

WATER ORDINANCE

PURSUANT TO THE PROVISIONS OF TITLE 24 V.S.A. ' ' 1971 ET SEQ., AND ' 3315 AND SUCH OTHER SPECIAL OR GENERAL ENACTMENTS AS MAY BE MATERIAL HERETO, IT IS HEREBY ORDERED BY THE SELECTMEN OF THE TOWN OF SHELDON THAT THE FOLLOWING CIVIL ORDINANCE IS ADOPTED:

TOWN OF SHELDON WATER SYSTEM ORDINANCE

Section I. PURPOSE. Pursuant to 24 V.S.A. ' 3315, the Selectboard of the Town of Sheldon has the authority to make and amend an ordinance relating to matters contained in Chapter 89 of Title 24 of the Vermont Statutes Annotated. The purpose of this ordinance is to amend the Town of Sheldon Water System Ordinance adopted February 25, 1975 by defining the composition and powers of the Board of Water Commissioners, by establishing an appeals procedure applicable to disconnections, and to impose penalties for interference with the water supply and for violations of the Rules and Regulations adopted by the Board of Water Commissioners.

Section II. BOARD OF WATER COMMISSIONERS. Pursuant to Title 17 of the Vermont Statute Annotated, Chapter 55, Section 2651, unless the Voters of the Town of Sheldon vote to elect water commissioners, the Selectboard of the Town of Sheldon shall appoint no less than three nor more than five water commissioners. The Selectboard may remove an appointed water commissioner from office for just cause after due notice and hearing. The Selectboard may appoint members of its own board serve as water commissioners. The water commissioners shall have the supervision of the Town water system and shall make and establish all water rates, charges, rules and regulations and have its control and operation. Such commissioners may appoint or remove a superintendent at their pleasure. The receipts derived by the Town of Sheldon from its water system shall only be used and applied to pay the principal and interest upon the water bonds of the Town of Sheldon, the expense of repairs and management of the water department, and the payment into a dedicated fund created by the water commissioners pursuant to 24 V.S.A. § 2804 to finance major rehabilitation, major maintenance and costs of upgrading the water supply system, and for the accumulation of funds to be used to match federal funds pursuant to 10 V.S.A. § 1624(d). Such revenues may include a surcharge established by the water commissioners of up to 15 percent of the costs of normal operations, maintenance and debt service. The fund balance shall not exceed the estimated costs for the purposes for which the fund is established and shall be maintained in deposits insured by the United State of America or an agency of the United States of America. Withdrawals shall be made only for purposes for which the fund was established. Such fund shall meet the requirements of 24 V.S.A. § 4756(a)(4).

Section III. APPEALS. A ratepayer may appeal any notice to disconnect given by the Water Commissioners by filing a written notice of appeal with the Chairman of the Town Selectboard. The Selectboard may (1) hear the appeal or (2) designate (a) one of its members or (b) a responsible citizen of the Town as a hearing officer to conduct the hearing. Notice of hearing shall be sent to the ratepayer at least one week prior to the hearing date, and the ratepayer shall be entitled to introduce evidence and cross-examine witnesses. If the Selectboard did not conduct the hearing, the hearing officer shall make recommendations to the Selectboard, A written decision by the Selectboard will be sent to the appealing ratepayer. Until at least three days from the date a written decision has been

mailed to the ratepayer, service shall not be disconnected.


Section IV. INTERFERENCE WITH SUPPLY. No person shall divert the water or part thereof of any portion of the Town water system or shall corrupt the same, or make it impure, or commit any nuisance therein, or shall bathe therein, or injure or destroy any portion of the Town water system.

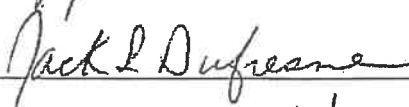
Section V. VIOLATION OF RULES AND REGULATIONS ADOPTED BY WATER COMMISSIONERS. No person shall violate the Rules and Regulations by the Water Commissioners of the Town of Sheldon in effect as of the date of adoption of this Ordinance.

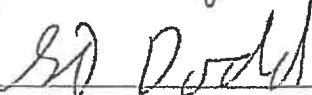
Section VI. CIVIL PENALTY. A civil penalty of not more than \$500.00 may be imposed for a violation of Sections 4 and 5 of this Ordinance. Each day of violation shall constitute a separate offense.

Section V. SEPARABILITY. If any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remainder of this ordinance.

This Ordinance is hereby adopted by the Selectmen of the Town of Sheldon this 19th day of December, 2011 and shall become effective sixty (60) days after the date of its adoption, in accordance with the provisions of Title 24 Vermont Statutes Annotated Section 1972 (a) unless a petition is filed in accordance with Section 1973 of said title. In such an event, the effective date of this Ordinance shall be governed by Section 1973(e) of said title.







Board of Selectmen
Town of Sheldon

A TRUE RECORD OF A WATER SYSTEM ORDINANCE AS RECEIVED FOR RECORD AT
SHELDON TOWN CLERK'S OFFICE December 20, 2011 AT 8:00 AM.

ATTEST: , Town Clerk