

PUBLIC WATER SYSTEM REGULATIONS ORDINANCE

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PUBLIC WATER SYSTEM REGULATIONS

The Village of Ludlow, by and through its Board of Trustees, ordains that the Regulations herein set forth are established as necessary and desirable for regulating the use of public water systems and providing penalties thereof in the Village of Ludlow, State of Vermont. Be it ordained and enacted by the Board of Trustees of the Village of Ludlow, State of Vermont, as follows:

ARTICLE 1. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Regulation shall be as follows:

- a. "Base Fee" shall mean a minimum water charge per business or residential unit over a specified time period.

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- b. “Business Unit” shall mean an office; place where business is carried out or where employees are stationed: a store, beauty salon, gasoline station, school, clinic, or any other place of business that is not residential and is separately operated and distinguished from other businesses in the same building.
- c. “Cellar Stop” shall mean the valve installed on the service pipe after it enters the building and before the water meter, if any.
- d. “Clerk” shall mean the duly elected person who takes meeting minutes, sends out water bills, receives payment for water charges and issues notices for disconnection of service.
- e. “Cold Weather Construction” shall mean non-emergency construction work on the water system, especially distribution mains or service lines during the period December 15 to April 15.
- f. “Commercial” shall mean any building for use other than for residential or industrial purposes.
- g. “Commissioners” shall mean the Board of Water Commissioners.
- h. “Cross Connection” shall mean any direct or indirect pipe connection between the potable water supply and another supply of liquid or gas.
- i. “Curb Stop” shall mean the valve on the service line to which the building service line is connected in providing water service to the User.
- j. “Customer” shall mean any person, firm, corporation, government, or governmental subdivision who is granted water service or who is responsible for payment of water service.
- k. “Discontinuance of Service” shall mean deliberate interruption of water service by the Municipality to the User (for reason of delinquent payment, prevention of excessive water loss, or to protect against contamination of the system).
- l. “Distribution Main” ("water main" or "main") shall mean the primary supply pipe from which service connections are made to supply water to the User through service lines.
- m. “Emergency Termination of Water Service” shall mean execution of an immediate water service shut-off because of:
 - 1. water leakage between the curb stop and building,
 - 2. discovery of a direct and unprotected cross connection,
 - 3. unauthorized excessive use of water,
 - 4. violation of special "restrictive use" orders issued by the governing

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body, or

5. any other situation that could contaminate or significantly deplete available water in the system.
- n. “Extension of Water Main Extension” shall mean any extension of distribution mains in accordance with the rules, regulations, standards and specifications of the Municipality.
- o. “Governing Body” shall mean the Board that represents the body politic such as Board of Trustees, Board of Selectmen, Board of Aldermen, or a Prudential Committee.
- p. “Industrial Facility” shall mean any structure(s) used or intended for use as a business enterprise for manufacturing, processing, or assembling any product, commodity or article.
- q. “May” is permissive, indicating a choice. “Shall” is mandatory.
- r. “Municipality” means a water district, fire district, town, city, village, school district, or any other legally established political subdivision of the state or a town.
- s. “Municipal Office” shall mean the place designated by the governing body as the place to receive applications for service, receive payments of water bills and where public notices and notices of discontinuance of service are generated.
- t. “Municipal Representative” means a member of the governing body, the clerk, the treasurer, the superintendent or the operator.
- u. “Operator” means the person designated by the governing body to operate the water system.
- v. “Owner” means the person, firm, corporation, trusteeship, or governmental agency that has title to the property that is served and that is ultimately responsible for payment of all rates, fees, and charges.
- w. “Person” means an individual person, owner, corporation, church, business, governmental agency, or estate.
- x. “Property Owner” shall mean that person(s) identified as owner of the property by recorded deed.
- y. “Reasonable Hours” shall mean between 9:00 a.m. and 8:00 p.m.
- z. “Residential Unit” shall mean a livable abode which includes as a minimum,

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a kitchen or kitchenette, bathroom, and bedroom or other room that serves as sleeping quarters.

- aa. “Service Line – Building” shall mean the water pipe connected on one end to the curb stop and the other end terminating just inside the User's building to provide water service.
- bb. “Service Line – Municipal” shall mean the pipe running from the distribution main to and including the curb stop at the property line of the User or to the edge of the right-of-way.
- cc. “Subdivision” shall mean the division of any land, parcel, or area of land into two or more lots or parcels for the purpose of conveyance, transfer, improvement or sale, which may include appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use.
- dd. “Superintendent” shall mean the Appointee of the Governing Body designated as responsible for management and operation of the public water system.
- ee. “Tap” shall mean any connection of a service line or distribution main or extended main to the main.
- ff. “Unconnected Properties” shall mean those properties with boundary line(s) 200 feet or less from distribution mains which do not receive water service.
- gg. “Unit” shall mean any building or specific portion thereof which is separately identifiable as:
 - 1. Residential: Self-contained housekeeping facility for one family (house, duplex, apartment, condominium).
 - 2. Commercial: Individual, self-contained facility or business such as a store, motel, hotel, garage. For hotels and motels, each room shall equal 1/2 unit.
 - 3. Industrial: Individual self-contained facility for use in manufacturing or industry.
 - 4. All unit designations shall be as determined by the Commissioners.
- hh. “User” shall mean any person who is a customer and who receives water from the municipality through a pipe connection.
- ii. “Water Shut-Off” shall mean discontinuance of service.
- jj. “Water System – Public” shall mean the potable water system owned and operated by the municipality. This system includes all sources, pipes, storage and treatment facilities that convey potable water between the source and the

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curb stop.

- kk. "Water System – Private" shall mean any water system located on the customer's premises or property not supplied by the public water system. The system may be potable or non-potable.
- ll. "Water System – Secondary" shall mean any distribution system not owned by the parent municipal water system but served by the municipal water system.

ARTICLE 2. APPLICATION FOR SERVICE

- 2.01 Application for service shall be made in writing at the municipal office. Such application shall be made by the owner of the premises who shall be responsible for payment of the connection fee and subsequent water charges.

ARTICLE 3. SHUT-OFF, AND RESTORATION OF SERVICE

- 3.01 Collection fees, disconnection fees, and reconnection fees regarding non-payment of water rates shall be assessed in accordance with 24 V.S.A., Chapter 129. The municipality may shut off water service for violation of special "restriction of water use" notices, to eliminate a public health hazard, or for continued violations of these regulations. Any shut-off by the municipality may necessitate a shut-off charge to the customer. After correction of the cause for water shut-off by the customer and on request by the customer for restoration of service, a turn-on fee plus any other unpaid required fees shall be due and payable before service will be restored.

ARTICLE 4. CONNECTION FEES

- 4.01 A connection fee shall be due and payable to the clerk of the municipality before a new service connection is constructed and only after the governing body has approved the connection. A developer or builder intending to construct water mains shall first apply to the municipality by submitting a letter of intent and requesting preliminary conditional approval of water service. Once approval is obtained, the developer or builder is obliged to have construction plans and specifications developed by a Professional Engineer registered in Vermont as a sanitary or civil engineer. Said plans shall be submitted to the municipality and the state agency responsible for review and approval of public community-type water systems at least 45 days in advance of intended construction. The connection fee for connecting a new water main to an existing main and for each service connection becomes due and payable to the municipality prior to construction of the intended main extension and service connections. The municipality may, at its discretion, require the installation of an approved water meter for certain uses.

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ARTICLE 5. CURB STOPS

- 5.01 Curb stops shall be installed by the municipality at the property line of the R.O.W. in which the pipe lies and shall remain under its control and ownership. There shall not be a waste port for draining water from the service line unless the commissioners are satisfied that the top of the highest water table is at least 12 inches below the bottom of the valve.

ARTICLE 6. OWNERSHIP AND MAINTENANCE OF SERVICE LINE

- 6.01 All service lines shall be installed and operated in accordance with standards of the municipality. The municipality may, at its discretion, install, repair and replace service lines between the curb stop and to the building, but the costs thereof shall be the responsibility of the customer. Minimum service line diameter for a single-family residence shall be 3/4 inch. All service lines installed shall be type K copper, and all fittings shall be U.S. or Canadian-manufactured brass unless waived by the governing body because of aggressive water or a building service line longer than 100 feet.

ARTICLE 7. SERVICE LINE LEAKS

- 7.01 In the event a leak is discovered in an owner's existing service line, water service shall be shut off by a representative of the municipality and restored after the repair is made. The customer is responsible for the cost of the repair or replacement of the building service line. The governing body may require a larger than 3/4-inch I.D. service line when the water demand flow rate will exceed 15 GPM. Also, if a building service line is discovered or known by the governing body to be constructed of materials not meeting the municipality's materials standards, the municipality may require the owner to replace the line with approved pipe materials regardless of whether or not the line has leaked in the past.

ARTICLE 8. SERVICE LINE TRENCH

- 8.01 Water service pipes shall not be laid in the same trench with another pipe unless the other pipe contains drinking water from the same system or has been plugged and abandoned. The water service line shall be kept at least 10 feet away from all combined or sanitary sewers, including house sewers, and shall not be laid in the same trench with a sewer line. The water line shall be kept at least 5 feet away from all electrical and communication cables or conduit. Five feet shall represent a minimum distance between storm sewers and the water line. An abandoned sewer line shall have 20 feet of pipe removed, and all remaining ends shall be sealed with concrete. The governing body considers the common use of a trench for water lines, sewer pipes, and electrical lines to represent an unacceptable construction practice which, if done, will increase the risk of contamination of the water system and create unsafe working conditions.

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Common trench construction shall be grounds for denial or discontinuance of water service if established at a hearing held by the governing body.

ARTICLE 9. SHUT-OFF VALVES (Inside Building)

- 9.01 Every water service shall be provided with at least one shut-off valve located inside the building near the service entrance, easily accessible, protected from freezing, and installed as close to the foundation wall as practicable. The installation of such valve is the responsibility of the customer.

ARTICLE 10. COLD WEATHER CONSTRUCTION

- 10.01 New service or extension of mains shall not be constructed during the period December 15 to April 15. However, on approval of the governing body and if the customer agrees to pay for the extra expense incurred as a result of cold weather, by written consent, cold weather construction may be permitted.

ARTICLE 11. DENIAL OR POSTPONEMENT OF SERVICE

- 11.01 The governing body may deny or postpone service due to: cold weather, insufficient water; insufficient pressure; absence of a deposit of money for service line construction; to prevent contamination through a cross connection; when an applicant resides outside the municipal boundaries; or when the governing body determines that the service line leaks or does not meet the material standards of the municipality.

ARTICLE 12. UNAUTHORIZED USE OF WATER

- 12.01 A customer shall not supply water to another party except as the governing body may permit such extended use in an emergency. A customer shall not use water for any purpose not authorized by the municipality. A person shall not obtain water from any hydrant or other fixture of the municipality without the written approval of the municipality. Any violation of water use shall be grounds for discontinuance of water service until the matter is resolved to the satisfaction of the governing body and any and all required disconnection and reconnection fees are paid to the clerk.

ARTICLE 13. RESTRICTION OR PROHIBITION OF CERTAIN WATER USES

- 13.01 When necessary to conserve the water supply, the municipality may restrict or prohibit the use of hoses and sprinklers and any other non-essential water use or water-using device for all customers. Such notice shall be posted in at least three places in the municipality where the public generally congregates or visits and at least once in the newspaper of the area. Violation of a municipal notice, directive or order to conserve water by a customer after one oral or written reminder by a municipal representative shall be grounds for immediate

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discontinuance of service. A hearing shall then be held, if requested by the affected customer, to determine if the water will continue to be shut off or water service restored. The hearing, if requested, shall be held by the governing board within five days of such request. If the governing body determines that the shut-off was due to a violation of municipal notice to conserve, the shut-off and reconnection fees shall apply. If it is determined that no violation occurred, then there will be no shut-off or reconnection charge and water service will be restored as soon as possible but at least by the following day.

ARTICLE 14. MAINTENANCE AND PLUMBING

14.01 To prevent leaks and damage, all customers shall maintain at their own expense the plumbing and fixtures within their own premises in good repair and provide protection from freezing. The cost of replacement or repair of a meter damaged by freezing, or otherwise damaged by customers, occupants or others, shall be paid by the customer on receipt of a bill submitted by the municipality.

ARTICLE 15. CROSS CONNECTIONS, PROTECTED

15.01 A cross connection shall not be created. In addition, a connection capable of permitting backflow from any other source of water, any plumbing fixture, device, or appliance or from any waste outlet or pipe having direct connection to waste drains to the public water system is prohibited. If the owner of the building involving such a connection fails or refuses to eliminate or properly protect the cross connection within a time period established by the governing body, water service shall be discontinued. The governing body will take into account the seriousness of the violation in establishing a time period for the owner to make the connection, but in no case shall it exceed 60 days. If service is discontinued due to non-compliance, a hearing will be held by the governing body on request by the affected customer within five days following shut-off to determine if service will continue to be discontinued or if it will be restored. If service will be restored, the governing body may establish conditions for restoration of service and may require payment of disconnection and reconnection fees. A dual check valve manufactured as per A.S.S.E. specifications for Number 1024 shall be installed at all domestic and small commercial services (under 15 GPM flow). Other backflow devices shall be installed at industrial, commercial, or other services greater than 15 GPM flow as required by the municipality and as recommended by the Vermont State Department of Health.

ARTICLE 16. FLUCTUATION OF PRESSURES BY CUSTOMERS APPARATUS

16.01 Customers shall not install water pumps or high rate water consumption devices that will adversely affect the water system's pressure or operating conditions or use water so as to unduly interfere with the service of another customer. Where a customer has or proposes to install apparatus that requires water in sudden

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and/or large quantities, that will reduce the operating pressure in the main or service line substantially, or cause damage or inconvenience to other customers or damage to the water system, the governing body shall require the customer to install devices that will confine such fluctuation of demand and pressure to within reasonable limits determined by the governing body. If the customer, after receiving written notice from the municipality, fails to offer an acceptable remedial plan within a time limit set by the governing body, a hearing shall be held within five days to determine whether or not service will continue. If waiting five days for a hearing to be scheduled will, in the opinion of the governing board, pose a public health threat to other customers, then water service shall immediately be terminated until it is established at a hearing what action, if any, will be taken. Such action may include continued termination of service or restoration of service on receipt of disconnection and reconnection fees plus assurance of the installation of proper back flow or other devices to maintain pressure changes within an acceptable range.

ARTICLE 17. SAFEGUARDING WATER-USING DEVICES

17.01 All customers having hot water tanks or secondary systems supplied by automatic make-up valves shall install and maintain in operating condition appropriate backflow and temperature/ pressure relief valves to prevent damage to the water device or secondary system or their appurtenances should it become necessary for the governing body to shut off the water main or water service line and to protect against loss of pressure for any other reason. Water service supplied to any customer not providing such protective devices will be done at the customer's risk. However, backflow protection of boiler fluid using a backflow device meeting Standard A.S.S.E. standard 1012 is required if a dual check valve meeting Standard A.S.S.E. 1024 does not exist in the water service line at the entrance to the building. Accordingly, the municipality will not consider itself liable for damage resulting from the lack of or failure of such protective devices as required in this section.

ARTICLE 18. ACCESS TO PREMISES

18.01 Water system employees, contractual agents of the municipality, members of the governing body, the water system operator, the water superintendent and the clerk, with suitable identification, shall have access to all premises served water at all reasonable hours during any day of the week, except state or federal holidays and Sundays (unless an emergency is believed by the governing body to exist) for the purpose of inspecting plumbing and fixtures, identification of cross connections, to set, remove, or read meters, to ascertain the amount of water used and the manner of use, and to enforce these regulations. If a customer or building occupant prohibits access to the premises, the customer or occupant must immediately arrange for an inspection that will take place within 24 hours, otherwise water service may be discontinued, and the established disconnect and reconnect fees will apply. Reconnection shall not be made until

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an authorized municipal representative has been permitted to inspect the premises and finds no valid reason to continue the disconnection of service.

ARTICLE 19. RESPONSIBILITY FOR WATER CHARGES

19.01 The owner of the premises served by the water system is responsible for payment of all charges for water service rendered to the property. The owner is obligated to pay at least the minimum base fee regardless of whether water is shut off or turned on and regardless of whether the residence or business is occupied. Any additional fees established on meter readings (where applicable) above the minimum allotted quantity of water shall also be charged to the owner and are due and payable on presentation of a bill. If the owner wishes to be disconnected from the water system, he or she shall notify the clerk in writing of such intention. On receipt of the required disconnection fee, the municipality shall terminate service by shutting off the curb stop. The owner shall remove 20 feet of the building service line which, on acceptance after inspection by the municipal representative, will represent a disconnection and the base fee will no longer be charged.

ARTICLE 20. BILLING PROCEDURES

20.01 Bills will be issued semi-annually based on the fiscal year, the amount of which will be in accordance with rates shown in the section titled "Water Rates, Special Charges and Connection Fees." Said bills are due immediately and will be considered in arrears if unpaid 30 days following the due date. Interest may be charged to all bills in arrears at the rate of 18% per annum or the maximum rate allowed under state law, whichever is less. Bills in arrears shall be due and payable in accordance with procedures set forth in 24 V.S.A., Chapter 129.

ARTICLE 21. DISCONTINUANCE OF SERVICE

21.01 Bills for water service are due and payable to the clerk when received as indicated on the statement and shall be considered delinquent when unpaid 30 days following the due date. Water service may be discontinued: 1) by reason of nonpayment of water bills; 2) to eliminate a health hazard; 3) for violation of any special order restricting water use; 4) or for fraudulent use of water. If the customer requests a hearing, one shall be held within five work days of the request to determine if water service will continue to be denied or, if to be restored, then under what conditions. Service, once discontinued, shall not be restored until the reason for discontinuance of service has been eliminated. Before service is discontinued for delinquency of payment, the municipality shall follow the procedure set forth in 24 V.S.A., Chapter 129. Notice for payment request and shut-off will be mailed at least 14 days in advance of the shut-off date. Shut-off on account of delinquency of payment will not be made on a day immediately preceding a Saturday, a Sunday, or a state or federal holiday. When the governing body dispatches an agent to effect a shut-off

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caused by delinquency of payment and, upon arrival, payment is made to the agent for all charges due including the collection fee as permitted under 24 V.S.A., Chapter 129, service will be permitted to continue. If a violation of rules, health hazard, or emergency incident results in a shut-off, a reconnection charge of \$25.00 will be assessed for resumption of service in addition to the disconnection charge if the problem is determined to be the responsibility of the customer.

ARTICLE 22. INTERRUPTED OR UNSATISFACTORY SERVICE

22.01 If, by reason of shortage of supply or for the purpose of making repairs, extensions, connections, placing or replacing meters, or for any reason beyond the control of the municipality, it becomes necessary to shut off water in a main or service line, the municipality will not be responsible for any damages caused by such shut-off, and no adjustment of rates will be allowed unless the interruption is in effect for a continuous period in excess of 10 days, in which case a prorated adjustment of the minimum base fee will be made on the next billing. Notice of water shut-off will be issued when feasible, but nothing in this rule shall be construed as requiring the giving of such notice. The municipality will not be responsible for meeting unusually high water quality standards for specialized industrial processes for its customers, nor will it be held responsible for interrupted service or poor water quality caused by legitimate use of fire hydrants.

ARTICLE 23. FIRE HYDRANTS

23.01 Fire hydrants may not be used for any purpose other than the extinguishing of fires or for such purposes as may be agreed to in writing by the governing body. In no case shall fire hydrants be opened by any person other than an agent of the municipality or a duly authorized representative of the fire department at the time of a fire or for special training as may be approved by the governing body. Hydrants shall not be used for irrigation, filling of swimming pools, dust control, water games, or any other non-legitimate use. Violators will be prosecuted to the full extent of the law as it pertains to tampering with public water systems.

ARTICLE 24. TAMPERING WITH PUBLIC WATER SYSTEM, PROHIBITED

24.01 Tampering with municipal water system property is prohibited. Any valve, pump house, hydrant, water main, municipal service line, tank, reservoir, or any other appurtenant part of the water system which is deemed the property of the municipality, shall not be adjusted, operated, or tampered with by any person except those authorized by the governing body. If a customer or owner is known to have tampered with any water system property or its works, such action shall be grounds for discontinuance of water service, and any cost due to such tampering will be charged to said customer or person.

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ARTICLE 25. WATER MAIN EXTENSION, PLAN APPROVAL AND CONSTRUCTION

25.01 Any person desirous of constructing an extension to the water system shall apply to the municipality. Upon preliminary approval of the application by the governing body, the applicant shall have final plans and specifications developed by a professional engineer who the municipality agrees has demonstrated proficiency in water system design, and is registered to practice civil or sanitary engineering in Vermont. Said plans and a letter describing the proposed project shall be submitted to the municipal office at least 45 days prior to the intended date of construction. Construction shall not commence until approval of the plans has been issued by: 1) the state department having authority to approve such projects, and 2) the governing body of the municipality. All work performed by non-municipal agents, such as developers or contractors, shall remain uncovered until an authorized municipal representative has inspected the work and indicates general satisfaction with it. When water mains are to be constructed, the developer shall engage a professional engineer agreed to by the governing body to observe the construction to insure that the work proceeds in accordance with the approved plans. The engineer shall certify to the governing body the completeness, suitability, and adherence to the approved plans and shall include submission of record drawings to the governing body within 60 days of work acceptance by the governing body. If the governing body believes that the water main extension is not being constructed in accordance with the approved plans, the governing body may engage a professional engineer to review the work and provide a report to the governing body regarding compliance with the plans. The cost of the engineer obtained by the municipality shall be the responsibility of the applicant if significant discrepancies are noted between the municipality's approved plans and the constructed water main extension which are unacceptable to the municipality. Any discrepancies noted shall be corrected by the applicant under the observation of the governing body's professional engineer at the expense of the applicant for both engineering observation and construction correction.

ARTICLE 26. MATERIALS

26.01 All materials used in the construction, repair, or alteration of any part of the water system must meet existing state and industry standards. If the municipality finds that any materials used do not meet such standards, it may require that the substandard materials be removed and replaced with materials that meet existing standards.

ARTICLE 27. WATER RATES, SPECIAL CHARGES, AND CONNECTION FEES

27.01 From time to time, the Board of Water Commissioners shall establish water

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rates, special charges, and connection fees in order to provide for the efficient operation and financial stability of the water system. When, in the opinion of the Board, existing rates, charges or fees must be revised, the Board will notify rate-payers of its intent by way of a Notice published in a newspaper of local interest. Following such Notice, the Board will convene a warned Public Hearing to explain the proposed revisions and to receive comments from rate-payers. After taking all comments into consideration, the Board will establish rates, charges and fees and will cause Notice of same to be published in a newspaper of local interest and posted at 3 places within the water system service area.

ARTICLE 28. PUBLICATION AND EFFECTIVE DATE

- 28.01 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 28.02 This ordinance shall be entered in the minutes of the Board of Water Commissioners meeting, and posted in at least five conspicuous places within the Village of Ludlow and published by title in a newspaper circulating in the Village on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 28.03 This ordinance shall become effective on January 6, 1995, sixty (60) days after the date of its adoption by the Board of Water Commissioners, unless a petition is filed with the Village Clerk by December 21, 1994, forty-four (44) days after the date of its adoption. The petition should be addressed to the Commissioners, should be signed by at least five per cent (5%) of the qualified voters of the Village, and should ask for a special meeting to be called on the question of disapproving the ordinance.
- 28.04 Questions about the ordinance may be directed to the Municipal Manager, Ludlow, Vermont, or by calling telephone number (802) 228-2841.

The foregoing ordinance is hereby adopted by the Board of Water Commissioners of the Village of Ludlow, Vermont, this 7th day of November, 1994.

VILLAGE OF LUDLOW, VERMONT BOARD OF WATER COMMISSIONERS

Chuck Berry
Jeffrey Lawrence
Richard Strong

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Charles F. Berry
Debra L. Brown
Richard Brown