

WATER USE ORDINANCE

TOWN OF FAIRFAX

REVISED OCTOBER 24, 2011

**FAIRFAX UTILITY DEPARTMENT
WATER USE ORDINANCE**

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The Town of Fairfax, by and through its Water Commissioners, ordains that the rules and regulations herein set forth are established as necessary and desirable for regulating the use of public and private water supplies and providing penalties thereof in the Town of Fairfax, County of Franklin, State of Vermont. Be it ordained and enacted by the Water Commissioners of Fairfax, State of Vermont, as follows:

ARTICLE 1

DEFINITIONS AND DESCRIPTION OF TOWN WATER SYSTEM

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

Back Flow Preventer shall mean a device which does not allow any water or fluid to flow back.

Building Service Line shall mean the pipe or conduit, connected on one end to the curb stop. The other end terminates inside the building to provide water service and is the Users' responsibility. Valves connected beyond the curb stop toward the building are also the user's responsibility.

Cellar Stop shall mean a valve or device attached to the building service line, located before the water meter, to enable the water to be shut off.

Commercial shall mean any building for use as other than residential or industrial.

Commissioners shall mean the Fairfax Water Commissioners, i.e. the Fairfax Selectboard.

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

Department or Utility Department shall mean the Commissioners and those persons employed by the Town to perform work related to operation of the Town Water System.

Disconnection shall mean deliberate interruption by the Department of water service to the User, for reason of delinquent payment or illegal connection/theft of services.

Distribution Main ("water main" or "main") shall mean the primary supply pipe or conduit from which service connections are made to supply water to the User, installed or caused to be installed by the Utility Department for the transmission of water and owned by the Town.

Duplex shall mean two residential units.

Extension or Water Main Extension shall mean any extension out of the water district of the public water system in accordance with the rules, regulations, standards and specifications of the Town of Fairfax.

Industrial shall mean any structure(s) used or intended for use as a business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article.

Fire Service shall mean water service provided to User for fire protection systems or equipment installed on the property of the User.

May is permissive. Shall is mandatory.

New Service Locations shall mean areas at a distance of more than 200 feet from distribution mains of Department where extension of distribution mains is required to provide service while remaining in the Town's right-of-way. Person shall mean any individual, firm, company, association, group, or other legal entity.

Public Water System shall mean all of the facilities of the water system owned by the Town of Fairfax, as further described below.

Property Owner (Owner, shall mean the person(s) identified as the owner of property by recorded deed.

Residential shall mean any building occupied or used as a one or more family dwelling unit.

Service Line shall mean the pipe or conduit running from the distribution main to a curb stop at the property line of the User, but also remaining in the Town right-of-way.

Subdivision shall mean the division of any part, parcel, or area of land into two or more lots or parcels for the purpose of conveyance, transfer, improvements or sale, with appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting there on, as defined in the Subdivision Regulations of the Town of Fairfax.

Tap shall mean any connection of a service line to the Main or an extension of a distribution line which does not meet the meaning of service line above.

Town shall mean the municipality of Fairfax, County of Franklin, State of Vermont, acting by and through its Selectboard or, in appropriate cases, acting by and through its authorized representatives, agents, deputies, operators, Superintendent or Commissioners.

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

Unit shall mean any building or specific portion thereof which is separately identifiable as:

- a. Residential: Self contained housekeeping facility (house, duplex, apartment, condominium).
- b. Commercial: Individual, self-contained facility or business such as store, motel, hotel, garage. For hotels and motels, each room shall equal ½ unit. A meter will be required for each building in a hotel/motel complex.

- c. Industrial: Individual self-contained facility for use in manufacturing or industry.

All unit designations shall be as determined by the Commissioners.

User (Customer) shall mean any person, firm, corporation, association, or group receiving or requesting water from the Department.

Water District shall mean that area of the Town of Fairfax which is served by the Town of Fairfax Water System. (Please refer to the Water District Map)

Town Water System

A. The Town of Fairfax owns and operates a water system consisting of a single source well, treatment facilities, storage tanks, distribution mains, service lines and curb stops, which Town-owned improvements (except service lines and curb stops) are shown on a plan entitled, "Fairfax Water System Upgrade Contract No. 1". ("Plan" herein). These improvements are referred to collectively in this Ordinance as Town Water System.

B. The Town Water System is identified by the State of Vermont as Water System #5117, PIN#: EJ96-0577. It is subject to a Public Water System Permit to Operate issued by the Vermont Agency of Natural Resources ("Permit": herein). The Permit establishes conditions on the operation of the Town Water System and is subject to periodic renewal, which renewal may establish new conditions.

C. The Town Water System is able to safely supply 55,000 gallons of water per day based on the "safe yield capacity" of the source well ("Well Capacity" herein). The Commissioners shall operate the Town Water System in a manner that limits the volume of water pumped from the source well to the Well Capacity, using an average over a 72 hour well yield pump test period. To meet this limitation, the Commissioners may, in the manner set forth in this Ordinance:

1. Prohibit or limit connections to the Town Water System;
2. Require properties connected to the Town Water System to install and maintain reasonable water conservation devices;
3. Require owner(s) of property that are connected to the Town Water System by a single service line that serves multiple units to implement measures reasonably intended to ensure that the occupant of each unit pays for the cost of water provided the unit based on the Town's established rates; and
4. Implement "emergency" limitations on Town Water System water use when, in the exercise of their reasonable discretion, they determine that such action is required to ensure that the Well Capacity is not exceeded.

D. Use of the Town Water System shall be limited to providing properties connected to the system water for reasonable residential purposes and commercial/industrial/institutional purposes necessary to meet drinking water/sanitary and fire protection requirements of the user. The Town Water System shall not be used to meet the needs of commercial/industrial/institutional users for processing or cooling water.

E. Connection to the Town Water System shall be limited to properties that are located within two hundred feet (200') of transmission mains or distribution lines shown on the Plan. Such properties constitute the Water District of the Town Water System. Transmission and service mains may only be extended in the manner provided in this Ordinance. Approval of any extension in accordance with this Ordinance shall, by such action, modify the boundaries of the Service Area.

ARTICLE II - I
USE OF FAIRFAX PUBLIC WATER SUPPLY

A. Each User of the Town system shall be bound by this Ordinance and all subsequent changes and amendments thereto. The User's application for water service shall be considered the User's consent to be bound by this Ordinance.

1. A copy of this Ordinance is available for review at the Town Office.
2. Failure to know the Rules and Regulations of this Ordinance will not excuse the User from the consequences of neglect of this Ordinance.

B. Water Supply Emergencies: The Commissioners may prescribe emergency rules governing the supply and use of water as it may deem appropriate to accommodate such emergency. Such rules shall be adopted at any duly held meeting of the Commissioners. Any required notice of such meeting shall state that the Commissioners will consider adopting emergency rules governing the supply and use of water. Such rules shall be adopted by majority vote of the Commissioners, shall be thereafter recorded in the minutes and posted in three (3) locations with the Town and shall become effective immediately upon adoption. Such rules may remain in effect for a period not to exceed ninety (90) days, unless again adopted in the manner set forth herein.

C. The Commissioners may, by resolution approved at a duly warned meeting, established requirements for the installation of water conservation devices as follows:

1. Such devices shall be recognized by the United States Environmental Protection Agency or the Vermont Agency of Natural Resources as water conservation devices; and

D. It shall be unlawful for any person to extend, tap, or in any way injure or tamper with a water main or service line. All tapping and turning of water main valves/curb stops shall be done under the direction of the Commissioners or authorized agent.

E. It shall be unlawful for any person to remove any seal placed on any valve, meter, or other appurtenance of the Town Water System, unless permission to do so has been given in writing by the Commissioners prior to the actual removal of said seal.

F. Except with the permission of the Commissioners, or their authorized agent, no person shall turn on water to any premises or shutoff the same and water shall not in any instance be turned on to any premise for use at meter rates until said meter has been suitably attached.

G. No person shall adjust, open, close, alter, or perform any operations to valves, hydrants, or to any other parts of the water system, except with the permission of the Commissioners, Water Superintendent, and/or the Fire Department personnel.

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

I. No connection will be made to the water system without first obtaining approval from the Commissioners. An owner of property within the Water District may apply to connect to the Town Water System by completing an application form approved by the Commissioners. The Commissioners shall first review an application to connect to the Town Water System at a regular or special meeting of the Commissioners within thirty (30) days of submission of the application, together with the required application fees, to the Superintendent of the Town Water System. The Commissioners shall approve the application upon determination and issuance of a written decision that:

1. The property to be served is located at least in part in the Water District existing on the date of the application; and
2. The source well has sufficient capacity to serve the development described in the application, based on estimated water use for the development as set forth in Table II-I Unitize Average Daily Flows of this Ordinance; and
3. The property owner has provided documentation that the applicant and the applicant's successors will comply with the requirements of this Ordinance.

J. All fees and charges shall be paid in full before connection to the town water system. All fees and charges are as stated in the Water and Sewer Rates which is available at the Town Office.

K. Completion of the application and payment of fees shall be considered acknowledgement and agreement by the Applicant to conform to the Standards and Specifications for Construction and this Ordinance.

L. Contractor "Construction Services" shall include the Water Connection Fee before water is turned on, and if service equipment is not then installed in the final location, the additional cost of labor and material to relocate this equipment shall be paid by the contractor.

M. When it is desired to discontinue the use of water, written notice shall be given to the Commissioners and water charges shall continue to be collected until the water is turned off at the curb stop.

N. All meters shall be furnished by the Utility Department and shall be installed to their specifications under the direction of the Water Superintendent. The cost of installing meters shall be borne by the property owner. Any cost for repair caused by frost, hot water, malicious mischief, or any other improper usage shall be paid by the Property Owner. The Utility Department shall not furnish water through any meter over which it does not have exclusive control.

O. All meters shall be installed with cellar stops on each side of the meter. No water meter shall be installed without a backflow preventer where it is considered by the Commissioners to be injurious to the water system. The full cost of these devices shall be the responsibility of the Owner. All routine and necessary maintenance of the water meter shall be responsibility of the Fairfax Utility Department. Cost of replacement or repairs of cellar stops, pressure regulators and backflow preventers shall be the responsibility of the Owner. Required periodic testing of the backflow preventers shall be at the Owner's expense.

P. In installing a service to any premise and furnishing water, material, or labor, the Utility Department shall negotiate only with the Owner of said premises. The Owner on the other hand, desiring to use Fairfax water on his premise shall keep the Utility Department advised of the address to which bills, notices and other communications shall be delivered and Owner of the premises shall be held responsible for the same. If the property is leased, a change of tenants will not relieve the owner of the premises from liability for payment of delinquent bills and lien securing said obligations. All User fee bills will be billed directly to the legal owner of the property serviced.

Q. The Commissioners may require that each Unit served by the Town Water System have a separate water meter for the water supplied to such unit unless they:

1. Grant the unit an exemption from this requirement based on their determination that the unit has been continuously in existence and un-metered since September, 1910; or
2. Determine that the occupant of the unit is legally obligated to pay for the cost of water provided the unit based on the Town's established rates.

R. All private distribution mains shall be metered at the point where the main leaves the Town of Fairfax easement or right-of-way. Water metered by said meter shall be billed to the property owners whose property is served by the main and such property owners shall be jointly and severally liable for all charges billed by the Town. Unpaid charges shall constitute a lien on the property of all properties served by the main.

- S. No person shall open any hydrant or draw water from therein except:
1. The Commissioners or persons acting under their authority or direction of the Commissioners.
 2. Members of the Fairfax Fire Department or other Fire Departments and then only in connection with extinguishing fires.
- T. Repair fees shall be charged to the operator of any motor vehicle which shall cause any water system appurtenances damage, broken, or otherwise rendered inoperative by reason of accident with said motor vehicle. In addition, said owner or operator shall be liable for costs of materials, labor and equipment required to return the system appurtenances to operable condition.
- U. Water mains may be extended only upon an agreement in writing wherein the applicant shall agree to pay for engineering, labor and material cost and materials necessary: including, valves, hydrants, tapping, service lines, and appurtenance. Also, they shall agree such extension shall be installed to American Water Works Association standards as well as Town, State and local standards.* After the water main extension has been constructed, and has passed the required pressure and bacteriological tests, then it shall be acceptable to the Fairfax Utility Department to place the extension in service.
- *See Article II-III for construction standards.
- V. All material, labor and locations for installation or extension of mains or services shall be approved by the Commissioners and or the Town Engineer. All water main extensions or alterations must be submitted to the Board on a detailed, workable 24" x 36" print drawing to 1" = 50' or 1" = 40' scale and presented in triplicate at least thirty (30) days prior to the anticipated date construction is to commence.
- W. The Town of Fairfax and its Utility Department shall not be liable for any injury, loss or damage of whatever nature caused occasion, by failure to maintain a constant or uniform pressure within the water main or by a stoppage of water by frost or other causes, or insufficient supply of water or for accident or damage of any kind caused or created out of furnishing or failing to furnish water.
- X. The Town shall not be required to provide notice of interruption. Notice of interruption may be provided as a courtesy only except as noted in "Y" below.
- Y. Users shall be notified in writing of interruption of service by "Disconnection" as provided by the provisions of this Ordinance and by the provisions of 24 VSA Chapter 129.
- Z. No person shall be entitled to damages, nor have any portion of a payment refunded for any stoppage occasioned by accident to any portion of water system or for non-use occasioned by absence or any other reason.

- AA. All persons taking water shall keep the fixtures and building service line within their own premises in good repair and fully protected from frost and shall prevent the waste of water. The Town of Fairfax and its Utility Department shall not be liable for leakage of hydrants, pipes, or fixtures upon the premises of the taker, nor for any obstructions, or restrictions therein caused by frost or otherwise, nor for any damage resulting from the foregoing.
- BB. Repairs to any building service line from the curb stop to the meter and within the building shall be done at the Property Owner's expense for material, labor and excavation, backfilling and patching.
- CC. The curb stop shall be located at the limit of Town right-of-way or the limit of the water main right-of-way. The Town shall be responsible for the maintenance of the service line connected at the main up to and including the curb stop. The Property Owner shall be liable for the maintenance of the building service line from the curb stop to meter.
- DD. A request by an Owner to change the use of an account property requires the submission of an application to the department and the payment of any fees as designated in the "Schedule of Rates and Charges". The Commission may approve the change in use providing the new use results is equal to or lower total Unitized Average Daily Flow Quantity (as per the Vermont Water Supply Rule Table A2-1) than the current use.

ARTICLE II-II

SPRINKLER SYSTEMS

- A. The Fairfax Utility Department water system is designed to provide fire protection within 500 feet of any hydrant.
- B. Application for sprinkler systems shall be subject to all provisions and specifications that the Department may require.
 - 1. The applicant must furnish the Department with a complete set of engineered drawings that show the location of the premises to be sprinklered and the proposed location of all valves, pipes, hydrants, tanks, sprinkler heads and other appurtenances. These plans will remain the property of the Department. The Applicant must also furnish engineered drawings of any later revisions to piping or appurtenances when they are made. The Applicant must also furnish estimated maximum flow requirements. All water main extensions or alterations must be submitted to the Board on a detailed, workable 24" x 36" print drawing to 1" = 50' or 1" = 40' scale and presented in triplicate at least thirty (30) days prior to the anticipated date construction is to commence.
 - 2. The Department may decline to supply service, in whole or in part, to any sprinkler system if, in the determination of the Commissioners, the system would place undue demands upon any portion of the Department's water system.

C. If a fire service is connected to the water system it shall be subject to periodic inspections by the Department. The Owners of such systems will afford the Department's inspectors all reasonable assistance in making the inspection and will provide all required information about the system, including but not limited to inspection and certification records. Inspections will be made with as little inconvenience to the Owner as possible.

D. When water supplied for fire protection purposes is found to be used for other than fire protection purposes, after written notification to the owner, the water will be shut off by the Department until the offenders give reasonable assurance to the Department that the offense will not be repeated.

E. The sprinkler system must meet all State, Local, and all American Water Works Association Standards, as well as approved engineered drawings.

ARTICLE II-III

CONSTRUCTION STANDARDS

A. The Town shall utilize construction standards and specifications as it deems to be in the best interest of the water system. Said standards will be administered by the Commissioners and/or authorized agent(s).

B. The construction standards and specifications applicable to the Town of Fairfax water system will include the standards, rules, regulations and requirements as specified by:

1. Town of Fairfax Construction Standards
2. Vermont Department of Health
3. Vermont Department of Environmental Conservation Water Supply Division. Water Resources Section.
4. Environmental Protection Agency
5. American Water Works Association (AWWA most recent specifications apply)
6. The Town's Engineer
7. Any other Town, State or Federal agencies having jurisdiction

C. Any materials and equipment used will meet the most recent AWWA specifications and will be compatible with materials and equipment presently utilized in the water system, or as approved by the Commissioners.

D. The Commissioners and Town Engineer shall review plans of all proposed water system construction to insure compliance with said standards at the expense of the property owner.

E. All construction activities within the Town's ROW shall occur between April 1 and November 15, except as approved by the Commissioners.

ARTICLE II-IV

WATER UTILITY ACCEPTANCE REQUIREMENTS

Water mains and their related appurtenances may be eligible for acceptance as a part of the Town Water System when the following criteria have been complied with:

- A. The installation and material have been approved by the Commissioners as in compliance with established standards (See Article II-III B).
- B. The installation has passed the necessary hydrostatic pressure and leakage tests in accordance with the last revisions of AWWA C-6000. Copies of the pressure testes must be submitted to the Utility Department.
- C. The installation has been disinfected in accordance with the latest revision of AWWA C-601 and has been certified by a State of Vermont certified laboratory to be free of bacteriological contamination.
- D. No new main shall be placed in service until it has met the above requirements.
- E. The installation must be shown on an engineered print, within an existing or proposed highway ROW and an easement, granted by the Owner to the Town.
- F. Prior to acceptance of any new water facilities into the municipal water distribution system the Utility Department shall be furnished three (3) sets of record drawings and one (1) set of reproducible record drawings. All record drawings shall be 24" x 36" in size and drawn to a 1" = 40' or 1" = 50' scale.
- G. One (1) year from the date that the new installation was placed in service it may be conveyed to the Town of Fairfax and become a part of its distribution system and by such acceptance, the Town of Fairfax shall be responsible for the maintenance of it. Prior to acceptance into the distribution system full responsibility for the maintenance and repair of the new main and its related appurtenances shall rest with the Owner. Such conveyance shall be in such manner as is acceptable to the Fairfax Water Commissioners.

ARTICLE III

WATER RATES AND CHARGES

- A. All charges, rates or rents of the Utility Department for, or in connection with, the water supply shall be determined by the Commissioners and shall be a lien upon real estate, furnished with the service for which such charges, rates or rents are imposed, in the same manner and to the same effect as taxes are a lien on real estate under Section 5061 of Title 32, VSA.

B. No abatement of charges, rates or rents for, or in any connection with, water supply shall be allowed by reason of disuse or diminished use of such services or vacancy of the premises served, unless thirty (30) days advance notice of such disuse, diminished use or vacancy of premises shall have been given to the Commissioners.

C. Every bill rendered by the Utility Department shall, unless specified therein, be paid in full by the due date. All delinquent water bills shall be collected, or water service shall be discontinued, in accordance with the Municipal Uniform Disconnect Act (24 VSA Chapter 129), or other remedies provided by law.

D. In the event any water meter is removed from any premises at the request of the Owner for any reason, a reinstallation fee shall be charged. (This section is not applicable to leaking or faulty meters.) (A fee schedule is available from the Utility Department at the Town Office.)

E. Should any meter become inoperative between readings, upon investigation and after approval of the Commissioners, the customer shall be billed at the average amount of the preceding four (4) quarters that the meter recorded correctly.

F. Nothing contained herein shall limit the authority of the Utility Department, or the Fairfax Water Commissioners, to impose taxes or assessments upon the grand list, as provided by law.

G. The Owner is responsible for the payment of water bills and is also responsible for notifying the Utility Department at the Town Office of any changes in mailing addresses. Failure to receive a bill does not relieve the Owner of the obligation for payment or for the payment of penalties.

H. For each service, the Owner in whose name the bills are rendered shall be responsible for payment, without regard to whether that person is the ultimate User. By applying for water service, or being connected to the water system: the Owner agrees to pay all bills that become due and failing to do so agrees to pay all costs of collection, including attorney's fees.

I. In order to determine water usage charges, the water meters shall be read quarterly using the self-read meter cards for the first three quarters; then by the Utility Department personnel or duly authorized representatives for the fourth quarter of the year. Water use charges shall be subsequently billed quarterly becoming due 45 days from the bill date or the first workday thereafter.

J. In the event a User's utility service payment is returned more than two (2) times within a twelve (12) month period from their financial institution for non-sufficient funds (NSF) a personal check will no longer be accepted as payment. The only form of payment that will be accepted will be **cash, a certified bank check or money order.**

K. A customer/owner of any water allocation, who has requested and been granted removal from the water system, shall continue to be charged the current, and any increases to Operation + Maintenance, fees for as long as they maintain that reserved allocation. Any outstanding bond fee will continue to be charged until the bond debt is retired.

If the reserve on this allocation is surrendered it shall revert back to the Town Water System at no cost to the Town Water System. In surrendering the water allocation the customer will be exempt from the Operation + Maintenance fees only, as stated above. Requests to surrender an allocation shall be done in writing and approved by the Water Commissioners.

ARTICLE IV

POWERS AND AUTHORITY OF INSPECTORS

The Commissioners, and other duly authorized employees of the Utility Department, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation and supervision of any utility activity. Inspectors and meter readers will carry appropriate identification and will show same upon request to the Property Owner or authorized agent.

ARTICLE V

PROTECTION FROM PHYSICAL DAMAGE

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the Fairfax Public Water System. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VI

CONFLICT

- A. If any provision(s) of this Ordinance is(are) found to be in conflict with any provision(s) of any Zoning, Building, Safety or Health, or other Ordinance or code of the Town or State of Vermont existing on, or subsequent to the effective date of this Ordinance, that provisions which, in judgment of the Commissioners, establishes the higher standard of safety and health shall prevail
- B. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

ARTICLE VII

PENALTIES

- A. A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Franklin County Superior Court, at the election of the Commissioners.

B. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 VSA SS 1974a and 1977 et seq. A civil penalty of not more than \$100 per violation may be imposed for violation of this ordinance.

1. A municipal ticket will be issued 5 days after written notification of violation is mailed by the Commissioners if the violation has not been corrected in accordance with this Ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.

2. For purposes of enforcement in the Judicial Bureau, any designee of the Commissioners shall be the designated enforcement officer(s). Said designee(s) shall issue tickets and may be the appearing officer at any hearing.

C. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Commissioners may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than \$100 per violation may be imposed for violation of this ordinance. A civil action may be initiated within 30 days after written notification of violation is mailed by the Commissioners if the violation has not been corrected in accordance with this Ordinance. Each day that the violation continues shall constitute a separate violation of this Ordinance.

In any action for damages or injunctive relief against a User in which the Town obtains judgment, the User shall pay the Town's cost and attorney's fees, and such amount shall be added to any such judgment.

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

ARTICLE VIII

LATE FEE POLICY

On April 18, 2011, at a duly warned meeting the Selectboard has approved a \$25.00 late fee to **ALL** accounts not paid in full per billing quarter.

This new fee will be charged starting with the July 2011 billing quarter.

In order to not be charged this fee you must pay your bill in full or make payment arrangements **before** your bill is due. If you make payment arrangements and do not make the arranged payments then the late fee will be charged to your account.

If you have any questions please feel free to give Amy Sears a call at 849-6111 ext 6.

We would like to thank all of our users who pay in a timely manner.

Fairfax Selectboard

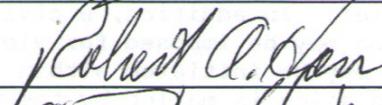
ARTICLE IX
ORDINANCE IN EFFECT

- A. This Ordinance as amended shall be in force and effect sixty (60) days from the date of enactment by the Selectboard for the Town of Fairfax.

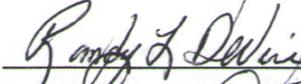
Duly enacted and ordained this 24 day of October, 2011 by the Selectboard of the Town of Fairfax, County of Franklin, State of Vermont, at a duly called and duly held meeting of said Selectboard.

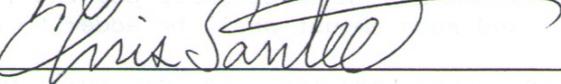
TOWN OF FAIRFAX
SELECTBOARD












_____ Adm. Asst. 10/24/11
Witness to Signatures

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6. NOTICE OF INTENT TO FILE LIEN
7. FAIRFAX WATER SYSTEM CUSTOMER COMPLAINT FORM
8. CUSTOMER REQUEST FOR TERMINATION OF WATER SERVICE
9. TABLE A2-1 - UTILIZED AVERAGE DAY FLOWS
10. VERMONT STATUTES - TITLE 24, CHAPTER 89 - WATER WORKS §3306.
11. VERMONT STATUTES - TITLE 24, CHAPTER 129 - UNIFORM WATER & SEWER DISCONNECT §5141 - 5147.

Initial one of the following paragraphs:

Cont.

I/We certify that the stated premise is owned by me/us; and has a present value, in excess of any liens or encumbrances, in excess of one (1) year's estimated annual charges, noted below. We acquired ownership by deed recorded in Book _____, Page _____, of the Land Records of Fairfax, VT.

I/We understand that I/We must pay a deposit equal to the estimated cost of installation, consumption, and removal of the temporary service, as shown below, and that this deposit will be held until I/We request a termination of service. I/We further understand that this deposit will then be applied to all outstanding charges for which I am/we are responsible, and that any balance remaining after the payment of such charges will then be refunded.

I/We agree:

1. To pay promptly all bills, rates, and other charges assessed by the Department in connection with the furnishing of water service to the above address, together with all lawful costs of connection, including the Department's attorneys' fees.
2. To give reasonable, prior notice to the Department, any intention to terminate water service to the above address.
3. To assume full responsibility for all bills, rates, and other charges in connection with the furnishing of water service to the above address until such time as I/We have notified the Department of my/our intentions to terminate such service.
4. To comply with the Rules and Regulations of the Water Department Ordinance as currently in effect and as may be adopted or amended, from time to time, including such emergency rules as the Selectboard may adopt.

Signed: _____ Date: _____

Signed: _____ Date: _____

TO BE COMPLETED BY THE FAIRFAX WATER DEPARTMENT

Estimated Annual Charges for Water Service: \$ _____

Other Estimated Costs (itemized) _____: \$ _____

_____ : \$ _____

_____ : \$ _____

Service Connection Fee (if any) \$ _____

Accepted by: _____ Date: _____

Verification of Identity: _____

NOTICE OF DISCONNECTION

DATE: _____

\$ _____
AMOUNT IN ARREARS

Dear: _____
(Name of Customer)

According to our records, your water service account is still unpaid. Please make full payment of the account or contact our office to make satisfactory arrangements before _____. If this is not done we will no longer be able to extend credit and will have to discontinue your service on that date on any one of the following four (4) business days.

(Under the law, "business days" means Monday through Thursday excluding legal holidays and the day before any day when the office of the District Treasurer is not open to the public.) An unpaid bill may become a lien on your real property.

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

Collection Trips:	\$10.00 per delinquent charge regardless of the number of trips
Reconnection:	\$25.00 per occurrence (normal business hours)
Overtime	\$37.50

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

THIS IS A FINAL REQUEST

TOWN OF FAIRFAX WATER DEPARTMENT

- An additional \$12.50 fee is charged for overtime disconnection or reconnection.

DOCUMENTS & FORMS

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NOTICE

YOUR WATER SERVICE HAS BEEN DISCONNECTED

Name: _____

Address: _____

You are hereby notified that your water service has been disconnected due to your failure to pay past due amounts totaling \$_____, as specified in the Notice of Disconnection mailed to you on _____.

If you wish to have your water service reconnected, you should pay the full amount owed immediately and notify this office of your desire to have service restored. You may be required to furnish a deposit as a condition to restoration of service, if you have not previously paid such a deposit or, if you have previously paid such a deposit which has already been applied against amounts due.

In the event you can not pay the full amount owed immediately, you should contact his office about arranging an agreement to make partial payment over a period of time. If such an agreement is entered into, failure to abide by the terms of the agreement can lead to disconnection without further notice, as well as further collection action, the cost of which will be charged to you.

If disconnection would result in an immediate and serious health hazard within your household, your service will be reconnected upon presentation of a duly licensed physician's certificate.

Reconnection of your service may result in an assessment against you of a reconnection fee of Twenty-five Dollars (\$25.00) for normal hours or Thirty-seven Dollars and Fifty Cents (\$37.50) for overtime hours. In the event you enter into a repayment agreement, the reconnection fee will be added to the amount owing under the agreement.

The Department reserves the right to institute collection action to recover the amount which you owe the Department. Under the Department's Rules of Regulations, you will be charged the cost of any such collection action, including attorney's fees.

All inquiries and correspondence should be made to:

THE TOWN OF FAIRFAX WATER DEPARTMENT
OR
THE TOWN OF FAIRFAX SELECTBOARD

DOCUMENTS & FORMS

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LETTER OF TRANSMITTAL

AGREEMENT FOR PAYMENT
OF
DELINQUENT WATER BILL

DATE: _____

Dear _____
(Name of Customer)

We are enclosing a written Agreement form which sets forth the terms and conditions to which we orally agreed today.

As explained to you, this form must be signed at the Town Office in Fairfax, Vermont by 4:00 PM on _____. Failure to do so will constitute a breach of this Agreement, and we will disconnect your water service without further notice.

Please note in particular paragraphs 4&5 of the Delinquent Water Bill Agreement (Documents & Forms Section 5), which sets forth the possible charges to be incurred if you fail on your Agreement with the Department.

Signed: _____

Title: _____

**AGREEMENT FOR PAYMENT
OF
DELINQUENT WATER BILL**

I/We, _____, the undersigned, hereby agree with the Town of Fairfax (the "Town"), as follows:

1. There is due and owing a bill for water service of \$ _____ which is delinquent, and for which the Town is entitled to disconnect service, and which we are unable to pay in full at this time.

2. There are also the following charges which have been or are about to be assessed to us by the Town, but which are not yet delinquent:

a.	Collection Trip(s)	\$10.00
b.	Reconnection Fee (Normal Hours)	\$25.00
c.	Reconnection Fee (Overtime)	\$37.50
	TOTAL:	\$ _____

3. The amounts specified in Paragraphs 1 and 2 above total \$ _____ and we agree to pay this total to the Town as follows: _____ Dollars

(\$ _____) per month, payable on or before the _____ day of each month, for a period of _____ months starting on _____ day of the month of _____.

4. We understand and agree that in the event we fail to abide by the terms of this Agreement, our water service is subject to termination without further notice, and that the Town may then institute legal action to recover the amount due, together with court costs and its attorney's fees.

5. We further understand that in the event our water service is terminated, pursuant to paragraph 4 hereof, we may incur and be required to pay in full all of the following charges before service is restored:

- a. The balance owing under this Agreement.
- b. Any other amounts which have become delinquent subsequent to executing this Agreement.
- c. A deposit equal to two-twelfths (2/12th) of the estimated annual bill.
- d. A reconnection fee of Twenty-five Dollars (\$25.00) (Normal Hours)

Signed: _____ Dated: _____

Signed: _____ Dated: _____

Accepted by the Town by: _____

DOCUMENTS & FORMS

**NOTICE OF INTENT
TO FILE A LIEN**

Date: _____

According to the records of the Town of Fairfax you are the owner of the following property. According to the records of the Fairfax Water Department you have failed to pay the following charges which are now delinquent and for which you are responsible.:

ADDRESS OF PREMISES: _____

NAME OF OWNER: _____

TYPE OF RATE/CHARGE	PERIOD OF SERVICE (IF APPLICABLE)	DATE DUE	AMOUNT

Accrued interest will change this balance in the future. TOTAL UNPAID
BALANCE: \$ _____

You are hereby given notice that unless this amount is received by the Fairfax Water Department by the close of business on _____, or unless you dispute this charge and request a hearing before the Selectboard of the Town of Fairfax, Vermont before that date, the statutory procedures for placing a lien upon your property will be followed.

Signed _____
Authorized Agent for the
Fairfax Water Department

FAIRFAX WATER SYSTEM
CUSTOMER COMPLAINT FORM

Date/Time: _____

Customer Name: _____

Address/Location: _____ Phone: _____

Form filled out by: _____ Title: _____

NATURE OF COMPLAINT

ACTION TAKEN

Fill out what is necessary

Site Visit: _____ Date/Time: _____

Water quality at time of complaint: _____
(pH, chlorine residual etc.)

Work performed: _____

Other: _____

FOLLOW-UP COMMENTS

CUSTOMER REQUEST FOR TERMINATION OF WATER SERVICE

Any customer/ownership of any water allocation that has been granted removal from the water system shall continue to be charged the current bond rate and any increases to Operation + Maintenance fees until the note is completely paid off in 2029.

The water allocation(s) with the Town of Fairfax reverts back to the Town of Fairfax Utility Department and is at the discretion of the Water Commissioners. The water service will be cut off at the curb stop. A filing in the Fairfax Land Records of this action will be recorded at the customer's expense. At any point, within a three year period of time, should a customer want to be reconnected to the town's water system, they will be treated as a new application and will be responsible for any fees accrued by the reconnection of this service.

Note, after a three year period of time, or the property changes hands, reconnection to the Town's water supply will no longer be an option.

(A list of grandfathered accounts/parcels are: MP0007, MP0015, MA1192, BO0087, FR0128 and MA1261/MA1271.)

Date/Time: _____

Customer Name: _____

Address/Location: _____ Phone: _____

Signature: _____

TABLE A2-1 - UNITIZED AVERAGE DAY FLOWS

Station	Flow (MGD)	Flow (MGD)
Station 1	100	100
Station 2	100	100
Station 3	100	100
Station 4	100	100
Station 5	100	100
Station 6	100	100
Station 7	100	100
Station 8	100	100
Station 9	100	100
Station 10	100	100
Station 11	100	100
Station 12	100	100
Station 13	100	100
Station 14	100	100
Station 15	100	100
Station 16	100	100
Station 17	100	100
Station 18	100	100
Station 19	100	100
Station 20	100	100
Station 21	100	100
Station 22	100	100
Station 23	100	100
Station 24	100	100
Station 25	100	100
Station 26	100	100
Station 27	100	100
Station 28	100	100
Station 29	100	100
Station 30	100	100
Station 31	100	100
Station 32	100	100
Station 33	100	100
Station 34	100	100
Station 35	100	100
Station 36	100	100
Station 37	100	100
Station 38	100	100
Station 39	100	100
Station 40	100	100
Station 41	100	100
Station 42	100	100
Station 43	100	100
Station 44	100	100
Station 45	100	100
Station 46	100	100
Station 47	100	100
Station 48	100	100
Station 49	100	100
Station 50	100	100

ESTABLISHMENT	DESIGN VALUE	Gallons Per Person Per Day (Unless otherwise noted below)
Assembly Areas, Conference Rooms	5	
Airports	5	
Bathhouses	5	
Bowling Alley (no food service)	75	Per Lane
Camps:		
Campground with central comfort stations (4 people per site)	100	Per Site
With flush toilets, no showers (4 people per site)	75	Per Site
Construction Camps (semi-permanent)	50	
Day camps (no meals served)	15	
Day Care Centers	15	Per Child or Employee, Per Shift
Resort camps (night & day) with limited plumbing	50	
Cafeterias	50	Per Seat
Churches Sanctuary seating x 25%	5	
Church Suppers	8	
Cottages	50	
Country Clubs	100	Per Resident Member
Country Clubs	25	Per Non-Resident Member Present
Dairy Farms	20	per tie-up
Dentists' Office	35	Per Staff Member
Plus	200	Per Chair
Doctors' Office	35	Per Staff Member
Plus	10	Per Patient
Dwellings		
Apartments	75	Per Person with Minimum

ESTABLISHMENT	DESIGN VALUE	Gallons Per Person Per Day (Unless otherwise noted below)
Boarding Houses	50	
Plus Addition for non-resident boarders	10	
Multiple dwelling (condominiums, town houses, clustered housing)	75	Per Person with Minimum of 2 People/Bedroom
Den with Couch	55	
Rooming House	40	Per Occupant Bed Space
Single Family Dwellings	150	Per Bedroom
Factories	15	Gallons Per Person, Per Shift, exclusive of Industrial Wastes
Gyms	10	Per Participant
	3	Per Spectator
Hairdressers	10	Per Operator
Plus	150	Per Chair
Hotels** with Private Baths	50	Per Sleeping Space
Hospitals	250	Per Bed
Institutions other than hospitals	125	Per Bed
Laundries, self-service	500	Per Machine
Mobile Home Parks		
Systems Serving 4 or fewer trailers	450	Per Space
Systems Serving 5 or more trailers	250	Per Space
Motels** with private baths	50	Per Sleeping Space
Nursing Homes	125	
Picnic Parks (toilet waste only/picnickers)	5	
Restaurants (toilet and kitchen wastes, including restaurant and bar seats)	30	Per Seat
Additional for restaurant serving 3 meals per day	15	Per Seat
Restaurants (fast food-see Cafeteria)		

ESTABLISHMENT	DESIGN VALUE	Gallons Per Person Per Day (Unless otherwise noted below)
Schools		
Boarding	100	
Day, without gyms, cafeterias & showers	15	
Day, with gyms, cafeterias & showers	25	
Day, with cafeteria, but without gyms and showers	20	
Service Stations	500	First set of gas pumps
Plus	300	Each set thereafter
Shopping Centers/Stores;		
Large Dry Goods	5	Per 100 Square Feet
Large supermarkets with meat department, without garbage grinder	7.5	Per 100 Square Feet
Large supermarkets with meat department, with garbage grinder	11	Per 100 Square Feet
Small Dry Goods (in shopping centers)	100	Per Store
Subdivision	450	Per Lot or 150 Gallons Per Day Per Bedroom, whichever is larger
Theaters		
Movie	5	Per Auditorium Seat
Drive-in	5	Per Car Space
Travel trailer parks without individual water & sewer hookups		
Comfort Station	90	Per Trailer Space
Dumping Station	35	Per Trailer Space
Travel trailer parks with individual water & sewer hookups	125	Per Trailer Space
Veterinary clinic (3 or fewer doctors)		
Without animal boarding	750	Per Clinic
With animal boarding	1500	Per Clinic
Workers		

ESTABLISHMENT	DESIGN VALUE	Gallons Per Person Per Day (Unless otherwise noted below)
Construction (at semi-permanent camp)	50	
Day at schools and offices	15	Per Person Per Shift

*Elderly housing may be calculated at 1.5 people per bedroom.

**Does not include laundry or restaurant demand.

TITLE 24: MUNICIPAL AND COUNTY GOVERNMENT

PART II: MUNICIPALITIES

CHAPTER 89: WATER WORKS

§ 3306 - Charges, lien

The owner or occupant of any tenement, house or building, who takes the water of such municipal corporation shall be liable for the rent or price of the same, and the officers and agents of such municipal corporation entrusted with the care and superintendence of the water may at all reasonable times enter all premises so supplied to examine the pipes and fixtures and prevent any unnecessary waste. If any person, with the consent of such municipal corporation, shall use any water, a civil action on this statute may be maintained against such person by such municipal corporation for the recovery of damages therefore. The charges, rates or rents for water shall be a lien upon the real estate furnished with the municipal corporation water in the same manner and to the same effect as taxes are a lien on real estate under section 5061 of Title 32.

VERMONT STATUTES

TITLE 24: MUNICIPAL AND COUNTY GOVERNEMENT

PART II: MUNICIPALITIES

CHAPTER 129: UNIFORM WATER AND SEWER DISCONNECT

§ 5141 - Scope

This chapter applies only to municipalities providing water or sewer services, or both, and it allows disconnection of water or sewer services, or both, as a delinquency collection procedure for water or sewer delinquencies. Disconnection of water service as a collection procedure for delinquent sewer bills is specifically allowed. This delinquency collection procedure is a separate procedure from that allowed under Title 32. (Added 1977, No. 93: amended 1989, No. 45 & 7.)

§5142 - Definitions

For the purpose of this chapter:

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

(2) "Disconnection" means the deliberate interruption or disconnection of water or sewer services, or both, to a ratepayer by the servicing municipality for nonpayment of water or sewer charges.

(3) "Delinquency" means failure of the ratepayer to tender payment for a valid bill or charge within 30 days of the postmark date of that bill or charge, or by a "due date" at least 30 days after mailing, which shall be clearly printed on the bill and which shall control in the absence of the postmark. A delinquency of sewer charges shall be considered a delinquency of water charges, if operated by the same municipal corporation.

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

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

§ 5143 - Disconnection of Service

(a) No municipality shall disconnect service to a ratepayer unless payment of a valid bill or charge is delinquent as defined herein, and notice of disconnection has been provided previously to the ratepayer. A copy of the notice shall be sent to the occupant of a residential dwelling which will be affected by the disconnection of the occupant is different than the ratepayer.

(b) Disconnection shall not be permitted if:

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

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

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

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

(5) The ratepayer has not been given an opportunity to enter into a reasonable agreement to pay the delinquent bill or; having made such agreement, has abided by its terms. - Added 1977, No. 93; amended 1989, No. 45 §9.

§ 5144 - Uniform notice form

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

\$ _____
AMOUNT IN ARREARS

Dear Customer:

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

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

Collection Trips - \$25.00, regardless of number of trips
Reconnection - Normal Hours - \$25.00
Overtime - \$37.50

Interest according to 32 V.S.A. § 5136 (a)

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

THIS IS A FINAL REQUEST FORM:
(NAME OF CREDIT SUPERVISOR)
(NAME OF MUNICIPALITY)
(ADDRESS OF MUNICIPALITY)
(TOWN)
VERMONT (ZIP CODE)
(TELEPHONE NUMBER)

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

DOCUMENTS & FORMS

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§ 5147. Jurisdiction for appeals and exceptions

The board of selectmen shall promptly and fairly hear any or all appeals by the ratepayer after notice to all interested parties. During appeal, disconnection will be postponed. Upon just cause shown, the Selectboard may grant exceptions to any ratepayer. The Selectboard may appoint one or more members of the Selectboard to act as hearing officers for the purposes of the appeal. Alternatively, the Selectboard may appoint responsible citizen to act as a hearing officer for the appeal. - Added 1977, No. 93.

Fairfax Municipal Water & Sewer



Vermont Coordinate System
 Transverse Mercator, NAD 83
 For planning purposes only.
 Prepared by:
 Northwest Regional Planning Commission
 155 Lake Street
 St. Albans, VT 05478
 May, 2009
 802.524.6668
www.nrpcvt.com
z:\gis\projects\county\franklin\fairfax\municipalwater&sewer.mxd

Legend

- State Highway
- Class 2 Town Road
- Class 3 Town Road
- Class 4 Town Road
- Private Road
- Parcel Line
- Growth Center Boundary
- Fairfax Waterline
- Fairfax Sewer
- Pond or River
- River, Stream or Brook

