

CHAPTER 16 WATER SERVICE REGULATIONS

1600 Purpose

The purpose of this Chapter is to regulate the use, consumption, and operations of the municipal water system in the Town of Exeter pursuant to RSA 38. It is the intent of the Town that this Chapter shall bind all customers as hereinafter defined to take water only in accordance with the provisions of this Chapter, and any customer, by taking water, shall be considered as expressing his assent to be bound by this Chapter.

1601 Definitions

- A. The word "**Board**" shall mean the Board of Selectmen.
- B. The word "**Manager**" shall mean the Town Manager.
- C. The word "**Department**" shall mean the Public Works Department of the Town of Exeter.
- D. The word "**Customer**" shall mean any firm, person, corporation, body politic, or organization of any type supplied or taking water from the Exeter Water System.
- E. The word "**Main Pipe**" is the main water pipe so-called, from which service connections are made to supply water to customers.
- F. The word "**Service Pipe**" is the pipe running from the main pipe to the meter, including all pipe, fittings and valves necessary to make the connection, both domestic and fire.
- G. The word "**Shut-Off**" shall mean the valve located on the service pipe immediately before the water meter.
- H. The word "Lien" shall mean the statutory lien of the municipality as provided by RSA 38:22.
- I. The word "**Curb Stop**" shall mean the valve located on the service line at or near the public right-of-way line and used to shut off the water service outside the premises being served.
- J. The word "**Water and Sewer Division**" shall mean the Water and Sewer Division of the Public Works Department of the Town of Exeter.
- K. The words "**High Hazard**" shall mean that if a backflow were to occur, the resulting effect on the water supply could cause illness or death if consumed by humans. The foreign substance may be toxic to humans either from a chemical, bacteriological or radiological standpoint. The effects of the contaminants may result from short or long-term exposure.
- L. The words "**Low Hazard**" shall mean that if backflow were to occur, the resulting effect on the water supply would be a change in its aesthetic qualities. The foreign substance must be non-toxic to humans.

1602 Procedures

- 1602.1 No person, firm or corporation shall take water from any hydrant, main, blow-off, or outlet without the express permission of the Town of Exeter.

1602.2 Methods of Authorization:

- (a) Application for metered service,
- (b) Bulk purchase at Treatment Plant may be purchased upon approval of the Public Works Director and paid for at prevailing rates,
- (c) Special application for metered or bulk use from hydrant only if approved in writing by the Town Manager.

1602.3 Application for metered service. Application must be made at least two business days before service is required to allow for proper scheduling and notification. In general, a minimum of two business days is required for requests with the Water and Sewer Division, excepting emergency situations. Line location requires seventy-two (72) working hours advance notice. All persons requiring metered service shall make application in the following manner:

- (a) **New Service:** On the applicable forms, make application to the Town and pay the appropriate fees for the following (a licensed contractor must do the installation).
 - 1. Entrance Permit
 - 2. Excavation Permit
 - 3. Special Meter, if applicable
 - 4. Sign the application authorizing inspections and agreeing to payment of fees.
- (b) **New owner existing service:** On the applicable forms, make application to the Town to have service placed in the name of the new owner and sign the application authorizing inspection and agreeing to payment of fees.
- (c) **Replace existing service:** On the applicable forms, make application to the Town and pay the appropriate fees for the following (a licensed contractor must do the installation):
 - 1. Inspection Fee
 - 2. Digging Permit

1602.4 No person shall uncover, repair, connect, make any opening into or use, alter or disturb in any manner any part of the Water system without first executing an "Application for Water Service Work" from the Public Works Department and paying all applicable fees. All work must be performed and completed in accordance with all applicable regulations by persons who are: 1) certified and employed by firms that hold a valid "Utility Pipe Installers" license, or 2) with special permission of the Public Works Director, a residential building owner doing work for themselves, at their residence. Utility pipe installers shall maintain minimum insurance coverage in accordance with Selectmen's

Policy 96-05.

1602.5 Inspections Required

No person, firm or corporation shall install any water mains, services, or devices connected to the Town system that are in conflict with AID, AWWA, and NH WSPCC regulations, nor shall they engage in excavation backfill or pipe fitting methods that will or may cause damage to the system or public way. Installation and construction work shall be inspected by an authorized representative of the Town.

Water division employees, upon showing of town identification card, shall be allowed access to the customer's premises after reasonable notice during normal working hours of examination of pipes, fixtures, connections, and quantity of water used and the manner of use. In case of emergency, no prior notice need be given and, in the event of refusal of entry, application can be made to the Courts for an appropriate order with all legal costs being charged to the customer.

1603 Installation

The purpose of this section is to define, in general terms, the methods of installation required for the Exeter Water System. The Public Works Director shall annually publish rules and regulations that specify exact construction and plumbing methods. These are entitled "Standard Specifications for Construction in Exeter, New Hampshire."

1603.1 Mains

Extension of the main pipe shall be made only upon written request to the Board of Selectmen by persons or prospective customers and subject to such terms and conditions as the Board of Selectmen shall impose, but in no event shall the main 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 and public rights-of-way acceptable to the Selectmen. The cost of such extension shall be borne by the customer or developer to such extent as shall be determined by the Board of Selectmen and a contract shall be executed by the customer or developer prior to the commencement of the extension or further installation. Any extension of the mains in the Town shall be with the approval of the Board of Selectmen and the Planning Board, and may be at the expense of the developer or customer.

Construction of mains shall be in accordance with current EPA, AID and AWWA standards.

1603.2 Service Pipes

- a. Location: Service pipe connections will be made only from the street which is the legal address of the premises served.

- b. **Installation, Ownership and Maintenance:** All service pipes shall be gated on Municipal property. All service pipes, including the curb-stop within the limits of the highway, shall be owned and maintained by the Town. The cost of the initial installation, including materials, of the service pipes including the curb-stop within the limits of the highway shall be paid by the customer. From the limits of the curb-stop to the premises serviced, the service pipe shall be installed, owned, and maintained by the customer. The materials and fixtures shall have been approved by the Water and Sewer Division, prior to installation. Exterior lines shall maintain five feet of cover. The service shall extend at least 24 inches inside the premises to allow for meter shut-off and fitting.

When a service is installed from a water main which is located in a highway controlled by the State of New Hampshire, Division of Public Works and Highways, and said Division of Public Works and Highways requires, the service shall be installed by boring the roadbed beneath the surface.

The cost of the installation shall be at the customer's expense. All installations shall be in a manner approved by the Water and Sewer Division and for all future services, the pipe shall not be less than 3/4" outside diameter. On future installations or reinstallation of service lines, only one customer will be supplied through one service pipe. Where more than one customer is now supplied through one service pipe, and under control of one curb stop, any violation of the rules of the Town by either or any of the customers so supplied shall be deemed a violation by all and the Town may take such action as could be taken against a single customer, except that such action shall not be taken until the innocent customer who is not in violation of the Town's rules has been given a reasonable opportunity to attach his pipe to a separately controlled service connection. The violator shall be responsible for all costs.

- c. **Joint Use of Service Pipe Trench:** Joint use of water service pipe trench for multiple service pipes will be allowed in a four-foot trench with 18" horizontal separations.
- d. **Temporary Service Connection:** Temporary service is one installed to any building or trailer not placed on a permanent foundation, or to a garden, or for other temporary use. The whole cost of installation from the nearest available main, and maintenance shall be at the customer's expense.
- e. **Thawing:** When it becomes necessary to thaw a frozen service pipe and it cannot be determined where it is frozen and the Town, at the customer's request, undertakes to thaw the same, one-half of the cost thereof shall be paid by the customer.
- f. **Maintenance of Plumbing:** Customers shall maintain the plumbing and

fixtures within their own premises in good repair, free from leaks, and protected from freezing, at their own expense; and for failure to do so service may be disconnected. Any relocation of the service pipe on customer's premises due to change in grade, relocation of grade or otherwise shall be at the customer's expense, and in no event shall the Town be responsible for any damage done by water escaping therefrom.

- g. Installation of stops, waste devices, and other elements of the water system within a customer's building may be subject to an inspection by the Town. All such installations shall be in compliance with BOCA Building Codes.
- h. Fluctuation of pressure by customer's apparatus: No customer shall install or use water consumption apparatus which will affect the pressure or operation conditions so as to interfere with the service of another customer. Where a customer has or proposes to install apparatus which requires water in sudden and/or material quantities, impairing pressure to the detriment, damage, or disadvantage of other customers, the Water Division reserves the right to require such customer to install devices or apparatus which will confine such fluctuation of demand or reduction of pressure to reasonable limits determined by the Water Division.

If a customer, after receiving written notice from the Water Division fails to present an acceptable remedial plan to confine fluctuation of demand or reduction of pressure within the limits set by the Water Division, that customer's water service will be discontinued.

- i. Emergency Turnoffs: Emergency turn-offs, at the customer's request, will be attended to as soon as possible at any time of the day. Turn-offs, in the event of any type of disaster or unattended home where a leak is discovered may be carried out without notifying the customer.
- j. Alteration 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 Water Division and obtaining its approval.

1603.3 (a) Cross Connections

No cross connection between the public water system and any nonpotable supply will be allowed unless protected by a system specifically designed for this purpose, and the connection is approved by the Water Division and by the N.H. Water Supply & Pollution Control Division. No connection capable of causing back-flow 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 Water Division discovers such a connection, service will be discontinued immediately.

All customer service shall be protected with a device commensurate with the degree of potential hazard. All such devices shall be located at the service entrance and all water consumption within the premises shall pass through the protective device. All owners of backflow prevention devices must have a valid permit issued by the Town for each device.

1603.3 (b) Back Flow Prevention Devices

An approved backflow prevention device shall be required on a commercial and industrial enterprise using municipal water. Said device shall be purchased and maintained by the owner of the enterprise. Said device shall be inspected by the Water and Sewer Division or its agents as follows: High hazard should be tested every six (6) months; Low hazard should be tested every twelve (12) months. The cost of said inspection will be billed to the owner.

1603.3 (c) Method of Connections

The Public Works Director shall annually publish such rules and regulations as are necessary to describe the methods of cross connection and back flow prevention for services connected to the Town system. These will be found in the "Standard Specifications for Construction in Exeter, New Hampshire."

1603.4 Fire Protection Devices

Hydrants and Gate Valves: No person(s) shall at any time, operate a fire hydrant or gate valve even if said hydrant or gate valve is owned privately. Hydrants or valves can only be used:

By the Water and Sewer Division personnel or designees,
By fire fighters testing, filling fire trucks after a fire, at a working fire, or other emergency.

Private Fire Protection: An application for private fire service must be submitted to the Director of Public Works, or his designees, for approval and must be accompanied by a plan of the proposed piping system, together with a statement telling for what other purposes the system might be used. Fee will be charged in accordance with the fee schedule.

All fire protection service pipes, including those that have the dual purpose of providing regular water service in the right-of-way and on private property, shall be furnished, laid, connected and maintained by the customer in conformance with town ordinances and regulations. All water supplied through fire service pipes may, at the option of the Water Division, be metered and special measuring or detecting devices may be installed, and all such meters and devices may be approved, furnished, and set by the Water Division at the owner's expense. Where a standpipe, reservoir, pump, tank, or cistern is used, it shall be constructed so as to shield and protect the water

from all possible contamination according to complete plans submitted to and approved by the Water Division.

In construction of stand pipes, reservoirs, pumps, tanks, and cisterns, provision shall be made for means of easy access to their interiors by the agents of the Water Division for the purpose of inspection and to permit cleaning as required by the Water Division. Also, a draw-off pipe shall be fitted for the purpose of draining off all the water periodically for inspection. Such draw-off pipe shall not be connected with a sewer, drain, or outlet in anyway that would permit pollution of the public water supply.

Private fire service and fire apparatus connected therewith may be tested by the owners or by the insurance inspectors under the following conditions:

Notice to be given to the Water Division and Fire Department, and the date and hour agreed upon by the departments,
Conducted in the presence of a Water Division and Fire Department Agent,
Cost of the Water Division Work to be paid by the owner.

The Board of Selectmen in no manner guarantees to furnish proper quantities of water through any public or private fire service, nor does it undertake to guarantee anything relative to that service.

1604 Metering

- 1604.1 All services connected to the Town system shall be metered. The sizes, types, and requirements for meters shall be determined by the Water Division. No person, except a duly authorized agent of the Water Division, shall set, take off, or repair a water meter.
- 1604.2 The customer shall supply a dry, easily accessible place so the meter can be worked on, read, and inspected. Meters shall be set, as nearly as possible, at the point of entrance of the service pipe.
- 1604.3 When the customer fails or neglects to furnish a suitable location for a meter inside the 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.
- 1604.4 The Water Division will install all water meters up to 3/4" in size. The customer will pay the entire cost for meters over 3/4" and their accessories. All meters shall be the property of the Town of Exeter.
- 1604.5 For services up to 3/4" in size, meter repairs or replacements necessitated by ordinary wear will be paid for by the Water Division. Those repairs necessitated by freezing, hot water, willful damage, or other fault of the customer will be charged to the customer.

- 1604.6 Access to Meters: The customer, upon connection of service, shall be deemed to have granted permission for the reading, inspection, and installation of meters, including the installation of remote readers for meters. Failure to respond to meter replacement requests of any nature will result in a notice by certified mail notifying customers of a water shut off date in accordance with Public Works Operating Guidelines Section 5-501.
- 1604.7 Seasonal Meters: Meters will be removed, stored, and reinstalled when the customer requires such because of the nature of the business or the likelihood of freezing. Such installations will be subject to the normal turn-on/turn-off fees.
- 1604.8 Defective Meters: Upon request of a customer, the Water and Sewer Division shall test a meter to determine its accuracy, removing it, if necessary, from the premises of a customer. If the meter is found to be defective to the extent of a variance of more than two percent, no charge shall be made for the test and an adjustment shall be made on the water bill to the extent of the variance from the period beginning with the last scheduled reading to the date of the discovery of the variance. If the meter is found to be less than the two percent variance, the customer shall pay \$20.00 for the test. By request, the customer may be present when the testing is done.
- 1604.9 Meter Seal: All meters shall have a suitable seal affixed there-to, in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal. Disruption of seal will be cause for discontinuance of service.
- 1604.10 Second Meters: Upon request of a single-family, residential customer, second meters are permissible for the purpose of metering irrigation water that will not be discharged to the municipal sewer system in accordance with the following provisions:
1. Customer must make application and make payment of standard "Water-New Service" hook-up fee.
 2. All plumbing work must be done by a NH licensed Master Plumber and in accordance with the National Plumbing Code and Standard Specifications for Construction of Public Utilities in Exeter, NH and inspected by the Water Department.
 3. Customers must pay quarterly "Flat Rate" per size of meter for the duration of the second meter installation. Seasonal, intermittent payment of the flat rate fee is prohibited.
 4. No adjustments will be made for service fee for leaks or unwanted water usage.

1605 Fees and Charges

Customers shall be charged for services and water consumption in accordance with the prevailing rates established by the Board of Selectmen and published in the Town of Exeter Fee Schedule.

1605.1 Estimated Bill: In the event a meter stops because of mechanical failure, the customer shall be billed for the average consumption for the previous twelve (12) months.

1605.2 Charges:

Water rate - base consumption 10,000 gallons

Bulk Water Rate

Hook-up Fee on Individual Line

Hook-up Fee on Subdivision

Re-do Existing Service

Turn-on/Turn-off

After Hours Turn-on Fee

Meter Test Fee

Backflow Prevention Inspection Retest

Meter Repairs - parts cost

Rates to other towns

Rates for Special Contracts

Bad check - fine RSA 544-B

Bad Check Service Charge

1605.3 Payment Due

All charges are due and payable upon presentation of the bill and are considered past due thirty (30) days after the date of the bill.

Failure of a customer to receive water bills does not relieve the customer of the responsibility of making prompt payment upon notification.

Seasonal customers will not be eligible for service unless the previous years' bill has been paid in full.

1605.4 Deposit Required

The Town may require a deposit to cover the estimated costs of installation and other future obligations of the customer up to one year from the time service commences.

1605.5 Late Payment Charges

Amounts not paid within thirty (30) days shall be subject to a late payment charge of one percent (1%) per month on the unpaid balance (equivalent to a 12% annual rate). Late payment charges shall be calculated on the entire past due amount, for the delinquent period. Accounts that are unpaid after ninety (90) days are subject to service being shut off, and collection fees (including reasonable attorney's fees and costs) that may be incurred by the

Town shall be borne by the customer. Final notice of shutoff will be sent by certified mail - return receipt requested, cost of which shall be borne by the customer.

1605.6 Partial Payments

Partial payments equal to no less than one-third (1/3) of the unpaid arrears will be accepted, but the debtor must satisfy the entire balance within ten (10) working days. Failure to pay the balance will result in service shut-off, in accordance with Section 1605.5 unless waived by the Town Manager.

1605.7 The Water and Sewer Division, by supplying water, doing work or furnishing material, shall deal with only the owner of the premises, and such owner shall keep the division advised of the address to which bills, notices and communications may be forwarded. Although payment for service rates may be assumed by an agent or tenant, the owner of the premises will be held personally responsible for same. A change in ownership will not relieve the premises from payment of back bills; in case of forfeiture, the water may be shut off and will not be turned on again until all unpaid charges have been settled in full.

1606 Procedures in Non-payment Cases

Failure to pay appropriate charges will subject the customer to one or more of the following enforcement procedures:

1606.1 Shut off: Water service can be shut off in accordance with the provisions of 1605.5 of this Chapter.

1606.2 Civil Court Action: The Town may bring action in small claims court to recover the amount due for an unpaid water charge and the customer attorney's fees incurred by the Town.

1606.3 Lien: Under the provisions of New Hampshire RSA 38:22 (c), all charges for water services shall constitute a lien in favor of the Town of Exeter upon the real estate where the services were furnished and the lien shall continue for eighteen (18) months from the date of the last unpaid bill, unless the Town records in the Rockingham County Registry of Deeds a notice of lien, in which case the lien shall continue for six (6) years from the date of the last unpaid bill. The lien may be enforced in a suit by the Town against the owner of such real estate. In such a suit, the Town shall have the right to a judgment for per year charges, entered at the rate of 12 percent from the date of the last unpaid bill to the date of judgment, and costs. The records in the Water and Sewer Division shall be sufficient notice to maintain suit upon the lien against subsequent purchases or attaching creditors of real estate.

1607 Forms Required

From time to time, the Town Manager or Public Works Director may require

appropriate forms to be utilized to maintain accurate and effective records for the department. Forms issued as applications for service are bidding contracts when signed by or on behalf of the owner/customer.

1608 Violations and Enforcement

- 1608.1 Disconnection without notice: Service may be shut off without notice for any of the following reasons, if the Public Works Director or his authorized agents, determines that there has been:

Use of water for purposes other than described in the application,
Misrepresentation in the application,
Willful waste
Tampering with Utility property,
Vacancy
Cross-connecting the Utility's service pipe with any other supply source,
Refusal of reasonable access to property, or
Violation of any water bans imposed by the Board of Selectmen.

- 1608.2 Any violations of the provisions of these rules and regulations, or failure on the part of any customer utilizing the water to promptly pay any and all claims for service or other charges of the water division, shall be considered sufficient cause for shutting off the water supply of such customer and such supply shall not be turned on again until all such causes of complaint shall have been removed, including any additional work costs incurred for turning on or off the water.

1609 Damage and Liability

- 1609.1 The Water and Sewer Division reserves the right to shut off service temporarily whenever it becomes necessary to make extensions, alterations or repair, or to curtail the use of water whenever conditions so require. Notice of shut off for repairs to mains or service pipes will be given when practicable.

- 1609.2 The Water and Sewer Division will not be responsible for any damage claims or shutoffs in the mains or service pipes because of supply, setting, or removing meters, repairs, construction, or for other reasons beyond the control of the Division. Notice of shut off will be given when practicable, however, nothing in this rule shall be construed as requiring the giving of such notice. The Water and Sewer Division will not be liable for any damages from leakage or water escaping from any part of a customer's system. All customers having direct pressure hot water tanks or appliances must place proper automatic vacuum and relief valves in the pipe system to prevent any damage to such tanks or appliances, should it become necessary to shut off water on the street mains or service pipe. Water service will be provided to such direct pressure installations only at the customer's risk and in no case shall the Water Division be liable for any damage occasioned thereby.