feet from distribution mains of Town, where extension of distribution mains is required to provide service.
- Sec. 28 Pathogenic means causing or capable of causing disease.
- Sec. 29 Peak Demand means the maximum momentary load placed on a water system.
- Sec. 30 Permit means a written document issued by the Commissioners pursuant to this Ordinance giving designated person(s) permission to operate and/or construct, alter, renovate or connect to or draw water from the Proctor drinking water system.
- Sec. 31 Person means an individual or entity possessing legal rights and duties, including, but not limited to any individual, firm, company, association, group, or other legal entity.
- Sec. 32 Physician's Certificate means a written statement by a duly licensed medical practitioner certifying that a ratepayer or resident with the ratepayer's household would suffer an immediate and serious health hazard by the disconnection of the water service to that household. The certificate will be considered valid and in force for thirty (30) days, or the duration of the hazard, whichever is less.
- Sec. 33 Pollution means a condition representing the presence of nonpotable, harmful, or objectionable materials in water.
- Sec. 34 Potable Water means water that meets U.S. EPA standards or higher State of Vermont water quality standards and is considered safe and fit for human consumption.
- Sec. 35 Property Owner (Owner) means that person(s) identified as owner of property by recorded deed.
- Sec. 36 Public Community Water System means all of the facilities of the drinking water system owned by the Town of Proctor, Vermont and sometimes referred to herein as the Proctor Water System
- Sec. 37 Ratepayer means the Property Owner, user or occupant of any tenement, house or building who takes the water of the Town.
- Sec. 38 Residential means any building occupied or used as a one or more family dwelling unit.
- Sec. 39 Revenues mean all revenues, rates, fees, charges, rents or other income and receipts received by the Water Department from any source, or accrued to the Town, or Water Department, or Board

thereof, in connection with the management and operation of the public water system, and shall also include any interest received on any monies or securities of the Town which are pledged to the payment of the Town's water bonds, and any federal or state grants-in-aid with respect to such system.

- Sec. 40 Sampling means the act or technique of selecting a representative part of the water supply for testing and analysis.
- Sec. 41 Secretary means the Secretary of the Agency of Natural Resources or the Secretary's designee.
- Sec. 42 Service Connection means each single water line, which provides water to an individual residential living unit, a commercial unit or an industrial unit from the public water supply system. The service connection is comprised of two line segments. It shall start at the corporation stop at the distribution main and extend to the curb stop – i.e., the Service Line. The service connection then extends from the curb stop to inside the building to the cellar stop – i.e., the Building Connection Line-
- Sec. 43 Service Line or Service Pipe means the pipe or conduit running from the corporation stop at the distribution main to a curb stop at or near the property line of the Property Owner. The Property Owner shall construct the Service Line (including the curb stop) on new construction in conformance with the Vermont Standards for Water System Design, Construction and Protection, as amended, and local construction standards as adopted by the Commissioners. The cost of construction shall be borne by the Property Owner. Once installed, the responsibility for maintenance and repairs of the Service Line and all costs associated therein shall be borne by the Town.
- Sec. 44 Special Charges means fees charged for collection of overdue accounts and reconnection of service disconnected because of nonpayment.
- Sec. 45 Subdivision means to divide land by sale, gift, lease, mortgage foreclosure, court-ordered partition, or filing of a plat, plan, or deed in the Town records where the act of division creates one or more lots. Subdivision shall be deemed to have occurred on the conveyance of the first lot or the filing of a plat, plan, or deed in the Town records, whichever first occurs. A subdivision of land shall also be deemed to have taken place when a lot is divided by a state or municipal highway, road, or right-of-way, or when a lot is divided by surface waters with a drainage area of greater than ten square miles.
- Sec. 46 Superintendent means Water Superintendent. The Superintendent shall have the duties and responsibilities described herein and in any job description and shall be appointed by the Board subject to the Town's personnel policy. The Superintendent is primarily responsible for the operation of the Proctor Water Department.
- Sec. 47 Tap means any connection of a service pipe to the main.
- Sec. 48 Tapping Sleeves means a split sleeve used in making a wet connection where a single branch line is to be tapped into a distribution main under pressure.
- Sec. 49 Town means the Town of Proctor, Vermont acting by and through its Board or, in appropriate cases, acting by and through its authorized representatives, agents, deputies, or operators.
- Sec. 50 Unconnected Properties means those properties with boundary line(s) 200 feet or less from distribution mains that do not receive water service.

- Sec. 51 Unit or Dwelling Unit means a building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other “dwelling unit.” A recreation vehicle, boarding or rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a dwelling unit.
- Sec. 52 Valve Boxes means a metal box set over a valve and rising to the ground surface, to allow access to the operating nut for opening and closing the valve. A cover is usually provided at the surface to keep out dirt and debris.
- Sec. 53 Water Department means the Proctor Water Department.
- Sec. 54 Water Supply System means any publicly owned water system operated as a public utility under a valid State permit to supply water for domestic purposes. This system includes all sources, facilities and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, treat or store potable water for public consumption or use.

### **Article III – Applications/Permits/Fees**

- Sec. 1 No unauthorized person shall uncover, connect with, make any opening into, or use, alter, disturb in any manner any public distribution main or appurtenance thereof without first obtaining a written water permit, from the Commissioners, or their municipal designee, and paying to the Town any fee required and imposed by the Town against the applicant. Any person proposing a new connection into the system shall notify the Commissioners and obtain a written water permit from the Commissioners at least forty-five (45) days prior to the proposed connection. No such connection shall be made without the written permit from the Commissioners, or their municipal designee. Completion of the application and payment of fees shall be considered acknowledgement and agreement by the applicant to conform to this Ordinance.
- Sec. 2 For planned repairs of existing individual service connections, property owners do not need to obtain a written water permit. However, the owner shall provide the Superintendent with two (2) working days’ notice prior to beginning work. For emergency repairs, owners shall provide the Superintendent with notice as soon as possible.
- Sec. 3 The annual charge shall be for the purpose of the payment associated with the costs of operating, maintaining, and repairing said system and payment of the principal and interest upon the Town’s water bonds. The Commissioners may establish annual charges separately for bond payments, for fixed operating and maintenance costs not dependent on actual or estimated use and for variable operations and maintenance costs dependent on actual or estimated use.
- Sec. 4 All charges, rates, or rents for, or in connection with, water service shall be adopted by the Commissioners via resolution at a regular or special meeting, shall be incorporated in the “Schedule of Rates and Fees” appended to this Ordinance, 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 32 V.S.A. § 5061.
- Sec. 5 Water use in Proctor is not metered. Ratepayers are billed a base rate plus extra fees for additional facilities or equipment. The Schedule of Rates and Fees is available at the Town Offices.



- Sec. 6 Bills are disseminated yearly in July. Payments are due in two installments – the first is due by September 15 and the second is due by March 15 of the following year.
- Sec. 7 Billing for water service is issued in the name of the ratepayer. By applying for water service, the ratepayer agrees to pay all bills that become due, and failing to do so, agrees to pay all costs of collection, including attorney’s fees.
- Sec. 8 The ratepayer desiring to use Proctor water is responsible for the payment of water bills and is also responsible for notifying the Town Treasurer of the address to which bills, notices and other communications to him/her shall be delivered. A change of tenants or owners will not relieve the ratepayer from liability for payment of delinquent bills. Failure to receive a bill does not relieve the ratepayer of the obligation for payment.
- Sec. 9 Disputes concerning water bill shall be made to the Commissioners. The Town may institute legal action to collect any past due or delinquent bill. All delinquent water bills shall be collected and water service discontinued in accordance with the Municipal Uniform Water and Sewer Disconnect Act (24 V.S.A., Ch. 129), or other remedies provided by law.
- Sec. 10 Past due bills are payable to the Town. No interest shall accrue on late payments unless so voted by the Town according to 32 V.S.A. § 5136. The ratepayer may enter into a repayment agreement with the Town Treasurer to pay past due bills in installments. The installment agreement must be honored, or the ratepayer will be subject to disconnection and collection fees.
- Sec. 11 Water supplied to a building occupied by more than one tenant shall be charged to the Property Owner or his agent and shall not be charged to the various tenants in the building. In any event, the Property Owner shall be primarily liable and responsible for water supplied.
- Sec. 12 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 written notice of such disuse, diminished use or vacancy of premises has been given to the Superintendent and the Commissioners have authorized such abatement. Nor shall any payment be refunded nor abatement made in connection with charges, rates or rents for water supplied by reason of the occurrence of any of the matters or things specified in Article XIV of this Ordinance.
- Sec. 13 No person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage occasioned by accident to any portion of the Water Supply System.
- Sec. 14 Special charges shall not exceed those prescribed by 24 V.S.A. § 5151 and amendments thereto. As of the date of the adoption of this Ordinance, the schedule for such fees is as follows:
- (a) Collection trips - \$25.00 maximum, regardless of number;
  - (b) Reconnection:
    - (i) Normal hours - \$25.00 (Monday-Thursday, 8 AM-PM)
    - (ii) Overtime - \$37.50

#### **Article IV – Fund Management**

- Sec. 1 The Commissioners may create a dedicated fund for the purposes enumerated herein, in accordance with 24 V.S.A. § 2804 and amendments thereto. A separate dedicated fund may be utilized to

finance major rehabilitation, major maintenance, costs of expanding and upgrading the water supply system and for the accumulation of funds to be used to match federal funds. The establishment of a dedicated fund shall be based upon the following which shall be set forth in writing: major maintenance/replacement identification, estimated expenditures, estimated year of expenditure, payment amount, type of account used to accumulate dedicated fund assets, source of funding and when payments are to stop.

- Sec. 2 Revenues deposited into the dedicated fund may include a surcharge established by the Commissioners of up to fifteen percent (15%) on the costs of normal operations, maintenance and debt service. The water fees charged for expansion cost shall be deposited into a separate account. The Commissioners holding office have the authority to withdraw dedicated fund amounts only for the purposes for which the fund was established. When dedicated fund assets are not disbursed fully for major maintenance/replacement expenditures and/or treatment plant/distribution system expansion/upgrade, excess moneys shall remain in the dedicated fund for future expenditures similar in nature. The dedicated fund balance shall not exceed the estimated costs for the purposes for which the fund was established.

## **Article V – Disconnection and Restoration of Service**

- Sec. 1 If the ratepayer fails to pay water or sewer charges, rates, or rents due, does not arrange a payment agreement, or is unsuccessful in an appeal, or if the ratepayer fails to promptly repair a substantial leak in the Building Connection Line, the Town will disconnect water service after sending notice in the form prescribed by 24 V.S.A. § 5144 to the ratepayer and owner of the property, if different from the ratepayer, that will be affected by the disconnection.
- a. The Town shall implement disconnection procedures per 24 V.S.A. Chapter 129.
- Sec. 2 The Town shall not cause disconnection of water service in any of the following circumstances:
- a. The delinquent bill or charge, or aggregate delinquent bills and charges do not exceed \$15.00.
- b. The delinquency is due solely to a disputed portion of a charge which is the subject of an appeal.
- c. The delinquency is due to a failure to pay a deposit, line extension, special assessment, special construction charge, or other nonrecurring charge.
- d. The disconnection would present an immediate and serious hazard to the health of the ratepayer or a resident within the ratepayer's household, as set forth in a physician's certificate which is on file with the Town. Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, providing the certificate is in fact received within seven (7) days.
- e. The ratepayer has not been given an opportunity to enter into a reasonable agreement to pay the delinquent bill or, having made such agreement, has abided by its terms.
- Sec. 3 Notice of disconnection shall be provided to the ratepayer, and occupant of the residential dwelling affected by the disconnection if different from the ratepayer, prior to disconnection. Disconnection of water service shall occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day specified on the notice of disconnection, or within the same hours during the four business days thereafter. When service is disconnected or interrupted at the premises of the ratepayer, the authorized individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected, request the responsible adult to verify the service has been disconnected, and ask that person to permit the authorized individual making the disconnection

to personally establish that the water service has been shut off. If no responsible adult is then present, the authorized individual making the disconnection shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted, requesting verification of the disconnection, an opportunity to return to the property to establish the fact that the service is shut off and what the ratepayer has to do to have service restored. If a responsible adult has not verified that the service has been disconnected and permitted an authorized agent of the Water Department to personally establish that the service has been shut off, written notice requesting verification and a time for an inspection to confirm the cessation of the service shall be sent to the ratepayer by certified mail within seventy-two hours of disconnection or such shorter time deemed necessary or advisable because of severe weather conditions.

- Sec. 4 If water service has been disconnected for delinquency of payment of a valid billing or other cause, the Water Department shall, within twenty-four (24) hours, restore service upon the ratepayer's request, provided the cause for disconnection of service has been removed or when an agreement has been reached between the ratepayer and the municipality regarding the dispute which led to the disconnection or when so directed by the Commissioners. Restoration of service, to the extent feasible, shall be done so as to avoid charging ratepayers for overtime wages and other abnormal expenses.

## **Article VI – Use of the Public Drinking Water System**

- Sec. 1 This Ordinance shall constitute a contract between each ratepayer and the Town. Each ratepayer shall be bound by the Ordinance and all subsequent changes and amendments thereto. The ratepayer's application for water service shall be considered the ratepayer's consent to be bound by this Ordinance.
- a. A copy of this Ordinance is available for review at the Town Office and on the Town's website. Copies of this Ordinance may be purchased at the Town Office for the actual cost of production.
  - b. Failure to know the Rules and Regulations of this Ordinance will not excuse the ratepayer from the consequences of failure to abide by the provisions of this Ordinance.
- Sec. 2 It shall be unlawful for any person to extend, tap or in any way injure or tamper with a Distribution Main or Service Connection. All tapping and turning of Distribution Main Valves shall be done under the direction of the Superintendent or authorized agent.
- Sec. 3 It shall be unlawful for any person to remove any seal placed on any valve or other appurtenance of the Water Department, unless permission to do so has been given in writing by the Superintendent prior to the actual removal of said seal.
- Sec. 4 No person shall turn on water to any premises or shut off the same, without the express written permission of the Superintendent.
- Sec. 5 No person shall adjust, open, close, alter or perform any operations to valves, hydrants, or to any other parts of the water system without the express written permission of the Superintendent or as provided under Section 12 below.
- Sec. 6 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 written approval from the Superintendent. The Superintendent or officers and agents of the Water Department entrusted with the care and

superintendence of the water may, at all reasonable times, enter all premises supplied with water by the Town to examine the pipes and fixtures and prevent any unnecessary waste.

- Sec. 7 Distribution 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. All extensions greater than 500 feet must obtain, as appropriate, approval from the Vermont Water Supply Division. Also, the applicant shall agree that such extension shall be installed in conformance with the Vermont Standards for Water System, Design, Construction and Protection, as amended. After the water main extension has been constructed, and has passed the required pressure and bacteriological tests, it shall be acceptable to the Water Department to place the extension in service.
- Sec. 8 All material, labor and locations for installation or extension of Mains or Service Lines shall be subject to approval by the Superintendent and Commissioners. All distribution main extensions or alterations must be submitted to the Superintendent on a detailed, workable 24"x36" print drawing to 1" = 50' or 1" = 40' scale and presented in triplicate at least thirty (30) days prior to the anticipated date construction is to commence.
- Sec. 9 Ratepayers shall be notified in writing of interruption or disconnection of water service in accordance with 24 V.S.A. § 5145(b) and amendments thereto.
- Sec. 10 All ratepayers of the drinking water system shall keep the fixtures and service pipe within their own premises in good repair, fully protected from frost, and prevent the waste of water. The Water Department shall not be liable for leakage of hydrants, pipes, or fixtures upon the premises of the ratepayer, nor for any obstructions or restrictions therein caused by frost or otherwise, nor for any damage resulting from the foregoing.

## **Article VII – Service Connections**

- Sec. 1 Prior to any service connection being made to a distribution main, a written water permit must be obtained from the Commissioners, or their municipal designee. Any fee required and imposed by the Town against the applicant must be paid in full for an application to be deemed complete and subject to review. The applicant shall also be responsible for obtaining all local and state permits required prior to any excavation. The securing of final approvals of the project pursuant to this Ordinance does not remove the responsibility of the applicant from obtaining other applicable permits, such as public building permits, zoning permits, road access permits, etc. All applicants are advised to seek advice as to the compliance requirements of all applicable permits and to contact a regional permitting specialist at the Vermont Agency of Natural Resources to ascertain whether any State permits, or amendment thereto, are required.
- Sec. 2 The Property Owner shall construct the Building Connection Line on new construction in conformance with the Vermont Standards for Water System Design, Construction and Protection, as amended, and local construction standards as adopted by the Commissioners. The cost of construction shall be borne by the Property Owner. Once installed, the responsibility for maintenance and repairs of the Building Connection Line and all costs associated therein shall be borne by the Property Owner.
- Sec. 3 The Property Owner shall construct the Service Line on new construction in conformance with the Vermont Standards for Water System Design, Construction and Protection, as amended, and local construction standards as adopted by the Commissioners. The cost of construction shall be borne

by the Property Owner. Once installed, the responsibility for maintenance and repairs of the Service Line and all costs associated therein shall be borne by the Town.

- Sec. 4 Where the work involved will or may disturb public property, a monetary deposit in an amount to be determined by the Commissioners shall be required. This deposit will be returned to the applicant upon satisfactory restoration of the disturbed area or facilities. If the area or facilities are not satisfactorily restored, the deposit shall be applied towards completing the work, and any remaining money returned to the applicant. If the deposit is insufficient to complete the work the applicant shall be billed for the shortfall. The Property Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the Service Connection.
- Sec. 5 The Town shall utilize construction standards and specifications in conformity with the Vermont Standards for Water System Design, Construction, and Protection, as amended. Said standards will be administered by the Superintendent and/or his authorized agent(s).
- Sec. 6 The applicant is further responsible for ensuring the new service conforms with the Vermont Standards for Water System Design, Construction, and Protection, as amended.
- Sec. 7 All materials and equipment used will conform to the Vermont Standards for Water System, Design, Construction, and Protection, as amended, and local construction standards as adopted by the Commissioners, or as approved by the Superintendent.
- Sec. 8 All construction activities within Town rights-of-way shall occur between April 1 and November 15, except as otherwise approved by the Commissioners.

### **Article VIII – Cross Connections Prohibited**

- Sec. 1 A cross connection shall not be created without the approval of the Commissioners. If permitted, it shall be protected against backflow and/or back-siphonage, in accordance with accepted cross-connection control methods established by the Vermont Water Supply Division and set forth in the Vermont Standards for Water System, Design, Construction, and Protection, as amended. In addition, a connection capable of permitting backflow from any other source of water, any plumbing fixture, device, or appliance or from any waste outlet or pipe having direct connection to waste drains to the public water system is prohibited. If the owner of the building involving such a connection fails or refuses to eliminate or properly protect the cross connection within a time period established by the Commissioners, water service shall be discontinued.

### **Article IX – Water Supply Emergencies**

- Sec. 1 The Commissioners 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 Commissioners. Any required notice of such meeting shall state that the Commissioners will consider adopting emergency rules governing the supply and use of water. Such rules shall be adopted by a majority vote of the Commissioners, shall be thereafter recorded in the minutes and posted in five (5) public 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.

- Sec. 2 The Town shall not be liable for any injury, loss or damage of whatever nature occasioned by the failure to maintain a constant uniform pressure within the distribution mains, leakage of hydrants, pipes, or other appurtenances or for damages occasioned by or growing out of a stoppage of said water by frost or other causes, or for damage occasioned by or growing out of an insufficient supply of the same, or for accident or damage of any kind caused by or growing out of the use or failure of said water.
- Sec. 3 The Town shall not be responsible for damage caused by dirty water, which may be occasioned by the cleaning of pipes or the opening and closing of gate valves or hydrants, when said work is done with reasonable care on the part of the Town.
- Sec. 4 In case of a water quality emergency the Town, in accordance with Chapter 21 of the State of Vermont Environmental Protection Rules (“Chapter 21”), shall notify the consumer immediately. While the Town is ultimately responsible for water quality to the “last tap” on the public water supply system, the last tap shall be considered the last point on the system where water enters into a building; credit shall not be issued for the minimal use of water that is not fit for consumption by human or animal. Water quality notices shall be lifted only after the requirements of Chapter 21 have been achieved.

### **Article X – Water Utility Acceptance Standards**

- Sec. 1 All extensions of water mains and any additions and improvements to the public water supply system, with the exception of service connections, shall be eligible for acceptance as part of the public water supply system by the Commissioners when all of the following criteria have been complied with:
- Sec. 2 The installation must be within an existing or proposed highway right-of-way.
- Sec. 3 Prior to considering acceptance of any new water facilities into the public water supply system, the Water Department shall be furnished with 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” = 50’ or 1” = 40’ scale. Also required are two sets of ties – service connections, valves, hydrants, curb stops, etc.
- Sec. 4 One (1) year from the date the new installation is placed in service, the Commissioners shall take action on whether or not to accept the new water line as part of the public water supply system. The developer or property owner must provide a deed to the Town, along with the easements required by the Commissioners, for the water main and appurtenances prior to their final acceptance. However, it should be clearly understood that prior to acceptance, full responsibility for the maintenance and repair of the new main and its related appurtenances, and all costs associated therein, shall be borne by and rest with the Owner(s).

### **Article XI – Fire Hydrants**

- Sec. 1 Public fire hydrants are installed for the purpose of fire-fighting and, with the exception of the Water Department, Highway Department, Fire District or other qualified inspector, they shall not be tampered with, operated, or used in any manner whatsoever.

- Sec. 2 Fire hydrants may be installed by the Town within its legal and common right-of-ways as determined by the Superintendent for the safety and welfare of Town residents and their property. The Superintendent shall consider an application for installation of fire hydrants by property owners, contractors, or developers and determine the feasibility of the same. The Town may require installation of fire hydrants by property owners, developers, or contractors when proposed new or expanded developments are planned.
- Sec. 3 The need for and installation of hydrants shall be determined by the Superintendent, after consultation with the property owner, contractor, or developer. Once installed and inspected, such hydrants, if acceptable, shall become the property and responsibility of the public water supply system. All costs incurred for the installation, testing, and inspection of such hydrants shall be borne by the property owner, contractor, or developer.
- Sec. 4 All public fire hydrants connected to any portion of the public water supply system shall become the property and responsibility of the Town. If the Town must cut-off the supply of water from any of the hydrants in Town for repairs or other causes, immediate notice must be given to the Fire Chief and in his/her absence, the next highest-ranking officer. Notice shall be made to the same person when water supply is reconnected to the hydrant.
- Sec. 5 No person shall obstruct the access to any fire hydrant by placing or permitting to be placed any article whatsoever which shall restrict or obstruct access to and use of the hydrant. No private vehicles shall be parked within six (6) feet of any fire hydrant.
- Sec. 6 A damage fee shall be charged the operator of any motor vehicle that shall cause any fire hydrant to be damaged or broken or otherwise rendered inoperative by reason of accident with said motor vehicle. In addition, said operator shall be liable for those costs of material, labor, and equipment required to return the hydrant to operable condition which exceed the damage fee.
- Sec. 7 The Water Department shall from time to time be required to flush the fire hydrants and its system in an effort to improve reliability and flush out impurities which may accumulate during non-use. Advance public notice of flushing operations shall be given whenever possible.
- Sec. 8 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, except those shut off for repair. The Water Department shall perform such repairs without unnecessary delay. No person shall open or draw water from any hydrant except:
- a. Superintendent, or persons acting under his authority or direction;
  - b. Members of the Proctor Volunteer Fire Department or other Fire Departments, and then only in connection with providing fire services or in preparation or training for the provision thereof.

## **Article XII – Access by the Town**

- Sec. 1 The Superintendent and other duly authorized representatives of the Water Department bearing proper credentials shall be permitted to enter all private properties, including without limitation properties through which the Town holds a duly negotiated easement, for the purpose of, but not limited to, inspection, observation, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this Ordinance. All entry and subsequent work, if any, on easement property, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. No person shall deny access to an agent, employee or

representative of the Water Department during normal working hours or times of emergency while such persons are in performance of their duties.

- Sec. 2 While performing the necessary work on properties referred to in Section 1 of this Article, the Superintendent or duly authorized representatives or agents of the Town shall observe all safety rules applicable to the premises established by the Water Department. The Water Department shall be held harmless for injury or death to the Town representatives and the Town shall indemnify the Water Department against loss or damage to its property by Town representatives and against liability claims and demands for personal injury or property damage asserted against the Water Department and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company, its agents or employees, to maintain safe premises or conditions, as applicable.
- Sec. 3 The Town shall have the authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other uses beyond the cellar stop that may have direct bearing on providing safe, potable water to its ratepayers.
- Sec. 4 The Water Department may open the ground in any streets, avenues, highways and public grounds for the purpose of laying down, and repairing pipes, aqueducts, reservoirs, and appurtenances, as may be necessary for conducting the water and effectuating the purposes of this Ordinance. Such streets, lanes, avenues, highways and public grounds shall not be injured, but shall be left in as good condition as before the laying of such pipes, aqueducts, reservoirs and appurtenances.

### **Article XIII – Protection from Physical Damage**

- Sec. 1 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, hydrant, 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.
- Sec. 2 It shall be a violation of this Ordinance for any ratepayer to violate a Town conservation notice or order.

### **Article XIV – Penalties**

- Sec. 1 This is a civil Ordinance and shall be enforced by the Superintendent, Town attorney, or other duly authorized designee of the Commissioners 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 week the violation continues shall constitute a separate offense. If the penalty for all continuing violations of this Ordinance is greater than \$800.00 or if injunctive relief other than provided under 24 V.S.A. §1974a(c) is sought, the action shall be brought in the criminal division of the Superior Court. The Board reserves the right to institute any action for damages and all appropriate injunctive relief. In any action for damages or injunctive relief against a



ratepayer in which the Town obtains judgment, the ratepayer shall pay the Town's court costs and attorney's fees, and such amount shall be added to any such judgment.

- Sec. 2 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 XV – Amendments**

- Sec. 1 The Town of Proctor, acting by and through its Selectboard or, in appropriate cases acting by and through its authorized representatives, may make amendments to the Ordinance in force that appear in their judgment to be necessary or in the best interest of the drinking water system and/or the Town. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of any amendments to this Ordinance.

### **Article XVI – Severability Clause**

- Sec. 1 If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

### **Article XVII – Conflict**

- Sec. 1 If there is a conflict between the terms of this Ordinance and any other applicable regulation, bylaw, or ordinance, the stricter shall apply.

### **Article XVIII – Ordinance in Effect**

- Sec. 1 This Ordinance shall become effective sixty (60) days from the date of its adoption by the Board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Duly enacted and ordained this 23d day April, 2018 by the Selectboard of the Town of Proctor, County of Rutland, State of Vermont, at a duly called and duly held meeting of said Commissioners.

ATTESTED BY:

  
Assistant Town Clerk

