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Town of Hinesburg  
Water Use Ordinance

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Michael Bissonette, Selectboard Chair

\_\_\_\_\_  
Philip Pouech, Selectboard Vicechair

\_\_\_\_\_  
Andrea Morgante, Selectboard

\_\_\_\_\_  
Thomas Ayer, Selectboard

\_\_\_\_\_  
Aaron Kimball, Selectboard

Received and recorded this \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Melissa Ross, Town Clerk

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142 **Change History**

Version	Adaption Date	Changes
1	April 1999	Initial adoption
2	February 2000	Clarified billing procedure, connection service, and updated fee schedule
3	September 2003	Ban on disconnections
4	2016 proposed	Align with Waste Water ordinance, add language requiring mandatory hookup, create allocation policy, reorganize

143 **Mission Statement**

144 The Town of Hinesburg will endeavor to provide water to all of its users, businesses, and guests that is  
145 the finest water quality, ensure continual compliance with all applicable State and Federal standards,  
146 and maintain facilities, equipment, and records reflective of the highest of professional standards. At all  
147 times, the pursuit of this mission will be balanced with consideration of the cost to all end users.

148 **Public Water System Ordinance**

149 This ordinance was adopted to regulate all aspects of the Hinesburg public water system including: the  
150 allocation policy, definition of the distribution area, the responsibilities of the user, the responsibilities  
151 of the municipality, water rates and fees,  
152

153 All use of the term Board in this document shall mean the Water and Wastewater Commissioners of the  
154 Town of Hinesburg acting as a board of water and wastewater commissioners under 24 V.S.A., § 3614.  
155 As of the date of adoption of the 2016 revision of this ordinance the Board is made up of the five  
156 Selectboard members of the Town of Hinesburg.

157 **Water/Wastewater Allocation Dependency**

158 Water allocation shall not be granted within the water service area without a corresponding  
159 municipal wastewater allocation sufficient to enable appropriate and full utilization of any water  
160 allocation, except in areas where the water and wastewater service areas are not contiguous.

161 **Allocation Policy**

162 ~~Prior to the start of a new fiscal year~~~~In June of each year~~ the Board shall determine the  
163 Uncommitted Reserve Capacity and designate allocation pools for the following categories:

- 164 1. Municipal, educational, institutional, or special projects  
165 2. Projects within the existing village core defined to include the following districts:  
166 a. Village district  
167 b. Commerce Street portion of the Commercial district  
168 c. Industrial 3  
169 d. Industrial 4  
170 3. All other zoning districts within the water service area  
171

172 Each year, and in the following order of priority, the Board shall:

- 173 1. Reserve a minimum allocation pool of 5,000 Gallons per Day (GPD) or all remaining  
174 Uncommitted Reserve Capacity, whichever is less, for category 1 above  
175 2. Reserve a minimum allocation pool of 5,000 GPD or all remaining Uncommitted Reserve  
176 Capacity, whichever is less, for category 2 above

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177 3. Designate all or a portion of the remaining Uncommitted Reserve Capacity to category 3  
178 above. The Board may choose to further divide the category 3 capacity to specific zoning  
179 districts of the water service area

180  
181 In each category, the Board may choose to divide the pool into subsets for residential and  
182 enterprise uses.

183  
184 Allocation pool designations shall be made, approved, and recorded on the Annual Allocation  
185 Pool Designations form in Appendix E. With the exception of changes to the minimum required  
186 allocations for categories 1 and 2 above, amending allocation pool designations shall not require  
187 changes to or re-approval of this Ordinance

188  
189 The designated available capacity for each category shall be for the period from July 1 of the  
190 first year to June 30 of the following year. Once the annual water designations have been  
191 assigned, the Board shall communicate its decision to the Water and Wastewater Department  
192 Supervisor and Planning and Zoning Manager. It shall be the responsibility of the Water and  
193 Wastewater Supervisor to keep track of the residual balance in the annual allocation pools of  
194 the various categories throughout the year and to report that balance to the Board and the  
195 Planning and Zoning Manager.

196  
197 When assigning capacity to allocation categories, the Board shall consider phasing requirements  
198 and other conditions as recommended by the Development Review Board (DRB) intended to  
199 implement provisions of the Town Plan and Zoning and Subdivision Regulations, pursuant to 24  
200 V.S.A., Chapter 101, Section 3625. At its discretion, the Board may impose phasing that sets a  
201 maximum annual allocation limit per project.

202  
203 For projects that require DRB review, unallocated, permitted capacity shall be allocated by the  
204 Board according to the following:

- 205 Preliminary Allocation (subject to an application fee)
- 206 • Granted after DRB sketch plan approval for projects requiring subdivision
  - 207 • Granted prior to DRB approval for all other projects

208  
209 The preliminary allocation is contingent on DRB approval and shall expire if the project is  
210 denied at any stage by the DRB. In all cases the Board may make phasing recommendations  
211 to the DRB or impose other conditions. **Application fees are not refundable.**

- 212  
213 Final Allocation (subject to an allocation fee)
- 214 • Granted after DRB final approval and may include revisions to the preliminary allocation  
215 based on the DRB approval

216  
217 The final allocation may include phasing or other conditions as recommended by the DRB or  
218 as deemed necessary by the Board.

219  
220 If there is not adequate capacity in the designated allocation pool to fulfill the requirements of a  
221 project, the DRB or the Board shall deny the permit application.

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224 For projects that do not require DRB review, unallocated, permitted capacity shall be allocated  
225 according to the following:  
226 Preliminary Allocation (subject to an application fee)  
227 • If 1,000 GPD or less, granted by the Board’s designated authority when an application is  
228 submitted  
229 • If greater than 1,000 GPD, granted after an application is reviewed and approved by the  
230 Board

231  
232 Final Allocation (subject to an allocation fee)  
233 • Fee is due prior to receiving a certificate of occupancy Granted after an occupancy  
234 permit is issued

235  
236 If there is not adequate capacity in the designated allocation pool to fulfill the requirements of a  
237 project, the Board’s designee or the Board shall deny the permit application.

238  
239 All allocations to projects shall be based on the calculated GPD as determined by the most  
240 current Vermont Department of Water Supply regulations.

241 **Project Allocations**

242 During the ensuing fiscal year the Board may grant allocations for individual projects within the  
243 Water Service Area (see exceptions below). No allocations shall be granted beyond the capacity  
244 assignments made to the allocation categories as defined above. The Board shall act on all  
245 applications on a first come, first served basis, or as directed by the Town Zoning and  
246 Subdivision Ordinances, as soon as practical, but no later than sixty days after it receives an  
247 application. The Board may attach conditions related to water infrastructure (e.g., line  
248 improvements, pump station improvements, future tie-in provisions, etc.) to allocation  
249 approvals in order to achieve the goals and policies of the Town Plan.

251 **Allocation Details**

252 The Board may grant an allocation to a single residence, enterprise, multi-unit building, to a  
253 proposed change of use, or to an entire subdivision. In the case of a proposed change of use  
254 or subdivision the required allocation shall be a total of all proposed uses. In all cases if an  
255 allocation is granted, the Board shall make allocations to individual buildings or to individual  
256 units in multiple unit buildings and not as a lump sum to be used at the owner or  
257 developer’s discretion.

258  
259 The allocation shall be considered as “used” by the building when the water meter serving  
260 the building or individual unit is installed. Until the meter is installed, the allocation is  
261 subject to Holding Fees. After installation of the meter, water usage is subject to the Town's  
262 water use fees in accordance with the rate table in Appendix B of this ordinance.

263  
264 If an allocation is not used within three (3) years of the date the allocation is granted by the  
265 Board, it shall expire and revert to the Town's Uncommitted Reserve Capacity. There shall  
266 be no refund of any allocation or holding fees paid on the reverted allocation. The Board  
267 may grant extensions if it finds that the holder of the allocation has been working diligently  
268 to implement the project and no relevant local or State approvals have expired. The Board  
269 shall not be obligated to approve an extension.

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**Exceptions for Allocations Outside the Service Area**

The Board may grant allocations for an expansion of an existing use or a new use outside of the service area if that expansion does not require a subdivision. This exception does not apply to existing users on Route 116 north of the service area because the existing infrastructure does not support any expansion.

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**Cost Recovery for Water Expansion**

The cost of any extension of the water lines to provide for new users shall be borne by the persons to be served by the expansion.

Any payments for line extensions shall not be construed as payments towards allocation or holding fees required for the individual units of the development.

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**Application Requirement**

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Persons wishing to use the water system shall apply to the Board on a Water and Wastewater Allocation application. The application shall include:

1. A calculation of the GPD as determined by the most current Vermont Department of Water Supply rules to be generated by the project.
2. All calculations required above for developments requiring over 1,000 GPD shall be certified by an engineer registered with the State of Vermont.
3. Plans and specifications for the construction of building plumbing fixtures (from the buildings to municipal lines) and any municipal extensions, including pump stations, required to service the development shall be prepared by a Vermont registered engineer. These plans shall also address any necessary improvements to existing public or private infrastructure. Improvement plans for deficient, existing infrastructure need not address the entire municipal water system, and may focus on necessary improvements that are proportional in nature to the proposed development. This requirement to submit plans and specifications may be waived by the Board.

Completed water applications shall be returned to the office of the Town Administrator and marked with the time and date received in the Town Offices.

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**Fees**

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After being granted a Preliminary Allocation, the holder of the allocation shall be assessed an Application Fee as set forth in Appendix B of this ordinance. Upon receiving Final Allocation the recipient shall be assessed an Allocation Fee as set forth in Appendix B of this ordinance. The amount of the fees shall be established and may from time to time be amended by the Board, which is hereby authorized to establish or amend all water fees by resolution.

1. An Application Fee shall be due upon submitting an application to the DRB or Zoning Administrator.
2. An Allocation Fee shall be due upon receiving a Final Allocation for the building/use for which the allocation was granted.
3. An Allocation Holding Fee shall be due quarterly. The Holding Fee rate shall be established by the Board and included in the rate table found in Appendix B of this ordinance. Payment is due within thirty (30) days of billing date.
4. If the Allocation or Holding Fee is not paid when due, the unused allocation shall expire and revert to the Town's Uncommitted Reserve Capacity.

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314 5. In cases where an allocation expires and a new person applies for capacity for the same  
315 project or a different project on the same site, the Board may consider previous fees  
316 paid by the original person when establishing fees for the new project.

317 **Mandatory Connection to Municipal Water System**

318 All units receiving construction approval (building permit, site plan approval, or final plat  
319 approval) within the water service area as defined in Appendix D shall connect directly to the  
320 municipal water system in accordance with the provisions of this ordinance. Individual or  
321 community wells shall not be allowed within the municipal water system service area and/or  
322 village growth center. A property owner may request that this requirement be waived by the  
323 Board due to Undue Hardship.

324 **Cold Weather Construction**

325 The construction of a new water service or the extension of mains shall not occur between  
326 November 15<sup>th</sup> and April 15<sup>th</sup> without prior approval of the municipality. The owner may be  
327 assessed a charge to cover any additional expense incurred as a result of violating this rule.

328 **Connection Fees**

329 A Connection Fee shall be due and payable to the clerk of the municipality before a new service  
330 connection is constructed and only after the municipality has approved both an allocation  
331 application and the connection. Water service will not be provided until the municipality has  
332 installed a meter in the building to be served. The meter will be installed within 15 working days  
333 of the municipality's receipt of a request for a meter installation, provided all applicable fees  
334 have been paid to the municipality.

335 The municipality shall provide:

- 337 1. The meter
- 338 2. A back-flow prevention device

339 The property owner shall provide:

- 341 1. Excavation of the distribution main and tap. All work done on or around the waterline  
342 must be done by qualified personnel approved by the municipality and meeting all  
343 American Water Works Association (AWWA) standards.
- 344 2. Saddle, corporation, copper piping to curb stop and curb stop. The municipality will  
345 provide a list of preferred components. See Appendix F
- 346 3. Excavation of the waterline into the building.
- 347 4. Labor and materials to install waterline from water main into the building.
- 348 5. Labor and materials for all backfill including sand or stone fill around piping as required.  
349 Inspection and approval of the waterline by the municipality is required prior to backfill.
- 350 6. Shut-off valve on the building line. See Appendix F

351 **Shut-Off and Restoration of Service**

352 Connection fees, disconnection fees and reconnection fees regarding non-payment of water  
353 rates shall be assessed in accordance with 24 V.S.A. Chapter 129. The municipality may shut off  
354 water service for violation of restriction of water use notices, to eliminate a public health  
355 hazard, or for continued violation of these regulations. Any shut-off by the municipality may  
356 result in a user being assessed a charge for that shut-off. The user may also be assessed a  
357 restoration of service fee following the correction or cessation of the causes of the water shut-

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358 off. All applicable fees assessed to the user shall be paid in full prior to the restoration of water  
359 service.

360 **Curb Stops**

361 Curb stops shall be installed at the property line of the right-of-way in which the water lines are  
362 installed and shall be under the municipality’s control and ownership. There shall not be a waste  
363 port for draining water from the service line unless the municipality is satisfied that the top of  
364 the highest water table is at least 12 inches below the bottom of the valve.

365 **Ownership and Maintenance of Service Line**

366 The municipal service line shall be operated and maintained by the municipality. The building  
367 service line shall be installed, operated and maintained by the owner. See Appendix F for service  
368 line installation and materials specifications. In a new development, the municipality may permit  
369 the developer to install the municipal service line if done in accordance with acceptable  
370 standards and under the supervision of the municipality.

371 **Service Line Leaks**

372 In the event a leak is discovered in a building service line, water service shall be shut off by a  
373 representative of the municipality and restored after the repair is made. The owner is  
374 responsible for the cost of the repair or replacement of the building service line. Also, if a  
375 building service line is discovered or known by the municipality to be constructed of materials  
376 not meeting the municipality’s standards, the owner may be required to replace the entire line  
377 with approved materials regardless of whether or not the line has leaked in the past. See  
378 Appendix F for materials specifications.

379 **Denial or Postponement of Service**

380 The municipality may deny or postpone service due to:

- 381 1. Cold weather
- 382 2. Insufficient water
- 383 3. Insufficient pressure
- 384 4. Absence of a deposit for service line construction
- 385 5. Unpaid connection or allocation fees
- 386 6. To prevent contamination through a cross connection
- 387 7. When a determination has been made that the service line leaks or does not meet the  
388 material standards of the municipality

389 **Unauthorized Use of Water**

390 A user shall not supply water to another party unless permitted by the municipality as an  
391 emergency measure. Water shall not be obtained from any hydrant or other fixture of the  
392 municipality without the written approval of the Board. Any violation of water use shall be  
393 grounds for discontinuance of water service until the matter is resolved and any and all required  
394 fees or charges are paid in full.

395 **Restriction or Prohibition of Certain Water Uses**

396 When necessary to conserve water, the municipality may restrict or prohibit the use of hoses,  
397 sprinklers, and any other non-essential water use or water-using device. Such notice shall be  
398 posted in at least three places in the municipality, on the municipal website, and be published at  
399 least once in a newspaper of general circulation. Violation of a municipal notice, directive or  
400 order to conserve water after one written reminder shall be grounds for immediate

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401 discontinuance of service. A hearing with the Board, if requested by the effected user, shall be  
402 held within five days to determine if the water service will continue to be discontinued or water  
403 service will be restored. If the Board determines the shut-off was due to a violation of municipal  
404 notice to conserve, all applicable shut-off and reconnection fees shall apply. If it is determined  
405 that no violation occurred, no shut-off or reconnection fees will apply and reconnection shall  
406 take place as soon as possible.

407 **Maintenance of Plumbing**

408 All users, at their own expense, shall maintain in good repair and protect from freezing the  
409 plumbing and fixtures within their premises. The owner is responsible for the labor and material  
410 cost of replacement or repair of a meter damaged by freezing, or otherwise damaged by  
411 customers, occupants or others, upon receipt of a bill from the municipality.

412  
413 The user or owner is responsible for payment of all water consumption regardless of whether or  
414 not that consumption is the result of defective plumbing, defective fixtures, negligence,  
415 accident, or natural event. The Board may approve a onetime exception from this obligation  
416 after review of a written appeal.

417  
418 Water conserving devices meeting all applicable State and Federal Standards will be used  
419 whenever fixtures and faucets are replaced.

420 **Cross Connections**

421 A connection capable of permitting backflow from any other source of water to the public water  
422 system is prohibited. Such connections include, but are not limited to any plumbing fixture,  
423 device or appliance or from any waste outlet or line having direct connection to waste drains. If  
424 the owner of the building involving such a connection fails or refuses to eliminate or properly  
425 protect the cross connection within a time period established by the municipality, water service  
426 shall be discontinued with all disconnection and reconnection fees applicable once the situation  
427 is remedied. All new connections shall include an appropriate backflow prevention device  
428 installed between the meter and interior household plumbing. Other backflow devices shall be  
429 installed at industrial, commercial or other services greater than 15 GPM flow as required by the  
430 municipality and as recommended by the Vermont Department of Health. See Appendix F for  
431 backflow device requirements.

432 **Fluctuation of Pressures by User-Owned Apparatus**

433 Users shall not install water pumps or high-rate water consumption devices that will adversely  
434 affect the municipal water system's pressure or operating conditions; nor shall a user's water  
435 consumption unduly interfere with the service of another user. When a request is made to  
436 install an apparatus or other equipment which requires water in sudden or large quantities, the  
437 municipality shall require the installation of equipment or other devices to confine such  
438 fluctuation of demand and pressure within reasonable limits. If a user fails to remedy a situation  
439 that adversely impacts the municipal water system after receiving written notice from the  
440 municipality to cease and desist, the Board will convene within five days to determine whether  
441 or not water service will continue. During this five-day period, water service shall be  
442 disconnected. All disconnection and reconnection fees shall apply.

443 **Safeguarding Water-Using Devices**

444 To protect against the loss of system pressure for any reason, including authorized shut off of  
445 the water main or service line, all users shall install protective devices and maintain said device

*Town of Hinesburg Water Use Ordinance*

446 in proper operating condition. Such devices include backflow valves, temperature/pressure  
447 relief valves, and thermal expansion tanks. This applies to all customers with hot water tanks or  
448 secondary systems supplied by automatic makeup valves. In areas where high static water  
449 pressure is experienced, pressure reducing valves shall be installed and maintained in good  
450 operation condition by the customer. Water service to any unit that does not have such  
451 protective devices installed shall be at the owner’s risk. The municipality shall not be liable for  
452 damage resulting from the lack of or failure of such protective devices as required in this  
453 section.

454 **Access to Premises**

455 Municipal employees or officials, contractual agents of the municipality, or other separately  
456 designated individuals, with suitable identification, shall have access to all premises served by  
457 the water system during reasonable hours, Monday through Friday. The municipality may seek  
458 access outside of the reasonable hours and on weekends and holidays in response to an  
459 emergency. Such access shall be for the purpose of inspecting plumbing and fixtures; identifying  
460 cross connections; setting, removing, or reading meters; ascertaining the amount of water used  
461 and the manner of use; and enforcing these regulations. If a user, owner, or other occupant  
462 prohibits access to the premises, the user or owner must arrange for an inspection to take place  
463 within 24 hours. Failure to arrange an inspection within the period specified may result in  
464 discontinuance of water service, with all disconnection and reconnection fees applied.

465 **Responsibility for Water Charges**

466 The property owner served by the water system is responsible for payment of all charges for  
467 water service provided to the property. The owner shall pay the minimum base fee regardless of  
468 whether the residence or business is occupied. If property is to be sold or transferred, the  
469 municipality must receive a written request for a final meter reading for prorated bills no less  
470 than two weeks prior to the sale or transfer. Water rates, charges and fees shall be established  
471 by the Board, which is authorized to establish or amend said rates, charges, and fees by  
472 resolution.

473 **Billing Procedures**

474 Bills will be issued to the owner quarterly based on the calendar year. Bills will be calculated  
475 using the rates shown in the separate document titled, “Water Rates, Connection Fees and  
476 Special Charges” (see Appendix B). All bills are due within 30 days of the billing date. Interest will  
477 be charged for any payment received more than 30 days after the billing date at the rate of 18%  
478 annually or the maximum rate allowed under State law, whichever is less. In addition, a penalty  
479 of 5% will be levied on all unpaid balances. Unpaid balances shall be due and payable in  
480 accordance with procedures set forth in 24 V.S.A. Chapter 129. In the case of rental property,  
481 bills will be issued to the property owner, in care of the tenant, if requested to do so in writing  
482 by the property owner.

483 **User Initiated Termination**

484 Disconnection from the water system by a user or owner is prohibited, per Vermont State  
485 Statute Title 24, Section 3315, unless the action follows the process prescribed:

- 486 1. The property owner notifies the municipality, in writing, of the intent to terminate  
487 service.
- 488 2. Following receipt of the required termination fee, the municipality shall terminate  
489 service by shutting off the curb stop or otherwise discontinuing supply.

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- 490 3. The property owner shall remove 20 feet of the building service line, which will be
- 491 inspected by the municipality to ensure compliance. Service shall be considered
- 492 terminated following an inspection deemed satisfactory by the municipality.
- 493 4. The property owner shall enter into an agreement (binding upon the current owner, his
- 494 or her heirs and assigns, and recorded in the land records) to obligate the owner of the
- 495 property to pay the quarterly minimum base fee. Failure to pay following termination,
- 496 or following termination without approval, shall result in a penalty of two times the
- 497 minimum base fee plus interest and court costs.

**Property Owner Initiated Water Service Deactivation**

498 A property owner seeking deactivation of water service for a period shall submit a request in  
499 writing to the municipality. Upon municipal approval and receipt of the deactivation fee paid in  
500 full, the municipality shall deactivate service by shutting off the curb stop. Unless waived by the  
501 Board, the property owner will be obligated to pay the minimum base fee until reactivation of  
502 the service. Water service shall not be deactivated if any outstanding balance for service is owed  
503 for the property or unit. A request to reactive water service shall be submitted in writing to the  
504 municipality. Upon receipt of the activation fee, the municipality shall restore service by turning  
505 on the curb stop.  
506

**Municipality Initiated Water Service Deactivation**

- 507 Water service may be discontinued:
- 508 1. Due to nonpayment of water bills
  - 509 2. To eliminate a health and/or safety hazard
  - 510 3. For violation of a special order restricting water use
  - 511 4. For fraudulent use of water
  - 512
  - 513

514 A hearing with the Board may be requested to challenge a deactivation of service initiated by  
515 the municipality. Hearings shall be held within five working days to determine if the deactivation  
516 will continue or if water service is to be restored. Any hearing order restoring service will list  
517 compliance conditions for the owner or user. Once service is deactivated it shall not be restored  
518 until the reason for deactivation has been eliminated or otherwise remedied and all applicable  
519 fees and charges are paid in full. Prior to deactivation due to delinquency of payment, the  
520 municipality shall follow the procedure set forth in 24 V.S.A. Chapter 129. **Notice for payment**  
521 **request and shut-off will be mailed no less than 14 days prior to the water shutoff date. See**  
522 **Appendix G – Deactivation Notice Form. Deactivation of water service due to delinquency of**  
523 **payment shall not occur on Friday, Saturday, Sunday, or a State or Federal holiday. Is this all in**  
524 **24 VSA chapter 129?**

**Interrupted or Unsatisfactory Service**

- 525 In the event the municipality finds it necessary to shut-off water service, the municipality shall  
526 not be responsible for damages caused by the shut-off nor any adjustment in rates or billing. An  
527 adjustment to the minimum base fee may occur if the interruption of service occurs for ten  
528 consecutive days or more. Said adjustment to the minimum base fee shall be a prorated  
529 adjustment appearing on the next quarterly bill. Examples of reasons for interrupted or  
530 unsatisfactory service may include, but are not limited to:
- 531 1. Supply shortages
  - 532 2. Repairs
  - 533 3. Extensions
  - 534

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- 535 4. Connections
- 536 5. Placement or replacement of meters
- 537 6. Any reason beyond the control of the municipality

538  
539 Notice of water shut-off will be issued when feasible, but nothing in this ordinance shall be  
540 construed as requiring such notice. The municipality shall not be responsible for meeting  
541 unusually high water quality standards for specialized industrial processes nor shall it be  
542 responsible for interrupted service or poor water quality caused by legitimate use of the fire  
543 hydrants.

544 **Meters Required**

545 All water will be sold on the basis of metered measurements. When it is impractical to install a  
546 meter, such as in a mobile home, and following approval of the municipality, flat rate fees shall  
547 be used to establish water charges. The municipality shall install meters whenever deemed  
548 expedient or appropriate. The owner or user can receive water through a meter upon written  
549 application to the municipality and after payment of all required fees. Water shall not be  
550 double-metered. Each newly constructed apartment and each residential unit of a townhouse,  
551 condominium, or duplex building shall be individually metered. Existing apartments may remain  
552 metered through an individual building meter, but the correct size meter shall be installed if one  
553 is not already in place. The size of the meter will, in all cases, be determined by the municipality.

554 **Meter Placement, Maintenance, and Replacement**

555 All meters shall be installed at the foundation wall, or in the case of buildings built on grade in  
556 the mechanical room where the building service line enters the building. The customer shall  
557 provide and maintain a warm and accessible location for the meter. The piping arrangement for  
558 meter installations shall be in accordance with the requirements of the municipality. See  
559 Appendix F. A municipal representative must inspect and approve the water meter installation  
560 before water is permitted to flow through it.

561  
562 The maintenance, repair, and replacement of standard residential meters resulting from  
563 ordinary wear shall be provided by the municipality. The maintenance, repair, and replacement  
564 of meters necessitated by freezing, hot water, or other cause under the control of the user shall  
565 be the responsibility of the property owner. The maintenance, repair, and replacement of  
566 meters larger than standard residential meter shall be the responsibility of the property owner.  
567 All meter tests will be at the expense of the owner, unless testing is initiated by the municipality.  
568 A customer requesting a meter test shall deposit an amount established in, "Water Rates,  
569 Special Charges and Connection Fees," sufficient to cover the cost of removal, testing, and re-  
570 installation of the meter. See Appendix B. If the meter test shows that the meter does not  
571 conform to flow criteria established by AWWA standards, the deposit shall be refunded and a  
572 new meter installed at no cost. If the meter test shows that the meter conforms to applicable  
573 standards, the municipality will retain the deposit and the meter may be left in place and in use.  
574 The municipality reserves the right to remove and test any and all meters.

575  
576 If a meter is removed from service for testing at the request of the property owner, the  
577 municipality will estimate water consumption during the period of removal. The estimate shall  
578 be based on the average consumption of the building and/or units within for a representative  
579 period as determined by the municipality. Water charges will be calculated based upon the

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580 estimate. If the municipality initiates the meter removal, water consumption for the period of  
581 meter removal shall not be estimated or charged to the owner or user.  
582  
583 When a meter is tested and readings are determined to exceed actual consumption by 2% or  
584 more, an appropriate percentage adjustment shall be made to the metered consumption record  
585 of the past billing period and the portion to date of the current billing period.

586 **Fire Hydrants**

587 Fire hydrants, whether on public or private property, may not be used for any other purpose  
588 than the extinguishment of fires, normal flushing operations done by the municipality, or other  
589 purposes deemed appropriate and necessary by the municipality. Fire hydrants shall not be  
590 opened by an individual other than an agent of the municipality or a duly authorized  
591 representative of the fire department. Violators will be prosecuted to the full extent of the law  
592 as it pertains to tampering with public water systems.

593 **Tampering With Public Water System**

594 No individual shall maliciously, willfully or negligently break, damage, destroy, uncover, deface  
595 or tamper with any structure, appurtenance, or equipment, which is considered by the  
596 municipality to be a part of the water system. Violations shall be grounds for deactivation of  
597 water service and any cost due to such actions will be charged to said owner, user, or other  
598 responsible party. An individual violating this provision may also be subject to immediate arrest  
599 under the charge of unlawful mischief as set forth in V.S.A. Title 13, Section 3701.  
600

601 Any person found to be violating any provision of this ordinance shall be served by the  
602 municipality with written notice stating the nature of the violation and providing a reasonable  
603 time limit for the satisfactory correction thereof. The accused offender shall, within the period  
604 of time stated in such notice, permanently cease all violations of the ordinance. An individual  
605 continuing with any violations beyond the time limit included in this section shall be guilty of a  
606 misdemeanor and on conviction thereof shall be fined the maximum amount allowed under  
607 State statute. Each day in which any such violation shall continue shall be deemed a separate  
608 offense. In addition to any fine imposed, any individual violating any of the provisions of this  
609 ordinance shall become liable to the municipality for any expense, loss, or damage occasioned  
610 the municipality by reason of such offense. Notwithstanding any of the foregoing provisions, the  
611 municipality may institute any appropriate action, including injunction or other proceeding to  
612 prevent, restrain or abate violations of any provision of this ordinance.

613 **Water Main Extension Within the Water Service Area**

614 A request for a water main extension within the water service area as defined in Appendix A  
615 may be made to the Board subsequent to DRB review and approval. Upon preliminary approval  
616 of the application, the applicant shall have final plans and specifications developed by a  
617 professional engineer who has demonstrated proficiency in water system design and is  
618 registered to practice civil or sanitary engineering in Vermont. Construction may begin after the  
619 municipality and all applicable State regulatory entities have issued plan approval and/or  
620 permits. The Board's approval shall address, but may not be limited to, the following:

- 621 1. Engineering oversight
- 622 2. Submission of record drawings
- 623 3. Applicant's responsibility to pay for outside engineering services requested or required  
624 by the Town

*Town of Hinesburg Water Use Ordinance*

625 4. Meter installation at the curb stop for private water main extensions

626  
627 All work shall remain uncovered until an authorized municipal representative has inspected the  
628 work and has written an official correspondence stating that the Town is satisfied that it  
629 complies. A record drawing of the extension will be recorded at the clerk's office at the builder's  
630 expense.

631 **Water Main Extension – Outside of the Water Service Area**

632 A request for a water main extension that would effectively extend the water service area  
633 beyond the boundaries of the water service area shall not be approved, unless the Board has  
634 first found that the extension is necessary for public health and safety.

635 **Emergency-Only Utilization of Wells 1 and 3**

636 Wells 1 and 3, the "old wells," located west of Town Hall and Stella Road will be left connected  
637 to the municipal water system but not utilized, except in an emergency situation as determined  
638 by the Board. The capacity of the wells will not be counted in the Town's calculation of  
639 permitted capacity, nor will the capacity be available for allocation and subsequent purchase. If  
640 other water sources are connected to the water system that capably serve the Town's standard  
641 and emergency water capacity needs, wells 1 and 3 will be disconnected from the water system  
642 entirely and properly abandoned per State Water Supply rules.

643 **Severability**

644 If any portion of this ordinance and any amendments made hereto are held unconstitutional or  
645 invalid by a court of competent jurisdiction, the remainder of this ordinance and any  
646 amendments made hereto shall not be affected and shall remain in full force and effect. If any  
647 statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer  
648 to such amended statute.  
649

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**Appendix A      Definitions**

- 650
- 651
- 652    Allocation
- 653    The decision by the Board to commit a specified amount of wastewater treatment capacity measured in
- 654    Gallons per Day to a specific project.
- 655
- 656    Allocation Fee
- 657    A fee for the allocation of water capacity, specified as dollars per GPD, as established by the Board.
- 658
- 659    Base Fee
- 660    The minimum per unit charge assessed on all water users for a specified time period regardless of
- 661    whether a meter exists for each unit or for several units.
- 662
- 663    Board
- 664    The Water and Wastewater Commissioners of the Town of Hinesburg acting as a board of water and
- 665    wastewater commissioners under 24 V.S.A., § 3614.
- 666
- 667    Building Service Line
- 668    The water line connected on one end to the curb stop and the other end terminating just inside the
- 669    user’s building at the water meter, including the connection to the water meter, to provide water
- 670    service.
- 671
- 672    Cellar Stop
- 673    The valve installed on the service line after it enters the building and before the water meter.
- 674
- 675    Clerk
- 676    The duly appointed individual or individuals who distribute water bills, receive payment for water
- 677    charges, and issue notices of disconnection for water.
- 678
- 679    Commercial
- 680    A place of business, including but not limited to the following: offices, retail stores, beauty salons, gas
- 681    stations, restaurants, schools, clinics, or any other places of business.
- 682
- 683    Corporation
- 684    The water shut-off valve attached to the saddle at the water main, to which the municipal service line is
- 685    attached. The corporation shall be a brass ball valve style, MacDonald 4701 Series, or approved
- 686    equivalent.
- 687
- 688    Cross Connection
- 689    Any direct or indirect line connection between the potable water supply and another supply of liquid or
- 690    gas.
- 691
- 692    Curb Stop
- 693    The valve on the service line, typically at the edge of the highway right-of-way on the user’s property,
- 694    which provides water service to the User.
- 695
- 696    Discontinuance of Water Service

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697 The deliberate interruption of water service by the municipality to the user for reasons including but not  
698 necessarily limited to delinquent payment, prevention of excessive water loss, protection against  
699 contamination of the system, or for tampering with water system.

700  
701 Enterprise

702 Any project, commercial or industrial, planned to house or otherwise serve a business enterprise.

703  
704 Emergency Termination of Water Service

705 Immediate water service shut-off due to one or more of the following:

- 706 1. Water leakage between the curb stop and building  
707 2. Discovery of a direct and unprotected cross connection  
708 3. Unauthorized excessive use of water  
709 4. Violation of special restrictive use orders issued by the Board  
710 5. Any other situation that could contaminate or significantly deplete available water in the system

711  
712 Industrial

713 Any project used or intended for use for manufacturing, processing, or assembling any product,  
714 commodity or article.

715  
716 Institutional

717 Pertaining to the public sector project or a municipal obligation, or a project deemed by the Board to be  
718 important to the general health and wellbeing of the community. Such projects could include schools,  
719 town offices, care facilities, medical facilities, libraries, affordable housing (as defined in Zoning  
720 Regulations), elderly housing, assisted living facilities, or other.

721  
722 May

723 The use is permissive in the context of this ordinance, indicating a choice.

724  
725 Municipality

726 The Town of Hinesburg.

727  
728 Municipal Office

729 The place designated by the governing body to receive applications for service, allocation requests,  
730 payment, and where public notices and notices of discontinuance of service are generated and posted.  
731 Unless otherwise designated, the municipal office is the Hinesburg Town Hall.

732  
733 Municipal Representative

734 A member of the Board or its representative, the clerk, the treasurer, the utilities director, the  
735 operators, or other individual designated by the Town Administrator.

736  
737 Municipal Service Line

738 The water line running from the distribution main to and including the curb stop at the property line of  
739 the user or to the edge of the right-of-way.

740  
741 Municipal Water System

742 The potable water system owned and operated by the municipality. This system includes all sources,  
743 supply lines, storage, and treatment facilities that convey potable water between the source or sources  
744 and the curb stop.

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- 745  
746 Operator  
747 An individual or individuals designated by the municipality to operate the water system.  
748  
749 Owner  
750 The individual, firm, corporation, trusteeship, or governmental agency with title to the property served  
751 and ultimately responsible for payment of all rates, fees and charges.  
752  
753 Private Water System  
754 Any water system located on the customer’s premises or property not supplied by the public water  
755 system. The system may be potable or non-potable.  
756  
757 Reasonable Hours  
758 Reasonable hours will be determined by the municipality, but will be considered to be between 8:00  
759 a.m. and 8:00 p.m. unless otherwise noted.  
760  
761 Residential  
762 Any dwelling unit or abode which includes a minimum of a kitchen or kitchenette, bathroom, and  
763 bedroom or other room that serves as sleeping quarters.  
764  
765 Saddle  
766 The mechanism for attaching smaller service lines to larger service lines.  
767  
768 Secondary Water System  
769 Any distribution system not owned by the municipality but served by the municipal water system.  
770  
771 Shall  
772 The use is mandatory in the context of this ordinance.  
773  
774 Special Projects  
775 Projects whose circumstances are so unique that the allocation cannot be met without using capacity  
776 from the reserve, and are deemed by the Board to be in the best long-term public health, safety, and  
777 welfare of the Town.  
778 ¶ These may include projects and/or businesses awarded funding through the Town’s revolving loan  
779 fund.  
780  
781 Subdivision  
782 The division of any land, parcel, or area of land into two or more lots or parcels for the purpose of  
783 conveyance, transfer, improvement or sale, which may include appurtenant roads, streets, lanes, alleys  
784 and ways, dedicated or intended to be dedicated to public use.  
785  
786 Superintendent  
787 An individual or individuals designated by the municipality to operate the water system.  
788  
789 Tap  
790 Any connection of a service line or distribution main or extended main to the main.  
791  
792 Uncommitted Reserve Capacity

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793 Is that portion of the Reserve Capacity remaining after subtracting the Committed Reserve Capacity.

794

795 Unconnected Properties

796 Those properties which do not receive water service.

797

798 Undue Hardship

799 Degree of hardship created by the contents of the ordinance that creates unreasonable or excessive  
800 current and future costs for a user, and/or otherwise constitutes health and safety concerns. Within the  
801 context of this ordinance, undue hardship is a relative concept and intended as a last resort. A lack of  
802 municipal water system capacity to serve individual users or development proposals does not, by itself,  
803 constitute an undue hardship. The Board is the arbiter of whether or not an undue hardship exists with  
804 respect to compliance with this ordinance.

805

806 Unit

807 Any building or specific portion thereof separately identifiable as residential, commercial, industrial, or  
808 institutional as defined in this ordinance. Unit designations, if not clear or otherwise listed in this  
809 ordinance, shall be determined by the Board.

810

811 User

812 Any individual or entity receiving water from the municipality.

813

814 Water Main or Main

815 The primary supply line from which service connections are made to supply water through service lines.

816

817 Water Main Extension

818 Any extension of distribution mains in accordance with the rules, regulations, standards and  
819 specifications of the municipality.

820

821 Water Shut-Off

822 Discontinuance of service.

823 **Appendix B Water Rates, Connection Fees, and Special Charges**

824

825 Water Rates, Connection Fees, and Special Charges

826 Effective July 1, 2016

827

828 Water Rates:

829 1. Metered Properties

830 \$65.00 per quarter for first 500 cubic feet water usage

831 \$0.031 per cubic foot for water usage above 500 cubic feet

832

833 2. Unmetered Properties

834 \$75.00 per quarter base charge

835 \$40.00 per quarter unmetered usage charge

836

837 Connection Fee: \$2,000 per unit

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838 Connection fee for waterlines greater than three-quarters of one inch in diameter will be determined at  
839 time of application.

840  
841 | Application Fee:        \$2.80 per GPD ~~\$1,000~~

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842  
843 | Allocation Fee:        \$25.40 per GPD ~~\$4,000~~

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844  
845 | Allocation Holding Fee: \$0.50 per GPD per quarter

846  
847 |  
848 | Special Charges:

849     Disconnect Fee:    \$75.00

850     Reconnection Fee:   \$75.00

851     Deactivation Fee:    \$75.00

852     Activation Fee:      \$75.00

853     Meter Test Deposit: \$75.00

854  
855 | Disconnection and Reconnection Fees:

856 | Charges for disconnection/reconnection resulting from delinquent accounts will be according to  
857 | Vermont State Statute Title 24 VSA § 5151.

858

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**Appendix C      Water and Wastewater Allocation Application**

Town of Hinesburg  
Water/Wastewater Service Connection Application

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905

Property Owner/Applicant: \_\_\_\_\_

Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Property Location: \_\_\_\_\_

I hereby apply for permission to construct a:

- New Water Service, see Town of Hinesburg Water Ordinances
- New Wastewater Service, see Town of Hinesburg Wastewater Ordinances

Name, address of Contractor, Company or Individual who will undertake the proposed work:

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Water Service Information:

Commercial, Residential, Industrial, Other (describe) \_\_\_\_\_

Type and Size of Service: \_\_\_\_\_

Wastewater Service Information:

Commercial, Residential, Industrial, Other (describe) \_\_\_\_\_

Type and Size of Service \_\_\_\_\_

Permit Conditions:

Work must commence within one year from the date of this permit. No work may begin without Water/Wastewater Department approval.

1. Water/Wastewater Department must be contacted 48 hours prior to:
  - a. Construction of service connection
  - b. Meter installation
  - c. Final inspection
2. Final inspection and approval by Water/Wastewater Dept. is required prior to water or wastewater service use. Any use without Approval will be subject to penalties per Water/Wastewater Ordinances.
3. All Allocation and/or Connection fees shall be paid at the time service connection(s) are constructed.
4. Applicant is responsible for all labor and material costs of connection except that Town shall supply 5/8" meter, remote reader and backflow prevention device for each unit.

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906  
907 I hereby certify that I have read the applicable Town of Hinesburg Water and Wastewater Ordinances  
908 and I agree to abide by the conditions contained therein, conditions as noted above, or additional  
909 conditions attached to this permit.

910 Signatures  
911 Applicant(s): \_\_\_\_\_  
912 \_\_\_\_\_ Date: \_\_\_\_\_  
913  
914 \_\_\_\_\_ Date: \_\_\_\_\_  
915  
916 Board of Commissioners Chair: \_\_\_\_\_ Date: \_\_\_\_\_  
917  
918 \_\_\_\_\_

919 OFFICE USE ONLY:

920 Allocation Fees Received:  
921  
922 Water \$ \_\_\_\_\_ Check # and Date \_\_\_\_\_ Property Tax ID # \_\_\_\_\_  
923  
924 Wastewater \$ \_\_\_\_\_ Check # and Date \_\_\_\_\_ Property Tax ID # \_\_\_\_\_  
925  
926

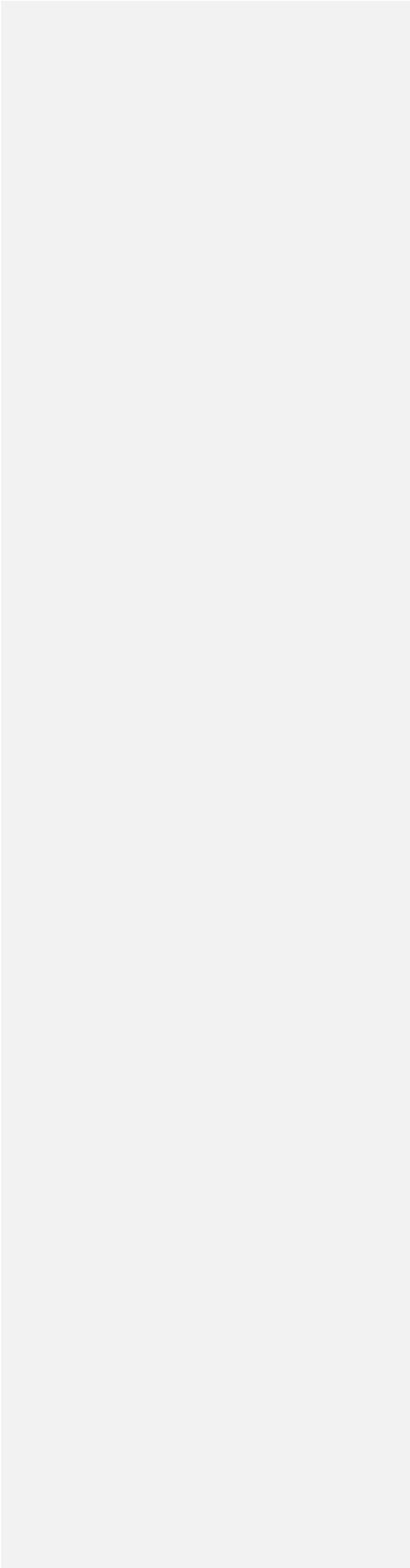
927 Connection Fees Received:  
928  
929 Water \$ \_\_\_\_\_ Check # and Date \_\_\_\_\_ Property Tax ID # \_\_\_\_\_  
930  
931 Wastewater \$ \_\_\_\_\_ Check # and Date \_\_\_\_\_ Property Tax ID # \_\_\_\_\_  
932  
933

934 Final inspection by: \_\_\_\_\_  
935

936 Notes: \_\_\_\_\_  
937  
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939

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940 **Appendix D**      **Water Service Area Map**  
941



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**Appendix E Annual Allocation Pool Designations**

**Annual Allocation Pool Designations Form**

The following water allocation pool designation were made and approved by the Board for the period:

July 1, \_\_\_\_\_ to June 30, \_\_\_\_\_

Category 1 First priority requirement

Municipal, Educational, Institutional, Special Projects - Minimum of 5,000 Gallons per Day (GPD) or all remaining Uncommitted Reserve Capacity, whichever is less

Total GPD	Residential	Enterprise

Category 2 Second priority requirement

Projects in the village core defined as the Village District, the Commerce Street portion of the Commercial District, Industrial Districts 3 and 4 - Minimum of 5,000 GPD or all remaining Uncommitted Reserve Capacity, whichever is less

Total GPD	Residential	Enterprise

Category 3 Third priority

Projects in all other zoning districts of the water service area including Village Northeast, Village Northwest, All remaining Commercial districts, Industrial 5, Residential 1, and Residential 2

Total GPD	Residential	Enterprise

Or

District	Total GPD	Residential	Enterprise
Village Northeast			
Village Northwest			
Commercial			
Industrial 5			
Residential 1			
Residential 2			

Board of Commissioners Chair: \_\_\_\_\_

Date: \_\_\_\_\_

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972 **Appendix F Hardware Specifications**

973 Business Service Lines

974 The minimum business service line diameter for a single-family residence shall be three-quarters of an  
975 inch. The municipality may require a business service line with a diameter larger than three quarters of  
976 an inch if the demand flow rate exceeds 15 gallons per minute (GPM).

977

978 Service Line Material Specifications

979 All service lines shall be type K copper or 200 psi CTS plastic.

980

981 Fitting Specifications

982 All fittings shall conform to AWWA Standards.

983

984 Service Line Installations

985 Water service lines shall not be laid in the same trench with other lines unless the other lines contain  
986 drinking water from the same system or have been plugged and abandoned. The municipality considers  
987 the common use of a trench for water lines, sewer lines, telecommunications lines, natural gas lines, and  
988 electrical lines to represent an unacceptable construction practice which can create unsafe conditions.

989 Co-location of lines within a common trench shall be grounds for denial or discontinuance of water  
990 service. The water service line shall be:

- 991 1. A minimum of ten feet away from all combined or sanitary sewers including house sewers  
992 2. A minimum of five feet away from all storm sewers  
993 3. Installed at a minimum depth of 4.5 feet. If a depth of 4.5 feet is not possible due to extenuating  
994 factors (i.e. other utilities or ledge), insulation will be required as specified by the municipality.

995

996 Quarter-Turn Stop Valve

997 A quarter-turn stop valve rated at a minimum of 250 pounds per square inch shall be required for every  
998 water service. The valve shall be:

- 999 1. Located inside the building near the service entrance  
1000 2. Easily accessible  
1001 3. Protected from freezing  
1002 4. Installed on the inlet side of the water meter as close to the foundation wall as practical  
1003 5. The property owner is responsible for the installation, maintenance, operation, repair, and  
1004 replacement of this valve. All connections in the incoming service line shall be metered.

1005

1006 Dual Check Valve

1007 A dual check valve manufactured as per American Society of Mechanical Engineers (ASME) specification  
1008 Number 1024 shall be installed at all domestic and small commercial services (less than 15 GPM flow).

1009 Other backflow devices shall be installed at industrial, commercial, or other services greater than 15  
1010 GPM flow as required by the municipality and as recommended by the Vermont Department of Health.

1011

1012 Meter Maintenance

1013 Standard house meters are those meters for use with 5/8" x 3/4" installations. The maintenance, repair,  
1014 and replacement resulting from ordinary wear will be provided by the municipality. The cost of meter

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1015 repair or replacement necessitated by freezing, hot water, or other cause under the control of the user  
1016 shall be the responsibility of the property owner.  
1017  
1018 The cost of maintenance, repair, and replacement of meters larger than standard house meters (5/8" x  
1019 3/4") shall be the responsibility of the property owner.  
1020

1021 **Appendix G — Customer Inquiry Policy**  
1022

1023 **Appendix H — Deactivation Notice**  
1024  
1025