



ARTICLE I. PURPOSE

An ordinance to establish authority necessary for the City of Winooski, County of Chittenden, and State of Vermont to efficiently manage and operate the Water System and to comply with all applicable federal, state and local laws, permits, rules, regulations and requirements. This ordinance shall regulate the installation and use of public and private water lines, service connections, water meters, fire hydrants, valves and other existing or proposed water system components of the public water system owned and/or managed by the City of Winooski, and provides penalties for violations thereof.

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ARTICLE III. DEFINITIONS AND ABBREVIATIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance and any rules, regulations, standards or requirements promulgated pursuant hereto shall be as follows:

BACKFLOW – shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of a potable supply of water from any source or sources.

BACKFLOW PREVENTION ASSEMBLY- shall mean any effective assembly used to prevent backflow into a potable water system. The type of assembly shall be based on the existing or potential degree of hazard, and backflow condition.

CHAPTER 21- shall mean the current version of the State of Vermont Water Supply Rule.

CONNECTION – shall mean that pipe connecting the water main with the premises served.

CONNECTION FEE – shall mean the fee imposed on applicants which is based on the City’s cost to fund upgrades, capital improvements and extensions to the water system in order to maintain capacity for all connections. This shall include the cost of performing work or services, supplying materials, supervising, inspecting and administering a connection to the water system, including any water service extension, upgrade of a water service, or for any portion of these activities as deemed appropriate by the City.

CONTAMINANT – shall mean any physical, chemical, biological, or radiological substance or matter in water.

CONTAMINATION – shall mean 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 sewerage, industrial fluids, waste, etc.

CROSS CONNECTION – shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer’s potable water system and any other source through which it is possible to introduce into any other part of the potable water system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can occur are considered to be cross connections.

CURB STOP – shall mean the valve that typically terminates the City’s portion of the service line normally located at the highway right-of-way or public water main right-of-way and to which a building’s service line is connected to provide water service to the user.

CUSTOMER CLASSIFICATIONS - shall mean:

- Residential: includes private homes, duplexes, and apartment buildings.
- Commercial: All businesses, non-profits, and larger users not further defined herein.
- Industrial: manufacturing facilities.
- Public: City properties, schools, and government

DEPARTMENT – shall mean the City of Winooski Public Works/Water Department or its designee. In this ordinance Department and City of Winooski Public Works/Water Department or its designee are interchangeable.

DEVELOPMENT WATER FLOW – shall mean the estimated flow calculated for any given project using flow quantities adopted in Vermont Environmental Protection Rules; “Chapter 21, Water Supply Rule”.

DIRECTOR - shall mean the City of Winooski Public Works Director or his designee. The Director or his designee shall have the responsibility for the operation, control, maintenance, improvement, and repair of the City water distribution system, its appurtenances and all City property pertaining thereto, subject to the orders and Ordinances of the City Council.

DISCONNECTION – shall mean the deliberate interruption of water service to the user.

DISTRIBUTION MAIN (water main or main) – shall mean the primary supply pipe or conduit from which service connections are made to supply the user, installed or caused to be installed by the City for the delivery of water.

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

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.

FIRE HYDRANT, PUBLIC – shall mean a fire hydrant installed by the City within public rights-of-way, on City property or within an easement owned by the City, or installed by a person other than the City which has been offered and accepted by the City, which acceptance is documented by action of the City Council.

FIRE HYDRANT, PRIVATE – shall mean a fire hydrant not constructed by the City or within the City public right-of-way, nor on City property or within an easement owned by the City, or a hydrant that has not been accepted by the City.

FIRE SERVICE - shall mean the water service provided to a user for fire protection systems or equipment installed on the property of the user, such as a fire sprinkler system.

MANAGER – shall mean the City Manager of the City of Winooski, Vermont or his/her authorized representative.

METER – shall mean an instrument installed to measure the volume and/or rate of flow of water delivered through it.

METER FEE – shall mean that fee applied to owners or applicants to cover those meter materials and

labor provided with a water meter installation, including but not limited to: water meter, remote reader, meter connections as appropriate, and installation.

PATHOGENIC – shall mean a substance causing or capable of causing disease.

PEAK DEMAND – shall mean the maximum momentary load placed on a water system.

POTABLE WATER – shall mean water free from impurities 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 Safe Drinking Water Act administered by the State of Vermont, Water Supply Division of the Department of Environmental Conservation.

PRIVATE WATER SYSTEM – shall mean a water system to which only the owner(s) of the served properties have rights, other than supply from the City, and which are not owned by the City.

PUBLIC WATER SYSTEM – shall mean a water system in which all owners of abutting properties have equal rights, and which is controlled by public authority.

REPLACEMENT – shall mean expenditures for obtaining and installing equipment, accessories or appurtenances, which are necessary during the useful life of the water system to maintain capacity and performance.

RESIDENTIAL - shall mean water consumption consistent with common household activities.

SAMPLING – shall mean the act or technique of selecting a representative part of the water supply for testing.

SERVICE CONNECTION – shall mean each single water pipeline which provides water to an individual residential living unit, a commercial unit or an industrial unit from the public water system. The typical service connection shall start at the corporation stop at the main water line and extend inside the building to the water meter. The service connection on new construction shall be constructed by the applicant to approved City standards. Once installed, the responsibility for maintenance and repairs on the service connection is split at the curb stop between the owner/applicant and the City. The City has responsibility for maintenance from the City owned water main to and including the curb stop, which is normally located at the edge of the City right-of-way. The owner/applicant has responsibility for maintenance and repairs from and including the downstream side (outlet) of the curb stop to and inside the building along with the shutoff valves on either side of the meter but not the meter. Service connections on those water lines not owned by the City shall be the responsibility of the premise owner or his designee unless otherwise agreed with the City.

STANDARD METHODS – shall mean methods for examination of water and wastewater published jointly by the American Public Health Association, the American Water Works Association or the Water Pollution Control Federation or successor organizations.

WATER ALLOCATION – shall mean that quantity of water available from the City owned reserve capacity designated for a specific project or projects as requested by a developer.

WATER DISTRICT - shall mean the Champlain Water District (CWD) or its appointed representatives.

WATER MAIN – shall mean a pipeline used for the transmission of water to hydrants and service connections, together with such appurtenant facilities as are necessary for the proper operation of the

main.

CITY WATER MAIN - shall mean a water main constructed by the City within public rights-of-way, on City property or within an easement owned by the City, or a water main constructed by a person other than the City which has been offered and accepted by the City, which acceptance is documented by action of the City Council. Any other water main in the City, which is not a CWD water main, shall be deemed a private main for the purpose of this ordinance.

CWD WATER MAIN – shall mean a water main owned and controlled by CWD.

WATER SYSTEM – shall mean all water mains, and all equipment and appurtenances which the City has or shall have possession and or operating responsibility for (whether owned by the City or not) located within the City of Winooski service area either now in existence or hereafter acquired or constructed, including extensions, enlargements, and improvements thereto.

WET TAP – shall mean a connection made to a main that is full (live) or under pressure.

ARTICLE IV. CONNECTIONS AND EXTENSIONS OF THE PUBLIC WATER SYSTEM

SECTION 24.2.1. MANDATORY CONNECTIONS

The owner of any house, building, or property used for human occupancy, employment, education, recreation, or other purposes, situated within the City, or outside the City in specific locations where City water is provided, or abutting on any street, alley or right-of-way in which there is now or may in the future be located a water line owned or operated by the City, is required at his or her own expense to connect such property directly with the proper City water line in accordance with the provisions of this ordinance.

SECTION 24.2.2. WATER MAINS AND EXTENSIONS

- A. Extension of water service beyond the limit of the municipal system in place at the time of enactment of this ordinance shall be done as part of and to approved City standards and the standards of the Vermont Environmental Protection Rules, "Chapter 21 - Water Supply Rule", and subsequent amendments thereto.
- B. No person shall construct a water line that is to be connected to a City water main, without the prior, written approval of the Director. Direct connections to a CWD water main require separate written approval by CWD.

SECTION 24.2.3. WATER MAIN RESPONSIBILITY

- A. The Department shall be responsible for the maintenance of all City water mains. The Department shall oversee the maintenance and repair of private water mains at current rates for labor and material that may be billed to the private water main owner.
- B. The City may shut off the water for the purpose of extending, replacing, repairing, or cleaning mains and appurtenances, and the City or its representatives is not liable for any

damages arising therefrom. No claim shall be made against the City by reason of the breaking of any service pipe or connection.

SECTION 24.2.4. FIRE HYDRANT MAINTENANCE AND RESPONSIBILITY

The Department shall be responsible for the routine maintenance of all fire hydrants in the City. Routine service shall include: flushing, lubricating, flow testing, painting, winterization, and leak detection. If in the view of the City, a private fire hydrant requires replacement or work beyond routine service provided by the Department, the hydrant owner shall be responsible to conduct such work at his own expense, and only after approval of the City.

SECTION 24.2.5. PRIVATE WATER MAINS AND HYDRANTS

- A. All water lines and appurtenances not located in the City right-of-way or public grounds shall be considered private pursuant to this ordinance and others of the City.
- B. All water mains and appurtenances located within an area so designated as restricted or private by the developer shall be considered private.
- C. Water lines, hydrants, and appurtenances installed at the request of a property owner in a location that none was originally planned or intended shall be considered private, unless waived by the City Council.
- D. The City may accept private water mains and/or hydrants, thereby incorporating them into the City's public water system. Such acceptance(s) shall be duly recorded in writing and shall meet at least the following requirements:
 1. The transfer shall be perpetual in duration and shall be warranted by the person making the transfer to be free from all encumbrances or attendant liabilities, unless these are specified in the City's written document of acceptance.
 2. Adequate easement(s) shall be given to the City.
 3. The water mains and/or hydrants have been, or by the date of the transfer will be, constructed to City standards, or the City Council has granted a specific derogation from this requirement.
 4. Be 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 City when exercising its rights under the easement.
 5. The Department, having reviewed the mains and/or hydrants to be transferred and the terms of acceptance, has recommended acceptance to the City Council.

ARTICLE V – BUILDING WATER SERVICE CONNECTIONS

SECTION 24.3.1. PERMIT REQUIREMENTS

- A. Any party desiring water service connection with the City water system shall make application or cause application to be made therefor on a form provided by the City and file same accordingly with such fee as may be established by the City.
- B. All service connections shall be made in accordance with any conditions stipulated with the permit issued for the connection, and in compliance with all City and Department procedures, specifications, requirements and fees.
- C. New service connections will not be made between November 15 and April 1 of each year.
- D. A new water service hookup fee shall be paid to the City at the time the application is filed.

SECTION 24.3.2. ALLOCATIONS AND APPLICATIONS

- A. Any person proposing a new water allocation from the distribution system or a substantial change in the volume from the system shall notify the Department and CWD as early as possible, but not less than 90 days prior to the proposed change or connection. No such change or connection shall be made without written approval from the City as required in this ordinance.
- B. The allocation request shall be supplemented by any plans, specifications, or other information requested by the Department.

SECTION 24.3.3. SERVICE REQUIREMENTS

Any building whose ownership is condominium-ized shall have either separate meters for each unit, or a single meter for the entire building, as determined by the City. Separate curb stops shall be provided for each unit with an individual meter unless waived by the City. If separate curb stops for each unit are waived for each unit, then separate shut-off valves for each unit in the building shall be provided, and provisions shall be made in a condominium declaration allowing access for the City to enter upon the premises for the purpose of shutting off some or all of the water supply. Individual exemptions to this provision may be granted by the City in writing.

The Department may impose additional requirements for the installation of building service connections.

SECTION 24.3.4. COSTS FOR CONNECTIONS

All cost and expense incident to the installation and connection of the building water service connection shall be borne by the owner. Such installation shall be in accordance with City specifications and shall be subject to inspection and approval by the City. The property owner/agent is responsible and must provide all necessary excavation from the main to the building or structure. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the water service connection.

SECTION 24.3.5. METER REQUIREMENTS

- A. All service connections to the City water distribution system shall be required to have water meter(s).
- B. The cost of the meter and installation shall be borne by the owner requesting service. The City shall not furnish water through any meter that it neither owns nor has exclusive control, and to which it does not have full access for meter reading, testing and maintenance. No person except as authorized by the Department shall break or injure the seal or change the location of, or alter or interfere with, any water meter.
- C. In cases where the City determines that it is not feasible or in its best interest to install individual meters for multiple units, the City may allow a single meter to serve multiple units. The number of meters required shall be determined solely by the City.
- D. Each meter installed shall be controlled by a curb stop directly associated with the meter unless waived by the City. Water shall not be turned on or off for a customer except by the City.
- E. Additional meters for the purpose of identifying specific commercial/industrial flows due to the subdivision of an existing building may be installed if approved by City. Where such additional meters are to be used by the City as a basis for billing, the City shall install the meters at the owner's expense and at current fees as approved by the City. Water used through two or more meters upon the same premises, for the same business, and to supply the same pipes used for a common supply, shall be rated as passing through one meter; if used for separate pipes or for different kinds of business, each meter shall be rated separately. In no case, however, shall water be furnished to any meter for less than the established minimum charge.
- F. All persons or customers connected to the City's public water distribution system taking water shall keep all private fixtures and service pipe within their own premises in good repair and fully protected from frost, and shall prevent all unnecessary waste of water.
- G. Water users must connect all fixtures supplied with water on their premises through the meter.
- H. Failure of a building owner to provide access to a water meter for repairs, maintenance or upgrade, upon request by the City, shall be in violation of this ordinance, and subject to water service disconnection.
- I. Installed meters shall be tested upon a customer's request at an additional fee to the user. The customer shall be informed of this fee prior to the removal of the meter for testing. The customer shall not be charged for a meter test if the meter is found to be registering fast, outside of American Water Works Association standards.

SECTION 24.3.6. ADDITIONAL TESTING

The City may require appropriate tests be conducted with respect to the pipes and appurtenances, and the owner or owner's agent shall furnish all necessary tools, labor, materials, and assistance for such tests, and shall remove or repair any defective materials when so ordered by the City. Such tests and actions required based on the tests shall be at the owner's expense. The Department reserves the right to demand any unmetered use, whether intentional or unintentional, to be corrected within a reasonable period of time. The Department may issue an estimated bill for unmetered water to the owner.

SECTION 24.3.7. SERVICE LINE OWNERSHIP

- A. The City owns and has responsibility for maintenance from the City owned main line to and including the curb stop, which is normally located at the edge of or within the City right-of-way. Only a City employee may operate, repair, replace, remove, or modify these items. The owner/applicant has responsibility for maintenance and repairs from and including the downstream side (outlet) of the curb stop to and inside the building, along with the shutoff valves on either side of the meter but not the meter, and for all internal plumbing.
- B. Water service lines that have only a tapping valve connected to a City owned water main, controlling the flow of water through the line to the premises, shall only be owned and maintained by the Department up to and including the tapping valve. All costs associated with the repair and maintenance beyond the tapping valve, including the downstream connection at the tapping valve, even if the line is located within the City right-of-way, shall be borne by the owner.
- C. It shall be unlawful for any person other than those authorized by the City to turn water on or off at the curb stop or gate valve.
- D. The City shall have the right to enter and inspect the water system within any facility connected to the City's public water distribution system in the event of an emergency, inoperable meter, or when there is reasonable cause to suspect that there has been unauthorized tampering with water system appurtenances or components owned or controlled by the City.
- E. A person, other than an authorized agent or employee of the City, who maliciously opens, closes, breaks into or in any manner adjusts or interferes with a meter, or other regulating or measuring device or appliance attached to or connected with wires, pipe lines, mains, service pipes or house pipes owned by the City shall be in violation of this ordinance and subject to those conditions stated in 13 V.S.A. § 3784.

Statutory Cross-Reference: 13 V.S.A. § 3784

SECTION 24.3.8. WATER ALLOCATION

- A. Ownership of Capacity
 - 1. The City of Winooski owns the water distribution system and utilizes the CWD water storage system within the City as defined in this ordinance and CWD policies. The City is obligated to comply with conditions put forth by the Department of Environmental Conservation Water Supply Division as it relates to water distribution and water storage requirements.
 - 2. The capacity of the City of Winooski's water distribution and storage system is the property of the City of Winooski.

B. Reserve Capacity Allocation Requests

1. All allocations to projects shall be based on the water demands of the proposed development. Any differential between actual demands and requested demands is not available for reallocation for another project or for project expansion.
2. Persons seeking an allocation of uncommitted water reserve capacity of less than 1,000 gpd shall apply to the City for an allocation on an authorized form. Persons seeking an allocation of uncommitted water reserve capacity of more than 1,000 gpd shall apply to the City for a preliminary allocation on an authorized form prepared and certified by a Vermont registered engineer. Such applications shall:
 - a) Be accompanied by a calculation of the development water demand to be generated by the project/development following VT Water Supply Rule requirements; and
 - b) Include any other information requested by staff or the City.

The City reserves the right to require a Vermont registered engineer prepare the authorized form for any allocation request, at the customer's expense.

3. An application may be denied if it is deemed to be incomplete. All staff decisions may be appealed by the applicant to the City Council. The City Council reserves the right to deny any application for any reason whatsoever in its sole discretion, in accordance with applicable law.

C. Preliminary Allocation Determination

1. Upon receipt of an application for water allocation with supportive documents, the City shall make a preliminary determination regarding allocation of uncommitted reserve capacity. The City shall issue a preliminary allocation upon making affirmative findings that there is sufficient water reserve capacity, as of the date of the application, to accommodate the water supply demand for the proposed development. Supporting documents for this section shall include a description of the land development for which allocation is sought, together with written confirmation from the Director of Planning and Zoning or his/her designee indicating that 1) the applicant has submitted to the Department of Planning and Zoning a land development project proposal in sufficient detail for the Department of Planning and Zoning to determine whether the proposal is viable under the current zoning regulations and 2) the land development project as proposed generally appears to be viable under said regulations, subject to certain approvals.
2. A preliminary determination by the City for water allocation capacity shall not constitute a binding commitment of capacity to the applicant and may be revoked by the City Council at its sole discretion. A preliminary determination that a proposed development has sufficient water capacity available may be used by the applicant to proceed through the development review process.

D. Final Capacity Allocation

1. An applicant who holds a preliminary water allocation of capacity may apply for a final application upon occurrence of the following:

- a. Obtained site plan, conditional use and/or variance approval(s), if such approvals are the only approvals, except a zoning permit, required for the proposed development under City zoning and subdivision regulations then in effect; or
- b. Obtained final approval for a subdivision, Planned Unit Development or Planned Residential Development if such approvals are the only approvals, except a zoning permit, required for the proposed development under City zoning and subdivision regulations then in effect; or
- c. Obtained all approvals required under subsection a and b above, if such approvals are required for the proposed development under City zoning and subdivision regulations then in effect; or
- d. No approvals are required under City zoning and subdivision regulations then in effect.

The request shall be accompanied with payment for the full amount of the allocation requested.

2. Upon receipt of an application for a final water allocation, the City shall grant a final allocation upon determination that: the applicant has a preliminary allocation, which has not been revoked; one of the requirements in subsection (1) above has been met; sufficient uncommitted reserve capacity is available for the development; and that all required fees have been received.
3. A grant of final allocation shall constitute a binding commitment of water capacity to the applicant subject to the applicant's compliance with any requirements imposed on such allocation. The final allocation shall specify the allowed volume and any other characteristics determined appropriate by the City. Upon the issuance of final allocation, the allocation shall continue for a period of three years from the date of issuance of allocation or complete build out of the project, whichever comes first. The City may allow a period longer than three years if a developer so requests in writing and the City determines that the three year initial time period is not a realistic time within which to expect connection to the municipal water system. At any point during the initial three year time period an applicant may also request an extension of up to three additional years. Unused allocations are not eligible for refunds. Any pre-existing water allocation granted prior to the date of this Ordinance shall have three years from the date of this Ordinance to utilize said allocations or the allocations shall expire.
4. A water capacity allocation is not transferable to any other person or development, except a successor in interest of the development for which the allocation has been granted.

E. Expiration of Allocation

1. A final water capacity allocation shall expire: 1) on the date that any approval required for grant of the final allocation expires unless the applicant has obtained an extension for the development and demonstrated significant progress toward the completion of the project for which the zoning permit has been granted; or 2) when the meter serving the project has been installed, whether or not the project is fully occupied, and any metered usage is obtained.
2. Notwithstanding the provisions of subsection (1) above, for developments which an applicant has obtained a portion of the water allocation, the remaining portion of the final allocation

- shall expire three (3) years from the date of issuance of the final allocation, unless extended as provided below.
- a. The applicant may, depending on the volume of the approved allocation, apply to the City to extend the capacity allocation for one period of three (3) years from the date of expiration of the original final allocation provided that the application extension is filed prior to the expiration date of the original final allocation, and the applicant requesting the extension has been working diligently to complete the project.
 - b. Upon expiration of the final allocation, approved extension, or any portion thereof, the remaining capacity shall revert to the City. There shall be no refund on fees paid for the unused or reverted allocation.
 - c. In all cases, design allocations shall be considered expired when the project is complete and a history of metered usage can be utilized to establish usual demands of the project.
 - d. In the event the project is not built within the approved time period, and all allocation fees have been paid, the customer may be refunded the paid allocation fees less a 1.27% administrative fee.
3. The City shall strive to review and approve projects on a first come, first served basis. The City retains the right to review applications on other than a first come, first served basis if the City deems such action is in the City's best interest. The City may attach conditions related to the water infrastructure (e.g. line improvements, future tie-in provisions, etc.) to allocation approvals to achieve the goals and policies of the City, the cost of which shall be borne by the applicant. The City also reserves the right to deny applications for any reason at their sole discretion, consistent with applicable law.
 4. All customers shall request a change in use whenever there will be a permanent "substantial change increase" in water volume use from an existing connection. A substantial change increase is defined as:
 - a. Equivalent to one (1) gallon less than the flow quantities established in the current edition of the Vermont Water Supply Rule, Standard Flow Quantities, required for a single dwelling, or
 - b. Greater than fifty percent (50%) of the historical use registered on the meter for normal billing over a three year period or a. above, whichever is less, or
 - c. The conversion of an existing single family home to multiple occupancy residential, mixed use, commercial, retail, or industrial structure, or
 - d. The conversion of a commercial or industrial unit to one that differs from the original approval.

ARTICLE VI. GENERAL PROVISIONS

SECTION 24.4.1. PRIMARY USE

The primary uses of the public water supply system shall be for the supply of potable water to all connected users for domestic consumption and fire protection for structures within the area served by the

public water supply system.

SECTION 24.4.2. AUXILIARY USE

Auxiliary use of the public water system, such as using hydrants to fill private swimming pools, and the like, shall only be permitted when such uses are approved by the City and not in conflict with the primary uses. Flooding private ice rinks from hydrants is not permitted as an auxiliary use.

SECTION 24.4.3. HYDRANT USE

- A. Except for hydrant use by Fire Departments in fighting fires or practicing for firefighting, or Department use, use of hydrants in the City shall require prior written approval and issuance of a fire hydrant use permit by the City. The fee for hydrant use is as set forth by the Board. Water drawn from any fire hydrant shall be considered non-potable and therefore not normally used for human consumption without further testing and/or treatment.
- B. Hydrant permit holders shall be financially responsible for the damage to any hydrant, meter, gate valve, or backflow device, caused by the permit holder or their agent's failure to protect said equipment during use. The hydrant permit holder shall also be financially responsible for the loss of said equipment.

SECTION 24.4.4. EMERGENCY RIGHTS

- A. In the event of an emergency the City shall have the right to:
 1. Temporarily cut off water supply in order to make necessary repairs, connections, etc. Except in the cases of emergency repairs the City shall provide notification of the interruption, by flyers, web postings or other ways, whenever practical and feasible. Notice is to be considered a courtesy only, and not a requirement on the part of the City. In the case of a break in a pipeline, water may be shut off without notice, to perform emergency repairs. No refund will be allowed to customers for the temporary suspension of supply under any circumstance.
 2. Reserve sufficient supply of water at all times in storage tanks to provide for fires or other emergencies, and 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.
 3. Prescribe any temporary regulations as necessitated by emergency conditions.

SECTION 24.4.5. PROTECTION FROM LOSSES

The City 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, 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. The City shall not be liable for leakage of pipes or fixtures upon the premises of the user, nor for any obstructions therein by frost or otherwise, nor for any damages resulting from any of the foregoing causes.

SECTION 24.4.6. PROTECTION FROM DAMAGES

The City 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 City.

SECTION 24.4.7. WATER QUALITY EMERGENCY

In case of a water quality emergency, the City in accordance with the Water Supply Rules shall notify the consumer immediately. While the City is ultimately responsible for water quality to the “last tap” on the municipal system, the “last tap” shall be considered the last point on the system where water enters into a building and is registered at a water meter. 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 the Water Supply Rule have been achieved.

SECTION 24.4.8. PRIVATE FIRE PROTECTION CHARGES

The City shall maintain a listing on file of private fire hydrants and fire services. Private water mains and businesses within the City water system with fire hydrants, or fire sprinkler services may be billed annually as determined by the City. A Private Fire Hydrant charge may be imposed in order to defer costs associated with the routine maintenance and testing costs incurred by the Department; similar to a service contract. Costs associated with damages and charges outside of routine maintenance are billed to the private hydrant owner. The fire service charge relates to potential unmetered water use through a fire sprinkler system. The fire service and private hydrant charges shall be established or revised from time to time by resolution of the City.

SECTION 24.4.9. WATER CONSERVATION

- A. Upon finding by the City, Champlain Water District, or the Vermont Department of Environmental Conservation, Water Supply Division, that there exists an actual, potential or anticipated threat to potability, sufficiency, quality, quantity or integrity of the City’s water distribution or supply system, the City may direct one or more of the following water conservation measures for all consumers on the water distribution system:
1. A voluntary conservation request seeking the restriction, curtailment or cessation of non-essential water use, including but not limited to motor vehicle washing, lawn, garden and landscaping watering, street and exterior building cleaning, filling swimming pools, agricultural irrigation, and industrial processing.
 2. A prohibition against certain activities, including motor vehicle washing, lawn, garden and landscaping watering, street and exterior building cleaning, filling swimming pools, agricultural irrigation, and industrial processing. This prohibition does not apply to commercial enterprises or watering of food crops or trees.
 3. An emergency water conservation notice prohibiting the use of water for certain activities, including motor vehicle washing, lawn, garden and landscaping watering, street and exterior building cleaning, filling swimming pools, agricultural irrigation, and industrial processing, and/or limiting the quantity of water to be used on any premises directly or indirectly connected to the City’s water distribution system.

4. A mandatory water conservation order prohibiting the use of water for any purpose other than to prevent an immediate and serious health hazard.
- B. Notice of any water conservation method adopted under this Section shall be disseminated immediately through the local media and other reliable sources, and shall be posted conspicuously in all areas served by the City's public water supply system. In addition, such notice may be served upon the occupants of all commercial and industrial premises connected directly or indirectly to the City's water distribution system.
- C. Any person who shall violate any water conservation measure set forth in this Section shall be deemed to have committed a civil offense, and shall be subject to penalties established in this Ordinance.

SECTION 24.4.10. BACKFLOW PREVENTION AND INSPECTION

- A. No water service connection to any premises shall be approved or allowed to remain in service if in the opinion of the City the water supply is not protected as required by the most recent version of this Ordinance, the "City of Winooski Cross Connection Control Policy," and applicable State Laws. Service of water to any premises shall be discontinued if an approved backflow prevention device cannot be installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- B. The most current version of the "City of Winooski Cross Connection Control Policy" shall define further requirements for the protection of the City's water distribution system from cross connections.

SECTION 24.4.11. PREEXISTING WATER SUPPLY MAIN CONNECTIONS TO THE PUBLIC WATER SUPPLY SYSTEM

The City's responsibility for private water mains terminates at the main line or shut off valve to the private water system. The City assumes no responsibility for water line maintenance, operational checks, line breaks or other similar items of work in connection with these mains.

ARTICLE VII. PROTECTION FROM DAMAGE

SECTION 24.5.1. GENERAL

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment, which is part of the Public Water System. No fire hydrant, gate valve, curb stop, stand pipe or other water appurtenance shall be tampered with or opened or closed by any person except City authorized persons.

SECTION 24.5.2. MOTOR VEHICLE DAMAGE TO FIRE HYDRANTS AND OTHER WATER APPURTENANCES

Owners or operators of motor vehicles will be held responsible for the actual repair or replacement costs of any hydrant, blow off, or water appurtenance damaged by a motor vehicle. The City will not be responsible for any damage to a motor vehicle or injury by reason of such accident.

SECTION 24.5.3. OBSTRUCTIONS

No person shall in any way interfere or obstruct access to any valves, curb stops, fire hydrants, or other appurtenances within the City water distribution system. No person shall adjust, open, close, alter or perform any operations of valves, hydrants, or any other parts of the water system without permission of the City. No person shall remove, carry off, or in any way injure or interfere or meddle with any fire hydrant, gate valve, valve box, tool, apparatus, fixture, building, machinery, or fence, belonging to the City or connected to the City water distribution system.

SECTION 24.5.4. CONTAMINATION

It shall be unlawful to cause or have caused the deliberate or unintentional contamination of publicly owned water mains or water supply.

SECTION 24.5.5. UNAUTHORIZED HYDRANT USE

- A. No unauthorized use of any fire hydrant within the City of Winooski shall be permitted. Any person or firm found to be in violation of this Section may, at the City's discretion, be charged for a minimum water use fee and the hydrant hook on fee.
- B. Any person who without lawful authority tampers or interferes with a main, hydrant, gate or other fire protection apparatus of the municipal water system or with the fire protection apparatus of a private water system used for municipal purposes shall be fined or imprisoned in accordance with 13 V.S.A. § 3729.

Statutory Cross-Reference: 13 V.S.A. § 3729.

SECTION 24.5.6. WATER TO WASTE

No person or entity shall knowingly permit water to run through any fixture that results in wasteful consumption. When instances are noted or found by the City, such persons or entity shall be notified in writing and provided up to 30 days to complete any necessary repairs. If the person or entity refuses to cooperate in conducting repairs, the City, at its discretion, may turn off water or take such other action as in its judgment appears proper. Water losses that occur on the premises, which are registered by the water meter, shall be the responsibility of the customer. Any leaks or other losses of water registered by the meter will be billed at water and wastewater rates in place at the time of billing.

SECTION 24.5.7. CONSERVATION NOTICES

It shall be a violation of this Ordinance for any customer to violate a City of Winooski conservation notice or order.

SECTION 24.5.8. USE OF WATER WITHOUT AUTHORITY

It shall be unlawful for any person to use water from any premise without the consent of the owner, or to use water from the City system, except to be drawn through a meter installed as stated within this Ordinance, without the consent of the City.

SECTION 24.5.9. FURNISHING WATER TO OTHERS

No consumer, except with the prior written consent of the City, will be allowed to furnish water to

other persons or premises by means of permanent or temporary service lines, hoses, and the like. Violations of this requirement may result in the water service supply to the customer be shut off, in the discretion of the City.

SECTION 24.5.10. SUREPTITIOUS USE OF WATER

- A. When the City has reasonable evidence that a customer is obtaining his water supply, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water being delivered to his equipment, the City reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a 24-hour disconnection of service. When the City has disconnected for any such reason, the City will reconnect the customer upon the following conditions:
1. The customer will be required to deposit with the City an amount sufficient to guarantee the payment of the customer's bill for water service from the City.
 2. The customer will be required to pay the City for any and all damages to its equipment on the customer's premises due to such stoppage or interferences with its metering.
 3. The customer must further agree to comply with reasonable requirements to protect the City against further or future losses.

ARTICLE VIII. POWERS AND AUTHORITY OF INSPECTORS

SECTION 24.6.1. AUTHORITY TO ENTER

The Director, Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall have access to all premises served by the City water distribution system at all reasonable hours during any day of the week, except State and Federal holidays and Sundays (unless and emergency is believed to exist by the City) with reasonable notice to the building owner, resident or occupant for the purposes of inspection, observation, measurement, sampling, and testing and maintenance in accordance with the provisions of this ordinance. All entry and subsequent work on those properties through which the City holds an easement shall be done in full accordance with the terms of the easement pertaining to the private property involved. If a property owner, resident or occupant denies the City or its agents access after reasonable notice has been provided to the property owner, resident or occupant, the City may direct disconnection on forty-eight (48) hours written notice of such disconnection to the owner, resident or occupant. Once water service has been disconnected it will not be restored until access has been provided and the City has been paid all applicable water charges.

SECTION 24.6.2. LIABILITY

While performing any necessary work on private property, the duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner or tenant, and the owner or tenant shall be held harmless for accidental injury or death to the City employees. City employees or authorized agents of the City shall indemnify the owner or tenant against liability claims and demands for injury of property damage except as may be caused by negligence or failure of the owner or tenant to maintain safe premises or conditions, including conduct of agents or employees of the owner or agent, as applicable.

SECTION 24.6.3. WATER USE

The City shall have the authority to inquire into any private, commercial or industrial processes including metallurgical, chemical, oil, refining, ceramic, paper or other uses beyond the water meter or backflow prevention device that may, in the City's sole opinion, have a direct bearing on providing safe, potable water supply to its users.

SECTION 24.6.4. RECEIPT OF WATER RESPONSIBILITIES

Any person who applies for and/or receives water from the City under this Ordinance shall be deemed to have consented to inspection pursuant to this Ordinance, including entrance upon the person's premises as defined herein.

ARTICLE IX. RATES**SECTION 24.7.1. AUTHORITY**

The City Council shall have the authority to establish rates, including hookup fees, hydrant use fees, user fees, turn-on/shut-off fees, and other similar fees to defray the costs of planning, design, construction, operations and maintenance of the system. The rates shall be established by resolution at an open meeting of the City Council. The rates and fees may be revised by the City on an as-needed basis, and the rates in force shall be those most recently adopted by the City.

Cross-Reference: Winooski City Charter, 24A V.S.A. § 19-304.

SECTION 24.7.2. NEW USER CONNECTION FEES

All new users shall pay a service connection fee at the time of submittal of the application for water service. The water service application fee is a two-part fee comprised of a service connection fee and a water meter installation fee. The service connection fee defrays the City's past, current and future costs, both direct and indirect, of providing potable water and water for fire protection to the customer. The water meter installation fee covers the costs of installing a water meter based on time and material.

SECTION 24.7.3. FIRE HYDRANT USER FEE

- A. A fire hydrant user fee shall be paid by all users, (excluding fire departments while fighting or practicing the fighting of fires) for use of any fire hydrant within the City's distribution system at the time of submittal of the application for fire hydrant use. In addition to payment of the fire hydrant user fee, the applicant shall be responsible for payment of normal user fees for all water taken from the fire hydrant. All fire hydrant use must be completed during normal Department working hours so as to allow adequate time for shut down and retrieval of the meter as stated herein. Fire hydrant use in excess of the standard one-day period may be approved by the City if such use is determined not to be in conflict with any Article of this Ordinance.
- B. Any outstanding balance due for water charges from a requesting individual or firm shall be paid in full prior to connecting a hydrant meter to any fire hydrant within the City.

SECTION 24.7.4. USAGE FEES

- A. A user fee shall be paid by all users of the City's water system based upon the multiplied product of their metered usage, and a water rate/1000 cubic feet as set by the City, except as set forth below:
1. There shall be a minimum water usage fee for each individual account equivalent to 500 cubic feet per billing cycle.
 2. The minimum use fee reflects the fact that all users of the system receive some level of fire protection in addition to the benefit of potable water. This charge is also based in part of the significant portion of water system expenses that are independent of actual customer usage.
- B. This fee is payable whether or not water is physically turned on or off to the facility at the meter during part or all of the billing period, provided the service connection is physically connected to the mainline. Water service termination at the curb stop needs to be arranged with the City or a minimum quarterly bill will be assessed. No abatement of water bills or minimum fees will be allowed by reason of disuse, diminished use, or vacancy of premises without proper notice to the Department, and water service termination at the curb stop.
- C. Any account that has been finalized between regular billing cycle readings shall be billed for the larger of: the actual metered usage, the estimated usage, or the minimum charge for the billing period, when 45 days or more have occurred since the last reading. For readings less than 45 days apart, no water usage charge shall be applied unless actual usage is 100 cubic feet or more. The City Clerk may adjust final water bills on a case-by-case basis.

SECTION 24.7.5. CONNECTION AND DISCONNECTION FEES

There shall be connections and disconnection fees as determined by the City Council for turning on and shutting off water at the curb stop. These fees shall be charged in all cases except when it is determined that there is a problem with the service connection between the curb stop and the main line, a leak between the curb stop and meter, or a problem with the meter or meter connection fittings. Customers who require emergency service after regular working hours (7AM-3PM regular work days), including turn-off and turn-on of curb stops, shall be responsible for overtime charges rather than the standard service charge. Fees for services associated with delinquency disconnects shall not exceed the maximum allowed under 24 V.S.A. Chapter 129, Uniform Water and Sewer Disconnect. The property owner shall own and be responsible for all problems between the curb stop (split at the middle of the curb stop) and the building with exception of the meter itself, which is the City's responsibility. When multiple service calls are required for a single repair, each call shall be billed individually.

SECTION 24.7.6. EXCESS REVENUES

Excess revenues shall be placed into a reserve fund, accessible specifically for costs for water system improvements, repairs and management, capital equipment purchases, debt retirement, or other water department expenses as approved by the City Council, pursuant to 24 V.S.A. Chapter 89.

SECTION 24.7.7 BILLINGS AND PAYMENTS

- A. Water charges will be invoiced quarterly to all residential and commercial accounts. Water charges shall be payable on or before the 30th day following the date of the invoice or a later date as shown on the invoice. In the event that such charge is not paid when due, a one-time penalty of

eight percent (8%) shall be applied and interest of one percent (1%) shall be imposed by the City per month after the first thirty (30) days of delinquency and monthly thereafter until the invoice is paid. If any account shall remain delinquent, the City may also take action that is consistent with the provisions of 24 V.S.A. Chapter 129, Uniform Water and Sewer Disconnect, as presently constituted and as amended from time to time, to obtain payment of delinquent charges or to discontinue water service. Such charges shall be a lien upon the real estate as provided in 24 V.S.A. § 3306 and 32 V.S.A. § 5061.

B. New water connections made during a billing period shall be billed on the following basis:

1. The billing shall be the larger of the actual metered billing, the estimated usage, or the minimum charge for the billing period.
2. Notwithstanding the above, the City may adjust new water connection water bills on a case-by-case basis.

C. Should any meter become inoperative between readings, upon investigation and discretion of the City, the customer shall be billed at the average amount of the preceding two quarters that the meter recorded correctly, or the previous year's same quarter or an average as determined by the City.

SECTION 24.7.8. RESPONSIBILITY FOR PAYMENT

A. In consideration of water service supplied by the City, all property owners are responsible for payment of bills rendered for water used by the owner, their tenants, successors in tenancy or in ownership, and all other operations at the specified location, unless and until proper notice is given to the City of termination of service on a specific date. The property owner shall abide by all rules and regulations established by the City consistent with enforcement of the provisions of this ordinance.

B. All water charges will be billed to the owner of record of the facility(s) served, unless waived by the City. Although another person may pay the service rate, the owner of the premises shall ultimately be held responsible for such fees. In the event that all charges are not paid on a timely basis, the owner of record will be solely responsible for all penalties, fees, interest and delinquent charges. Each time a bad check is received for payment of a water bill the account shall be charged a returned check fee as established by and as may be modified from time to time by the City Council in addition to any other penalties. Failure to receive a bill does not relieve the owner of the obligation for payment or for the payment of penalties.

SECTION 24.7.9. FIRE SPRINKLER SYSTEMS

Each structure served by a fire suppression system (sprinklers) may be subject to an annual fee for each sprinkler line served by the public water system, as determined by the City.

SECTION 24.7.10. MODIFICATIONS TO RATES AND FEES

Rates and fees may be modified by the City Council and established by resolution on an as needed basis, and the rates in force shall be those most recently adopted by the City Council.

SECTION 24.7.11. CWD CONNECTION FEES

The City’s residential and commercial service application fee shall be assessed to each building that has applied for a tap to a CWD owned transmission main, in addition to any connection charges levied by CWD. In addition, all other rates and fees shall apply as outlined in this Ordinance.

SECTION 24.7.12. NEW USER WATER ALLOCATION FEE

For all new growth and those requesting an increase in water allocation, there will be a one-time charge to be assessed at time of approval. The fee will be as prescribed by Ordinance.

SECTION 24.7.13. NEW CONSTRUCTION BILLS

In the case of new construction, the Department shall read the water meter at the time of closing. This reading shall be used as the “final reading” for real estate transfers involving the new premises, when the information is requested in advance by either party for their real estate closing.

SECTION 24.7.14. LIENS

By accepting water service from the City, the customer, his transferees, successors, and assignees, together with any record lien holders of customer, agree that a lien applied by the Department shall have priority over all liens allowed by law.

ARTICLE X. WATER DISCONNECTIONS FOR DELINQUENT PAYMENT OF FEES

The City of Winooski is permitted by State law to disconnect water services to ratepayers as a collection procedure for delinquent water and/or sewer bills or charges (24 V.S.A. § 5151) but may only do so in accordance with the conditions and provisions as set out in 24 V.S.A. Chapter 129.

ARTICLE XI. VIOLATION OF CHAPTER; PENALTIES

SECTION 24.8. GENERAL

Any person violating any provision of this Chapter, any rule or regulation promulgated pursuant hereto or who is liable to the City for any costs it incurs as a result of such violation, including without limitation, the costs incurred by the City for any corrective actions or measures and the fines or penalties incurred by the City, shall be liable for any legal costs, including attorney fees, incurred by the City by reason of such violation or liability, including without limitation, the costs by the City to collect from such person any amounts due under this ordinance, this section, or the rules and regulations promulgated pursuant to this Chapter.

SECTION 24.9. NOTICE OF VIOLATION

The City shall provide any person found to be in violation any provision of this ordinance with written notice stating the nature of the violation and providing a reasonable time period for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, correct the violation or be subject to criminal or civil penalties as provided for by law.

SECTION 24.10. LEGAL ACTION

The City may commence and/or maintain any action at law or equity to enforce any provision of this ordinance, or a rule or regulation promulgated pursuant to this ordinance. Such actions may include, without limitation, the seeking of preliminary, temporary or permanent injunctive relief and/or the seeking of damages.

SECTION 24.11. WATER DISCONNECTION OR REFUSAL OF SERVICE

A. Service may be disconnected or refused for any of the following reasons:

1. Failure to pay a delinquent account or comply with the terms of a Payment Agreement as defined in Article IX.
2. Violation of the City's rules, regulations and policies pertaining to the use of service in such a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided reasonable opportunity to remedy the situation as stated herein.
3. Diversion of service around the meter, or removal of the meter and the installation of a non-measurable device.

SECTION 24.12. PENALTIES

Unless otherwise stated, or allowed by law, a violation of this Chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 1, Section 1.11 of Winooski City Code.

SECTION 24.13. CIVIL ACTION

In addition to the enforcement authority set forth above, the City shall have the right to institute civil action which it deems appropriate to obtain injunctive or monetary relief.

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