GRAND ISLE CONSOLIDATED WATER DISTRICT

GRAND ISLE, VERMONT

WATER USE ORDINANCE

ADOPTED: APRIL 16, 1997

Amended December 2010
Amended February 11, 2015
Amended March 11, 2015
Amended October 12, 2016

Amended October 12, 2016

GRAND ISLE CONSOLIDATED WATER DISTRICT
WATER USE ORDINANCE

TABLE OF CONTENTS

SECTION	DESCRIPTION	PAGE
1.00	DEFINITIONS	2
2.00	RULES AND REGULATIONS	3
3.00	GENERAL INFORMATION	3
4.00	REQUIREMENTS AND RESTRICTIONS	4
5.00	ASSESSMENT AND COLLECTION	5
6.00	ISCONNECTION	6
7.00	APPLICATIONS	6
8.00	SPRINKLER SYSTEMS	9
9.00	CONSTRUCTION SPECIFICATIONS	9
10.00	RESPONSIBILITIES AND LIABILITIES	10
11.00	VALIDITY	10
12.00	CONFLICT	11
13.00	PENALTIES	11
14.00	AMENDMENTS	11
15.00	LIMITATIONS	12
16.00	SPECIAL CONDITIONS	12
17.00	ORDINANCE IN EFFECT	12
AMENDMENT # 1	ORDINANCE IN EFFECT, AMENDED	13
APPENDIX A	SCHEDULE OF RATES AND CHARGES	14
APPENDIX B	PUBLIC ACTS, 1977	18

Amended October 12, 2016

The Grand Isle Consolidated Water District Board of Commissioners ordains that the Rules and Regulations herein set forth are established as necessary and desirable for the efficient operation of the Grand Isle Consolidated Water District Water System, to provide quality water to the people of the Grand Isle Consolidated Water District for consumption or to people outside of the District as hereinafter set forth.

The GICWD was formed to supply high quality potable water to the residents of Grand Isle at a reasonable cost. The initial construction project was based on a survey of potential customers with the result being construction of a treatment plant, distribution lines and the contracting of a system operator in order to supply water within the boundaries of the GICWD. As customer demand increases, expansion of the present system will be evaluated for feasibility and cost so that present users do not pay directly for the expansion.

1.00 DEFINITIONS

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

1.01 Building Service Line shall mean the pipe or conduit, water meter and valves connected on one end to the curb stop, the other end terminating inside the User's building, to provide water service.

1.02 Curb Stop shall mean the valve that terminates the service line and to which the building's service line is connected to provide water service to the User.

1.03 Disconnection shall mean deliberate interruption by the District of water service to the User, for reason of delinquent payment.

1.04 Distribution and/or Transmission Main shall mean the primary supply pipes or conduits from which service connections are made to supply water to the User.

1.05 Town shall mean the Town of Grand Isle, its Board of Selectmen, agents, or authorized representatives.

1.06 Fire Service shall mean water service for fire protection systems or equipment installed by and on the property of User.

1.07 May is permissive. Shall is mandatory.

1.08 New Service Locations shall mean areas at a distance of more than 200 feet along a street or R.O.W. from distribution mains of the District. Extension of distribution mains may be required to provide service.

1.09 Operator shall mean agent or representative of the District responsible for operation and maintenance of the water system.

1.10 Property Owner (Owner) shall mean that person(s) or User, identified as owner of property by recorded deed.

1.11 Service Line or Service Pipe shall mean the pipe or conduit running from the distribution or transmission main to the curb stop of the User.

1.12 Unconnected Properties shall mean those properties with boundary line(s) 200 feet or less from distribution mains that do not receive water service.

1.13 User (Customer) shall mean any deeded property owner receiving or requesting water from the District.

1.14 Water District (District) shall mean the Grand Isle Consolidated Water District area as defined by the Water/Fire District Boundary Map on file at the Town Clerk's Office.

2.00 RULES AND REGULATIONS

2.01 The Board of Commissioners may make such rules and regulations relating to the use of the water system as they shall deem necessary for proper operation of the water system.

3.00 GENERAL INFORMATION

3.01 The Board of Commissioners shall be responsible for the operation of the water system, and, acting on behalf of the District, shall sell water to such Users within the Water District consistent with these Rules and Regulations. It may refuse to supply water to any such User and may terminate service to any User, as may be required for the Board of Commissioners to carry out their responsibilities imposed by law and these Rules and Regulations.

3.02 It may contract to sell water to such Users outside the Water District in accordance with a Water Expansion Policy as it may deem beneficial to the District, providing that there is, at the time such contract is made, water in excess of that necessary for use within the limits of the Water District.

3.03 These Rules and Regulations shall constitute a part of the contract between each User and the District. Each User of the District shall be bound by these Rules and Regulations and all subsequent changes and amendments thereto. The User's request for water service, or their status as users in a member fire district, shall be considered the User's consent to be bound by these Rules and Regulations.

a. A copy of these Rules and Regulations shall be furnished to each User by the District upon request.
b. Failure to know these Rules and Regulations will not excuse the User from the consequences of neglect of these Rules and

Regulations.

3.04 Inspectors of the District or persons so authorized by the District must have free access at all reasonable hours to buildings for the purpose of inspecting, removing, or replacing meters, examining fixtures and observing the manner in which water is used. Inspectors and meter readers will carry appropriate identification and will show same upon request to the property owner or authorized agent. Impostors should be reported at once by calling a member of the Board of Commissioners.

3.05 Water Supply Emergencies: The Board of Commissioners may prescribe emergency rules governing the supply and use of water as it may deem appropriate to accommodate such an emergency. Such rules shall be adopted at any duly held meeting of the Board of Commissioners. Any required notice of such meeting shall state that the Board of Commissioners will consider adopting emergency rules governing the supply and use of water. Such rules shall be adopted by majority vote of the Board of Commissioners, shall be thereafter recorded in the minutes and posted in five (5) locations within the District and shall become effective immediately upon adoption. Such rules may remain in effect for a period not to exceed ninety (90) days, unless again adopted in the manner set forth herein.

4.00 REQUIREMENTS AND RESTRICTIONS

4.01 The District shall be empowered to enforce the Rules and Regulations of this ordinance in a manner that they deem in the best interest of the water system.

4.02 All water shall be metered except as otherwise provided by this ordinance or as approved by the Board of Commissioners.

a. All meters shall be furnished and owned by the District, and shall be located in satisfactory locations to protect against frost and other damage. In no case shall the District deliver water through any meter over which it does not have exclusive control.
b. Should a meter be damaged by frost or be damaged in any other manner for which the User is responsible, then the Owner shall be charged the cost of removing, repairing, and replacing any such damaged meter.
c. Meters which malfunction without fault of the User shall be removed and replaced at the District's expense.
d. If from any cause a meter fails to register properly the amount of water passing through it, the charge will be based upon the User's past average daily consumption, as determined by the District. If past average daily consumption cannot be determined as a result of action or inaction of the GICWD, then the user will be assessed a flat fee as determined by the Board of Commissioners. If past average daily consumption cannot be determined as a result of action or

inaction of the user, then the user will be assessed a flat fee, plus an appropriate penalty, as determined by the Board of Commissioners.

e. Meters shall be read by the District's authorized agents on a frequency established by the Board of Commissioners.

f. No person shall damage, remove, or tamper with any meter through which water service is being provided. No person shall break the seal of any such meter.

g. No person shall, after a reasonable length of time of notification**,** deny access to any inspector of the District or any person authorized by the District to conduct an inspection or perform other duties as set forth in this Ordinance.

4.03 No person shall suffer or permit water from the District's water system to run to waste through any faucets or fixtures to prevent freezing, or for any other purpose, to be kept running for any longer than necessary for non-wasteful consumption, without prior approval of the District. The District shall restrain and prevent any and all waste of water and to that end may, when necessary, turn off water or take such other action as, in its judgment, appears proper.

4.04 A water service application shall be submitted to and approved by the Board of Commissioners before any connection, alteration or construction to any portion of the water system occurs. (See 7.02b)

a. The application will be completed and submitted as provided by Section 7.00.

b. No person shall make any material misstatements of fact in any application for water service.

c. No person shall complete construction of any service connection with the District's water system in any manner other than that set forth in any plans and specifications submitted to and approved by the Board of Commissioners. No person shall fail to disclose any deviations or variations from such plans to the Board of Commissioners at the first date such variations or deviations become known to such person.

d. No person shall obtain the use of water without authorization in any way or by any device, including the operation of curb valves by repairmen and plumbers for any purpose.

e. No person shall tap or make any connection with any distribution or transmission main or service line, without authorization by the Board of Commissioners.

f. No person shall knowingly cause water to be taken at any service location or elsewhere, in any manner inconsistent with the application for service governing such location, any contract for the supply of water applicable to such location, any terms and conditions based upon service at such location by the Board of Commissioners or this Ordinance.

4.05 No person shall violate, and no User shall suffer or permit any person to

violate at the User's service location, any provision of these Rules and Regulations, or shall violate any order, direction, or emergency rule adopted by the Board of Commissioners.

a. No User shall, except with written consent of the District, be allowed to resell water supplied by the District; except that landlords may include the amount for water in their rent or lease agreements.

4.06 No person shall adjust, open, close, alter or perform any operations to valves, hydrants, or any other parts of the water system without approval by the District.

4.07 Flood Plains: No water service shall be provided to any buildings completed after April 14, 1997 that are located within the 100 year flood plain.

5.00 ASSESSMENT AND COLLECTION

5.01 The District shall be empowered to establish rates and collect fees as set forth in this Ordinance as deemed necessary for the operation and maintenance of the water system. See APPENDIX A for current "SCHEDULE OF RATES AND CHARGES".

5.02 Nothing contained herein shall limit the authority of the District or the Board of Commissioners to impose fees upon water users, as provided by law.

5.03 The District may institute legal action to collect any past due bill. Under the District's Rules and Regulations, the User agrees to pay the costs of such collection, including the District's attorney's fees, by applying for water service.

5.04 Bills and Billing

a. Bills for water service are prepared at the office of the District and are payable to the District.
b. Water bills are rendered in the name of the User.
c. The User is responsible for the payment of water bills and is also responsible for notifying the District of any changes in mailing addresses. Failure to receive a bill does not relieve the Owner of the obligation for payment or for the payment of penalties for late payment.

5.05 For each service, the property owner shall be responsible for payment, without regard to whether that person is the ultimate User. By applying for water service, the User agrees to pay all bills that become due, and failing to do so, agrees to pay all costs of collection, including attorney's fees.

5.06 Deposits: If the District holds a deposit from a User that deposit shall not

constitute payment of a delinquent bill, and shall not prevent the District from disconnecting service for nonpayment. Should the District so disconnect service from a User from whom the District holds a deposit, the District shall continue to hold the deposit, and service shall not be restored until the User becomes eligible for restoration of service by payment of the delinquency or otherwise. The District may apply the deposit towards the delinquency if the User advises the District he wishes to terminate service, or if the District receives an application for service at the same location from some other person.

6.00 DISCONNECTION

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

7.00 APPLICATIONS

7.01 No connection will be made to the water system without first submitting a completed application and receiving approval from the District.

a. The District's service connection fee, which shall be paid in full, in addition to any other amounts payable, at the time written application is made for service. This fee shall be such an amount as is designated in the "SCHEDULE OF RATES AND CHARGES" (APPENDIX A).

b. Application for water service shall be made at the office of the District. Forms are available from the District Secretary or at the Grand Isle Town Clerk’s office and must be signed.

7.02 Installation of Service

a. The User will be responsible for all costs of installing new water services. These costs include, but are not limited to:

(1) digging and paving;
(2) obtaining permits and easements if digging across roadways or the property of others;
(3) returning all District or District-owned property to its original condition.

b. The User will be responsible for the entire cost of installing the service pipe from the distribution or transmission main.

(1) From the distribution main to the curb stop at his property line (or street line) the installation:

(a) must comply with the District's Specifications to and including the curb stop(Section 9.00, CONSTRUCTION SPECIFICATIONS);
(b) shall be inspected and approved by the District before the installation may be covered; and
(c) upon completion and acceptance, will become the property of the District and will be maintained by the District.

(2) From the curb stop to the User's premises, the installation (with the exception of the meter):

(a) shall be installed, owned, and maintained by the property owner; and
(b) must comply with the District's Specifications (Section 9.00, CONSTRUCTION SPECIFICATIONS) and requirements of applicable State and Federal agencies.
(c) shall be inspected and approved by the District before the installation may be covered. The user may be required to excavate the new line if the appropriate inspections have not been made. It is the responsibility of the owner to make sure that the connection checklist has been completed in full.

(3) The user who installs a distribution pipe which could potentially serve other properties shall have the piping designed so as to be able to provide reasonable service to the maximum potential build out capacity of the properties along that right of way.

(a) This amount of flow shall be based upon the type of structures permitted by the Grand Isle Zoning regulations in effect at the time of the application.
(b) In the case of commercial properties the potential water need shall be assessed by the Zoning administrator and the District's engineer at the expense of the applicant.
(c) The owner installing the new main shall be responsible for the full cost of the installation but may be able to negotiate with other owners either before construction or even later after the new line has become the property of the District.

7.03 Temporary Service

a. Contractors, builders, or other persons desiring temporary water service shall complete an application in writing to the District and secure approval for this service.
b. The cost of installation of temporary service and the cost of its

removal shall be borne by the applicant. The estimated cost of installation, consumption, and removal of temporary water service shall be paid in advance of installation, by a deposit to the District. Upon completion of the use of the temporary service, an accounting shall be made. If the amount of deposit does not cover the actual cost, the applicant shall pay the additional amount. If the deposit exceeds the actual cost, the applicant shall be refunded the difference. The charges for temporary service are set forth in the "SCHEDULE OF RATES AND CHARGES" (APPENDIX A).

7.04 New Service Locations

a. Applicants for water service at a new service location, for the purpose of supplying water to one (1) or more residential units, or for commercial or industrial purposes, shall complete a written service application to the District, and shall pay the service connection fee set forth in the "SCHEDULE OF RATES AND CHARGES" (APPENDIX A). The applicant shall include drawings of the proposed service which show in detail all service locations, piping appliances, manufacturing processes and/or machines that are to be connected to the water service, including boilers (both high and low pressure).

b. All construction piping shall be built to the Specifications of the District and, if applicable, the Vermont Health Department, Vermont Department of Water Resources, Vermont Water Supply Division, Environmental Protection Agency, and any other State or Federal agencies having jurisdiction of same. Written approval of the plans by all applicable agencies shall accompany the application for service. The District's Engineer may review such designs as directed by the District.

c. Water distribution, service piping, hydrants, and other appurtenances constructed as part of a development or subdivision project must meet the Specifications of the District and agencies mentioned in Section 7.04, Paragraph b., and will, after installation and testing and approval by the District, become part of the District's system from the date of acceptance and thereafter.

d. Applicants for new service connections shall pay the entire cost of design and construction of water main and appurtenant extensions of the water system, regardless of whether such construction or extension is ultimately accepted by the District after installation.

8.00 SPRINKLER SYSTEMS

8.01 The Grand Isle Consolidated Water District water system is NOT designed to provide fire protection.

8.02 Application for sprinkler systems shall be subject to all provisions and specifications that the District may require.

a. The applicant must furnish the District with a complete set of drawings which show the location of the premises to be sprinklered and the proposed location of all valves, pipes, hydrants, tanks, sprinkler heads, and other appurtenances. These plans will remain as the property of the District. The applicant must also furnish drawings of any later revisions to piping or appurtenances when they are made. The applicant must also furnish estimated maximum flow requirements.

b. The District may decline to supply service, in whole or in part, to any sprinkler system if, in the determination of the Board of Commissioners, the system would place undue demands upon any portion of the District's water system.

8.03 If a fire service is connected to the water system it shall be subject to periodic inspections by the District. The Owners of such systems will give the District's inspectors all reasonable assistance in making the inspection and will give all required information about the system. Inspections will be made with as little inconvenience to the Owner as possible.

8.04 When water supplied for fire protection purposes is found to be used for other than fire protection purposes, the water will be shut off by the District until the offenders give reasonable assurance to the District that the offense will not be repeated.

9.00 CONSTRUCTION SPECIFICATIONS

9.01 The District shall utilize construction specifications and standards as they deem to be in the best interest of the water system.

9.02 The construction specifications and standards applicable to the District will include rules, regulations, and requirements as specified by:

a. Vermont Health Department
b. Vermont Water Supply Division
c. Environmental Protection Agency
d. American Water Works Association (most recent specifications apply)
e. The District's Engineer.
f. Any other State or Federal agencies having jurisdiction.

9.03 Any materials and equipment used will meet the most recent A.W.W.A. specifications and will be compatible with materials and equipment presently utilized in the water system.

10.00 RESPONSIBILITIES AND LIABILITIES

10.01 The District shall not be liable for any damage caused by, but not limited to,

interruption of service for repairs, necessary operations, and/or additions or improvements to the water system.

10.02 The District shall not be required to provide notice of interruption. Notice of interruption may be provided as a courtesy only except as noted in Paragraph 10.03 below.

10.03 Users shall be notified in writing of interruption of service by "Disconnection" as provided by the Provisions of this Ordinance.

10.04 No person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage occasioned by accident to any portion of the water works, or in the event of interruption of service.

10.05 The District shall assume no responsibility for any damage to any apparatus in any house or building due to interruption of service. Property owners should install range boilers, hot water tanks, and all other equipment connected with the water supply system in such a manner that damage will not occur in the event of interruption of service.

10.06 The District will endeavor to provide water to User(s) of high quality and of adequate pressure and quantity. The District does not express or imply any guarantees of, but not limited to, pressure, continuous supply, purity or potability of the water.

10.07 The District will comply with State Regulations with regard to testing, monitoring, and reporting of the water system.

10.08 The District shall, at no time, jeopardize its current customers by authorizing more new water services than it can supply. The District shall be under no obligation to commit to any development, any portion of its capacity, but may allocate its capacity amongst various areas of the District as the District deems most appropriate.

10.09 Boundaries of areas served by the Water District shall be defined by the District, and the furnishing of water outside of the boundaries of the Water District shall be at the discretion of the Board of Commissioners, except as limited by the provisions of Section 3.02 of this Ordinance.

11.00 VALIDITY

11.01 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

11.02 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not effect the validity of any other part(s) of this Ordinance which can be given effect without such invalid part, or parts.

12.00 CONFLICT

12.01 If any provision(s) of this Ordinance is(are) found to be in conflict with any provisions of any Zoning, Building, Safety or Health, or other Ordinance or code of the District, District, or State of Vermont existing on or subsequent to the effective date of this Ordinance, that provision which, in the judgment of the District, establishes the higher standard of safety and health shall prevail; and that provision or ordinance which sets the lower standard is hereby declared to be invalid to the extent that it is found to be in conflict with the provision or ordinance which sets the higher standard and is hereby repealed.

13.00 PENALTIES

13.01 Any violation of the foregoing shall, pursuant to 24 V.S.A., Section 1974(a), constitute a misdemeanor, punishable by a fine of not more than Five Hundred Dollars ($500.00) or imprisonment not-to-exceed one (1) year. Each week the violation continues shall constitute a separate offense. In addition, the District, pursuant to 24 V.S.A., Section 1974(b), may seek injunctive relief, without affecting criminal prosecution brought pursuant to the foregoing sentence. This District reserves the right to institute any action for damages and declaratory relief, whenever it deems such action to be appropriate. In any action for damages or injunctive relief against a User in which the District obtains judgment, the User shall pay the District's court costs and attorney's fees, and such amount shall be added to any such judgment.

14.00 AMENDMENTS

14.01 The Grand Isle Consolidated Water District, acting by and through its Board of Commissioners or, in appropriate cases, acting by and through its authorized representatives, may make amendments to the Ordinance in force that appears, in their judgment, to be necessary, appropriate, and/or in the best interest of the water system and/or the District.

14.02 Amendments will be added to the rear of this Ordinance (Page 13 being Amendment No. 1, Page 14 being Amendment No. 2, etc.), as they are enacted.

15.00 LIMITATIONS

15.01 The Board of Commissioners may enact rules and limitations restricting or

delaying new or extended water service, where, in its discretion, the ability to provide service is prevented because of specific physical limitations including but not limited to:

a. Excessive elevations incompatible with the existing designed system.
b. Excessive distances from the existing designed system.
c. Additional volumes which would exceed the permitted capacity of the existing system.

16.00 SPECIAL CONDITIONS

16.01 Any special conditions NOT covered by this ordinance shall be addressed on an individual basis with the Board of Commissioners.

17.00 ORDINANCE IN EFFECT

17.01 This Ordinance shall be in force and effect sixty (60) days from the date of enactment by the Board of Commissioners for the Grand Isle Consolidated Water District.

Duly enacted and ordained this 12th day of October, 2016 by the Board of Commissioners of the Grand Isle Consolidated Water District, Town of Grand Isle, County of Grand Isle, State of Vermont at a duly called and duly held meeting of said Board of Commissioners.

GRAND ISLE CONSOLIDATED WATER DISTRICT
BOARD OF COMMISSIONERS

BY: _____

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WITNESS TO SIGNATURES

AMENDMENT NO. 1

This Ordinance as amended shall be in force and effect ten (10) days from the date of enactment, amended this _____ day of _____, 20___ by the Board of Commissioners of the Grand Isle Consolidated Water District, Town of Grand Isle, County of Grand Isle, State of Vermont at a duly called and duly held meeting of said Board of Commissioners.

GRAND ISLE CONSOLIDATED WATER DISTRICT
BOARD OF COMMISSIONERS

BY: _____

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WITNESS TO SIGNATURES

Grand Isle Consolidated Water District

Appendix A
Schedule of Rates and Charges

1.00 Applicability:

This schedule applies to the users within the Grand Isle Consolidated Water District only.

1.01 Determining the number of Debt Services and Base Rates to be charged:

a. GICWD Apartment Definition:
A suite of three or more rooms with a bedroom, bathroom and kitchen and has its own entrance for exclusive use by the resident, be it a single individual or several people. A fixed charge is paid to the owner by the occupant for this residential space and maybe seasonal or year round.

The GICWD considers this type of occupancy a residence, not merely living quarters, and must be able to supply the occupant with 210 gallons of water per day to meet State usage production expectations. An additional base rate and debt service will be charged.

However, if the resident in the previously defined living area suite is a family member the facility is not considered an apartment but is considered extended living quarters, or a "Mother-in-Law Apartment," and does not require an additional 210 gallons per day water supply. This type of residential situation will not see an increase in the number of debt services and base rates charged.

b. GICWD Small Business Definition:
A privately owned business that generates income for the owner and functions and operates on a residential property that currently has one connection and one meter which records the water usage for the residence and the business is subject to a rate evaluation. The District is required to be able to provide a single residential connection with 210 gallons per day or 20,000 gallons per quarter. If the business causes the residential connection to exceed 210 gallons per day or 20,000 gallons per quarter, or if a State of Vermont Potable Water and Wastewater permit is required for the business, additional base rates and debt service charges will be applied.

If total consumption exceeds 420 gallons per day or 40,000 gallons per quarter, the business will be classified as a special user and moved to a different category for rate determination.

c. GICWD Special User Definition:

The District recognizes it has a limited number of users that consume large quantities of water throughout the year, over 40,000 gallons in a particular quarter (or as deemed by the board). For these users a different format is employed to determine the number of debt and base units charged. The third quarter usage of the special users is used to determine the number of debt and base units charged. To determine an equitable number of debt and base units, the amount of water they consume during the District's high production quarter, the third quarter, is divided by 20,000 gallons.

1.02 Payment Charges as of January 1, 2015 for Water Service to customers:

a. Annual Debt Retirement: Debt service payment amounts will be determined annually after the annual budget is adopted. The amount charged will be calculated by dividing the annual debt payments for the year by the total number of debt units.
b. Metered Water Usage Rate will be determined by dividing 50% of the operating expense portion of the annual adopted budget by the number of gallons of water produced by the system in the previous year.
c. The base rate charged will be determined by dividing 50% of the operation expense portion of the annual adopted budget by the number of base rate units.
d. Non-Metered Water Usage Rate per connection, per year is the Metered water usage rate x 50 plus the annual debt service charge and the annual base rate charge.
e. Charges are billed on a three (3) month basis and are due and payable within thirty (30) days after rendering of same.
f. Delinquency Charges: Interest Charge of one percent (1%) per month on the unpaid balance over thirty (30) days due according to 32VSA § 5136 added in 1977, No. 93, amended in 1987 No.33 § 2; 1989 No. 45 § 14.
g. For complete information about the payment of bills, see Sections 5.01 through 5.06 and 24 V.S.A. Chapter 129 and 24 VSA § 5151 Special Charges.

1.03 Special Fees and Charges:

a. Re-connect Fee: ***** $25.00 ($37.50 overtime)
b. Water Meter Test Fee: This fee, which will only be charged if the tested meter is found to be registering correctly, is forty ($40) dollars.
c. Collection Trips: Twenty-five dollars ($25) maximum, regardless of number of trips.
d. Service Connection Fee: This fee is payable at the time of service application, whenever a new service connection is to be made to the system. This fee will be based on the date of

application and the following tables:

Year of Application	Connection Fee
2000	$2,000.00
2001	$2,500.00
2008 or later	$3,000.00
2016 or later	$3,500.00

***** Does not apply to removal and replacement of seasonal water users.

e. Temporary Service or Tanker Service:

(1) All usage: four times the then-current usage rate per one thousand (1,000) gallons. Minimum charge: Fifty Dollars ($50.00).

(2) Connection and disconnection charges, materials and equipment at cost, plus labor at the current hourly rate set by the board of Grand Isle Consolidated Water District.

(3) The District may enter into mutual exchange arrangements with neighboring water systems on terms to be determined by the Board of Commissioners.

Appendix B
Public Acts, 1977

10.93. AN ACT TO ADD 24 V.S.A. CHAPTER 129 RELATING TO WATER & SEWER SERVICES. (H.95)

It is hereby enacted by the General Assembly of the State Sec. 1.24 V.S.A. chapter 129 is added to read:

CHAPTER 129. UNIFORM WATER AND SEWER DEPARTMENT

§ 5141 SCOPE

This chapter applies only to utility services of water and sewer operated by a municipality.

§ 5142 DEFINITIONS

For the purpose of this chapter:

(1) "Board of Selectmen" means the board of selectmen in the case of a town, the city council in the case of a city, the board of trustees in the case of an incorporated village, or the board of commissioners in the case of a consolidated sewer or water district.

(2) "Disconnection" means the deliberate interruption or disconnection of utility service to a ratepayer by the serving utility.

(3) "Delinquency" means failure of the ratepayer to tender payment for a valid bill or charge within 30 days of the postmark date of that bill or charge, or by a "due date" at least 30 days after mailing which shall be clearly printed on the bill and which shall control in the absence of the postmark.

(4) "Hearing officer" means a person appointed pursuant to section 5147 of this chapter to act as a fact finder and to hear and investigate evidence, and to make recommendations to the board of selectmen for final determination of the dispute.

(5) "Notice" means the written notice on the form prescribed in section 5144 of this chapter, sent within 40 days after delinquency and postmarked and sent not more than 20 days, nor less than 14 days prior to the disconnect of service.

(6) "Physician's certificate" means a written statement by a duly licensed medical practitioner certifying that a ratepayer or resident within the ratepayer's household, would suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. The certificate will be considered valid and in force for 30 days, or the duration of the hazard, whichever is less.

(7) "Payment of a bill" means the receipt at the utility's business office or authorized payment agency of cash, check or money order which is subsequently honored.

(8) "Business days" means Monday through Thursday, excluding legal holidays and any other time, or the day before such time, when the utility's business offices are not open to the public.

(9) "Utility" means any water or sewer service operated as provided for in this title.

§ 5143 DISCONNECTION OF SERVICE

No utility shall disconnect service to a ratepayer unless payment of a valid bill or charge is delinquent as defined herein, and notice of disconnection has been provided previously to the ratepayer. A copy of the

notice shall be sent to the occupant of a residential dwelling which will be affected by the disconnection if the occupant is different than the ratepayer.

Disconnection shall not be permitted if:

(1) The delinquent bill or charge, or aggregate delinquent bills and charges do not exceed $15.00.

(2) The delinquency is due solely to a disputed portion of a charge which is the subject of an appeal.

(3) The delinquency is due to a failure to pay a deposit, line extension, special assessment, special construction charge, or other nonrecurring charge.

(4) The disconnection would represent an immediate and serious hazard to the health of the ratepayer or a resident within the ratepayer's household, as set forth in a physician's certificate which is on file with the utility. Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, providing the certificate is in fact received within seven days.

(5) The ratepayer has not been given an opportunity to enter into a reasonable agreement to pay the delinquent bill or, having made such agreement, has abided by its terms.

§ 5144 UNIFORM NOTICE FORM

The notice form required under section 5143 of this chapter, and defined in section 5142 of this chapter, shall be clearly printed on a pink colored sheet of paper, and shall be according to the following form:

DATE _____

$_____
AMOUNT IN ARREARS

Dear Customer:

According to our records, your (water)(sewer) service account is still unpaid. Please make full payment of the account or contact our office to make satisfactory arrangements before _____. If this is not done, we will no longer be able to extend credit and will have to discontinue your service, on that day or any one of the following four business days. (Under the "Business days" means Monday through Thursday, excluding legal holidays, when the offices are not open to the public). An unpaid bill may become a lien on your real property.

SPECIAL CHARGES – Section 5151 of Title 24, Vermont Statutes Annotated, provides that we charge a fee for coming to your location to collect the amount overdue. Also, the same statute provides that we shall charge a reconnection fee for restoration of service if your service has been disconnected for nonpayment. These fees are as follows:

Collection Trip - $10.00, regardless of number
Reconnection – Normal Hours - $10.00
Overtime - $15.00

If payment has already been sent, we recommend that you contact our office to make certain that payment is recorded on your account by the indicated date as such payment may have become delayed or lost in the mail. Payment in the mail does not constitute payment until received by us.

THIS IS A FINAL REQUEST FROM:

(Name of Credit Supervisor)
(Name of Utility)
(Address of Utility)

(Town), Vermont (Zip Code)
(Telephone Number)

OTHER IMPORTANT INFORMATION – if you have a question concerning this bill or if you want to seek an agreement with us to pay the balance due in partial payments over a period of time, you should contact this office as soon as possible after receipt of this notice. In the event an agreement is entered into, failure to abide by the terms of agreement can lead to disconnection without further notice. If disconnection would result in an immediate and serious health hazard to you or to a resident within your household, disconnection will be postponed upon presentation of a duly licensed physician's certificate.

APPEALS – If you cannot reach agreement as to payment of this bill with the credit supervisor whose name appears above, you may appeal to:

(Name of Chairman of Board of Selectmen)
(Name of Town)
(Address of Office)
(Mailing Address)

or by calling: (Telephone Number)

An appeal cannot be taken unless you first attempt to settle with the credit supervisor. You may appeal only as to the proper amount of your bill or the correctness of application of the rules and regulations. You may not appeal as to the level or design of the rates themselves. No charge shall be made for the appeal. However, undisputed portions of the charges giving rise to this notice must be paid before the disconnection date given above.

§ 5145 TIME AND NOTICE OF DISCONNECTION

(a) Disconnection of utility service shall occur only between the hours of 9:00 a.m. and 2:00 p.m. of the business day specified on the notice of disconnection, or within the same hours during the four business days thereafter.

(b) When service is disconnected or interrupted at the premises of the ratepayer, which shall include disconnection or interruption at or near the premises of the ratepayer, the individual making the disconnection shall immediately inform a responsible adult on the premises that service has disconnected or interrupted, or if no responsible adult is then present, shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the ratepayer has to do to have service restored.

§ 5146 RESTORATION OF SERVICE

If service has been disconnected or interrupted, the utility shall within 24 hours restore service upon the customer's request when the cause for disconnection of service has been removed or when an agreement between the ratepayer and the utility regarding the dispute which led to the disconnection or when directed to do so by the board of selectmen. Restoration of service, to the extent feasible, shall be done so as to avoid charging ratepayers for overtime wages and other abnormal expenses. No collection or reconnection fees may be charged for disconnections or interruptions of service made for reasons of health and safety of the ratepayer or of the general public.

§ 5147 JURISDICTION FOR APPEALS AND EXCEPTIONS

The board of selectmen shall promptly and fairly hear any or all appeals by the ratepayer after notice to all interested parties. During appeal, disconnection will be postponed. Upon just cause shown, the board of selectmen may grant exceptions to any ratepayer. The board of selectmen may appoint one or more members of the board of selectmen to act as hearing officers for the purposes of the appeal. Alternatively, the board of selectmen may appoint a responsible citizen to act as a hearing officer for the appeal.

§ 5148 CONSUMER PROVISIONS

Nothing in this chapter shall prevent the board of selectmen from adopting further procedures, ordinances, or rules providing greater protection for consumers than are required by this chapter.

§ 5149 LIEN ON REAL PROPERTY

The charges, rates, or rents for a water or sewer utility bill shall be a lien upon the real estate in the same manner and to the same extent as taxes are a lien on real estate under section 5061 of Title 32, so long as the lien is recorded with the Town Clerk of the town in which the property is located. A delinquency of sewer charges shall be considered a delinquency of water charges if operated by the same utility, or municipal corporation.

§ 5150 UNAUTHORIZED CONNECTION

The officers and agents of such utility entrusted with the care and superintendence of the utility may at all reasonable times enter all premises so supplied to examine the pipes and fixtures and prevent any unnecessary waste, and to examine for sanitary correction thereto. If any person, without the consent of such municipal corporation, shall use any connection to water or sewer, an action of tort on this statute may be maintained against such person by such utility for the recovery of damages thereon.

§ 5151 SPECIAL CHARGES

(a) A utility providing water and sewer services may charge fees for collection of overdue accounts and reconnection of service disconnected because of nonpayment.

(b) Fees charged shall not exceed the following schedule:

Collection Trips - $25.00 maximum, regardless of number
Reconnection:
Normal Hours - $25.00
Overtime - $37.50

Approved: May 5, 1977