

**TOWN OF PLAINFIELD
WATER SYSTEM
ORDINANCE**

ADOPTED JANUARY 27, 2020

Water System Ordinance

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Town of Plainfield Water System Ordinance

Pursuant to the municipal charter of the Town of Plainfield at 24 App. V.S.A. Ch. 131, § 301-305, Ordinances, and Vermont Statutes Title 24, Chapter 59, Chapter 89, Chapter 95, Chapter 129, and Chapter 131 and such other general enactments as may be material hereto, which include the authority to adopt, amend, repeal, charge rates and fines, enforce ordinances and to regulate all aspects of municipally owned water properties and facilities, the Selectboard of the Town of Plainfield hereby adopts the Water System Ordinance as follows and ordains:

The articles provided below set forth the regulations that apply to current or proposed customers of the Town of Plainfield Public Community Water Supply System, WSID 5277. When a customer applies for and is granted water service from the Plainfield Water System, that acceptance represents a contract between the customer and the Town of Plainfield. The customer agrees to take water only for legitimate purposes as described in these rules and at established rates and fees set by the Town of Plainfield.

Article I Definitions

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

1. "Allocation" means the portion of water resource to be assigned to a particular recipient. The minimum portion to be given to any recipient shall be the design flow for a single family dwelling or Equivalent Dwelling Unit, expressed in gallons per day. (See EDU.)
2. "Clerk" means the Plainfield Town Clerk.
3. "Commission" means the Plainfield Water and Wastewater Commission
4. "Cross Connection" means any actual or potential connection between public water supply and a source of contamination or pollution.
5. "Curb Stop" means the on/off valve in the service line usually, but not always, placed at the property line.
6. "Customer" means any person, firm, corporation, trusteeship, government, or governmental subdivision who has applied for and is granted service, or who is responsible for the payment of all rates, fees, interest and other charges.
7. "EDU" means Equivalent Dwelling Unit, used to determine business or industrial water allocation based on design flow of a given business compared (as a ratio) to design flow of a single family dwelling as stated in the VT Water Supply Rule, Chapter 21, Appendix A, Table A2-1; expressed in gallons per day (per bedroom).

8. "Emergency Shut-off" means an immediate water service shut-off due to water leakage between the curb stop and building, excessive use of water, discovery of a directed or unprotected cross connection, violation of special "restrictive use" orders issued by the governing body, or any other situation that could contaminate or significantly deplete the water in the system.
9. "Governing Body" means the Town of Plainfield Water and Sewer Commission as appointed by the Select board of the Town of Plainfield.
10. "Municipal Office" means the offices of the Plainfield Town Clerk.
11. "Owner" means the same as "Customer".
12. "Residential Unit" means a livable abode which includes as a minimum, a kitchen or kitchenette, bathroom, and bedroom or room that serves as sleeping quarters.
13. "Service Area" means the area within the former "Plainfield Village" boundary lines. Outside these boundaries, only existing or previously allocated connections will be serviced except at the discretion of the Commission.
14. "Service Connection" means each single family home, each living unit within a condominium, single rental unit, mobile home, store, or other commercial, educational, or industrial establishment, or other living unit which obtains water from a water system.
15. "Service Line" means the water line from the water main to the building that is served.
16. "Town" means the Town of Plainfield and the duly appointed Water and Sewer Commission of the Town of Plainfield.
17. "Water Department" means the duly appointed Water and Sewer Commission of the Town of Plainfield and their agents.
18. "Water Main" means the water pipe, owned, operated, and maintained by the Town, which is used for the purpose of transmission or distribution of water but is not a water service line.

Article II

Use of Public Water System Required

1. REQUIRED CONNECTION. The owners of all houses, private, commercial, industrial, or other buildings or properties used for human occupancy, business, employment, recreation, or other purposes, located within the Town of Plainfield, abutting on any street, alley, or right of way, benefited, improved, served, or accommodated by any public water service or to which any public water service is available, is required at the owner's expense to install suitable toilet facilities therein

and to connect such facilities directly with the proper public water service in accordance with the provisions of this Ordinance, within 120 days after the date of official notice to do so, provided that said public water service is located within 200 feet of the building on said properties in any location that the water system can maintain a minimum of 40 psi. A separate and independent building water service and curb stop shall be provided from every building. Existing connections without separate curb stops shall be grandfathered, however with change of use or construction projects, the curb stops shall be separated to ensure separate and independent water services exist. Old building water services may be used in connection with new buildings only when they are found, on examination and test by the Commission or their agents, to meet all requirements of this Ordinance and Town Water Policies.

2. APPLICATION FOR SERVICE. Application for new service shall be made in writing at the municipal office. The application shall be made by the owner of the premises who shall be responsible for the payment of water charges and shall pay the application fee. (Town of Plainfield Water System Policies Rates and Fees, Section I Change of Use or New Service Fees). The application, upon completion, will be submitted to the Commission for review. The Commission will notify the applicant of approval or denial of the application within 60 days. An owner may not transfer any unused allocation of water to another party. If an authorized connection is not made within (1) one year of an allocation being granted, that allocation will revert back to the Town. The application fee and any other fees paid are non-refundable.
3. CHANGE OF USE.The following shall constitute a change of use and may require additional water allocation: the subdivision of a lot or lots, construction of a new building or structure, adding additional bedrooms to existing buildings, adding seating in commercial settings, changes from residential to commercial or industrial applications or vice versa, and any other modification of an existing building or structure that increases the design flow or modifies other operational requirements of a potable water supply including, but not limited to, the conversion of a single family residence from seasonal to year round use. Any such change shall be treated as an application for new service and must be reviewed and approved by the Commission to determine if additional allocation and impact fees are required. Approval and payment of all fees are required prior to commencement of construction. For the purposes of this section, commencing construction means any work involving the physical construction or modification of a building or structure and its associated drinking water supply.
4. IMPACT FEES. An impact fee shall be due and payable to the Town Clerk before the service connection is made, and the connection shall only be made after the Commission has issued written approval. An impact fee shall be due and payable to the Town Clerk for a change of use requiring additional allocation as well. The impact fee for each service connection becomes due and payable to the Town Clerk prior to the curb stop being turned on for service, and prior to installation of the building water meter supplied by the Town. (See Article III Section 5, Meters). The

impact fee for any change of use requiring additional allocation shall be due and payable to the Town Clerk prior to commencement of construction or change necessitating increased allocation. The Impact Fee is determined as stated in Town of Plainfield Water System Policies Rates and Fees Section 2, Impact Fee. Water service will not be provided until a meter has been installed and inspected by the Town. (See Article III Section 5, Meters).

Article III Building Water Services and Connections

1. WATER MAIN EXTENSION, PLAN APPROVAL, AND CONSTRUCTION. Any person, corporation, or governing body, desiring to construct an addition to the water system; shall first apply to the Municipal Office using the application forms available there, and include at a minimum: preliminary plans, project description, water demand calculations, hydrants, valves etc. Upon preliminary approval of the application by the Commission, the applicant shall have the final plans and specifications developed by a professional engineer, registered to practice in Vermont, together with an engineer's hydraulic report that is in accordance with current water supply and engineering requirements.

Construction shall not commence until approval of plans has been issued by the State Drinking Water and Ground Water Protection Division and the Commission. Approved plans shall include a Permit to Construction the case of extensions exceeding 500 linear feet and/or Potable Water and Wastewater permit for subdivisions, sewer lines, etc. All work performed by non-municipal agents, such as developers or homeowners, shall remain uncovered until an authorized Water Department representative has inspected the work and indicates satisfaction and acceptance of the work.

When water mains, hydrants, booster pumps etc. are to be constructed, the applicant/developer shall engage a professional engineer to observe the construction to ensure the work proceeds in accordance with the approved plans. The applicant/developer's engineer shall certify to the Commission as to the completeness, suitability and adherence to the approved plans, and shall include submission of record drawings to the municipality within 60 days of acceptance by the Commission.

If the Commission believes that the water main extension is not being constructed in accordance with the approved plans, the Commission may engage a professional engineer to review the work and provide a report to the Commission regarding compliance with the plans. The cost of the engineer shall be the responsibility of the applicant if discrepancies are noted between the approved plans and the constructed water main extension which are unacceptable to the Commission. Any discrepancies noted shall be corrected by the applicant under the observation of the Commission's professional engineer at the expense of the applicant for both engineering observation

and construction correction. The town reserves the right to refuse service if the construction poses a threat to health or violates any part of this ordinance.

2. OWNERSHIP, INSTALLATION AND MAINTENANCE OF SERVICE LINE. The installation of the service line from the water main to the building being served will be at the expense of the applicant including repairs to the roadways, sidewalks etc. All service lines from the water main to and including the approved curb stop shall, after installation by the applicant, be owned, maintained and operated by the Town. All service lines from the curb stop to the building shall be owned and maintained by the building owner. All service lines shall consist of approved materials(See Town of Plainfield Water System Policies Construction Standards, Section 1 Service Lines).The installation work shall be kept open by the owner for inspection and approval by a Water Department representative prior to back filling. Failure to offer adequate inspection prior to backfilling, may result in the Town requiring the new connection and service to be dug up for proper inspection at the owner's expense.
3. WINTER CONSTRUCTION. New service lines or extension of mains shall not be constructed during the period: November 15 to April 15. However, by approval of the Commission and by written agreement of the customer to assume the entire cost, cold weather construction of a service line may be permitted.
4. VALVES, MAINTENANCE, AND PLUMBING. Required valves, meters, tanks and plumbing specifications are listed in Town of Plainfield Water System Policies Construction Standards, Section 2 Internal Plumbing. To prevent leaks and damage, all customers shall maintain at their own expense, the plumbing and fixtures within their own premises in good repair, and provide protection from freezing including those required by these ordinances. The Town may shut off water service if leaks are found or plumbing fixtures within the building could pose a threat to health, water quality, or water supply.
5. METERS.
 - a. GENERAL. Where possible, all water will be sold on the basis of metered measurements. After approval and payment of all required fees for a new service the Commission will supply a meter. The size of the meter will in all cases be determined by the Commission and these rules. When it is impractical to install a meter and on approval by the Commission, a flat rate basis shall be used to establish water charges. The Town may install meters whenever deemed expedient or appropriate.
 - b. METER INSTALLATION. All meters shall be installed as close as possible to the point of entry of the service pipe into the building, and the customer shall provide and maintain a warm and accessible place for the meter. The cost of the standard 5/8" meter shall be borne by the Town. The piping arrangement for meter installations shall be in accordance with the requirements of the Town and these ordinances. The cost of meters larger than the standard 5/8" size shall be the

responsibility of the building owner, over and above the base charge of the standard size meter. All meters shall be installed by a licensed plumber or Town water system operator at the owner's expense. A town representative must inspect and approve the meter installation.

- c. METER VAULTS. When there is no suitable location for a meter inside a building, or when for other reasons it is necessary or expedient to locate the meter outside the building, an underground vault, acceptable to the Town, shall be provided by the customer and maintained at the expense of the customer. The vault shall include a remote reading device.
- d. REPAIRS. Meter repairs and replacements necessitated by ordinary wear will be paid for by the Town. Repairs and meter replacement necessitated by freezing, hot water, or by other causes under the control of the customer will be charged to the customer, including but not limited to the cost of removing and replacing the damaged meter plus the cost of the new meter. (See Town of Plainfield Water System Policies Rates and Fees, Section 5 Service Fees)
- e. TESTING. The Town shall arrange for suitable means of testing its meters. All tests initiated by the Commission will be at the sole expense of the Town. Requests made by the customer require a deposit to cover the expense of running a test, removing the meter, and reinstallation of a meter. If a meter tested at the request of a customer shows the meter does not conform to flow tolerances, the deposit made by the customer will be refunded and a new or re-built meter will be installed. If the meter conforms to the standards of these rules, (Building Water Services and Connections, Section 6, Part b) the customer's deposit will be retained by the Town, and the meter may be continued in use at the same location or a new meter may be installed at the discretion of the Commission.
- f. MULTIPLE METERS. Water shall not be double metered. Each newly constructed apartment building, residential building, business, town house, condominium, or duplex building shall be metered. Apartments, condominiums, duplex buildings, or other multiple allocation buildings may, however, have individual meters for each living or work unit upon request of the owner, but the owner must bear the expense of plumbing change over. In such cases the Commission shall approve the plumbing arrangement prior to the plumbing modification. The Town shall provide standard meters (5/8") at the owner's expense beyond the first meter. If the building plumbing does not meet the State's plumbing code, a connection for service shall not be made. The Commission may permit the owner's licensed plumber to install the meters, but inspection and seal application shall be done by the Town's representative. The purpose of multiple water meter units in a property is to allow the owner to allocate usage to each tenant and does not remove the owner's financial responsibility to the Town. All living or work allocations are the financial responsibility of the owner and the Town will not bill the tenants directly for water usage.

6. CONSUMPTION ADJUSTMENTS.

- a. METER MALFUNCTION OR REMOVAL. If a meter is removed from service, the Commission will make an estimate of the water consumption during the period of removal, or provide a temporary meter. Water consumption estimate will be based on the average consumption for similar periods for the customer, and the charges will be computed accordingly.
- b. ADJUSTMENT. When a meter is tested and a meter error is found to be in excess of 4% an appropriate percentage adjustment shall be made to the metered consumption record of the past billing period, and the portion to date of the current billing period.

Article IV

Use of Public Water System

1. UNAUTHORIZED USE OF WATER. A customer shall not supply water to another party except as permitted by the Town. A customer shall not use water for any purpose that is not authorized by the Town. A person shall not obtain water from any hydrant or other fixture of the Town without the written approval of the Town. Any service connections as defined in this ordinance without a permit will be considered a violation of use and is subject to 24 V.S.A. § 1974a and, shall be grounds for immediate discontinuation of water service until the matter is resolved to the satisfaction of the Town and any and all required disconnection and re-connection fees and fines are paid in full to the Town Clerk. Each day any such violation continues shall constitute a separate offense.
2. RESTRICTION OR PROHIBITION OF CERTAIN WATER USES. When necessary to conserve the water supply, the Town may restrict or prohibit the use of hoses and sprinklers and any other form of non-essential water use or water using device for all customers. Such notice shall be posted in three places in the Town where people generally attend and at least once in a media outlet of the area. Violation of a town notice, directive or order to conserve water by a customer after a verbal reminder by a town representative shall be grounds for immediate discontinuation of service.
3. FLUCTUATION OF PRESSURES BY CUSTOMER'S APPARATUS. No customer shall install a water pump or high rate water consumption device that will or may adversely affect the water system's pressure or operating conditions or use water so as to unduly interfere with the service of another customer. Where a customer has or proposes to install an apparatus that requires water in sudden and/or large quantities, will reduce the operating pressure in the main or service line substantially, or cause damage or inconvenience to other customers, the Commission shall require such customers to install devices or apparatus which will confine such fluctuations of demand and pressure to within reasonable limits determined by the Commission.

4. SAFEGUARDING WATER USING DEVICES INCLUDING SYSTEMS SERVED BY AUTOMATIC MAKE-UP VALVES. All customers with hot water tanks, or secondary systems supplied by automatic make-up valves, shall have installed and maintained in operating condition appropriate vacuum, temperature, back flow, and pressure relief valves to prevent damage to the water device or secondary system or other appurtenances should it become necessary for the Commission to shut off the water main or service line and to protect against loss of pressure for any other reason. Water service supplied to any customer not providing such protective devices will be done at the customer's risk. Accordingly, the Town is not liable for damage done resulting from the lack of or failure of such protective devices as required in this section.
5. DENIAL OR POSTPONEMENT OF SERVICE. The Town may deny or postpone service due to cold weather, or when an applicant outside the service area applies for a water allocation.
6. FIRE HYDRANTS. Fire hydrants may not be used for any purposes other than extinguishing fires, or for such purposes as may be agreed to by the Commission. In no case shall fire hydrants be opened by any person other than an agent of the Town or a duly authorized representative of the Fire Department in the defense against a fire or special training as approved by the Commission.
7. NO LIABILITY FOR INTERRUPTED OR UNSATISFACTORY SERVICE. If, by reason of shortage of supply or for the purpose of making repairs, extensions, connections, placing or replacing meters, or for any other reason beyond the control of the Town, it becomes necessary to shut off water in a main or service line the Town will not be responsible for damage caused by such shut off. No rate adjustment will be allowed unless the interruption is in effect for a continuous period in excess of ten days, in which case a pro-rated adjustment of the minimum base fee will be made on the next billing. Notice of water shut off will be issued when feasible, but nothing in this rule shall be construed as requiring the giving of such notice. The Town will not be responsible for damage caused by discolored water or unsatisfactory water service that may occur by the flushing of mains, cleaning, maintenance, repair of water sources or reservoirs, or the opening or closing of any valves or hydrants, or any abnormal condition, unless caused by the lack of reasonable care on the part of the Town. The Town will not be responsible for meeting unusually high water quality standards for specialized or industrial customers nor will it be held responsible for interrupted service or poor water quality caused by Fire Department personnel or Town representatives using the hydrants.
8. SHUT OFF AND RESTORATION OF SERVICE. Collection fees, disconnection fees and reconnection fees regarding non-payment of water rates shall be charged in accordance with 24 V.S.A. Chapter 129. The Town may shut off water service for violation of special "restriction of water use" notices, excessive water use and to eliminate a public health risk or hazard or continued violations of any part of the water system rules. Any shut off by the Town may necessitate a shut off charge to the

customer. After correction of the cause for the water shut off by the customer, and request by the customer for restoration of service, a turn on fee plus any other required fees will be due and payable before service will be restored. Disconnection of water service for a rule violation shall not be made without a hearing except when such a shut off is necessary to eliminate a health risk or hazard, to rectify an emergency, or fraudulent uses of water.

Article V Protection from Damage

1. PROTECTION FROM PHYSICAL DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the Plainfield Public Water System. Any person violating this provision shall be subject to penalties under 24 V.S.A. § 1974a.
2. TAMPERING WITH TOWN PROPERTY. Tampering with Town property is not permitted. Any valve, pump house, hydrant, water main, service line, reservoir, or any other appurtenant part of the water system, deemed the property of the Town, shall not be adjusted, operated, or tampered with by any person except those authorized by the Commission. If a customer or owner is known to have tampered with any Town property or its works, such action shall be grounds for discontinuance of water service, possible criminal or civil charges, and any cost due to such tampering will be charged to said owner.

Article VI Powers and Authority of Inspectors

1. ACCESS TO PREMISES. Water System employees, contractual agents and members of the Commission, with suitable identification, shall have access to: all premises supplied water, at reasonable hours, for the purpose of inspecting plumbing and fixtures; identification of cross connections; to set, remove or read meters; to ascertain the amount of water used and the manner of use; for the posting or delivery of legal notices concerning billing, payment, service, or any other notice as required; and to enforce these regulations. If a customer or building occupant denies access to the premises, the customer or occupant must immediately arrange for an inspection that will take place within 24 hours, otherwise water service will be discontinued and the established disconnect and reconnect fees will apply. Reconnection shall not be made until authorized municipal representative has been permitted to inspect the premises and finds no valid reason to continue the disconnection of service.

Article VII Penalties

Any person found to be violating any provision of this Ordinance, shall be served by the Town of Plainfield with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, the offender shall, within the period of time stated in such notice, permanently cease all violations.

Notwithstanding the above paragraph, in the event of a violation which, in the determination of the Water Commission and their agents, could cause damage to the water system and/or water treatment plant or impact health and safety in any way, the Water Commission and their agents have the authority to correct any such violations without notice and charge back the costs to the property owner and/or be subject to water shut off pursuant to 24 V.S.A. Chapter 129.

Any person who shall continue any violation beyond the time limit provided by the Commission shall be fined in the amount not exceeding \$500.00 for each violation. Each day any such violation continues shall constitute a separate offense.

Any person violating any of the provisions of this Ordinance shall become liable to the Town of Plainfield for any expense, loss, or damage caused the Town of Plainfield by reason of such violation or expense incurred by the Town in rectifying damage.

Article VIII User Charge System

1. RESPONSIBILITY FOR WATER CHARGES. The owner of the premises, upon accepting service to the property, is responsible for the payment of all charges for water service rendered to the property. The Town Clerk will bill the owner directly and will not bill the occupants if the property is rented or leased. The Town may accept payment from a lessor or renter but that does not remove the owner from the liability of payment for any water bill that comes into arrears. Once connected to the water system, the owner is obligated to pay at least the minimum fee per unit regardless of whether the residence or business is occupied and whether the water service is turned on or off. Any additional use as shown by the meter above the minimum allotted quantity shall also be charged to the owner.
2. BILLING PROCEDURES. Bills will be issued bi-annually based on the calendar year, the amounts of which will be in accordance with the rates shown in the Town of Plainfield Water System Policies Rates and Fees Section 3, Standard Billing. Said bills are due immediately and will be in arrears if not paid by the due date.

Article IX Hearing Board

1. EMERGENCY HEARING. In the event of a discontinuation of service for leaking service, health and safety hazards, town notice to conserve or other grounds for immediate discontinuation of service a hearing shall be held, if requested by the discontinued customer, to determine if the water will remain shut off or be restored. The hearing must be held by the Commission within 5 working days of receiving a written request from the owner.

If the Commission determines the shut off was due to a legitimate violation of one or more ordinances, then shut off and reconnection fees shall apply. If it is determined that no violation occurred, there will be no shut off or re-connection charge and water service will be restored within 24 hours of the determination.

If the Commission determines that the customer violated one or more ordinances and the customer rectifies the problem or agrees to cease or correct the violation, then the water service will be restored within 24 hours of receipt of disconnection and restoration fees. If a second violation of a single notice to conserve or other temporary requirement occurs the water service shall be discontinued, and if determined during a hearing to be in violation a second time, then the water shall remain shut off until the temporary requirement is lifted. Restoration of service will be made within 24 hours of lifting the requirement and receipt of any required payments for disconnection and restoration of service.

If the owner of a building involved in cross connections or other physical deficiency in plumbing and/or materials refuses to eliminate or properly correct the deficiency within a time period established by the Commission, water service will be discontinued. The Commission will take into account the seriousness of the violation in establishing a time period for the owner to make the correction, but in no case shall it exceed 60 days. If service is discontinued due to non-compliance, a hearing will be held by the Commission on request of the affected owner, within five days of the shut off, to determine if the service will remain shut off or if it will be restored. If service is to be restored, the Commission may establish conditions for restoration and shall require payment of disconnection and re-connection fees.

Article X Validity

1. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts. All ordinances or parts of ordinances in conflict herewith are hereby repealed including the Water System Ordinance (Amended September 22, 1997)

Article XI Effective Date


Notice is hereby given the public that the amended ORDINANCE shall become effective on , 2019 unless a permissive referendum is called for in accord with 24 V.S.A. Section 1973, which provides under subsection (b) thereof as follows: "A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than 5 percent of the qualified voters of the municipality and presented to the legislative body of the clerk of the municipality

presented to the legislative body of the clerk of the municipality within forty-four days following the date of adoption of the ordinance or rule by the legislative body.

Any person wishing to examine said amended ORDINANCE may do so at the Plainfield Town Clerk's Office during normal times when the office is open.

Article XII
Adoption

Duly adopted by the Water/Wastewater Commission of the Town of Plainfield,
This 21st day of October, 2019.



Mary Lane, Chair

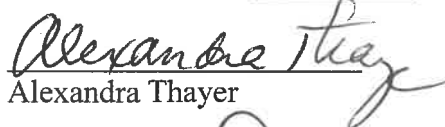


Joshua Pitts

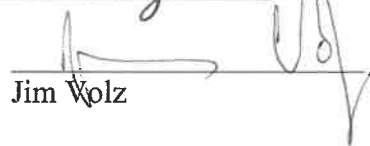


Tim Phillips


After Warning and Discussion at an Open Selectboard Meeting held at the Town of Plainfield Town Offices the Selectboard of the Town of Plainfield hereby adopts the ORDINANCE this 27th day of January, 2020.



Alexandra Thayer



Jim Wolz



Tammy Farnham