

ARTICLE I. IN GENERAL

31-1 Construction of chapter.

In the construction of this chapter, whenever it is stated that certain things are required, the meaning is that only on compliance with the stipulation can a person become or having already become can he continue to be a user of city water and enjoy or possess the privileges and advantages afforded by the city water department to its users and those with whom it does business. During the refusal or failure of any person to comply with any of the requirements of this chapter or of the regulations of the water department, all rights of such person to use city water shall cease.

(Rev. Ords. 1962, § 6048)

31-2 Applications of water.

Applications for water shall be made on printed forms, to be furnished at the administrative offices of public works, and the applicant must agree to conform to the ordinances and the rules and regulations of the department.

(Rev. Ords. 1962, § 6001; Ord. of 10-22-90)

31-3 Conditions on which water furnished.

This chapter and the rules and regulations of the water department shall be considered as stating the conditions upon which city water will be furnished, and every person using city water shall be considered, by so doing, to express his consent to conform to the requirements of this chapter and the rules and regulations of the department.

(Rev. Ords. 1962, § 6008)

31-4 Proposals by water commissioners.

The public works commissioners shall, from time to time as they may see fit, submit to the city council such proposals of amendment to this chapter or the rates of the department as they may deem for the best interest of the city.

(Rev. Ords. 1962, § 6029; Ord. of 10-22-90)

31-5 Fire hydrants and pipes.

Fire hydrants and the pipes used for fire purposes only shall be entirely independent of, and free from connection with, pipes used for any other purpose and shall be used for fire purposes only.

(Rev. Ords. 1962, § 6002)

Cross reference—Examination of hydrants and fireplugs, § 13-11; opening hydrant or fire plug restricted, § 13-12; obstructions to stopcocks or hydrants, § 13-13.

31-6 Carrying off or injuring property of water department.

No person shall remove, carry off or in any way injure, interfere or meddle with a hydrant, valve, valve box or cover, stopcock, top-box or cover, pipe, tool, apparatus, fixture, building, machinery or fence belonging to the city water department.

(Rev. Ords. 1962, § 6015)

31-7 City liability for use or failure of water.

The city shall not be liable for accident or injury of any kind caused by or growing out of the use or failure of city water.

(Rev. Ords. 1962, § 6007)

31-8 Monthly account of department expenses.

The public works director or his/her designee shall, at the end of each month, make up an account in detail of the expenses of the water department, which, after approval by the public works commissioners, shall be submitted to the city council.

(Rev. Ords. 1962, § 6047; Ord. of 10-22-90)

31-9 Authority to shut off water for violations; charges.

The director of public works or his/her designee may, on twenty-four (24) hours' notice, shut off the water from the premises of any person who shall violate any of the provisions of this chapter, including the failure to make repairs to the connections on the premises served, and such offender shall be deprived of the use of the water until he/she shall have made all necessary repairs to the pipes and connections on the premises served and shall have complied with the provisions of this chapter for the violation of which said water was shut off. Provided, however, that for failure to pay when due all rate bills and bills for labor and materials, the director of public works or his/her designee may shut off the water from the premises only upon ten (10) days' advance notice to the owner of the premises affected, and such premises shall be deprived of the use of water until such bills are paid in full or until satisfactory payment arrangements are made with said director of public works, whichever sooner occurs. When two (2) or more persons are furnished water through one (1) service pipe, the provisions of this chapter in regard to the shutting off of the supply shall be applicable to all, although one (1) or more shall be innocent of any offense. If, after shutting off the water from any service for repairs or any other cause, it is found that on such service there is no cutoff back of all fixtures, water shall not be again turned on to such service until a suitable cutoff has been properly placed on the same. Whenever

the water is shut off or turned on for any reason, a minimum service charge of one (1) hour at the then-prevailing materials and labor hourly rate as provided in section 31-20 shall be made, which charge shall be in addition to any other applicable charges.

(Rev. Ords. 1962, § 6034; Ord. of 5-21-73; Ord. of 10-22-90)

31-10 Notice of discontinuance of use of water required.

Any person desiring to discontinue the use of water shall give notice at the office of the department, and service rates shall be chargeable until the water is shut off at the corporation cock.

(Rev. Ords. 1962, § 6010)

31-11 Turning water off or on.

No person, unless authorized by the public works department, shall turn on or shut off the water at the curb or machine stop to any house or premises; nor, unless turned on by one so authorized, shall a person draw or use water from the city waterworks.

(Rev. Ords. 1962, § 6010; Ord. of 10-22-90)

31-12 Notice of shutoff.

(a) Whenever it becomes the duty of the public works director or his/her designee, under the provisions of this chapter, to shut off water, he/she shall, unless herein otherwise specified, give the user of water on the premises in question not less than twenty-four (24) hours' notice of the time when the water will be shut off unless the provisions of this chapter and the regulations of the department are complied with.

(b) In case any such person fails and neglects to comply with such notice within thirty (30) days, or any person constructs and maintains a new physical connection contrary to the requirements of this chapter, or fails to correct any defect or fault in any physical connection, vault or pit within thirty (30) days after receiving notice of the same, or refuses to permit said public works director or his/her designee at any time to inspect said physical connection, vault or pit, said public works director or his/her designee, upon giving such person twenty-four (24) hours' notice, may shut off the supply of city water and shall not turn the same on again until such person complies with the requirements of this chapter.

(Rev. Ords. 1962, §§ 6035, 6044; Ord. of 5-21-73; Ord. of 10-22-90)

31-13 Shutting off hydrant or fireplug; notice to fire department.

Whenever the public works director or his/her designee, or the person acting in his/her stead, shall shut off the water from a hydrant or fireplug in any part of the city for repairs or other proper cause, he/she

shall immediately give notice thereof to the chief engineer of the fire department at his/her office or, in the absence of the chief engineer, to the officer in charge, and shall state in the notice particularly to what extent the hydrants and fireplugs are so rendered unavailable for fire service, and he/she shall also notify the chief engineer, or officer in charge, when the hydrants and fireplugs are again in working order. Such notice shall be given in person or by special messenger.

(Rev. Ords. 1962, § 6036; Ord. of 10-22-90)

31-14 Shutoff of water supply or line of pipe; notice to users.

When the public works director or his/her designee shall have cause to shut off the supply of water on any line of pipe for repairs, he/she shall immediately notify the users 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, that in case of emergency the water may be shut off without notice, in which case notice of the fact shall be given the users on the line of pipe so affected as soon as possible after shutting off the water.

(Rev. Ords. 1962, § 6038; Ord. of 10-22-90)

31-15 New services.

No new service shall be attached to a water main except on written application, as required by section 31-2, signed by the owner of the premises to be supplied or his/her duly authorized agent; provided, that when permanent construction work is being done on any street, the board of public works commissioners may, at full expense of the same to the owner, attach to the water main a new service in such street and a lateral pipe laid to the street line for every fifty (50) feet of frontage, or the larger part thereof, of any vacant land on said street connecting the vacant land with the water main; and provided further, that each dwelling fronting on a street shall be supplied through a separate meter. The mains shall be tapped and 12-inch lateral pipes laid by the city to the line of the street, the owner to pay full cost of the labor and materials used in tapping the main and laying such pipe. If, in the judgment of the public works department or the public works commissioners, a service of less than 12-inch pipe now attached to a water main should be replaced by 12-inch pipe or larger, the city shall make such change and the owner shall pay full expense of the same.

(Rev. Ords. 1962, § 6002; Ord. of 10-22-90)

31-16 Services to be installed by water department.

All services, except fire service, from the street line to the building served shall be installed by the water department unless authorized by the public works director or his/her designee. If such authorization is given, a public works inspector must be present at the cost of the owner.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70; Ord. of 10-22-90)

31-17 Reserved.

Editor's note—An ordinance of Oct. 22, 1990, amended the Code by deleting provisions formerly codified as § 31-17, pertaining to water services of larger than one inch, and derived from Rev. Ords. 1962, § 6002.

31-18 Department to deal with owner.

The water department, in laying a new service to any premises and in repairing, maintaining or renewing the same, and in furnishing water, doing work or furnishing material for said service shall deal only with the owner of the premises or his duly authorized agent, and the owner of any premises desiring to use city water on the same and on any premises to the line of which a service connection with the water main has been installed shall keep the water department advised of the address to which bills, notices and other communications to him may be delivered.

(Rev. Ords. 1962, § 6003)

31-19 Owners responsible to pay charges and assessments.

Although another person may pay the service rate, the owner of the premises shall be held responsible for such rate and for one-half of all expenses of installing a new service and repairing any services from the water main to the street line and all expense inside the street line.

(Rev. Ords. 1962, § 6003)

31-20 Charges to constitute lien on property; collection of delinquent charges; appeal.

(a) All costs of materials and labor chargeable to the owner for installing a new service from the water mains to the lands and buildings served, for keeping such service connection in repair, for renewing the same when necessary, and for replacing any and all parts of such service, as well as all service charges, shall constitute a lien in the nature of a tax upon the real estate so supplied with water. For the purpose of enforcing such lien and the payment of said costs and charges, the department may proceed to collect the same in the manner prescribed in the City Charter for the collection and enforcement of assessments made in laying out streets and highways, provided such charges remain unpaid for a period of thirty (30) days beyond the date such payment was due, and provided further that no appeal has been filed by the owner pursuant to subsection (b) of this section. Prior to sale at public auction of the premises involved, the owner shall be notified by certified mail, return receipt requested, of the lien upon the property in question. Such lien may also be enforced by suit in the superior court in the nature of foreclosure proceedings. A change of tenants or owners will not relieve the premises from such lien. Failure, neglect or delay on the part of the public works commissioners to proceed under this section or the acceptance by the public works department of payment of charges accrued or of any costs for labor and material incurred at any time or the incurring of past-due costs for labor and material shall not constitute or be construed as a waiver of said lien on the premises for such past-due costs or

a waiver of the right to enforce the lien on the same for such past-due rates and costs and payment of such rates and costs. Bills or charges which remain unpaid on the due date shall bear interest at the rate of twelve (12) percent per annum. The due date shall be clearly marked on the bill and shall be at least thirty (30) days after mailing of the bill. Interest shall not accrue to the extent of any delinquency which is due solely to a disputed portion of the bill which is then the subject of an appeal pursuant to subsection (b) hereof.

(b) Any owner who feels that charges for materials and labor are excessive may appeal in writing to the director of public works within thirty (30) days from the date of invoice designated on the bill. Upon appeal, the director of public works or his/her designee shall investigate the charges and, if appropriate, adjust such charges accordingly, informing the person appealing of any decision rendered and of his/her right to appeal to the commission. The director of public works' decision shall be rendered within thirty (30) days from the date of the director of public works' receipt of the appeal. If the owner is dissatisfied by the decision of the director of public works, he or she may appeal the director of public works' decision by filing, within five (5) days of the director of public works' decision, a written appeal with the public works commission. Upon receipt of said appeal, the commission shall set the matter for hearing at its next meeting, but in no case shall the hearing occur later than thirty (30) days after the filing of the appeal. The commission may, where appropriate, adjust the charges. The decision of the commission shall be final.

(Ord. of 1-4-82; Mo. of 1-4-82; Ord. of 10-22-90)

31-21 Written permission to make connections or alterations required.

No person shall connect a water closet, bathtub, fountain, machine, faucet or any other apparatus whatever with the city water supply, except with a metered section thereof, without first obtaining permission in writing to do so from the city engineer or his/her designee. No person shall use water supplied by the city water department, tap the mains or a pipe leading therefrom, or attach pipes thereto for the purpose of extending or altering the service pipe upon his or her premises, except as above provided, without first applying to the city engineer at his/her office and signing an application for the same, stating the purpose for which he or she wishes to use the water, and first obtaining the permission of the city engineer in writing. No change or alteration in any pipe or fixture supplied with city water nor any change or alteration in the position of any cutoff placed back of all fixtures shall be made except by and with the consent and permission of the city engineer.

(Rev. Ords. 1962, § 6012; Ord. of 10-22-90)

31-22 "Physical connection" defined, prohibited.

(a) As used in this section "physical connection" shall mean any cross-connection, bypass, valve, pipeline, auxiliary intake or other similar device which permits or may permit any flow of water into the

city water supply from any other water supply unapproved by the state board of health for drinking purposes.

(b) No physical connection shall be constructed or maintained by any person at any time.

(c) Commencing as of January 1, 1992, all services one and one-half (1 1/2) inches and larger shall be equipped with a backflow preventer. All backflow prevention devices must comply with the rules and regulations of the department of public works. It shall be unlawful for any person to utilize a service after January 1, 1992, unless the service is equipped with a functioning backflow preventer per the provisions of this section.

(Rev. Ords. 1962, §§ 6039, 6040; Ord. of 10-22-90)

31-23 Owners responsible for keeping service pipes in good repair.

(a) All persons taking water from the water department shall keep the service pipe within their premises in good repair and fully protected from frost and shall prevent all unnecessary waste of water.

(b) If any person fails to keep such service pipe in good repair and protected from frost after receiving notice to do so from the public works director or his/her designee, the water department may, at the expense of the owner, make such repairs and furnish such labor and material as may be required to protect fully said service pipes from frost.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70; Ord. of 10-22-90)

31-24 City not liable for leakage or obstructions.

The city shall not be liable for leakage of hydrants, pipes or fixtures in any part of the service connection from the water main to the property and buildings served, nor for any obstructions therein by frost or otherwise, nor for any damage resulting from any of the foregoing causes.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70)

31-25 Water department may repair pipes without notice to owner.

The water department may repair pipes without notice to owner if owner cannot be reasonably notified.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70; Ord. of 10-22-90)

31-26 Repairs at request of owner to be paid for in full by owner.

Whenever the water department, at the request of an owner, installs service pipes and fixtures on his premises, or repairs or renews the same, the cost of all materials and labor for such installation, repairs or renewal shall be paid by the owner and shall constitute a lien upon the premises in the nature of a tax, to be enforced as provided in this chapter.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70)

31-27 Material used for fire service entrances to be approved by water department.

No materials and methods shall be utilized for fire service entrances unless approved by the water department.

(Rev. Ords. 1962, § 6006; Ord. of 5-11-70; Ord. of 5-25-70; Ord. of 12-8-70)

31-28 Withholding water for failure to comply; fee.

The public works commissioners may withhold the water supply from any person failing or refusing to comply with any of the provisions or requirements of this chapter or the regulations of the department approved by the city council. A failure, neglect or delay on the part of the public works commissioners to withhold water from users neglecting or refusing to comply with any of the provisions or requirements of this chapter shall not constitute or be construed as a waiver of their right so to do and they may at any time, after finding that a user of city water is violating any section of this chapter, cause the water to be shut off and to remain off from the premises of the user of the city water until he/she shall have fully complied with all of the requirements of this chapter and the regulations of the department and shall have paid to the director of public works or his/her designee, for the use of the city, a minimum service charge of one (1) hour at the then-prevailing materials and labor plus equipment minimum service charge of one (1) person/hour for cutting off and turning off the water. The refusal or failure of any person to comply with any of the requirements of this chapter or the regulations of the department shall constitute and be considered a relinquishment of all right to use city water and shall further render the party or parties liable to criminal prosecution.

(Rev. Ords. 1962, § 6028; Ord. of 5-21-73; Ord. of 10-22-90)

31-29—31-38 Reserved.

ARTICLE II. METERS

31-39 Water not to be furnished until meter set.

Water shall not be furnished to any house or premises for use until a suitable place has been prepared for a meter to be set in accordance with the requirements of this chapter and the regulations of the water division of the department of public works.

(Rev. Ords. 1962, § 6004; Ord. of 8-10-15(1))

31-40 Meters and settings to satisfy public works director or his/her designee.

All meters and the setting of the same shall be satisfactory to the public works director or his/her designee.

The water division shall be responsible for specifying type, size, installation, and periodic testing of all water meters. Meter size will be determined based on flow information supplied to them by the owner, developer or engineer, as applicable and be guided by the standards currently in use by the American Water Works Association.

(Rev. Ords. 1962, § 6018; Ord. of 10-22-90; Ord. of 8-10-15(1))

31-41 Placement of meters.

Meters shall be placed as near as possible to an outside wall facing the main, and in such manner that a difference of one (1) inch in length of the meter will not necessitate a change in the piping. All service installations shall have a meter reading device which shall be placed on the outside of the building and which shall be easily accessible year-round.

(Rev. Ords. 1962, § 6018; Ord. of 10-22-90; Ord. of 8-10-15(1))

31-42 Reserved.

Editor's note—An ordinance adopted Aug. 10, 2015, repealed § 31-42 which pertained to regular meters being furnished at department's expense and derived from Rev. Ords. 1962, § 6019 and an ordinance adopted Oct. 22, 1990.

31-43 Meters to be furnished at owner's expense.

In the circumstance where city water service does not exist and no meter is present or in the circumstances specified in Section 31-49, the property owner shall be responsible for paying the cost of the new meters and their installation. Except for those circumstances specified in Section 31-49, the department of public works water division shall be responsible for the cost of maintenance and replacement of a meter.

(Rev. Ords. 1962, §§ 6020, 6024; Ord. of 10-22-90; Ord. of 8-10-15(1))

31-44 Connections to meter required.

All fixtures supplied with water on the premises shall be connected to the meter in a manner that insures that all the water that is used is accurately measured by the meter. Meters that, in the opinion of the department of public works, do not accurately measure the water used are prohibited and in the event the department determines that such a meter is installed, it shall be replaced at the cost of the department unless the department determines that the circumstances specified in Section 31-49 are the cause of the inaccuracy.

(Rev. Ords. 1962, § 6026; Ord. of 10-22-90; Ord. of 8-10-15(1))

31-45 Two or more meters.

Water used through two (2) or more meters upon the same premises, for the same business, and to supply the same pipes used for a common supply shall be rated as passing through one (1) meter, but if used through separate pipes or for different kinds of business, each meter shall be rated separately. In no case, however, shall water be furnished to a meter for less than the established minimum meter rate.

(Rev. Ords. 1962, § 6021; Ord. of 8-10-15(1))

31-46 Reserved.

Editor's note—An ordinance adopted Aug. 10, 2015, repealed § 31-46 which pertained to premises of different persons not being supplied through one (1) meter and derived from Rev. Ords. 1962, § 6022.

31-47 Faulty meter.

If from any cause a meter fails to register the amount of water passing through it, the owner shall be charged at the average daily rate as shown by the meter when in order.

(Rev. Ords. 1962, § 6023; Ord. of 8-10-15(1))

31-48 Monthly charge.

There may be a minimum monthly water charge based upon a schedule prescribed by the water division of the department of

public works and approved by the city council.

(Rev. Ords. 1962, § 6025; Ord. of 8-10-15(1); Ord. of 5-24-21)

31-49 Costs of repairing damages to meters.

The cost of repairing any damages to meters caused by frost, hot water or improper usage shall be paid by the property owner.

(Rev. Ords. 1962, § 6019; Ord. of 8-10-15(1))

31-50 Restriction on furnishing water.

The water department shall not furnish water through any meter over which it does not have exclusive control.

(Rev. Ords. 1962, § 6020; Ord. of 8-10-15(1))

31-51—31-61 Reserved.

ARTICLE III. RATES AND CHARGES

31-61 Rates and fees; charges.

(a) Monthly water rates and fees shall be in accordance with a schedule prescribed by the water division of the department of public works and approved by the city council in the city's budget or otherwise, and charges shall be categorized as follows:

(1) *Fixed charge.* Based on the size of the meter or meters.

a. A fixed meter charge may be temporarily waived in accordance with policies prescribed by the water division of the department of public works and as approved by city council as part of the water resources assistance program.

(2) *Volumetric charge.* Based on the customer classification and the volumetric usage of wastewater upon the premises as measured by the city water meter or as estimated where appropriate by the water division of the department of public works.

(3) *Private fire protection charge.* Based on the presence of private fire protection infrastructure, meaning a fire hydrant outside the right-of-way and a service line that feeds a fire protection system.

(4) Other fees and charges related to billing, and administrative and field services, including rates, fees and charges set by the State of Vermont.

(Ord. of 5-24-21)

31-62 Charge for water used without permit.

When a person has used city water without a permit from the city water department, a charge shall be made against the premises for the time the water has been so used, or for the quantity estimated or shown by meter measurement to have been used, and said charge shall be increased fifty (50) percent and shall be collected as provided in this chapter.

(Rev. Ords. 1962, § 6016)

31-63 No special rates.

There shall be no special rates for furnishing water within the City of Burlington and the water division shall receive the same compensation for water furnished for public use as for the same service furnished to a private individual or corporation within the City of Burlington. The water division may negotiate special rates for consolidated water districts as provided for in 24 V.S.A. Chapter 91, upon approval of the public works commission.

(Rev. Ords. 1962, § 6009; Ord. of 10-22-90)

31-64 Abatements; refunds.

No abatement of the water rate shall be allowed by reason of disuse or diminished use or vacancy of premises, nor shall a payment be refunded or abatement made by reason of the occurrence of any of the matters or things mentioned in section 31-7.

(Rev. Ords. 1962, § 6011)

31-65 When rates commence.

Meter rates of the minimum class shall, if the use commences before the fifteenth of any month, date from the first of such month. If after that date, the bill shall date from the first of the following month.

(Rev. Ords. 1962, § 6030)

31-66 When bills due.

Bills for metered water shall become due when rendered.

(Rev. Ords. 1962, § 6030; Ord. of 5-21-73)

31-67 Public works director to collect bills.

Water rates shall be payable to and collected by the public works director or his/her designee. He or she shall make a tax bill of all rates on or before the first day of the month in which the respective rates become due.

(Rev. Ords. 1962, § 6030; Ord. of 10-22-90)

31-68 Public notice of due date.

Public notice shall be given by the director of public works or his/her designee when water rates are due by publication for two (2) days, during which the rates may be paid without incurring the penalty prescribed in section 31-69, in one (1) or more daily newspapers published in the city. Such notice shall state that unless prompt payment is made, twelve (12) percent will be added to the tax bill and the water shut off as prescribed in section 31-69.

(Rev. Ords. 1962, § 6032; Ord. of 5-21-73; Ord. of 10-22-90)

31-69 Failure to pay rate; penalty; shutting off water; lien.

(a) No disconnection of service to a ratepayer shall be undertaken unless payment of a valid bill or charge is delinquent, as defined herein, and notice of disconnection has been provided previously to the ratepayer. Such notice shall also be provided to the occupant of a residential or commercial dwelling which will be affected by disconnection if the occupant is different than the ratepayer.

Disconnection shall not be permitted if:

- (1) The delinquent bill or charge, or aggregate delinquent bills and charges, do not exceed fifteen dollars (\$15.00).
- (2) The delinquency is due solely to a disputed portion of a charge which is the subject of an appeal.
- (3) The delinquency is due to a failure to pay a deposit, line extension, special assessment, special construction charge, or other nonrecurring charge.
- (4) The disconnection would represent an immediate and serious hazard to the health of the ratepayer or resident within the ratepayer's household, as set forth in a physician's certificate which is on file with the water department. Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, providing the certificate is in fact received within seven (7) days.
- (5) The ratepayer has not been given an opportunity to enter into a reasonable agreement to pay the delinquent bill, or having made such agreement, has abided by its terms.

(b) The notice form required under this section and defined herein shall be clearly printed on a pink-colored sheet of paper and shall be according to the form set out in Title 24, Vermont Statutes Annotated, Section 5144.

(c) Disconnection of water service shall occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day specified on the notice of disconnection, or within the same hours during the four (4) business days thereafter.

- (1) When service is disconnected or interrupted at the premises of the ratepayer, which shall include disconnection or interruption at or near the premises of the ratepayer, the individual making the disconnection shall immediately inform a responsible adult on the premises that service has been disconnected or interrupted, or if no responsible adult is then present, shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the ratepayer has to do to have service restored.

(d) If service has been disconnected or interrupted, the utility shall within twenty-four (24) hours restore service upon the customer's request when the cause for disconnection of service has been removed, or when an agreement has been reached between the ratepayer and the water department regarding the dispute which led to the disconnection or when directed to do so by the city council. Restoration of service, to the extent feasible, shall be done so as to avoid charging ratepayers for

overtime wages and other abnormal expenses. No collection or reconnection fees may be charged for disconnections or interruptions of service made for reasons of health or safety of the ratepayer or of the general public.

(e) Any ratepayers who dispute any portion of the bill or charge may so notify the public works director or his/her designee in writing on or before the due date of the bill. The due date shall be clearly marked on the bill and shall be at least thirty (30) days after the mailing of the bill.

The public works director or his/her designee shall investigate the bill and, if appropriate, adjust such bill accordingly, informing the ratepayer of any decision rendered and of his or her right to appeal to the public works commission. The public works director's or his/her designee's decision shall be rendered within thirty (30) days from the date of the public works director's or his/her designee's receipt of the written notice. If the ratepayer is dissatisfied with the decision of the public works director or his/her designee, he or she may appeal the decision by filing within five (5) days of receipt of the decision a written appeal with the public works commission. Upon receipt of said appeal, the commission shall set the matter for hearing at its next meeting, but in no case shall the hearing occur later than thirty (30) days after the filing of the appeal. The commission may, where appropriate, adjust the charges. The decision of the commission shall be final.

(f) The charges or rates for a water bill shall be a lien upon the real estate pursuant to 32 V.S.A., Section 5061, so long as the lien is recorded with the city clerk. A delinquency of sewer charges shall be considered a delinquency of water charges.

(g) The water department may charge fees for collection of overdue accounts and reconnection of service disconnected because of nonpayment.

Fees charged shall not exceed the following schedule as provided for in 24 V.S.A. Section 5151(b) as may be amended from time to time:

Collection trips: Twenty-five dollars (\$25.00) maximum, regardless of number.

Reconnection: Normal hours, twenty-five dollars (\$25.00); overtime, thirty-seven dollars and fifty cents (\$37.50).

(h) Definitions. For the purpose of this section:

(1) *Disconnection* means the deliberate interruption or disconnection of water service to a ratepayer by the water department.

(2) *Delinquency* means failure of the ratepayer to tender payment for a valid bill or charge within thirty (30) days of the postmark date of that bill or charge, or by a due date at least

thirty (30) days after mailing, which shall be clearly printed on the bill and which shall control in the absence of the postmark.

- (3) *Hearing officer* means a person appointed pursuant to subparagraph (e) of this section to act as a fact-finder, and to hear and investigate evidence, and to make recommendations to the city council for final determination of the dispute.
- (4) *Notice* means the written notice on the form prescribed in subparagraph (b) of this section, sent within forty (40) days after delinquency and postmarked and sent not more than twenty (20) days, nor less than fourteen (14) days prior to the disconnect of service.
- (5) *Physician's certificate* means a written statement by a duly licensed medical practitioner certifying that a ratepayer or resident within the ratepayer's household would suffer an immediate and serious health hazard by the disconnection of the water service to that household. The certificate will be considered valid and in force for thirty (30) days, or the duration of the hazard, whichever is less.
- (6) *Payment of a bill* means the receipt at the water department's business office or authorized payment agency of cash, check or money order which is subsequently honored.
- (7) *Business days* means Monday through Thursday, excluding legal holidays and any other time, or the day before such time, when the water department's business offices are not open to the public.

(Rev. Ords. 1962, § 6033; Ord. of 5-21-73; Ord. of 9-24-79; Ord. of 10-22-90)

Editor's note—Ord. of May 21, 1973, repealed § 6033 of the Rev. Ords. 1962, which had been codified as §§ 31-69, 31-71—31-73 herein; and said ordinance added a new § 6033, codified herein as § 31-69 at the editor's discretion.

31-70 Reserved.

Editor's note—Former § 31-70, pertaining to failure to receive bills for service rates, and derived from Rev. Ords. 1962, § 6031, was deleted by an ordinance of Oct. 22, 1990.

31-71—31-73 Reserved.

Note—See editor's note, § 31-69