

# MANCHESTER WATER DEPARTMENT REGULATORY CODE

ADOPTED: July 1, 1987

## Section 1 - General Information

The regulations specified within this document shall serve as the legal basis for the operation, administration and all decision-making pertaining to the delivery of water service to the inhabitants of the Town of Manchester, Vermont.

The regulations included herein have been duly adopted under Section 3313, title 24, of Vermont Statutes by the Manchester Board of Water Commissioners.

The Manchester Water Department is led by a three member Board of Water Commissioners appointed by the Selectboard, who serve in a regulatory and policy making capacity. Administration, operations and policy implementation for the Department is carried out through the auspices of the Town Manager, the Water and Sewer Superintendent and Water Department Staff.

- 1.1 Information may be obtained as follows:
  - a. Permits and Procedures - Town Manager (362-1313)
  - b. Billing and Accounts Payable - Water and Sewer Clerk (362-1197)
  - c. Operations and Technical Issues - Water and Sewer Superintendent (362-3339)
  - d. Emergency Situations - Dispatch Office (362-2121)

## Section 2 - Definitions

- 2.1 Applicant - A property owner or contract purchaser seeking new or additional water service through the application procedure outlined in Section 4 of these Regulations.
- 2.2 Board of Water Commissioners - Three member Board appointed by the Selectboard to oversee the Manchester Water Department. Hereafter referred to as the Board.
- 2.3 Change of Use - Transformation of a property served by the Department from one use (residential, commercial, industrial) to another.
- 2.4 Commercial Unit - Each store, shop, office, motel/hotel unit, guest room, restaurant or other commercial entity on a site; whether individually metered or not. One site may contain many commercial units.
- 2.5 Customer - The owner or owners of a premises serviced by the Department.
- 2.6 Department - The Manchester Water Department.

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- 2.7 Industrial Unit - Every building to be served by water on an individual site. There may be more than one industrial unit on an individual site.
- 2.8 Main - A water pipe used for the purpose of transmission or distribution of water, but not a water service pipe.
- 2.9 Meter - Any device for measuring the quantity of water used as a basis for determining charges for water service to a customer.
- 2.10 Residential Unit - Each single family home, duplex unit, apartment, mobile home or other type of domicile, whether or not individually metered. One site may contain several residential units.
- 2.11 Service Line - The pipe that runs between the main and the customer's place of consumption.

### Section 3 - Policy Statements

- 3.1 Service Area - The Board of Water Commissioners have adopted a defined Water Service District.\* It shall be the policy of the Board not to allow the extension of municipal water service beyond the defined Service Area unless a significant and meaningful improvement accrues to the existing distribution system.
- 3.2 Line Extensions (within the Service District) - Extension of the distribution system within the Service Area shall be allowed if said extension can be adequately served via the existing system. If the existing distribution system is deemed inadequate, extensions shall not be allowed unless the applicant agrees to remedy the system deficiencies in question.
- 3.3 Ownership - All newly constructed water main extensions, improvements or additions to the distribution system shall become the property of the Town upon final inspection and approval. Private systems shall not be allowed to connect to the municipal system.
- 3.4 Financial Responsibility - Existing users shall have fiscal responsibility for system operation and required maintenance; including general purpose capital improvements to the system. All other water main extensions, additions or proposed improvements that are required or requested by new users shall be the financial responsibility of the applicant seeking such extension, improvement or addition.

\*Appendix I

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### Section 4 - Application Procedure

- 4.1 Application Format - Application for water service shall be made on forms approved by the Board and must contain all information necessary for timely decision-making.

Applicants seeking water service (within the Water Service District) who are to utilize a one (1) inch or less service connection to an existing main shall be required to only file a preliminary application as specified in Section 4.2.

Water service shall not be granted to any person who does not fully comply with the application procedures specified herein.

- 4.2 Preliminary Application - Because the water system has a limited capacity a commitment must be issued by the Board to all applicants seeking connection to the municipal water system. Said commitment shall be made only after the Board determines that sufficient system capacity is available to service the applicant.

Information to be supplied in association with the Preliminary Application phase shall include, but not be limited to, the following information:

- a. Conceptual plan noting buildings to be served
- b. Proposed sizes of lines and a general utility layout
- c. Estimated water demand

A connection fee set forth in Section 6.3 shall be required as part of this application phase.

A capacity commitment granted by the Board shall be valid for 24 months from date of issuance by the Board. If said commitment is not utilized within the aforementioned time frame it shall automatically expire. Commitment utilization shall be defined as physical connection to the water system.

- 4.3 Final Application - A Final Application shall be prepared and submitted to the Board for approval subsequent to a Capacity Commitment being granted under Section 4.2. The Final Application and accompanying plans shall be prepared in a manner which fully conforms to the Department's "Standard Specifications for Waterworks". Two sets of design plans and specifications must be submitted by the Applicant at this application phase.

- 4.4 Refund Policy - Applicants who withdraw their application prior to a decision being rendered by the Board on a Final Application shall be refunded 75% of the connection fee.

If the Board denies a Preliminary or Final Application or if a capacity commitment expires there shall be no refund granted.

Section 5 - Construction

- 5.1 Construction Standards - All construction performed in association with the municipal water system shall conform to the Department's "Standard Specifications for Water Works" and comply with all special conditions stipulated by the Board.
- 5.2 Construction Agreement - The Board may require that an applicant enter into a written Construction Agreement with the Department prior to any construction being performed.
- 5.3 Inspection Services - During construction a Resident Inspector may be appointed by the Board to oversee all construction activities. All costs incurred as a result of such inspection services shall be borne by the Applicant.

It shall be the responsibility of the Resident Inspector to insure that all facilities are installed in accordance with the plans, specification and special conditions as approved by the Board.

- 5.4 Initiation of Water Service - The Board shall initiate water service to an applicant only after the Board has been provided the following:
  - a. Written certification by the Resident Inspector that all construction was conducted in accordance with approved plans, specifications and special conditions.
  - b. All deeds and right of way instruments.
  - c. "As-built" plans prepared by a registered surveyor or engineer on reproducible mylar showing ties to all fittings, valves, corporations, curb stops and boxes and stubs. Said plans shall be 24" by 36" in dimension.
  - d. Certification of the leakage test, pressure test and chlorination procedures and results of successful bacteriological sampling. Temporary water service shall be supplied by the Department only for these activities.
- 5.5 Service Lines - The cost of installing and maintaining a service line shall be borne solely by the customer.

Installation of said lines shall not take place between November 1 and April 1, except in the case of an emergency.

- 5.6 Conformance with Other Regulations - Applicants should be aware that securing permission to initiate water service does not remove the responsibility of obtaining other permits, such as public building permits, zoning permits, street opening permits, etc.

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- 5.7 Services that are to be abandoned shall be disconnected from the water system in the following manner:\*

  - a. Services using corporation stops – Water service shall be disconnected at the main. The corporation shall be closed and capped and the service line removed from the corporation.
  - b. Services using an in line tee or tapping sleeve and valve - Water service shall be disconnected at the closest valve to the distribution main. The service valve shall be closed and a mechanical joint cap or plug installed either at the valve or within two feet of the valve and a concrete thrust block placed at the cap or plug.

Section 6 - Rate and Fee Schedule

- 6.1 User Charges - The following water use rates are to be assessed upon residential, commercial and industrial units on a quarterly basis: \*\*

Measure in Gallons	Cost	From -up to and including
Up to 4,000	\$40 minimum	0 - 4,000
Next 4,000	+ \$10.80 (.0027)	4,001 - 8,000
Next 12,000	+ \$34.80 (.0029)	8,001 - 20,000
Next 20,000	+ \$70.00 (.0035)	20,001 - 40,000
Next 30,000	+ \$120.00 (.004)	40,001 - 70,000
Next 30,000	+ \$129.00 (.0043)	70,001 - 100,000
Above 100,000	(.0045)	100,001 - and above

- 6.2 Broken or No Meters - Residential, commercial and industrial units\*\*\* without meters or who have a broken meter shall be assessed a quarterly usage charge of forty dollars (\$40.00).
- 6.3 Connection Fees\*\*\*\* - a connection fee shall be required of applicants for the following:
  - a. The connection of newly constructed structures to the Municipal Water System which necessitate a new service.
  - b. The connection to the Municipal Water System of any structure not previously served by said system.
  - c. The extension of use on a site served by the Municipal Water System, whereby additional water demand is created by a new or expanded use.

\* Adopted as of April 26, 2006.

\*\* Unit types specified by the Board of Water Commissioners 11/12/03 effective 11/1/04.

\*\*\* Replaced "customers" by Board of Water Commissioners 8/4/00.

\*\*\*\* Two classes of fees were created on 8/30/90; nonresidential \$3.00 per GPD, and residential \$500.00 per unit. Prior to amendment, all entities were assessed fees at \$500.00 per unit.

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Construction fees shall be assessed as set forth below:

Residential Users - five hundred dollars (\$500.00) per unit.

Commercial, Industrial, all Other Nonresidential Uses - three dollars (\$3.00) per the estimated number of gallons per day (GPD) of water demand. Said GPD estimate shall be derived from rules and regulations relating to "flow quantities" as promulgated by the State of Vermont.

- 6.4 Sprinkler Service - Shall be assessed at twenty dollars (\$20.00) per quarter per inch of nominal sprinkler service main diameter.
- 6.5 Shut Off and Turn On Fee - The maximum fee allowed by State law (\$25.00)\* shall be assessed upon customers whose water is either turned on or shut off by Department personnel.
- 6.6 Fire Hydrant Fees - (When properly authorized, see Section 9) A one hundred dollar (\$100.00) fee shall be assessed upon any person who utilizes a fire hydrant for purposes such as the filling of swimming pools, fire flow tests, etc.
- 6.7 Other Charges - The Board, from time to time, may establish fees for Departmental Services not addressed within these regulations.

Section 7 - Water Billing and Collection

- 7.1 Billing Schedule - Water bills shall be issued by the Department on a quarterly basis. Customers shall pay said bills within thirty (30) days of date of issue.
- 7.2 Billing Procedure - Water bills shall be issued to the owner of the property receiving water service from the Department. The property owner shall be responsible for the payment of all water bills and interest charges incurred in association with all past and present water service to the property in question. A change in ownership of a property does not relieve the new property owner of any delinquent charges or fees incurred by previous owners.
- 7.3 Billing Penalties and Interest Charges - Water bills which are not paid within thirty (30) days of date of issue shall be subject to a 1 1/2% interest charge per month.\*\* Customers who are delinquent in the payment of their water bills are subject to:
  - a. Water disconnection as specified under the provisions of Section 5141 of Title 24 of Vermont Statutes; or
  - b. A lien being placed upon the property in question.

\*2/24/92 Amendment replacing ten dollar fee for shut off/turn on charge with the "maximum allowed" by law (\$25.00 at the time of amendment).

\*\*2/24/92 Amendment deleting the phrase - "pro-rated daily".

Section 8 - Sprinkler System

- 8.1 Application - Application for new sprinkler systems must be made by the owner of the property or his authorized agent and will be subject to all provisions and specifications of the Department.
- 8.2 Illegal Use - Sprinkler system connections shall be used for fire protection only. Using water from fire supply for other than fire protection purposes may result in prosecution for unauthorized use.
- 8.3 Inspection - All fire services shall be subject to periodic inspections by the Department. The owners of such systems will give the Department inspectors all reasonable facilities for making the inspection and any information concerning such system that they may require. Inspections will be made with as little inconvenience to the owner as possible.
- 8.4 Sprinkler System Testing – The Town of Manchester Water Department shall be notified forty eight (48) hours prior to the testing of any sprinkler system that is connected to the municipal water system. Should this notification not take place, the Owner of the facility where the sprinkler system is being tested shall be assessed a fee of \$500.00 for each occurrence.\*
- 8.5 Connection Fee – All new sprinkler systems will be subject to a \$500.00 connection fee.\*\*

Section 9 - Fire Hydrants

- 9.1 Ownership - Hydrants are the property of the Department. All public fire hydrants and their connections are installed and maintained by the Department.
- 9.2 Hydrant Access - No person or persons shall obstruct the access to any fire hydrant by replacing or permitting snow, debris or building material or other obstruction to remain on or about the hydrant which will in any manner interfere with its immediate use.
- 9.3 Hydrant Use - Public fire hydrants are for the sole purpose of fire protection. No other use shall be made without consent of the Water Department.

Section 10 - Termination of Service

- 10.1 Reasons for Termination of Service - Termination proceedings may be initiated by the Department for any of the following reasons:
  - a. A condition determined by the Department to be hazardous.
  - b. Failure by a customer to comply with the terms of any payment agreement.

\*6/2/2004 Amendment to add by Board of Water Commissioners.

\*\*10/27/04 Amendment to add by Board of Water Commissioners.

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- c. When the Department has discovered that by fraudulent means a customer has obtained unauthorized water service or has diverted the water service without same being properly registered upon the company's meter.
- d. When the Department has discovered that the furnishing of water service would be in contravention of any orders, ordinances, or law of the Federal government or of the State of Vermont or any political subdivision thereof.
- e. Non-payment of a delinquent account provided that the Department has notified the customer of the delinquency and has made a diligent effort to have him pay the delinquent account.
- f. Failure of the customer to furnish such service, equipment, permits, certificates or rights-of-way as shall have been specified by the company as a condition to obtaining service, or if such equipment or permissions are withdrawn or terminated.
- g. Failure of the customer to permit the Department reasonable access to its equipment during normal working hours.
- h. Failure or refusal of the customer to reimburse the utility for repairs to or loss of utility property on his property when such repairs are necessitated or loss is occasioned by the intentional or negligent acts of the customer or his agents.
- i. Tampering with or damage to the equipment furnished and owned by the Department.
- j. Violation of or non-compliance with the Board's Regulations.
- k. Fraud or material misrepresentation by a customer in obtaining utility service.

### Section 11 - Miscellaneous Provisions

11.1 Meters - Water meters shall be installed by the applicant in conformance with Department specifications.

Subsequent to proper installation of meters, the Department shall assume ownership and responsibility for the maintenance and replacement of malfunctioning water meters.

It shall be the responsibility of the customer to notify the Department in reference to a broken or malfunctioning meter.

11.2 Access to Property - For purposes related to inspection, maintenance, operation or service termination the Department shall have the right of access to a customer's property.



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Department employees shall carry on their person identification indicating that they work for the Water Department and shall produce same upon request.

- 11.3 Service Line Leaks - When there is a leak in any service line and the owner cannot be readily found or refuses to make immediate repairs, the Department shall have the right to make necessary repairs and charge the customer for same.
- 11.4 Water Shortage - The Department reserves the right to curtail water usage when scarcity of water or excessive use may, in its opinion, justify such action.
- 11.5 Repairs - The Department reserves the right to shut off the water supply for necessary repairs. Whenever possible, notice of said shut off shall be given.
- 11.6 Responsibility and Liability - The Department makes no guarantee of continuity of water service or pressure, and will not assume responsibility or liability for damages resulting from failure of service or pressure.