

# Edward Farrar Utility District Water Ordinance

Adopted the 8<sup>th</sup> day of February, 2023

  
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## Table of Contents

	Page
Purpose And Authority	3
Article I: Ownership and Permit	3
Article II: Capacity; Allocation	4
Article III: Definitions	4
Article IV: Service Connections	9
Article V: Private and Public Water Distribution Systems and Connections	
Section 1. Private Water Distribution Systems	11
Section 2. Private to Public Water Distribution Systems	12
Article VI: Water Mains	13
Article VII: Water Meters	14
Article VIII: Hydrants	15
Article IX: Prohibitions & Protection from Damage	16
Article X: Use of Public Water System	16
Article XI: Powers and Authority of Inspectors	18
Article XII: Enforcement: Penalties	18
Article XIII: Validity; Waiver	19
Article XIV: Rates and Fees	20
Article XV: Appeals	21
Appendix A: Technical Specifications	22



## Edward Farrar Utility District

**PURPOSE AND AUTHORITY:** The purpose of this Water Ordinance (hereafter the “Ordinance”) is to provide the regulatory framework for the Edward Farrar Utility District (EFUD) to protect the public health by assuring safe, affordable drinking water, implement and enforce the provisions of the Federal Safe Drinking Water Act and Vermont Statutes, regulate the use of public and private water distribution systems, and the installation of service connections and provide penalties for violations and non-compliance thereof. The Ordinance is adopted by the Edward Farrar Utility District Board of Commissioners (the “Board”) pursuant to the authority set forth in 24 V.S.A. § 3315 and Chapters 59 and 61 of Title 24, V.S.A. It shall be a civil ordinance within the meaning of 24 V.S.A. § 1971 (b).

This Ordinance is further intended to:

1. Provide safe and affordable drinking water for the use of and for the protection against fire for EFUD inhabitants and property owners, Town of Waterbury users and Duxbury-Moretown Fire District #1 users.
2. Establish requirements to protect and ensure the proper operation of the water distribution system including but not limited to requirements for the construction, installation, connection, and maintenance of water storage tanks, water distribution mains, valves and appurtenances;
3. Protect the health and safety of the public, District Staff, and to ensure compliance with the Public Community Water System Permit to Operate.
4. Establish requirements to protect and ensure the proper operation of the water treatment plant, including but not limited to protecting, restricting and regulating access to, or controlling the sources of water and the water shed
5. Establish requirements to ensure the operation of the water treatment plant is sustainable and efficient;
6. Establish procedures to allocate the treated water the plant produces;
7. Establish procedures to provide for fees that equitably distribute the cost of operations, maintenance, and improvements at the water treatment plant, water storage tank(s), water distribution mains, valves, hydrants and appurtenances; and
8. Establish procedures for obtaining compliance with the Ordinance and provide appropriate penalties for violations.

## **ARTICLE I: OWNERSHIP AND PERMIT**

The Edward Farrar Utility District (EFUD) owns and operates a water treatment plant and a water distribution system as defined in 24 V.S.A. Chapter 89 and 95. The water treatment plant (WTP) operates in accordance with a Permit to Operate issued by the State of Vermont, Agency of Natural Resources, Department of Environmental Conservation (“ANR/DEC”), Drinking Water and Groundwater Protection Division under authority granted in 10 V.S.A., Chapter 47. Its treatment capacity is established by said permit. The Edward Farrar Board of Utility Commissioners (the “Board”) is obligated by law to comply

Edward Farrar Utility District

with conditions of that permit, and to operate and manage the WTP and water distribution system as governmental functions under and pursuant to 24 V.S.A., Chapters 89 and 95

**ARTICLE II: CAPACITY; ALLOCATION**

The permitted capacity of the WTP and water distribution system is the property of the EFUD. The uncommitted reserve capacity of the WTP and water distribution system shall be allocated by the Board in the manner described below. This Ordinance shall not be construed as an abandonment or relinquishment of the authority or responsibility of the Board to regulate, control and supervise all means and methods of providing potable water both within the District’s boundaries and in water infrastructure owned by the District situated outside the District’s boundaries, nor shall it be construed to impair or inhibit the ability of the District to contract for the provision of potable water to other customers lawfully able to purchase water.

The EFUD WTP design capacity is defined in the current Permit to Operate WSID 5284. Allocation & Connection Fees/Quarterly Base Rates and Surcharges will be based, in part on a percentage of the aforementioned treatment capacities and established by action of the Board.

**ARTICLE III: DEFINITIONS**

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

**Section 1. Air-gap** shall mean 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 such vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically above the top of the overflowrim of the vessel; and in no case less than one inch.

**Section 2. Allocation & Connection Fee** shall mean the fee assessed per unit on the type, use or capacity of the establishment as set forth in the EFUD Application For Water & Sewer Allocation & Connection Application, as amended from time to time.

**Section 3. Approved** shall mean accepted by EFUD as meeting an applicable specification stated or cited in this Ordinance.

**Section 4. Backflow** shall mean 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 other than its intended source.

**Section 5. Backflow Preventer** shall mean a device designed to prevent backflow.

**Section 6. Board of Utility Commissioners**, hereafter “Board” shall mean the Edward Farrar Utility District Board of Commissioners convened as a board of Water Commissioners under 24 V.S.A. § 3313.

**Section 7. CFR** shall mean the Code of Federal Regulations (CFR), the annual edition of which is the codification of the general and permanent rules published in the Federal Register by the departments

Edward Farrar Utility District

and agencies of the Federal Government produced by the Office of the Federal Register (OFR) and the Government Publishing Office.

**Section 8. Contaminant** shall mean any physical, chemical, biological, or radiological substance or matter in water.

**Section 9. Contamination** shall mean any introduction into water of microorganisms, chemical, wastes or wastewater in a concentration that makes the water unfit for its intended use.

**Section 10. Corporation Cock** shall mean a valve for joining a service pipe into a District water main. It is owned and operated by the District. It cannot be operated from the ground surface. Also called a corporation stop, or ferrule.

**Section 11. Cross-connection** shall mean any physical connection or arrangement between two otherwise separate piping systems; one which contains potable water and the other which contains water or other substances of known or unknown origin or questionable safety, such as steam, gases or chemicals, whereby there may be a flow from one system to the other.

**Section 12. Curb Stop** shall mean the valve located on the service connection and located generally at the edge of the road right of way or at the water main right of way limit, that terminates the District's portion of the service line. The curb stop allows EFUD to stop water flow to a customer for both temporary or permanent purposes. Operation of the curb stop is restricted to EFUD staff unless delegated to others (plumbers, contractors, property owners).

**Section 13. Customer** shall mean any individual, firm, company, corporation, association, municipal departments or groups receiving or requesting water service from the District's Water Department.

**Section 14. Disinfectant** shall mean any substance, including but not limited to chlorine, chlorine dioxide, chloramines, or ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms

**Section 15. District** shall mean the Edward Farrar Utility District, Waterbury, Vermont as defined by its charter.

**Section 16. District Staff** shall include the Utility Billing Clerk, Public Works Director, District Engineer, Water Superintendent and licensed Water Operator(s), Wastewater Superintendent and licensed Wastewater Operator(s).

**Section 17. Double Check Valve Assembly** shall mean an assembly of two independently operating approved check valves with tightly closing shutoff 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.

**Section 18. Edward Farrar Utility District (EFUD) Design and Construction Standards** shall mean the specifications and procedures set forth in the most current (i.e., last amended) editions of the State of Vermont, A.N.R/D.E.C. Drinking Water and Groundwater Protection Division, Environmental Protection Rules, Chapter 1 Wastewater System and Potable Water Supply Rules and Chapter 21 Water Supply Rule, and The Ten State Recommended Standards for Water Works. Where there are differences

Edward Farrar Utility District

in standards, the Board, in consultation with the Utility District Manager, will determine which Design and Construction Standards will apply.

**Section 19.** **EPA** shall mean the United States Environmental Protection Agency. The Environmental Protection Agency is an independent executive agency of the United States federal government tasked with environmental protection matters.

**Section 20.** **Fire Flow** shall mean 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. When delivery is to fire department pumpers, the specified residual pressure is twenty (20) psi.

**Section 21.** **Master Meter** shall mean a water meter that measures water consumption for a specific area of customers such as the master meter that reads total water consumption for the Kneeland Flats Trailer Park.

**Section 22.** **Municipal Manager** shall mean the manager hired by the Town of Waterbury, who has authority in the areas of Town Highways and storm water issues. The office of Municipal Manager may or may not be held by the same person who holds the office of Utility District Manager.

**Section 23.** **OSHA** shall mean the Occupational Safety and Health Administration, a regulatory agency of the United States Department of Labor whose mission is to assure safe and healthy working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.

**Section 24.** **Owner** shall mean the person that owns or controls, by fee title or some lesser legal interest, real property served by the District water system (unless the context clearly indicates otherwise).

**Section 25.** **Pathogenic** shall mean causing or capable of causing disease.

**Section 26.** **Peak Demand** shall mean the maximum instantaneous load placed on a water system.

**Section 27.** **Permit** shall mean a written document issued by the District, pursuant to this Water Ordinance giving a designated person permission to operate and/or construct, alter, renovate or connect to or draw water from the District water system.

**Section 28.** **Person** shall mean any individual, partnership, firm, company, business, association, society, corporation, institution, municipality or government entity or group.

**Section 29.** **pH** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. For practical purposes, pH is the standard to measure the alkalinity or the acidity of a water sample and will be one of the criteria to determine whether a water meets applicable drinking water standards.

**Section 30.** **Pollution** shall mean a condition representing the presence of non-potable, harmful or objectionable materials in water.

**Section 31.** **Potable Water** shall mean water free from contaminants in amounts sufficient to cause disease or harmful physiological effects, with the bacteriological, chemical, physical and



radiological quality conforming to applicable regulations and standards of the Vermont State Department of Health.

**Section 32. Private-to-Public Water Distribution System** shall mean a water distribution system providing or planning to provide water to more than one property (residential) or multiple buildings (residential, commercial, institutional or industrial) and that is connected or will be connected to the District's water distribution system and the owner of the Private-to-Public water distribution system and the District agrees to allow connection to the District water distribution system and that the District will acquire ownership and maintain/operate the Private-to-Public water distribution system in the future. Example of an existing Private-to-Public water distribution system is Huntington Condos. At the completion of the project and upon final acceptance by the District, the Private-to-Public water distribution system shall become a District public water distribution system.

**Section 33. Private Water Distribution System** shall mean a water distribution system providing water to more than one property (residential) or multiple buildings (residential, commercial, institutional, or industrial) that is connected to the District water distribution system and the owner(s) of the private water distribution system does not want to be owned/operated/maintained by the District or the District does not want to take ownership of the privately-owned system. Examples of existing private water distribution systems are Blush Hill Meadows Ten LLC (residential) and the State of Vermont Waterbury Complex (institutional).

**Section 34. Professional Engineer (PE)** shall mean a licensed professional engineer, registered in the State of Vermont, in the accepted disciplines of civil, environmental or sanitary engineering, with knowledge and experience in the operation and design of municipal water distribution, storage and treatment systems for residential, commercial, institutional and industrial water users.

**Section 35. Public water system** shall mean a water system in which all owners of abutting properties, within the Utility District, have equal rights, and that is controlled by public authority.

**Section 36. Reduced Pressure Principle Device** shall mean 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. See Technical Specification for additional technical information.

**Section 37. Right of Way (ROW)** shall mean Town of Waterbury **Highway right-of-way** and includes the entire area, including **highways**, bridges, buildings, structures and lands encompassed by the lateral property lines purchased and owned by the Town for the construction and maintenance of **highways**, bridges and access to service facilities.

**Section 38. Secretary** shall mean the Secretary of the Vermont Agency of Natural Resources Department of Environmental Conservation (ANR/DEC).

**Section 39. Service Connection** shall mean each single water pipeline which provides water to an individual residential living unit, a building housing multiple living units or multiple users, a commercial unit, an institutional unit or an industrial unit from the District 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.

**Section 40. Shall** is mandatory; **May** is permissive.

Edward Farrar Utility District

**Section 41. Split Sleeve** shall mean a ductile iron sleeve that comes in two parts with side flange seals and end joint accessories and split glands necessary to assemble the split sleeve around the pipe.

**Section 42. Tapping Sleeves** shall mean a split sleeve used in making a wet tap where a single branch line is to be tapped into a water main under pressure.

**Section 43. Testing (or Pollutant Analysis)** shall mean the detailed examination, whether required or voluntary of any water sample and its components. All testing (or pollutant analysis) shall be performed on representative samples by certified laboratories and certified laboratory technicians in accordance with procedures mandated in the most current edition of “Standard Methods for the Examination of Water or Wastewater”.

**Section 44. Transmission Main** shall mean a water main extension that transports water from the main supply or source to a distant area where the water is distributed through distribution water mains. A Transmission Main is usually a large diameter main with limited connections that ensure system reliability.

**Section 45. Utility District Manager** shall mean the manager hired by the Board of Utility Commissioners and whose authority extends to water ordinance compliance issues. The Utility District Manager also oversees District Staff. The office of Utility District Manager may or may not be held by the same person who holds the office of Waterbury Municipal Manager.

**Section 46. Valve Boxes** shall mean a metal or concrete box or vault set over a valve stem and rising to the ground surface, to allow access to the stem in opening and closing the valve. A cover is provided at the surface to keep out dirt and debris.

**Section 47. VOSHA** shall mean the Vermont Occupational and Health Administration within the State of Vermont Department of Labor.

**Section 48. V.S.A.** shall mean Vermont Statutes Annotated.

**Section 49. Water Department** shall mean that EFUD Department which has charge of all customer meters and all of the property, facilities and equipment of the water system and is responsible for collection, treatment, storage, distribution and maintenance of the water supply at all places between the sources and the curb stop on the service connection or its point of use and is responsible for keeping records of customers for the purpose of billing.

**Section 50. Water Main** shall mean a primary underground pipe in a municipal water distribution system. It is a major artery that supplies water to smaller pipes on the way to homes, businesses and industries.

**Section 51. Water Superintendent** shall mean the employee appointed by the Utility District Manager to supervise the operations of the EFUD Water Department, except for administrative functions such as customer record keeping, billing and accounting operations.

**Section 52. Water Treatment Plant (WTP)** shall mean a facility comprised of buildings, tanks, treatment equipment, instrumentation, controls and piping, all used for the purpose of collecting,

Edward Farrar Utility District

processing and treating water in compliance with regulatory guidelines and permits. The WTP shall be operated by State certified water treatment plant operators and laboratory technicians.

**Section 53.** **Watercourse** shall mean a channel in which a flow of water occurs, whether continuously or intermittently.

**Section 54.** **Wet Tap** shall mean a connection made to a water main that is full or under pressure.

## **ARTICLE IV : SERVICE CONNECTIONS**

**Section 1.** All service connections onto the District water distribution system shall require inspection by District Staff. The District shall be furnished with as-built drawings or takeoff locations of the connection. Any person proposing a new service connection into the District water distribution system or a substantial change in the volume of water being used shall provide written notification by completing/submitting an EFUD Application for Water & Sewer Allocation & Connection to the Utility District Manager at least forty-five days prior to the proposed change or connection. In addition, a copy of the appropriate ANR DEC Water Permit shall be submitted if applicable.

**Section 2.** There shall be three classifications of service connection permits. Residential, Church or Non-Profit Social Club, and Commercial. Applications shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Utility District Manager. Any addition or modification to the water distribution system shall conform to the EFUD Design and Construction Standards. If deemed necessary by the District, review fees for residential/commercial/institutional service and for industrial service, shall be paid to the District at the time of application filing. Review fees may be waived or reduced in cases where an adequate service connection already exists from the district water main to the property line. District staff will provide a copy of the review fees upon request.

**Section 3.** All costs and expense incident to the installation and connection of the service connection shall be borne by the owner. The owner shall indemnify and hold the District harmless from any loss or damage that may be directly or indirectly occasioned by the installation of the service connection. Unless approved by the District, in writing, all service connection work shall be performed between April 1 and November 15.

**Section 4.** Separate and independent service connections shall be provided for each and every building, except where one building is situated at the rear of another or on an interior lot and no private water service is available or can be reasonably constructed to the rear building through an adjoining alley, courtyard or driveway. In such instance, the service connection from the front building may be extended to the rear building. The existing and extended service connection may be considered as one service connection, except for the purposes of billing for water charges, where each dwelling unit may be subject to a separate unit charge.

**Section 5.** Service connections may not be extended on the customer's side of the water meter for purposes of serving or distributing water to or within any building or facility outside of the exterior walls of the building within which is located the water meter without the approval of the District.

**Section 6.** Existing service connections may be used with new building connections only after they have been inspected and approved by the District Staff and are deemed to meet or exceed the requirements of this Ordinance.

## Edward Farrar Utility District

**Section 7.** The size, type of pipe and materials used in the construction or refurbishing of a service connection, as well as the methods used in excavating, pipe installation, testing, backfilling and compaction, shall conform to the EFUD Design and Construction Standards. See additional standards in the Technical Appendix to this Ordinance.

**Section 8.** Whenever possible, the service connection shall be brought to the building at a location that facilitates practical maintenance and repair thereof.

**Section 9.** All connections of the service connection to the public water distribution system shall conform to the requirements set out in this Ordinance and the procedures and standards set out in the above-mentioned EFUD Design and Construction Standards, unless a modification is approved by the Board upon the recommendation of the Utility District Manager based on the EFUD Design and Construction Standards. In-home booster pump stations shall be prohibited.

**Section 10.** The applicant for the service connection permit shall notify the Utility District Manager when the service connection is ready for inspection and connection to the public water distribution system. The connection shall be made under the supervision of the District Staff.

**Section 11.** All excavations for service connection installations shall be adequately guarded and protected with reflective barricades and caution safety tape for pedestrian and public safety. Alternative properly signed pedestrian routes shall be put in place if necessary. All shoring/trench protection shall comply with OSHA/VOSHA standards and require Professional Engineer (PE) certification if deemed necessary. PE certification shall be provided by a PE registered in the State of Vermont. If the installation and connection occur in the Town of Waterbury highway right of way (ROW) the Owner shall be required to submit an Access/ Excavation Permit application and fee to the Municipal Manager of the Town of Waterbury, or his/her designee prior to the start of construction. Streets, sidewalks, parkways and other public property disturbed in the course of the installation/repair or construction shall be restored in a manner satisfactory to the Public Works Department and will be subject to inspection prior to the completion of the job. This fee is fully refundable if the completed work, within the Town highway ROW, is found satisfactory to the Town. Any work performed in Town highways shall conform to the State of Vermont VOSHA Work Zone Safety, Flagging and Signage regulations. All signs shall conform to the most recent MUTCD (Manual of Uniform Traffic Control Devices).

**Section 12.** The District shall be responsible for repair/rehabilitation/replacement or maintenance of the service connection from the District's water main to the municipal side of the curb stop (normally the boundary of the municipal ROW). The location of the municipal ROW is generally established by the Town of Waterbury and applicable legal documents. Property owner responsibility for repair/rehabilitation/replacement or maintenance of the service connection shall be from the property owner's side of the curb stop (normally the property owner's side of the boundary side of the municipal right of way (ROW)) up to, but not including, the meter inside the building. Interior building shut-off valves, pressure gages, pressure reducing valves, back flow preventers and thermal expansion tanks and similar devices are also the responsibility of the owner/applicant.

**Section 13.** Prior to any service connection being made to the main water line the District staff shall be given at least three (3) working days' notice so that the work may be scheduled for inspection. All service connections shall be made during normal workday hours and no connection shall be made on Saturday,

## Edward Farrar Utility District

Sunday or legal town holidays. If the District staff has not been properly notified and work on the service connection proceeds, the District staff may require the completed work to be uncovered for examination, all at the owner's expense. The property owner/agent for the owner shall agree, as a condition of receiving approval for connection to the District water system, to restore the street, sidewalk, curbs, electrical lines, grassed or open areas or other features to their original condition(s) after the installation of the water line. Failure to comply with the foregoing requirements and to properly restore facilities, disturbed by the work, may subject the property owner to penalties under Article XII regardless of whether the installation was performed by the owner or another party.

**Section 14.** Prior to EFUD turning on a new service connection the new customer shall disconnect their existing water supply (well, spring, surface water) from their potable water system. The disconnection shall be done by a VT licensed plumber who shall furnish written certification that the disconnection has been accomplished. The existing water supply may continue to be used for non-potable water uses (IE washing a vehicle, water a garden) but again *No cross connection between the existing water supply and the new EFUD service connection shall be allowed.*

## ARTICLE V: PRIVATE AND PUBLIC WATER DISTRIBUTION SYSTEMS AND CONNECTIONS

### Section 1: Private Water Distribution Systems

Private water distribution systems shall be designed by a professional engineer (PE), licensed to practice in the State of Vermont, and constructed to EFUD Design and Construction Standards. The PE shall furnish EFUD with design flow calculations. For new and upgraded or extended private water distribution systems, project contract documents shall be submitted to the District for review in advance of the work being performed. Construction of the private water distribution system shall not take place until the project obtains State DEC/ANR approval and complies with all District comments and/or requirements. Connection of the private water distribution system to the District water distribution system shall not take place until the PE certifies the construction has met all permit requirements and has been constructed in accordance with the contract documents. The PE construction certification shall include all copies of daily inspection reports and all testing reports and construction pictures. In addition, the construction of the connection between the private water distribution system and the District water distribution system shall not be put into service until the connection has been inspected and approved by the District Staff. At the completion of construction, the as-built drawings shall be furnished to EFUD.

The owner of the private water distribution system may request the District consider taking over ownership of the private water distribution system. Before the District takes ownership of a privately owned water distribution system, the following must be provided by the Owner of the private system to the District:

1. A letter to the District describing the system, including the number of buildings served;
2. One complete set of as-built drawings of the private water distribution system. Drawings shall show locations of all main line valves, fire hydrants and curb stops.
3. Demonstrate to District Staff that all main line valves are fully operable and valve boxes are cleaned out of any material that would hinder operation of the valve.
4. Demonstrate to District Staff that all fire hydrants are fully operable and have been flushed within the last 12 months.
5. Demonstrate to District Staff that all curb stops are at grade and fully operable.

Edward Farrar Utility District

6. Written history of all maintenance/rehabilitation/repair work accomplished in the private water distribution system.
7. Opportunity for the District to physically inspect the entire private water distribution system.
8. Provide deeded easements to the District to allow for District Staff access for operation, maintenance, rehabilitation and/or replacement. See Article 6 Section 2 below for easement requirements.

Based on the information provided and inspection of the private water distribution system, the District will decide whether it will take ownership of the private water distribution system. If the District determines the private water distribution system is not ready for acceptance it will identify, in writing, what corrective measures must be taken before the District will reconsider acceptance of the private water distribution system. Final approval for the connection of a proposed private water distribution system shall be the responsibility of the Board, which shall consult with and consider the recommendation of the Utility District Manager. Final approval shall also be in conformance with Vermont Agency of Natural Resources requirements and regulations.

**Section 2: Private-to-Public Water Distribution Systems**

Private-to-Public water distribution systems shall be designed by a professional engineer (PE), licensed to practice in the State of Vermont, and constructed to EFUD Design and Construction Standards. The PE shall furnish the District with design flow calculations. For new and upgraded or extended private water distribution systems, project contract documents shall be submitted to the District for review in advance of the work being performed. Construction of the Private-to-Public water distribution system shall not take place until the project obtains State DEC/ANR approval and complies with all District Design and Construction Standards, review comments and requirements. Connection of the Private-to-Public water distribution system to the District water distribution system shall not take place until the PE certifies the construction has met all permit requirements and has been constructed in accordance with the contract documents. The PE construction certification shall include all copies of daily inspection reports and all testing reports and construction pictures. In addition, the construction of the connection between the Private-to-Public water distribution system and the District water distribution system shall not be put into service until the connection has been inspected and approved by the District. The District shall be furnished with:

1. As-built drawings clearly showing location of all water mains, main line valves, fire hydrants and curb stops.
2. Documentation that all main line valves, fire hydrants and curb stops are fully operational.
3. Documentation that all new water mains have been tested and disinfected in accordance with District Design and Construction Standards. The test pressure for all water mains shall be a minimum of 200 psi, or 150% of the working pressure, whichever is greater.
4. Deeded easements to allow for District Staff access for operation, maintenance, rehabilitation and/or replacement. See Article VI Section 2 below for easement requirements.

Final approval for the acceptance of a proposed private water distribution system shall be the responsibility of the Board, which shall consult with and consider the recommendation of the Utility District Manager. Final acceptance shall also be in conformance with Vermont Agency of Natural Resources requirements and regulations

## **ARTICLE VI: WATER MAINS**

### **Section 1 General Requirements**

No person shall construct a water main that is to be connected to a District water main without the prior, written approval of the District.

The generally accepted minimum water main size for any water main that is to be connected to a District water main shall be eight (8) inches, although the District shall have discretion, where it determines that a deviation from the generally accepted minimum pipe size is reasonable and appropriate, to require the use of a smaller or larger pipe size. Where the District determines that it is reasonable and appropriate to deviate from the generally accepted pipe size, it shall set forth its reasons for doing so in writing. If, for the benefit of the District, the Board requires a larger pipe size than necessary for a particular project, then the District shall reimburse the project owner or installer of the new water main for the difference in material cost between the eight (8) inch and the larger pipe.

Under normal conditions and circumstances a water main shall be constructed of ductile iron. However, the District may authorize construction materials if it is determined that:  
A higher than normal soil corrosivity is present at the project site, and/or  
Conditions indicate use of directional boring is preferable using high density polyethylene (HDPE)

Looping water lines, to avoid stagnant water in dead end pipes, shall be a design requirement wherever feasible. If it is determined that looping is not feasible, the District shall so indicate in writing.

Unless approved by the District, in writing, all water main construction work shall be performed between April 1 and November 15.

The District shall be responsible for the maintenance and repair of all District water mains, valves and appurtenances. However, for one year from the date a new water main is connected to the District water distribution system and is placed in service, the developer/contractor shall be responsible for reimbursing the District for all costs associated with any necessary repairs or corrections performed by the District.

### **Section 2. Water Main Easement Requirements**

Subject to Selectboard approval, newly constructed water mains shall be located within the right-of-way (ROW) of highways owned or controlled by the Town of Waterbury or State of Vermont or on Town of Waterbury property unless the Board grants approval to locate a water main in a different location. In such instance, and prior to construction, the applicant shall provide the District with a perpetual easement in favor of EFUD that:

1. Is of sufficient width, generally 20 feet, to accommodate the water main and reasonably needed or anticipated appurtenant facilities;
2. Is of sufficient scope to allow the perpetual repair, replacement, operation and use of the water main and appurtenant facilities located within the easement;
3. Is sufficiently restrictive to prevent the installation or construction of improvements within the limits of the easement, including landscaping improvements, that would place an unreasonable burden on the District when exercising its rights under the easement;

Edward Farrar Utility District

4. If appropriate extends across the entire property of the property to be served to enable continuation of the water main across adjoining property; and
5. Act as a bill of sale to convey the water main and appurtenance facilities located in the easement to the District.
6. Any such easement shall be in a form that is satisfactory to the Board, which may consult with its attorney, prior to acceptance.
7. The easement shall be recorded in the Town of Waterbury Land Records under both the property owner name and EFUD.

## **ARTICLE VII: WATER METERS**

**Section 1.** On the effective date of this Water Ordinance, all new buildings with service connections to the District's water distribution system shall be required to have water meters. Buildings, existing on the effective date of this Water Ordinance, with service connections to the District's water system, may request a waiver from the requirement to provide multiple meters within one building. However, all buildings with service connections, whether existing or new, are required to have at least one meter installed per building. The owner of each building shall perform all interior and/or exterior plumbing necessary to accommodate the required water meters.

**Section 2.** The District shall provide a meter or meters with outside readers and meter connections in one of the following sizes called out in the Appendix to this Ordinance for each structure. For new installations, the cost of the water meter, as defined in the District's rate structure, shall be paid for by the customer. Water meters larger than 2 inches may be furnished by the Water Department or by the Owner. Water meters furnished by the Owner shall meet Water Department meter standards. Meter sizing criteria are included in the Technical Appendix at the end of this Water ordinance.

A licensed plumber or licensed engineer shall be responsible for meter size selection for meters larger than  $\frac{3}{4}$  inch X  $\frac{3}{4}$  inch. All meters shall be installed by the Owner or Owner's representative.

**Section 3.** After the effective date of this Water Ordinance the following meter requirements shall apply:

1. Single-family residential building: one meter;
2. Single-family residential building with accessory apartment (as defined in the Town of Waterbury zoning ordinance): one meter for the building;
3. Single building with multiple rental living units: one meter per living unit unless waived by the Board
4. Single building with multiple Owner living units: one meter per owner living unit unless waived by the Board
5. Commercial/industrial: one meter per each separate and identifiable unit within the building unless waived by the Board;
6. Multiple buildings on a single parcel: each individual building shall be metered as indicated in 1-5 in this Section.
7. Mixed use building, one meter for each individual unit unless waived by the Board.
8. Waiver: In cases where the District determines it is not feasible or in the best interest of the District to install individual meters for each unit, the District may allow a single meter to serve multiple units. In cases where a waiver is requested, the applicant shall provide the



Edward Farrar Utility District

District adequate evidence demonstrating legal responsibility for use of and payment for all water supplied by the District through the single meter. Thereafter, the District shall make the final decision on the number of meters to be installed. At a minimum, sufficient meters must be installed to differentiate between mixed residential, commercial and/or industrial flows in a single building.

**Section 4. Miscellaneous Water Meter Requirements:**

1. All water usage shall flow through a water meter.
2. Owners shall provide safe access, at all times, to the Water Department for meter reading and for repair of meters.
3. The Water Department shall not provide last day water meter readings prior to the time of sale of a property.
4. Water meter location shall be approved by the Water Department prior to the installation of the water meter. Installation of new water meters shall include installation of remote readers in a location mutually agreeable to the Owner and Water Department.
5. The customer shall be liable for all damages to any meter resulting from frost, freezing, hot water or improper usage by the customer or anyone other than Water Department personnel. Such charges shall include the labor costs of removing, repairing or replacing the meter or equipment.
6. It is the responsibility of the Water Department to fix, check or replace defective or non-working water meters furnished by the Water Department.
7. A meter test fee shall be charged for those who request that their meter be removed and tested. The customer shall not be charged for a meter test if the meter is found to be registering fast, outside of AWWA standards.

**Article VIII: HYDRANTS**

**Section 1.** The Water Department shall be responsible for inspection, maintenance, repair and periodic flushing of all hydrants connected to the District water distribution system. It shall be unlawful for any person, other than the following, to open/operate a District hydrant:

1. EFUD Water Department staff
2. EFUD Sewer Department staff
3. Town of Waterbury Highway Department staff
4. Town of Waterbury Recreation Facility Maintenance staff
5. Town of Waterbury Fire Department and Mutual Aid firefighters
6. Other persons authorized by law or by action of the District's Board.

Water Department staff will provide training to all authorized EFUD and Town personnel on the proper opening and closing of District hydrants. The Fire Department training officer shall insure all new firefighters are trained in the proper opening/closing/draining of District hydrants.

**Section 2.** The Water Department shall furnish, upon request, hydrant fire flow data if available. The Water Department does not warrant the accuracy of the data. The Water Department will allow consultants/contractors, who are fully qualified, to conduct fire flow testing. Scope of work and schedule of the fire flow testing shall be reviewed with the Water Department prior to any fire flow testing being

Edward Farrar Utility District

conducted. If approved, the consultant/contractor shall furnish all equipment, appurtenances and piping required to conduct the fire flow testing. A member of the Water Department staff shall be present at all times during the fire flow testing. Consultants/ contractors shall furnish the Water Department with fire flow testing results.

**Section 3.** Any person who damages or renders a fire hydrant inoperative may be responsible for all cost to repair or replacement of the damaged fire hydrant. Repair or replacement shall be performed by Water Department staff or a qualified contractor approved by the District.

## **ARTICLE IX: PROHIBITIONS & PROTECTION FROM DAMAGE**

### **Section 1. Prohibited Discharges**

No person shall discharge or cause to be discharged any substances, materials, waters, or wastes into the District's water shed, water distribution system, water storage tanks or water treatment plant that would have a potential to adversely impact the proper operation of the water distribution system or the water treatment process, constitute a safety hazard, create a public nuisance, pass through the water treatment plant without proper treatment and/or result in the treated water leaving the WTP or storage tanks to be deemed non-potable.

### **Section 2. Prohibition on Causing Damage**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any component of the water system from the watershed to the water distribution system. No person shall in any way, interfere or obstruct access to any valves, curb stops, fire hydrants, or other appurtenances within the District water distribution system.

### **Section 3. Public Nuisance**

A violation of Sections 1 and 2 above shall constitute a public nuisance within the meaning of 24 V.S.A. §2291 (14) and, among other remedies, shall be subject to relief pursuant to 24 V.S.A. § 2121.

### **Section 4. Notice of Civil and Criminal Liability**

Any person whose actions constitute a violation of 24 V.S.A. §3307 may be liable for civil and penalties, as provided therein.

Pursuant to 13 V.S.A. §3729, a person who without lawful authority tampers or interferes with a water main, hydrant, gate valve, or other fire protection apparatus of a municipal water system or with fire protection apparatus of a private water system used for municipal purposes shall be fined not more than \$1,000.00 or imprisoned not more than 10 years, or both.

A violation of the above referenced statutory provisions shall also constitute a violation of this civil ordinance and subject to the penalties set forth herein.

## **ARTICLE X: USE OF PUBLIC WATER SYSTEM**

### **Section 1. Primary Use**

The primary use of the EFUD water supply system shall be for the supply of potable water to all connected users for residential, commercial, institutional and industrial consumption, within the area served by the District's distribution system, and fire protection for buildings and structures. All other uses shall be considered auxiliary uses.

**Section 2. Auxiliary Uses**

Auxiliary uses of the District water system such as filling of swimming pools, filling contractor water trucks, filling street sweepers, and providing water to non-district customers bulk trucks shall only be permitted when approved by the District. Auxiliary uses shall not conflict with Primary uses. Auxiliary uses shall be billed at a rate per gallon determined by the District. The District may provide hydrant nozzle gate valve, hydrant meter and back flow prevention device for auxiliary uses.

**Section 3. Emergencies; Liabilities**

In the event of an emergency the District shall have the right to temporarily cut off water supply to make necessary repairs, connections, etc. It is the intention of the District to give notice in advance of planned work that may necessitate interruption of the water supply. However, such notice shall be considered a courtesy only, and not a requirement of the District. Water may be shut off without notice to perform emergency repairs. The District shall follow Federal and State standards when turning water back on. The District shall not be liable for any injury, loss or damage of whatever nature, in connection with the interruption or resumption of water supply, or any notice or lack thereof related thereto, occasioned by an emergency situation.

Providing it acts with reasonable care, the District shall not be responsible for damage caused by dirty water, which may be occasioned by the cleaning of pipes, the opening and closing of water valves or hydrants or as a result of a break in a water main.

The District shall have the right to reserve sufficient supply of water at all times in the WTP Clearwell and Blush Hill Reservoir to provide for fires or other emergencies, and to restrict and regulate the quantity of water used by customers in case of scarcity or whenever the public welfare may require such restriction or regulation.

Regardless of whether there is a shortage of water or not, the water supply of the District is a public resource, held in trust for the benefit of the public, and no person shall intentionally or negligently waste water. For the purpose of this Ordinance, "waste" shall mean to "use or expend carelessly, extravagantly or to no reasonable purpose". Wasting water shall constitute a violation of this Ordinance. A person who knows that water is being wasted in violation of this Ordinance shall have the duty to promptly report the same and failure to timely report shall also constitute a violation of this Ordinance.

The District 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 water mains, water hammer, leakage of hydrants, or other appurtenances or for damage occasioned by or growing out of insufficient supply of water or arising out of or from furnishing or failing to furnish water to a customer.

**Section 4. Requirement To Connect To Public Water**

Upon the effective date of this Water Ordinance the owner of all new buildings, structures or properties used for human occupancy, employment, recreation, or other similar purposes, situated within the District and within 100 feet of a District public water main and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located a public water main, shall be required to install a service connection and connect to the public water main. Such a connection shall be at the owner's expense, in accordance with the provisions of this Ordinance and within 90 days after the date of official notice to do so. In the case where such action would result in undue hardship, the property owner may request in writing to the Board a deferral of this requirement. Buildings, structures or properties, in place, prior to the effective date of this Water Ordinance, are exempt from this requirement to connect to the public water main but may, in the future, request connection to the District water distribution system.

**Section 5. Extension of Water Service**

All extensions of water service beyond the limit of the District's water distribution system service area in place at the time of enactment of this Water Ordinance shall be done as part of, and to the standards of, a municipal public water supply system Vermont Environmental Protection Rules, Chapter 21, Water Supply Rule.

**ARTICLE XI: POWERS AND AUTHORITY OF INSPECTORS**

**Section 1.** The Utility District Manager and/or District Staff, upon reasonable notice and bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, and testing in accordance with the provisions of this Ordinance. Except in the case of emergency, in the event that access to property is refused, the Utility District Manager and District Staff shall not enter the property and shall seek legal or other recourse to facilitate access. The Utility District Manager or District Staff shall have no authority to inquire into any processes except to the extent that such processes directly impact the quality of the water supply or the functioning of the public water distribution system.

**Section 2. Liability and Indemnification** While performing the necessary work on private properties referred to in Article XI, Section 1, above, the Utility District Manager or District Staff shall observe all reasonable safety rules applicable to the premises established by the landowner. The landowner shall be held harmless for injury or death to the District employees. To the extent permitted by law and up to the limits of applicable insurance coverage then in effect for the District, the District shall indemnify the landowner against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the landowner stemming from the work performed by the District employee, except that which may be caused by gross negligence or intentional acts by the landowner.

**Section 3. Access to Easements** Subject to Article XI, Section 1 above, the Utility District Manager and District Staff, upon reasonable notice and bearing proper credentials and identification, shall be permitted to enter all private properties through which the District holds a duly negotiated easement through which the District Water distribution System or any connected service line or component lies, for the purposes of, but not limited to, inspection, observation, measurement, repair and maintenance of any portion of the water distribution. In the event of an emergency involving any line or component attached to the District water distribution system located on private property, including, without limitation, any line or component that is leaking or has reasonable potential to threaten the public health, safety and welfare or cause damage to public or private property, the District shall give the owner of the property on which the line or component is located a reasonable opportunity, under the circumstances presented, to address the emergency situation. If the property owner fails to act promptly, the District may take reasonable steps to remedy the emergency situation and may charge the costs of such work to the property owner. Such charge shall constitute a lien upon the real estate on which such work is performed in the same manner and to the same extent that charges, rents and rates for water use constitute a lien under 24 V.S.A. § 3306 and may be enforced in the same manner and to the same extent set forth therein.

**ARTICLE XII: ENFORCEMENT: PENALTIES**

**Section 1.** Any person found to be violating any provision of this Ordinance shall be served by the Utility District with written warning notice stating with particularity the nature of the violation and

Edward Farrar Utility District

providing a reasonable time for the satisfactory correction of the violation. The offender shall, within the period of time stated in the notice, permanently cease all violations. If the violation does not cease, or is not satisfactorily resolved, within the specified time, the District, acting through the Utility District Manager or any other designated issuing officer, may issue a municipal complaint to be enforced in accordance with 24 V.S.A. § 1974. Every day that the violation or offence continues shall constitute a new violation.

**Section 2.** Any person who violates Article IX of this Ordinance, in addition to any civil penalty under this Ordinance, may be referred to law enforcement and/or the Washington County State’s Attorney for criminal prosecution under applicable law.

**Section 3.** Civil Penalties for violations of this Ordinance, shall be as follows:

First Offense	\$250	Waiver Penalty	\$125
Second Offense	\$500	Waiver Penalty	\$250
Third Offense	\$1000	Waiver Penalty	\$500
Fourth and Subsequent Offenses	\$5000	Waiver Penalty	\$2500

**Section 4** In addition to the civil penalties referenced in Section 2, above, any person found in violation of any provisions of this Ordinance may be required to reimburse the District to cover the costs of:

1. Repairing damages to the water system;
2. Additional treatment of a water or waste at wastewater treatment plant; or
3. Handling and disposing of a water or waste not covered by existing fees.
4. The amount reimbursed to the District shall include not only the aforementioned costs but may also include any engineering and/or legal fees incurred by the District to identify and remedy the violation, identify the responsible party, and prosecute the violation before an appropriate tribunal.

**Section 5.** Nothing herein shall constitute a waiver by the District of its right and duty to take any all actions, as authorized by federal, state or local law, to operate, maintain and protect its water works from damage. Notwithstanding any of the foregoing provisions, the Board may institute, in the name of the District, any appropriate action or proceeding, including an action seeking injunctive relief, to prevent, restrain or abate violations thereof, including termination of water service.

**ARTICLE XIII: VALIDITY; WAIVER**

**Section 1.** All prior water ordinances or parts of such ordinances adopted by EFUD or its predecessor municipality, Village of Waterbury, in conflict herewith are hereby repealed.

**Section 2.** The provisions of this Ordinance are severable. 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.

**Section 3.** This Ordinance may be amended at any time by the Edward Farrar Utility District in the manner provided by law.

**Section 4.** When requested in writing by an applicant or potential applicant, and supported by credible information from a Professional Engineer demonstrating to the reasonable satisfaction of the

## Edward Farrar Utility District

Commissioners, with approval by the State Drinking Water and Groundwater Protection Division (if necessary) that strict adherence to EFUD Design and Constructions Standards, as defined in this Ordinance, is not necessary to protect public health, safety and welfare and/or to protect the System from damage or unreasonable operational or maintenance costs, the Board, in consultation with the Utility District Manager, may waive or modify such Standards and, in so doing, may impose reasonable conditions and safeguards, including requiring the submission of a bond, escrow or other surety in a form acceptable to the Board , to ensure that the purposes of this Ordinance are, and will continue to be, met notwithstanding any waiver or modification that is granted.

### **ARTICLE XIV: RATES AND FEES**

**Section 1.** Per 24 V.S.A. §§ 3615 and 3617 the Board is authorized to establish the water user rates and charges, including the industrial user cost recovery system described herein, and shall due so pursuant to a duly adopted Water Rate Schedule, which shall include such rates, charges, surcharges and other recoverable costs as the District may specify and as authorized by law.

**Section 2.** The Board shall, in establishing the rates referred to in Article XIV, Section 1, make specific reference to the water use rate structure in force at the time of any connection

**Section 3.** In addition to other remedies available by law, any delinquency in the payment of water rates and charges may be enforced in accordance with Chapter 129 of Title 24. In accordance therewith, the District has the right to shut off service to collect delinquent bill, may charge fees for collection of overdue accounts and reconnection of any service disconnected because of non-payment, including interest on delinquent accounts if voted by the District according to 32 V.S.A. § 5136.

**Section 4.** In connection with any rate, fee or charge incurred under this Ordinance, the Board, in consultation with the Utility District Manager, shall have the authority and discretion to waive or modify, in appropriate circumstances, such rate, fee or charge upon proper application by the customer, or on the Board's own motion, using the abatement factors in 24 V.S.A. § 1535(a), as amended from time to time, as the basis for the exercise of such authority and discretion.

**Section 5.** All water charges shall be billed to the owner of record of the property (ies) served, unless waived by the District. Upon written request, the District may provide billing to the tenant of the property within the property of record. Although another person may pay the water charge, the owner of the property shall be held responsible for such fees. In the event the tenant fails to pay all charges on a timely basis, the owner will be solely responsible for future and delinquent charges. A change of owners shall not relieve the customer from liability for payment of all charges prior to such change. Water shall not be turned on, after having been shut off for nonpayment of water charges, unless the delinquency is paid in full or a District approved payment plan has been approved.

**Section 6.** The District may establish fees, as deemed necessary, which may include, but are not limited to, for seasonal or other requested water service turn off/on, meter testing, auxiliary water uses (such as pool filling).

**ARTICLE XV: APPEALS**

**Section 1.** Acts or decisions of the Utility District Manager under this Ordinance, other than the issuance of a municipal complaint issued under Article XI, Section 1 (which shall be enforced and challenged using the procedures set forth in State law) may be appealed to the Board by filing a notice of appeal with the District Clerk within 21 days of the date of that act or decision, with a copy of the notice of appeal to be filed with the Utility District Manager. Failure to file a notice of appeal within 21 days shall preclude further relief and the act or decision of the Utility District Manager shall be final and binding. The notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the Ordinance provisions applicable to the appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper. Within 60 days of the filing of a notice of appeal, the Board shall set the time, date and place for a public hearing on the appeal, and thereafter shall render a written decision, all of which shall be conducted in accordance with the procedural rights and duties described in Chapter 36 of Title 24, V.S.A.

**Section 2.** Appeals from the Board shall be “on the record” to Superior Court, pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

**Water Ordinance**

**Appendix A**

**Technical Specifications**

**Reduced Pressure Principle Device**

The unit shall include properly located test cocks and tightly closing shutoff 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 the 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.

**Service Connection Standards**

1. New type "k" copper, or other approved materials, shall be used for all residential service lines up to and including one and one-half inch diameter pipe from the corporation stop to the curb stop. EFUD shall approve piping material utilized by the customer from the curb stop to the meter.
2. New service connections for residential or commercial use larger than one and one-half inch diameter pipe may be PVC, schedule SDR21 rated at two hundred (200) psi from the curb stop to the structure. Pipe material from the main to the curb stop shall be ductile iron, copper or other approved metal piping.
3. All service connections shall be laid at a minimum depth of six (6) feet, unless specifically waived by District Staff.
4. Service connection taps including wet taps to the main water line shall only be performed by firms qualified to perform the service connection tap. The qualification of a firm to perform this tap shall be determined by the District Staff.

**Water Meters**

All water meters shall have an isolation valve within 12" of each side of the water meter or may utilize a meter yoke. Meter yoke must be furnished with isolation valves on each side of the water meter. Isolation valves are the responsibility of the owner.

Pressure reducing valves and/or back flow preventers may be required by the Water Department and shall be paid for, installed by and maintained by the customer. Pressure reducing valves and back flow preventers shall meet the requirements of the current Vermont Plumbing Rules as promulgated by the Vermont Division of Fire Safety.



Edward Farrar Utility District

Meter Size	Operating Range
5/8 inch X 3/4 inch	1-20 GPM
	(standard residential)
3/4 inch X 3/4 inch	1-30 GPM
1 inch	1-50 GPM
1-1/2 inch	2-100 GPM
2 inch	2-1/2-160 GPM

