
Water System Rules & Regulations

Section 1 - General Information

1. Capacity Allocation. The permitted capacity of the Water System is the property of the Village of Johnson. The capacity of the Water System shall be allocated by the TRUSTEES in the manner described below. Nothing in this Ordinance shall be construed to limit the authority of the Trustees to deny capacity or connections to the Village Water System where, in their judgment, the request would place undue burdens on the system, individual users of the system or on the existing rate payers of the system.

The Village of Johnson is permitted for two wells having an estimated yield of 275 gpm and 276 gpm, respectively. The current average daily demand on the system according to the operating permit is 134,150 gpd and the maximum demand is 222,500 gpd. These amounts are subject to change based on actual demands.

2. Allocation Demand Basis. All allocations to projects shall be based on the development water demand as defined by the Water Supply Rule. Any differential between actual demand and the permitted development demand that occurs is not available to the development owner for re-allotment to another project or a project expansion.

3. Allocation Priorities. Allocation of capacity shall comply with the following priority intended to govern the gross allocation of capacity.

The Village of Johnson priorities shall be:

a. Residential, commercial, institutional and industrial facilities existing within the Village boundaries existing on the date of adoption of this ordinance, (provided capacity exists) which are required to be connected to the water system by the this ordinance, or by virtue of existing health hazard shall be entitled to first priority in allocation of capacity.

b. New development within the Village boundaries will have second priority of uncommitted capacity.

4. Connection Approval Findings. Upon receipt of the connection application and supportive documents, the TRUSTEES may approve capacity upon making affirmative findings that:

a. There is sufficient capacity to accommodate the volume and demand requirements of the proposed connection;

b. There will be no adverse effect on the water system as a whole or to individual users on the system.

c. The proposed use of water capacity complies with the allocation priorities and is not in conflict with any other enactment adopted by the TRUSTEES or municipality.

5. Conditions of Connection Approval

The TRUSTEES, after making the approval findings above, may issue connection approval,

which approval shall be a binding commitment of capacity to the project contingent on compliance with any conditions attached to the approval. The approval conditions may include:

- a. Specification of the period of time during which the connection approval shall remain valid (3 years unless the Trustees approves a development phasing schedule greater than 3 years).
- b. Incorporation of specific conditions which must be fulfilled by the applicant to maintain validity of the connection approval.
- c. Provision for revocation by the action of the TRUSTEES on failure of the applicant to fulfill requirements of the connection approval.
- d. Specification that the recipient of the connection approval may not transfer the capacity allocation to any other project.
- e. Applicable local, State and Federal permits have been secured for the development/project;
- f. Connection fees, permit fees and other local fees or taxes all set by the TRUSTEES, have been paid in full to the Village of Johnson.
- g. The plans and specifications for connection to and, if necessary, extension of the municipal water mains and associated facilities are acceptable to the TRUSTEES.
- h. The capacity allocation is not transferable to any other project.

The construction of the connection and, if necessary, the municipal water main extension, must be overseen to assure compliance with the plans and specs and good construction practice in a manner acceptable to the TRUSTEES. The Trustees may require certification of a Licensed Engineer that the connection, main, or extension was installed in accordance with plans and specifications, the requirements of this ordinance and sound construction practices.

Capacity allocated within the Village in conjunction with the connection permit for building development shall revert to the Village of Johnson if the permit recipient has failed to initiate construction within three years, or a Trustee approved phasing schedule longer than three years of the issued date on the permit.

The Permit shall expire (three) years from the date of issuance based on the original development plan at the time of permit approval. Within the (three) year period a revised development plan and connection application may be approved by the TRUSTEES in the same manner as the original. Such revised plans must also be approved under local bylaws, if any, and by the applicable State Laws and Regulations. If the TRUSTEES approves an amended development plan and connection application, it will issue a revised final connection permit with reduced or increased capacity allocation determined in accord with the allocation priorities and principles. Where reduced capacity is granted in a revised connection permit, the capacity will revert to the Village of Johnson. Regardless of any revised development plans approved by the TRUSTEES, the TRUSTEES shall not approve an extension of the original (three) year expiration period. After (three) years, the unused portion of the capacity allocation will revert to the Village of Johnson and there will be no refund of connection, impact, permit or other fees. Unused capacity reverting to the municipality shall be for buildings or projects not meeting the definition of substantial construction in the ordinance.

For subdivision projects the permit holder (developer) of a proposed subdivided parcel must indicate the development planned for each lot. If all prerequisites defined for final connection approval herein are met, final connection permits will be issued to the subdivision owner for each lot with a specific capacity allocation associated with the proposed development. These final connection permits will expire after (three) years from the date of initial issuance unless the developer has sold the lot for development, has met the definition of substantial construction and in accord with the approved development plan, or the Trustees approve a development phasing schedule for the project that exceeds three years. The expiration at three years from original issuance will not be modified by any revisions to the subdivision or development plan subsequent to the initial approval, except where a longer phasing schedule has been approved by the Trustees. The TRUSTEES shall then notify the Vermont Agency of Natural Resources of the expired Permit

The capacity allotted to lots that are either unsold or do not have building construction completed at the time of permit expiration (three) years shall revert to the municipality without refund of any fees paid. Capacity shall also revert to the municipality from any reductions made to the development water demand planned for each lot subsequent to initial approval.

The subdivision owner shall file the final connection permits in the land records of the Town of Johnson along with copies of all fees paid and reference to the location of the approved connection plans and specifications. When the owner/developer of a subdivision sells individual lots within the (three) year time frame, the final connection permit shall transfer when the property transfers and the new owner becomes bound to comply with all permits issued and the plans and specifications for connecting the municipal water system. The transferred permit will be considered a new permit issued on the date of property transfer and the constraints of the original permit will apply to this permit. The permit will expire as provided above.

The chief water system operator or other designated municipal official shall be notified one week in advance of any proposed water connection authorized by a connection permit. The connection to the municipal water system shall not be performed unless the municipal official is present and shall not be covered until approved by the official.

In any case where the Trustees is being requested by the applicant to accept water main extensions, pump stations or any other improvements as part of the Village Water System, the Trustees may require that the connection permit approval be withheld for a period of one year after the physical connection has been made to the existing Village System, to insure the proper functioning of said improvements. The Trustees may also request a certification of a Licensed Professional Engineer at the end of said year to insure compliance with permit conditions and proper operation of improvements.

6. Transfer of Allocation:

a) The transfer of the capacity allocation is prohibited unless approved in writing by the TRUSTEES at the original owner's request.

b) The TRUSTEES may approve transfer of capacity for a project to another owner provided the new project and new owner meet all the requirements for the connection approval originally issued and the original and new owner requests such transfer.

7. Authority to Require Connection. Nothing herein shall be construed as limiting or impairing the authority of the Village of Johnson or its TRUSTEES to require connections to the Water System under the general laws of the state or local ordinances.

8. Mandatory connection: Except as hereinafter provided, it shall be unlawful to construct or maintain any private water supplies or water systems within the Village of Johnson boundaries.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose requiring a potable water supply situated within the Village of Johnson and abutting on any street, alley or right-of-way in which there is located a public water main of the Village of Johnson, is hereby required, to connect such facilities directly with the proper water service in accordance with the provisions of this ORDINANCE, within ninety (90) days after date of official notice to do so, provided that said public water main is within five hundred (500) feet of the building(s) requiring service. Installation of or repair to a private water supply and system servicing a building, or the change of use of building or property requiring an increase in water use, located within five hundred (500) feet of the public water mains is not permitted unless the Trustees, in their sole discretion, find that the cost of connection to the Village system would cause extreme financial hardship and the private water supply and system would meet all pertinent state and municipal rules. The burden of proof of hardship is with the property owner, who may demonstrate the hardship by showing the costs of connection to the Village system would exceed 2 times the cost of installation of a new water supply and or repairs or upgrades to an existing water supply as above.

If connection of a structure would jeopardize the ability of the system to supply sufficient water to previously connected residents, the Trustees may grant a waiver to this rule and allow the owner to install a drilled water well. Approved water wells must be metered in accordance with the pertinent sections of these "Rules & Regulations" in any case where the property is to be connected to the Village Sewer System.

9. Owner responsibilities: Information concerning water usage rates, connection fees, water availability, and regulations, as stated in this document regarding the owner's and/or applicant's responsibilities can be obtained by contacting the Village Offices at (802) 635-2611. Emergencies may be reported to the Village Offices or the Superintendent of Public Works.

10. Inspectors / meter readers: New or altered connections are currently inspected by the Water System Operator, or Trustee's designee, who is an employee of the Village. The operator will present, upon request of the property owner or their agent, appropriate identification. Suspected impostors should be denied admittance and be immediately reported to the Village Offices or Superintendent of Public Works.

11. Rates, Rules, and Regulations of the Village water system shall be available to each

customer and obtainable from the Village Offices upon request. These rates, rules, and regulations shall constitute a legal contract between the Village and the property owner or agent. Failure to be aware of such rates, rules, and regulations will not exempt the owner or agent from any penalties charged due to failure to observe these rates, rules, and regulations.

12. No liability for shutting off water without notice. While The Village reserves the right to shut off the water from any of its mains without notice when necessary, for the purpose of making repairs, connections or for any other purpose. The Village shall incur no liabilities for damage to any customers 's property or to have payment refunded caused by cutting off the water, excessive use of and waste of water by other Customers, or by resumption of service without notice after such interruptions. However the Village will endeavor to give timely notice to as many customers as possible affected thereby as time and character of the repairs or accident will permit.

13. The Village reserves the right to discontinue service for violation by the customer of any of the rules of the Village in effect at any time.

Section 2 - Definitions

1. "Water System" shall mean any part of a system of wells, reservoirs, hydrants, and lines which supply water to the Village of Johnson.

2. "Connection" shall mean any piped connection to the Village water system which supplies water to any residential or commercial structure. This includes any standpipe and/or sprinkler system of any type or design to provide fire protection. A connection can mean a change of use of property requiring additional water usage as per #4 below.

3. "Customer" or "Consumer" shall mean any individual(s), firm, company, corporation, association, who is the legal owner of the property, requesting water service from the Village of Johnson.

4. "Section 7A of the Subdivision Regulations of the Department of Environmental Conservation of the State of Vermont" shall mean that State of Vermont standard used to determine potential water usage.

5.A "Service Connection" is the physical connection between the customers interior plumbing or point of use and the village distribution mains used to supply one or more structures or customers, Typically, this would be from the distribution side of the curb stop to the attachment to the interior plumbing of the structure. All new installations shall have a separate service connection.

6.A "Service Line" is a pipe used to conduct water from the distribution system to the point of use by the customer, typically from the distribution side of the curb stop to the customers interior plumbing inside the building, or point of use.

7. "Curb stop" shall mean that valve on any of the system mains which controls the flow of

water to any commercial or residential connection.

8. **“Disconnect”** shall mean the interruption of water service via the curb stop to a residential or commercial customer as defined by State Statute.

9. **“Trustees”** shall mean the Trustees of Trustees which is the governing body for the Village of Johnson, or their authorized representative.

10. **“Village”** shall mean the Village of Johnson, as defined by its charter and bylaws as the same are currently in force and may be amended from time to time.

11. **“Shall”** is mandatory; **“May”** is permissive.

12. **“Normal Business Hours”** are Monday – Friday 7:30 am to 4:00 pm, except for State holidays, but are subject to change.

Section 3 - Connection Procedures

1. **Application:** Applications must be made, on forms obtained from the Village Offices, prior to any new water service connections, renewal of old water service connections, or any change in water service, such as change in service size, addition of stand pipes for fire protection in the form of sprinklers, or any significant change in water service usage. An example of a significant change in water service usage would be to change a single family dwelling into a multi-family dwelling or changing from a law office space to a doctor’s office. Water usage estimates shall be based on the most current version of **“Section 7A of the Subdivision Regulations of the Department of Environmental Conservation of the State of Vermont”**, or its successor document. Failure to make application and/or to initiate water usage prior to approval of such application by the Trustees and payment of all connection fees may result in the issuance of a **“Disconnect Notice”** and subsequent disconnection, as well as fines proscribed by these Rules and Regulations.

The Trustees reserve the right to deny requests for new or upgraded water service(s) if in their sole judgment they find: there is insufficient capacity to accommodate the volume and demand requirements of the proposed connection and or, there will be an adverse effect on the water system as a whole or to individual users on the system.

2. Application Requirement

Persons wishing to use the Water System, either by new connection or change in use of a property having an existing connection, shall apply to the TRUSTEES on a form prescribed by the TRUSTEES. Such application shall:

- a) Be accompanied by a calculation of the development water supply required by the project/development;
- b) Include calculations for the volume, demand rate, and any other characteristics determined appropriate by the TRUSTEES;
- c) Unless waived by the TRUSTEES all calculations required in (a) and (b) above for developments requiring over 1000 gpd shall be certified by a Vermont registered engineer.

d) Be accompanied by plans and specifications for the construction of house connections (from the buildings to municipal mains) and any municipal water main extensions, including pump stations, required to service the development prepared by a Vermont registered engineer. This requirement to submit plans and specs may be waived by the TRUSTEES, if in their judgment it is unnecessary to determine compliance with the Rules and Regulations.

3. The property owner and/or their agent shall contact the Village's designated representative regarding acceptable connection installation, contract the connection to appropriately skilled trades people, have the service connection inspected by the Village's designated representative, and be responsible for all costs incurred during the installation of water service, except that the Village will provide the meter and associated parts as required for proper installation (standard meter is 5/8"). Such costs include any repair of any damage done to neighboring water/sewer/utility services, roadways, sidewalks, driveways, or any damage to property belonging to any person, group, firm corporation, or association not the owner. In those service connections requiring water meter larger than the standard 5/8" meter furnished by the Village, the owner shall be billed the difference between the one required and the standard meter costs.

4. Location, Plans and Specifications: The Village has exclusive right of approval as to the location of any and all water service lines or water meters on the distribution system. Plans for said construction shall be submitted with the application showing curb stop connection, the service line to the structure, fire service lines, and the meter location.

5. One service line per premise: Unless otherwise authorized by the Village in writing, each service line shall serve one premise. The intent of this provision is to be able to separately meter and to provide separate curb stops for disconnection for each structure or use requiring separate billing. The Trustees may, at their sole discretion, permit more than one connection per service line, but only if there are easements granted that clearly specify and assign responsibility for maintenance and repair of the service line. The Village may also require the installation of a "master" meter and a curb stop or valve at the point where the service line begins, so the Village can compare the master meter readings to the sum of the individual meters in order to determine if the service line is leaking water. In any case where leaks are found the Village may take such action as necessary to compel a repair, up to and including shutting off water, **Connection of sprinkler systems.** The Village reserves the right to evaluate individual requests for providing sprinkler service connections based on possible system impacts based on the sprinkler system requirements and demands. Applicants shall provide data as requested by the Trustees and may be required to bear the cost of the evaluation of system impact.

Section 4 - Water Rates & Associated Fees

1. Water rates and connection fees shall be reviewed at least annually and established by a vote of the Trustees of Trustees.

2. Any new construction or reconstruction, conversion, alteration, relocation or enlargement of any building that creates a significant change in water service or new plumbing fixture which results in a significant change in water service shall pay a connection fee and a capacity fee.

The fees shall be paid before a connection to the water main will be made and the fees shall be in accordance with the rate schedule in force at the time of the connection.

3. Water meters will be read monthly, or at such interval as approved by the Trustees in a fee schedule, by the designated representative of the Village.

4. Payment for water service is due within thirty days of billing. Disputes regarding water billing must be filed, in writing, with the Village Treasurer within fifteen days of the issuance of the disputed billing. Delinquent accounts will be subject to a collection fee plus 1.5 % per month interest on any unpaid balance.

5. Failure to arrange for water service payment within thirty days of receipt of billing will result in the issuance of a "Disconnect Notice". Owner proposals for payment agreements of delinquent accounts must be reviewed and approved by the Village Treasurer.

6. All customers are required to install a meter on their water connection. The Village will provide each customer with a ¾" service connection, one 5/8" meter, meter horn and associated parts and fittings as required for proper installation. Those customers requiring or requesting a service larger than ¾" must pay the difference between the Village's cost for a ¾" service connection and the size requested and the difference between a 5/8" meter and the cost of the larger meter and associated parts and fittings as required. All meters of any size connected to the Village water system are the property of the Village. Those customers failing to install a meter on their water service or failing to notify the Village of this installation, within thirty days of commencement of water service will be sent a "Disconnect Notice". During the un-metered period they will be billed for water usage based upon Section 7A of the Subdivision Regulations adopted by the Department of Environmental Conservation of the State of Vermont.

7. The Village is responsible for the maintenance and repair, unless noted elsewhere in these "Rules & Regulations", of any part of a service which lies on the main side of the curb stop and including the curb stop. All leaks and/or damage to the service which lie on the service side of the curb stop are the financial responsibility of the owner unless noted elsewhere in these "Rules & Regulations". It is the responsibility of the owner or agent to notify Village officials and to repair any such leaks as soon as they are discovered. Should the property owner or agent fail to repair a known leak within fifteen days of its discovery, the Trustees may contract the repair and the property owner will be billed for all direct and associated charges. If the leak is found to be detrimental to the water system, the Village may waive the fifteen days, contract the repair, and bill the property owner for all direct and associated charges. All repairs to such leaks, which require uncovering the service line, must be inspected by the Village representative prior to re-covering. Failure to allow such inspection will cause subsequent repair costs at the curb stop to be paid by the service owner. It is the responsibility of the customer to notify their contracted plumber of this requirement. Subsequent repair of roadways, sidewalks, etc. shall be the financial responsibility of the customer. Any repairs required within a highway right of way owned by the Town of Johnson or the State of Vermont will require a permit, which is the landowners/customers responsibility. Digsafe permits will also be the responsibility of the landowner.

The Trustees or their authorized representative(s) reserve the right to disconnect water service at any time to any customer where they find that the customer's leaks or damage to customer owned lines or plumbing is detrimental to the water system and or other individual users of the system. Wherever possible, notice shall be given prior to such emergency disconnects.

8. Water meters are to be installed by a licensed plumber in such a manner as to be protected from freezing, physical damage, and tampering. Should a meter be damaged by freezing, tampering, or abuse, the owner of the service will be responsible for any repair or replacement costs. Nonfunctional meters shall be reported to the Village Clerk or Trustees. In the event that a customer's water meter reads zero or a very low reading, the Village of Johnson will review the prior months' readings and generate a bill based on an average historic usage. The average shall be computed by throwing out the lowest and highest prior readings and or making other reasonable adjustments to arrive at the average usage. The Village's Written Policy of the Trustees as most currently amended, shall govern if its provisions differ from this section.

A minimum charge may be assessed for testing a water meter, as per approved Rate Schedule, to any owner who reports a meter to be non-working and requests such testing and the meter is found to be functional.

9. Current connection fees, excluding any exceptions noted elsewhere in these "Rules & Regulations", are determined by the Rate Fee Schedule", which is adjusted periodically by the Trustees and any expenses related to service connection incurred by the Village for either parts or labor. Changes of use are considered by the Trustees on a case- by case basis, utilizing owner/agent testimony precedent.

10. Whenever service is discontinued for non-payment a reconnection charge shall be paid by the customer to the Village before service is reconnected by the Village in the normal course of business. Charges shall be set periodically by the Board of Trustees.

11. Damage to Village property: The owner of a premise served shall be liable for damage to a meter or other equipment or property owned by the Village which is caused by an act of the owner, his tenants or agents. The damage shall include the breaking or destruction of seals on a meter and damage to a meter that may result from hot water or steam from a boiler or heater on the premise. The Village shall be reimbursed by the owner for such damage promptly on presentation of a bill.

12. Request for Turning on or Shutting off Water: Requests for turning on or shutting off water service shall be made 48 hours in advance, except in case of an emergency. Customers shall be charged for each such service at a rate set by the Trustees. Only Village Department personnel shall open or close curb stops. Request for turning on and/or shutting off water shall be billed at rates established periodically by the Board of Trustees. The owner or his representative must be present for turn on and turn offs. All prior bills, charges, fees and liens must be paid in full prior to service being activated.

13. Disconnect for Non payment: Disconnects for non payment shall be governed by Vermont Statutes and any applicable rates and fees from the Rate Schedule.

Section 5 – Meters

- 1. Maintenance:** Meters will be maintained by the Village at its expense insofar as ordinary wear is concerned.
- 2. Customer owned meters:** Meters installed by the Village at the expense of the customer and not owned by the Village shall be kept in repair by the Village at the expense of the customer.
- 3. Meter Tampering:** A penalty or charge will be levied for each incident of tampering, installation alteration, vandalism, or removal of a water meter by anyone not authorized by the Village . Once installed, no meter shall be tampered with nor shall it be removed without the consent of the Village. In addition the Village reserves the right to pursue further prosecution.
- 4. Meter Installation:** A shut-off valve at the meter inlet shall be the first fitting inside of a serviced building and shall be approved by the Village. The Customer, at their expense, shall install a stop valve near the near the outlet of the meter to permit removal of the meter without backflow from the internal water system. The meter shall be located in a clean, dry, warm and accessible location. Upon completion of the installation of a meter, the Village shall be notified to inspect the installation before service is activated. Provision shall be made for the installation of remote read devices on the outside of the premises.
- 5. Customers to pay for Meter Repairs:** All repairs or damage from freezing, hot water, or external cause shall be charged to the Customer. No sale or transfer of title of property in the Village shall operate to bar the Village in the collection of any balance due for meter repairs.
- 6. Meter Pits and Remote Reader Boxes:** Installation of meter pits shall be at the Customer's expense. When it is necessary or expedient to locate the meter in an underground box or vault approved by the Village the Customer shall bear the expense of same and shall bear the responsibility of reasonable care and maintenance of said box or vault such as keeping it clean and dry. All remote reader boxes located on the premises shall be the responsibility of the owner. In the event that they must be moved or removed the owner shall notify the Village who will do so for them. In the event the Village is not notified and must replace a missing or damaged remote reader, the Customer will be billed for all cost. The Customer shall not be permitted to cover the pit or in any way hinder access to the water meter. Covers must remain exposed at all times. Pits shall be furnished with inlet and outlet connections that accept a variety of underground service connection fittings that meet requirements of the latest revised AWWA Standard C800-89.

Section 6 - Service, Lines and Fixtures

- 1. Service Lines:** Customers must keep their water lines and fixtures in good repair and protected from frost at their own expense. They shall be held responsible for any damage resulting from their failure to do so. In any case where a service line shall serve more than one property, the Village may require that easements be granted that clearly specify and assign

responsibility for maintenance and repair of the service line. The Village may also require the installation of a "master" meter and a curb stop or valve at the point where the service line begins, so the Village can compare the master meter readings to the sum of the individual meters in order to determine if the service line is leaking water. In any case where leaks are found the Village may take such action as necessary to compel a repair, up to and including shutting off water

2. All Service Lines to be Inspected: All service lines must be inspected by the Village before covering the trench. Any failure to inspect, accept, or reject a customer's service line installation shall not render the Village liable or responsible for any loss or damage which might be avoided, had such inspection, acceptance or rejection been made. All lines and trenches shall meet the approval of the Village.

3. Joint use of Trenches: Water service lines will NOT under any circumstances be placed in the same trench as sewer lines, unless they meet full separation requirements required by Water Supply Rule. All lines and trenches shall meet the approval of the Village.

4. Right to Repair Service Lines: All service lines between the street line and the cellar wall may be repaired or replaced by the Village when it deems it necessary for the protection of the supply or the supplying of satisfactory water service.

Section 7 - Fire System and Hydrants

1. Fire Connections: Service connection for water to be taken for the extinguishments of the fire shall be made only upon written application of the owner or agent to which such service is to be supplied and on forms furnished by the Village.

2. Testing Fire System: No water shall be taken or used through private fire system for the purpose of testing unless the Village issues written permission. Such test must be conducted under the supervision of the Village.

3. Use of Fire Hydrants: The use of fire hydrants is restricted to members of the Fire Department and to employees of the Village. Other persons may use the fire hydrants only with the specific permission of the Village. In any event that a hydrant is used for any purpose the Village should be notified.

Section 8 – Main Extensions

1. Main Extensions: The Village requires that all main extensions are built to the Village specifications and is the responsibility of the customer desiring the extension. The cost will be born by the customer. The Village may require that the extension be in service with no defects for one year prior to acceptance. Ownership of said extension will become the Village's, at the Village's option, upon approval of the State Water Supply Division. The Village may establish and revise Written Standards and Specifications for Water System Construction from time to time, which will serve as the basis of acceptance of new extensions to the system. In the absence of Written Standards and Specifications, the materials specifications as set forth in Otter Creek Engineering's Water Distribution Mains Contract 1C, dated January 2006 and

Route 100C Water Main Replacement, as revised April 2008 shall serve as minimum design criteria for construction of water system improvements.

Section 9 – Cross Connections and Backflow Prevention

1. Backflow Prevention: No water service connection shall be approved or maintained by the Village unless the water supply is protected as required by State laws and regulations and this ordinance. Service of water to any premise shall be discontinued if a backflow prevention device required by this ordinance is not installed, tested and maintained, or if it is found that backflow prevention device has been removed, bypassed, or if an unprotected cross-connection exist on the premises. Service will not be restored until such conditions or defects are corrected.

2. Inspections: Owner's system should be open for inspection at all reasonable times to authorized representatives of the Village to determine whether cross-connection or other structural or sanitary hazards, including violations of these regulations, exist. When such conditions becomes known, the Village may deny or discontinue service to the premise by providing for a physical break in service line until the owner has corrected the condition(s) in conformance with State Statutes and Village's Ordinances relating to plumbing and water supplies and the regulations adopted thereto.

3. There shall be no cross connections between the Village water supply and any private or auxiliary water supply on any premises subject to this regulation.

4. Location: An approved backflow prevention device shall be installed on each service line before the first branch line leading off the service line wherever the following exist:

A. In the case of premise on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow device in the service line appropriate to the degree of hazard. This shall include the handling of process waters originating from the Village System which have been subject to deterioration in quality.

B. In the case of premises having internal cross-connections that cannot be permanently corrected and controlled, or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross-connection exists, the Village Water System shall be protected against backflow from the premise by installing an approved prevention device in the service line.

C. The type or protective device required shall depend upon the degree of hazard which exists; protection can be one of the following: approved double check valve assembly, reduced pressure principle or approved air-gap separation. Any backflow device required herein shall be a model and size approved by the Village. The term "Approved Backflow Prevention Device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

AWWA C506-78 Standards for Reduced Pressure
Principle and Double Check Valve Backflow
Prevention Devices

D. It shall be the duty of the owner of any premises where backflow prevention devices are installed to have certified inspections and operational test made at least once per year. In those instances where the Village deems the potential hazard to be severe, there may be required certified inspections at more frequent intervals. These inspections and test shall be at the expense of the owner and shall be performed by the device manufacturer's representative or by a certified tester, as certified by the NEWWA Board of Certification of Backflow Devices Testers, approved by the Village. The owner shall notify the Village in advance when the test are to be undertaken so that the Village or its representative may witness the tests if it so desired. These devices shall be repaired, overhauled or replaced at the expense of the owner whenever said devices are found defective. Records of such test, repairs and overhaul shall be kept and made available to the district.

Section 10 - Protection from damage

Protection from Damage: No person shall maliciously, willfully or negligently break damage, uncover, deface or tamper with any structure, appurtenance, or equipment that is part of the Public Water System.

Section 11 - Enforcement and Penalties

A violation of any provision of this ordinance, except meter tampering, shall be a civil matter enforced in accordance with the provisions of 24 VSA Section 1974a and 1977, et seq. A civil penalty of \$100.00 may be imposed for a first violation of this ordinance. A penalty for a second offense within 6 months of the first offense, shall be \$150.00, and the penalty for each subsequent offense within a 6 month period shall be \$200.00. For meter tampering, a civil penalty of \$250.00 may be imposed for a first violation of this ordinance, \$300.00 for a second offense within 6 months of the first offense and for each subsequent offense within a 6 month period.

The waiver fee for a violation of any provision of this ordinance, except meter tampering, shall be \$50.00 for the first offense, \$75.00 for a second offense and \$100.00 for each subsequent offense within a 6 month period. For meter tampering, the waiver fee for a violation of any provision of this ordinance shall be \$125.00 for the first offense, \$150.00 for a second offense and each subsequent offense within a 6 month period

Each day a violation continues shall constitute a separate violation of this ordinance and each violation of a provision of the ordinance shall constitute a separate and enforceable offense.

Section 12 Validity

Each section or part of a section in this ORDINANCE is hereby declared to be a separate and distinct enactment. If any section or portion thereof in this ORDINANCE, as adopted, is found

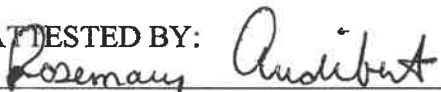
to be void, invalid, unconstitutional, inoperative or ineffective for any cause, it shall not affect the validity of any other section or part thereof which can be given effect without such invalid part or parts. These rules may be amended at any time by the Village of Johnson as provided by law.

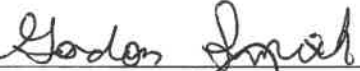
Section 13 – Ordinance in Force


This ORDINANCE shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Duly enacted and ordained by the Trustees of the Village of Johnson, Lamoille County, State of Vermont, on the 13th day of July, 2009, at a duly called and duly held meeting of said Trustees. This ORDINANCE shall become effective sixty (60) days from the date hereof.


ATTESTED BY:



Rosemary Audibert, Clerk


Gordon Smith, Chair


George Pearlman


Will Jennison


Walter Pomroy


Ellis O'Hear

Date of Adoption 7/13/2009

Effective date of Ordinance: 9/11/2009

Notice of adoption of Ordinance posted in the following places:

Town and Village Municipal Building Plum and Main Restaurant

Johnson Post Office Merchants Bank

Grand Union

Notice of adoption of Ordinance published in the Following paper:

News and Citizen 7/30/2009

Transcript 7/27/2009

**PUBLIC NOTICE
OF VILLAGE OF JOHNSON
BOARD OF TRUSTEES**

In accordance with the provisions of 24 VSA Chapter 59, The Village of Johnson Board of Trustees hereby gives notice that on July 13th, 2009, at their regular meeting the Board adopted an Ordinance henceforth known as the: "Water System Rules & Regulations".

The purpose of the ordinance is to establish minimum standards for the health safety and welfare of the inhabitants of the Village of Johnson to govern the design, construction, installation and operation of public and private water systems and to allocate the capacity of the Village Water System.

The full text of the ordinance may be viewed at the Town/Village Clerk's Office during normal office hours (7:30 a.m. to 4:00 p.m.). Persons having questions pertaining to this Ordinance may contact Duncan Hastings, Municipal Administrator, at 635-2611 or by going to the office.

This Ordinance shall go into effect 60 days after date of adoption (9/11/09) unless repealed by vote of the legal voters of the Village of Johnson as per requirements of 24 VSA Section 1973. When a petition requesting a vote to disapprove the Ordinance has been signed by at least five percent of the legal voters of the Village of Johnson and submitted to the Clerk or the Trustees within forty four (44) days of the adoption by the Trustees (8/26/09), the Trustees shall call a Special Meeting within sixty (60) days of receipt of petition, to determine whether or not the voters shall disapprove the Ordinance as adopted by the Trustees.

The following is a list of headings of the ordinance:

- Section 1: General Information.
- Section 2: Definitions.
- Section 3: Connection Procedures
- Section 4: Water Rates and Associated Fees
- Section 5: Meters
- Section 6: Service Lines and Fixtures
- Section 7: Fire System and Hydrants
- Section 8; Main extensions
- Section 9: Cross Connections & Backflow prevention
- Section 10: Protection from Damage
- Section 11: Enforcement & Penalties
- Section 12: Validity
- Section 13: Ordinance in Effect

Notice given this 22nd day of July, 2009, by Duncan Hastings Municipal Administrator 802-635-2611.

Notice Posted in the following locations: Town/Village Offices, Johnson Post Office, Grand Union, Plum and Main, Merchants Bank, www.townofjohnson.com.

Notice Published in the Transcript on 7/27/09 and News & Citizen on 7/30/09

Signed: 