

Plaistow Water Ordinance

Water Ordinance

1. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTER

One whose property abuts, is contiguous to, or joins at the border or boundary of a public right-of-way in which a Main Pipe is to be or has been installed.

ADMINISTRATOR

The Town Manager of the Town of Plaistow.

AVERAGE DAILY WATER USAGE

The total volume of water measured in gallons or cubic feet measured at a meter during a given billing period divided by the number of days in that billing period.

BACKFLOW

The flow of water or other liquids, mixtures, or substances into the Utility's service or Main Pipes from any source other than the intended source.

BACKFLOW PREVENTION DEVICE

A Utility approved device which operates on the Service Pipe to prevent any material from being forced or drawn into the Main Pipe and contaminating the potable water supply.

BOARD

The Board of Selectmen of the Town of Plaistow. The Plaistow Board of Selectmen also serves as the Water Commission.

BYPASS

The pipe extended around the meter from and to the Service Pipe through which the Utility may provide service to the Customer while the meter is out of service.

COMMERCIAL SERVICE

Water service provided to properties or buildings used to produce and/or provide products or service.

CROSS CONNECTION

Any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other which contains unacceptable

levels of material of unknown or questionable safety, including water containing any physical, chemical, biological, or radiological substance or matter.

CURB STOP/CURB SHUT OFF

The valve owned and maintained by the Utility, normally located at or adjacent to the Customer's property line, which the Utility alone may use to turn on or Shut Off service to the Premises.

CUSTOMER

Any individuals, partnerships, firms, associations, corporations, towns, governments, governmental divisions whose water service is supplied by the Town of Plaistow.

DIRECTOR

The Director of the Plaistow Water Department.

INDUSTRIAL SERVICE

Water service provided to properties or buildings that manufacture products.

MAIN PIPE

The supply pipe from which service connections are made to supply water to customers.

METER

Any device approved by the Town for measuring the quantity of water used as a basis for determining charges for water service to a customer.

OUTSIDE READER

The device placed by the Utility on the outside surface of the Customer's Premises permitting the Utility to obtain a meter reading without entering the Premises.

OWNER

As it applies to pipeline extensions, shall mean the owner of record of real property. "Owner" as it applies to applications for to applications for water service and payments for water shall mean the owner of real property and dwellings or structures on leased land.

PREMISES

The Customer's property or building(s) thereon to which service is provided.

REGULAR WORKING HOURS

The hours, Monday through Friday, excluding holidays, during which time the Utility is normally open for business.

RESIDENTIAL SERVICE

Water service provided to dwellings designed for and occupied by one or more families.

SERVICE CONNECTION

The service pipe and meter to provide water to the customer's premises.

SERVICE PIPE

The pipe running from the Main Pipe into the Customer's Premises.

SHUT OFF

The valve owned and maintained by the Customer, located within the Customer's Premises or on Customer's property, which may be used to turn on or off service to the Premises.

SUPERINTENDENT

The Superintendent of the Plaistow Water Department.

TOWN

The Town of Plaistow.

UTILITY

The Town of Plaistow Water Department.

2. Applicability

This Ordinance applies to all retail Customers served by the Utility.

3. Service Area.

- A. The territory authorized to be served by the Town of Plaistow includes properties within the Town of Plaistow Boundaries.

4. Authorization, Terms and Conditions

- A. This ordinance is adopted pursuant to the authority granted to the governing body or the Board of Water Commissioners by RSA 38:26, I.
- B. The Town reserves the right to change or amend from time to time the terms, conditions, and the rates for the uses of water, in accordance with state law.
- C. The following terms and conditions shall be met prior to the delivery of water service by the Town.

5. Application for Service

- A. Application for new service or upgrade in service shall be made at the office of the Plaistow Water Department by the owner or owners of the premises to be served. New waterline hookups shall be charged an accessibility fee and Merrimack River Source Development Charge (MRSDC) in accordance with the rate schedule adopted by the Board and any other applicable service fees established in the rate schedule. Application for new service shall be submitted to and approved by the Director.

B. The owner of the premises to be served shall complete a water permit application that identifies the fixtures or units on the premises that will use water together with the estimated gallon-per-minute rates for peak and average usage periods. Residual services shall be sized by the number of bedrooms times 150 gallons per day. After a review of this data, the Superintendent will determine the size of service that may be sufficient to provide reasonable water service.

C. Determination.

- 1) If the Utility determines that it does not or will not have sufficient capacity to provide adequate water service, it shall not be obligated to provide the service. The Utility may, at its option and discretion, enter into such agreements with applicants to make readiness to serve improvements at Customer's expense.
- 2) If the Utility determines that it has sufficient capacity to provide adequate water service, the Utility will approve the service and assess a connection fee. The connection fee will consist of the following components: labor and material charges related to the work components of connecting to the Main Pipe as well as a Capacity Use Surcharge.
- 3) Service Shall not be provided until all required deposits or payments have been made by the Customer.

D. Merrimack River Source Development Charge.

- 1) The applicant for municipal water service shall be required to pay the Town of Plaistow a Merrimack River Source Development Charge (MRSDC) in accordance with the rates developed and adopted by the Board.
- 2) The MRSDC shall be based upon the average daily flow permitted. Permitted flows will be based upon the usage in any given billing period divided by the number of days in that billing period.
- 3) Exceeding permitted allocations shall be deemed a violation of the applicant's permit and this chapter.
- 4) The payment of the MRSDC is applicable to the service address for which the applicant is permitted. The MRSDC is nontransferable.
- 5) The Utility reserves the right to refuse water service to any customer that contemplates building until such time as the Utility shall decide there is sufficient progress to show that the building will be completed and occupied and adequate water service, as determined by the Utility, can be supplied. The Utility may authorize a developer to reserve water service capacity, but such reservation shall not be transferable to other projects or sold separate and apart from the use of the capacity for the development of the property for which it was reserved. Such capacity reservations shall have an initial time limit of one year and may be extended for up to two additional years. Such reserved capacity shall expire if it is not utilized within the time frame set by the Utility, or any extension thereof.

- 6) Merrimack River Source Development Charges paid will not be refunded as a result of changes in use which reduce water consumption.

E. Water connection fee.

- 1) Any new or expanding water user must pay to the Town of Plaistow a water connection fee in accordance with the attached rate schedule. This one-time charge is based upon the size of the service meter and is applicable to the service address permitted. Connection fees are nontransferable. All such fees shall be deposited in either a Water Enterprise Fund or a Water Capital Improvement Fund.
- 2) All MRSDC fees and water hookup fees shall be deposited into the Water Division Capital Reserve Account. Any expenditures from this account shall require a majority vote of the Plaistow Board of Selectmen.

F. Permit application fees. Applications for permits shall be accompanied by a nonrefundable permit application fee in accordance with the attached rate schedule, which shall be deposited in the Water Enterprise Fund.

G. Inspection fees. The owner/applicant shall pay all costs related to inspection of new services, waterline extensions, etc., in accordance with the attached rate schedule, which shall be deposited in the Water Enterprise Fund. The Town may require that inspection services be provided by an outside engineering firm in the case of new building construction or main extensions.

H. Usage charges.

- 1) Water usage billing shall be either monthly or quarterly as determined by the Superintendent and shall coincide with the sewer rent billing where applicable.
- 2) The following rules and regulations apply to the collection of water bills:
 - a) All bills shall be payable to the Town of Plaistow on or before the due date specified on the bill.
 - b) Balances outstanding over 30 days shall be subject to a finance charge of 1.5% per month.

I. New commercial and industrial owners and users taking occupation of existing premises shall be required to reapply for service and shall be bound by all rules and regulations governing new installations, if the new ownership results in a change in the use of the premises.

J. A prospective customer may be refused service if in the opinion of the Superintendent:

- 1) The size or location of a main is inadequate to provide the customer service.

- 2) The proposed demand for water use either in total or maximum flow would adversely affect the service to the other customers or would adversely impact or affect the integrity of the water distribution system.

6. Service Pipes.

- A. Installation, Ownership and Maintenance. The Service Pipe as it extends from the Main Pipe to the Curb Stop located within the limits of the public right-of-way or Utility easement shall be installed, owned and maintained by the Utility. The Customer may, subject to prior written approval and inspection by the Utility, install the Utility's portion of the Service Pipe. The Service Pipe from the Curb Stop into the Premises shall be owned by the Customer and installed and maintained at Customer's expense.

i. As required by RSA 38:22, III, the Utility shall not perform any non-emergency work in an amount greater than \$250 for construction, maintenance, or both, on an Owner's property beyond the Utility's final shut off point, or the point at which the Owner is responsible for construction or maintenance, or both, unless a written contract has been executed and signed between the Owner, or a representative of the property and an authorized representative of the Utility. The contract shall include the terms of the work to be performed, the name and address of the property owner, the location of the work to be performed, the estimated price of the work, the time of completion, and any other agreed upon stipulations relating to the project. No lien shall be placed on the property for such work in the absence of such a contract.

- B. Connection. Only the Utility or its duly authorized contractors or agents shall tap and install, maintain or repair any Service Pipe connection to a Main Pipe. Such connections shall be made only from the street, which is the legal address of the Premises served, unless otherwise authorized in writing by the Utility.

C. Installation Specifications.

- 1) The Customer's portion of a Service Pipe shall be installed in accordance with Utility Specifications. It shall be composed of a material which is acceptable to the Utility and the installation and pipe shall be in conformance with good engineering practices and in accord with the requirements of law.
- 2) The Service Pipe shall be no less than three-quarter (3/4) inch diameter and shall have a minimum ground cover of five (5) feet unless authorized in writing by the Utility.

D. Installation Period.

- 1) The Utility's portion of a Service Pipe shall be installed during the period of mid-April to mid-November as frost and weather conditions permit. In an emergency and upon the Customer's request, the Utility in its sole discretion may authorize service installation during winter months.
- 2) Installation During Winter Months. Any Customer requesting emergency service installation during winter months shall pay all extra expenses incurred by the Utility

due to frost and weather conditions, including maintenance of the excavation until final paving is installed.

E. Service.

- 1) Customer shall be provided service through only one Utility owned Service Pipe and Curb Stop/Curb Shut Off per legally subdivided lot. Customer may at Customer's own expense separately meter individual buildings and tenants as Customer determines.
- 2) When an existing Customer has more than one service per legally subdivided lot, the Utility reserves the right to reduce the number of services provided to one, as part of any conservation of use, renovation or other changes in condition requiring a building permit.
- 3) Where more than one Customer is provided service through one Service Pipe and Curb Stop/Curb Shut Off, any violation of Utility regulations by one or more Customer(s) so serviced shall be deemed a violation by all, and the Utility may take such action against all such Customers as could be taken against a single Customer. The Utility shall make reasonable efforts to advise all Customers served by the common Service Pipe and Curb Stop of the violation and, where appropriate given an opportunity to cure the violation.

F. Joint Use of Service Pipe Trench. Joint use of a Service Pipe trench with gas pipe, sewer pipe or other Utility service shall only be performed in accord with Utility Specifications.

G. Shut Offs. The Customer shall install and maintain at the Customer's own expense on that portion of the Service Pipe located on or within the Premises served two (2) Shut Offs, one on either side of the meter. The Shut Offs shall be of a type acceptable to the Utility. The Utility may use the Shut Off for service, maintenance and other purposes.

H. Thawing. The Customer shall be responsible for thawing Customer's portion of the Service Pipe, and the Utility shall be responsible for thawing its portion of the Service Pipe.

- 1) When the point at which a Service Pipe is frozen cannot be determined and the Utility is requested by the Customer to thaw the pipe, one-half of the thawing cost shall be paid by the Customer.

I. Reinstallation and Relocation.

- 1) Reinstallation. Any reinstallation of the Utility's portion of the Service Pipe which, in the opinion of the Utility, is required due to increased demand within the Customer's Premises shall be performed by the Utility at the Customer's expense.

- 2) Relocation. Any relocation or replacement of the Customer's portion of the Service Pipe shall be approved by the Utility and performed at the Customer's expense.

7. Private Mains, Private Meters and Plumbing Fixtures.

- A. Private Mains. The Utility recognizes that there may exist within its service area water lines servicing multiple Utility Customers that are installed by private parties, are not within the public right of way easement area and are not maintained by the Utility. Customers shall maintain private mains in good repair and cooperate and coordinate with the Utility as may be necessary to ensure that the requirements of this ordinance and the delivery of potable water to Utility's Customers is met.
- B. Private Meters. Customers may install such Private Meters as Customer desires to monitor water usage. All such Private Meters shall be installed, owned, operated and maintained by Customer.
- C. Maintenance of Plumbing. Customers shall maintain the plumbing fixtures within their Premises in good repair, free from leaks and protected from freezing.
- D. Fees and Expenses. All fees and expenses associated with Private Mains, Private Meters and plumbing and fixtures shall be Customer's responsibility.

8. Liability for Interrupted or Unsatisfactory Service.

- A. The Town will not be responsible for any damages caused by shutoffs in the main or service pipes because of shortage of supply or for repairs, extensions, or connections or for any other reason beyond the control of the Town. Notice of shutoff will be given when practicable, but nothing in this section shall be construed as requiring the giving of such notice.
- B. The Town will not be responsible for damage caused by the discolored water which may be occasioned by cleaning of pipes, reservoirs or standpipes or the opening or closing of any valves or hydrants or any other cause.

9. Extension of Main Pipes.

- A. Main pipe extensions shall be sized and approved by the Town or its authorized representative and shall be the property of the Town. The pipe shall be installed as outlined in the Town of Plaistow Water Main Improvement Specifications. Installation shall be by the Town or utility service contractor approved by the Town.
- B. Highways and streets in which an extension is to be made shall have been laid out, lines and grades established, and dedicated to public use by the Town. Subdivisions and site plans shall be approved by the Plaistow Planning Board, with rough grade and line established and approved by the Utility or its designee prior to main installation.

- C. If developers of land choose to extend the Town's water system to their property(ies), they must perform the installation of the water main in accordance with the Town of Plaistow Water Main Improvement Specifications, including any subsequent revisions thereto. Inspection of such work shall be provided by the Town, and the cost of said inspection shall be paid by the developer. The Town assumes no liability for damage to persons or property caused by said water main until final acceptance.
- D. The Town may wish to maintain ownership of lines located on private property. In such cases, the developer is required to supply an easement to the Town in a form acceptable to the Town. All costs associated with such installation, inspection, and easement legal review shall be borne by the developer.

10. Maintenance of Plumbing.

Customers shall maintain the plumbing and fixtures within their own premises in good repair, free from leaks and unauthorized cross-connections and protected from freezing and backflow or back siphonage, at their own expense. Upon failure to do so, and upon written notification by the Town in accordance with paragraph 19 Of this chapter, service may be discontinued.

11. Meters.

- A. Ownership, Installation and Maintenance. All water service shall be metered by the Utility, and the meter, strainer, and Outside Reader shall be owned, installed and maintained by the Utility.
 - 1) Meter Repairs. Meter repairs or replacements necessitated by ordinary wear will be performed by the Utility at no expense to Customer; those caused by freezing, hot water, or by any other reason shall be paid by the Customer in accordance with the applicable rate schedule.
- B. Location and Placement of Meters.
 - 1) Location. The meter shall be located at the point of entry to the Customer's Premises.
 - 2) Placement. The Customer shall provide a clean, dry and warm place, always free from debris, for the installation and placement of the meter. The meter shall be placed in accordance with Utility requirements, either special or general, and in a location, which may be safely and easily accessed by a person in an upright position for the purpose of reading, maintaining and changing the meter. In no case shall a meter be placed in an open or concealed area beneath a floor and, if a meter is so placed, the Utility may require the Customer to remove and place the meter in accordance with the requirements of this ordinance.
- C. Meter Specifications.
 - 1) Installation. Meters shall be installed according to Utility Specifications available at the Utility office. The size of the meter shall be determined by the Utility after a review of the information submitted by the Customer on the service application data form.

- 2) Bypass. A properly valved and sealed Bypass shall be provided by the Customer around all meters larger than two (2) inches. The Bypass shall be metered. The Bypass shall not be used or tampered with by the Customer for any reason.
- D. Outside Reader. All meters shall be equipped with an Outside Reader. The Outside Reader shall be installed at a place on the Premises acceptable to the Utility. Unless the Utility authorizes an alternative location, the Outside Reader shall be placed on the Customer's Premises near or adjacent to the driveway or walkway.
- E. Private Meters. If Customer desires Private Meters, they shall be furnished, installed, maintained and read by the Customer for Customer's own purposes.
- F. Testing. Meters will be tested before installation. Thereafter all meters will be tested in accordance with guidelines set forth by the American Water Works Association.
- G. Meter Box. The construction or relocation of a meter box or vault, whether performed by the Customer or the Utility, shall be at Customer's expense. Maintenance of the meter box shall be the responsibility of the Customer.
- H. Meter Removal. When the Utility requires the Customer to remove a meter from an open or concealed area beneath a floor, the removal and replacement of the meter shall be performed by the Customer at Customer's expense within a reasonable period of time as determined by the Utility.
- I. Right of Access. The Utility shall have the right of reasonable access to the Customer's Premises to set, read, remove, replace, or repair meters and enforce this ordinance.

12. Use of Water.

- A. The Town shall determine what constitutes waste or improper use and will restrict the same when necessary. The Customer shall be responsible for all leaks and water on his/her property and shall make payment for all water as registered by the water meter.
- B. When necessary to conserve supply, the Town may restrict or prohibit the use of water. Any violation of such restrictions or prohibitions shall be considered a violation of this chapter and subject to penalties provided by this chapter.
- C. Bypassing water around a meter, or any use of unmetered water except for fire-fighting purposes, will be deemed a fraudulent use and water service will be discontinued immediately. The existence of an unsealed bypass valve shall be considered a fraudulent use of water.
- D. All customers having direct-pressure hot water tanks or appliances must place proper automatic vacuum, temperature, and pressure-relief valves in the pipe system to prevent any damage to such tanks or appliances should it become necessary to shut off the water on the street mains or service pipe. Service will be provided to such direct-pressure installations only

at the customer's risk, and in no case will the Town be liable for any damage occasioned thereby.

- E. Customers shall ensure their electrical service is properly grounded following any work or meter change-out by the Town when such services are used for electrical grounding. The Town is not responsible for any appurtenant uses of the meter other than to register water usage.

13. Property Transfer.

Prior to the sale or transfer of property for which application for service has been granted, the customer shall promptly notify the Utility in writing, giving the name and address of the new owner and the date on which the sale or transfer of ownership is to occur. The seller of the property must request a final meter reading by the Utility for the proper water charge adjustment between buyer and seller. Failure to notify shall make the customer of record liable for payment of all charges, including bills for water furnished him or his lessees during his ownership and until such time as the Town receives notice in writing of the transfer of his property. All outstanding charges or assessments shall be a lien upon the premises as provided by statute. (See rate schedule on file at the office of the Town Clerk for final meter reading charges.

14. Backflow Prevention.

A. Prevention.

- 1) The Customer shall protect against the possibility of Backflow between the public water supply and any plumbing, fixture, device, or appliance by furnishing and installing a Backflow Prevention Device, in accordance with Utility Specifications with the degree of potential hazard in accordance with regulations adopted by the N.H. Department of Environmental Services or any other regulating agency.
- 2) Customers with presently installed Backflow prevention devices that do not meet the requirements of this Ordinance and Utility Specifications may continue to use nonconforming Backflow Prevention Devices provided they satisfactorily protect the Utility system whenever the nonconforming device is moved from the present location and requires more than minimum maintenance and there is otherwise a hazard to Utility's potable water supply, the Backflow prevention device shall be replaced by a device meeting current requirements.
- 3) The Backflow prevention device shall be installed on the Service Pipe at or near the property line or immediately inside the building being served, but in all cases before the first branch line leading off the Service Pipe. All water entering the Premises shall pass through the protective device in accordance with Utility Specifications.

- B. Inspection, Testing and Repair. The Customer shall, in accordance with Utility Specifications, periodically inspect and test the Backflow Prevention Device.

- C. Fees and Expenses. The purchase, installation, maintenance, inspection and testing of the Backflow Prevention Device shall be at the Customer's expense and in accord with Utility Specifications.

15. Prohibited Use.

- A. Fraudulent Use. Evidence of the existence of an unsealed Bypass, the Bypassing of water around meters, or the unauthorized piping or selling of water, or any other use of un-metered water except for fire extinguishing purposes shall be deemed fraudulent use.
- B. Tampering. All Curb Stop/Curb Shut Off, valves, hydrants, meters, or other property of the Utility shall not be opened, closed, or tampered with in any way by any person not authorized to do so by the Utility.
- C. Cross Connections. No Cross Connection shall be permitted between the public water supply and any other water supply, or between the public water supply and any plumbing fixture, device, or appliance capable of contaminating the public water supply unless the connection is protected at the metering point by a Backflow prevention device as required by this ordinance. The connection shall be approved by the Utility and the New Hampshire Department of Environmental Services and shall satisfy in all respects the laws of the State of New Hampshire.
- D. Electrical Ground Wires. No ground wires from any source whatsoever shall be attached to any water pipe inside or outside of the Premises served, unless the wires are attached to the Service Pipe at its entrance to the Premises and on the street side of the meter.
- E. Fees and Expenses.
- 1) Tampering. Any damage to the Curb Stop/Curb Shut Off, valve, hydrants, meters, or other property of the Utility which the Utility determines is caused by tampering caused by the Customer (or Customer's employees, contractors or agents) shall be repaired by the Utility at the Customer's expense.
 - 2) Fraudulent Use. Upon discovery by the Utility of fraudulent use by a Customer, the Customer shall be charged not less than double rates for such quantities of service as the Utility shall estimate to have been fraudulently used.
- F. Civil Penalty. Any person who violates this Ordinance shall be subject to a civil penalty not to exceed \$10,000 per day of such violation as authorized by RSA 38:26.

16. Inspections.

The Utility may, with such notice as may be reasonable in the circumstances, have access to and inspect Service Pipes, private mains, meters (Utility's and private) plumbing and all other equipment and facilities connected to the Utility's system to prevent the possibility of

contamination of the Utility's potable water supply, to prevent waste or fraudulent use, and to otherwise ensure compliance with all components of this Ordinance.

17. Trespassing.

No person shall, without permission, enter or remain on any property of the Town used for supply, storage or distribution of water or for the storage of materials or equipment. Violators shall be prosecuted to the full extent of the law.

18. Utility Rights and Liabilities.

- A. Service Generally. The Utility will conform to all requirements of the New Hampshire Department of Environmental Services for construction and operation of its water system as pertains to sanitation and potability of the water.
- B. Waste and Improper Use. The Utility shall determine what constitutes waste or improper use and reserves the right to restrict the same when necessary. The Utility assumes no responsibility for any water fixtures or for the use or waste of water on any metered Premises. Delivery of a courtesy notice to a Customer regarding a possible leak or wasteful condition on the metered Premises shall not imply any such care or responsibility, nor shall any omission or delay by the Utility in sending a courtesy notice create any liability.
- C. Conservation. When necessary to conserve supply, the Utility reserves the right to restrict or prohibit the use of water.
- D. Hot Water Tanks. Service will be provided to direct pressure hot water tanks or appliances at the Customer's risk, and the Utility shall not be responsible for any damage caused by the Customer's failure to provide a thermal expansion device or pressure relief valve in the pipe system.
- E. Maintenance of Plumbing. In no event shall the Utility be responsible for any damage caused by water escaping from plumbing and fixtures.
- F. Refusal of Service to Customers Contemplating Building. The Utility reserves the right to refuse water service to any Customer that contemplates building until such time as the Utility shall decide that there is sufficient progress to show that the building will be completed and occupied and that adequate water service, as determined by the Utility, can be supplied.
- G. Private and Public Fire Protection. The Utility will endeavor to maintain reasonable private and public fire service but does not guarantee adequate service or any aspect of such service.
- H. No Liability. The Utility shall not be responsible for any direct, indirect or consequential damage caused by: service interruption or pressure loss in the Main Pipes or Service Pipes; dirty, discolored or contaminated water; or other failure to provide service.

- I. Electrical Ground Wires. The Utility shall not be responsible for the installation of a water pipe grounding system or for the maintenance or integrity or continuity of any grounding attachment of connection made to a water pipe system.

19. Discontinuation of Service.

- A. Discontinuation by the Utility Without Notice. Service may be discontinued by the Utility without notice for any of the following reasons:

- 1) Misrepresentation by the Customer in the application for service or other fraudulent procurement of service.
- 2) Use of water for purposes other than described by the Customer in the application for service.
- 3) Willful waste of water.
- 4) Fraudulent use of or tampering with Utility property.
- 5) Abandonment of the Premises by the Customer.
- 6) Cross Connection or unauthorized connection to the Utility's Service Pipe or Main Pipe with any other fixture or supply source in violation of this Ordinance or Utility Specifications.
- 7) Failure to maintain plumbing and fixtures in good repair that could, in the Utility's judgment, result in contamination of the potable water supply or damage or injury to the Utility's system, persons or property.
- 8) Failure to install, maintain, or repair a Backflow prevention device within the period specified by the Utility.
- 9) Failure to prevent contamination of potable water.
- 10) Unauthorized use of private fire protection system.
- 11) Any other use of the water or the Utility system that could cause an imminent danger or loss to the Utility's system or supply or the persons and property of others.

- B. Discontinuation by the Utility With Notice. Service may be discontinued by the Utility with written notice by verified mail postmarked at least twelve (12) days in advance of the proposed discontinuation date for any of the following reasons:

- 1) Refusal of reasonable access to the Customer's Premises for inspection;
- 2) Refusal or neglect to comply with this Ordinance or with Utility Specifications;

- 3) Customer's failure to comply with terms of payment arrangement entered into between the Customer and the Utility; and
 - 4) For such other reasons as the Utility may designate in writing.
- C. Discontinuation for Non-Payment of Utility Bills. Service may be discontinued by the Utility for non-payment of any Utility bill, including late payment charges, if all of the following conditions are met:
- 1) If the Customer has not paid the bill in full within 30 days from the postmark date on the bill;
 - 2) The Utility has provided the Customer with written notice by verified mail of its intention to discontinue service, postmarked at least twelve (12) days in advance of the proposed discontinuation date for residential Customers or, in the case of non-residential Customers, at least five (5) days in advance of the proposed discontinuation date;
 - 3) Prior to the date of notice of discontinuance, the Utility has not received payment in full.
 - 4) Should such Customer water service discontinuance involve a Customer where any part of the water service provided to the Customer is for the use and benefit of one or more parties known by the Utility to be residential tenants, then such notice of water service discontinuance shall comply with RSA 38:31, I (a)-(d), and said service shall not be discontinued should the tenant assume responsibility for the water service per RSA 38:31, II. The notice required to be given tenants per RSA 38:31, I, shall not be required when the discontinuance is necessary to avoid danger to life or property, and firefighters, public health officials, and building inspectors.
 - 5) In all cases where the Customer is not the Owner of the Property, the Town shall mail copies of delinquent bills to the Owner as is authorized by RSA 38:22, II (d).
- D. Conference Prior to Discontinuation. A Customer may request a conference with the Utility prior to the proposed date of service discontinuation. Such conference shall be held in accordance with the Utility's standard procedure.
- E. Restoration of Service. If service has been discontinued, the Utility shall restore service promptly upon the Customer's request when the cause of discontinuation has been removed provided that the Customer has paid the restoration charges required under the rate schedule.

20. Billing and Deposits.

A. Billing.

- 1) The Utility shall periodically bill Customers for water service in accordance with the applicable rate schedule.
- 2) If a meter is found not to register, a bill for the period of non-registration shall be estimated based upon consumption recorded prior or subsequent to the period of non-registration, and any other pertinent information supplied by the Customer or known to the Utility.
- 3) In the event that the Utility cannot readily and safely gain access to the meter for the purpose of obtaining the meter reading, the Utility shall make its best estimate of the consumption which might be registered by the meter since the last reading date. The estimate shall be as valid as if the meter reading had actually been determined, and the Customer shall be billed according to the estimate for the period of non-registration. However, there shall be no more than two (2) consecutive estimated bills. After the second estimated bill has been prepared, the Customer shall be required to provide safe and ready access to the meter in accordance with this Ordinance.

B. Payment.

- 1) The Customer shall make payment for all water registered by the water meter regardless of leaks or the manner in which the water was used.
- 2) Bills shall be due and payable upon presentation to the Customer. Payment shall be made at the Tax Collector's Office or at such other offices as the Utility may designate to accept payment.
- 3) Any payment received by the Utility later than thirty (30) days after the due date shall be subject to a late payment charge in accordance with the Fee Schedule.
- 4) The Customer shall be responsible for all obligations including payment for service regardless of any lease, contract, agreement, or otherwise between Customer and another person or tenant purporting to assign or transfer the obligation to pay. The Town's acceptance of any third-party payment shall not constitute a waiver of Customer's responsibility for payment.

C. Non-Payment.

- 1) Service may be discontinued in accordance with this Ordinance for non-payment of any bill.

- 2) Failure to receive a bill shall not discharge the Customer of the obligation of payment or the consequence of non-payment.
 - 3) When a Customer cannot pay a bill in full, the Utility shall continue to serve the Customer if the Customer pays a reasonable portion of the bill as determined by the Utility and the Customer agrees to pay the balance of the outstanding bill in reasonable installments. All payment agreements shall be confirmed in writing and copies will be kept by the Utility and the Customer.
 - 4) Whenever a check or draft presented for payment of service is not accepted by the institution on which it is written, a charge shall be imposed by the Utility as specified in the applicable rate schedule.
 - 5) All water charges shall become a lien upon real estate as provided by state law, and the Utility may take such collection actions as are authorized by N.H. law.
 - 6) When the water services are furnished to some person or legal entity other than the owner of the real estate, the liens provided by this section shall be effective against the owner of the real estate provided the owner is notified by the Utility within 120 days of the date the charges became delinquent. Such notice requirements can also be satisfied, as authorized by RSA 38:22 if copies of the bills for water service are furnished to the owner at the same time to the person or entity which received the water services.
 - 7) Interest and late fees for non-payment shall be assessed as set forth in the rate schedule.
- D. Deposits. The Utility may require a satisfactory cash deposit under the following circumstances: (1) before rendering service to any new Customer; (2) before rendering continued service when the Customer has demonstrated a lack of responsibility in making service payments or committed other acts harmful to the Utility or (3) when the Customer has requested that the Utility provide a special service. The deposit, less any amount due the Utility, shall be refunded either upon termination of service or when the Utility determines, in its sole discretion, that satisfactory credit relations have been established.
- E. Change of Address or Ownership. The Customer shall provide the Utility with prior notice of any change in ownership or change in billing address of a metered Customer Unit. Upon such notice, the Utility shall determine a meter reading and render the Customer a bill for service up to the date of transfer. When a customer notifies the Utility that the change of address is for billing purposes only and no physical change of address will occur, no further action will be taken by either the Customer or the Utility. For example, a Customer may change their billing address from their current street address to a PO box number or another person's street address.
- F. Service Discontinuation and Restoration. When the Utility is requested by the Customer to connect or disconnect service for any reason, the Customer shall pay a fixed charge as specified in the applicable rate schedule for such service if performed during the Utility's Regular

Working Hours or, if performed outside the Utility's Regular Working Hours, the Customer shall pay all costs incurred by the Utility in providing such service.

- G. Request by Customer for Discontinuation of Service. The Customer shall provide the Utility with reasonable notice of Customer's intention to have service discontinued and shall be responsible for all charges associated with service until expiration of such service. If the Customer is not the Owner of the Premises, the Customer shall simultaneously notify the Owner of the intention to discount services.
- H. Seasonal Use. When, due to seasonal use, the Customer requires the Utility to remove and set the meter, the Customer shall be billed for such service and for the resetting and reinstallation of the meter as specified in the Rate and Fee Schedule. The Customer shall be billed for water used in accordance with the Rate and Fee Schedule.

21. Hydrants.

- A. Prohibited Use. Public or private hydrants shall not be used for any purpose other than to extinguish fires or for such other purposes as may be authorized by the Utility. In no case shall hydrants or any adaptor installed on a hydrant be operated by any person other than the Utility, its duly authorized agent or the Town.
- B. Permitted Use. Where use of water from a hydrant is requested for purposes other than to extinguish fires, and written permission is granted by the Utility, an adapter shall be installed on the hydrant by the Utility. All hydrants, whether public or private, connected to the Utility system shall be of a type approved by the Utility.
- C. Fees and Expenses.
 - 1) The Hydrant user shall be required to make a cash deposit as specified by the Rate and Fee Schedules. All fees shall be deposited in the Water Enterprise Fund. Deposits made for adapters shall not be credited with any interest.
 - 2) If there is no damage to the hydrant or the adapter, the charge for water will be deducted from the deposit and the balance, if any, returned from the Water Enterprise Fund. If the Utility discovers any damage to the hydrant or adapter, the Utility shall make the necessary repairs at the expense of the hydrant user.
 - 3) The hydrant user shall be charged for either the volume of water used, or on a per diem basis as determined by the Utility, and for setting and removal of the adapter.

22. Private Fire Protection.

- A. Application. The Customer shall submit to the Utility a written application for private fire service. The application shall be accompanied by site and plumbing plans of the proposed fire system and a written statement indicating the size and all specific design features.

- B. Pipe Installation. The fire Service Pipe located within the public right-of-way or Utility easement shall be installed and maintained by and shall be the property of the Utility. The Customer may, subject to prior approval and on-site inspection by the Utility, install the Utility's portion of the fire Service Pipe. From the limits of the public right-of-way or Utility easement to the Premises served, the fire Service Pipe shall be owned and maintained by the Customer.
- C. Maintenance. Customer shall be responsible for all maintenance and testing by a qualified person (to be conducted at least annually) of private fire protection systems and shall keep all records of such maintenance and testing for a minimum of three (3) years. Customer shall produce such records of maintenance and testing upon request of the Utility. The Utility shall be given at least 3 business days prior notice of the test date and time and reserves the right to view the test.
- D. Contamination. Where a standpipe, reservoir, pump house or tank is proposed in connection with private fire service, the Customer shall submit complete fire system plans to the Utility and Plaistow Fire Department for prior approval. The connection shall be protected by a Backflow prevention device as required by this Ordinance.
- E. Access and Utility Inspection. In the construction or installation of such appurtenances as standpipes, reservoirs, pump houses, or tanks, the Customer shall provide a means of easy access to the interior of the appurtenance to permit inspection by the Utility or cleaning by the Customer as required by the Utility. During such construction or installation, the Customer shall connect to the appurtenance a separate pipe to periodically draw off water for sampling and inspection. Such draw off pipe shall not be directly connected with a sewer, drain, or outlet in any way which is not permitted by this Ordinance, or may permit contamination of the public water supply.
- F. Fees and Expenses.
- 1) The Customer shall pay a charge for private fire service as specified in the Rate and Fee Schedule.
 - 2) The Customer shall maintain in good repair all fire service appurtenances located on the Premises at Customer's expense.
 - 3) Installation by the Utility of its portion of the fire Service Pipe shall be at the Customer's expense. If the Customer elects to install the Utility's portion of the fire Service Pipe, on-site inspection by the Utility shall be at the Customer's expense.
 - 4) Any costs associated with the Utility's presence during private fire service testing by the Customer or insurance inspector may be charged to the Customer or to the insurance inspector.
- G. Responsibilities.
- 1) The Town in no manner guarantees to furnish proper quantities of water through any fire service, nor does it undertake to guarantee anything relative to that service, but it will endeavor to maintain a reasonable service.

- 2) If the Town plans to disrupt fire service for water system improvements, reasonable notice shall be given to customers prior to construction. The Town assumes no responsibility if damage occurs to property because of disruptions planned or unforeseen.

23. Water Hauling.

- A. Bulk water haulers must be permitted by the Town by completing a hauler's application available at the Town Offices. A fee will be charged for each truck permitted. Water haulers must purchase water coupons at the Plaistow Town Hall and pay the fee established in the rate schedule, which is on file at the Town Clerk's office.
- B. The Utility shall designate a bulk water hydrant fill-up station unless otherwise directed by the Town. Water shall be available between the hours of 7:15 a.m. and 8:00 p.m., Monday through Friday, between April 15 and November 1 of each year or such other times as directed by the Superintendent. The metered adapter shall be locked at all times. Permitted haulers will be issued keys.
- C. The Town may require all tanks to be equipped with approved backflow devices. If there is no backflow preventer or the device present is deemed inadequate by an authorized agent of the Town, then the hauler may be denied water from the system.
- D. Negligent use of Town-owned equipment, as determined by an authorized agent, shall be just cause to ban the hauler from purchasing water from the Town.

24. Violations and Penalties.

- A. Any person found in violation of any provision of this chapter shall be served by the Town with written notice stating the nature of the violation.
- B. Whoever violates any of the provisions of this chapter shall be subject to a fine in an amount not exceeding \$10,000 for each violation, as authorized by RSA 38:26. Each day in which a violation shall continue shall be deemed a separate offense. Nothing in this provision shall prevent the Town from enforcing the provisions of this chapter by any other legal action.

25. Rates, Fees & Charges

All rates, fees and charges including the Merrimack River Source Development Charge shall be established by the Board of Selectmen in accord with its customary policies and practices.

26. Amendments.

The foregoing chapter may be amended by a vote of the Board of Selectmen in accordance with procedures set forth in the Town Code, or as otherwise authorized by N.H. law.