

CITY OF NEWPORT, VERMONT

AMENDMENT TO THE WATER ORDINANCE ADOPTED MAY 7, 2012

The Water Ordinance Regulating the Use of Newport City's (the "CITY") Municipal Water System (the "ORDINANCE") dated May 7, 2012 is amended as follows:

1. SECTION 2.01 IS AMENDED BY ADDING THE FOLLOWING:

"Quarterly Water Base Rate" shall mean the fee assessed to each metered connection to the Public Water Supply System.

"Quarterly Water Use Rate" shall mean the rate or fee charged for every 1,000 gallons, or fraction thereof, purchased by a Customer whose connection is metered, as measured by the meter.

"Schedule of Rates and Fees" shall mean the detailed schedule of all rates and fees that may be collected by the CITY that pertain to access to and service provided by the Public Water Supply System, including but not limited to the System Fee, the Tapping/Inspection Fee, the Quarterly Water Base Rate, the Quarterly Water Use Rate, the non-metered base rate, application and allocation fees, and all other fees pertaining to such access and services that may be charged from time to time.

2. ARTICLE 4 IS AMENDED TO READ AS FOLLOWS:

ARTICLE 4

Water Meters

SECTION 4.01 – SALE OF WATER; INSTALLATION OF WATER METERS

All water, except as otherwise provided, will be sold by volume, based upon meter readings. Meters shall be read by the CITY's authorized agents on a frequency established by the BOARD.

Except as provided in Section 4.06, all connections to the Public Water Supply System must be metered. Meters shall be furnished by the CITY, shall be owned by the CITY and shall be located in satisfactory locations to protect against frost and other damage. In no case shall the CITY deliver water through any meter over which it does not have reasonable unobstructed scheduled access. All meters shall be returned to the CITY at the end of their life cycle.

In all instances where a structure, facility or location that is served by metered water connection is destroyed, demolished, reconstructed or altered in a manner that requires removal of a meter, the Customer shall contact the CITY to schedule removal and replacement of the meter by or under the supervision of CITY personnel. Except in those instances where the meter itself is destroyed by circumstances beyond the control of the Customer such as fire or natural disaster, Customer shall return the meter to the CITY.

In all instances of new construction or substantial renovation requiring a zoning permit for any structure or facility that will be served by the Public Water Supply System, the Customer shall pay to the CITY the actual cost of the meter and shall pay all costs associated with its installation, including any costs of such inspection as the CITY may deem required to assure appropriate installation. In all instances of renovation of an existing structure or facility that requires a zoning permit and is or will be served by the Public Water Supply System, and where any Existing Use of water is on an unmetered basis, the renovation must include provision for installation of a meter. In such instances the customer shall pay to the CITY the actual cost of the meter and shall pay all costs associated with its installation and with such inspection as may be performed as required by the CITY to assure appropriate installation.

In those instances where connections in existence as of May 1, 2026, are unmetered, the CITY shall furnish and install meters at the expense of the CITY subject to the following conditions:

A. In instances where no structural or plumbing modifications are required to install the meter in a satisfactory location, all expense shall be borne by the CITY.

B. In instances where structural or plumbing modifications are required to install a meter, all costs and expenses associated with making the required modifications shall be borne by the Customer. The CITY shall be responsible for furnishing the meter itself.

C. In instances where either structural or plumbing modifications are required but are deemed infeasible due to cost or are deemed impracticable due to unique physical or environmental characteristics of the property and the BOARD has reviewed the evidence and granted a waiver pursuant to Section 4.06, no meter installation shall be required except as provided for in Section 4.06. . The BOARD shall include in its rate schedule flat rates applicable to residential, commercial and industrial customers who have requested and received such waivers.

In all circumstances in which a meter is installed by someone other than a CITY employee, the installer must provide the CITY with photographs of the installation and allow inspections as the CITY may deem required to assure appropriate installation.

SECTION 4.02 – DAMAGED METERS

Should a meter be damaged by frost or be damaged in any other manner for which the Customer is responsible, the Customer shall be charged the cost of removing, repairing or replacing, and reinstalling the meter.

SECTION 4.03 – MALFUNCTIONING METERS AND METER READING DISCREPANCIES

Meters which malfunction without fault of the Customer shall, under normal circumstances, be removed and replaced at the CITY's expense.

When a meter does not register water usage, the CITY will charge the Customer for a quantity of usage comparable to the Customer's prior usage during the same seasons or quarters of the

prior fiscal year, so long as all other conditions of Customer's property have remained the same. If a meter does not register and the Customer fails to cooperate with the CITY's efforts to rectify the issue for two consecutive billing periods, then, beginning with the next billing period, the Customer shall be required to pay a rate surcharge in each quarter in such amount as shall be specified in the then effective Schedule of Rates and Fees adopted by the BOARD. If the issue is subsequently resolved, charges shall revert to the then effective standard rates as soon as reasonably practicable after resolution of the issue.

If a Customer believes the water usage recorded by the Customer's meter is too high, the Customer may request a data log analysis. Written reports on the test shall be provided to the Customer within ten (10) business days of receipt by the CITY's Water Department. If the information provided by the data log analysis is not sufficient to resolve the issue, then the CITY shall replace the meter. If it is subsequently determined by testing that the meter was accurate, the Customer shall be charged for the labor and any additional cost of materials incurred by the CITY pertaining to the removal of the old meter and installation of the new meter.

SECTION 4.04 – METER ACCESSIBILITY

Employees of the Water Department or persons so designated or authorized by the BOARD must have reasonable, unobstructed, scheduled access to every building and other installation for the purposes of evaluating and reevaluating the ability to install water meters and of installing, inspecting, repairing, removing, or replacing water meters.

SECTION 4.05 – REMOTE READERS

Wherever practical, meter remotes shall be installed in order to facilitate the reading of meters.

Should circumstances change so that a meter in a public building is not accessible to the CITY's authorized agents during normal business hours (7:00 a.m. to 3:30 p.m. Monday through Friday) the installation of a meter remote will be required at the Customer's expense.

SECTION 4.06 – NON-METERED PROPERTIES; EXCEPTION BY WAIVER

As of May 1, 2026, a significant number of the then existing connections to the Public Water Supply System are not metered. As all connections should be metered to assure equitable treatment of all Customers and to provide usage data needed to operate the system efficiently, unmetered Customer accounts shall be billed in the manner described in Section 8.01.

In those circumstances where a Customer has requested installation of a meter but employees of the Water Department have determined, either of their own accord or in conjunction with a licensed plumber or other appropriate contractor engaged by the Customer, that either structural or plumbing modifications are required but are deemed reasonably infeasible due to cost or are deemed impracticable due to unique physical or environmental characteristics of the property, the Customer may request that the BOARD grant a waiver of the requirement to obtain a meter. Such request shall be made in writing on a form provided by the CITY, shall be accompanied by itemized written estimates from a licensed plumber and, if structural alterations are needed, a carpenter or general contractor, and shall be scheduled as an agenda item by the BOARD at its next meeting. The Customer and the Water Department shall present the BOARD with such evidence as will enable the BOARD to determine whether waiver of the meter requirement is appropriate in the circumstances, including whether structural or plumbing modifications are required but are deemed reasonably infeasible due to cost or are deemed impracticable due to unique physical or environmental characteristics of the property. If the BOARD grants a waiver, it shall remain in effect unless and until the earliest to occur of (1) such time as renovations or reconstruction occur in such manner as to allow for satisfactory installation of a meter, (2) the fifth anniversary of the grant of the waiver by the BOARD, or (3) sale of the property. The granting or denial of a waiver by the BOARD shall be documented in writing and the decision of the BOARD shall be recorded in the Clerk's office. In all instances where a waiver expires due to passage of time or sale of the property, a new request for waiver, with all required supporting documentation, shall be submitted to the BOARD. The request shall be considered in the context of then available evidence regarding physical and environmental feasibility and financial practicality.

3. ARTICLE 8 IS AMENDED TO READ AS FOLLOWS:

ARTICLE 8

Water Charges

SECTION 8.01 – WATER BASE AND USE RATE

The Quarterly Water Base Rate and the Quarterly Water Use Rate shall be charged to Customers on the CITY's water system for the purpose of the payment associated with the costs of operating, maintaining and repairing said system including loan repayment expenses as appropriate. These fees shall be based upon rate structure(s) decided by the BOARD. Fees may be updated on an annual basis or as often as the BOARD deems necessary. Fees shall be posted on the duly adopted Schedule of Rates and Fees which shall be available at the CITY offices prior to the quarter in which the rates take effect.

The Schedule of Rates and Fees also may include rates specific to:

- A. Customers who have received waivers pursuant to Section 4.06,
- B. Unmetered Customers who have requested a meter but have not received one due to a backlog of requests,
- C. Unmetered Customers who fail to cooperate with the CITY regarding inspection of their property to determine the feasibility of meter installation or to allow installation once feasibility is determined, and
- D. Customers with meters that fail to register usage but who are not cooperative with efforts by the CITY to resolve the issue, as described in Section 4.03.

SECTION 8.02 – CHARGING CONNECTED VACANT PROPERTIES

All properties that have a service line connected to the Public Water Supply System shall be charged the Water Base Rate established in SECTION 8.01 whether or not the property is improved with a structure and whether or not the water service is turned on.

SECTION 8.03 – CUSTOMER RESPONSIBILITY

- A. Water bills are rendered in the name of the Customer. A Customer shall receive a separate bill with respect to each service location owned or controlled by that Customer.
- B. The Customer is responsible for the payment of water bills, without regard as to whether the Customer is the ultimate user. By applying for water service, the Customer agrees to pay all bills as they become due, and failing to do so, agrees to pay all cost of collection, including attorney's fees.
- C. The Customer is responsible for notifying the CITY, at the CITY office, of any changes in mailing address.
- D. Failure to receive a bill does not relieve the Customer of the obligation for payment or for payment of penalties for late payment.
- E. Sellers and buyers of property shall be responsible for resolving outstanding water bills at time of transfer.

SECTION 8.04 – COLLECTION OF DELINQUENT WATER CHARGES

If any water charge is not paid by the bill's due date, which shall be clearly printed on the bill and shall be at least thirty (30) days after mailing, an interest charge shall be added to the water charges. The interest charge shall be calculated at the same rate and in the same manner as interest is calculated on delinquent taxes as set forth in 32 V.S.A. Sections 1674 and 5136. The CITY may place a lien on the real estate, may refer the property for tax sale, and may disconnect service in accord with and subject to the procedures set forth in 24 V.S.A. Chapter 129 if delinquent water charges remain unpaid.

4. EFFECT

Except as set forth above, the Water Ordinance dated May 7, 2012 shall remain in full force and effect.

ARTICLE 14

Ordinance in Force

SECTION 14.01 – ORDINANCE IN FORCE

This ORDINANCE shall be in full force and effect from and after its passage, approval, recording and publication as provided by law, replacing the Water Ordinance enacted April 9th, 1923 with subsequent amendments.

Duly enacted and ordained by the Board of Water Commissioners of the City of Newport, Orleans County, State of Vermont, on the 20 day of July, 2026 at a duly called and duly held meeting of said BOARD. This ORDINANCE shall become effective sixty (60) days from the date hereof.

BOARD OF WATER COMMISSIONERS
CITY OF NEWPORT

RRuffed. Ch MAYOR
Carter Jones
Sharon Peré

I, the undersigned duly elected City Clerk for the City of Newport, do acknowledge by my signature that this document is the Rules and Regulations as adopted by the Board of Water Commissioners, ~~and City Council~~ on July 20, 2026.

Dated this 20th day of July, 2026.

James B. Johnson
City Clerk's Signature

James B. Johnson
City Clerk's Printed Name

In accordance with Title 24 VSA, Sec 1973, citizens have the right to petition for a vote to disprove these amendments to the ordinance(s) by filing a petition signed by five percent of the qualified voter of the City of Newport within forty-four days fo will be effective sixty days from their adoption. The ordinance and/or amendment may be viewed at the City Clerk's office or on the cities web-site at Newportvermont.org.

Questions regarding said ordinance/amendment may be directed to:

Mayor Rick Ufford-Chase at 222 Main St., 802-334-5136