

Resolution

Water Ordinance

WHEREAS, the Milton Selectboard warned a public hearing on October 9, 2008, with the hearing held October 20, 2008 to take public comments with regard to the new Water Ordinance; and

WHEREAS, The Milton Selectboard after consideration of public comments received has decided to adopt the new Water Ordinance as proposed and to repeal the former **Water Ordinance**.

NOW THEREFORE, BE IT RESOLVED the Milton Selectboard adopts the new Water Ordinance as proposed to become effective November 29, 2008 and repeals the former Water Ordinance.

Date: October 20, 2008

Milton Selectboard:

Jeffrey Turner, Chair

Diana Palm

Diana Palm, Vice Chair

Louis H. Mossey III

Louis Mossey, III- Clerk

J. V. Manley

James V. Manley

Randall Barrows

Filed with the Town Clerk

Oct 21, 2008, 2008

Signed:

Loretta R. Demino

Asst. Clerk

Water

Pursuant to Title 24 Chapter 59 of the Vermont Statutes Annotated and the Charter of the Town of Milton, the Selectboard of the Town of Milton does hereby ordain the following:

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Section 1 Purpose

1. An ordinance regulating the use of the public water supply system, allocation of water supply capacity, the installation and connection of water services and providing penalties for violations thereof in the Town of Milton, County of Chittenden, State of Vermont.
2. The Town owns and operates a water distribution and transmission system as defined in Chapter 21 Vermont Water Supply Rule. Water is purchased from the Champlain Water District and is distributed to the users of the Milton Water System in accord with a water supply permit issued by the State of Vermont Department of Environmental Conservation under the authority granted in 10 VSA, Chapter 47. The Town is obligated by law to comply with conditions of the permit, and to operate and manage the water system as governmental functions under and pursuant to 24 VSA, Chapters 97 and 101. The Design Capacity of the water system is determined by the capabilities of the Champlain Water District to treat and transmit, and the Milton Water Systems capacity to store and distribute water for potable and emergency uses. The design capacity of the water system shall be updated upon completion of projects which improve the capacity of the water system to provide potable and emergency water uses. The Design Capacity of the water system is the property of the Town. The Town in the manner described below shall allocate the uncommitted Reserve Design Capacity of the water system.

Section 2 Definitions

Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as follows, listed alphabetically:

ASTM shall mean American Society for Testing and Materials.

AWWA shall mean the American Water Works Association.

Agency shall mean a division of the Federal Government or State of Vermont which may have primacy over the regulations governing the operation of the Milton Water System.

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Application Fee shall mean a fee assessed to reflect the Town's cost to review, approve and reserve applications to reserve uncommitted reserve hydraulic capacity.

Authorized Representative any duly authorized agent or designee of the Town of Milton.

Capacity Allocation shall mean (a decision of) Reserve Capacity set forth by the Selectboard to commit a specified amount of water treatment capacity (measured in gallons per day or gpd) to a specific Water Service Area or Areas or a specific project.

CWD shall mean the Champlain Water District or any duly authorized agent or employee of the Champlain Water District.

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

Chapter 21 shall mean the most current version of the State of Vermont Water Supply Rules.

Commercial shall mean a water use consistent with non-manufacturing business activities.

Commercial Building shall mean any building or structure constructed for the primary purpose of housing a commercial, industrial, business, multi-family or mixed use that does not serve the function of a single family dwelling, excluding home occupations as defined in the Town of Milton Zoning Regulations.

Commercial or Industrial Unit shall mean a single, commercial or industrial unit, whether rented or owned by the business or occupant, which has independent ingress and egress or has common ingress and egress with other units within a building or structure, but with separate commercial or industrial facilities. Example may include, but not limited to, stores located in shopping centers or separate office or condominium units within a single building or structure.

Committed Reserve Design Capacity shall mean the total amount of total development water use (gallons per day) at all projects/buildings approved by the Town and the State of Vermont for connection to the water system, but not yet consuming water at the time of the calculation.

Completed Construction shall mean

- (1) For building development; completion of construction of all foundation, framing, siding, roofs and internal improvements; or
- (2) For subdivision development; the completion of all buildings on all lots.

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

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Customers shall mean any person, firm, trust, association, corporation, limited liability company or partnership that is provided water service or fire protection by the Town of Milton.

Customers Subject to Water Charges shall mean All owners of residential, commercial and industrial structures, building or condominium units, whether or not separately metered shall pay the Town's minimum water service charge and the Town's fire protection charges as provided herein.

Development shall mean the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial activity.

Development Water Flow shall mean the estimated flow resulting from full use of the development at its peak capacity, which flow shall be calculated using flow quantities, adopted as rules by the State of Vermont, as promulgated at the time a connection permit application is made.

Equivalent Unit or Equivalent User Unit or EDU shall mean a single family dwelling such as a house, apartment, trailer, or condominium unit having a metered water usage of up to a limit set by resolution of the Selectboard.

EPR shall mean the most current version of the State of Vermont Environmental Protection Rules.

Expanded Service Area or Expanded Water Service Area shall mean the water service areas outside the planned service areas as denoted by this Ordinance.

Failed System shall mean any private water treatment system, such as a traditional well system, that no longer effectively supplies **potable water** as defined by the rules by the State of Vermont.

First Come, First Served Basis shall mean the review of complete applications for approval of Reserve Design Capacity allocation in the order in which they were received, as date stamped and time registered in the Town Manager's office.

Fees shall mean as defined in section 4.I.5 of this Ordinance.

Functioning System or Functioning Water supply system shall mean any private water treatment system, such as a traditional well system, that effectively provides a source of potable water.

Industrial shall mean water use characteristics significantly greater than residential water use. (1)

Initiate Construction shall mean

- (1) For individual buildings, the completion of the foundation; or
- (2) for multi-building development; completion of at least twenty percent (20%) of the initial phase of infrastructure improvements.

Legislative Body shall mean the Selectboard of the Town of Milton.

Major Contributing Industry shall mean one that (1) has a water use of 50,000 gallons or more per average work day; or (2) has a water use greater than five (5) percent of flow carried by the municipal

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water distribution system; or (3) has a significant impact, either singly or in combination with other contributing industries, on a publicly owned water treatment and distribution facilities.

Maximum Water Flow shall mean the maximum water flow in gallons per day provided by the purveyor of water, I.E. Champlain Water District.

Permit to Operate shall mean a permit issued to the Town for operation of the municipal water system by the State of Vermont, pursuant to authority granted in 10 VSA, Chapter 47.

Person shall have the meaning prescribed in 1 VSA, Section 128.

pH shall mean the logarithm of the reciprocal of the mass of hydrogen ions in grams per liter of solution.

Potable Water shall mean water free from impurities in amounts sufficient to cause or disease or harmful physiological effects, and having bacteriological, chemical, physical and radiological quality conforming to applicable State and Federal standards.

Public Water System shall mean a water distribution system in which all owners of abutting properties have equal rights, and is controlled by public authority.

Reserve Design Capacity or **Reserve Hydraulic Capacity** shall mean the maximum water flow minus the actual system water flow during the preceding 12 months (annual average flow).

Residential shall mean water consumption consistent with human household activities.

RPE shall mean an individual registered, in the appropriate discipline, as a Professional Engineer in the State of Vermont.

Secretary shall mean the Secretary of the Agency of Natural Resources, State of Vermont or its successor, or his / her representative.

Selectboard shall mean the legislative body of the Town of Milton acting as or designating a Board of Water Commissioners under 24 V.S.A., Section 3614.

Shall is mandatory and **may** is permissive.

Single Family Dwelling shall mean a residential STRUCTURE designed and constructed to house one (1) or more PERSONS living as a single housekeeping unit. A State licensed or registered residential care home or group home, serving not more than six (6) PERSONS who are developmentally disabled or physically handicapped, shall be considered by right to constitute a SINGLE FAMILY DWELLING, except that no such home shall be so considered if it locates within one thousand (1,000) feet of another such home. A State registered or licensed day care facility serving six (6) or fewer children shall be considered by right to constitute a SINGLE FAMILY DWELLING.

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Substantial Change shall mean a permanent increase in the Water use volume from an existing connection:

- a. equivalent to one (1) gallon less than the flow quantities established in the current edition of the State of Vermont, Agency of Natural Resources Environmental Protection Rules, Standard Flow Quantities and Chapter 21, Water Supply Rules required for a single family dwelling, or
- b. greater than fifty (50%) percent of the historical use registered on the meter used for normal billing or a. above, whichever is less, or,
- c. the conversion of an existing single family home to a multiple occupancy residential, mixed use, commercial, retail or industrial structure.

System Water Flow shall mean the water passing through the water distribution system as measured at the master meter vault in gallons per day on an annual average basis (365-day average).

Town shall mean the Town of Milton or any duly authorized agent or employee of the Town of Milton.

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

Uncommitted Reserve Design Capacity shall mean that portion of the Reserve Design Capacity remaining after subtracting committed Reserve Design Capacity approved by Selectboard but not yet connected to the water distribution system.

Water Connection Fee or Connection Fee shall mean a fee imposed on applicants which is based on the Towns cost to fund upgrades, capital improvements and extensions to the Water System in order to maintain capacity for new connections. This shall include the cost of performing, supplying materials, supervising inspection and administering a connection to the water system including any necessary water service extension, upgrading water works or for any portion of these activities.

Water Distribution System shall mean a pipe or conduit, or network of such pipes or conduits or other structures for carrying portable water to individual approved uses.

Water Service shall mean the providing of water to a customer, whether or not through an individual meter, as well as fire protection charges for structures within five hundred foot radius to a fire hydrant.

Water Service Area shall mean the area shown on the attached plan, entitled "Water Service Areas, Milton, Vermont" as emended by resolution of the Selectboard.

Water Supply & Wastewater Disposal Permit shall mean a permit issued by the State of Vermont to an individual property owner, pursuant to authority granted in 10 VSA, Chapter 47.

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Water System shall mean all facilities for distributing, pumping, storing, treating, and purveying of water.

Water Tap shall mean that part of the public water distribution system that runs from the water distribution main to the edge of the public right-of-way and includes all necessary fittings.

Water Works shall mean all facilities for distributing, pumping, storing, treating, and purveying of water.

Section 3 General

A. Use of Public Water System

1. The use of the Public Water System is required for all new houses, replacement structures, buildings, Developments, Planned Residential (PRD) or Planned Unit Developments (PUD), or other structures used for human occupancy, employment, industry, recreation or business, situated within a Town of Milton Water Service area and abutting on any street, alley, easement, or right-of-way in which there is located a public water distribution line of the Town of Milton Water System.
 - a. New connections within an approved Water Service Area may be exempt from mandatory connections to the water system only if the proposed connection is not fronted or adjacent to a municipal water main.
 - b. This condition may be waived if sufficient reserve hydraulic water capacity is not available at the time that a site, sketch, or preliminary request is submitted to the Town to construct said structures.
 - c. Notwithstanding Section 3.A.1 of this Ordinance, the owner of property that is traversed by the a municipal water main, AND is served by a functioning on-site potable water system shall not be required to connect to the municipal water system until such time as the onsite water system is determined to be a failed system. Proof of such failure shall be provided to the Town by the owner of the property that the on-site water system is no longer providing adequate potable water.
2. Responsibility for maintenance and repair of connections to the public water system, from the curb stop or valve located at the edge of public right of way, to the premises is the responsibility of the property owner. In the event that water connection repairs or maintenance are required within the public right-of-way, the Town shall perform the necessary repairs or maintenance. All costs arising from such repairs or maintenance within public right of way or prior to the curb stop, shall be the responsibility of the Town.
3. No person shall uncover, make any connections or opening into, use, alter or disturb any public water system works or appurtenance thereof, without first obtaining written permission from the Town or its authorized representative. Any person proposing a water use new to the system or a substantial change in the volume or character of water use new to the system shall

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- apply for a water connection permit, in accordance with the application section of this ordinance, at least forty-five (45) days prior to the connection.
4. Any person proposing a substantial change, as defined in Section 2 of this Ordinance, in the volume or character of use, shall apply for connection review and water allocation in accordance with the applicable sections of this Ordinance at least forty-five (45) calendar days prior to the proposed change or connection. Such changes shall be reviewed in accordance with applicable sections of this Ordinance.
 - a. It shall be unlawful to;
 - i. Extend, tap or in any way injure or tamper with a water main service pipe.
 - ii. Remove any seal placed by authorized Town Personnel upon a valve, meter or appurtenance;
 - iii. Turn on or shut off water to any premises without appropriate written authorization from the designated Town official. All tapping and all turning of water mains, valves, hydrants and curb stops, owned by the Town, shall be done under the direction of the Selectboard or its authorized representative;
 - iv. Cause or have caused the deliberate or unintentional contamination of publicly owned water mains or water supply, by cross connection or other means, or as set forth by adopted rules and regulations for the control of cross connections within the Town.
 5. All persons taking water shall keep the fixtures and service pipe within their own premises in good repair and fully protected from frost and shall prevent the waste of water. The Town 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 forgoing. The Town reserves the right to demand any unmetered use, whether intentional or unintentional, to be corrected within a reasonable amount of time, in accordance with the applicable sections of this Ordinance.
 6. It shall be unlawful for any person to open or close any public or private fire hydrant or blow off, or draw water from a hydrant or blow off, except;
 - a. the Town Manager, Public Works Director, Town Engineer, Water and/or Wastewater Superintendent, or persons acting under their authority, supervision or direction, or
 - b. members of any Fire Department when in the act of fighting fires, or
 - c. Private person's or organizations with expressed written consent of the Town Manager or the Town's authorized representative.
 7. Actual repair or replacement costs shall be charged to the owner or operator of any motor vehicle which shall cause such damage to any fire hydrant; blow off, or above ground appurtenance.

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8. In the event of emergency or shortage of water capacity, the Town shall have the right to:
 - a. Temporarily cut off water supply in order to make necessary repairs, connections, etc. The Town shall make reasonable efforts to notify the affected water system customer of such discontinuance of service.
 - b. Reserve sufficient supply of water at all times in its reservoirs to provide for fires or other emergencies, and may restrict or regulate the quantity of water used by customers in case of scarcity or whenever the public welfare may require such restriction or regulation.
 - c. Deny requests for new connections and uses until sufficient reserve capacity are available.
 - d. The Town shall not be liable for any injury, loss or damage of whatever nature, caused or occasioned by the failure to maintain a constant or uniform pressure within the water main or by a stoppage of water by frost or other causes, insufficient supply of water or for accident or damage of any kind caused or created out of furnishing or failing to furnish water.
9. In case of a water quality emergency, the consumer shall be notified immediately by the Town in accordance with EPA Standard Drinking Water Standards and State of Vermont, Chapter 21, Water Supply Rule. While the Town is ultimately responsible for water quality "to the last tap" on the municipal system, credit shall not be issued for water used that is not fit for consumption by human or animal. Water quality notices shall be lifted only after the requirements of the Water Supply Rule have been achieved.
10. It is a violation of the Town of Milton Water Ordinance for any person or corporation to violate a Town of Milton Water System conservation order, or a conservation order issued by the Champlain Water District.

B. Powers and Authority of Inspectors

1. Duly authorized employees of the Town, bearing proper credentials and identification, shall be allowed to enter all properties for purposes of meter reading, repairing, inspection, observation, measurement, calibration and testing in accordance with the provision of this ordinance. The Town or its representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on providing safe, potable water to its users.
2. Duly authorized representatives of the Town, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, calibration, and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

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3. While performing the necessary work on private properties, duly authorized representatives of the Town shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to the Town's employees and the Town shall indemnify the owner against claims and demands for personal injury or property damage asserted against the owner and growing out of the operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

C. Customers' Premises

1. The customer's installation shall comply with the rules and regulations of all authorities having jurisdiction. This includes the Milton Public Works Specifications.
2. The Town shall not be liable for any loss; cost damage or expense to any person and/or property resulting from the use or presence of water from the service upon the customer's premises.
3. The Town shall not be liable for any loss, cost, damage or expense to any customer occasioned by any failure to supply water, or by any interruption of the supply of water, if said failure or interruption shall be due to war, flood, wind, storm, drought, strike, or any cause beyond the control of the Town or any cause except willful default or negligence on its part.
4. The Town shall at all reasonable times, be permitted access to the customer's meter and remote reading receptacle.
5. The Town shall have at all reasonable times, be permitted entry to the customer's premises for the purpose of erecting, inspecting, connecting, disconnecting, reading, repairing, or removing any or all of the customers metering apparatus used in connection with the supply of water, and for said purpose the customer shall authorize and request his landlord, if any to permit the Town to enter said premises.
6. The customer shall provide for safe keeping of the meter and equipment, and shall not permit interference therewith except by authorized employees of the Town or it's designees with specific written permission from the Town.
7. If the customer has a private water system the piping shall be a complete, separate and independent plumbing system. Water from a private water system shall not back feed into the Town Water System. The Town reserves the right to inspect premises at any time for compliance with this regulation.

Section 4 Connection Requirements**A. General Connection Requirements**

1. All capacity committed prior to adoption of this Ordinance shall accomplish connection in accordance with the conditions indicated at the time of issuance of the approvals, provided all

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capacity and connection fees have been received by the Town prior to the adoption of this ordinance . In applications where all fees have not been paid, said applications shall be assessed in accordance with the conditions of this ordinance.

2. Nothing herein shall be construed as limiting or impairing the authority of the Town or the Selectboard to require connection to the water system under the general laws of the state ordinances.
3. Any transfer, sale or use of access rights that is inconsistent with this Ordinance shall also be subject to the enforcement actions noted in Section 5 of this Ordinance.
4. Application for water service shall be made on printed forms provided by the Town and shall be filed at the Town of Milton Municipal Offices during business hours. Applicants shall agree to conform to any and all applicable ordinances and regulations concerning the use of water.
5. Whether or not a signed application for water service is made by the customer and accepted by the Town, the rendering of the service by the Town and its use by the customer, shall be deemed a contract between the parties, subject to all provisions of the rate(s) applicable to service.
6. All costs and expenses incident to the installation, connection, maintenance and repair of the water mains or service on their premises shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance and repair of the water main or service.
7. The size, location, alignment, and materials of construction of a water main or service, and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench, shall all conform to the requirements of the Public Works Specifications and other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Water Work Association (AWWA) and Chapter 21, Water Supply Rules, shall apply.
8. The connection of the water main or service into the public water system shall conform to the requirements of the Public Works Specifications, or other applicable rules and regulations, and shall also conform to the rules and requirements of the Town, or the procedures set forth in appropriate specifications of the AWWA, and Chapter 21 shall apply. Such connections shall be made pressure tight. Any deviation from the described procedures, location and materials must be approved by the Town at least two (2) Town working days prior to installation.
9. All excavations for water service or main installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

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10. The applicant for the approved water connection permit shall provide at least two (2) full working days advance written notice to the Town, excluding Saturday, Sunday and Town holidays, as to when the water main or service is ready for connection and inspection to the public water system. The connection shall be made under the supervision of an engineer provided by the applicant and/or a qualified inspector designated by the Town. Any work not conforming to the provisions of this Section shall be removed and corrected at the expense of the property owner.

B. Water Service Extensions and Acceptance

1. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any applicant whereby a use of unusual quantity may be accepted by the Town subject to payment therefore, by the applicant provided that such agreements do not contravene any requirements of existing regulations and are compatible with any User Charge and cost recovery system in check.
2. A separate and independent water connection shall be provided for every water service.
3. The Town may install service lines to a curb-stop located within the highway or dedicated right of way.
4. Water taps and service connections to Town water mains shall be made by qualified personnel only and must be pre-approved by the Town or its authorized representative prior to commencement of any installation. Service connections made by the Town shall be charged in accordance with policies and amendments established by the Selectboard.
5. Services 4" and larger shall require a tapping sleeve and valve in accordance with the most current Town of Milton Public Works Specifications.
6. All new water services shall be a minimum of ¾" inside diameter of the pipe.
7. The customer shall pipe to the point of his property line designated by the Town. Connection to the main or service stub may be performed by the applicant under the direct supervision of the Town or its authorized representative.
8. The customer's service from the Town shutoff to the meter shall be a kind, type and size approved by the most current addition of the Town of Milton Public Works Specifications.
9. It shall be the responsibility of the property owner to install and maintain the service line from the curb-stop or valve to the water meter, regardless of size. Installations must conform to the Town of Milton, Public Works Specifications, and all applicable local, state and federal regulations. Except in emergency cases, as determined by the Selectboard or its authorized representative, the Town shall not install or maintain the service line from the curb stop to the water meter. Any work performed by the Town on private property shall require written authorization from the property owner.

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10. The Town, upon receipt of application, shall have the opportunity to inspect all water services and their connections. In installing a service to any premise and/or furnishing water, material or labor, the Town shall negotiate only with the property owner, or a representative authorized in writing by the owner of said premises.
11. All service lines, regardless of size, installed from the water main to the curb stop or valve, within accepted right of way shall be owned and maintained by the Town.
12. The Town reserves the right to reject any application for service, if the amount and nature of the service applied for or the distance of the premises to be serviced from an existing suitable main, or the difficulty of access thereto, is such that the estimated income from the service applied for is insufficient under any of the Town's applicable rates, to yield a reasonable return to the Town, unless such application is accompanied by an undertaking satisfactory to the Town guaranteeing stipulated revenue for a definite period of time or both.
13. The use of pumps at a customer's premises, which pumps are connected in any way to the Town water service is prohibited except upon the prior written consent of the Town. In no instance shall any pump use be allowed to interfere with the quality of service to other Town customers and where the possibility of damage to piping of the Town or other customers could occur.

C. Water Main Extensions and Acceptance

1. Water mains and their related appurtenances shall be eligible for acceptance as part of the Milton Water System when the following criteria are met. By such acceptance the Town shall be responsible for maintenance. However, prior to acceptance into distribution system, full responsibility for the maintenance and repair of the new main and its related appurtenances shall rest with the owner/applicant in accordance with the Town of Milton Public Works Specifications.
 - a. New pump stations and/or water system expansions may be considered for acceptance by the Town if it is constructed in accordance with Town specifications and provides service that is regionally significant as determined by the Water Superintendent or the Town's Designated Representative.
2. All pipeline extensions shall be laid by or, at the sole option of the Selectboard, under the supervision of the Town or its designees and upon completion of any warranty periods shall be the property of the Town.
3. Before construction is started, a certified engineer acting as an agent of the Town shall certify the cost of the installation and surety shall be posted predicated upon that cost.
4. The Town shall not be required to construct extensions unless said extension upgrades or otherwise enhances water service to existing customers, and all costs are borne by the party or parties issuing such request.

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5. Extensions that are to be accepted by the Town shall not be permitted outside the public right of way unless the prospective customer shall provide without expense to the Town the necessary plans, permits, consents or easements for satisfactory right of way for the construction, maintenance and operation of a water main including the right to cut and dispose of necessary trees and bushes. Further, extensions into developments shall be accomplished only after acceptable development plans have been furnished to the Town of Milton and accepted by the Town. The applicant shall agree, in writing to pay for all labor and materials necessary, (e.g. Valves, hydrants, tap and sleeve, service pipes and appurtenances) which shall be deeded to the Town of Milton upon acceptance.
6. The diameter of the water main extension piping in any case shall be no less than eight inches (8"). The Town reserves the right to designate the size or quality of the extension, in accordance with conditions in and around the site of the new extension, possible future extensions, and fire protection requirements. All main extensions proposed to traverse a route identified in a plan accepted by the Selectboard or the public shall be of a size and type identified in the plan. All costs and expenses incident to the installation, connection, maintenance and repair of the water main extension shall be borne by the owner.
7. Fire Hydrants are required on all new main extensions, eight inches (8") in diameter or greater, equal to or exceeding five-hundred linear feet (500') in length. Nothing within this section of the ordinance shall limit the Town from requiring hydrant placements where deemed appropriate by the Town's Designated Officials. Hydrant placement shall adhere to the following specifications:
 - a. Fire hydrants on designated water transmission mains shall be spaced a maximum of one-thousand linear feet apart.
 - b. Fire hydrants within districts that are zoned residential, rural or agricultural shall be spaced a maximum of five-hundred linear feet apart.
 - c. Fire hydrants within districts that are zoned for commercial, industrial or mixed uses shall be spaced a maximum of three-hundred linear feet apart.
 - d. In accordance with NFPA 14, §6.3.5.4 as amended, fire hydrants shall be located within one-hundred linear feet of any Fire Department connection.
 - i. As far as it is practical, hydrants under this provision shall be placed within existing public right of ways.
 - ii. In accordance with NFPA 14, §6.3.5.4.1 as amended, the distance a fire hydrant can be placed from a Fire Department Connection shall be permitted to exceed one-hundred linear-feet subject to the approval of the authority having jurisdiction.
 1. In cases where the Fire Department Connection has been required by the Town of Milton Fire Department, this waiver may be granted by the Town.
 2. In cases where the Fire Department Connection has been required by the State of Vermont Department of Public Safety, this waiver may be granted by the State.
8. As far as it is practical, and at the sole discretion of the Town or its designee, all new water mains shall be looped to prevent stagnation of the water. When a loop is not feasible, an

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- appropriate sized flushing hydrant or blowoff shall be installed at the very dead end of the main.
- a. The location and temporary termination of a proposed loop shall be determined by the Town of Milton or its designees.
 - b. Phased water main extensions shall be provided a temporary blow-off at each dead end until such a time as the main is looped. Looping shall be the responsibility of the applicant for service.
9. The party or parties constructing the extension shall pay all installation costs for the fire hydrants.
 10. All installations, construction, connections and any other activity involving water mains or lines shall be done in accordance with the Town of Milton Public Works Specifications, and all applicable State, Local, Industry and Federal Standards and Regulations as written and revised from time to time.
 11. No new main shall be placed in service until it has passed the necessary hydrostatic pressure and leakage tests in accordance with the Town of Milton Public Works Specifications, and all applicable State, Local, Industry and Federal Standards and Regulations as written and revised from time to time.
 12. No new main shall be placed in service until it has been disinfected in accordance with the Town of Milton Public Works Specifications, and all applicable State, Local, Industry and Federal Standards and Regulations as written and revised from time to time, and has been tested and certified by the Applicants Engineer for the absence of coliform bacteria. Bacteria analysis must conform to the latest addition of Standard Methods and must be conducted at a laboratory certified by the State of Vermont.
 - a. Water Connection Permits for individual lots within a development shall not be issued until the new main has been successfully pressure and bacteria tested, and the written certifications are provided to the Town by the Applicants Engineer.
 13. All contracts in existence prior to the date of the enactment of these rules shall be honored according to their terms.

D. Private Water Main Extensions

1. Private Water Main or Water System Extensions may be allowed under the general requirements prescribed in Section 3 of this ordinance, and the requirements described below.
 - a. To maintain control of the quality of water as required by State and Federal Regulations, the owner of the private water main or water system extension shall agree to a permanent water system maintenance agreement with the Town of Milton.
 - b. Said agreement shall run with the land and shall be binding upon all assigns, grantees, successors and/or heirs of the Owner.

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2. Private Water Main or Water System Extensions shall be sized, designed and installed in accordance with Sections 4.C.6 through 4.C.12 of this ordinance and all applicable Town of Milton, State and Federal Regulations.
3. Private Water Main or Water System Extensions which are subject to the maintenance agreement described above shall be billed for this service in accordance with Section 4.J. of this ordinance.
4. Failure to comply with the provisions of the maintenance agreement and the pertinent sections of this ordinance may result in the discontinuance of service as described in Sections 4.J.1 and 4.J.2...
5. Private Water Main or Water System Extensions which do not agree to a permanent maintenance agreement as described above, may be allowed under the following conditions.
 - a. The owner of said main or extension shall demonstrate the capacity and is permitted to operate a Public Water System in accordance with the requirements of the State of Vermont, Environmental Protection Rules, Chapter 21, Water Supply Rules.

E. Residential Connection Incentive:

1. For one (1) year from the date of a decision by the public (e.g., a positive bond vote) to construct a water system expansion, owners of residential buildings fronting or adjacent to the expanded water main (as defined in Section 2) on the date of the public decision may commit to connect for no connection fee(s).
 - a. Meter Fees shall be charged at the current rate.
 - b. The owner is fully responsible for the cost to extend from their premises to a curb stop provided by the Town, at or near the property line of the owner.
 - c. Terms of said commitment shall include connection within one (1) calendar year from the date the property owner is notified by the Town that the expanded water system is available for use.
 - d. This commitment shall be in writing and shall be considered irrevocable and binding upon successive owners of the residential property in question.
 - e. Additional permitting and fees may be required by state or federal agencies.
 - f. Those properties choosing to connect to the expanded water system which do not connect within the one calendar (1) year after notification by the Town, shall be subject to the full water connection fee.
 - g. Normal usage fees shall be assessed upon connection.

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F. Commercial/Industrial Connection Incentive:

1. For one (1) year from the date of a decision by the public (e.g., a positive bond vote) to construct a water system expansion, owners of commercial buildings existing fronting or adjacent to the expanded water main (as defined in Section 2) on the date of the public decision may commit to connect upon payment of a connection fee equal to the current fee charged to a one unit single family dwelling connection and meter fees in force at the time of the commitment, whichever is less.
 - a. This fee is assessed for each connection to the water system, and shall be as adopted by resolution of the Selectboard.
 - b. Terms of said commitment shall include connection within one (1) calendar year from the date the property owner is notified by the Town that the expanded water system is available for use.
 - c. Meter Fees shall be charged at the current rate.
 - d. This commitment shall be in writing and shall be considered irrevocable and binding upon successive owners of the commercial property in question.
 - e. Additional permitting and fees may be required by state or federal agencies.
 - f. Those properties choosing to connect to the expanded water system which do not connect within the one calendar (1) year after notification by the Town, shall be subject to the full water connection fee.
 - g. Normal usage fees shall be assessed upon connection.
2. For purposes of making the commitment provided in Sections 4.E and 4.F above, within thirty (30) days from the date of a decision by the public to construct a water system expansion, the Town shall send notice to the owners of all property within the expanded service area, of the date when such one year commitment opportunity began to run. Such notice shall be sent by ordinary mail, postage prepaid, to the last known address of each owner as provided to the Town Assessor's Office for property tax purposes.
3. Those residential and non-residential customers in the expanded service area who do not commit to connect as described in Sections 4.E. and 4.F. shall be required to pay the full connection fee(s) in force at the time they commit in writing to connect.
4. In the case of connection to an existing service stub extending from a water main, the property owner shall be responsible for all costs associated with the construction of the connection outside of the Town right-of-way, as well as for costs of inspection by the Town. In the case of direct connection to a water main line, the property owner shall be responsible for all costs associated with the construction of the connection, including those incurred within the Town right-of-way, as well as for costs of inspection by the Town.
 - i. In the event a stub is not provided by the Town, the property owner shall be responsible to extend their service to the nearest collection main

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G. Reserve Water Design Capacity and Allocation

1. This section of the Water Ordinance provides a format for the management of present or future, uncommitted water Design Capacity. In accordance with the Comprehensive Plan of the Town of Milton this ordinance shall govern and control the allocation of uncommitted water supply capacity reserved for the Town of Milton by Champlain Water District.
 - a. All capacity committed prior to adoption of this Ordinance shall accomplish connection in accordance with the conditions indicated at the time of issuance of the approvals.
 - b. Nothing herein shall be construed as limiting or impairing the authority of the Town or the Selectboard to require connection to the water system under the general laws of the state.
 - c. The Town reserves the right to retain ten percent (10%) of current, total water capacity for municipal or school purposes without the charge of connection fees.
 - d. Any transfer, sale or use of access rights that is inconsistent with this Ordinance shall be subject to the enforcement actions noted in Section 5.
 - e. Residential structures existing within an approved water service area on the effective date of this ordinance shall be exempt from the allocation process as described in section 4.H.3 through 4.H.7, provided sufficient reserve hydraulic capacity exists at the time of the properties request to connect to the system, and said connection has received all applicable local, State and Federal approvals. The exemption shall be applicable to the current use of the property only.
 - f. The Town shall maintain a Report of Uncommitted Reserve Capacity, which shall be used in the administration of this ordinance.
 - g. The Vermont Agency of Natural Resources, or its successor(s), may also have review and approval jurisdiction over applications for water supply permits, as defined in Section 2.
 - h. Upon the determination that the committed capacity of the water system has exceeded 80% of its permitted capacity for a period of any twelve consecutive months, the Selectboard shall direct a Facilities Engineering study to be initiated. The purpose of said study shall be to determine;
 - i. The adequacies of the current facilities, and
 - ii. if an expansion or upgrade of the current water system facilities are required, and
 - iii. an estimate of all costs associated with said expansion.
 - i. Upon the determination that the committed capacity of the water system has exceeded 90% of its unreserved hydraulic capacity for a period of any twelve consecutive months, the Selectboard may institute restrictions by resolution on new allocation or connection requests. These restrictions may include but are not limited to:
 - i. A complete moratorium on new allocation or connection requests.
 - ii. Limit the number of connections or allocation reservations within a specified period of time.

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- iii. Reserve capacity for specific development that benefits the community.
 - iv. Restrict new connections to specific water service areas or zoning districts.
- j. **Allocation Flow Basis:** All allocation to projects shall be based on the development water flow, as defined in Section 2. Any differential between actual flows and allocated development water flows is not available to the development owner for re-allotment to another project or for project expansion.
- k. **Allocation Priorities:** Allocation of uncommitted reserve capacity shall comply with the following priorities intended to govern the gross allocation of reserve capacity before the allocation principles are applied to specific projects.
- l. **Service Area Map:** The approved Water Service Area Map can be found in attachment 1 to this ordinance. Changes to this map may be made by resolution of the Selectboard.

H. Reserve Water Capacity Allocation

1. This section of the ordinance provides a method for financing all or a part of the cost of making water system improvements and for the securing of future allocations in anticipation of said improvements. In order to facilitate this objective, the Town may offer for sale access rights for any unallocated water Reserve Design Capacity. Said access rights fees shall be used to pay for capital improvements to the public water system that provide greater, or more efficient, flow handling or Design Capacity to existing or expanded water service areas within the Town.
2. Allocation of Reserve Design Capacity for facilities outside the Town limits is under the jurisdiction of the Champlain Water District, a municipal agency.
3. Allocation Flow Basis: All allocation to projects shall be based on the development water flow, as defined in Section 2. Any differential between actual flows and allocated development water flows is not available to the development owner for re-allotment to another project or for project expansion.
4. Allocation Priorities: Allocation of uncommitted Reserve Design Capacity shall comply with the following priorities intended to govern the gross allocation of Reserve Design Capacity before the allocation principles are applied to specific projects.
 - a. First Priority: Existing Residential, commercial, and/or industrial facilities located within a water service area which are required to be connected to the municipal water system by virtue of an order by local health officials or the State, or by providing evidence of having a contaminated source of potable water by means of appropriate testing designated by the Town or other authority having jurisdiction, or
 - i. The standards outlined in this Ordinance, and/or
 - ii. Any existing water supply system(s) located within a water service area that has/have failed and which failure has created a public health hazard or a health hazard to the end user;

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An existing residential, commercial, and industrial facility located within the water service area may request a connection to the municipal water system under this priority. However, preference will be given to those facilities required to connect under the provisions detailed above.

- b. Second Priority: New or revised connection(s) within the Town water service area existing at time of request for allocation, provided that the proposal is in the best interests of the Town and satisfies the following points:
 - i. The project has first received Sketch Plan approval pursuant to the Town's Subdivision and Zoning Regulations; and/or,
 - ii. The Proposed development is located on a lot in a pre-existing or approved residential or commercial/industrial subdivision; and/or
 - iii. The project has received Conditional Use approval or Site Plan approval, as required by the Town of Milton Zoning Regulations; and/or;
 - iv. The property has received a determination from the Town of Milton Zoning Administrator indicating that approval by the Development Review Board is not required.
 - c. Third Priority: If uncommitted reserve design capacity is available, requests to connect to the municipal water system, outside the water service area may be approved by the Selectboard on a case by case basis if the proposal meets the following conditions:
 - i. The applicants existing water system has failed, and the failure has created or will create a public health hazard or health hazard to the end user(s);
 - ii. All other possible solutions have been explored by the applicant and found to be inadequate to meet existing standards established by the Town of Milton and/or the State of Vermont;
 - iii. There will be no additional connections to any water service line extension needed to solve the problem outside the water service area; and
 - iv. Each application is considered and if acceptable then approved in advance, by the Selectboard, before any capacity is granted or connection is made to the water system. The applicant has agreed, in writing, to accept all costs related to providing service.
 - d. Other: Facilities, existing and/or proposed outside of the identified Town Water Service Area shall not be allowed to connect and may not rely on future connection to the Town municipal water system to meet permitting requirements.
5. The Town shall strive to review and approve the applications on a first come, first served (FCFS) basis. However, the Selectboard retains the right to review applications and make allocations on other than a FCFS basis if they find such action is in the municipality's best interest.

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6. Designated Town officials will normally review and may approve all applications. However, the Selectboard, or their delegate authorized by resolution, shall review and may approve allocations under the following circumstances:
 - a. the proposed allocation shall reduce uncommitted Reserve Design Capacity to less than ten percent (10%) of the Design Capacity; or
 - b. a request has been made to approve the application on other than the normal FCFS basis; or
 - c. under any other circumstances that the Selectboard deems appropriate.
7. The Design Capacity shall be reviewed annually and the uncommitted Reserve Design Capacity shall be continuously recorded for use in allocation decisions.
8. Cost Recovery for Water System Expansion:
 - a. Extensions of the water service area to include developments not eligible for connection under Section 4.G.4 shall be funded in the following way:
 - i. The Applicant shall pay the entire cost of the expansion and upgrading of the water system determined necessary and adequate by the Town.
 - ii. Any payments made as required by such extension shall not be construed as payments towards Design Capacity that may be provided for the development.
9. Persons wishing to reserve Uncommitted Reserve Design Capacity shall apply to the Town on an application provided by the Town. Such application shall:
 - a. Include calculations for the projects estimated water consumption, including peak flow rate and any other characteristics determined appropriate by the Town;
 - b. Unless waived by the Town, all calculations required in (a) above shall be certified by a RPE for proposed or revised connections consuming over 1,000 gallons per day or otherwise constituting a substantial change as described in Section 2, and all proposed multi occupancy, commercial, industrial and mixed uses.
 - c. Be accompanied by plans and specifications for the construction of water services (from the buildings to municipal system) and any municipal water extensions, including booster pump stations, required to service the development prepared by a RPE. This requirement to submit plans and specifications may be waived by the Selectboard until connection approval; and
 - d. Be accompanied by the Allocation Application Fee described in section 4.J.6.a...
10. The water use approval process consists of two (2) phases: the Allocation approval process, and the Water Connection Permit Approval Process.
 - a. The Allocation approval makes a reserve capacity commitment for five (5) years and requires payment of the Allocation Application fee as set forth in Section 4.J.6.a... The Water Connection Permit is issued in conjunction with issuance of any required site,

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sketch, or Zoning permits for each individual approved lot, and requires full payment of all Water Connection fees as set forth in Section 4.J.6...

11. Allocation Approval: Upon receipt of the allocation application and supportive documents, the Town may make approval of allocation and water use upon making affirmative findings that:
 - a. That there is sufficient uncommitted reserve capacity to accommodate the volume of the proposed connection; or
 - b. The proposed use of water capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the Town.

12. Conditions of Allocation Approval: The Town, after making the approval findings above, may issue an allocation approval to the Applicant, which approval shall be a binding commitment of capacity to the project contingent on compliance with any conditions attached to the allocation approval. The allocation approval conditions may include:
 - a. Preliminary Allocation Approvals existing at the time of this Ordinance shall remain in force in accordance with any conditions applied at the date of approval with the following exceptions:
 - i. Upon the effective date of this ordinance, allocations in force that are less than five (5) years from the date of the original allocation approval shall be automatically extended to five (5) years in length from the original date of approval.
 - ii. Prepaid Water Connection Fees, collected in conjunction with previous versions of this Ordinance shall be reimbursed only if the project fails to gain Connection Approval and/or the application is withdrawn from the applicant. Any reimbursement shall be less the current Allocation Application Fee as described in Section 4.I.6.a...

 - b. Duration of approval shall not exceed five (5) year period, as prescribed in Section 4.F.10.a.i, from the date of approval without subsequent approval by the Town. Provisions for one time extensions of up to one (1) year may be granted if approved in advance by designated Town officials; longer extension requests shall be reviewed and may be granted by the Selectboard or their representative designated by resolution. An approval extension, if granted, will require payment in full of an Approval Extension Fee as set forth in Section 4.J.6.f.
 - c. Incorporation of applicable permit requirements which must be fulfilled by the applicant to maintain validity of the approval;
 - d. Provision for revocation by the action of the Town on failure of the applicant to fulfill requirements of the allocation approval; and
 - e. Specification that the recipient of the allocation approval may not transfer to any other lot or project, by any means, the allocation approval without express written approval of the Selectboard.

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13. If the Applicant fails to receive all required approvals, or wishes to abandon their all allocation approved for the project, all unused allocation shall be returned to the Town without reimbursement of any application fees paid to the Town.
14. Prior to connection approval, the following commitments shall be met by the Applicant:
- a. All applicable local, State and Federal permits have been secured for the development/project;
 - b. Impact fees, permit fees and other local fees or taxes all set by resolution of the Selectboard, *that are required to this point*, have been paid in full to the Town.
 - c. The Preliminary plans and specifications for water use and, if necessary, extensions of the municipal water system are acceptable to the Town.
 - d. For subdivision projects, the Applicant must indicate the development capacity allocation requested for each lot.
 - e. The development Applicant shall file the final approvals in the land records of the Town along with reference to the location of the approved plans and specifications. When the owner or developer of a subdivision sells individual lots within the time frame of the approval, the final approval shall transfer when the property transfers and the new owner becomes bound to comply with all permits issued for the property conveyed and requirements for use of the public water system. The transferred permit will be considered a new permit issued on the date of property transfer and the constraints of this section will apply to this permit. However, the expiration date for such permit will not change due to a transfer of ownership.
 - f. In cases where a final approval expires and a new applicant applies for capacity on the same or a different project, the Town will not consider previous fees paid by the original applicant.
15. Committed reserve capacity allocated in conjunction with the allocation approval shall revert to the Town if the Applicant has failed to initiate construction (as defined in Section 2) within five (5) years of the allocation approval date. Within this five (5) year period, a revised development plan and allocation approval application may be approved by the Town in the same manner as the original. If the Town approves an amended application, it will issue a revised allocation approval with reduced or increased committed reserve capacity allocation determined in accord with the allocation priorities and principles. Where reduced committed reserve capacity is granted in a revised approval, the uncommitted reserve capacity shall revert to the Town. The Town shall not be obligated to approve an extension of the original five (5) year expiration period. After five (5) years, the unused portion of the Uncommitted Reserve Hydraulic Capacity allocation will revert to the Town and there shall be no refund of connection, impact, permit or other fees.
16. In respects to the allocation approval expiration period above, the Town may authorize a one-time-only extension of the approval period of one (1) year if there is sufficient uncommitted reserve hydraulic capacity at the time of the extension request, and such allocation approval is in the Town's best interest.

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- a. Irrespective of any extension granted above, construction shall be completed within either six (6) years of original issuance of the allocation or at expiration of construction phasing requirements approved by the Town, whichever is later.
- b. At the end of either period, the reserve hydraulic capacity allocation associated with any un-constructed portion(s) of the project, as determined by the Town, shall revert to the Town, with no reimbursement of any allocation, connection or user fees paid.

I. Connection Approval

1. The applicant shall notify the Town, in writing that all necessary permits, excluding the Town Zoning permit, and approvals have been received for the project, and shall have the approvals filed in the Town of Milton Land Records. The written notification shall include:
 - a. Final volume, flow rate, and any other characteristics of the proposed water connection as determined appropriate by the Town.
 - b. Certification that the construction of the connection and, if necessary, the municipal water system extension, shall be overseen to assure compliance with approved plans, the Town's Public Works Specifications and good construction practice in a manner acceptable to the Town.
 - c. One (1) complete set of the final approved plans for construction signed and stamped by the RPE responsible for the design.
2. No final connection of water system expansions which are intended to be irrevocably conveyed to the Town shall be permitted until the Applicant or other record owner conveys to the Town, in a form satisfactory to the Town:
 - a. A perpetual right and easement to lay, repair, maintain and operate all water works over, under, and upon lands and premises which are not, or will not be, within a public right-of-way, or on public property; or
 - b. A temporary right and easement to lay, repair, maintain, and operate all water works over, under, and upon such lands and premises prior to their acceptance by the Town as public property; and
 - c. Title in fee to all water works, and all associated equipment and fixtures, which are or which will be within a public right-of-way or on public property.
 - d. The Town of Milton shall only operate water system expansions that have been conveyed to the Town by recorded deed and/or bill of sale, or that are subject to an irrevocable maintenance agreement with the Town.
 - e. The Town assumes no responsibility whatsoever for any water works or associated equipment and fixtures which are not within a public right-of-way or on public property, or which are not subject to one of the easements or agreements described above.
 - f. Prior to connection of each individual lot within a subdivision, a Water Connection Permit shall be submitted by the applicant, and reviewed by the Towns Designated Official.

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- i. The permit shall include a site or sketch plan, which shall indicate the location of the proposed structure, the location of all proposed utilities, and the number of bedrooms or approved water flow for the lot.
 - ii. The Designated official will calculate the Water Connection and Meter fees as set forth in section 4.J.6...
 - iii. Upon review of the application and support documents by the Designated Official, and favorable findings thereof, and receipt of the fees as calculated in Accordance with Section 4.J.6., the Water Connection Permit may be approved by the Designated Official
 - h. As each lot is connected to the municipal water system, the allocated capacity approved shall be decreased by an amount equal to that assigned said lot and/or building.
 - i. Upon issuance of the Water Connection Permit, an account shall be established in the Water and Wastewater Utility billing system for said permitted connection. The permitted connection shall be subject to normal billing as set forth in Section 4.J.2. The owner of record may be charged the Un-metered Water Usage fee in accordance with the most recent schedule, as adopted by resolution of the Selectboard, until such a time as a meter is installed on the property, or until the allocation for said lot is revoked or abandoned in accordance with section 4.H..
 - j. Committed reserve capacity allocation shall revert to the Town from any reductions made to the development water flow planned for each lot subsequent to the approval date.
 - k. The designated Town official shall be notified in writing at least two-(2) Town working days in advance of any proposed water connection authorized by a Water Connection Permit. The connection to the Town water system shall not be performed until approved by the designated Town official. Additional constraints may be found elsewhere in this ordinance.
3. Existing Private Systems and Development Connections are permitted to connect to the municipal water system in accordance with Section 4.A through 4.I.2 of this ordinance, with the following additional requirements or exceptions.
 - a. Connection must be authorized by the property owners within said development in accordance with the rules and regulations established by the development.
 - b. One water connection permit will be issued for the connection.
 - c. Connection Fees shall be assessed in one lump sum, including but not limited to lot connection and water main tapping fees.
 - i. Developments which qualify for connection to the municipal system under this provision of the ordinance may request a payment plan to pay the fees in quarterly installments. The terms of the payment plan shall be negotiated and agreed to in writing between the Town and the development, and the balance due shall remain a lien on all property within the development until paid in full.
 - ii. The private system or development must provide a five-year (5 year) warranty and surety for all sections of the wastewater collection system,

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including services, extensions and the actual connection to the Towns collection system

J. Fees, Rates, Billing and Meter Use

1. The Selectboard shall have the authority to establish by resolution, connection fees, reasonable water user rates and equivalent user units to defray the costs of design, construction, operation and maintenance and to finance debt of the system as approved in the budget.
2. To offset the cost of infrastructure improvements, reimbursements may be made to non-profit concerns for infrastructure development. Whenever a non-profit or chartered municipal organization has constructed or has caused to be constructed any extension of the primary water works at the expense of such organization, they may be reimbursed by the Town. Such reimbursement shall occur only when another party seeks to gain access to the improvements. Payment by the party utilizing the new improvement shall be in the form of a Special Connection Fee approved by resolution of the Selectboard, which shall be paid to the Town. The Town shall then forward this payment to the original organization who constructed the infrastructure.
 - a. The following restrictions and limitations shall apply:
 - i. The connection to the improvements by a third party must occur within ten (10) calendar years, or over the term of any public financing, such as a State Revolving Fund Loan, of the completion of the improvements, or that part thereof to which connection is made in order for any reimbursement to take place.
 - ii. Reimbursement shall be limited to those water works elements, which have not been previously paid for by the Town.
 - iii. The total amount of reimbursement shall not exceed the pro-rated share in actual costs of providing such improvements, excluding interest payments.
 - iv. Reimbursement shall not occur until the Towns Connection Fees and the Special Connection Fee has been paid in full by the third party accessing the water works extension.
 - v. Any Special Connection Fee shall be in addition to the Regular Connection Fees assessed by the Town and/or the Champlain Water District.
3. Accounts, metering and billing:
 - a. Upon connection to the system, the approving official shall notify the Town Clerk/Treasurers/or Finance Office that the service is now active and to establish an account in the name of the owner.
 - b. Water charges may be invoiced on a quarterly basis on or about the first day of a calendar quarter and shall be due and payable as specified on the bill. In the event that

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- such charge is not paid when due, penalties in accordance with Title 32 V.S.A. § 5136 shall be added thereto.
- c. The Town may also take action against a property owner, when the account remains delinquent that is consistent with the provisions of Title 24 V.S.A Chapter 129.
 - d. Volumes shall be established for billing purposes by a water meter at the property being billed.
 - e. Said meter(s) shall be owned, operated, and maintained by the property owner at his/her own expense. The Town maintains the exclusive rights to repair replace or otherwise maintain the meter. The property owner shall be liable for the cost of repair or replacement in cases of negligence or tampering, and may be subject to the enforcement actions described in Sections 5 and 6 of this ordinance. Meter readings shall be recorded by the Town. Access to the meter and/or remote reading apparatus shall be allowed at all times by the property owner. Failure to allow access to a meter and/or remote for any reason shall result in;
 - i. Estimated water volume for billing purposes; and
 - ii. If access is not allowed for a period of six (6) months, discontinuation of service may occur as defined in Title 24, V.S.A. Chapter 129; and
 - iii. If access is not allowed to repair/replace a meter/remote within six (6) months of notification by the Town, discontinuation of service may occur as defined in Title 24, V.S.A. Chapter 129.
 - f. In the event a meter fails to register water volumes, or access is not provided to the meter or the meter otherwise fails to operate, the Town shall have the right to estimate water supply volumes for billing purposes. Estimates may be based upon the current State of Vermont, Agency of Natural Resources standard flow quantities, or, the annual average use demonstrated on the meter when functioning properly, or an amount deemed appropriate by the Water Superintendent or designated Town Official.
 - g. Water volumes estimated for new buildings, additions to existing facilities or for facilities served by private water sources shall be based upon current State of Vermont, Agency of Natural Resources standard flow quantities.
 - h. Meters and remote readers shall be installed on all construction and property which is connected to the Water System for the purpose of meter readings. Meter purchase fees shall be paid with water service connection fees and may only be waived by the Selectboard. All cost associated with the purchase and installation of the meter and meter installation shall be borne by the property owner or applicant for service.
 - i. Town personnel shall install the meter remotes themselves in residential properties unless a reasonable path is not provided to install the remote wire, in which case the wire shall be installed at the expense of the owner/contractor.
 - ii. Wiring for meter remote installations in commercial, industrial and mixed use properties must be accomplished by the property owner at their expense.
 - iii. The charges for the purchase and installation of the remotes may be included in the meter assessment.

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- i. In cases of new construction the water meter installation must be inspected by the Town and remote readers shall be installed at least five (5) working days prior to occupancy. It is the responsibility of the applicant for service to notify the Town when the meter has been installed and ready for inspection and remote reader installation.
 - j. It is a violation of the Town of Milton Water Ordinance for any person or corporation to tamper with Town of Milton Water System property or meters over which the Town has exclusive control.
 - k. Those persons who reside within pre-existing single family homes occurring on a single lot with property traversed by the municipal water system, and who cannot afford the connection fee(s) described Sections 4.I.6.b. of this Ordinance may arrange a payment plan with the Town to pay the fee on a quarterly basis over a five-year period, the cost thereof to be secured by a lien upon said property.
3. In cases of new construction, the water meter installation must be inspected by the Water Department, and remote readers shall be installed at least two working days prior to occupancy. It is the responsibility of the applicant for service to notify the Water Department when the meter has been installed and ready for inspection and remote reader installation.
4. It is a violation of the Town of Milton Water Ordinance for any person or corporation to tamper with Town of Milton Water System property or meters over which the Town of Milton has exclusive control.
5. Fees, In accordance with the most recent schedule adopted by resolution of the Selectboard, the Town may assess, but is not limited to, a
 - a. **Allocation Approval Application Fee**, in accordance with the most recent schedule as approved by resolution of the Selectboard.
 - b. **Lot Connection Fee**: As part of the Water Connection approval by the Town, the Applicant may be subject to a Lot Connection Fee, whether a standalone approved lot or a lot within an approved subdivision or development, Each individual lot connection may be assessed a fee which is based on the Towns cost to fund upgrades, capital improvements and extensions to the Water System in order to maintain capacity for new connections. Such fee may be calculated based on the approved water use of the lot.
 - c. **Water Main Tap Fee**: As part of the Water Connection approval by the Town, the Applicant may be subject to a Water Tap Fee. Each individual water main tap may be assessed a fee which is based on the Towns cost to provide perpetual care if the proposed use for said water main tap is not fully developed.
 - i. Pre-existing residential properties or developments desiring to connect to an existing municipal water system, or extends municipal water services to their property or development, may petition the Selectboard to pay the Water Connection Fee over a period of time. The terms of said payment plan shall be determined by the Selectboard. Said fees shall be secured by a lien upon said property or properties until such a time as the debt is discharged. There shall be no penalty for early discharge of the debt.

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- d. **Hydrant Fee:** As part of the Water Connection approval by the Town, the Applicant may be subject to a Hydrant Fee. Each individual fire hydrant, fire suppression, and/or sprinkler system connection may be assessed a fee which is based on the Town's cost to provide perpetual care, fund upgrades, capital improvements and extensions to the water system in order to maintain capacity for firefighting and emergency purposes.
- e. **Meter Fee:** As part of the Water Connection approval by the Town, the Applicant is subject to Meter Fees. Each individual meter, valve and backflow prevention device provided by the Town to the applicant will be assessed a fee which is based on the Town's cost to provide and install the meters.
- f. **Allocation Approval Extension Fee:** An application to water allocation may be subject to an approval extension fee.
- g. **Usage Fee:** each connection may be charged a usage fee to offset the cost of the Town to operate and maintain the municipal water system.
- h. **Fire/Sprinkler Service Entrance Fee:** A fire protection charge applicable to all users may be established or revised from time to time by resolution of the Selectboard.
- i. **Service charges** may be established or revised from time to time by resolution of the Selectboard.
- j. **Sprinkler, irrigation system, or bulk purchase charges** may be established or revised from time to time by resolution of the Selectboard.
- k. **A Private System Maintenance Fee** may be established or revised from time to time by the Selectboard to assess charges to services or systems that have multiple connections, fire hydrants and/or blow offs in order to maintain the quality of water within the private system.
- l. **Special Connection Fees** may be established by resolution of the Selectboard to reimburse non-profit or chartered municipal organizations for municipal water works extensions in accordance with section 4.J.2. of this ordinance.

Section 5 Enforcement**A. Enforcement Remedies**

The Town, by and through its authorized agents, shall have the authority to enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil remedies in connection with any violation hereunder; as provided herein.

B. Remedies not Exclusive

The remedies set forth herein are not exclusive of any other remedies available, including criminal prosecution, under any applicable federal, state or local law. Election of one remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the Town from seeking multiple remedies.

C. Judicial Bureau Municipal Civil Complaint Ticket

Pursuant to 24 V.S.A., Chapters 59 and 61 and 4 V.S.A., Chapter 29, a Designated Enforcement Officer may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing

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officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of one hundred dollars (\$100.00), the waiver fee shall be fifty dollars (\$50.00); a second offense ticketed for the same violation shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee shall be one hundred dollars (\$100.00); a third offense ticketed for the same violation shall be punishable by a fine of five hundred dollars (\$500.00), the waiver fee shall be two hundred and fifty dollars (\$250.00). Upon the fourth offense, the Town may request that the case be transferred to the Superior Court or any other court of competent jurisdiction.

D. Other Enforcement Remedies Generally; Fines, Injunctive Relief

1. Pursuant to the authority granted under 24 V.S.A. Section 2291, the Town may commence an enforcement action for abatement and removal of a violation and/or for fines in connection with any violation of this Ordinance. Said enforcement action shall be commenced in the Superior Court or any other court of competent jurisdiction.

a. Fines. If the Town elects to seek fines under this Subsection, any Person who violates any provision of this Ordinance, or any notice or order issued hereunder, shall be fined not more than one hundred dollars (\$100.00) for each offense. No action may be brought under this subsection unless the alleged offender has had at least seven (7) days warning notice by certified mail. An action may be brought without the seven (7) day notice and opportunity to cure if the alleged offender repeats the violation of the by-law or Ordinance after the seven (7) day notice period and within the next succeeding twelve (12) months. The seven (7) day warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violations within seven (7) days; and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days. In default of payment of the fine, such Person shall pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of these regulations shall be paid over to the Town.

b. Injunctive Relief. An action, injunction, or other enforcement proceeding may be instituted by the Town to prevent, restrain, correct, or abate any violation or activity causing a violation. The relief sought may include the right to enter onto private property to abate or correct the violation, to restrain any activity that would create further violations, or to compel a Person or Persons to perform abatement or remediation of the violation; and to seek damages for all costs, including reasonable attorney's fees, incurred by the Town in pursuing and obtaining such relief. In addition to any other remedies authorized in law or equity, the Town may seek an order specifically requiring:

- i. The elimination of Illegal Connections to the Water Distribution System;
- ii. The discontinuance of practices, activities, or operations that lead to violations of this Ordinance;
- iii. The abatement or remediation of contamination hazards and the restoration of any affected property;
- iv. The performance of monitoring, analysis, and reporting.

Adopted October 20, 2008

Section 6 Separability

This ordinance has been adopted pursuant to the provisions of Chapter 1, Section 104 of the Town of Milton Charter.

The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

All prior ordinances, parts of ordinances, or policies governing the subject matter covered by this Ordinance are hereby repealed. Existing rules and regulations are also hereby repealed, to the extent they conflict with the provisions of this Ordinance.

This Ordinance shall take effect forty (40) days from date of adoption, unless a petition is properly filed under Title 19 V.S.A. Section 1973.

Public Hearing held: October 20, 2008

This Ordinance was adopted: October 20, 2008

This Ordinance effective: 11-29-08, 2008

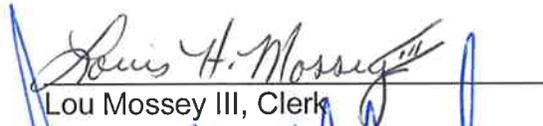
This Ordinance shall be posted in four (4) public places not later than 10-22-08, fourteen (14) days from adoption.

SIGNED:
TOWN OF MILTON SELECTBOARD

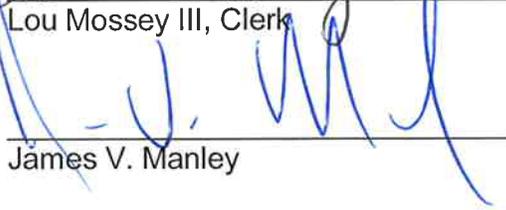
Jeffrey Turner, Chairperson



Diana L. Palm, Vice Chairperson



Lou Mossey III, Clerk



James V. Manley

Randall Barrows

Adopted October 20, 2008