

Rules and Regulations of the Newport Water Department

Adopted August 7, 1989
By the Board of Selectmen

TOWN OF NEWPORT, NEW HAMPSHIRE RULES AND REGULATIONS OF THE NEWPORT WATER DEPARTMENT

By virtue of the statutory powers and all other powers, the Board of Selectmen and/or Water Commissioners of the Town of Newport, New Hampshire, establishes the following rules and regulations for the conduct of business of the Newport Water Department (RSA 37:6, 38:6) All customers will be bound thereby and further bound to take water only for purposes stated in the application of the customer and in accordance with these rules and regulations.

DEFINITIONS:

1. The word "Customer" shall mean any person, firm, corporation, body politic or organization of any type supplied with water by the Newport Water Department.
- 2 The word "Department" shall mean the Newport Water Department as represented by The Town Manager, Water Commissioners or Selectmen.
- 3 The "Main Pipe" is the water main so-called, from which service connections are made to supply water to customers.
4. The "Service Pipe" is the pipe running from the main pipe to the building or meter on the premises of the customer.
5. The word "Lien" shall mean the statutory lien of the municipality as defined in the Revised Laws of New Hampshire 1955, Chapter 38, Section 22.
6. The word "superintendent" shall mean the Town of Newport Water /Sewer Department Superintendent or his designated representative.
7. The word "agent" shall mean Town officials authorized to approve water/sewer applications and access charges/fees

RULES AND REGULATIONS

1. APPLICATION FOR SERVICE

Applications for water service will be made at the Town Office of Planning and Zoning (TOPAZ) on the forms provided. An acceptance by the Water Commissioners, or their agent, of the application shall constitute a contract between the Department and the applicant obligating the applicant to pay the Department its established rates and charges and to comply with the rules and regulations.

The Department reserves the right to determine the size of the water service pipe.

Applications will be accepted subject to there being an existing main in a street or right-of-way abutting on the premises to be served, but acceptance shall in no way obligate the Department to extend its mains to service the premises excepting as hereinafter provided.

2. INSTALLATION, OWNERSHIP AND MAINTENANCE OF SERVICE PIPE

All service pipes, including the shutoff, within the limits of the highway, except seasonal surface service pipe, shall be installed and maintained by the Department. The cost of installing the service pipe within the limits of the highway shall be charged to the customer. This shall include all labor, machinery, and material cost. From the limits of the highway to the building, the service pipe shall be installed and maintained by the customer. All service pipes, between the shut off and the building wall, shall have a minimum cover of 4-1/2 feet.

Two valves, the first to be located inside the building wall, the second valve adjacent to and on the house side of the meter, permitting control of the water supply, a backflow preventer and a pressure relief valve are required.

Two valves shall be of make and type approved by the Department. For this installation and maintenance thereof, the customer shall employ a licensed plumber and all work shall be performed in a manner satisfactory to the Department. If any defects in workmanship or materials are found, or if the customer's service has not been installed in accordance with such specifications or with the Department's requirements, water service either will not be turned on or will be discontinued if such defects are not remedied.

3. TRANSFER OF WATER SERVICE

Whenever an owner sells or transfers property for which application for service has been granted, the owner shall promptly notify the Department in writing, giving the name and address of the new owners who must forthwith make application for future service. A lien for water furnished to the prior owner, as set out in Sec. 12 of these regulations, continues against the prior owner until such time as the Town Manager and/or Water Commissioners receive notice in writing of the transfer of the property, and such lien continues for one year against the subsequent owner of the property. This lien is also effective against mortgages, attaching creditors or any other person who claims by, from or under the owner who has made application for the service to be rendered.

4. ALTERATIONS IN PIPES

No customer shall install any additions or alterations of any service pipe or pipes for any purpose not mentioned in the customer's application without first giving written notice to the Department.

5. WORK ON CUSTOMER'S SERVICE

The Department will only work on a customer's service in cases of emergency as determined by the Superintendent. At the completion of the work, a bill will be rendered to the customer.

6. TEMPORARY SERVICE

Application of builders, contractors, real estate developers and others for temporary water service will be accepted, and temporary water service will be supplied providing it does not interfere with use of water for general purposes. The quantity of water taken for such purposes shall be determined either by meter or by estimate, and shall be paid for in accordance with the rate schedule applicable to metered general purposes. Customers requiring temporary water service shall reimburse the Department for all its expense in connection with providing the necessary temporary service connections.

7. SEASONAL SERVICE

Seasonal service is one which supplies premises for only a portion of the year. Surface service pipes will be installed and maintained at the expense of the customer. Water furnished through surface pipes will be furnished only from April 15 to October 15, except that the Department may render service before and after these dates if deemed advisable.

8. WINTER PROVISIONS

The Department shall not be required to install any service lines or service connections between October 15 and April 15, except by special arrangement, in which case the customer shall pay for the excess over normal costs.

In those cases where customer-owned service pipe and/or main is frozen, the thawing shall be done by the Department at the expense of the customer, if the Superintendent deems the situation requires such action

or the customer is unable to make private arrangements. To avoid a recurrence, the Superintendent may order an examination of the customer's service pipe and/or main, and if the same is not a depth of four and one-half feet (4-1/2 feet), as required, the Superintendent reserves the right to require it to be so relocated before service is resumed, allowing for climatic conditions. If the problem is a recurrence and the customer took no corrective action after originally being so advised by the Superintendent, the Superintendent reserves the right to permanently discontinue service until proper action is taken by the customer.

9. JOINT USE OF SERVICE PIPE TRENCH

Water service pipes will not be placed in the same trench with gas pipes, electric conduits, sewers, or similar structures except under special conditions and only with prior approval of the Department.

10. MAINTENANCE OF PLUMBING

All customers shall maintain the plumbing and fixtures within their own premises in good repair and protected from freezing at their own expense. They shall make any repairs which may be necessary to prevent leaks and damage. No cross—connection between the public water supply system and any other supply will be allowed. No connection capable of causing backflow between the public water supply system and any plumbing fixture, device or appliance, or between any waste outlet or pipe having direct connection to waste drains will be permitted. If the owner of the connection fails or refuses to break or properly protect the connection after written notice, the Department shall discontinue service by making a definite break in the service pipe until the connection has been properly broken or protected.

11. SAFEGUARDING USE OF HOT WATER TANKS

All customers having direct pressure hot water tanks must place proper vacuum and relief valves in the pipe system to prevent any damage to such tanks should it become necessary to shut off the water on the street mains. The Department will not supply water to premises where direct pressure hot water tanks or appliances are used except at the risk of the customer.

12. BILLS PAYABLE

Bills for water service will be due and payable quarterly. The failure of the customer or the customer's agent to receive notice of the customer's water bill does not relieve the customer from the obligation of its payment nor from the consequences of its non—payment. All charges are due and payable upon presentation of the bill and are past due thirty (30) days after the postmark of the bill. If payment in full of account is not made within the prescribed period after the bill is rendered, a charge of six percent will be added to the charge shown on the bill. Under the provisions of RSA, Chapter 38, Section 22, all charges as water rates for water shall become a lien upon any real estate where such water is furnished, and said lien shall continue for one year from the last item in said water rate; and said lien may be enforced by a suit in behalf of the Department, ordered by the Town Manager and/or Water Commissioners in charge of the plant against the owner of such real estate. The records in the office of the Water Department of the water furnished as aforesaid shall be sufficient notice to maintain suit upon such lien against subsequent purchasers or attaching creditors of said real estate.

When customer's credit is, or becomes, impaired, the Department may, when it deems it necessary to guarantee payment of current bills, require a deposit. Such required deposit shall not exceed the amount of an estimated billing period provided, however, that a minimum deposit of \$10.00 may be required, such deposit to be refunded when the customer has established credit.

Upon termination of service the Department shall have the right to apply any deposit in payment of any billing in arrears if such billing shall be unpaid for a period of thirty days beyond the due date. Retention of the deposit by the Department shall not constitute a waiver of its rights otherwise to enforce collection of payment in accordance with the Terms and Conditions hereof.

14. ACCESS OF PREMISES

The officers or agents of the Department shall have a free access to all premises supplied with water, at all reasonable hours, to permit the inspection of plumbing and fixtures, to set, remove or read meters, to ascertain the amount of water used and manner of use, and to enforce these Rules and Regulations. Service may be discontinued by reason of non—payment of water bills or for violation of any rule or regulation contained herein. Services once discontinued may not be reconnected until reconnection fees,

plus arrearages, if any, have been paid. The reconnection fees shall be the same as inspection fees contained in the Town of Newport, N.H. Water and Sewer Access Fee Ordinance. Any bill not paid within thirty (30) days after due shall be considered delinquent. Before service is discontinued, written notice to that effect shall be sent to the customer, at least forty-eight hours in advance, except that service may be discontinued without notice in case of fraudulent use or violation of Rule #10 of these Rules and Regulations.

16. NO LIABILITY FOR INTERRUPTED OR UNSATISFACTORY SERVICE

If, by reason of shortage of supply or for the purpose of making repairs, extensions or connections or for any other reason beyond the control of the Department, it becomes necessary to shut off water in the mains, the Department will not be responsible for any damages occasioned by such shut off and no refunds of charges will be allowed unless the interruption is in effect for a continuous period in excess of ten days, in which case a proportional refund will be made. Notice of shut off will be given when practicable, but nothing in this rule shall be construed as requiring the giving of such notice.

The Department will not be responsible for damage caused by dirty water, which may be occasioned by cleaning of pipes, reservoirs, or standpipes, or the opening or closing of any gates or hydrants when the same is due to no lack of reasonable care on the part of the Department.

17. RESTRICTION OF WATER USE

The Department reserves the right, in period of drought or emergency or when deemed essential to the protection of the public health, safety and welfare, to restrict, curtail or prohibit the use of water for secondary purposes, such as sprinkling, car washing, or filling swimming pools, and shall have the right to fix the hours and periods when water may be used for such purposes.

18. UNAUTHORIZED USE OF WATER

Use of water is confined to the premises named in the contract. No customer shall supply another not entitled to the use of water, nor shall the customer use it for any purpose not mentioned in the customer's application. No person shall obtain water service from any hydrant, fountain, or other fixture of the Department without previous consent of the Department.

Any person whose quarterly bill seems higher than usual may request the Department to test their meter. Should the meter be found faulty and because of its inaccuracy caused an overcharge to be made, this overcharge may be abated or applied toward the next quarter bill.

Should a mistake be made in the meter reading or the mechanics of figuring the bill, the customer may make application to the Department for an abatement.

The final approval for accepting or rejecting an application for abatement lies with the Department.

20. METERS

The Department will install meters for every building served by the municipal water system.

A. METER SETTING:

All meters shall be set, as nearly as possible, at the point of entrance of the service pipe to the building, and the customer shall provide and maintain a clean, dry, warm and accessible place therefore. The cost of meter and meter setting shall be borne by the Department. Meters once set may be changed in location at the request of the customer, only at his expense, and the work may be done only by an agent of the Department.

B. METER BOXES:

When the customer fails or neglects to furnish a suitable location for meter inside the customer's building, or where for other reasons it is necessary or expedient to locate the meter in an underground box or vault, the customer shall bear the expense of same.

C. REPAIRS:

Meter repairs or replacements necessitated by ordinary wear will be paid for by the Department. Those caused by freezing, hot water, or by natural fault of the customer will be charged to the customer.

D. AUXILIARY METERS:

If additional or auxiliary meters are desired by the customer for showing subdivision of the supply in a residential or apartment building, the customer shall furnish, install and maintain them at the customer's own expense. Such auxiliary shall be installed after the municipal meter. The Department shall not read or bill the auxiliary meters located in residential or apartment buildings.

Owners of commercial or industrial properties who desire auxiliary meters must furnish, install and maintain them at their own expense. Auxiliary meters in commercial or industrial properties may be connected ahead of the municipal meter. The Department, on request from the owner of such commercial or industrial property, will read and bill these meters separately and render an annual fee to cover cost of reading, billing, posting and mailing.

E. FAILURE TO REGISTER:

If a meter fails to register, or if it is removed for the purpose of making repairs, the Department will make a charge for the water used based on an average of the amount registered over similar periods, preceding or subsequent thereto.

F. TESTING:

Meters will be carefully tested before installation. Thereafter, meters will be tested free of charge at the request of the customer provided such request is not made more frequently than once in twelve (12) months.

If tests are requested more frequently than every twelve (12) months, the Department may require the customer to make a deposit which will cover the reasonable cost of the test. If the meter is found to over-register more than two percent (2%), the deposit will be refunded, together with the percentage of error computed for the duration of the last billing period. If the meter is found to under-register more than two percent (2%), the customer will be charged such percentage of error computed for the duration of the last billing period. If the meter registers within two percent (2%), plus or minus, it will be deemed correct, and the deposit will be retained by the Department. The customer may be present when the Department conducts the test on the customer's meter, or if the customer desires, send an expert or other representative appointed by the customer. A written report, giving the result of such test, shall be made to the customer.

21. SWIMMING POOLS

Pools may be filled from a public hydrant with the consent and supervision of the Water Department. Pools filled from public hydrants shall be billed by flat rate based on an estimated size of the pool in gallons. Should a pool be filled with water passing through a water meter the home owner may make application to the Department for abatement of sewer charges equal to the gallonage of the pool.

22. PUBLIC HYDRANTS

Hydrants may not be used for any purpose other than the extinguishment of fires or for such other purposes as may be agreed to by the Department, but in no case shall hydrants be opened by any person other than an agent of the Department, Fire Chief or any regular appointed fireman of the Town. After any hydrant has been opened the Department shall be notified so that the hydrant can be pumped out.

All gates, valves, shut of fs, and standpipes which are the property of the Department are not to be opened or closed, or in any other way tampered with, by any person other than an authorized employee or agent of the Department.

24. FIRE PROTECTION

A. NEW CONSTRUCTION

When determined by the Fire Chief and/or the Superintendent that any new building(s), such as new developments, warehouses, housing complexes, etc., will not be adequately protected by existing hydrants, the owner and/or developer shall install hydrant(s) to protect such building(s).

The location of the hydrant(s) shall be determined by the Fire Chief and the Superintendent and shall be connected to a looped main pipe. If the hydrant(s) are not located near the main pipe, the owner and/or developer shall install a looped main pipe, of size determined by the Superintendent and the Fire Chief, to supply the hydrant(s).

B. PRIVATE FIRE PROTECTION

Customers desiring private fire protection, such as in a private development, should first contact the Fire Department for approval of hydrants, etc., and with the Department for availability of mains, etc. No private fire connection will be made on a water main of less than six inches (6") in diameter and no private fire connection service itself shall be less than six inches (6") in diameter. No private fire connection service is to be used for any purpose other than fire protection, and no other connections will be allowed to the pipes of the fire protection system.

C. SPRINKLER SYSTEMS

Fire Department and Department approval is required prior to installing new sprinkler systems. Any system that contains chemicals should be isolated from the potable water supply by a reduced pressure principle device or an air gap. As a minimum, new wet and dry sprinkler systems should be isolated from the potable water supply by a double check valve.

If retrofit of existing sprinkler systems containing no existing chemicals is desired, and in the judgment of the Superintendent and Fire Department it is feasible, retrofit to current standards should occur.

If retrofit is not feasible, such as where fire flows would be severely impaired by the retrofit of double check valves where single checks exist and/or access to the plumbing system for retrofit may not be realistically possible, continuation of existing fire systems that do not have a high degree of hazard may be allowed under certain conditions.

These conditions include, but are not limited to:

- 1) Semi-annual inspection and testing of existing devices;
- 2) Semi-annual inspection of the fire protection systems to verify the absence of chemicals and that no major changes have occurred;
- 3) A written commitment by the building owner to upgrade the level of cross connection protection to current standards if any major building and/or plumbing modifications are made that would allow such an upgrade.

Customers will be charged a flat fee based on the size of the main sprinkler line, such charges to be subdivided and billed in equal amounts in accordance with existing billing periods (quarterly, semi-annually, etc.).

25. WATER MAIN EXTENSIONS

Extension of the main pipe shall be made only upon written request to the Department by persons or prospective customers and subject to such terms and conditions as the Water Commissioners shall impose, but in no event shall the pipe be extended except in highways, streets and roads which are public highways under the provisions of the laws of the State of New Hampshire. The cost of such extension shall be borne by the customer to such extent as shall be determined by the Water Commissioners, and a contract shall be executed by the customer prior to the commencement of the extension or further installation.

Water main extensions shall be constructed of cast iron, ductile iron class 52, or PVC class 200 AWWA C900 pipe. The specific materials to be used must be inspected and approved prior to construction and burial, by the Director of Public Works or the Superintendent. It is the permit holder's responsibility to notify the Department, in writing, when materials are available for inspection prior to installation. **THE MATERIALS MUST MEET AMERICAN WATER WORKS ASSOCIATION SPECIFICATIONS .** When PVC pipe is utilized, a metallic strip will be laid along the top of the pipe to ensure rapid location after burial.

The Town Manager has the right to deviate from these specifications upon extenuating circumstances and with consent from the Board of Selectmen.

26. ESTABLISHMENT OF RATES

Rate chargeable by the Department for water and payable by the customer shall be determined by the Town Manager and/or Water Commissioners based upon recognized accounting methods and to fairly distribute the burden of maintenance of plant and other costs upon respective customers, other costs including investment charges and any excess of expenditures over incomes based upon predetermined rates and commonly designated as a deficit.

27. GENERAL RULES

The provisions of these Rules and Regulations are declared to be severable and if any provision hereof is held invalid, that shall not affect the other provisions hereof which can be given effect.

The Board of Selectmen or their authorized agents shall have the same powers as the Town Manager as enumerated herein in the event that the Town Manager Plan is rescinded.

Customers on flat rate must prevent all unnecessary waste of water. They shall not allow it to run to prevent freezing or longer than necessary for proper use. The Town Manager and/or Water Commissioners shall decide what constitutes waste or improper use and shall restrict same when necessary.

The size hose nozzle used for sprinkling lawns or gardens shall not be restricted for metered customers. Customers on flat rate schedules will not be allowed the use of hose for these purposes unless equipped with a nozzle not over one— quarter inch (1/4") in diameter. When necessary to conserve supply, the Department may restrict or prohibit the use of both hose and sprinklers.

If requested by the customer, the Department shall shut off, and turn on, the supply of water at the curb service box and will remove, store and replace the meter without charge to the customer.

Acceptance of service by the customer shall be on the express condition that the Department shall not be liable for any damages caused by bursting of pipes, collapses or leakage of customer's equipment; nor for any leakage from any pipes, fixtures or other appliance wherever located between the main pipe and the point of leakage for any cause whatsoever.

The Department shall not be liable for damage to fences, walls, shrubberies, walks, lawns or any other portion of the customer's premises occasioned by work or installations by the Department under the direction of the Superintendent. The Superintendent will ensure damage is kept to an absolute minimum within the extent of the work required.

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