

**WATER RULES AND REGULATIONS
FOR THE
WATER DISTRIBUTION SYSTEMS**

Owned by the:

CHAMPLAIN WATER DISTRICT

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RULES AND REGULATIONS OF WATER USE

RULES AND REGULATIONS REGULATING THE USE OF THE PUBLIC WATER SUPPLY SYSTEM, INSTALLATION AND USE OF PUBLIC AND PRIVATE WATERLINES, THE INSTALLATION OF WATER SERVICE CONNECTIONS, METERS, BACKFLOW DEVICES, HYDRANTS, VALVES AND OTHER EXISTING OR PROPOSED COMPONENTS OF THE PUBLIC WATER SYSTEMS OWNED OR MANAGED BY THE CHAMPLAIN WATER DISTRICT AND OPERATED UNDER THE CONTROL OF THE DISTRIBUTION DIVISION OF THE CHAMPLAIN WATER DISTRICT; SPECIFICALLY THE MALLETT'S BAY WATER COMPANY, THE COLCHESTER TOWN WATER SYSTEM, COLCHESTER FIRE DISTRICT #1 AND COLCHESTER FIRE DISTRICT #3, (hereinafter the "water systems") COUNTY OF CHITTENDEN, STATE OF VERMONT, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

The Champlain Water District owns and operates the above referenced water distribution systems as defined in the Environmental Protection Rules, Chapter 21 - Water Supply Rule. Water is purchased from Champlain Water District as the wholesale water supplier and is distributed to users of these public water distribution systems in accordance with water supply permits issued by the State of Vermont Department of Environmental Conservation under the authority granted in 10 VSA, Chapter 47. The Champlain Water District is obligated by law to comply with the conditions of each permit, and to operate and manage the water systems as governmental functions under and pursuant to the Champlain Water District Charter.

The permitted capacity of each water distribution system is determined by the capabilities of the Champlain Water District to treat and transmit, and each water system's capacity to store and distribute water for potable and emergency uses. The permitted capacity of each water system is the property of the water system. Each water distribution system, in a manner described herein shall allocate the Uncommitted Reserve Design Capacity of that water system independently.

The Board of Commissioners of the Champlain Water District hereby ordains and enacts:

ARTICLE I

PREAMBLE

SECTION 1 - DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these Rules and Regulations shall be as follows:

Abandoned Water Service Line - A water service line shall be considered abandoned when the building served by that line is demolished and no building or zoning permits for a building which would use the service line are pending, or, when a new service line has been installed to serve a building and use of the old service line has been discontinued.

Agency - Shall mean a division of the Federal Government or State of Vermont which may have primacy over the regulations governing the operations of the water systems.

Allocation- Shall mean a commitment, issued to an applicant pursuant to these Rules, of a certain number of gallons per day (gpd) from the water distribution system's reserve water storage capacity for use in connection with a land development project. Allocation Fees shall be established by the Legislative Body and shall be due as stated within these Rules and Regulations.

Approved - Accepted by the Champlain Water District as meeting an applicable specification stated or cited in these Rules and Regulations.

Backflow - (1) A flow condition, induced by a differential in pressure, that causes the flow of water or other liquid into the distribution system of a potable water supply, from any source or sources other than its intended source. (2) The backing up of water through a conduit or channel in the direction opposite to normal flow.

Backflow Preventer - A device or means designed to prevent backflow.

Backflow Prevention Assembly-Type - Shall mean any effective assembly used to prevent backflow into a potable water system. The type of assembly shall be based on the existing or potential degree of hazard and backflow condition. The types of backflow prevention assemblies are:

- a. Air Gap (AG)
- b. Atmospheric Vacuum Breaker Backsiphonage Prevention Assembly (AVB)
- c. Double Check Valve Backflow Prevention Assembly (DCV)
- d. Double Check- Detector Backflow Prevention Assembly (DCVD)
- e. Dual Check (DC)
- f. Pressure Vacuum Breaker Backsiphonage Prevention Assembly (PVB)
- g. Reduced Pressure Principal Backflow Prevention Assembly (RPZ)
- h. Reduced Pressure Principal-Detector Backflow Prevention Assembly (RPZD)
- i. Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly (SVB)

Bedroom- Any room within a building or structure that is permitted, used, or serves as sleeping quarters.

Capacity Allocation- Shall mean (a decision of) Reserve Capacity set forth to commit a specified amount of water capacity (measured in gallons per day as described herein) to a specific water service area or areas or specific project.

Capital Improvement- Shall mean significant improvement to public infrastructure having a purchase, lease, construction cost of more than \$5,000 and expected working life of more than five (5) years.

Cellar Stop - The valve installed on the service pipe after it enters the building and before the water meter, owned by the Owner of the building. May also be called ball valve, service gate valve, angle valve, or main valve.

Change of Use - the modification of a use of a building or land, or the replacement of a use of a building or land with another use or uses, or the addition of a use or uses to a building or land, or the cessation of a use or uses of a building or land.

Chapter 21 (or “EPR Chapter 21”) - Shall mean the most current version of the State of Vermont Environmental Protection Rules, Chapter 21 - Water Supply Rule. EPR Chapter 21 applies to all Public Water Systems in Vermont. For clarification purposes, EPR Chapter 1-Wastewater System and Potable Water Supply Rules, are for non-public water systems.

Colchester Town - The CWD owned Public Non-Transient Non-Community water distribution system located in the Town of Colchester centered around the Exit 16 area. Major components in this system are Hercules Drive, Water Tower Hill, and the Colchester Business Park. WSID# 5552

Colchester Fire District #1 - The CWD owned Public Community water distribution system with mixed residential and commercial users located in the Town of Colchester centered around the Saint Michael's College Campus and Fanny Allen Hospital. WSID# 5058

Colchester Fire District #3 - The CWD owned Public Community water distribution system with mixed residential and commercial users located in the Town of Colchester extending from Hercules Drive to the Milton town line, and from the CFD #2 municipal border and East Lakeshore Drive to the Essex Town line. WSID# 5060

Commercial or Industrial Unit - A single, commercial or industrial unit, whether rented or owned by the business or occupant, which has independent ingress and egress or has common ingress or egress with other units within a building or structure, but with separate commercial or industrial facilities. Examples may include, but not limited to, stores located in shopping centers or separate office or condominium units within a single building or structure. A commercial or industrial unit is for use other than residential purposes.

Committed Reserve Design Capacity - The total amount of proposed Development Water Flow (gallons per day, gpd) for all projects/buildings approved by the water system and the State of Vermont for connection to the water system, but not yet consuming water at the time of calculation.

Completed Construction - Shall mean: for a single building: completion of all foundation, framing, siding, roofs and interior improvements; or for subdivision development: the completion of all building on all construction on all lots.

Connection Fee - A one-time fee imposed on applicants for the water systems' cost to fund upgrades, capital improvements, and extensions of the water system in order to maintain capacity for new connections. Said fee is to be paid to the water system prior to connecting to the water system.

Conservation Notice or Order - A notice issued by the CWD or the water system, based on the determination that customary and usual water use will exceed the supply available or compromise fire protection for the time specified in the notice or order.

Contaminant – Means any physical, chemical, biological, or radiological substance or matter in water.

Contamination - Shall mean an impairment of the quality of water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewerage, industrial fluids, waste, etc.

Corporation Stop (or “Corporation”)- A valve for joining a service pipe to a water main. It cannot be operated from the surface.

Cross Connection - Any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water and the other water or liquid of unknown or questionable safety, steam, gases or chemicals whereby there may be a flow from one system to the other.

Curb Stop - The valve that normally terminates the water system's portion of the service line, which is normally located at the highway right-of-way or public water main right-of-way and to which the building's service line is connected to provide water service to the user. It can be operated from the surface.

Customer (see Person)

Department - Shall mean the CWD Distribution Department as the water system's owner/operator.

Design Capacity (or “Permitted Capacity”) - The monthly average daily flow that the water system is permitted for as defined in the water system's Permit to Operate.

Development – The construction of improvements on a tract of land for any purpose, including but not limited to, residential, commercial, industrial, manufacturing, farming, educational, medical, charitable, civic, recreational, and religious uses.

Development Water Flow – The estimated flow calculated using Table A2-1-Unitized Average Day Flows as shown in EPR Chapter 21 (latest edition), as promulgated at the time a water allocation letter is requested. The water systems do not accept historical meter data from another property as an alternative method for determining this flow.

Director - Shall mean the Distribution Department Director of the Champlain Water District or their authorized representative.

Disconnection - The deliberate interruption by the Department of water service to the user.

Disinfectant - Any substance, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms and potential pathogens.

District - Shall mean the Champlain Water District. This is not to be confused with the CWD Distribution Department.

Easement - Shall mean the authorization of a property Owner for the use by another or for a specified purpose, of any designated part of their property.

Excavation - The removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Failed System - Any private water treatment system, such as a traditional well system, that no longer effectively supplies Potable Water.

Fire Flow - The rate of flow, usually expressed in gallons per minute, that can be delivered from a water distribution system at a specified residual pressure for firefighting purposes.

Fire Service - The water service provided to a user for fire protection systems or equipment installed on the property of the User, such as a sprinkler system.

First Come, First Served Basis - Shall mean the review of complete plans and applications for approval of a project in the order in which they are received by the Department.

Functioning System - Any private water treatment system, such as a traditional well system, that effectively provides a source of potable water.

Hydrant, Public- A fire hydrant installed by the water system within public rights-of-way, on water system property or within an easement owned by the water system, or installed by a person other than the water system which has been offered to the water system and accepted by the water system, which acceptance is documented by action of the Director or Legislative Body.

Hydrant, Private- A fire hydrant not constructed by the water system or within the public right of-way, nor on water system property or within an easement owned by the water system, or a fire hydrant that has not been accepted by the Director or Legislative Body.

Includes - Shall not limit a term to the specific examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Industrial Fluids System – Shall mean any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution, or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and "used waters" originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkali's; circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerin, paraffins, , caustic and acid solutions; and other liquid and gaseous fluids used in industrial or other purposes or firefighting purposes.

Independent Water Meter - Shall mean a water meter that measures water that is not discharged into the sanitary sewer system. Possible uses include lawn irrigation system meters, cooling tower meters, and designated pool filling meters.

Irrigation System - A network of piping designed to distribute water on or towards plant life to promote growth.

Legislative Body - The Champlain Water District Board of Commissioners.

Main (see Water Main)

Malletts Bay Water Company – The CWD owned Public Community water distribution system has primarily residential users located in the Town of Colchester along Malletts Bay Avenue, beginning at the Winooski/Colchester municipal boundary on Malletts Bay Avenue and extending north to Abigail Drive. Major neighborhoods served include Colonial Heights, Carriage Hill, Valleyfield Drive, and Farmington Hills. WSID #20333

Manager - Shall mean the General Manager of the Champlain Water District, or their authorized representative.

Manifold - A pipe fitting with numerous branches to convey fluids between a large pipe and several small pipes or to permit choice of diverting flow from one of several sources or to one of several discharge points.

Owner - Any full or part Owner, joint Owner, tenant in common, tenant in partnership, joint tenant or tenant in the entirety with legal title to the whole or part of a structure or parcel of land.

Pathogenic - Causing or capable of causing disease.

Peak Demand - The maximum load placed on a water system measured on an hourly or daily basis.

Permit - A written document issued by the Champlain Water District pursuant to these water Rules and Regulations giving designated person permission to operate and/or construct, alter, renovate or connect to or draw water from the water system.

Permit to Operate - A permit issued by the State of Vermont Department of Environmental Conservation to the water system for the operation of the public water system.

Permitted Capacity (see Design Capacity)

Person (or “Customer” or “User”) - An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, municipal corporation, institution, division, bureau, agency or any entity recognized by law requesting or being provided water and fire protection water from the water system.

Pollution - A condition representing the presence of nonpotable, harmful or objectionable materials in water.

Potable Water - Water free from impurities in amounts sufficient to cause disease or harmful physiological effects, with the bacteriological, chemical, physical and radiological quality conforming to applicable regulations and standards of the Safe Drinking Water Act and the Water Supply Rule, as administered by the State of Vermont, Department of Environmental Conservation, Drinking Water and Groundwater Protection Division.

Premises - Shall include land and building thereon.

Private Street - Any road, lane, or way, intended for vehicular access purpose, which serves a subdivision, or residential, industrial or commercial facility, and is neither owned nor maintained by the municipality. Private streets and hence, private water mains and appurtenances shall be marked as such on final plats. The Planning Commission per the Towns and Cities in which the CWD owns or manages water systems may adopt a street as private.

Property Owner (see Owner)

Public Community Water System – means a Public Water System which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least 25 year-round residents. The Malletts Bay Water Company, Colchester Fire District #1 and Colchester Fire District #3 are all Public Community Water Systems.

Public Non-Transient Non-Community Water System – means a Public Water System that is not a Public Community water system and that regularly serves at least 25 of the same persons daily for more than six months per year. The Colchester Town Water Distribution system is a Public Non-Transient Non-Community Water System.

Public Water System - Any system or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that has at least fifteen (15) service connections or serves an average of at least 25 individuals daily for at least sixty (60) days out of the year. For the purposes of these Rules and Regulations, a Public Water System shall also mean a water system in which all Owners of abutting properties have equal rights and is controlled by a public entity.

Residential - Shall mean water consumption consistent with common household activities.

Reserve Design Capacity - The permitted capacity, as identified in the water system's Permit to Operate, minus the System Water Flow during the preceding 12 months.

Retail Department (or Distribution Department) - The Distribution Division of the Champlain Water District that is responsible for the administration and operation of the water systems owned or managed by the Champlain Water District and who act as the water department for those water systems.

Sampling - The act or technique of selecting a representative part of the water supply for testing and analysis.

Service Connection (or "Service" or "Line") - Each single water pipeline that provides water to an individual residential living unit, a commercial, municipal, or industrial unit from the public water system. The service connection shall start at the corporation stop or tap at the main water line and extend inside the

building to the water meter. All service connections shall be constructed in accordance with Department approved standards. Once installed, the responsibility for maintenance and repairs on the service connection is split at the curb stop or tapping valve between the Owner/applicant and the Department. The Department has responsibility for maintenance from the water system owned main line up to and including the curb stop, which is normally located at the edge of the right of way, or tapping valve. The Owner/applicant has responsibility for maintenance and repairs from the downstream side of the curb stop or tapping valve to the inside of the building with the exception of the water system owned meter.

“Shall/Must” - is mandatory; **“May”** - is permissive. **“Should”** - is suggestive.

Standard Methods - Methods for examination of water and wastewater published jointly by the American Public Health Association, the American Water Works Association or the Water Pollution Control Federation or successor organizations.

Street Right-of-Way: Any public right-of-way set aside for public travel which is accepted or eligible for to be accepted for maintenance by the Town of Colchester, the State of Vermont, or the county if so authorized; or has been dedicated for public travel by the recording of a plat or subdivision which has been approved or is subsequently approved by the Town of Colchester; or has otherwise been established as a public street prior to the adoption of the Town of Colchester land development regulations.

Subdivision - Shall mean a tract of land, owned or controlled by a person as defined herein, which has been partitioned or is intended to be divided for the purpose of sale or lease into two (2) or more lots. A subdivision shall include any development of a parcel of land such as a commercial or industrial complex, multi-family project, planned unit development, or planned residential development.

Substantial Change - A permanent increase in the water use volume from an existing or proposed development or building connection.

System Water Flow - The portion of the water passing through the water distribution system's infrastructure, as measured at the CWD owned master meter vaults, in gallons per day (gpd) on a monthly average daily flow basis for the preceding twelve (12) months.

Tapping Sleeves - A split sleeve used in making a wet connection where a single branch line is to be tapped into a water main under pressure. All taps over two-inches (2”) require a tapping sleeve and valve.

Traverse - To cross via an easement through, or to pass within a Town right-of-way along the edge of, the property in question.

Uncommitted Reserve Design Capacity - That portion of the Reserve Design Capacity remaining after subtracting Committed Reserve Design Capacity.

User (see Person)

Utility Easement - An easement of sufficient width shall be provided in locations acceptable to the water system so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision, typically twenty (20) feet centered over the water main.

Valve Boxes - A metal box set over a valve stem and rising to the ground surface, to allow access to the operating nut for opening and closing the valve. A cover is provided at the surface to keep out dirt and debris.

Water Main (or "Main") - A pipeline used for the transmission or distribution of water to hydrants and service connections, together with such appurtenant facilities as are necessary for the proper operation of the main.

Water Main (Public) - A water main approved for the water system by the Director within public rights-of-way, on water system property or within an easement owned by the District, or a water main constructed by a person which has been offered to the District and accepted by the District, which acceptance is documented by action of the Director or Legislative Body.

Water Main (Private) - Any other water main in the water systems, which are not a CWD water transmission main or distribution main, shall be deemed a private main for the purpose of these Rules and Regulations.

CWD Water Transmission Main - A water main owned and controlled by Champlain Water District.

Water Distribution/Supply System (or "Water System") - Shall mean any publicly owned water system operated as a public utility under a valid State permit to supply water for domestic purposes. This system will include all sources, facilities and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, treat or store potable water for public consumption or use.

Wet Tap - A connection made to a main that is full or pressurized.

Working Days - Shall mean Monday through Friday, excluding legal holidays.

SECTION 2 - ABBREVIATIONS

For the purpose of these Rules and Regulations the following abbreviations shall have the meaning ascribed to them under this ARTICLE. References to standards of the following organizations shall refer to the latest edition of same.

ANSI	American National Standards Institute
ASME	American Society of Mechanical Engineers
ASTM	American Society of Testing and Materials
AWWA	American Water Works Association
CWD	Champlain Water District
DEC DWGPD	Vermont Department of Environmental Conservation, Drinking Water and Groundwater Protection Division
GMWEA	Green Mountain Water Environment Association, Inc.
ISO	Insurance Services Office
P.S.I.	Pounds per Square Inch
NERWA	Northeast Rural Water Association
NEWWA	New England Water Works Association, A Section of AWWA
NFPA	National Fire Protection Association
NPC	National Plumbing Code
VRWA	Vermont Rural Water Association

ARTICLE II

EXTENSION OF THE PUBLIC WATER SYSTEM

SECTION 1 - PERMITS TO CONSTRUCT

It shall be unlawful to construct a water main, service or appurtenance that is to be connected to a water system water main, without the prior written approval of the Director. The Department shall review plans of all proposed water system construction to ensure compliance with Department approved specifications. Any materials and equipment used will meet the most recent version of the "Champlain Water District Specifications and Details for the Installation of Water Lines and Appurtenances", henceforth the "CWD Specifications".

The water system is responsible for the distribution of water from the CWD transmission mains or storage facilities to the tap. For that reason, the water system regulates water distribution main and service line construction, installation, and maintenance.

To comply with DEC DWGPD, Permit to Construct requirements, the Department shall review and comment on plans for a proposed project to ensure the plans meet the CWD Specifications. The Department will provide letters to a project's developer stating whether or not the water system has the water storage capacity to meet the water demands of the project, and whether or not the water system has the ability to provide the quantity, quality and pressures to serve the project, after further evaluation.

A letter will be provided to the developer stating that the Department shall propose to the Legislative Body that the Body accept the project and all of its public infrastructure at such time the project is ready for conveyance to the water system and the project has met all of its various permit and approval requirements. Said acceptance will include the project's water infrastructure as an extension of the water system and the water system will operate, manage, and maintain the system extension in accordance with these Rules and Regulations and State and Federal requirements. The developer shall guarantee that the work done and the workmanship performed, and the materials and equipment used in the construction of the same shall be free from defects and flaws. This guarantee shall be for a period of one (1) year from and after the date of Substantial completion of work. The Owner shall repair or replace as required, promptly and without charge, all work, and materials, or parts thereof, which fail to meet the above guarantee during the one year herein quoted.

Any testing, inspection, or certifications required by the State of Vermont and/or the Department in relation to the new water system infrastructure will be conducted by or under the supervision of the Professional Engineer responsible for the project. All applicable test, inspection, record drawings, and certification results shall be supplied to the Department.

Water shall only be provided upon satisfaction of all applicable State and local standards and upon authorization by the Department. The water system shall be responsible for providing water at adequate quantity and quality in accordance with applicable State regulations and the water system's existing Permit to Operate. Upon authorization by the Department, authorized service to new users shall be covered under and subject to the terms of the water system's Permit to Operate.

SECTION 2 - WATER MAIN CONSTRUCTION

Any water main, which is to be connected to a CWD owned water main or provide water from the water systems' water distribution system, shall be constructed in accordance with the following standards and requirements:

- A. All municipal water extensions, extended for the purpose of development shall be a minimum pipe size of eight (8) inch diameter unless waived by the Director, and shall be extended to the farthest boundary line of the development property at a location within the Town or water system right-of-way or an easement providing for future extension of the system. The Director may require the installation of a pipe size larger than that necessary for a development for just cause and at no cost to the water system.
- B. Public water mains shall be located within the right-of-way limits of public highways in the system, unless the Director and Legislative Body grant written approval for locations of a water main on other property owned by the District or within an easement granted to the water system. Where a water main is to be located in an easement, the easement shall:
 - 1) Be perpetual in duration;
 - 2) Be of sufficient width to accommodate the water main and reasonably needed or anticipated appurtenant facilities, typically twenty-feet (20') wide centered over the pipeline as constructed;
 - 3) Be of adequate scope to allow the perpetual repair, replacement, operation and use of the water main and appurtenant facilities located within the easement;
 - 4) Be sufficiently restrictive to prevent the installation or construction of improvements within the limits of the easement, including landscaping improvements, that would place an unreasonable burden on the District when exercising its rights under the easement;
 - 5) Be defined geographically independent of another utility's easement limit, regardless of whether or not the CWD easement overlaps with another utility's easement.
 - 6) Extend across the entire property to be served to enable continuation of the main across adjoining property; and
 - 7) Act as a bill of sale to convey the water main and appurtenance facilities located in the easement to the water system.
- C. Persons designing and constructing water mains shall use the most recent version of the CWD Specifications. Looping of water lines shall be a design requirement wherever feasible.
- D. The water system or extension of the water system shall not be extended beyond the boundaries of the water system without a formal request for such extension from the legislative body of the municipality in which service is to be provided and approved as such by the CWD Board of Water Commissioners.

- E. The water systems shall not be required to render service where normal system pressures may be expected to fall below thirty-five (35) p.s.i. at the ground level of homes or businesses. Individual booster pump stations shall not be allowed for any individual service connection to any CWD owned or managed water systems, unless installation is approved in writing by the District and VT DEC DWGPD, and includes a properly sized and located air gap, and conforms to VT DEC DWGPD guidelines.
- F. Except in cases of emergency or unseasonably warm weather as determined by the Director, no extension of any water mains or services shall be performed between November 15 and April 1.
- G. A water main shall not be placed in service until the Director issues written authorization of such action. Such authorization will not be issued until, at a minimum, the Director has been provided written certification from a Professional Engineer licensed in Vermont that the water main and appurtenant facilities;
 - 1) Have been constructed in accordance with approved plans and required standards and comply with CWD Specifications; and
 - 2) Have been inspected and tested with results that demonstrate compliance with applicable standards.
 - 3) --Record Drawings as stated in the CWD Specifications have been provided.

SECTION 3 - TESTING AND DISINFECTION OF PIPELINES

All water mains shall be constructed, tested and disinfected in accordance with the CWD Specifications.

All costs for all water, materials, equipment and labor to perform the required installation, testing and disinfections of the pipeline shall be borne by the owner.

From the date the new system is placed into service, until the water main has been accepted by the Department as part of the overall project, the developer will be responsible for any necessary repairs, maintenance, and corrections.

SECTION 4 - WORK INITIATION

No person shall initiate excavation work within the limits of any water system or CWD water main easement on CWD owned water mains without the prior written approval of the Director.

SECTION 5 - PROHIBITED ACTIVITIES DURING CONSTRUCTION

No person shall perform any work or make any modifications or connection to the water system or CWD water main without the prior written approval of the Director.

No person shall operate any valves that are connected to the water system's water mains unless it is done in the presence and under the direction of CWD personnel.

SECTION 6 - WATER MAIN MAINTENANCE

The Department shall be responsible for the maintenance of all water system owned water mains. The Department shall oversee the maintenance or repair of private water mains within the water systems at current rates for labor and material that shall be billed to the private water main Owner.

SECTION 7 - FIRE HYDRANT MAINTENANCE

The Department shall be responsible for the maintenance of all fire hydrants in the water systems. To maintain control of the quality of water as required by State and Federal regulations, and the operability of all fire hydrants within the water systems, the owner of a private hydrant(s) shall agree to a fire hydrant maintenance agreement with the Department. Said agreement shall be recorded in the Town Land Records and shall run with the land and be binding on all assigns, grantees, successors and/or heirs of the Owner/Applicant. The Department shall provide routine service, including flushing, lubricating, flow testing, painting, pumping and leak detection, to private hydrants for a fee as determined by the Legislative Body. If a privately-owned fire hydrant is found to be inoperable and/or in need of repair, the Department shall notify the Owner and the Town Fire Department in writing of the required repairs. All required repairs shall be made by the Owner within 60 days of the notice to the Owner. In the event weather conditions prevent the required repairs to be made within such 60-day period, a reasonable additional time shall be allowed. If the required repairs have not been made within the time specified herein, the Department or its agents may make the required repairs and the Owner shall reimburse the Department for the cost of such work. Any bill which remains unpaid for the period of 30 calendar days or greater shall result in a lien against the Owner's land and shall be subject to collection in the same manner as real property taxes.

SECTION 8 - CONNECTING TO CHAMPLAIN WATER DISTRICT TRANSMISSION MAINS

Persons wishing to connect to or tap a water transmission main owned by CWD must contact the CWD Director of Engineering. Approval may only be granted if the property cannot otherwise be connected to a distribution main and reasonable justification is provided.

SECTION 9 - PRIVATE WATER MAINS AND HYDRANTS

1. The Department shall not maintain any water lines that have not formally been accepted by the Department unless they are designed to Department specifications and are intended to be accepted, as defined below, or the Owner has entered into an annual maintenance contract with the Department, as outlined below.
2. All water lines and appurtenances not located in the public right-of-way (ROW) or public grounds shall be considered private pursuant to these Rules and Regulations and others of the appropriate municipality.
3. All water mains and appurtenances located within an area so designated as restricted or private by the developer shall be considered private.
4. Water lines, fire hydrants, and appurtenances installed at the request of a property Owner in a location that does not directly benefit the water system shall be considered private, unless waived by the Legislative Body.

5. All water mains and appurtenances in new developments which have not had final inspections by the Department, or are still under warranty by the contractor, though not subject to an annual fee, are liable for all other fees or charges of services requested by the developer, until such time as the lines are accepted by the District, pursuant to these Rules and Regulations and other local, state and federal regulations. During such time as the water mains and appurtenances are still under warranty and have not been transferred to the District, no operation of the water main or its appurtenances may take place without the District's approval, and only then under the supervision of the District.

6. A Private Distribution System Maintenance Fee may be established or revised from time to time by the Legislative Body to assess charges to properties that have multiple appurtenances including mains, services, gate valves, fire hydrant gate valves and blow offs in order to maintain the quality of water and pipe work integrity within the private system. The Owner of private water appurtenances may enter into an annual maintenance contract with the Department for the routine maintenance service of water main gate valves, fire service gate valves, and other appurtenances other than fire hydrants which are covered under other requirements in these Rules and Regulations. The routine maintenance service will include gate valve box cleaning, gate valve operation, and blow off operation in accordance with recommended maintenance practices. The Owner shall indemnify the Department from any loss or damage resulting, such as but not limited to: leaking valves, pipes, or appurtenances or discolored water that may directly or indirectly be occasioned by the maintenance of the Owner's water valves and appurtenances, when maintenance is performed in accordance with established guidelines. It shall be the responsibility of the Owner to repair or replace any appurtenance found to be defective, damaged or non-operational as part of the provided contracted maintenance service.

ARTICLE III

BUILDING WATER SERVICE CONNECTIONS

SECTION 1 - APPLICATION FOR SERVICE

No person shall initiate construction work to make a service connection to a water system water main without obtaining a permit from the Department authorizing such connection. Application for a permit shall be made on forms provided by the Department and shall be supplemented by any plans, specifications or other information which the Department deems necessary to review the application. Required application fees shall accompany applications as stated herein. Any person requesting a new water allocation from the water system shall notify the Department at least 45 days prior to the proposed change or connection. No such change or connection shall be made without written approval from the Director as required in these Rules and Regulations.

The allocation request shall be supplemented by any plans, specifications, or other information considered pertinent by the Department. The applicant shall state fully and truly all the purposes for which water may be required and shall submit a new application prior to making any alterations in that purpose. No person shall use water from the water system for purposes other than those stated in such application.

SECTION 2 - CWD CONNECTIONS

The Department shall act on applications for connections to CWD water mains in accordance with procedures established by CWD. Applicants seeking approval for such connections shall be subject to all applicable CWD procedures, requirements, and fees.

SECTION 3 - SERVICE CONNECTIONS

Service connections to CWD water mains shall be subject to the following requirements:

- A. All costs and expense incidental to the design, installation, and connection of the building water service connection from the water main to the building or structure shall be borne by the Owner. The Owner shall perform all necessary excavation from the main to the curb stop and from the curb stop to the building structure. The Owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the water service connection. A new water service charge shall not pertain to the properties already serviced by the water system unless an indirect connection is proposed. An indirect connection is defined as any change in the structure currently being served through an existing connection which will result in additional dwelling units, or in the case of non-residential and tax-exempt space, where such change will result in additional building square footage or an increase in meter size, or the addition of a fire service. All work shall be performed by the Owner at their cost and inspected by the Department prior to connection.
- B. A separate and independent corporation stop and curb stop with approved curb box shall be provided for every building. Where one building stands at the rear of another or on an interior lot and no water system is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the District may allow two services from a single corporation stop, provided each building has a separate curb stop and curb box. Use of an existing single

corporation stop and service line may only be used when found on visual examination by the Department, to be in satisfactory condition and size, and meeting all requirements of these Rules and Regulations. The burden of proof and all expenses incurred by the Department to determine the condition and adequacy of the service line shall be borne by the Owner of said service line. Where fire services are required, there shall be a separate domestic service line and shut-off on the line, outside the building being serviced, in a Department approved accessible location.

- C. The size, depth, alignment, materials of construction of the building water service connection and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of CWD Specifications. In the absence of specifications or in amplification thereof the materials and procedures set forth in appropriate State codes, specifications of the National Plumbing Code, Ten States Standards for Water Main and AWWA Standards, all latest editions, shall apply. Furthermore, the following additional standards shall apply:
1. New type "K" copper shall be used for all service lines up to and including two-inch (2") diameter pipe from the corporation stop to the curb stop. No PVC may be used between the main and curb stop.
 2. Service connections over two-inches (2") shall require a tapping sleeve and valve.
 3. New service lines up to and including one-inch (1") shall be copper from the curb stop to the building unless approved otherwise by the Director. 1-1/2" to 2" service lines shall be of a material as specified in the CWD Specifications. The Department reserves the right to inspect all water service lines from the curb stop to the building.
 - a. The Department shall not be responsible or held accountable for locating any service line between the curb stop and building. Service line locating between the curb stop and building shall be at the discretion of the Department.
 4. All service connections shall be laid at a depth of 6', unless specifically waived by the District.
 5. Service connection taps to the main water line shall only be performed by firms qualified to perform the service connection tap. The qualification of a firm to perform this tap shall be determined by the Department. All taps and all turning of water main valves, hydrants, hydrant valves, and curb stops, owned or to-be owned by the water system shall be done under the direction of the Director.
 6. The CWD Specifications contain additional guidelines for the installation of building service connections.
- D. Prior to any service connection being made to the main water line, the Director or their designee shall be given at least two (2) working days' notice in order that the work can be scheduled for inspection. All service connections will be made during normal workday hours and no connection shall be allowed on Friday, Saturday, Sunday or legal District holidays. If the Director or their designee has not been properly notified and the work has proceeded, the Director or their designee may require the completed work to be uncovered for examination, at

the Owner's expense and/or be prepared to bear all repair costs if problems arise. The property Owner/agent shall agree, as a condition of receiving approval for connection to the water system, to restore the street, sidewalk, curbs, electrical lines, grassed or open areas or other features to their original conditions after the installation of the said water line. The property Owner/agent shall be responsible for obtaining all local and/or state permits required prior to any excavation. Failure to comply with proper restoration of facilities may subject the property Owner to penalties, regardless of whether the installation was performed by the Owner of the property or another party. All excavations for building water service connections shall be adequately guarded with barricades and lights so as to protect the public from hazard. Construction within the Public right-of-way shall only be performed when appropriate permits have been obtained. Construction within the State Highway right-of-way may require a permit from the Agency of Transportation. New service connections will not be made between November 15 and April 1, without prior approval of the District.

SECTION 4 - WATER METERS

All fees and charges shall be paid in full before connecting to the water system's distribution system.

All meters shall be furnished by the water system and shall be installed according to Department specifications under the direction of the Director. The cost of installing meters shall be paid by the property Owner. The water system shall not furnish water through any meter over which they do not have exclusive control.

All service connections shall have water meters that shall be installed as follows:

- A. All buildings connected to the District owned water systems shall be required to have meters installed.
- B. All buildings connected to the Town of Colchester's wastewater system that may not be connected to the water system may be required to have meters installed on the internal plumbing system per Town requirements. Those customers shall not be charged water usage fees while connected to an individual well system.
- C. When required, a meter shall be set inside a meter vault (meter pit, meter box) to assure accurate measuring of all water passing through it. The meter vault shall be constructed in accordance with the CWD Specifications at the Owner's expense, and located on the owner's property in a location approved by the District. The meter vault shall be owned and maintained by the Owner, including all appurtenances except the water meter as defined herein. Access shall be provided to the District for meter inspections, reading, maintenance, and replacement.
- D. The property Owner of all buildings shall be required to perform all interior or exterior plumbing necessary to safely accommodate access to the required water system owned meters, whether or not the plumbing is new or existing. Interior plumbing work shall be completed by or under the direct supervision of a licensed plumber.
- E. The District will provide a meter or meters with remote reader(s) sized based on water usage demand information provided by the Owner or their designee. In addition to the water meter,

the District shall provide the following parts at the owners expense and included in the Water Connection fee, for new meter installations:

1. For 5/8"x3/4", 3/4", and 1" meters: straight or angle meter valve, and one meter tail piece (meter connection, spud), two gaskets.
 2. For 1.5" and 2" meters: meter flanges, two gaskets and bolt packs.
 3. For meters larger than 2", gaskets and bolt packs for each side of the meter.
- F. In the event an Owner desires additional meters within a structure after the water system's meter to further establish usage in addition to the stated requirements, it shall be the Owner's responsibility to purchase, install, read, and maintain these additional meters. The meters shall be approved by the Director prior to installation.
- G. In cases where the Director determines that it is not feasible or in the best interest of the water system to install individual water system owned meters for multiple units, the Director may allow a single water system owned water meter to serve multiple units. The number of water meters required shall be determined solely by the Department.
- H. Additional water system owned meters for the purpose of identifying specific commercial/industrial flows due to the subdivision of an existing building may be installed if approved by the Department. Where such additional water system owned meters are to be used by the Department as a basis for billing, the Department shall install the water meters at the owner's expense at current connections fees as adopted by the Legislative Body.
- I. It is the responsibility of the Department to fix, check or replace defective or non-working water system owned water meters within the water system. The Department will provide normal maintenance of water system owned water meters without charge. It is the responsibility of the Owner to provide the Department safe access to the building and water meter, upon request by the Department, to replace, fix or check the water system owned water meter. The Owner shall take reasonable measures to protect the inside water meter and outside reader from damage. Reasonable space shall be provided around the water meter for accessibility to remove, repair, install, wire, and read the meter. All water meters shall be set horizontally and upright. Water meters shall be set immediately inside the entry point of a building unless waived by the Director. New meters shall be set approximately 18" off the floor, and at least 6" off the wall.
- J. Each meter installed shall be controlled by a curb stop directly associated with the meter unless waived by the Director. Generally, domestic water service connections shall not be supplied from fire sprinkler service connections inside the building. Domestic water services shall have a separate and independent service line tapped on the sprinkler line outside the building with an independent outside shut off.
- K. Water Users must connect all fixtures supplied with water on their premises through the water system owned water meters in such a manner that all water used will be measured.
- L. Failure of a building Owner to provide access to the main valve for water meter repairs, the water meter for repairs, maintenance or upgrade, upon request by the Department, shall be considered a violation of these Rules and Regulations.

- M. In the event any water system owned water meter is removed from any premises at the request of the Owner or for any reason, a service call and reinstallation fee shall be charged by the Department.
- N. Should a water system owned water meter become inoperative between readings, upon investigation and discretion of the Department, the Owner shall be billed at the average amount of the preceding four quarters that the water meter recorded correctly, as determined by the Department.
- O. During construction of any building, and before the installation of a permanent water system owned water meter, a contractor may apply to the Department for temporary water service and the installation of a construction meter. The meter will be provided by the Department prior to water service being turned on. The contractor applying for temporary water service is responsible for all charges for the installation/removal of the meter and the volume of water used during construction.
- P. The Department is currently installing Automatic Meter Reading (AMR) remote readers and radio read meters that enable the Department to read water system owned water meters more efficiently and will allow for water usage reports for many customers. Those customers who refuse to allow the upgrade or installation of an AMR reader or radio read meter shall be assessed a remote reading fee as determined by the Legislative Body when greater than 90% of the water system's water customers have been converted, as determined by Department calculations.

Meter locations shall be readily accessible to Department representatives for meter reading, testing, and maintenance without prior notice to the Customer so long as such access is consistent with regular meter reading, testing and maintenance activities. Failure to allow such access shall be considered a material failure to comply with these Rules and Regulations.

SECTION 5 - INTERNAL PIPING

The Department may require appropriate tests and repairs be made to the pipes and appurtenances and the Owner or their agent, at their expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and repairs and shall remove or repair any defective materials when so ordered by the Department. The Department reserves the right to demand any unmetered use, whether intentional or unintentional, be corrected within a reasonable period of time. The Department may send an estimated bill for unmetered water to the Owner. Should the property have a change in use and either an increased or decreased water demand, the Department shall install an appropriately sized meter to accurately meter the change in use water flows, at the Owner's expense. The owner or their agent at their expense shall modify all necessary plumbing components to fit the new system owned water meter.

SECTION 6 - OWNERSHIP RESPONSIBILITIES

The water system owns and is responsible for maintenance and repair of water service connections from the water system owned main line up to and including the curb stop, as well as the water system owned water meter. Only a Department employee may operate, repair, replace, remove, or modify those items. Cost and repairs to, or replacement of cellar stops, internal piping, backflow preventers, pressure regulators, and check valves shall be the responsibility of the Owner. The Owner is responsible for the

service line from the curb stop or valve to the building and for all internal plumbing except for the water system owned water meter.

Once installed and accepted, that portion of the service line from the water system owned main to and including the curb stop shall be the responsibility of the water system. All repairs and required replacements of the service line as determined by the District from the water system owned water main to the curb stop are to be performed by the District or its designee, at the District's expense, except that replacements of a water service line with a service pipe of a larger diameter shall be at the expense of the property owner.

All repairs and required replacements of the service line from a water main owned by others (private) to the curb stop or building shall be the responsibility of the Owner of the property served by the service line. The Department will neither perform the work nor pay for same. All charges associated with inspecting the repairs and replacements of private service lines shall be billed to the Owner by the Department.

In cases where the water system owned water distribution main or service line is damaged, the party responsible for the damage shall be required to make repairs to the damaged line and shall be responsible for all costs associated with said repairs.

Water service lines that have only a tapping valve connected to a water system owned water main, controlling the flow of water through the line to the building shall only be owned and maintained by the water system from the system owned water main up to and including the tapping valve. All costs associated with the repair and maintenance beyond the tapping valve, including any downstream piping and valving, even if said infrastructure is located within the public right-of-way shall be borne by the Owner.

It shall be unlawful for any person other than those authorized by the Director to turn water on or off at the curb stop or gate valve.

It shall be unlawful to remove any seal or connecting pin from a valve, meter, or appurtenance.

A cellar stop shall be installed before the water system owned water meter and a second valve installed on the opposite side of the meter so that the meter can be isolated. The Owner shall be responsible for all costs associated with the purchase, installation and repair of such valves. No bypass lines shall be installed around the water system owned water meter without approval of the Director. A new water system owned water meter shall not be installed without a pressure regulator and approved backflow preventer on new construction or new internal plumbing. The full cost of those devices shall be the responsibility of the Owner. Owners of buildings that do not currently have appropriate shutoff valves and pressure regulators are encouraged to install them.

All abandoned water service connections shall be disconnected from the water main. Proper disconnection of a typical water service line includes at a minimum closing the corporation stop at the main, disconnecting the service line and installing V-Bio Poly wrap around the service tap assembly and main. The cost of all said work shall be borne by the property Owner. Abandonment of a water service connection controlled by a gate valve shall be done at the downstream side of the gate valve. The cost of all said work shall be borne by the property owner.

A pressure regulator and recommended associated plumbing devices, including any required backflow prevention devices, shall be installed after the water meter but before the first fixture in the building.

SECTION 7 - LOSS OR DAMAGE OF EQUIPMENT

In cases of loss or damage to the water system owned water meter, remote reader, or equipment supplied by the Department, the customer shall be liable for the costs of repair and/or replacement of the water system owned water meter, remote reader, or equipment. Such charges shall include the labor costs of removing, repairing or replacing the water system owned water meter, reader, or equipment.

SECTION 8 - PRIVATE INDIVIDUAL WATER SYSTEM

Customers with private individual water systems that are planning to connect onto a water system water service connection, shall first disconnect from the private individual water system. This disconnection shall be made before water system water service begins so that water from the private individual system cannot feed back into the water system's distribution system. The Department reserves the right to inspect premises at any time for compliance with this section. The use of pumps at a customer's premises, which pumps are connected in any way to the water system, is prohibited except upon the prior written consent of the Department. In no instance shall any pump use be allowed to interfere with the quality of service to other water system customers, and/or where the possibility of damage to piping of the water system or other customers could occur. The use of any pump at a customer's premise, shall automatically require the installation of a backflow device, type to be determined by the Director or their designee.

SECTION 9 - ONSITE WELLS

Onsite wells will not be permitted for new construction where the water system water supply is reasonably available, unless waived by the Director. The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes that require interior plumbing, situated within the water system service area and abutting any street, alley, or right-of-way in which there is located a water system water line, is hereby required at their own expense to connect such property to the water system main within one hundred and eighty (180) days of official notice to do so, unless specifically exempted from this provision by the Legislative Body. Such notice may be given in the event of a situation that may affect the health of water system residents.

SECTION 10 - CROSS CONNECTION PROTECTION

No water service connection to any premises shall be installed or maintained by the Department unless the water supply is protected as required by the most recent version of these Rules and Regulations and the Rules and Regulations for the Control of Cross Connections Within the Champlain Water District Owned Water Distribution Systems. Service of water to any premises shall be discontinued by the Director if a required backflow prevention assembly is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premise. Service will not be restored until such conditions or defects are corrected.

SECTION 11 - SEASONAL SERVICE

Seasonal water service shall be supplied primarily from April 15th to November 1st depending on frost conditions and weather. Seasonal water customers are responsible for winterizing their water service line. The Department shall only install or remove the seasonal meter, and turn water off or on at the curb stop when requested by the Owner. Curb stops shall be accessible to the Department per these Rules and Regulations.

SECTION 12 - METER TESTING

A meter test fee shall be charged against the customer's account for those who request that their water system owned water meter be removed and tested. The customer shall be informed of this charge prior to the removal of the water meter for testing. The customer shall not be charged for a meter test if the meter is found to be registering fast, outside of AWWA standards in all flow test conditions.

SECTION 13 - WATER ALLOCATION

A. Ownership of Capacity

The Champlain Water District owns the water distribution and storage systems stated in these Rules and Regulations and CWD policies. Each water system is obligated to comply with conditions put forth by the Department of Environmental Conservation Drinking Water and Groundwater Protection Division as it relates to water distribution and water storage requirements.

The capacity of each of the water distribution and storage systems is the property of the Champlain Water District.

A property's water allocation ceases to exist and is removed from the Committed Reserve Design Capacity list once the property is connected to the water system. Once connected, the property's demand (or usage) becomes part of the water system's average day demand. Owners of an existing service connection that are proposing a change in use/demand can take the service connection's average day usage from meter readings and base future usage demands and analysis and proposals on historical water usage plus the proposed requested allocation resulting from the proposed change of use. Typically, the last three years of metered usage will be used to calculate average day usage.

B. Reserve Capacity Allocation and Approval Phases

All allocations shall be based on the project's Development Water Flow calculation. Any differential between actual flow once connected and the calculated Development Water Flow is not available for reallocation for another project or for future project expansion.

Persons seeking an allocation from the water system's Uncommitted Reserve Design Capacity shall complete and receive the following two (2) approvals from the Department. A project shall not become part of the water system's Committed Reserve Design Capacity list until both approvals have been obtained

1. Ability to Serve Water Determination
2. Final Capacity Allocation approval

The Department shall strive to review and approve projects on a first come, first served basis. However, the Department retains the right to review applications on other than a first come, first served basis if the Department deems such action is in the water system's best interest.

C. Ability to Serve Water Determination

Applicants shall apply to the Department for an Ability to Serve Water Determination on the appropriate form. Such application shall:

1. Be accompanied by a calculation of the Development Water Flow to be generated by the project/development;
2. All calculations over 1,000 gallons per day (gpd) shall be certified by a Vermont registered Professional Engineer, unless waived by the Director. Allocations over 1,000 gpd will also require an Ability to Serve Letter from CWD Transmission Department.
3. Include payment of Preliminary Capacity Allocation fees if any, as set forth in the Rates and Fees Schedule.
4. A projection of the time period for completion of the land development project, and if phased over more than one year, a projection as to the number of units to be connected to the water distribution system,

Upon receipt of the application for an Ability to Serve Water Determination with supportive documents, the Director shall make a preliminary determination regarding allocation of Uncommitted Reserve Design Capacity. The Director shall award an Ability to Serve Water Determination upon making affirmative findings that the water system has sufficient Uncommitted Reserve Design Capacity, as of the date of the application, to accommodate the Development Water Flow for the proposed development without exceeding the water system's permitted capacity or impacting the current water system users.

An Ability to Serve Water Determination shall not constitute a binding commitment of capacity to the applicant and may be revoked by the Director before a Final Capacity Allocation is granted if Uncommitted Reserve Design Capacity ceases to be available. An Ability to Serve Water Determination may be used by the applicant to document that as of the date that the Ability to Serve Water Determination was obtained, the proposed development has sufficient water capacity available to proceed through the development review process.

D. Final Capacity Allocation

An applicant who holds an Ability to Serve Water Determination may apply for final capacity allocation approval by submitting the following documentation and fees:

1. Final design drawings and specifications for connection to, and if necessary, the extension of, the water system; and
2. Site Plan, Conditional Use and/or Variance Approval(s) from the Town Zoning Department (if such approvals are the only approvals required besides a Zoning Permit); or
3. Final approval for a Subdivision or PUD from the Town Zoning Department, if such approvals are the only approvals, in addition to a Zoning Permit, that are required for the proposed development; or

4. A Zoning Permit if that is the only approval required for the proposed development under any zoning and subdivision regulations then in effect; or
5. Does not require any approvals under any zoning and subdivision regulations then in effect.
6. Payment of Final Capacity Allocation fees shall be due upon issuance of a building permit approval from the Colchester DRB.

Upon receipt of an application and fees for a Capacity Allocation, the Director may grant a Final Capacity Allocation approval upon determination that the applicant has an Ability to Serve Water Determination, which has not expired or been revoked, all fees have been paid, and that there is sufficient Uncommitted Reserve Capacity available for the development and that the proposed use of the water allocation complies with the allocation priorities and principals and is not in conflict with any other enactment adopted by the Legislative Body. Final Capacity Allocation approval shall constitute a binding commitment of water capacity to the applicant subject to the applicant's compliance imposed on such allocation and subject to the allocation's expiration date. The Final Capacity Allocation shall specify the allowed volume and any other characteristics determined appropriate by the Director as well as the final capacity allocation approval's expiration date.

Final Capacity Allocation is not transferable to any other person or development, except a legally binding successor in interest of the development for which the allocation has been granted. Final Capacity Allocation shall run with the land and the specific land development plans referenced in the applications and shall be binding upon and inure to the benefit of said lands, their heirs, successors, and assigns until the allocation's expiration date.

Once the Final Capacity Allocation approval has been obtained and the appropriate Connection Fee has been paid (see subsection, below), the project's construction of the connection and, if necessary, the municipal water extension, may proceed. All construction of water-related infrastructure must be continuously overseen by a Vermont registered Professional Engineer to ensure compliance with the plans and specifications and good construction practices in a manner acceptable to the Department and in conformance with approved specifications.

E. Expiration of Final Capacity Allocation

A project's Final Capacity Allocation shall expire on the first to occur of the following events, unless prior to such date the development for which the allocation has been granted has commenced drawing water:

1. Any applicable zoning permits have expired and/or
2. Twenty-four-months (24) from the date the Final Capacity Allocation was granted for any development, regardless of whether or not said development required approval under town zoning subdivision regulations. The applicant may apply to the Director to extend the Final Capacity Allocation for a period of twelve-months (12) from the date of expiration of the Final Capacity Allocation. The Director may approve of the requested extension if the project's proposed use of the water allocation continues to comply with the allocation priorities and principals and is not in conflict with any other enactment adopted by the

Legislative Body. The Director may similarly grant additional extensions. Upon expiration of the Final Capacity Allocation or any portion thereof, the remaining capacity shall revert to the water system and there shall be no refund of fees.

F. Connection Fee

An applicant having a development project involving a single use or unit shall pay one-hundred percent (100%) of all Connection Fees after Final Capacity Allocation approval has been obtained and before any connection is made to the Water Distribution System. An Applicant having a development project involving multiple dwellings shall pay a Connection fee at the time of request for a water meter.

ARTICLE IV

USE OF PUBLIC WATER SUPPLY SYSTEM

SECTION 1 - PRIMARY USES

The primary uses of the public water supply system shall be for the supply of potable water to all connected users for residential, commercial, institutional, agricultural and industrial consumption and fire protection for structures within the area served by the water distribution system.

SECTION 2 - AUXILIARY USE OF FIRE HYDRANTS

Auxiliary use of the public water system, such as using hydrants to fill swimming pools, and the like shall only be permitted when such uses are approved by the Director and not in conflict with the primary uses under Section 1 of this Article. Flooding ice rinks from hydrants is not considered an auxiliary use.

SECTION 3 - HYDRANT USE

Except for hydrant use by Fire Departments in fighting fires or practicing for firefighting, or Department use, all use of hydrants in the water systems, shall require prior approval and issuance of a Hydrant Use Permit. The fee schedule is as set forth by the Legislative Body. The applicant shall be responsible for providing the necessary hoses. The Department shall be responsible for attaching and disconnecting hydrant nozzle gate valves, water meters and backflow devices as required. Water drawn from any fire hydrant shall be considered non-potable and therefore not normally used for human consumption without further recommended testing.

Hydrant Use Permit holders shall be financially responsible for the damage to any hydrant, meter, gate valve, and/or backflow device, caused by the permit holder or their agent's failure to protect said equipment during use. The Hydrant Use Permit holder shall also be financially responsible for the loss of said equipment. The Hydrant Use Permit holder shall be responsible for property damage associated with use of the fire hydrant.

SECTION 4 - DEPARTMENT RIGHTS IN EMERGENCIES

In the event of an emergency the Department shall have the right to:

1. Temporarily cut off water supply in order to make necessary repairs, connections, etc. While it is the intention to give notice in advance of planned work that may necessitate interruption of the supply, notice is to be considered a courtesy only, and not a requirement on the part of the Department. In the case of a break in a pipeline, water may be shut off without notice to perform emergency repairs.
2. Reserve sufficient supply of water in storage tanks to provide for fires or other emergencies, and restrict and regulate the quantity of water used by customers in case of scarcity or whenever the public welfare may require such restriction or regulation.
3. Prescribe any temporary regulations as necessitated by emergency conditions.

4. Deny requests for new connections and uses until sufficient reserve capacity is available.
5. In the event that a break or leak develops on a customer-owned service line, the customer shall be responsible for the repair. If the customer refuses or fails to make necessary repairs to a broken or leaking service line within 24 hours, water service shall be terminated until such repairs are made. Water service may be terminated as a result of a break or leak in any service line at any time when it is determined by the Director that a significant amount of water is being lost, the potential for property damage exists, or health and safety is threatened.

SECTION 5 - LIABILITY

While it is the intention to give reasonable notice in advance of any work which must be done that will necessitate interruption of the supply, such notice is considered a courtesy only, and not a requirement of the Department. Failure of a tenant or customer to receive notice of interruption of service shall entail no liability on the part of the Department or its employees. Customers should install all appliances and equipment connected with the water system in such a manner that damage will not occur if the water is shut off without notice.

The Department shall not be liable for any injury, loss or damage of whatever nature occasioned by the failure to maintain a constant uniform pressure within the water mains, leakage of hydrants, pipes, or other appurtenances, or for damages occasioned by or growing out of a stoppage of said water by frost or other causes, or by any interruption of the supply of water outside the control of the water system except for willful default or negligence on its part, or for damage occasioned by or growing out of an insufficient supply of the same, or for accident or damage of any kind caused by or growing out of the use or failure of said water.

The Department shall not be liable for any loss, cost of damage or expense to any person and/or property resulting from the use or presence of municipal water service or appurtenance located on the customer's premises.

SECTION 6 - DIRTY WATER

The District shall not be responsible for damage caused by dirty water, which may be occasioned by the cleaning of pipes, water main breaks, repairs, installations, or the opening and closing of gate valves or hydrants, or other maintenance or repair activity when said work is done with reasonable care on the part of the Department.

SECTION 7 - WATER QUALITY EMERGENCIES

In case of a water quality emergency, the Department, in accordance with EPR Chapter 21 Water Supply Rules, shall notify the consumer immediately. While the Department is ultimately responsible for water quality to the "last tap" on the municipal system, the last tap shall be considered the last point on the system where water enters into a building and is registered at a water system owned water meter. Credit shall not be issued for the minimal use of water that is not fit for consumption by human or animal. Water quality notices shall be lifted only after the requirements of EPR Chapter 21 Water Supply Rule have been achieved.

SECTION 8 - PRIVATE HYDRANTS AND FIRE SERVICE CHARGES

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

SECTION 9 - POOL FILLING

Property Owners shall be encouraged to fill swimming pools from house spigots and not from hydrants whenever possible. If it is determined that it is not feasible to fill a swimming pool from a house spigot and a nearby hydrant is available for this use, then the property Owner may fill from that hydrant provided:

1. The hydrant shall only be used to fill a new pool or a pool that has had a new liner installed. "Topping off" a pool from a hydrant shall not be permitted.
2. The Department shall be notified no less than two (2) working days prior to the pool filling.
3. The property Owner shall be responsible for paying the current Fire Hydrant user fee in advance in addition to the current water rate for all water that passes through the hydrant meter.
4. The hydrant must be in a location so that the hose line does not cross any roads or drives in order to reach the pool.
5. The property Owner shall be responsible for obtaining all hoses necessary to extend from the hydrant to the swimming pool.
6. The pool filling shall only take place between 8:00 AM and 2:30 PM, Monday through Friday.
7. The property Owner shall be responsible for all property damage incurred with the use of the hydrant for pool filling.
8. The Department shall not be held responsible for any discolored (rusty) water discharged into the pool.

If the above criteria can be met then the Department shall install a hydrant nozzle gate valve, hydrant meter and back flow prevention device with a two-inch male nipple (IPS). The Department shall flush the hydrant until the water appears satisfactory, close the hydrant nozzle gate valve and take a start reading from the hydrant meter. The property owner or pool company representative shall connect all hoses and open the 2" IPS nipple to fill the pool. At the completion of the filling, the property Owner or pool company representative shall close the hydrant nozzle gate valve, disconnect the hose, and notify the Department that the pool filling is complete. The Department shall close the hydrant and take a final reading on the hydrant meter to determine actual usage for the pool filling. The property Owner shall then be billed for the amount of water used during the pool filling process.

SECTION 10 - CONSENT TO RULES AND REGULATIONS

These Rules and Regulations shall constitute a part of the contract between each User and the water system. Each User of the water distribution system shall be bound by these Rules and Regulations and all subsequent changes and amendments thereto. The User's application for water service or, in the case of existing connected properties, the User's use of the water distribution system, shall be considered the user's consent to be bound by these Rules and Regulations.

Failure to know the information provided within these Rules and Regulations will not excuse the User from the consequences of neglect of them.

Whether or not a signed application for water service is made by the customer and accepted by the water system, the rendering of service by the water system and its use by the customer, shall be deemed a contract between the parties, subject to all provisions applicable to service as stated herein.

ARTICLE V

PROTECTION FROM DAMAGE

SECTION 1 - INTENTIONAL DAMAGE

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment that is part of the Public Water Distribution system. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in Title 13, Section 3701 of the Vermont Statutes Annotated. Any person violating this Article on conviction thereof shall be fined a maximum amount allowed under State Statute for each violation.

SECTION 2 - REPAIR OR REPLACEMENT

Actual repair or replacement costs shall be charged to the Owner or operator of any motor vehicle which has caused such damage to any fire hydrant, blow off, or appurtenance. Hydrants, valves, curb stops, and standpipes shall not be tampered with or opened or closed by any person except Department employees or authorized persons.

SECTION 3 - INTERFERENCE

No person shall remove, carry off, or in any way, injure, interfere, meddle with any fire hydrant, fire plug, standpipe, valve, valve cover, curb stop, curb box, curb box cover, pipe, tool, apparatus, meter, meter reader, fixture, building, machinery or fence belonging to the water system. No person shall by any means obstruct access to any curb stop, gate valve, water main, water service, hydrant, meter pit, or other appurtenances within the water distribution system. No fire hydrant shall have access obstructed by placing or permitting snow, debris, landscape plantings, building material, or other obstructions on or about a hydrant.

SECTION 4 - CONTAMINATION

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

SECTION 5 - UNAUTHORIZED FIRE HYDRANT USE

No unauthorized use of any fire hydrant within the water distribution system shall be permitted. Any person found to be in violation of this Section may not be granted a hydrant permit within the water distribution system in the future. Any person or firm found to be in violation of this Section shall be charged for a minimum water use fee and the hydrant hook on fee, and all civil or criminal penalties allowed.

SECTION 6 - WASTEFUL CONSUMPTION

No person shall permit water from the water system to run to waste through any fixture for any purpose, that causes wasteful consumption without the prior approval of the Director. The Department shall restrain and prevent any and all waste of water to that end, and may, when necessary, turn off water or take such other action, as in its judgment, appears proper.

SECTION 7 - WATER CONSERVATION

It shall be a violation of these Rules and Regulations for any customer to violate a water system or Champlain Water District Conservation Notice or Order.

Upon a finding by the water system, CWD, DWGPD, or the Vermont Department of Health that there exists an actual, potential or anticipated threat to the potability, sufficiency, quality, quantity or integrity of the Public Water Supply System, including its tributaries and sources, the District may direct one or more of the following water conservation measures for all consumers of the water supply:

- 1) A voluntary conservation request seeking the restriction, curtailment or cessation of non-essential water use, including but not limited to, motor vehicle washing, lawn, garden and landscaping watering, street and exterior building cleaning, filling swimming pools, agricultural irrigation, and industrial processing.
- 2) A prohibition against watering yards and vegetation, washing motor vehicles and mobile equipment, cleaning outdoor surfaces and buildings, operating ornamental fountains and water-consuming displays and the filling or topping off of swimming pools. This prohibition shall not apply to commercial enterprises or watering of food crop trees.
- 3) An emergency Water Conservation Notice prohibiting the use of water for any activity specified under subsection (1) hereof, and/or limiting the quantity of water to be used on any premises directly or indirectly connected to the water system.
- 4) A mandatory Water Conservation Order prohibiting the use of water for any purpose other than to prevent an immediate and serious health hazard.

Notice of any water conservation measure adopted herein shall be disseminated immediately through the local media and local electronic sites. In addition, such notice may be served upon the occupants of all commercial and industrial premises connected directly or indirectly to the water distribution system.

SECTION 8 - WATERLINE MARKOUTS

Except in cases of emergency, an Owner/permittee shall notify the Department at least 7 calendar days before the start of any excavation in order to allow ample time for the Department to mark out its owned buried utilities, if any, in the area of the work. It shall be the responsibility of the Owner/permittee to coordinate with all other utilities affected by the work and to provide notification to "Dig Safe" and/or other utility locating services as required by Vermont Law. The Department marks out only the locatable utilities belonging to the water system. The Department does not mark out telephone, electric, cable TV, or any other pipes, cables or conduits.

The Department shall not be responsible or held accountable for locating any water lines the water system does not own. Service line locating between the curb stop and building shall be at the discretion of the Department.

SECTION 9 - PROTECTION FROM FREEZING

When, in the opinion of the Director, extended cold weather increases the risk of a water system water main or service line freezing, the Director may authorize or request certain users to let water run in order to minimize such risk. The Department shall keep a list of such users. When so authorized, the water bill and any applicable municipal sewer bill, as determined by the District and sewer utility, for that usage period will be adjusted to reflect the amount of water estimated to have been used for the purpose of freeze-up prevention.

Water users who have experienced customer owned service line freezing may request to the Director for authorization to let the water run as noted above. No adjustment of billing will be made for water left running to prevent freezing of any pipes other than the water system owned water service line.

ARTICLE VI

POWERS AND AUTHORITY OF INSPECTORS

SECTION 1 - PERMISSION TO ENTER

The Director and other duly authorized employees of the Department bearing proper credentials and identification shall be permitted to enter all properties containing a water system owned water meter with fair notice to the building Owner, resident or occupant, at reasonable hours, for the purposes of inspection, meter reading, replacement or repair, observation, measurement, sampling, and testing and maintenance in accordance with the provisions of these Rules and Regulations. If a property Owner, resident or occupant denies the Director or other duly authorized employees of the Department access after reasonable notice has been provided to the property Owner, resident or occupant, the Director may direct disconnection on forty-eight (48) hours written notice to the Owner, resident or occupant. Once water service has been disconnected it will not be restored until access has been provided and the Department has been paid all applicable charges.

SECTION 2 - WORKING ON PRIVATE PROPERTY

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

SECTION 3 - ENTRY ONTO EASEMENT PROPERTIES

The Director and other duly authorized employees of the Department bearing proper credentials and identification shall be permitted to enter all private properties through which the water system holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, calibration, and maintenance of any portion of the water system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved. Failure to allow such access shall be considered a material failure to comply with these Rules and Regulations.

SECTION 4 - PROCESSING INQUIRIES FOR WATER USERS

The Department shall have the authority to inquire into any processes, including but not limited to: metallurgical, chemical, oil, refining, ceramic, paper or other uses beyond the water meter or backflow prevention device that may have a direct bearing on providing safe, potable water to its Users. It shall be the duty of every person supplied water by the water system to answer inquiries made by the Department or its agents in regard to quantity, purposes and manner in which the water is used on the premises.

SECTION 5 - VIOLATIONS

The Department shall have the power to withhold the water supply from any person failing or refusing to comply with any provision of these Rules and Regulations, or any orders, payment of service fees, or other requirements of the Department. The Department, after finding that a User of the water system's water is violating any provision or requirement of these Rules and Regulations, can cause the water to be shut off, and to remain off from the premises of such User, until such User of the water system's water shall have fully complied with such provisions, orders, requirements, and these Rules and Regulations.

ARTICLE VII

PENALTIES

SECTION 1 - VIOLATIONS

These Rules and Regulations constitute a civil ordinance. Any violation of these Rules and Regulations, except as set forth in Section 2 below, may be pursued as a civil violation utilizing the civil ordinance enforcement procedures set forth in 24 V.S.A. Chapter 59. Any person who violates a provision of these Rules and Regulations or who violates any condition of a permit issued hereunder shall be subject to a civil penalty of up to \$800 per day for each calendar day that such violation continues. Any law enforcement officer or the Water Department Director may act as an Issuing Municipal Official and issue and pursue before the Judicial Bureau a municipal complaint for any violation of any provisions of these Rules and Regulations. Each calendar day a violation continues shall be considered a new violation.

In such civil proceedings, an Issuing Municipal Official is authorized to recover a waiver fee, in lieu of civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First offense	\$100
Second offense	\$250
Third offense	\$400
Fourth offense	\$550
Fifth offense and subsequent offenses	\$700

The total number of offenses shall accumulate on a calendar year basis.

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each contested violation:

First offense	\$160
Second offense	\$320
Third offense	\$480
Fourth offense	\$640
Fifth offense and subsequent offenses	\$800

The total number of offenses shall accumulate on a calendar year basis.

SECTION 2 - NOTICE OF VIOLATION

The Department shall, at its discretion, provide any person found to be violating any provision of these Rules and Regulations with written notice stating the nature of the violation and providing a reasonable time period for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, correct the violation.

ARTICLE VIII

RATES

SECTION 1 - AUTHORITY TO SET RATES

The Legislative Body shall have the authority to establish rates, including water usage rates, water allocation fees, service connection fees, hydrant use fees, user fees, turn on/shut off fees, and other similar fees to defray the costs of planning, design, construction, operations and maintenance of the water system. The rates shall be established at an open meeting of the Legislative Body.

SECTION 2 - CONNECTION FEES

All new Users shall pay a Connection Fee after all Ability to Serve Water Determination and Final Capacity Allocation approvals have been obtained but prior to commencing construction to connect to the water system. The water service Connection Fee is a one-time charge implemented to defray the costs of administering and monitoring the new connection. It includes fees to defray the water system's past, current and future costs of providing potable water and water for fire protection to the customer. Other infrastructure assessment fees may be added to recover system investments as authorized by the Legislative Body.

SECTION 3 - HYDRANT USE FEE

In conjunction with the approved use of a hydrant within the water system (not including District Departments and fire department's while fighting or practicing the fighting of fires) applicants shall pay a Hydrant Use Fee to the Department. In addition to payment of the Hydrant Use Fee, the applicant shall be responsible for payment of usage fees for all water taken from the hydrant either as measured at the meter or a minimum charge, as determined by the Department. All hydrant use must be completed during normal Department working hours so as to allow adequate time for shut down and retrieval of the meter and equipment. The Director may approve hydrant use in excess of the standard one-day period if such use is determined not to be in conflict with any Article of these Rules and Regulations.

Any outstanding balance due for water charges from a requesting person or firm shall be paid in full prior to connecting a hydrant meter to any hydrant within the water systems.

SECTION 4 - WATER USAGE FEES

A water usage fee shall be paid by all Users of the water system based upon the multiplied product of their metered water usage, where meters are available, and a water rate in either \$/1,000 cubic feet or \$/1,000 gallons, as applicable, and as set by the Legislative Body, except as set forth in subsection (a) or (b) and as shown in the Rates and Fees Schedule:

There shall be a minimum water usage fee for each individual account equivalent to 1,000 cubic feet or - 7,480 gallons, as applicable per the water system, per billing cycle. The minimum water usage fee includes:

1. Capital costs, variable costs, and costs of service: those expenses directly associated with serving customers, irrespective of the amount of water used, that includes meter reading,

billing, accounting and collecting of expenses, maintenance and capital costs related to meters, services, and system investments. These costs also include fire protection costs for fire hydrant maintenance and replacement, water supply and use of hydrants for fire protection afforded to all Users.

Also included are costs for the operation and maintenance expenses associated with water distribution systems including supply, treatment, distribution, and demand.

2. This fee is payable whether or not water is physically turned on or off to the facility at the meter during part or all of the billing period, provided the service connection is physically connected to the main line. No abatement of water rates will be allowed by reason of disuse, diminished use, or vacancy of premises.

Any account that has been finalized between regular billing cycle readings shall be billed for the larger of: the actual metered usage, the estimated usage, or the minimum charge for the billing period, when 30 days or more have occurred since the last reading. For readings less than 30 days apart no water usage charge shall be applied unless actual usage is 1,000 cubic feet or 7,480 gallons where applicable, or more.

In the event that a water meter has been misread to records, or otherwise records the consumption of an amount of water which is different than the actual amount of water consumed, the Department shall recover the monies due for the actual amount of water consumed. The Department shall correct any errors made by the Department immediately upon detection, and adjustment shall be made accordingly upon the authority of the CWD General Manager. The Department shall keep a record of any adjustment for the correction of errors. In the event of overcharging, a refund or credit shall be paid to the customer who paid the bill. If the current customer was not the customer at the time the overcharging/undercharging was made, the CWD General Manager shall cause such adjustment as necessary for fairness and equity.

SECTION 5 - SHUT OFF FEES AND TURN ON FEES

There shall be shut off and turn on fees as determined by the Legislative Body for turning on and shutting off water at the curb stop or fire sprinkler valve. These fees shall be charged in all cases except when an emergency problem occurs between the curb stop and building. Fees for services associated with delinquency disconnects shall be the maximum allowed under Title 24, V.S.A. Chapter 129, Uniform Water and Sewer Disconnect. The Owner of the property is responsible for all problems between the curb stop or valve (defined herein) and the building with exception of the water system owned water meter itself, which is the Department's responsibility unless damaged by negligence on the part of the Customer. When multiple service calls are required for a single repair, each call shall be billed individually.

SECTION 6 - EXCESS REVENUES

Excess revenues may be placed into (i) a Sinking Fund that can be accessible for use in paying off existing water system debt, or (ii) into a Capital Reserve Fund which can be used to pay the cost of improvements to the water system.

The Legislative Body may create one or more dedicated Capital Reserve Funds under Vermont Statutes Annotated to finance major rehabilitation, major maintenance and costs of upgrading the water system's water distribution system, and for the accumulation of funds to be used to match federal funds pursuant to said Statutes. The fund balance of such a Capital Reserve Fund shall not exceed the estimated costs of the

purposes for which the fund was established and shall be maintained in deposits insured by the United States of America or an agency of the United States. Withdrawals shall be made only for the purposes for which the fund was established. The dedicated fund shall meet the requirements set out for eligibility in the States Revolving Loan fund, as applicable.

SECTION 7 - WATER INVOICING, DELINQUENCY, AND DISCONNECTS

Water charges will be invoiced quarterly to residential and commercial accounts in the Malletts Bay Water Company, CFD #1, and CFD #3 water systems, and invoiced monthly to Colchester Town water system commercial accounts.

Bills are due upon receipt. In the event any water charge is not paid within thirty (30) days from the bill's receipt or the bill's postmark, whichever is greater in time, an interest charge shall be added to the water charge. The amount of the interest charge on the overdue accounts shall be equal to 1 percent per month for the first three (3) months and then 1.5 percent per month thereafter, as set forth in 32 V.S.A. Chapter 17, Section 1674 and Chapter 133, Section 5136. The Department has the authority to place a lien on the real estate or may defer the property for tax sale as provided in 24 V.S.A. Chapter 89, Section 3306 and 32 V.S.A. Chapter 133, Section 5061 if delinquent water charges remain unpaid.

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

- A. The billing shall be the larger of the actual metered billing, the estimated user fee, or the minimum charge billing for the period.

SECTION 8 - PAYMENT RESPONSIBILITY

In consideration of water service supplied by the Department, all Owners agree to be responsible for payment of all water bills rendered by the Owner, Customer, their tenants, successors in tenancy or in ownership, and all other operations at the specified location, unless and until proper notice is given to the Department of termination of service on a specific date. The applicant shall agree to abide by all rules and regulations established by the Department, consistent with and under the enforcement of the provisions of these Rules and Regulations.

All water charges will be billed to the Owner of record of the facility(ies) served, unless waived by the Department. Upon written request, the Department may provide to the Owner of record water bills for all tenants within the facility provided each tenant has an individual meter. Although another person may pay the fees, the Owner of the premises shall be held responsible for such fees. In the event the tenant fails to pay all fees on a timely basis, the Owner will be solely responsible for all future and delinquent charges. Each time a bounced check is processed for payment of a water bill the account shall be charged additional penalties. It shall be the responsibility of the Owner to notify the Department of any change in address or in ownership of the property. Failure to receive a bill does not relieve the Customer of the obligation for payment or for payment of penalties for late payment.

There will be a fee for interim or final bills requested due to a change of Owners or tenants. This fee is in addition to any charges owed for metered water.

SECTION 9 – ANNUAL SPRINKLER LINE FEE

Each structure served by a fire suppression system (sprinklers) shall pay an annual fee for each sprinkler line serving a building based upon fees established by the Legislative Body.

SECTION 10 – REVIEW OF RATES AND FEES

The Rates and Fees Schedule may be reviewed by the Legislative Body on an as-needed basis.

SECTION 11 - ALLOCATION AND CONNECTION FEES

See Article III for the process and fees associated with allocation approval for new service connections.

SECTION 12 - FINAL METER READING

The Department shall read the water meter for real estate transfers when requested by either party for their real estate closing. This reading shall be used as the “final reading”, and will include new property owner information as required by the Department.

SECTION 14 - ABATEMENT

For good cause shown, the CWD General Manager may abate any bill and/or fees charged herein. The CWD General Manager, or their designated agent will review in private session with the person requesting abatement that person’s need for abatement. The CWD General Manager may abate any bill and/or fees by decision in writing because of financial hardship and inability to pay only or may set up an installment payment schedule. In the event of default in the installment payment schedule, water service may be terminated upon the terms and conditions provided herein.

SECTION 15 – CURB-STOP OPERATION FEE

A Customer may request that the Department operate the Curb Stop instead of the Cellar Stop when performing connections, construction, maintenance, upgrades and disconnections. Such request shall be made in writing and be valid through the end of the then-current calendar year. Any Customer that requests such Curb Stop operation shall pay a fee of as determined by the Legislative Body, per occurrence.

ARTICLE IX

DISCONNECTION POLICY

SECTION 1 – DISCONNECTION FOR NON-PAYMENT

This water service disconnection policy outlines the Department's conditions of termination and pertinent regulations and allows for the disconnection of water or sewer services, or both, as a delinquency collection procedure for non-payment of water or sewer charges.

Under the Uniform Water and Sewer Disconnect, 24 V.S.A., Chapter 129, water accounts which are not paid within thirty (30) days of the bill's receipt or postmark date, whichever is greater in time, become delinquent and may be disconnected. Disconnections are subject to certain restrictions as specified in the Vermont Statutes.

Before disconnection can occur, the Customer must be given notice of delinquency and advised of the possibility of having its service interrupted. The notice must meet the requirements stipulated in 24 V.S.A., Chapter 129.

It is the policy of the Department that reconnections requested outside normal working hours shall only be made in special circumstances and in compliance with Title 24, Chapter 129, as determined by the Director or the General Manager.

Water that is disconnected pursuant to Title 24, Chapter 129 shall be reconnected at the following rates:

- Collection Trips: \$25.00 /trip maximum, regardless of number, or as defined in Title 24, Chapter 129
- Reconnection: Normal Hours-7:00 a.m. to 3:30 p.m.- \$25.00/trip, or as defined in Title 24, Chapter 129
 - Overtime - after 3:30 p.m., weekends, holidays - \$37.50/trip, or as defined in Title 24, Chapter 129

SECTION 2 – DISCONNECTION FOR NON-COMPLIANCE WITH RULES AND REGULATIONS

This water service disconnection policy outlines the Department's conditions of termination and pertinent regulations and allows for the disconnection of water or sewer services, or both, as a result of the Customer's failure to comply with the Department's Rules and Regulations regarding service.

The Department shall have the right to disconnect service immediately, and to charge a disconnection fee as set forth within these Rules and Regulations, upon its reasonable ascertainment that the Customer or the Customer's family members, cohabitants, tenants, agents or employees have materially failed to comply with these Rules and Regulations or have committed any criminal act relative to the service provided by the Department, including but not limited to theft of services or theft of, tampering with or vandalizing Department property in any way. The Department shall not be obligated to reconnect service absent complete restitution for any and all damage and loss suffered by the Department.

ARTICLE X

VALIDITY

SECTION 1

The CWD Rules and Regulations shall be in full force and from and after its passage, approval, recording, and publication as provided by law, replacing all previous Rules and Regulations for the CWD owned water systems stated herein.

SECTION 2

If any portion of these Rules and Regulations is held to be invalid in a court of competent jurisdiction, such findings shall not invalidate any other parts of these Rules and Regulations.

SECTION 3

The Legislative Body may amend these Rules and Regulations at any time.

Duly enacted and ordained by the Champlain Water District Board of Commissioners, Chittenden County, State of Vermont, on the _____ day of _____ 20_____, at a duly called and duly held meeting of the Legislative Body.

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