



**The Waterville Estates Village District  
COMMUNITY WATER SYSTEM  
WATER ORDINANCE**

Adopted by the Waterville Estates Village District Commissioners

AUGUST 16, 2021

**The Waterville Estates Village District Community Water System**

**Campton and Thornton, New Hampshire**

**WATER ORDINANCE**

Regulating the Use of the Waterville Estates Village District Community Water System

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## **1. General Provisions**

All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "The Waterville Estates Village District COMMUNITY WATER ORDINANCE," herein alternatively referred to as the "Ordinance." This Ordinance is adopted pursuant to the powers granted generally by RSA 52:1 I (d) and 52:3, and pursuant to RSA 38, authorizing the District to regulate a community well drinking water system. These rules and regulations are adopted and supersede all previous water service rules and regulations concerning the Waterville Estates Village District ("WEVD" or "The District") water system.

- a. The duly elected WEVD Clerk shall file certified copies of the Ordinance, as well as certified copies of any additions and amendment to this Ordinance as may hereafter be adopted, in the municipal records and provide the same to the District Water Superintendent and any designated enforcement officers.
- b. The principal objective of the Water Works, as defined herein, is to provide a potable water supply, permitted by the State of New Hampshire, under efficiently managed conditions.
- c. If there is conflict between the terms of this Ordinance and any other applicable regulation, by-law, or ordinance, the stricter shall apply.
- d. The Ordinance shall comply with Title VI of the civil rights act of 1964 which prohibits discrimination in a Federally Assisted Program on the basis of Race, Color or National Origin.

## **2. The WEVD Commissioners**

- a. Waterville Estates Village District (WEVD) Commissioners shall be responsible for enacting regulations and policies governing the operation of the WEVD Community Water System. The Commissioners shall make and establish all needful water rates for control and operation of the water system. They shall carry out the duties specifically required of them under state law and the regulations and policies that they enact.
- b. The Commissioners shall be comprised of the WEVD Board of Commissioners.
- c. The provisions of this Ordinance shall be evaluated at intervals not exceeding five (5) years by the Commissioners to assess their continued applicability and appropriateness; to consider any recommendations proposed for their improvement; and to determine what changes, if any, are advisable due to advances in technical methods or processes of potable water treatment, storage, and transmission from the WEVD Water System.
- d. The Commissioners may contract to sell water to such customers outside of the WEVD boundary as they may deem beneficial, providing that there is, at the time such contract is made, water in excess of that necessary for use within the limits of the WEVD, and any such agreement shall not infringe on WEVD's ability to provide water to WEVD's residents.
- e. The Commissioners may prescribe emergency rules governing the supply and use of water as it may deem appropriate to accommodate water supply emergencies. Such rules shall be adopted at any duly held meeting of the District.
- f. The Commissioners shall adopt rules of procedure and shall comply with the requirements of RSA 91-A, pertaining to New Hampshire's open meeting and public records laws.

## **3. Definitions and Abbreviations**

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

- a. "Base Fee" shall mean the debt service, operations and maintenance cost, and included water allocation per Equivalent Residential Unit (ERU) over a specified time period that is assessed to the owner of each unit.
- b. "Capital Reserve" shall mean a type of account on a municipality's balance sheet that is reserved for long-term capital investment projects or any other large and anticipated expense(s) that will be incurred in the future.
- c. "Clerk" shall mean the duly elected WEVD clerk.
- d. "Cold Weather Construction" shall mean non-emergency construction work on the water system during the period from November 15 to April 15 of each year, especially work on distribution mains or service lines during this period.
- e. "Commercial" shall mean any building or use other than for residential purposes.
- f. "Commissioners" shall mean the Board of Commissioners of the WEVD duly elected by the WEVD voters or appointed when required.
- g. "Community Water System" shall mean a Public Water System as defined by the New Hampshire Water Supply Rules.
- h. "Connection Fee" shall mean the charge per ERU to connect to the water system.
- i. "Corporation Valve" shall mean the water shut off valve attached to the saddle at the water main, to which the water service line to the right-of-way (ROW) is attached.
- j. "Cross Connection" shall mean any direct or indirect pipe connection between the potable water supply and another supply of liquid or gas.
- k. "Curb Stop" shall mean the valve on the service line, typically at the edge of the Town highway right-of-way at the User's property, which provides water service to the User.
- l. "Customer" shall mean any Person responsible for payment of water service.
- m. "CWS" – Shall mean the Community Water System.
- n. "Development" shall mean any changes to real property that will result in any additional potable water usage and/or amended State Water or Waste Water Permit that increases the actual or potential potable water usage on the property.
- o. "Discontinuance of Water Service" shall mean deliberate interruption of water service by the District to the User for any lawful reason, including, without limitation for reason of delinquent payment, prevention of excessive water loss, to protect against contamination of the system or for tampering with water system.
- p. "Distribution Main" ("Water Main" or "Main") shall mean the primary supply pipe from which service connections are made, to supply water to the User through service lines.
- q. "District" shall mean the Waterville Estates Village District.
- r. "Emergency Termination of Water Service" shall mean execution of an immediate water service shut-off due to:
  - i. Water leakage between the curb stop and building;
  - ii. Discovery of a direct and unprotected cross connection;
  - iii. Unauthorized or excessive use or distribution of water;

- iv. Violation of special “restrictive use” orders issued by the District; and/or,
  - v. Any other situation that could contaminate or significantly deplete available water in the system or presents a risk of unreasonable harm, including financial harm, to the users or the public.
- s. “ERU” means Equivalent Residential Unit. The minimum allocation per property will be one ERU. Water customers other than single family residences shall have their ERUs calculated by dividing the estimated water use listed in the current version of the New Hampshire Water/Wastewater Rules by the current gallons per day as identified in the appendices.
  - t. “Extension of Water Main” shall mean any extension of distribution mains in accordance with the rules, regulations, standards and specifications of the District.
  - u. “Flushing Hydrant” shall mean any hydrant installed for the purpose of flushing the distribution system.
  - v. “Improved” shall mean any improvement to the property that will result in any additional potable water usage and/or amended State Water or Waste Water Permit that increases the potable water usage on the property.
  - w. “Institutional Facility” shall mean any individual self-contained facility deemed by the District to be important to the general health and well-being of the community. Such facilities may include municipal offices and facilities.
  - x. “Main Line” shall mean the distribution main conduit running from the distribution main to and including the curb stop at the property line of the User or to the edge of the right-of-way.
  - y. “May” is permissive, indicating a choice. “Shall” is mandatory.
  - z. “Municipality” means the Waterville Estates Village District.
  - aa. “Municipal Office” shall mean the place designated by the District to receive applications for service, receive payments of water bills and where public notices and notices of discontinuance of service are generated and posted. Location is currently 562 Winterbrook Rd Campton, NH 03223.
  - bb. “Municipal Representative” means a duly authorized member of the District or its designee.
  - cc. “Non-Transient Non-Community (NTNC)” shall mean a Water System as defined by New Hampshire Water Supply Rule.
  - dd. “Owner” means the person, firm, corporation, trusteeship, or governmental agency that has title to the property that is served by the water system and who is ultimately responsible for payment of all rates, fees and charges.
  - ee. “Person” shall mean any natural person, corporation, municipality, partnership, unincorporated corporation other legal entity, including the State of New Hampshire and any department, agency or political subdivision thereof.
  - ff. “Occupancy” shall refer to the Federal standard for determining the occupancy rating of a home which is the number of bedrooms plus one.
  - gg. “Property Owner” shall mean any person(s) identified as holding title to real property within the Waterville Estates Village District by recorded deed.
  - hh. “Reasonable Hours” shall mean between 8:00 a.m. and 8:00 p.m.

- ii. "Residential Unit" shall mean a livable abode, which includes, at a minimum, a kitchen or kitchenette, bathroom, and bedroom or other room that serves as sleeping quarters.
- jj. "ROW" shall mean right-of-way, and the legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.
- kk. "Saddle" shall mean the mechanism for attaching a smaller service line to a larger water main; a circular device bolted or otherwise attached to the water main through which a hole is drilled in the water main to supply water to the service line.
- ll. "Service Line" shall mean the conduit connected on one end to the corporation stop and the other end terminating just inside the User's building, at the service stop valve and including the connection to the water meter, to provide water service.
- mm. "Service Stop Valve" shall mean the valve installed on the service pipe after it enters a building and before the water meter.
- nn. "Subdivision" shall mean the division of any land, parcel, or area of land into two or more lots or parcels for the purpose of conveyance, transfer, improvement or sale, which may include appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use.
- oo. "Special Charges" shall mean all fees, waivers and penalties other than the Water Rates and the New Service Connection Fees.
- pp. "Superintendent, Operator, Water Operator" shall mean the designee of the District responsible for management and operation of the community water system and certified by the New Hampshire Water Supply Division (New Hampshire Department of Environmental Services, Drinking Water and Groundwater Bureau).
- qq. "Tap" shall mean any connection of a service line or extended main to the distribution main.
- rr. "Unconnected Properties" shall mean those properties, which do not receive water service, but are within the boundaries of the District.
- ss. "Usage Charge" shall mean the charge for water usage over the water allocation included in the base fee. A portion of the usage charge is intended to contain a capital reserve component.
- tt. "User" shall mean any person who receives water from the Community Water System (CWS) through a pipe connection.
- uu. "Water Rates" shall mean a scale of rates, developed by the District pursuant to RSA 38:28, for the defraying of the costs of acquisition, construction, payment of the interest on any debt incurred, management, maintenance, operation, and repair of water systems, or construction, enlargement, or improvement of such systems.
- vv. "Water Shut-Off Notice" shall mean notice of discontinuance of service
- ww. "Water Service Area" shall include the boundaries of the WEVD as adopted by the voters. For a map, see the Appendices.
- xx. "Water System - Consecutive" shall mean any water distribution system licensed by the State Of New Hampshire not owned by the parent community water system but served by the community water system.
- yy. "Water System - Municipal" shall mean the potable water system owned and operated by the municipality through its District. This system includes all sources, pipes, storage and treatment facilities that convey potable water between the source and the curb stop.

- zz. "Water System - Private" shall mean any water system located on the customer's premises or property not supplied or owned by the municipality and not part of the public water system. The system may be potable or non-potable.
- aaa. "WEVD" shall mean the Waterville Estates Village District. bbb. ABPA - Shall mean the American Backflow Prevention Association ccc. ANSI - Shall mean American National Standards Institute ddd. ASME - Shall mean American Society of Mechanical Engineers eee. ASSE - American Society of Sanitary Engineering fff. ASTM - Shall mean American Society of Testing and Materials ggg. AWWA - Shall mean American Water Works Association hhh. GPQ - Shall mean Gallons Per Quarter iii. IBC – Shall mean the International Building Code version currently adopted by the State of NH jjj. IPC - Shall mean the International Plumbing Code version currently adopted by the State of NH kkk. NEWWA - Shall mean New England Water Works Association, a section of AWWA III. NFPA – Shall mean National Fire Protection Association mmm. GSRWA - Shall mean the Granite State Rural Water Association

#### **4. Connection to Community Water System**

- a. The Water Service Area boundaries of the WEVD Community Water System are shown on the map in the Appendices. A larger and clearer copy of this map may be seen at the District Office.
- b. Any Property Owner that wishes to connect to the WEVD Community Water System may apply, by way of an accurate, complete and proper application, to be connected in accordance with the terms, regulations, and procedures set forth elsewhere in this Ordinance.
- c. Connected properties may continue to use existing wells and springs only for non-potable use and only if an inspection by the Superintendent for unpermitted cross-connections has occurred and a licensed plumber has certified that such cross connections do not exist.
- d. Connections to the water system shall be required for all new construction within the service area of the District where the property's boundary is located within 100 feet of a water main owned by the District and the home's foundation is within 500 feet of said water main.

#### **5. Application for Service**

Application for new service shall be made in writing to the District on the approved forms, provided in the Appendices. The owner of the premises who shall be responsible for payment of the connection fee and subsequent water charges shall make such application.

#### **6. Shut-Off and Restoration of Service**

Procedures regarding non-payment of Water Rates shall be administered in accordance with RSA 38:22. Except as provided in RSA 38:31, the District may shut off water service for violation of special "restriction of water use" notices, or for continued violation of these regulations. After correction of the cause for water shut-off by the customer and on request by the customer for restoration of service, a turn-on/reconnection fee, plus any other applicable unpaid fees shall be due and payable before service will be restored.

#### **7. Connection Assessment**

Per RSA 38:27, a connection fee shall be assessed ("Connection Assessment") and payable to the District, before a new service connection is constructed and only after the Commissioners have approved the

connection. The Connection Assessment shall include the costs of equipment furnished to the applicant by the District and a capital cost to offset the impact of the new user to the water system. The Connection Assessment shall be based on the new user's just share of the expense of constructing, acquiring, and operating the system. The Connection Assessment amount may be changed by the Commissioners during a public hearing of which all legal notices have been made. Water service shall not be provided until the owner has installed a meter in the building to be served. Whenever feasible, a meter shall be provided in accordance with applicable requirements within 15 working days of the District's receipt of a request for a meter installation provided all applicable fees have been paid to the municipality and the service line installation (including open trench inspection) work is deemed satisfactory by an appropriate representative of the District. The amount of the fees shall be established by the District, which is authorized to establish or amend water connection fees from time to time by majority vote of the Commissioners.

a. The WEVD Community Water System shall provide:

i. The meter

b. The property owner shall provide:

i. Excavation of the distribution main and tap. All work done on or around the water line must be done by qualified personnel approved by the District and meeting all AWWA standards. All approved contractors must provide a current Commercial Liability Insurance certificate to the District.

ii. A dual check backflow prevention device.

iii. A pressure reducing valve.

iv. Saddle, corporation, piping to curb stop and curb stop. (See section 8 Curb Stops)

v. Excavation of the waterline into the building vi. Labor and materials to install waterline from water main into the building vii. Labor and materials for all backfill including sand or stone fill around piping as required

viii. Inspection and approval of waterline by Superintendent is required prior to backfill. Note: The District and its agents will inspect the quality of the materials and their installation. They are not responsible for monitoring the safety practices of the installation contractors. This is solely the responsibility of the contractors and/or homeowners.

ix. Shut-off service stop valve on the building line (see Section 11 for specifications)

x. A typical connection layout is provided in the Appendices.

## **8. Curb Stops**

Curb stops shall be installed at the property line of the right-of-way in which the main water transmission line lies and shall be under the municipality's control and ownership and in accordance with the latest Water Supply rules. The Customer shall be financially responsible for the water service installation within the right-of-way for a period of 1-year after it was installed. The District shall be financially responsible for all repairs of the water service between the corporation stop and the curb stop, provided the connection was installed in accordance with the State of New Hampshire water supply rules, it was inspected by the District or its agent, and the service installation warranty has exceeded the 1-year period.

## **9. Ownership and Maintenance of Service Lines**

- a. The line from the water transmission main to the curb stop shall be owned, operated and maintained by the District. Should repair of District water lines on private property be required, the District's agent shall return the ground to its pre-work condition however, the District will not be responsible for restoring plants or other landscaping. Refer to Section 8, curb stops for specific information pertaining to new connections.
- b. The service lines shall be paid for, installed, operated and maintained by the owner. The cost of repairing or replacing the service line (from the curb stop to the building) shall be the responsibility of the property owner.
- c. The minimum service line diameter for a single-family residence shall be 1 inch; all service lines installed, and all fittings shall conform to AWWA Standards, ANR Water Supply Division rules and technical standards, New Hampshire Statutes and the District standards. The District may require a larger than 1 inch I.D. service line when the demand flow rate will exceed 15 GPM (gallons per minute) or at its discretion. In a new development, the District may permit the developer to install the water main if done in accordance with acceptable standards and under the supervision of the District.
- d. During the application for connection review process, the District may request service line hydraulic calculations be completed, given a property's location in distance and elevation from the water system. The customer shall be responsible for providing the appropriate calculations and shall hold harmless the District and Commissioners for inadequately sized water services and low pressure.

## **10. Service Line Leaks**

In the event a leak is discovered in a service line, water service shall be shut off by a municipal representative and restored after the repair is made. The owner of the service line is responsible for the cost of locating, repairing and/or replacing the service line. Also, if a service line is discovered or known by the District to be constructed of materials not meeting the Community Water System's materials standards, the District may require the owner to replace the entire line with approved pipe materials regardless of whether or not the line has leaked in the past. If the leak occurred prior to the water meter, the District may assess a special charge in accordance with this ordinance for unaccounted for water. The District shall estimate the water use based on line size and duration of the break. The property owner shall be responsible for paying all fees prior to having the water turned back on at the property.

## **11. Stop Valve**

Every water service line shall require a service stop valve (rated at 250 pounds per square inch pressure) located inside the building near the service entrance, easily accessible, protected from freezing, and installed on the inlet side of the water meter as close to the foundation wall as practical. The installation, maintenance, operation, repairs and replacement of this valve is the responsibility of the property owner.

There shall not be any connections in an incoming service line that are not metered. All residential water services shall conform to the "Typical Service" as specified in the Appendices. The District shall have the right to visit properties within the service area that are connected to the water system, and inspect the properties for both signs of cross connection or unauthorized use (refer to section 20-Access to premises). If either is noted by the Municipal representative, water service to the property shall be terminated until the violation has been remedied and all fines have been paid in full as defined by this Ordinance.

## **12. Cold Weather Construction**

New service or extension of mains shall not be constructed during the period November 15 to April 15 without prior cold weather construction approval of the District. The owner may be assessed an additional

charge as part of the connection fee to cover the additional expense incurred as a result of cold weather construction.

### **13. Denial or Postponement of Service**

The District may deny or postpone new service due to: cold weather, insufficient water, insufficient pressure, absence of a deposit for service line construction, absence of connection fee, to prevent contamination through a cross connection, or when the District determines the service line leaks or does not meet the material standards of the Community Water System.

### **14. Unauthorized Use of Water**

A customer shall not supply water to another party except as the District may permit such extended use in an emergency. A person shall not obtain water from any hydrant or other fixture of the Community Water System without the written approval of the District. Any violation of water use shall be grounds for discontinuance of water service until the matter is resolved to the satisfaction of the District and any and all required fees are paid to the District.

### **15. Restriction or Prohibition of Certain Water Uses**

When necessary to conserve the water supply, the District may establish regulations restricting or prohibiting the use of hoses, sprinklers and any other non-essential water use or water-using device for all customers in accordance with RSA 41:11-d. Prior to implementation, notice of the restriction regulations shall be posted in at least two places in the municipality where the public generally congregates or visits. Posting shall be made at least three calendar days before the restrictions are implemented, not including the day notice is posted. Notice shall also be posted in at least once in a newspaper of general circulation for the area. Unless an emergency order is required, a public hearing shall be held to adopt any restrictions or prohibitions. Violation of a municipal notice, directive, regulation, or order to conserve water by a customer after two written reminders by registered mail and electronic mail, when possible, by a District representative shall be grounds for immediate discontinuance of service. A hearing, if requested by the affected customer, shall then be held within five business days by the Commissioners to determine if the water will continue to be shut off or water service will be restored. If the Commissioners determine the shut-off was due to a violation of municipal notice to conserve, all applicable shut-off and reconnection fees shall apply. If it is determined that no violation occurred, then no shut-off or reconnection fees will apply and reconnection shall take place as soon as possible.

### **16. Maintenance of Plumbing**

To prevent leaks and damage, all customers shall maintain at their own expense the plumbing and fixtures within their own premises in good repair and provide protection from freezing. The cost of replacement or repair of a meter, backflow preventer, and/or pressure reducing valve damaged by freezing, or otherwise damaged by customers, occupants or others shall be paid by the customer on receipt of a bill submitted by the District. Water conserving devices meeting all applicable State and Federal standards should be used whenever fixtures and faucets are replaced.

### **17. Cross Connections, Protected**

A connection capable of permitting backflow from any other source of water to the public water system is prohibited. Such connections include, but are not limited to any plumbing fixture, device or appliance or from any waste outlet or pipe having direct connection to waste drains or an existing onsite potable water source. If the owner of the building involving such a connection fails or refuses to eliminate or properly protect the cross connection within a time period established by the District, water service shall be discontinued with all disconnection and reconnection fees applicable once the situation is remedied.

A cross connection shall not be created without the approval of the District. If permitted, it shall be protected against backflow and/or back-siphonage in accordance with accepted cross-connection control methods established by the New Hampshire Department of Health. All new commercial connections shall include an appropriate backflow prevention device installed between the meter and interior household plumbing. A dual check valve manufactured as per A.S.M.E. specification Number 1024 shall be installed at all domestic and small commercial services (under 15 GPM flow). Other backflow devices shall be installed at industrial, commercial, institutional or other services greater than 15 GPM flow as required by the District and as recommended by the New Hampshire Department of Health.

#### **18. Fluctuation of Pressures by Customers' Apparatus**

Customers shall not install water pumps or high-rate water consumption devices that will adversely affect the water system's pressure or operating conditions or use water so as to unduly interfere with the service of another customer. Where a customer has or proposes to install apparatus that requires water in sudden and/or large quantities, that will reduce the operating pressure in the main or service line substantially, or cause damage or inconvenience to other customers or damage to the water system, the District shall require the customer to install devices that will confine such fluctuation of demand and pressure to within reasonable limits determined by the District. If the customer, after receiving written notice from the District, fails to offer an acceptable remedial plan within a time limit set by the District, a hearing shall be held within five business days by the Commissioners to determine whether or not service will continue. If waiting five days for a hearing to be scheduled will, in the opinion of the Commissioners, pose a public health threat to other customers, then water service shall immediately be terminated until it is established at a hearing what action, if any, will be taken. Such action may include continued termination of service or restoration of service on receipt of disconnection and reconnection fees plus assurance of the installation of proper back flow or other devices to maintain pressure changes within an acceptable range.

#### **19. Safeguarding Water-Using Devices**

- a. All customers having hot water tanks or secondary systems supplied by automatic make-up valves shall install and maintain in operating condition appropriate backflow and temperature/ pressure relief valves to prevent damage to the water device or secondary system or their appurtenances should it become necessary for the District to shut off the water main or water service line and to protect against loss of pressure for any other reason. Water service supplied to any customer not providing such protective devices will be done at the customer's risk.
- b. A backflow device meeting Standard ASSE 1012 is required if a dual check valve meeting Standard ASSE 1024 does not exist on the boiler. The District shall not assume liability, and specifically disclaims any liability whatsoever, for damage resulting from backflow/pressure where the protective devices required by this section are absent or fail.

#### **20. Access to Premises**

Water system employees, contractual agents of the District, with suitable credentials and identification, and upon 24 hour notice to the building owner(s) and resident(s) (except in the case of an emergency), shall have access to all premises served water during reasonable business hours, between 8 a.m. and 8 p.m. for the purposed of inspecting plumbing and fixtures, identification of cross connections, to set, remove, or read meters, to ascertain the amount of water used and the manner of use, for measurement, sampling or testing purposes, or to enforce these regulations. In the case of an emergency, 24-hour notice is not required but reasonable effort shall be made to notify the owner/resident. If a customer or building occupant prohibits access to the premises, the customer or occupant must arrange for alternative access to occur within 24 hours, otherwise the District may direct that water service be disconnected on 48-hours written notice, with reconnection subject to all applicable fees. Reconnection shall not be made

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

## **21. Water Rates, Special Charges, and Connections Fees**

From time to time and at a minimum of every 5 years, the District shall establish Water Rates, special charges, and connection fees in order to provide for the efficient operation and financial stability of the water system. When, in the opinion of the Commissioners, existing rates, charges or fees must be revised, the District will notify ratepayers of its intent by way of a Notice published in a newspaper of local interest. Following such Notice, the District shall hold a public hearing to discuss the proposed revisions and to receive comments from ratepayers. After taking all comments into consideration, the District shall establish rates, charges and fees and will cause Notice of same to be published in a newspaper of local interest and posted at 3 places within the water system service area.

## **22. Water Rates and Responsibility of Property Owners**

- a. Pursuant to RSA 38:28, the District shall establish a scale of rates ("Water Rates") for the defraying of the costs of acquisition, construction, payment of the interest on any debt incurred, management, maintenance, operation, and repair of water systems, or construction, enlargement, or improvement of such systems.
- b. The property owner served by or having availability to the water system is responsible for payment of all charges for water service rendered to the property. The customer is obligated to pay at least the minimum base fee regardless of whether the property has been developed, the residence or business is occupied, or if the service has been temporarily suspended as a result of unpaid billing or is unoccupied due to the seasonality of the property. The minimum allocation per property will be one ERU. Any additional fees established on meter readings above the allotted quantity of water shall also be charged to the owner and are due and payable on presentation of a bill. If property is to be sold or transferred, the superintendent must receive a written request for a final meter reading for prorated bills at least two weeks in advance of the sale or transfer. The Water Rates, charges and fees shall be established by the District, which is authorized by RSA 38:27 and 38:28 to establish or amend said rates, charges and fees from time to time by vote of the Commissioners following a public hearing. Water service charges constitute a lien against the property served by the district system, collectible in the same manner as are property taxes.
- c. As water meters are being installed the District will develop a metered water rate. Until that time, the Water Rate shall contain two elements: the "Availability Charge" paid by all properties within the District service area who have a water main within 100 feet of its boundary line (with the exception of those properties who have a private water well at the time of adoption of this ordinance) and the "Usage Charge" paid by all residences connected to the water system based on a property's "occupancy" defined as the number of bedrooms plus one. Through a census of the water service area, the total number of "occupants" shall be determined annually.

The District shall establish a water system operating budget annually and determine an appropriate amount of capital funds required for repairs to and construction of the water system. The sum of these two figures plus a percentage (minimum 12%) for non-payment shall constitute the Basis for the Water Rate (Basis).

Sixty percent (60%) of the Basis shall be divided by the number of properties, including undeveloped lots within the District that have a water main within 100 feet of their boundary which will constitute the Availability Charge.

The other Forty percent (40%) of the Basis shall be divided by the total number of "occupants" to establish the Usage Charge. Residences which are connected to the water system shall be charged the Usage Charge multiplied by its occupancy.

### **23. Water Fund**

Pursuant to RSA 38:29, funds received from the collection of Water Rates, Special Charges and Connection Fees shall be kept in a separate and distinct fund known as the "Water Fund."

### **24. Billing Procedures**

Bills will be issued to the property owner periodically on a schedule set by the District, no more often than monthly or less often than annually, the amount of which will be in accordance with established rates. Said bills are due at the date provided and will be considered in arrears if unpaid within 30 days of the date appearing on the invoice. Interest will be charged to all bills in arrears at the rate of 12% per annum or the maximum rate allowed under state law, whichever is less. Bills in arrears shall be due and payable in accordance with procedures set forth in RSA 38.22. The WEVD General Manager or their designee shall send out water bills, receive payment for water charges, issue notices for disconnection of water, and otherwise assist the WEVD in the operation of the water department.

### **25. Disconnection of Service**

Bills for water service are due and payable when received as indicated on the statement and shall be considered delinquent when unpaid 30 days following the due date. Water service may be discontinued: 1) by reason of nonpayment of water bills; 2) to eliminate a health hazard; 3) for violation of any special-order restricting water use; 4) or for fraudulent use of water. If the customer requests a hearing, one shall be held by the Commissioners within five business days of the request to determine if water service will continue to be denied or, if to be restored, then under what conditions. Service, once discontinued, shall not be restored until the reason for discontinuance of service has been eliminated. Before service is discontinued for delinquency of payment, the Commissioners shall follow the procedure set forth in NH RSA 38. Notice for payment request and shut-off will be mailed at least 14 days in advance of the shut-off date. Shut-off on account of delinquency of payment will not be made on a day immediately preceding a Saturday, a Sunday, or a state or federal holiday. When the District dispatches an agent to affect a shut-off caused by delinquency of payment and, upon arrival, payment is made to the agent for all charges due including the collection fee as permitted under State law, service will be permitted to continue. If a violation of rules, or emergency incident results in a shut-off, a reconnection charge as indicated on the rate schedule will be assessed for resumption of service in addition to the disconnection charge if the problem is determined to be the responsibility of the customer except as provided in State law.

### **26. Interrupted or Unsatisfactory Service**

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

## **27. Meters and Related Apparatus**

- a. General: All water will be sold on the basis of a base and metered measurements. The customer will receive water through a meter upon written application to the municipality and after payment of all required fees. The size of the meter will, in all cases, be determined by the District and these rules.
- b. Meter Setting: Unless otherwise required by the District, all meters shall be installed at the foundation wall (or the mechanical room in the case of a slab on grade building, condominium unit or mobile home) where the building service line enters the building, and the customer shall provide and maintain a warm and accessible place for it, or in a meter pit. The piping arrangement for meter installations shall be in accordance with the requirements of the District, and shall conform to all Local, State and Federal Plumbing Codes.

A District representative must inspect and approve the water meter installation before water is permitted to flow through it.

- c. Repairs and Replacements: For standard house meters, maintenance, repairs and replacements necessitated by ordinary wear will be provided by the District. The cost of meter repairs and/or replacement necessitated by freezing, hot water, or other causes under the control of the customer will be charged to the property owner. The costs of maintenance, repairs and replacements of meters larger than the standard house meters shall be the responsibility of the property owner.
- d. Testing: The District shall arrange for suitable means of testing its meters. All tests will be at the sole expense of the customer unless initiated by the District. The first step in this process is to collect the information contained within the water meter. Each meter has the ability to retain hourly metered data. From this, the Operator can determine if the meter is working properly and there is high water use, or if there is a leak on the premises. The customer requesting a meter test shall make a deposit in an amount established under "Water Rates, Special Charges and Connection Fees" to cover the cost of the operator making a visit to the property and reviewing the information. The next step would be to physically remove and test the water meter. The customer requesting this type of meter test shall make a deposit in an amount established under "Water Rates, Special Charges, and Connection Fees" to cover the cost of removal, testing and re- installation. If a meter tested at the request of a customer shows the meter does not conform to flow criteria established by AWWA standards, the deposit(s) made by the customer shall be refunded and a new meter installed at no cost to the customer. If the meter conforms to the standards of these rules, the District will retain the customer's deposit and the meter may be continued in use at the same location. The District reserves the right to remove and test any and all meters.
- e. Multiple Meters: Water shall not be double metered. Each newly constructed residential unit of a townhouse, condominium or multifamily building shall be individually metered.

## **28. Water Use Adjustments**

- a. Meter Malfunction or Removal: If a meter is removed from service at the request of the customer, the customer will continue to pay the base rate plus the O&M fee and the District will make an estimate of the water consumption in excess of the base rate during the period of removal, said estimate to be based on the average consumption for similar periods for the customer, and the water charges will be computed accordingly.
- b. Adjustment: When a meter is tested and found to be over-reading in excess of 2%, an appropriate percentage adjustment shall be made to the metered consumption record of the past billing period and the portion to date of the current billing period.

## **29. Fire Hydrants**

Not a service currently authorized or offered by the District. The water system as currently constructed shall be a means of providing safe, reliable drinking water to the residents of the District, and does not meet the requirements of the State of New Hampshire Water Supply rule for Fire Protection.

## **30. Flushing Hydrants**

Flushing hydrants, whether on public or private property, may not be used for any other purpose than the normal flushing operations done by the Operator or such purposes agreed to in writing by the District. In no case shall flushing hydrants be opened by any person other than an agent of the municipality or a duly authorized representative of the fire department. Hydrants shall not be used for irrigation, filling of swimming pools, dust control, water games or any other non-legitimate use. A violation of this provision may be prosecuted as a criminal violation.

## **31. Tampering with the Community Water Supply System**

Tampering with Community Water System property is not permitted. Any valve, pump, pump house, flushing hydrant, curb stop, water main, municipal service line, meter, tank reservoir or any other appurtenant part of the water system, which is deemed the property of the District, shall not be adjusted, operated or tampered with by any person except those authorized by the District. If a customer or owner is known to have tampered with any Community Water System property or its works, such action shall be grounds for discontinuance of water service, and any cost due to such tampering will be charged to said customer or person. A violation of this provision may be prosecuted as a criminal violation.

## **32. Water Main Extension, Plan Approval, Construction**

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

### **33. Materials**

All materials used in the construction, repair, or alteration of any part of the water system must meet existing state and industry standards. If the District finds that any materials used do not meet such standards, it may require that the substandard materials be removed and replaced with materials that meet existing standards at the cost of the applicant. All materials must be compliant with local, state, and federal laws.

### **34. Protection from Damage**

No person shall maliciously, willfully or negligently contaminate, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment, which is part of the Water System. A violation of this provision may be prosecuted as a criminal violation.

### **35. Enforcement and Penalties**

- a. Any violation of this Ordinance, except as otherwise specifically set forth herein, may be pursued as a civil violation utilizing the civil enforcement procedures set forth in NH law. Each day a violation continues shall be considered a new violation. Amounts for waivers and penalties are listed in the appendix: See "Schedule of waivers and penalties"

Offenses shall be counted on a calendar year basis.

- b. Any violation of the sections of this Ordinance set forth below may be pursued as a criminal violation. Any law enforcement officer may issue a criminal citation for violation of the provisions of this Ordinance referenced above.
- c. In addition to the enforcement authority set forth above, the District shall have the right to institute any civil action which it deems appropriate to obtain injunctive or monetary relief, or both. The civil action may result in additional financial penalties.
- d. The District shall, when its discretion time allows, provide any person found to be violating any provision of this Ordinance with written notice stating the nature of the violation and providing a reasonable time period for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, correct the violation.
- e. Any Issuing Officer or Municipal Official designated by the District may issue a municipal complaint ticket for violation of the provisions of this Ordinance.

### **36. Severability:**

If any part of these rules and regulations are found to be unenforceable by a court law, such findings shall not affect the remaining parts, which shall remain in full force and effect.

### **37. Appendices**

Appendices are not part of the Ordinance. They are subject to the regulatory and policy making authority of the District and may be revised from time to time to meet the changing needs of the water system.

### **38. Publication and Effective Date**

- a. No section of this Ordinance shall be construed to supersede or replace any New Hampshire Statute.
- b. The Ordinance shall be entered in Commissioners' meeting minutes. The Notice of Ordinance Adoption shall be posted in at least three (3) conspicuous places within the District and published by title in accordance with state law in a newspaper circulating in the District on a day not more than fourteen (14) days following the date when the Ordinance is so adopted.

- c. This Ordinance shall become effective sixty (60) days after the date of its adoption by the Commissioners.
- d. Questions about the Ordinance may be directed to the District, 562 Winterbrook Road, Campton, New Hampshire 03223, or by calling telephone number 603-726-3082.

Adopted on August 16, 2021, and signed this \_\_\_\_ day of \_\_\_\_\_, 2021 by the WEVD Commissioners:

/s/ \_\_\_\_\_  
Chair

/s/ \_\_\_\_\_  
Commissioner

/s/ \_\_\_\_\_  
Commissioner

Important Dates Section

**Published Date:**

**Public Hearing Date:** August 16, 2021

**Effective Date:**

**Amended Date:**