

# VILLAGE OF SWANTON

## WATER SYSTEM ORDINANCE RULES AND REGULATIONS

### TABLE OF CONTENTS

<u>Article</u> Page	<u>Description</u>	
ARTICLE I Sec. 1-24	DEFINITIONS	2
ARTICLE II Sec. 1-31	USE OF SWANTON VILLAGE WATER SYSTEM	4
ARTICLE III Sec. 1-5	CONSTRUCTION STANDARDS	8
ARTICLE IV Sec. 1-7	WATER UTILITY ACCEPTANCE REQUIREMENTS	9
ARTICLE V Sec. 1-11	WATER RATES AND CHARGES	10
ARTICLE VI Sec. 1	POWERS AND AUTHORITY OF INSPECTORS	12
ARTICLE VII Sec. 1	PROTECTION FROM PHYSICAL DAMAGE	12
ARTICLE VIII Sec. 1-2	CONFLICT	12
ARTICLE IX Sec. 1-2	PENALTIES	13
ARTICLE X Sec. 1	ORDINANCE IN EFFECT	14

The Village of Swanton by and through its Trustees ordains that the Ordinance herein set forth is established as necessary and desirable for regulating the use of public and private water supplies and providing penalties thereof in the Village of Swanton, County of Franklin, State of Vermont. Be it ordained and enacted by the Trustees of the Village of Swanton, State of Vermont, as follows:

#### ARTICLE I Definitions

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

- Sec. 1 Building Service Line shall mean the pipe or conduit connected on one end to the curb stop, the other end terminating inside the User's building with the water meter and valves included to provide water service.

- Sec. 2 Cellar Stop shall mean the valve installed on the service line after it enters the building and before the water meter.
- Sec. 3 Commercial shall mean any building other than residential or industrial. (Includes municipal buildings)
- Sec. 4 Curb Stop shall mean the valve which terminates the service line and to which the buildings service line is connected to provide water service to the User.
- Sec. 5 Department or Water Department shall mean all of the facilities of the water system as owned by the Village of Swanton.
- Sec. 6 Disconnection shall mean deliberate interruption by the Department of water service to the User, for reason of delinquent payment or other appropriate violations.
- Sec.7 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 Water Department for the distribution of water.
- Sec. 8 Extension or Water Main Extension shall mean any extension of the municipal water system in accordance with the rules, regulations, standards and specifications of the Village of Swanton.
- Sec. 9 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.
- Sec. 10 Fire Services shall mean water service provided to the User for fire protection systems or equipment installed on the property of the User.
- Sec. 11 May is permission. Shall is mandatory.
- Sec. 12 New Service Location shall mean areas at a distance of more than 200 feet from distributions mains of the Department, where extension of distribution mains is required to provide service.
- Sec. 13 Person shall mean any individual, firm, company, association, group or other legal entity.
- Sec. 14 Property Owner (Owner) shall mean that person(s) or User, identified as owner of property by recorded deed.
- Sec. 15 Residential shall mean any building occupied as a one or more family dwelling unit.
- Sec. 16 Service Line or Service Pipe shall mean the pipe or conduit running from the distribution main to a curb stop at the property line of the user.
- Sec. 17 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, improvement 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 thereon, or as defined in the Subdivision Regulations of the Village of Swanton.
- Sec. 18 Superintendent shall mean the Public Works Supervisor. The Superintendent shall be responsible for the operation of the Swanton Village Water Department.
- Sec. 19 Tap shall mean any connection of a service pipe to the Main.
- Sec. 20 Unconnected Properties shall mean those properties with boundary line(s) 200 feet or less from distribution main which do not receive water service.
- Sec. 21 Unit or Dwelling Unit shall mean a single unit providing completely independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A recreation vehicle, boarding or rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a dwelling unit.

- Sec. 22 User (Customer) shall mean any person, firm, corporation, association or group receiving or requesting water from the Department.
- Sec. 23 Village shall mean the municipality of Swanton Village, County of Franklin, State of Vermont, acting by and through its Trustees or, in appropriate cases, acting by and through its authorized representatives, agents, deputies, operators or Superintendent.
- Sec. 24 Water Commissioner shall mean the Board of Trustees, all of whom act as water and light commissioners pursuant to the charter of the Incorporated Village of Swanton. A reference to water commissioners shall be a reference to water and light commissioners.

**ARTICLE II**  
**Use of Swanton Village Water System**

- Sec. 1 The Water Commissioners shall have the authority to establish Water Ordinance Rules and Regulations in order to carry out the provisions herein.
- Sec. 2 This Ordinance shall constitute a part of the contract between each User and the Village. Each User of the Village Water System shall be bound by this Ordinance, and all subsequent amendments thereto, as well as the Rules and Regulations established by the Water Commissioners. The User's application for water service shall be considered the User's consent to be bound by this Ordinance and any such Rules and Regulations established.
- a. A copy of this Ordinance is available at the Village Office.
  - b. A copy of the Rules and Regulations of the Water Commissioners is available at the Village Office.
  - c. Failure to know this Ordinance, or any Rules and Regulations will not excuse the User from the consequences of failing to comply with their terms and conditions.
- Sec. 3 Water Supply Emergencies: The Trustees may prescribe emergency rules governing the supply and use of water as it may deem appropriate to accommodate such an emergency. Such rules shall be adopted at any duly held meeting of the Trustees. Any required notice of such meeting shall state that the Trustees will consider adopting emergency rules governing the supply and use of water. Such rules shall be adopted by majority vote of the Trustees, shall be thereafter recorded in the minutes and posted in five (5) locations within the Village 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.
- Sec. 4 All water shall be metered except as otherwise provided by this Ordinance or as approved by the Superintendent.
- Sec.5 It shall be unlawful for any person to extend, tap or in any way injure or tamper with a Water Main Service Pipe. All tapping and turning of Water Main Valves shall be done under the direction of Superintendent.
- Sec. 6 It shall be unlawful for any person to remove any seal placed on any valve, meter or other appurtenance of the Water Department unless permission to do so has been given in writing by the Superintendent prior to the actual removal of seals.
- Sec. 7 Except with the permission of the Superintendent, no person shall turn on or shut off water to any premises and, water shall not in any instance be turned on to any premise for use at metered rates until meter has been suitably attached.
- Sec. 8 No person shall adjust, open, close, alter or perform any operations to valves, hydrants, or to other parts of the water system, except with the permission of the Superintendent.

- Sec. 9 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 other purpose, to be kept running any longer than necessary without prior approval of the Superintendent. The Superintendent shall restrain and prevent any and all waste of water and to that end may, when necessary, turn off water or take such other action as, in his or her judgment, appears proper.
- Sec. 10 No connection will be made to the water system without first submitting a completed Water Connection Application which has been approved by the Superintendent. Forms are available at the Swanton Village Water and Light Department offices.
- Sec. 11 All fees and charges shall be paid in full before any connection to the water system. All fees and charges are as stated in the Fee Schedule which is available at the Swanton Village Water and Light Department Offices.
- Sec. 12 Completion of the application and payment of fees shall be considered acknowledgement and agreement by the applicant to conform with all Water Department Rules and Regulations.
- Sec. 13 Contractor "Construction Services" shall include the Water Connection Fee to be paid in full before water is turned on. 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.
- Sec. 14 When it is desired to discontinue the water, notice shall be given to the Swanton Village Office. The water will be turned off at the Curb Stop and water charges shall discontinue.
- Sec. 15 All meters installed during and after the AMI project shall be furnished by the Village and shall be installed to specifications designated by the Superintendent. The cost for any repair caused by frost, hot water, malicious mischief, or any other improper usage shall be paid by the Property Owner. The cost for any repair caused by normal wear and tear or meter malfunctions shall be paid by the Village of Swanton. The Water Department shall not furnish water through any meter over which they do not have exclusive control. All meters shall become the property of the Village.
- Sec. 16 All meters shall be installed with cellar stops and a check valve or valve on each side of the meter. No water meter shall be installed without a pressure regulator or approved backflow preventer where it is considered by the Superintendent to be injurious to either the Water System or to the Property Owner. All routine and necessary maintenance of the water meter shall be the responsibility of the Swanton Village Water Department.
- Sec. 17 In installing a service to any premises and furnishing water, material, or labor, the Water Department shall negotiate only with the Owner of said premises. The Owner on the other hand, desiring to use Swanton Village Water on his premise shall keep the Water Department advised of the address to which bills, notices and other communications to him shall be delivered and the Owner of the premises shall be held responsible for the same. A change of tenants or owners will not relieve the Owner from liability for payment of delinquent bills and the lien securing said obligation.
- Sec. 18 All private distribution mains shall be maintained from the point where the main leaves the Village of Swanton easement or Right-of-Way by an association or an individual, not by the Village of Swanton.
- Sec. 19 The Water Department shall from time to time make an inspection of fire hydrants belonging to them and keep them in good repair and working condition at all times, except those shut off for repair and shall cause all defects therein to be repaired without unnecessary delay. No person shall open or draw water from any hydrant except:
- (A) The Superintendent, or persons acting under his authority or direction;
  - (B) Members of the Swanton Village Fire Department or other Fire Departments and then only in connection with extinguishing fires.
- Sec. 20 A damage invoice shall be charged to the operator of any motor vehicle which shall cause any fire hydrant to be damaged or broken or otherwise rendered inoperative by reason of accident

with said motor vehicle. Said operator shall be liable for costs of material, labor, and equipment required to return the hydrant to operable condition.

- Sec. 21 Water mains may be extended only upon an agreement in writing wherein the applicant shall agree to pay for all labor and materials necessary including valves, hydrants, tapping, service pipes, and appurtenances. Also, the applicant shall agree such extension shall be installed to American Water Works Association standards as well as Village, State and local standards.
- (A) The water main extension must be constructed, approved and inspected by a licensed, registered Professional Engineer. One year after this extension is placed into service, the Village will consider acceptance of said extension.
- (B) See Article III for Construction Standards.
- Sec. 22 All material, labor and locations for installation or extension of Mains or Services shall be approved by the Superintendent and/or the Department's Engineer. All water main extensions or alterations must be submitted to the Superintendent on a detailed, workable 24" X 36" print drawing to 1" = 50' or 1" = 40' scale and presented in triplicate at least thirty days prior to the anticipated date construction is to commence.
- Sec. 23 Swanton Village Water Department shall not be liable for any injury, loss or damage of whatever nature, caused or occasioned by failure to maintain a constant or uniform pressure within the Water main or by a stoppage of water by frost or other causes, damage of any kind caused or created out of furnishing or failing to furnish water.
- Sec. 24 The Village shall not be required to provide notice of interruption. Notice of interruption may be provided as a courtesy only except as noted in Sec. 26 below.
- Sec. 25 Users shall be notified in writing of interruption of service by "Disconnection" as provided by the Provisions of this ORDINANCE, (24 VSA CH 129).
- Sec. 26 No person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage occasioned by accident to any portion of the water system, or for non-use occasioned by absence or any other reason.
- Sec. 27 The Village will comply with State Regulations with regard to testing, monitoring, and reporting of the water system.
- Sec. 28 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 Water Department shall not be liable for leakage of hydrants, pipes or fixtures upon the premises of the user or for any obstructions or restrictions therein caused by frost or otherwise, nor for any damage resulting from foregoing.
- Sec. 29 Repairs to any building service line from the curb stop to the meter within the building shall be done at the Property Owner's expense for material, labor, and excavation, backfilling and patching.
- Sec. 30 The Curb Stop shall be located at the limit of the Village Right of Way or the limit of the Water Main Right of Way. The Village shall be responsible for the maintenance of the service pipe from the main up to and including the curb stop. The Property owner shall be liable for the maintenance of the service pipe from the curb stop to the cellar.

### **ARTICLE III Construction Standards**

- Sec.1 The Village Shall utilize construction standards and specifications as they deem to be in the best interest of the water system. These standards will be administered by the Superintendent and/or his authorized agent(s).

- Sec. 2 The construction standards and specifications applicable to the Village of Swanton's water system will include the standards, rule, regulations and requirements as specified by:
- (a) The Village of Swanton Water Department.
  - (b) Vermont Health Department.
  - (c) Vermont Department of Water Resources.
  - (d) Environmental Protection Agency.
  - (e) American Water Works Association (most recent specifications apply).
  - (f) The Department's Engineer.
  - (g) Any other Village, State or Federal agency having jurisdiction.
- Sec. 3 All materials and equipment used will meet the most recent A.W.W.A. specifications and will be compatible with materials and equipment presently utilized in the water system, and as approved by the Superintendent.
- Sec. 4 The Superintendent shall review plans of all proposed water system construction to ensure compliance with said standards.
- Sec. 5 All construction activities within Village's R.O.W. shall occur between April 1 and November 15, except as approved by the Superintendent.
- Sec. 6 Any contractor is required to provide proof of insurance certificate.

#### **ARTICLE IV Water Utility Acceptance Requirements**

Water Mains and their related appurtenances shall be eligible for acceptance as a part of the Swanton Village Water Department Distribution System when the following criteria have been complied with:

- Sec. 1 The installation and materials have been approved by the Superintendent in compliance with established standards. (See Article III, Sec. 2)
- Sec. 2 The installation has passed the necessary hydrostatic pressure and leakage tests in accordance with the latest revisions of AWWA C-600.
- Sec. 3 The installation has been disinfected in accordance with the latest revision of AWWA C-601 and has been certified by the Vermont Department of Health to be free of bacteriological contamination.
- Sec. 4 The installation must be inspected and approved by a licensed Professional Engineer before a new main shall be placed in service.
- Sec. 5 The installation must be within an existing or proposed Highway Right of Way, or within a Right of Way or easement that is to be deeded to the Village.
- Sec. 6 Prior to the acceptance of any new water facilities into the municipal water distribution system, the Water Department shall be furnished three (3) sets of Record Drawings. 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.
- Sec. 7 One (1) year from the date that the new installation was placed in service it may be deeded to the Village of Swanton and become a part of its distribution system and by such acceptance by the Village of Swanton Village shall be responsible for the maintenance of it. However, it

should be clearly understood that 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. In addition, the Village reserves the right to reject any system that does not meet these standards.

**ARTICLE V**  
**Water Rates and Charges**

- Sec. 1 All fees, charges, rates or rents of the Water Department for or in connection with the water supply shall be determined by the Water 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.
- Sec. 2 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 reasonable advance notice of such disuse, diminished use or vacancy of premises shall have been given to the Superintendent, nor shall any payment be refunded, nor abatement made in connection with charges, rates or rents for water by reason of the occurrence of any of the matters or things specified in Article VII of this Ordinance.
- Sec. 3 Every bill, charge, rent or statement rendered by the Water Department shall, unless specified therein, be paid in full by the due date of said bill, and if not so paid, a late charge of one percent shall be added to the bill and collected as part thereof. All delinquent water bills shall be collected, and water service discontinued in accordance with the Municipal Uniform Disconnect Act (24 VSA Ch. 129).
- Sec. 4 Should any meter become inoperative between readings, upon investigation and discretion of the Superintendent, the customer shall be billed at the average amount of the preceding 12 months that the meter recorded correctly.
- Sec. 5 Nothing contained herein shall limit the authority of the Water Department or the Board of Trustees, to impose taxes or assessments upon the grand list, as provided by law.
- Sec. 6 The Owner is responsible for the payment of water bills and is also responsible for notifying the Water Department at the office of the Village Treasurer 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.
- Sec. 7 For each service, the person 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, 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.
- Sec. 8 Water Department bills are in three (3) parts: Part 1, base rate; Part 2, water use charges; and Part 3, other fees or charges.

Part 1 or Base charge:

Part 2 or Use Charge, is based on actual water consumed

Part 3 or Other Charges, may include charges for meter reinstallation, delinquency collection trips, service reconnection, and fees for bad checks.

- Sec. 9 Water Department fee schedules are available at the Water Department Offices.

**ARTICLE VI**  
**Powers and Authority of Inspectors**

- Sec. 1 The Superintendent and other duly authorized employees of the Water Department bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, removing or replacing meters, measurement, sampling and other testing, in accordance with the provisions of this ordinance. Inspectors and meter readers will carry appropriate identification and will show same upon request to the Property Owner or authorized agent.

**ARTICLE VII**  
**Protection from Physical Damage**

- Sec. 1 No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Swanton Village Water System. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**ARTICLE VII**  
**Conflict**

- Sec. 1 If any provision(s) of this Ordinance is (are) found to be in conflict with any provisions of any Zoning, Building, Safety or Health, or other Ordinance or code of the Village, or State of Vermont existing on or subsequent to the effective date of this Ordinance, that provision which, in the judgment of the Superintendent, establishes the higher standard of safety and health shall prevail; and that provision or ordinance which sets the lower standard is hereby declared to be invalid to the extent that it is found to be in conflict with the provision or ordinance which sets the higher standard and is hereby repealed.
- Sec. 2 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 IX**  
**Penalties**

- Sec. 1 Any violation of the foregoing shall, pursuant to 24 VSA, Section 1974 (a), constitute a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment not-to-exceed one (1) year. Each week the violation continues shall constitute a separate offense. In addition, the Village, pursuant to 24 VSA, Section 1974 (b), may seek injunctive relief, without affecting criminal prosecution brought pursuant to the foregoing sentence. The Village reserves the right to institute any action or damages and declaratory relief, whenever it deems such action to be appropriate. In any action for damages or injunctive relief against a User in which the Village obtains judgment, the User shall pay the Village's court costs and attorney's fees, and such amount shall be added to any such judgment.
- Sec. 2 In addition to any the remedies, the Village shall be empowered to disconnect water service to a User, after notice, when payment of valid bill or charge is delinquent as provided by 24 VSA Chapter 129. The Village shall administer the Articles of 24 VSA Chapter 129 as it deems in the best interest of the water system and its operation.



**ARTICLE X**  
**Ordinance in Effect**

Sec.1 On January 13, 2025 this Ordinance was reviewed by the Village of Swanton Board of Trustees and the Village of Swanton Administration. Changes were deemed necessary and the Ordinance was updated. Adoption of said Ordinance will take effect in March 2025.

Duly enacted and ordained this 13<sup>th</sup> day of January 2025.

By the Board of Trustees of the Village of Swanton, County of Franklin, State of Vermont, at a duly called and duly held meeting of said Board of Trustees.

**VILLAGE OF SWANTON BOARD OF TRUSTEES**

By: \_\_\_\_\_  
Eugene LaBombard

By \_\_\_\_\_  
Adam Paxman

By: \_\_\_\_\_  
Suzie Kelleher

Swanton Village Clerk \_\_\_\_\_  
Dianne Day