

## TITLE 29

### WATER RESOURCES

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#### CHAPTER 1

#### CITY WATER DEPARTMENT

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§5321. Superintendent of water works; maps, plans and records

The commissioner of public works shall have the immediate supervision of the city water works and all city property pertaining thereto, subject to the orders and ordinances of the board of aldermen. He shall prepare and keep on file in his office, subject at all times to the inspection of any member of the board of aldermen, such maps, plans, and records as may be necessary to fully and properly show the location of all reservoirs, mains, service

pipes, valves, cocks and other fixtures in use by this department, and shall turn them over to his successor in office.

§5322. Inspection of plumbing fixtures, etc.: duty of consumer

Any duly authorized officer or agent of the water department may enter the premises of any person supplied with water to inspect the pipes, fixtures, etc., which are used in connection with the water supplied, and it shall be the duty of every person supplied, to answer at all reasonable times all proper inquiries made by the department or their agents in regard to the quantity, purposes and manner in which the water is used on the premises.

§5323. Establishment of water rates; publication of notice

The board of aldermen shall establish all regular service, meter service and special service water rates. The city treasurer shall cause to be published in one or more newspapers printed in the city, advertisements stating when and where such service rates will become payable. Such advertisements shall be published simultaneously with each billing procedure, and shall specify the penalties and fees that will accrue if prompt payment is not made.

§5324. Service payment; penalties

- (a) The service rates for water shall be set by the Board of Aldermen by December 31<sup>st</sup> of each year. Such rates shall then be applied to the billing cycle corresponding with the bill sent out by the city treasurer as close as is practicable to the close of the quarterly period ending on the 20<sup>th</sup> day of June in the year following. Said bill shall be paid in quarterly installments payable to and collected by the city treasurer at his office per section 5325 of this chapter.
- (b) If such premises obtains a meter during any quarter, said quarter is payable at the regular service rate and subject to all penalties called for. Premises reverts to meter service in the subsequent quarter and becomes subject to all of section 5325 of this chapter.

§5325. Meter service payments; penalties

- (a) The meter service rates for water shall be payable to and collected by the city treasurer at his office quarterly. The bills for meter service shall be sent out by the city treasurer as is practicable to the close of each quarterly period ending on the 20<sup>th</sup> day of December, March, June and September. If bills are not paid by the 1<sup>st</sup> day of February, May, August and November, respectively, a penalty of 5 percent shall be added thereto and become an integral part thereof.
- (b) If such augmented bill is not paid by the 1<sup>st</sup> day of March, June, September and December, respectively, it shall be turned over to the Office of the City Treasurer, which shall add 8 percent to such augmented bill.

- (c) In addition to the assessment of fees set forth above, the City may proceed to disconnect the water service in accordance with 24 V.S.A. Chapter 129. (Amended February 10, 2009).
- (d) Subsection (c) immediately above notwithstanding, when any parent or legal guardian occupant satisfied the City of Rutland Credit Supervisor within 7 days of notice of termination that an affected dwelling is occupied by someone less than 13 years of age, the water service at the subject property shall not be terminated until 30 days subsequent to the termination date specified I the first notice of termination. (Amended 7/14/2011 #267)

#### §5326. Special service rates; payments

The special service rates for water shall be payable to and collected by the city treasurer at his office, in advance.

#### §5327. Responsibility of owners for tenants

Owners shall be so far responsible for the service rates of tenants as that new tenants will not be entitled to a supply until all arrearage are paid. When water is supplied to more than one party through a single tap, the water may be shut off in case of non-payment of either party, notwithstanding that one or more parties may have paid their proportion of the amount due.

#### §5328. Collection of charges; delinquent charges (Amended 2/2/2008; effective 4/2/2008)

Service rates shall be a fee for utilities and may be collected by all means permitted by law, including but not limited to those collection mechanisms provided for in Title 24 of the Vermont Statutes Annotated.

#### §5329. Pipe tapping or altering

No person shall use the water supplied by the city water works, tap the mains, or any pipe leading therefrom, or attach any pipe thereto, or make any extensions or alterations of or additions to the service pipe upon his premises without first applying to the superintendent of the city water works at this office. All connections shall be made under the direction and to the specifications of the superintendent, and no work shall be started until the application has been approved.

#### §5330. Mains and lateral line; duty of city and consumers

The mains shall be tapped and all lateral pipes laid by the city or its designee as authorized by the commissioner of public works to the line of the street, the city furnishing the stopcock and box and keeping them at all times in repair, extraordinaries excepted, all costs to be borne by the petitioner, but the city will not be accountable for obstructions by frost or otherwise, or for leakage of hydrants or pipes, and damages

thereby, upon the premises of individuals. All parties taking water shall keep the pipes and fixtures within their premises in good repair and protected from frost at their own expense, and they shall be held liable for all damages which may result from their failure to do so.

#### §5331. Street and lawn sprinklers

Street or lawn sprinklers shall be not converted into fountains or jets, or be allowed to run to waste in the gutters or upon the lawns, but must be kept closed, except when in use for sprinkling, as intended. The city shall have the right to apply a meter to any service pipe, and to charge meter rates therefore.

#### §5332. Use of water for unauthorized purpose

No person shall give away or use any water from the city water works on any premises, for any other purpose than that for which payment has been made; nor allow the water to be wasted from fixtures out of repair or otherwise. The superintendent of the city water works, or his authorized agents, may cut off the water from the premises of any person who shall violate any of the provisions of this section, and such offender shall be deprived of the use of the water until he shall have paid to the city treasurer, for the use of the city, the sum of \$1 for cutting off and turning on the water, and shall have made all necessary repairs.

#### §5333. Use of water after shut off for cause

No person upon any premises where a regular service rate is established, or who shall take water by special or meter service rates, after the water shall have been shut off for cause, as is provided in this chapter, shall let on the water, or let the water run from the pipes on such premises, or authorize cause or permit the water to be let on, or draw or use any water from the city water works, on the premises of any other person, with or without the permission of such person, unless the same be done or under the written direction of the superintendent of the city water works, and there shall be no concealment of the purposes for which water is used.

#### §5334. Unauthorized practices

It shall be unlawful for any plumber or any other person to attach any pipe or fixtures to any service pipe connected with the water works or to remove any meter or fixture or in any manner alter any service pipe connected with the water works without first having a plumber's permit signed by the superintendent. It is to be understood that the rules and regulations governing plumbers or their agents are not to prevent them from rendering assistance in case of accident to the pipes occurring during the night or at hours when the office is closed.

#### §5335. Reports required of plumbers

Every plumber who shall set up any pipes or fixtures for the use of water from the city water works or shall make repairs upon, or additions to, pipes or fixtures already set up shall, within 3 days after such repairs or additions have been completed, fill out and return to the superintendent a report, describing all fixtures, both old and new, for the use of water on the premises, which report the superintendent shall immediately record and certify to the city treasurer. For any misrepresentation or omission in the statement of work done, or of work to which additions have been made, the plumber may be suspended, and if such error appears to be willful, his permit will be revoked. Water will be supplied only to pipes and fixtures that have been set up and completed under the direction of a plumber having a permit from the superintendent, and which shall be fully enumerated and described in a report to the superintendent and approved by the inspector.

§5336. Shut offs for repairs or droughts; notice to users

The water department or their authorized agents shall have the right to shut off water for the purpose of making extensions, alterations or repairs, or on account of any accident to the works, or in case of violation of the rules or neglect to pay the service rates when due, and in case of drought or threatened scarcity of water to diminish or stop the supply, without any claim for abatement or damage for loss of water. When the superintendent shall have cause to shut off the supply of water on any line for repairs, he shall immediately notify the water consumers on the line of pipe to be shut off, stating as nearly as possible the length of time such supply will be shut off; provided, however, in case of sudden bursts, the water may be shut off without notice.

§5337. Inspection and maintenance of hydrants and fire plugs

The superintendent shall have an examination made of the hydrants and fire plugs belonging to the city, from time to time, and keep them in working order at all times, except when shut off for repairs; and shall cause all defects therein to be repaired without delay.

§5338. Notice to fire department of shut offs

The superintendent, whenever he shall cut off the supply of water from any of the hydrants in any part of the city, for repairs or other causes, shall immediately give notice thereof to the chief engineer of the fire department. He shall state in the notice particularly to what extent the hydrants are so rendered unavailable for fire service; and shall also notify the chief engineer when the said hydrants are again in working order.

§5339. Permission to draw water from hydrants

No person shall open any hydrant or draw water therefrom, except under the direction of the superintendent of the water department, the chief engineer of the fire department, or the commissioner of public works.

§5340. Privately owned fire hydrants

Parties having private fire hydrants on pipes connected with the mains for fire protection will be governed in all cases by the foregoing regulation. Reasonable requests for testing private hydrants or pipes will be granted and appliances shall be open to the inspection of the agents of the city water works at all times, and may be opened by the insurance inspector to ascertain if the water is on and the hydrants or pipes are in working order, notice of such opening being given at the office of the superintendent within 24 hours thereafter by such insurance inspector.

#### §5341. Tampering, etc., with gear belonging to water department

No person shall meddle with, disturb, remove, carry off, or in any way injure any hydrant, valve, valve box or cover, meter, stopcock, stop box or cover, pipe, tool, apparatus, fixture, building, machinery or fence, belonging to the city water works, nor place anything in such manner as to obstruct or hinder free access to any hydrant or meter.

#### §5342. Pollution of water supply

No person shall throw, or place, or cause to be thrown, put in placed, in any public reservoir, or stream connected therewith, or waters in the city, any stone, dirt ashes, shavings, sticks, garbage, rubbish or filth of any kind, nor shall wade, or bathe or fish in, or cause or permit a dog or animal to go into or swim in the water, nor skate on the ice of a public reservoir.

#### §5343. Revenue, records and disposition of

All moneys received in any way on account of the city water works shall be paid into the city treasury. The city treasurer shall keep accounts, showing fully all receipts had and payments made in any manner on account of the water works, separately from all other receipts and payments. The revenue derived from the water works shall be appropriated as follows: First, to pay the necessary expense of their maintenance; second, to pay interest on the indebtedness of the city incurred for their construction; third, to the sinking fund as provided for the payment of said indebtedness; fourth, necessary extensions of the water works; fifth, to the general requirements of the city.

#### §5344. Penalties

Any person who shall violate any of the provisions of this chapter shall be punished by a fine of not less that \$50, nor more than \$500 for each offense. Each day of said violation shall be considered a separate offense.

## CHAPTER 2

### WATER SHED RULES AND REGULATIONS

#### Section

- 5345. Application
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#### §5345. Application

The rules and regulations hereinafter given and duly made in accordance with the provisions of Vermont Statute Annotated, chapter 73, Section 3315 and with the provisions of Section 24-4 of the Charter of the City of Rutland, and shall apply to lands forming the water sheds from which the City of Rutland obtains any part of its water supply and to all water courses which not serve or which may be developed in the future to serve as sources of the public water supply of the City of Rutland, Rutland County, Vermont.

#### §5346. Definitions

- (1) *Herbicide* shall mean any substance used to destroy or inhibit plant growth.
- (2) *Human excerta* shall mean human feces and urine.
- (3) *Junk yard* shall mean an area where two or more unregistered, old or second hand motor vehicles are being accumulated for purposes of disposal, resale of used parts, or reclaiming certain materials such as metal, glass, fabric, etc.
- (4) *Linear distance* shall mean the shortest horizontal distance from the nearest point of a structure or object to the high water mark of a reservoir, or to the edge, margin or precipitous bank forming the average high water mark of a water course.
- (5) *Pesticide* shall mean any substance used to destroy pests such as rodents and insects.
- (6) *Radioactive material* shall mean any material in any form that emits radiation spontaneously.
- (7) *Refuse* shall mean all putrescible and non-putrescible solid waste including garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial waste.
- (8) *Refuse disposal area* shall mean land used for the depositing of refuse.
- (9) *Reservoir* shall mean any natural or artificial lake or pond which is tributary to or serves as a source of the Rutland City public water supply.
- (10) *Sewage* shall mean the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water carried waste from any other fixture or equipment or machine.
- (11) *Sewage disposal system* shall mean a system for disposing of sewage or other wastes, and including sewers and treatment works.
- (12) *Toxic chemical* shall mean any compound or substance which is or may endanger human health.
- (13) *Treatment works* shall mean any plant, disposal field, subsurface system pumping station, construction drainage ditch or surface water intercepting ditch, incinerator, or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage or other wastes.
- (14) *Water course* shall mean every spring, stream, marsh, or channel of any kind, the waters of which flow or may flow into the Rutland City public water supply.
- (15) *Watershed* shall mean the entire drainage area contributing water to the Rutland City public water supply.
- (16) *Water supply* shall mean the public water supply of the City of Rutland.
- (17) *Commissioner* shall mean the Commissioner of Public Works, City of Rutland, Vermont or his authorized representative.
- (18) *Land Development* shall mean the division of a parcel into two or more parcels; or the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or the use of land for mining, excavation or land fill; and any change in the use of any building or other structure, or land, or extension of use of land.

§5347. Human excreta and sewage control

- (1) No human excreta shall be deposited or allowed to escape into any reservoir or water course on the watershed.

- (2) No human excreta shall be deposited or spread upon the surface of the ground at any point on the watershed.
- (3) No human excreta shall be buried in the soil on the watershed. All human excreta must be transported to an approved disposal system.
- (4) No privy or receptacle of any kind for the deposit or storage of human excreta and sewage shall be constructed, placed, or maintained on the watershed except:

(a) Water flushed toilets connected by a water tight pipe to a sewage disposal system that has been approved by the appropriate State agency having jurisdiction over such facilities and by the commissioner.

(b) A properly designed, constructed and operated treatment works that has been approved by the appropriate State agency having jurisdiction over such facility and by the commissioner. Disposal of sewage shall be done by connection to a subsurface sewage disposal system constructed in accordance with existing State regulations and guidelines or to an approved sewerage system.

#### §5348. Subsurface sewage disposal

- (1) Plans for land development shall be prepared by a licensed professional engineer for the safe handling of sewage disposal by subsurface means either on an individual plot basis or on a development wide basis. Said plans shall indicate the flow of surface and ground waters.
- (2) Permit Standards. Reference is hereby made to the following standards and permits for subsurface sewage disposal, which are incorporated herein by reference:
  - (c) State of Vermont, Department of Health Standards.
  - (d) City of Rutland, Private Sewage Disposal Construction Permit.
    - (a) U.S. Department of Health, Education and Welfare "Manual of Septic Tank Practice."
    - (b) State of Vermont, Department of Health Standards.
    - (c) City of Rutland, Private Sewage Disposal Construction Permit.
- (3) Separation distance. No portion of the seepage unit (tile field, seepage pit or equivalent) of a subsurface sewage disposal system shall be constructed, placed or allowed to remain within a lineal distance of 200 feet of any reservoir or water course. Any limiting distance may be increased or decreased when in the opinion of the Commissioner it is necessary and can be done without threat to the public health or welfare.
- (4) Subsurface soil conditions. Seepage units shall not be constructed or located on steep slopes, or where bedrock or hardpan soil conditions prevail.
- (5) Septic tanks - disposal of contents. All emptying, transporting and disposing of the contents of septic tanks, distribution boxes or other receptacles containing sewage, or in transferring their contents to a transportable receptacle, shall be

accomplished by an operator approved by the State of Vermont and/or the commissioner, and all necessary care shall be exercised to prevent contamination of any reservoir or water course. All septic tanks shall be inspected annually by the commissioner. The maximum interval for pumping out septic tanks shall not exceed three (3) years and more frequently if necessary, in the opinion of the commissioner. All septic tanks shall have an indicator pipe visible for easy location by the inspector. All septic tanks shall have a manhole brought to surface. All transportable receptacles shall be provided with tightly fitting covers which are securely fastened when transporting waste to the place of ultimate disposal. The contents of the septic tanks, distribution boxes or other receptacles containing sewage shall be disposed of at a properly designed, constructed and operated sewage disposal system that has been approved by the appropriate State agency having jurisdiction over said facility.

#### §5349. Existing sewage disposal system plans

Before any existing sewage disposal system is altered, either physically or by a change in contributory population and/or type of establishment, the plans in relation thereto shall have been first approved by the appropriate State agency having jurisdiction over such facility and/or by the Commissioner. Standards for said plans shall be the same as set forth in Section 5348 (2). When an existing subsurface sewage disposal system fails, the entire system must be re-evaluated in accordance with 5347 (4.b.)

#### §5350. Discharge of sewage or polluted liquid

No sewage or polluted liquid of any kind shall be discharged or allowed to flow into any reservoir or watercourse, or beneath the surface of the ground in the watershed, except into watertight receptacles or water tight pipes connected to a sewage disposal system, all approved in accordance with this chapter. The restrictions and limiting distances in this chapter shall not apply to sewage treatment works installed in accordance with plans which first have been submitted to and approved by the commissioner and by the appropriate State agency having jurisdiction over such facility.

#### §5351. Prohibited activities and materials

- (1) Refuse disposal area. No refuse disposal area shall be located within the watershed, unless approved by the Commissioner.
- (2) Cemeteries. No interment of a human body shall be made within the watershed, except within existing bounds of existing cemeteries.
- (3) Radioactive material. No radioactive material shall be disposed of on the watershed.
- (4) Junk yards. No junk yard shall be permitted on the watershed.
- (5) Bathing, swimming and washing of animals, articles or persons are prohibited in any reservoir or watercourse within the watershed. Before draining private constructed swimming pools, the Commissioner shall be notified so that effluent can be diverted from intake towards supply.

- (6) Temporary shelters. No hut, tent, shelter or building of any kind, except a water works structure, shall be permitted on the water or ice of any reservoir or watercourse owned by the City of Rutland.
- (7) Boating. No boating shall be allowed in or upon the waters of any reservoir or watercourse owned by the City of Rutland except by duly authorized employees of the City of Rutland in the performance of their duties of supervision and maintenance of the water supply.
- (8) Fishing and trespassing. No fishing or trespassing shall be allowed within 1000 feet of the water supply intake. Proper posting shall be carried out by the Commissioner to give warning of this limitation.

#### §5352. Pesticides

Pesticides shall be applied onto the land or onto the waters in the watershed unless (a) a tolerance for such pesticide in drinking water has been established by the commissioner, and it has been shown that such application will not result in concentrations in such waters exceeding said tolerance; or (b) the pesticide is defined as a Class "C" pesticide by the commissioner or agriculture; or (c) the commissioner of health has approved the use of a prohibited pesticide for a specific purpose, and only on a case by case basis.

#### §5353. Animal and animal waste control

The stabling or grazing of animals, including hog pens, and collections of manure piles or compost heaps shall not be maintained or allowed to remain within 300 feet of any reservoir or watercourse; and said activities in areas outside this limitation shall be maintained in a manner acceptable to the commissioner.

#### §5354. Land developments

All land development, including logging and subdivisions, shall be accomplished within the guidelines of the City of Rutland watershed management guidelines.

#### §5355. Inspections

Duly authorized representative of the water works division of the department of public works, shall make regular inspections of the reservoir, watercourses and watershed to ascertain whether these rules and regulations are being complied with. It shall be the duty of the commissioner to cause copies of any rules and regulations violated to be served upon the persons violating the same, together with notices of such violation. If such persons do not immediately comply with the rules and regulations, it shall be the further duty of the aforesaid City of Rutland, through its commissioner of public works, to promptly notify the state commissioner of health of such violations. The commissioner shall report to the state commissioner of health annually, in writing, prior to the 30th of January, the results of the regular inspections made during the preceding year. The report shall state the number of notices served, the number of violations abated and the general condition of the watershed at the time of the last inspection.

#### §5356. Penalties

In addition to any other penalties as provided by law, a person who violates any section of this title shall be subject to a civil penalty of not less than \$200 nor more than \$500. Each day during which a violation occurs shall be considered a separate offense.

#### §5357. Severability

If any provision of any section of these regulations or the application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the provisions or applications of these regulations which can be given effect without the invalid provisions of the application and to this end the provision of these regulations are declared to be severable.