

CHELSEA WATER DEPARTMENT

Chelsea Water System and Chelsea Sewer System merged on August 14, 1998 to form the Chelsea Water Department

Pursuant to the provisions of Title 24, V.S.A. Chapter 59, § 1971, Title 24, V.S.A. § 3315 and such other enactments as may be material hereto; it is hereby ordained by the Chelsea Water Board that this ordinance is adopted for the users of the Water and Sewer Systems known as the Chelsea Water Department.

**ARTICLE I
PURPOSE**

The purpose of this ordinance is to set forth the rules and regulations of the Chelsea Water Department.

**ARTICLE II
COMPOSITION OF THE BOARD**

- Section 1. The members of the Selectboard shall be the Chelsea Water Department Board.
- Section 2. It shall be the duty of the chairperson of the board to preside at all meetings of the Department. Regular meetings are to be held on the first and third Tuesday of each month at the regular scheduled Selectboard meetings unless warned otherwise.
- Section 3. The town treasurer shall receive all monies and pay all approved bills of the Water Department.

**ARTILCE III
DEFINITIONS AND STATEMENT OF GENERAL APPLICATION**

- Section 1. The rules and regulations in this ordinance shall, upon application for or acceptance of service, constitute a contract between the customer and the Water Department, and the customer shall be considered to have expressed his consent to be bound thereby, and to take water/sewer service only for purposes stated in the application and at the established rates.
- Section 2. Definitions:
 - A. *“Water Department”* means the board that governs the Chelsea Water and Chelsea Sewer Systems.
 - B. *“Customer”* means any person, firm, corporation, government or governmental division who has applied for and is granted service or who is responsible for the service (water and/or sewer).
 - C. *“Main”* means a water pipe owned, operated and maintained by the Water Department, which is used for the purpose of transmission or distribution of water, but is not a water service pipe.
 - D. *“Service Pipe”* means the pipe running from the main to the premises of the customer.

- E. “*Building Drain*” shall mean that part of the lowest horizontal piping of a drainage system, which receives the discharge from the soil, waste, and other drainage pipes inside the walls of the building and shall not be connected in any manner to the Chelsea Sewer System.
- F. “*Building Sewer*” shall mean the extension from the building drain to the public sewer or other place of disposal.
- G. “*Garbage*” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- H. “*Natural Outlet*” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- I. “*Person*” shall mean any individual, firm, company, association, society, corporation or group.
- J. “*Properly Shredded Garbage*”: shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- K. “*Public Sewer*” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- L. “*Sanitary Sewer*” shall mean a sewer, which carries sewage.
- M. “*Sewage*” shall mean a combination of the domestic water-carried wastes from residences, business buildings and institutions.
- N. “*Sewage Treatment Plant*” shall mean any arrangement of devices and structures used for treating sewage.
- O. “*Sewer*” shall mean a pipe or conduit for carrying sewage.
- P. “*Shall*” is mandatory; “*May*” is permissive.
- Q. “*Storm Drain*” shall mean a drain, which carries storm and surface waters and drainage, but excludes sewage.
- R. “*Suspended Solids*” shall mean solids that either float on the surface or, are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- S. “*Watercourse*” shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- T. “*Town*” shall mean the Town of Chelsea.

**ARTICLE IV
USE OF PUBLIC SEWERS REQUIRED**

- Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human excrement, garbage, or other objectionable waste.
- Section 2. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town (serviced by the municipal sewer system), any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

**ARTICLE V
PRIVATE SEWAGE DISPOSAL**

- Section 1. It shall be unlawful to install any new private sewage disposal systems to service houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located public sanitary or combined sewer of the Town, provided that said public sewer is within two hundred (200) feet of the sewer user.
- Section 2. No person shall install a private sewage disposal system within the boundaries of the proposed system, under the provisions of Article V, Section 1.
- Section 3. Where a public sanitary is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- Section 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Vermont. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Section 5. At such time as a public sewer becomes connected, property previously served by a private sewage disposal system, any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with gravel or dirt.
- Section 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- Section 7. When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days. After public notice, the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- Section 8. No statement contained in this article shall be construed to interfere with any additional requirement that may be imposed by the health officer.

**ARTICLE VI
BUILDING SEWERS AND CONNECTIONS**

- Section 1. No unauthorized person shall uncover, make any connections with an opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board.
- Section 2. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall compensate the Town any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. *There will be a \$250 connection fee plus a charge of \$50 per hour for time spent by the sewer system operators, on the connection.*
- Section 3. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board, to meet all requirements of this ordinance.
- Section 4. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- Section 5. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which a sewer line is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the public sewer.
- Section 6. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

**ARTICLE VII
USE OF THE PUBLIC SEWERS**

- Section 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Section 2. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

- (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc, either whole or ground by garbage grinders.

Section 3. No person shall discharge or cause to be discharged any industrial waste.

Section 4. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern.

ARTICLE VIII PENALTIES

Section 1. This ordinance is a civil ordinance

Section 2. Any person found to be violating any provision of this ordinance except Article IX shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 3. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding fifty (\$50) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 4. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation and shall pay five hundred (\$500) for said damages.

ARTICLE IX PROTECTION FROM DAMAGE

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

ARTICLE X OWNERSHIP AND MAINTENANCE OF WATER SERVICE PIPE

Section 1. All *service connections* shall be installed by the Water Department or under its supervision, and in accordance with its specifications. Service connections will be installed at the expense of the applicant. *The applicant will also be charged a connection*

fee of \$250 plus \$50 per hour for time spent by the system operators, working on the connection.

Section 2. The so-called “*curb stop*”, within the limits of the highway or right-of-way, shall be installed, owned and operated by the Water Department. From the limits of the highway or right-of-way to the building, the service pipe shall be installed, owned and maintained by the customer. For all existing and any new services, the liability of the Water Department shall end with the so called “*curb stop*” regardless of the location.

ARTICLE XI WATER METERS

Section 1. *General Provisions:* All water sold by the Water Department shall be based on meter measurements or as otherwise provided for in its rate schedule as recommended by the Water Board. The customer may receive water through a meter upon written application to the Water Board. The size of the meter will, in all cases, be determined by the Water Board. Premises once serviced at meter rates will not be restored to a flat rate.

Section 2. *Ownership of Meters:* Ownership of all water meters registering measurements of all water upon which its charges are based shall be vested in the Water Department.

Section 3. *Meter Setting:* All meters shall be set, as nearly as possible, at the building and the customer shall provide a clean, warm and accessible place therefore. The owner is responsible for installing the appropriate fixtures to allow for the meter to be set in a stable position. The cost of the meter shall be borne by the Water Department. The customer must provide protection against all injury, including heat and freezing. In the case of a meter being damaged due to negligence of the customer, the Water Board shall immediately ascertain the cause and extent of such injury and shall assess against the account of said owner a charge for the amount necessary to return such meter to first-class condition. Water loss resulting in a meter damaged due to negligence of the customer, shall be paid for by the customer. In the case of damage to the meter occurring between the outlet to the meter and the curb stop, resulting in the water not going through the meter, the amount of water lost, will be determined by the Water System Operator and the Water Board. This will be an approximate amount determined by volume of water used in excess of normal usage. The usage is monitored daily and documented.

Section 4. *Meter Accuracy:* In any case, where the accuracy of registration of any meter is challenged by any customer, said meter shall be tested on the following basis. The customer shall agree to pay for the work of removing, testing and replacing the meter. If the tests show that such meter is accurate within three (3) percent, the customer shall be liable for the cost of removal and testing. If the meter tests above the specified limit, the Water Department shall assume all costs of removal and testing and shall adjust the billing in question in an equitable manner.

Section 5. *Tampering:* No person, except a person authorized by the Water Department shall disconnect any meter, or place, replace, move, remove, break the seal or otherwise disturb the meter in any manner whatsoever, provided that this section applies only to the meter itself and not to any connecting fixtures or pipes, and provided that this section

shall not be construed to render the Water Department liable for any portion of any service.

ARTICLE XII CROSS CONNECTIONS

No cross connections between the Water System supply system and any other supply will be allowed. In addition, no connection capable of causing back flow in to the Water System water supply system through plumbing fixtures, appliances, boilers, or water outlet, have direct connection to waste drains will be permitted. If the owner of such connection does not make adequate corrections, service shall be discontinued.

ARTILCE XIII GENERAL SERVICE CONDITIONS

- Section 1. No customer shall obtain water from any hydrant or other fixture of the Water System without the previous consent of the Water System.
- Section 2. All customers shall maintain, at their own expense, the plumbing fixtures within their own premises in good repair and protect them from freezing.
- Section 3. All customers having direct pressure devices, including, but not limited to, hot water tanks, or secondary system supplied by automatic feed valves, shall have installed and maintained in operating conditions appropriate vacuum, temperature and pressure relief valves or cutouts in the Water System and/or secondary system to prevent damage to the water device or secondary system, or their appurtenances should it become necessary to shut off the water main or service, or should a pressure failure occur for any reason. Water service supplied to any customer not providing such protection will be strictly at the risk of the customer. The Water System shall not be held liable for damages resulting from the lack of, or failure of such devices.
- Section 4. No customer shall utilize any service pipe or interior plumbing as the building electrical ground, unless such grounding is in accordance with the National Electrical Code.
- Section 5. *Liability for Interrupted Service:* If, by reason of temporary shortage of supply or for the purpose of making repairs, extension, connections, or placing or replacing meter, or for any reason beyond the control of the Water System, it becomes necessary to shut off the water in a main or service, the Water System will not be responsible for any damages occasioned by such shut off and no adjustment of rates will be allowed unless the interruption is in effect for a continuous period of ten (10) days, in which case a proportional adjustment of rates will be made. Notice of shut off will be given when practicable, but nothing in the rule shall be construed as requiring the giving of such notice.
- Section 6. The Water System will not be responsible for damage caused by discolored water or unsatisfactory service which may be occasioned by cleaning of pipes or reservoirs, or the opening or closing of any valves or hydrants, or any abnormal condition, unless caused by the lack of reasonable care on the part of the Water System. The Water System will

not be responsible for meeting unusually high water quality standards for specialized or industrial customers.

- Section 7. The Water System will attempt to maintain standard system pressures not exceeding one hundred seventy five (175) pounds per square inch and will not be required to render service where normal system pressure may be expected to fall below twenty (20) pounds per square inch. Where a customer feels that the system pressure within the above range are higher than his plumbing or apparatus can endure, it shall be the responsibility of the customer to install a suitable pressure reducing device.
- Section 8. *Water Conservation:* When necessary to conserve the water supply, the Water System may restrict the use of water by its customers.
- Section 9. *Fluctuation of Pressures:* No customer shall install or use water consumption apparatus which will affect the Water System's pressure or operation conditions so as to interfere with the service of another customer. Where a customer has, or proposes to install, an apparatus which requires water in sudden and material quantities, impairing the pressure to the detriment, damage, or disadvantage of other customers, the Water System reserves the right to require such customer to install devices or an apparatus which will confine the fluctuations of demand and pressure within reasonable limits determined by the Water System.
- Section 10. *Access to Premises:* Officers of the water board and employees of the Water System shall have access to all premises supplied with water, at all reasonable hours, to permit the inspection of plumbing and fixtures, to set, remove, or read meters, to ascertain the amount of water used and the manner or use and to enforce these rules and regulations.
- Section 11. *Use of Valves, Hydrants, Shutoff:* No valve, shutoff or hydrant, which is the property of the Water System, shall be opened, closed, or otherwise operated except by persons authorized by the Water System. Penalties for tampering with valves or hydrants will be prescribed in accordance with Vermont State Law.
- Section 12. *Notice of Service (On/off):* When requested by the customer, twenty-four (24) hours notice shall be required for letting on or off water to any service, and such service shall take place only during the regular business hours of the Water System. The charge of this service will be as established by the Water System.
- Section 13. *Emergency Water* may be let on or off to any service when a condition of emergency or great need exists. Such let on or off shall not operate to excuse or forgive any charges or other liability assessed against the property so served.

ARTICLE XIV APPLICATIONS FOR WATER AND SEWER SERVICE

- Section 1. Requests for street main extensions must be made in writing to the chairperson of the Water Department. The Department will survey the area to be serviced and estimate the cost of such extensions.
- Section 2. Applications for service shall be made at the town office on forms provided by the Water Department. The application shall be submitted by the owner of the premises. The

owner of the premises, upon acceptance of service to his property, shall be considered responsible for payment of all service charges rendered to the property. Applications for service will be considered at the regular meeting of the Water Department or at special committee meetings if the Board deems it necessary. The acceptance normally will be contingent upon the existence of a water main or sewer in the public way or other property upon which the property to be served abuts. The applicant is responsible for obtaining any and all rights of way in connection with this service. The applicant will be charged a \$250 connection fee plus \$50 per hour for time the operators spend working on the connection. The application shall be valid for no more than sixty (60) days. No service connection will be made after October 15th of each year.

ARTICLE XV FEES

- Section 1. *Annual Charges:* Annual charges per family unit will be reviewed annually and adjusted as necessary to reflect actual treatment works operation and maintenance costs.
- Section 2. *Family Unit:* A family unit is hereby defined as a person or group of persons composed of parents or parent and their children. Two or more family units on one service, in one building, shall each be liable to the above charge.
- Section 3. Charges for industries, churches, schools, public places, and other buildings occupied by persons other than family units, shall be based on employment, occupancy or estimated volume of use as determined by the Board.
- Section 4. A sewage and/or water charge shall be a lien upon real estate in the same manner and to the same effect as taxes are a lien upon real estate.
- Section 5. The Board has the authority to levy charges for *Industrial Cost Recovery* in accordance withy Federal Regulations as published in the Federal Register on August 21, 1973 (Federal Register pages 22524 et. Sec.) entitled "User Charges and Industrial Cost Recovery".

ARTICLE XVI DISCONTINUANCE OF SERVICE

- Section 1. *General Provisions:* Bills for water and/or sewer service shall be due and payable when issued and shall be considered delinquent thirty (30) days after mailing or as determined by the Water Board in the rate schedule as set by the Water Board. A penalty of one (1) percent per month, twelve (12) percent per year, will be accessed to all delinquent bills. Service may be discontinued for delinquency in payment of water and/or sewer bills or for violation of any rule or regulation herein.
- Section 2. *Procedure:* Before service is discontinued for delinquency, or violation of these regulations, the Water Department shall follow a reasonable procedure to effect payment, including, but not limited to, the issuance of a shut-off notice in accordance with Vermont Statutes Annotated Title 24 § 5141 et seq. Service discontinuance shall not be made without fourteen (14) days written notice except for emergencies. Service

once discontinued may not be restored until the cause of discontinuance has been removed and until payment in arrears and penalty charges, if any, have been made.

**ARTICLE XVII
VALIDITY**

- Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 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 XVIII
APPLICABILITY OF FEDERAL AND STATE REGULATIONS**

- Section 1. The Water Department shall be governed not only by this ordinance, but also as required by state and federal regulations as they apply to the water and sewer systems. Should it at any time be established by competent authority that any provision of these by-laws is in conflict with any superior state or federal regulations, then the conflicting provision or provisions of the ordinance shall be automatically suspended for the duration of the conflict.
- Section 2. Any provisions of this ordinance may be temporarily suspended, altered, amended or repealed at any meeting of the Water Board legally warned provided the proposed suspension be specifically stated in the warning, but not otherwise.

Pursuant to the provisions of 24 V.S.A. Chapter 59 § 1973, the citizens within the jurisdiction of the Chelsea Water Department have the right to disapprove this ordinance by submitting a petition, signed by not less than five (5) percent of the qualified voters, to the Chelsea Water Board or the Town Clerk, within forty-four (44) days following the date of its adoption by the Water Board. If no petition is submitted, this ordinance shall become effective on July 2, 2005, which is sixty (60) days from its adoption.

Date

Andrew Pomerantz, Chair

Richard Rogers

Carol Olsen