

TOWN OF PITTSFORD WATER ORDINANCE

An Ordinance to provide rules and regulations pertaining to the sale and distribution of municipal water by the Town of Pittsford, Vermont, and to provide penalties for violation thereof.

§ 1. AUTHORITY; CITATION

Pursuant to the authority granted to the Town of Pittsford under the provisions of Chapter 89 of Title 24 of the Vermont Statutes Annotated, this ordinance is enacted and shall be known as the Pittsford Water Ordinance, hereinafter sometimes referred to as "this Ordinance". This ordinance is designated a civil ordinance pursuant to 24 VSA, Section 1971(b).

§ 2. DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

(a) Customer: any person or facility, who or which has applied, for and is granted service or is responsible for payment for service, or to whose property service is furnished.

(b) Main: a water pipe owned, operated and maintained by the Town of Pittsford and used for the purpose of transmission or distribution of water, but shall not mean any water service pipe as defined below.

(c) Water Service Pipe: the pipe running from the main to the meter, premises, or other point of use of a customer.

(d) Town: the Town of Pittsford

(e) Board: Board of Water Commissioners, or its duly authorized and designated agents.

(f) Water System: The water works, wells, springs, pipelines, easements, appurtenances, structures, equipment and all other property, both real and personal, owned, controlled, maintained, or operated by the Town and used in or in any way pertaining to the collection, transmission, or distribution of water to residents of the Town.

§ 3. DEPOSITS

(a) Upon determination by the Board that a customer has an unsatisfactory credit standing, or if a customer can provide no evidence of credit history upon application to the Board, the Board may, at its discretion, require such customer to deposit with the Board an amount not to exceed the estimated water use by such customer for one billing period, which deposit shall be applied by the company only against delinquent water rents, if any, of the customer.

(b) Upon presentation by the customer of evidence to the satisfaction of the Board, of good credit standing, or upon termination of water service and full payment of all amounts due and owing, such deposit as may have been made by the customer under paragraph (a) of this Section shall be refunded to the customer, with interest thereon in an amount equal to that earned by the deposit in a demand savings account in a local bank.

§ 4. APPLICATION FOR SERVICE

(a) Application for service shall be made at the Town Office during the posted hours of operation.

(b) Application shall be made on forms provided by the Board of Water Commissioners, which forms shall be available at the Town Offices, provided that completed applications shall be submitted to the Board and shall, in addition to the matters specified on the application form, be accompanied by such other data, plans and specifications as may be reasonably required by the Board.

(c) The Board or its designated agent shall act upon an application within fifteen (15) days after receipt. An incomplete application, or an application not accompanied by both the application and hookup fees will not be considered.

(d) Application and hookup fees shall be determined by the Board and adjusted as appropriate.

§ 5. SERVICE PIPES

(a) The Main shall be tapped and the service pipe installed, maintained and owned by the Town to the edge of the highway provided that the cost of installation thereof shall be charged to the customer in accordance with Section 6 hereof.

(b) A customer shall install, maintain and own the service pipe from the nearest edge of the highway to the meter, termination, or point of use of the water service, provided that upon installation and prior to covering or burying of the service pipe, the customer shall notify the Town Manager or Water Superintendent, who shall, during regular working hours, insure that the service pipe is properly installed, and shall signify his approval by signing the connection permit submitted by customer when applying to the Town for Water Service.

(c) The minimum specifications for service pipes installed by a customer are as follows:

- (1) No service pipe shall be less than 3/4 inch in diameter.
- (2) Service pipes up to 180 feet from curb stop to meter shall be Type K copper tubing.
- (3) Service pipes over 180 feet may be ASTM-D-2737 Polyethylene Water Service Tubing 160 lbs. minimum test. All fittings to be brass.
- (4) Service pipes will be buried to a minimum depth of five and one-half feet.
- (5) The Town shall not be liable or responsible for obstruction of the service pipe at any point, by frost or otherwise, or for leakage of hydrants or service pipes, or any damage occasioned thereby.

(6) The customer shall insure that the service pipe within the customer's premises is kept in good repair and is protected from the frost at the customer's expense, provided that the customer shall be liable for all damages which may result from failure to maintain the service pipe.

§ 6. HOOKUP FEE

(a) At the time of application for service, the customer shall pay to the Town a hookup fee in an amount to be set by the Board per Section 4(d).

(b) Should it be necessary to tear up the road in order to connect, there will be an additional fee for road retreatment work.

(c) If the cost of material, labor and road work for hookup is more than the normal amount specified on the application, the applicant will be billed the difference. This billed amount shall be paid within ten (10) days.

§ 7. REPAIRS

(a) When it is determined that a service pipe may be leaking, or is defective or malfunctioning for any other reason, the defect or malfunction must be repaired immediately, at the customer's expense, as follows:

(1) If the defect or malfunction occurs in that portion of the service pipe owned by the customer, the customer shall perform the repair and, once the repair has been completed, the customer shall notify the Town Manager or Water Superintendent who shall cause the repair to be inspected, provided that the repaired section of the service pipe shall not be covered until the repair has been inspected and approved by the Superintendent. There will be an inspection fee charged each time the Town is required to inspect any such repairs. All inspections are to be made during regular business hours.

(b) In the event the customer does not commence the repair set forth in paragraph (a) above within a reasonable time after notification of the defect or malfunction, the Town may accomplish the repair and bill the entire cost or expense thereof to the customer.

(c) Any repair not performed by the customer in accordance with paragraph (a) of this Section may be excavated, inspected and repaired or corrected by the Town, and the cost thereof shall be billed to the customer as additional water rent.

§ 8. INSPECTION

(a) The Board shall have the authority to at all reasonable times and upon reasonable notice enter the lands and buildings of a customer to inspect pipes, meters, fixtures and other devices used in connection with the water supplied, and it shall be the duty of every customer to answer at all times all proper inquiries made by the Board, in regard to maintenance of the service pipe or operation of fixtures, provided that no person shall be required to answer the inquiry of any agent of the Board unless such agent displays written authorization from the Board.

(b) Failure or refusal of any customer to permit inspection or answer inquiries in accordance with paragraph (a) of this Section shall be cause for immediate termination of water service without further notice.

§ 9. WATER MAIN EXTENSIONS - PLAN APPROVAL - CONSTRUCTION

(a) Any person wishing to construct, alter, or extend any water main, shall submit to the Board a written preliminary application for such construction, alteration, or extension which shall be accompanied by the application fee prescribed by the Board and shall set forth at least the following documents and information:

- (1) The applicant's name, address and the address of each of the applicant's offices in this State, and, where the applicant is not an individual, the form, date and place of formation of the applicant.
- (2) A statement of the nature and purpose of the proposed construction, alteration or extension.
- (3) The existing customers to be affected.
- (4) The number of additional customers expected to be served including the number of service taps that are anticipated from the new or altered main.
- (5) A map showing the general location of the proposed extension or alteration.
- (6) The approximate length of the proposed extension.
- (7) The names of existing town roads which will be affected.
- (8) Any other additional information as the Board may reasonably require.

(b) At the next regularly scheduled meeting of the Board following submission of the application, the Board shall consider the preliminary application and within 45 days thereof, either approve or disapprove it and give notice of its decision in writing to the developer.

(c) Upon preliminary approval of the application, the applicant shall submit to the Board final plans and specifications and an engineer's hydraulic report, all of which shall be prepared in accordance with the following minimum standards:

- (1) The schedule of "Water Works Materials and Construction Standards" as prepared for the Town of Pittsford by Dufresne-Henry Engineers, a copy of which is attached hereto, labeled "Exhibit A" and made a part hereof, and
- (2) The Recommended Standards for Water Works (10 State Standards) published by Health Education Services, PO Box 7283, Albany, NY 12224.
- (3) In the event that the specifications, or standards referred to in paragraphs (1) and (2) conflict, those contained in the "Town of Pittsford Water Works Materials and Construction Standards" shall control.
- (4) None of the specifications or standards contained in or referred to in paragraphs (1) and (2) above shall prohibit the Town's Engineer from requiring the developer to adhere to more stringent specifications if in his/her professional judgment, they are necessary.

(5) All plans, hydraulic report and other specifications required thereunder, shall be prepared by a professional engineer licensed by the State of Vermont.

(d) The developer shall submit along with the final application package, the proposed easements or rights of way which the developer will convey the necessary right into and over the affected lands to the Town. In lieu of proposed easements or rights of way, the developer may submit evidence to the Town Attorney's satisfaction that he will be able to execute all necessary conveyances when construction is finished.

(e) Along with the plan and specifications, prescribed in section (c) above, the developer shall submit a final fee prescribed by the Board.

(f) The developer shall reimburse the Board for all attorneys fees incurred as a result of such application including fees incurred in conducting a search of the Town of Pittsford Land Records to determine whether the developer has the ability to convey the required easements.

(g) The Board shall be empowered to employ a licensed professional engineer of its choice for the purpose of studying and reviewing the final application submitted by the developer in order to ensure that the proposed application complies with the minimum standards referred to in paragraphs (c)1 through (c)5 and to determine whether the proposed extension is compatible with the existing water system. The expense of hiring such an engineer shall be borne by the developer.

(h) The Board, after reviewing any reports submitted by the Town's engineer, shall within forty-five (45) days of the next regularly scheduled Board meeting following submission, either approve or disapprove the application and shall give written notice to the developer of its decision.

(i) No construction, alteration, or extension of any water main by an applicant shall commence until the plans for such work have been given final approval and permits issued by the Board of Water Commissioners.

(j) Upon approval of a final application and upon commencement of construction, alteration or extension of water mains, the Board shall be empowered to:

(1) Employ a licensed professional engineer to supervise all construction to ensure compliance with State and Town standards and with the approved application. The developer shall bear all expenses incurred as a consequence of the employment of an engineer for these purposes;

(2) Periodically send its authorized agent to inspect construction. The developer will be charged a fee to be set by the Board for each inspection conducted by the Board's agent.

(k) For a period of one year following completion of the approved project, completion being defined as the first day on which regular customer use is made of a new or altered main, the developer shall be responsible for any repairs necessary to the extended or altered main. The Board during this period may elect to have its agents perform any such repairs and charge the expense to the developer or may allow the developer to affect the repairs itself under Board supervision as outlined in paragraph (j) above.

§ 10. MAINTENANCE OF PLUMBING

All plumbing, fixtures and apparatus of a customer shall be constructed, maintained and operated in good repair and protected from freezing at the customer's expense.

§ 11. WINTER CONSTRUCTION

The Town shall not be required to install any service pipe at the request of, or for the convenience of a customer at any time between October 1st of any year and March 31 of the following year.

§ 12. SUMMER SERVICE

(a) Upon determination by the Board that a service pipe or main is, because of lack of sufficient cover, insulation, or for any other reason, limited to supplying water for that portion of the year when such service pipe or main would not be subjected to freezing temperatures, the Board may declare such service pipes or mains for summer service only.

(b) If any service pipe or main is declared for summer service only, water shall be furnished thereto for that portion of the year determined to be reasonable by the Board.

§ 13. STOP AND WASTE VALVES

(a) Each customer shall install in every service pipe owned or controlled by such customer, two operable stop and waste valves, located as follows:

- (1) Inside a building on the premises of the customer;
- (2) At or near the service or other entrance to the building;
- (3) In a position easily accessible for inspection by agents authorized to inspect in accordance with Section 8 hereof;
- (4) In a position protected from freezing;
- (5) So that one stop and waste valve is located on the inlet side of the water meter and one on the outlet side of the water meter.

(b) All customer piping shall be arranged to prevent back-flow and to permit drainage when necessary.

§ 14. CROSS-CONNECTIONS

(a) No cross-connection, either existing at the time of this Ordinance, or installed in any service pipe subsequent hereto, shall be permitted, unless such cross-connection is in full compliance with the State of Vermont Board of Health Regulations pertaining to back flow devices and has the prior written approval of the Board.

(b) No connection or device which would permit back flow from any plumbing fixture, device, appliance, waste outlet or pipe having connection to any waste drain and the public water system to the Town is permitted.

(c) If any customer refuses or neglects to eliminate any cross-connection maintained in violation of this Section, or, when prior written approval has been granted by the Board, fails to provide an air gap to break the cross-connection within a time interval specified by the Board, service to such customer shall be immediately disconnected without notice.

§ 15. FLUCTUATION OF PRESSURE BY CUSTOMER APPARATUS

(a) No customer shall install or use any water consumption apparatus or device which will affect the pressure or operating condition of the water system or use or consume water so as to interfere with the service of any other customer.

(b) Any act of a customer in violation of this Section, shall be sufficient cause for the Board to immediately discontinue service to such customer without additional notice.

§ 16. DIRECT PRESSURE WATER DEVICES: SYSTEM SUPPLIED BY AUTOMATIC FEED VALVE

Direct pressure water devices including, but not limited to, hot water tanks or secondary systems supplied by automatic feed valves, shall have appropriate vacuum, temperature and pressure relief valves, or cut-outs installed to prevent damage to the water system of the Town or customer in the event of any shut-off. These valves and cut-outs shall be maintained in good operating condition and are subject to inspection by the Town Water Department.

§ 17. USE OF SERVICE PIPE TRENCH

(a) Except as hereinafter provided, no water service pipe may be placed in the same trench with any other pipe, conduit, or device.

(b) Upon written application to the Board, the Board may issue a permit for joint use of the water service trench, provided that it is satisfied by the applicant that there is no other feasible method of conveying water, to the applicants premises and that all reasonable and necessary precautions have been taken by the applicant for the protection of the public health and safety including, but not limited to, satisfaction of those requirements imposed by the State of Vermont Board of Health Regulations.

§ 18. ALTERATIONS AND FIXTURES; ADDITION OF FIXTURES

No fixtures shall be added, or alterations made, to the water system of any customer supplied with water at a flat rate, without the express written approval of the Board.

§ 19. FIRE HYDRANTS

(a) Upon due application and written approval by the Board and upon payment of an annual rental fee in addition to the amounts payable for water use, a customer may install and maintain private fire protection devices.

(b) No fire hydrant shall be used for any purpose other than extinguishing fires except as is expressly permitted in writing by the Board.

§ 20. LOCATION OF METERS

(a) All meters shall be located as close as possible to the point of entrance of the service pipe into the building or structure of the customer.

(b) Each customer shall provide a clean, dry, warm and accessible location for the water meter or meters.

(c) Except as otherwise provided in this Section, the cost of meter installation shall be borne by the Town.

(d) Upon determination of the Board that the proposed use is a high volume use, including but not limited to, service of more than four (4) apartments, municipal, commercial, or industrial uses, that portion of the cost of installation of a high volume meter in excess of the cost of installation of standard water meters, shall be borne by the customer and shall be paid by the customer in accordance with Section 6 hereof.

(e) Location of a meter may be changed upon application by a customer and express written approval by the Water Superintendent, provided that the change of location shall be performed only by the Town and any cost shall be paid by the customer in accordance with Section 6 hereof.

(f) The plumbing and piping arrangement for all new installations of meters shall be in accordance with the rules and regulations as follows:

- (1) Meter shall be located as near as possible to the point of entry of supply line.
- (2) Meter shall be located so that it is safe from freezing and accessible for reading.
- (3) The meter shall be between two to four feet above the floor, four inches from wall to center of meter and horizontal.
- (4) Stop and waste valves shall be located as follows:
 - (a) Inside a building on the premises of the customer;
 - (b) At or near the service or other entrance to the building;
 - (c) In a position easily accessible for inspection by agents authorized to inspect in accordance with Section 8 hereof;
 - (d) In a position protected from freezing;
 - (e) So that one stop and waste valve is located on the inlet side of the water meter and one on the outlet side of the water meter.
- (5) Grounding conductors shall be attached to water pipe on street side of meter.
- (6) There shall be no use of water except after water has passed through a meter.
- (7) Heat tape and insulation for meters underneath mobile homes is the responsibility of the customer.

(g) If there was an existing meter which was rendered inaccessible by interior modification, the property owner must pay to install/repair the meter. If the Town neglected to install a meter and the owner finished the room, the Town will pay to install a meter or the owner may pay the difference to have a vault installed.

§ 21. METER VAULTS

Upon determination by the Water Superintendent that a meter is not being properly protected by a customer, or that it is for any other reason necessary or expedient to locate a meter outside of a structure, the Superintendent may direct a customer, at the customer's expense, to install and maintain an underground meter vault in accordance with specifications provided by the Board.

§ 22. NOTICE

(a) Any notice required by this Ordinance to be given by the Board to any customer or applicant, shall be by first class mail postage pre-paid, sent to the address of the customer or applicant on file with the Board.

(b) Any notice required by this Ordinance to be given by any customer to the Board, shall be addressed to "Pittsford Water Department", PO Box 8, Pittsford, VT and shall be sent first class, postage pre-paid.

(c) The Board shall not be responsible for failure of notice to any customer or applicant if the reason for such failure is a change of address.

(d) All notice required to be given under this ordinance shall be effective as of the third day following mailing of said notice.

§ 23. METER SERVICE; BILLING

(a) Except as otherwise provided in this Ordinance, each customer shall receive water through a water meter and all water sold shall be billed on the basis of meter measurements.

(b) Except as otherwise provided all amounts chargeable to a customer or an owner pursuant to the terms and provisions of this Ordinance, shall be charged to and paid by said customer or owner as water rents.

(c) All billings for water service are due and payable as of the date indicated on the statement provided to the customer and shall be delinquent if not paid within thirty (30) days after the due date.

(d) Non-payment of water rents shall be cause for discontinuance of service, in accordance with Section 29(a) hereof, provided that service shall not be reinstated until all amounts due to the Town including expenses incurred in terminating and reinstating service have been paid in full.

§ 24. INOPERATIVE OR MALFUNCTIONING METERS

Upon determination by the Board that a meter is malfunctioning or upon removal of such meter from such service, the Board shall determine the average water consumption of the customer served by such meter over the prior six (6) month period, and shall bill said customer based upon said determination, provided that the Board shall be permitted to reasonably adjust the charge based upon any known significant increase in use by the customer during the time that the meter is determined to have malfunctioned or is removed from service.

§ 25. RESPONSIBILITY FOR WATER CHARGES

(a) Any service pipe of a customer which provides water to more than one family, tenant, or business, shall be installed by the customer, or the owner of the building, to permit separate connections, with shut-off valves and meters for each family, tenant or business.

(b) Acceptance of water service by the owner of any property shall constitute an agreement by that owner to observe all of the terms and provisions of this ordinance and to assume all responsibilities for payment for water service rendered to the property, regardless of whether such service is rendered directly to the owner or otherwise.

(c) Water service charges, and such additional water rents as may be assessed in accordance with this Ordinance, shall be a tax and a lien on the real estate supplied with the water, and may be collected in the same manner as other taxes of the Town, and the owner or owners of such real estate shall be subject to the same liabilities therefore as for other Town taxes.

§ 26. UNAUTHORIZED USE

(a) No customer shall use water for any purpose not specified in the application for water service, nor shall any customer permit the waste of water provided to said customers service pipe.

(b) No customer shall cause any connection to be made in a service pipe, nor shall any customer make use of water from any service pipe, except after such water has passed through the water meter.

(c) Violation of the provision of this Section shall constitute cause for the Board to immediately terminate water service to the customer or premises found to be in violation, without prior notice of such termination, and all costs and expenses incurred by the Board in terminating thereunder shall be borne by the customer as additional water rents.

§ 27. SHUT-OFF OR DIMINUTION OF SERVICE: NOTICE: LIABILITY

(a) The Board shall have the right to interrupt, shut off, or diminish the water supply for the purpose of making extensions, alterations or repairs, or on account of any accident to the works, or in case of drought or threatened scarcity of water. Furthermore, the Board also has the right, pursuant to 24 V.S.A. §5151 to discontinue water service in the case of violation of this Ordinance or neglect to pay the service rates when due.

(b) Except as otherwise provided in this Ordinance, when the Board shall have the cause to interrupt, diminish, or stop the supply in accordance with this section, it shall first notify the customer or customers to be affected by the shut off or diminution, stating the reason for, and duration of such diminution or shut off, provided however, that in case of emergency, water may be shut off without notice.

(c) Neither the Town, nor the Board shall be liable for any damages occasioned by interruption, shut off or diminution of the quality or quantity of water supply pursuant to this Section.

§ 28. SHUT-OFFS FOR REPAIRS OR DROUGHTS; NOTICE TO USERS

The Board of Water Commissioners, or their authorized agents, shall have the right to shut off water for the purpose of making extensions, alterations or repairs, or on account of any accident to the works, or in case of violation of the rules or neglect to pay the service rates when due, and in case of drought or threatened scarcity of water to diminish, restrict, or stop the supply, without any claim for abatement or damage for loss of water. When the superintendent shall have cause to shut off the supply of water on any line for repairs, he shall immediately notify the water consumers on the line of pipe to be shut off, provided, however, in case of sudden bursts, the water may be shut off without notice.

In case of drought or threatened scarcity of water, the Board of Water Commissioners may diminish, restrict, or stop the supply by declaring a state of emergency, by posting notice in three areas and by publication in the designated daily newspaper.

§ 29. SEPARABLE CLAUSE

In the event any section, or portion of any section, herein be found or declared invalid for any reason, such invalidity shall not effect the enforceability of any other section, or portion thereof contained herein which is not found to be invalid.

§ 30. DISCONTINUANCE OF SERVICE FOR A CAUSE

(a) Upon determination by the Board, or its duly authorized agent, that a customer's use of water service provided thereunder is in violation of this Ordinance, or constitutes a threat to public health, safety or welfare, or lack of payment of fees, the Board may cause the water service of such customer, to be permanently or temporarily discontinued.

(b) Except as otherwise provided in the Ordinance, the Board shall give to the customer fifteen (15) days written notice of its intent to terminate or discontinue service and the cause or reasons therefore, and the customer shall have an additional period of not more than fifteen (15) days to remedy such cause, or to satisfy the Board of a good faith effort to so remedy said cause, provided that if within the time provided the customer shall fail to so satisfy the Board, the water service of said customer shall be immediately terminated or discontinued without further notice.

§ 31. TAMPERING WITH TOWN PROPERTY

It shall be unlawful for any person to tamper with, open, or otherwise disturb any valve, pump house, hydrant, stand pipe, or any other appurtenant works of the water system, or any other property of the Town pertaining to said water system, except as duly authorized by the Board.

§ 32. ENFORCEMENT

In addition to the remedies and rights provided to the Town thereunder, violation of any term or provision of this Ordinance shall be punishable by a fine of \$500.00 in municipal/traffic court. A waiver fine of \$250.00 may be paid to the Treasurer in lieu of appearance in court.

This ordinance shall become effective the 23^d day of December, 1995.

Adopted this 23^d day of October, 1995.

Robert L. Sird
Robert L. Sird
Lynne White
Lynne White

Margaret K. Flory
Margaret Flory

Received for record Oct. 24, 1995
Gordon R. DeLong
Gordon R. DeLong, Town Clerk