

Amended September 13, 2017

GRAND ISLE CONSOLIDATED WATER DISTRICT
GRAND ISLE, VERMONT
WATER USE ORDINANCE

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Amended December 2010
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Amended September 13, 2017

**GRAND ISLE CONSOLIDATED WATER DISTRICT
WATER USE ORDINANCE**

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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.

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- 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,

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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 knowing 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 this paragraph.
- 13.02 Any violation of the foregoing shall, pursuant to 24 V.S.A., Section 1974a(a), constitute a civil violation, punishable by a penalty of not more than One Hundred Dollars (\$100.00). Each week the violation continues shall constitute a separate violation. In addition, the District, pursuant to 24 V.S.A., Section 1974a(c), may seek injunctive relief, without affecting penalties imposed pursuant to this paragraph.
- 13.03 The 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 **and amended September 13, 2017** 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.