

TOWN CODE: CHAPTER 324

TOWN OF HUDSON

WATER UTILITY

HUDSON, NH

Rules and Regulations

Public Hearing:

Approved:

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Rules and Regulations

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EXHIBIT 2 – SCHEDULE OF RATES & FEES

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TOWN CODE: CHAPTER 324

**TOWN OF HUDSON WATER UTILITY
Rules and Regulations**

I. AUTHORITY:

- A. Whereas RSA 38:4 authorizes the town to establish ownership of a water system through the annual or a Special Town Meeting, and;
- B. Whereas the Town on January 13, 1998 did hold a Special Town Meeting through which the acquisition of the Water System from Consumers New Hampshire Water Company was approved by a greater than 2/3 majority, and;
- C. Whereas, NH RSA 38:26 (1) authorizes a municipality through its Board of Selectmen to adopt such ordinances and bylaws relating to the water system or structures as required for proper maintenance and operation, which includes the authority to create a Water Utility Committee with duties prescribed by the Board of Selectmen, and;
- D. Whereas on September 13, 2004 the Board of Selectmen adopted Ordinance 04-03 & 04-05, which establishes a Water Utility Committee (WUC). Said Ordinances 04-03 & 04-05 are attached as exhibit I.
- E. Therefore these rules and regulations are adopted on this ____ day of ____ (year) by the Board of Selectmen for the Hudson Water Utility (H-W-U).

II. DEFINITION:

Abatement: A reduction, or elimination of a continuing charge.

Air Gap: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood rim of said vessel.

Auxiliary Water Supply: Any water supply on or available to the premises other than the approved public potable water supply.

AWWA: American Water Works Association.

Backflow: The flow of water or other liquids, mixtures or substances under pressure into the distributing pipes of a potable water supply system from any source or sources other than its intended source.

Backflow Prevention Device: A device or means designed to prevent backflow or siphonage.

Back-Siphonage: The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Customer: The word “customer” where used herein shall mean the person or entity actually using the water, whether owner, tenant, lessee, assignee or other.

Containment: The installation of any approved backflow prevention device at the water service connection to any customer’s premises, or the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer’s water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.

Contamination: An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

Cross-Connection: Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other potentially non-potable water or fluids of questionable safety, through which, or because of which, back-flow or back-siphonage may occur into the potable water system.

Cross-Connection Controlled: A connection between a potable water system and a non-potable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

Double Check Valve Assembly: An assembly of two independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

Health Hazard: The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

Health Hazard (High Hazard): Any condition, device, or practice in the water supply system and its operation, which could create, or, in the judgment of the HUDSON WATER UTILITY, may create a danger to the health and well being of the customer.

HUDSON WATER UTILITY: The Town of Hudson Water Utility or its authorized agent(s) as directed by the Hudson Board of Selectmen who are the Water Commissioners.

Industrial Fluids System: Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, polytonal or plumbing hazard if introduced into an approved water supply.

Main: The pipe owned by the Hudson Water Utility, in a public right-of-way or easement used to convey water from one point in the water distribution system to another.

Occupant: One who has certain legal rights to or control over the premises occupied. These are further defined as non-owner occupant and owner.

Plumbing Hazard (High Hazard): A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation, or backflow prevention device. Unprotected plumbing types cross-connections are considered to be a health hazard.

Pollution: Means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

Pollutional Hazard (Low Hazard): An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

Pressure Vacuum Breaker: A device containing one or two independently operating loaded check valves and an independently operating loaded air inlet valve located on the discharge side of the check or checks.

Reduced Pressure Backflow Device: An assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves.

Service Agreement: A legally enforceable contract between the Hudson Water Utility and the (owner, consumer, customer) in which the Hudson Water Utility agrees to provide certain services or products to the (owner, consumer, customer) in exchange for the payment of certain fees.

Service Area: The geographical area incorporated as the Town of Hudson, NH.

Service Line: A pipe and appurtenances used to convey water from a main to a customer. The service line ends at the customer's side of the meter.

Service: A service is a separate account consisting of a household of one or more people, stores, garages, laundries, or in the opinion of the Hudson Water Utility whatever constitutes a service.

Shall: Mandatory.

Town: The Town of Hudson, New Hampshire.

Water, Potable: Water from a source, which has been approved for human consumption.

Water, Non-potable: Water that may not be safe for human consumption or which is from a questionable source.

III. ADMINISTRATION:

A SERVICE AGREEMENT

1. The amount of all fees and rates are listed in Exhibit #2 - Schedule of Rates and Fees of the Hudson Water Utility and is part of these Rules and Regulations.
2. No customer or customer shall use or cause to be used any water from the distribution system operated by the Hudson Water Utility without a water service application approved by the Hudson Water Utility or its authorized agent.
3. Application for water service shall be made, in writing, by either the owner or occupant of the premises. If the rendering of service requires the non-owner occupant of the premises to install a new service pipe, the owner of the premises must cosign the application. Whether or not a signed application is made by the customer and accepted by the Hudson Water Utility, the rendering of service by the Hudson Water Utility and its use by the customer shall be deemed a contract between the parties and subject to all ordinances and regulations of the Hudson Water Utility. If application is made by an agent for the customer, a copy of the agent's authorization by the customer shall be filed with the application:

Exhibit # 3. Water service application (residential).

Exhibit # 4 Water service application (non-residential).

B. METERS:

1. Use of Meters – All water services shall be metered, except service used only for fire protection, although such services may be metered at the Hudson Water Utility discretion and at the customer's expense.
2. Size of Meter – The size of the meter shall be determined by the HUDSON WATER UTILITY, using AWWA Manual Sizing Water Service Lines and Meters (M 22).
3. Meter Setting – The customer shall provide a clean, dry, warm and accessible place for the installation of the meter, as near as possible at the point of entrance of the service pipe within the building. The meter horn will be supplied by the Hudson Water Utility at the customer's expense. This will be installed with shut-off at each end by a licensed plumber (or the customer where allowed by Town building code). The meter will be installed by the Hudson Water Utility. The expense of the installation shall be borne by the customer with materials approved by the Hudson Water Utility. The meter horn and fittings must be satisfactorily inspected by the Hudson Water Utility at the time the meter is installed.
4. Meter Boxes – When it is necessary to locate the meter in an underground box or vault, the customer shall bear the expense of same. Any location or relocation of such underground box or vault shall be at the customer's expense. Use of an underground box or vault must be approved by the Hudson Water Utility.
5. Repairs – Meter repairs or replacements necessitated by ordinary wear will be done and paid for by the Hudson Water Utility; those caused by freezing, hot water or by other acts or omissions not under the control of the Hudson Water Utility shall be completed by the Hudson Water Utility and paid by the customer.
6. Auxiliary Meters – If additional or auxiliary meters are desired by the customer for showing sub-division of the supply or for site construction they shall be furnished, installed and maintained at the customer's expense. Auxiliary meters shall not be connected through a fire hydrant. Water charges cannot by lease, contract, agreement or otherwise be transferred by a customer to any person, firm, cooperative, corporation, partnership or tenant for the purpose of relieving the customer for payment of water charges.

7. Non-Registering Meters – If a meter is found which does not register, the bill for the entire period of non-registration since the last known valid reading, shall be based upon information recorded prior to or subsequent to the period of non-registration, and any other pertinent information supplied by the customer or known to the Hudson Water Utility.
8. Testing – Meters shall be tested before installation by the Hudson Water Utility. Thereafter, all meters will be tested as determined necessary by the Hudson Water Utility. No meter will be permitted to remain in service if the error registration exceeds 3%. Meters will be tested at the request of a customer and shall require a deposit equal to the cost of the meter test. If the meter is found outside of the acceptable limits the deposit shall be refunded to the customer and the cost for the last billing period adjusted in proportion to the error in registration of the meter.
9. Replacement of Frozen Meters – Replacement of frozen meters shall result in the customer being charged such costs as the Hudson Water Utility incurs in replacing the meter.
10. Meters, remote readers and seals: These items shall not be removed except by or under the supervision of the Hudson Water Utility personnel. Only Hudson Water Utility authorized personnel may remove or replace seals, which if broken may indicate the meter, has been tampered with.
11. The Hudson Water Utility is not responsible for leaks past the curb stop. Water passing through a meter is considered to be consumed.
12. No person is allowed to furnish water to other person, family or business without the consent of the Hudson Water Utility. Any person violating this rule may be charged a full rate for each violation plus appropriate fee.
13. No alteration shall be made to any service or equipment under the authority of the Hudson Water Utility, except by authorized agents of the Hudson Water Utility. No plumber, consumer, or other person not authorized by the Hudson Water Utility shall attempt to shut off the supply of water at the curb stop without the express consent of the Hudson Water Utility.
14. Rights of Access: agents or representatives of the Hudson Water Utility may enter the premises of customer at all reasonable times for the purpose of examining pipes, fixtures, or attachments. They may enter at all reasonable times to read or inspect meter(s).

C. SERVICE LINES:

1. Installation, Ownership and Maintenance – All service lines, including corporation stop, pipe to the curb stop and box, shall be owned and maintained by the Hudson Water Utility. These shall be installed at the expense of the customer unless otherwise agreed to by the Hudson Water Utility. From the curb-stop to the meter horn within the premises served, the service lines shall be installed, owned and maintained by the customer. All installations shall be inspected by the Hudson Water Utility.

For all future services the lines shall be type K copper or Hudson Water Utility approved equal and sized as provided by the AWWA Manual, Sizing Water Service and Meters (M22), but in no case less than 3/4 inch nominal diameter.

For new installations, or re-installations of service lines, only one unit shall be supplied through one service line. Where more than one unit (existing) is supplied through one service line and under control of one curb-stop, any violation of the rules of the Hudson Water Utility by any of the customers or consumer so supplied shall be deemed a violation by all and the Hudson Water Utility may take such action as could be taken against a single customer, or consumer, except that such action shall not be taken until the customer(s) who is not in violation of the Hudson Water Utility” rules has been given reasonable opportunity to attach said service pipe to a separately controlled service line, at said customer's expense.

All piping shall be below frost level or otherwise protected from freezing and shall be so arranged as to permit draining whenever necessary.

2. Right to shut off water, The Hudson Water Utility may at any time shut off water for the purpose of making repairs or changing its piping system or for any other necessary purpose; it may also shut off water upon the failure of the customer observe its rules and regulations. The Hudson Water Utility shall not be liable for any damage caused by so doing nor for any variation in pressure from any cause nor shall any customer be entitled to any discount or rebate for reason thereof. It is understood however, that wherever practicable the Hudson Water Utility shall give the customers notice of its intentions to shut off water. The Hudson Water Utility further reserves the right to restrict the use of water whenever the public emergency requires.

3. Joint Use of Service Pipe Trench – No service pipes shall be laid in the same trench with gas pipe, sewer pipe or any other facility of a municipal or public utility, nor within three (3) feet of any open excavation or vault. Sewer pipes shall have a minimum horizontal separation of 10-feet. If it is not possible to maintain the required 10-feet of separation, the water service line shall be placed as far from the sewer line as possible and a minimum of 18 inches above the sewer line. Gas pipes shall have a minimum horizontal separation of 5-feet.
4. Temporary Service Connection – Temporary service is one installed to any building or trailer not placed on a permanent foundation, to a construction site or for any other temporary use. The entire cost of installation from the nearest available main, and maintenance of the service including any trench backfill or patch, shall be at the customer's expense. Application for temporary water service shall be in accordance with Section III.A of these regulations. No fire hydrant shall be used for temporary service connection.
5. Thawing – When it becomes necessary to thaw a frozen service pipe the Hudson Water Utility will do so at the customer's expense. If the location of the freeze is within the Hudson Water Utility owned portion of the service said expense will be credited to the customer. The Hudson Water Utility will have no responsibility for any consequential damage as a result of attempting to thaw such pipe.
6. Winter Construction – Ordinarily, no new service pipes or extensions of mains will be installed during winter conditions (when frost is in the ground) unless the customer agrees to defray all extra expense occasioned by such installation. Winter installation is subject to approval by the Hudson Water Utility.
7. Maintenance of Plumbing – Customers shall maintain at their own expense the service pipe, plumbing and fixtures within their own premises in good repair, free from leaks and protected from freezing. Failure to do so may result in termination of service. Any relocation of the service pipe on customer's premises shall be at the customer's expense, and in no event shall the Hudson Water Utility be responsible for any damages resulting there from. Relocations shall be inspected and approved by the Hudson Water Utility.
8. Hot water tanks & furnaces -- All customers having direct pressure hot water tanks and furnaces or appliances shall 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 the water on the street mains or service pipe. Service will be provided to such direct pressure installations only at the customer's risk and in no case will the Hudson Water Utility be liable for any damage occasioned thereby.

D. NON-LIABILITY:

1. The Hudson Water Utility does not guarantee the consumer a full volume of water or the required pressure necessary to effectively operate sprinkler system or other appliances, or equipment the same being subject to all the variable conditions that may take place in the use of water from the main.
2. No consumer shall be entitled to damages, or to have payment refunded, for any interruption of supply occasioned either by accident to any portion of the works, or by shutting off of water for any purpose or by the stoppage or shortage of supply due to causes beyond the control of the Hudson Water Utility, including without limitation thereof, drought, earthquake, fire or flood.
3. The Hudson Water Utility will not be responsible for damages caused by dirty water resulting from the opening or closing of any gate the use of any hydrant, the breaking of any pipe, water main flushing, or any other course due to operation of the water system.
4. The Hudson Water Utility assumes no liability for conditions, which exist in consumer's pipes and cause trouble coincident to or following the repairs of any main pipe, service pipe, meter, or other appliance belonging to the Hudson Water Utility.
5. The Hudson Water Utility reserves the right at any time without notice to shut off the water in the main for the purpose of making repairs, extensions or for other necessary purposes. Persons having boilers or other appliances on the premises depending on the pressure in the pipes to keep them supplied with water are hereby cautioned against danger from these sources, and are required to provide at their own expense, suitable safety appliances to protect themselves against such danger. In any event, it is expressly stipulated that the Hudson Water Utility will not be liable for any damage resulting from water having been shut off, either through accident or necessity, but shall only be liable for injury or damage resulting from a failure to use reasonable care during such shut off.

E. TAMPERING:

All curb stops, valves, hydrants, meters, mains, services, etc., which are the property of the Hudson Water Utility, shall not be opened, or closed, or tampered with in any way by any person other than an authorized employee of the Hudson Water Utility or person authorized by the HUDSON WATER UTILITY. Anyone violating this provision shall be charged and shall pay all costs incurred in rectifying the tampering and any and all other damages resulting there from.

F. CROSS-CONNECTION CONTROL:

1. Under Public Law 93-523, the Safe Drinking Water Act of 1974, and New Hampshire State Regulations Hudson Water Utility has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.
2. Purpose: The purpose of this cross connection regulation is:
 - a) To protect the public potable water supply of the area served by the Hudson Water Utility from the possibility of contamination or pollution which could backflow or back-siphon into the public water supply system; and
 - b) To promote the elimination or control of existing cross-connections, actual or potential, between its customer's in-plant potable water system(s) and non-potable systems, plumbing fixtures and industrial piping systems; and
 - c) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems by cross-connection.
3. Responsibility:

The Hudson Water Utility shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If in the judgment of the Hudson Water Utility an approved backflow prevention device is required, the Hudson Water Utility shall give notice to said customer to install such an approved backflow prevention device at each service connection to his premises. The customer shall, within 30 days, install such approved device or devices at their own expense. Failure, refusal or inability on the part of the customer to install said device or devices within 30 days shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.
4. Water System:
 - a) The water system shall be considered as made up of two parts: The Hudson Water Utility system and the customers system.

- b) The Hudson Water Utility system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the utility, up to the curb stop.
- c) The customers system shall include those parts of the facilities beyond the curb stop which are utilized in conveying delivered domestic water to points of use, except the meter and remote reader which shall remain the property of the Hudson Water Utility.

5. Policy:

- a) No water service connection to any premises shall be installed or maintained by the Hudson Water Utility unless the water supply is protected as required by New Hampshire State Law and this Regulation.
- b) No cross connection between the water system and any potable or non-potable supply shall be allowed unless protected by a system designed for this purpose. Design and installation will be at the customer's expense. Any such connection must be approved by the Hudson Water Utility.
- c) No connection capable of causing back-flow between the 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 Hudson Water Utility discovers such a connection, service will be discontinued immediately
- d) An approved protective device shall be installed, at the customer's expense, wherever an approved cross-connection of water systems exists and/or where, in the opinion of the Hudson Water Utility, a potential threat to the potability of the water system can be shown to exist.
- e) No interconnection with other systems or wells shall be made.
- f) Service of water to any premises shall be discontinued immediately by the Hudson Water Utility if a Backflow Prevention Device required by this Regulation is not installed, tested and maintained, or if it is found that a Backflow Prevention Device has been removed, by passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

- g) The system must be open for inspection at all reasonable times to authorized representatives of the Hudson Water Utility to determine whether cross-connections or other structural or sanitary hazards, including violations of this regulation exist. When such a condition becomes known, the Hudson Water Utility may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with all statutes and regulations relating to plumbing and water supplies and the Regulations adopted pursuant thereto. All expenses relating to the disconnection and reconnection shall be at the customer's expense.
- h) An approved Backflow Prevention Device where required shall be installed at the customer's expense on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
- i) The type of protective device required under these rules and regulations should depend upon the degree of hazard, which exist as follows:
 - 1) Where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principal backflow prevention device.
 - 2) Where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.
 - 3) In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impractical to make a complete inplant cross-connections survey, the public water system shall be protected against backflow or back-siphonage from the premises by the installation of a Backflow Prevention Device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principal Backflow Prevention Device shall be installed in each service to the premises.

- j) Any Backflow Prevention Device required herein shall be of a model and size approved by the Hudson Water Utility. The term “approved Backflow Prevention Device” shall mean a device that is approved and acceptable to the New Hampshire Department of Environmental Services.
- k) It shall be the duty of the customer at any premise where Backflow Prevention Devices are installed to have certified inspections and operational tests made at least once per year as required under these Regulations.

In those instances where the Hudson Water Utility deems the hazard to be great enough they may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the customer and shall be performed by the Hudson Water Utility’s personnel or by a certified tester approved by the Hudson Water Utility and approved by the State of New Hampshire. These devices shall be repaired, overhauled, or replaced whenever said devices are found to be defective.

- l) All industrial, commercial and agricultural establishments attached to the water system will be required to install at the service entrance and immediately downstream of the meter a Reduced Pressure Backflow Device.
- m) All decisions relating to determination of Backflow Prevention Devices will be made by the Hudson Water Utility. Failure to comply with any directive from the Hudson Water Utility will result in termination of service.
- n) All testing and/or maintenance performed on Backflow Prevention Devices by the Hudson Water Utility or its agent will be charged to the owner of the device.

G. PAYMENT FOR SERVICE:

- 1. Bills for water service shall be rendered periodically (typically monthly) in accordance with the applicable rate schedule Exhibit #2 and are due and payable upon presentation. Bills may be liens on the property as provided by New Hampshire law. This lien shall not prevent the Hudson Water Utility from any other means of collection provided by law. Interest shall be charged at the rate specified on the applicable rate schedule on all bills not paid within twenty-eight (28) days of the postmark date of the bill. Where bills are rendered monthly based on estimated volumetric usage. The Hudson Water Utility may render an estimated bill whenever an actual reading cannot reasonably be made.

All bills will be sent to the address entered on the application unless the Hudson Water Utility is notified of a change in billing address in writing or in person at the Hudson Water Utility office.

Failure to receive bills will not be considered an excuse for non-payment.

Resolution of dispute between a customer and tenant is the sole responsibility of the customer.

2. Deposits – In order to protect against loss, a deposit may be required. A temporary customer, may be required to make a cash deposit equal to the estimated cost of the entire temporary use. The customer's deposit account shall be credited with simple interest at the prime rate on all deposits held six (6) months or more.
3. Customer Reliability – Where there is, or there is proposed to be, more than one occupant of a building supplied with water, the plumbing must be so arranged, or rearranged, so as to permit a separate service for each unit, place of business or abode. Where (1) in the opinion of the Hudson Water Utility, it would be prohibitively expensive or physically impractical to so arrange the plumbing, and (2) the owner of the premises makes application for service and assumes responsibility for payment of all charges for water service rendered to said property, a common service and single meter may at the discretion of the Hudson Water Utility be allowed.
4. Penalty for Bad Checks – Whenever a check or draft presented for payment of service is not accepted by the institution on which it is written a charge shall be imposed by the Hudson Water Utility.
5. Disconnection Policy – The Hudson Water Utility reserves the right to disconnect the service of any customer not having his account paid in full within forty-five (45) days of the date of any bill.

Provided, however, The Hudson Water Utility shall not disconnect service to a customer if any part of the service provided accrues to the benefit of one or more parties known by Utility to be residential tenants, unless the Utility gives written notice to the tenants. Such notice shall set forth:

- a) The date on or after which the Utility proposes to disconnect service.
- b) A statement that the reason for disconnection is a dispute between the Utility and the landlord.
- c) A statement that the tenant should contact the landlord for more information.
- d) An address and telephone at which the tenant may contact the Utility in order to make arrangements to maintain service.

The Hudson Water Utility shall refrain from terminating service to the affected premises if so requested by the tenant, provided that the tenant agrees to be responsible for service provided as of the date of the tenant's request. However, the Hudson Water Utility company may continue to list the landlord's past due balance on the tenant's bill, and the lien created pursuant to NH RSA 38:22 shall include any past due charges which accrue after the Utility begins billing the tenant. The Utility shall provide direct service to the person requesting it on terms and conditions applicable to all residential customers.

Immediately upon learning that a tenant has been disconnected without the notice required pursuant to this sub paragraph, the Hudson Water Utility shall reconnect service and may charge a reasonable reconnection fee which may be added to the existing arrearage.

The notice required by this sub paragraph shall be provided to the tenant no less than 7 days in advance of the proposed disconnection, by posting a conspicuously lettered notice on the main entrance door to each building in which service is being terminated. In addition, the Utility shall post the notice on a back door or side door to which the Utility has reasonable access, or in a common area of each building. The Utility, at its option, may notify the tenants in the affected property by mail rather than by posting.

The notice to tenants required by this sub paragraph shall not be required when necessary to avoid danger to life or property, and upon the order of a duly constituted public authority such as police, firefighters, public health officer, and building inspectors.

6. Bills for the minimum charges for metered service will be due and payable in arrears: bills for water used above the allowance included in any minimum charge will be due and payable in arrears.
7. Bills for private fire service will be rendered monthly in arrears will be due and payable as rendered.
8. With respect to the termination of services to customers with infants, customers claiming serious illness and elderly customers the Hudson Water Utility will follow the provisions of NH Admin. Code Puc 1203.11 (d), (e), (f) & (h) but, as a municipal entity, it is not bound to observe all of the procedural requirements therein.

9. Bill Disputes

- a) All questions regarding customer's bills will first be referred to the Water Utility Clerk.
- b) To help determine the reason for a disputed bill amount, the customer may request:
 - 1) A new actual meter reading to confirm usage billed.
 - 2) A meter test by the Hudson Water Utility at the customer's expense, unless the meter proves to be malfunctioning, in which case the testing fee will be refunded and prior charges will be adjusted
- c) If the customer still disputes the amount of the bill, he/she may request an abatement. Abatements must be applied for using the appropriate form (exhibit #5), and are submitted to the Water Utility Clerk for review and recommendation by the WUC and the final decision by the Board of Selectmen as the Water Utility Commission.

H. HYDRANTS:

1. Hydrants shall not be used for any purpose other than the extinguishment of fires and for such other purposes as may be agreed to by the Hudson Water Utility and the Hudson Fire Department. In no case shall hydrants be opened by any person other than a Hudson Water Utility employee, member of the Hudson Fire Department, Hudson Highway Department, or duly authorized representative of the Hudson Water Utility.
2. A public fire hydrant is defined as one located on a street, highway, right of way, or municipal property with the approval of the Hudson Fire Department and the Hudson Water Utility.
3. If any customer/developer is required by the Fire Department to provide and install a new public fire hydrant on existing or new water main the installation will be done at the expense and risk of the customer/developer.
4. New fire hydrants will be requested by the Hudson Water Utility or Fire Department and approved by the Hudson Water Utility after review of sound engineering principles and as recommended by the Hudson Water Utility.

5. The Hudson Water Utility will replace damaged or worn fire hydrants at its expense, or at the expense of the party who damages said hydrant.
6. Inspections and tests of public hydrants will be made by the Hudson Water Utility at convenient times and reasonable intervals.
7. Whenever a change in location, size, type, or permanent removal of fire hydrants is requested by a customer such change will be approved and made by the Hudson Water Utility at the expense of said customer. The Fire Department will review and approve changes.

I. PRIVATE FIRE SERVICE:

1. The entire cost of installing a private fire service from the main to the property line will be paid by the customer. The customer will bear all costs for replacement of services. All work performed on the customer's premises will be done by the customer at his expense and risk.
2. A gate valve controlling the entire supply with post indicator will be placed on the fire service at a location accessible to the Hudson Water Utility.
3. The private fire service will be subject to the inspection, test and approval of the Hudson Water Utility and Fire Department before the service is made effective.
4. NFPA-13, NFPA-13R and NFPA-130 will define the design and installation of fire services except as modified by these regulations.
5. The customer will notify the Hudson Water Utility and the Fire Department within seventy-two (72) hours after any use of a sprinkler system.
6. A detector check valve with a by-pass, along with an approved backflow prevention device will be furnished and installed by the customer in accordance with Hudson Water Utility requirements just inside the building wall or other convenient location on the customer's premises as designated by the Hudson Water Utility.
7. Hydrants and other fixtures connected with a private fire service connection may be sealed by the Hudson Water Utility and such seals will be broken only in case of fire or as specially permitted by the Hudson Water Utility. The customer must immediately notify the Hudson Water Utility when a seal is broken.

8. No pipe or fixture connected with a private fire service connection served by the Hudson Water Utility will be connected with pipes or fixtures supplied with water from any other source.
9. Fire pumps and booster pumps of any nature may be connected only after notification to the Hudson Water Utility and will be constructed in such manner to prevent cross connections and vacuum. Owners and operators of such equipment are liable for any and all damages to Hudson Water Utility or other customer's property during such operations. A low-pressure cut-off device approved by the Hudson Water Utility will be installed at the customer's expense and risk.
10. The entire private fire service connection and all its parts located outside the customer's property line forever remain the property of and under the complete jurisdiction of the Hudson Water Utility.
11. Tests will be scheduled with approval of the Hudson Water Utility so as to cause the least possible inconvenience to the Hudson Water Utility's other customers.

J. DISCONTINUANCE OF WATER SERVICE:

Service may be discontinued for any of the following reasons:

1. Violation of the Rules & Regulations of the Department.
2. Misrepresentation in application as to the premises or fixtures to be supplied or the use of the water supplies.
3. Use of water for any premises or purpose not described in the application.
4. Damaging any service pipe, meter, curb stop or seal, or any appliance of the Department.
5. Failure to maintain, in good order, connections, service lines, or fixtures for which the customer or owner is responsible.
6. Waste of water through improper or imperfect pipes, fixtures or otherwise.
7. Vacancy of the premises until the Hudson Water Utility is notified in writing or in person by the customer of a changing occupancy. The customer of record shall be held responsible for all charges and consumption. A new occupant/customer must authorize continuation of service in writing or the service will be disconnected.

8. Neglecting to make payments of charges for water service or any other charges against the owner of the premises.
9. Refusal of access to premises to inspect, read, maintains or removes meters.
10. Refusal to conserve water during periods of restricted supply.
11. Failure to pay water bills or charges at a prior location.
12. Any cross connection, which would introduce water or any liquid other than that supplied by the Hudson Water Utility into the service line of the Hudson Water Utility.
13. The Hudson Water Utility will have the right to stop water supply without notice due to breakdowns or other unavoidable causes, or for the purpose of making necessary repairs, connections, etc. The Hudson Water Utility will make every attempt to give reasonable notice, but will not be liable for any damage or for inconvenience suffered.
14. Whenever the customer desires to have his service contract terminated or his water service discontinued, he will so notify Hudson Water Utility. Until such notice is received by the Hudson Water Utility and the Hudson Water Utility has access to remove the meter or obtain the final readings, the customer will be responsible for the payment for all service rendered by the Hudson Water Utility, including charges for meter repairs caused by damage by hot water or freezing or other external causes. A reasonable time after receipt of such notice will be allowed for the Hudson Water Utility to take a final reading of the meter or meters and to discontinue service.
15. Discontinuing the supply of water to any premise for any reason will not prevent the Hudson Water Utility from pursuing any lawful remedies provided for in these regulations and by action of law or otherwise for the collection of monies due from the customer.

K. RENEWAL OF WATER SERVICE AFTER DISCONTINUANCE:

When water service to any premises has been terminated for any reason other than temporary vacancy, it will be renewed only after the acceptance of a new application, when the conditions, circumstances or practices which caused the water service to be discontinued are corrected to the satisfaction of the Hudson Water Utility and upon the payment of all charges due and payable by the customer in accordance with the rates, rules and regulations. A payment plan on overdue charges can be arranged, if so desired.

L. CONSERVATION OF WATER – RESTRICTIONS.

When necessary to conserve supply, the Town may restrict or prohibit the use of hand hose, lawn sprinklers and water-cooled air conditioning equipment, or any other use of water.

M. CONDOMINIUMS:

- 1 A condominium project shall be any form of development that comes under the authority of RSA 356:B whether it be of a residential character or otherwise.
2. Service to a new development that comes under the heading of condominiums shall be as follows:
 - a) Each user unit shall be served as a separate entity, metered individually and subject to the tariff as related to an individual customer.
 - b) A condominium association that provides water service(s) for the good of the community center or for irrigation shall be considered an individual customer and shall be metered separately and subject to the tariff as it relates to individual customers.

IV. WATER MAIN EXTENSIONS

A. General

Where a request for water service requires the extension of a main, mains, or other facilities from the existing water system, the applicant will submit in writing a request for a main extension and will enter into a main extension agreement with the Hudson Water Utility. The proposed location, size and distance of any proposed main extension must be approved by the Hudson Water Utility and must; (a) conform to the Hudson Water Utility hydraulic system requirements; (b) be sufficiently sized and located so as to meet the Hudson Water Utility's requirements, hydrant requirements and any specific requests from the Town Fire Chief.

B. Costs for work

All costs associated with a main extension project, including legal, engineering, construction, inspection and administrative costs will be borne by the applicant. Construction will include all appurtenances i.e., hydrants "T's" stubs, gates, valves and service lines required.

Surety for 100% of the construction cost is required by the Hudson Water Utility in the format approved by the Town for developer projects.

- C. The following specific requirements apply:
1. All main extension plans will be reviewed by the Hudson Water Utility at the applicant's expense.
 2. All main extensions will be constructed in accordance with the specifications of the Hudson Water Utility and under the Hudson Water Utility's inspections.
 3. All water mains, appurtenances, and other facilities comprising the main extension will become the property of the Hudson Water Utility after the Hudson Water Utility requirements are completed to the satisfaction of the Hudson Water Utility.
 4. Typically all main extensions will be a minimum size of 8 inches in residential areas, and a minimum size of 12 inches in commercial or industrial areas. Main extensions at less than the minimum size must be approved individually in writing by the Hudson Water Utility.
 5. The size of the main shall be determined by Hudson Water Utility in accordance with conditions surrounding the extension, including the possibility of future expansion and fire protection.
 6. Main extensions will include service lines to the front property line for all existing lots along the main extension. These will be installed at the applicant's expense.

For a five-year period (commencing with the date of final acceptance of the main extension by the Hudson Water Utility), the applicant will be compensated for each new service line that is directly connected to the main extension paid for by the applicant according to the following formula. The amount to be paid to the applicant for each new connection will be equal to the 'distribution' portion of the 'new customer water system access fee', which is assessed against each new customer as part of the 'water service application'.

- D. Location of water main extensions (accessibility) to the maximum extent possible main extensions will be located along existing and proposed roadways. Cross-country locations are to be avoided. Layout and locations are subject to the approval of the Hudson Water Utility. All water mains and apparatus must be physically accessible to the Hudson Water Utility maintenance vehicles.
- E. R.O.W.'s and easements. All water mains and appurtenances are to be located in the R.O.W.'s or easements providing legal access to the Hudson Water Utility. Legal documents providing such must be approved by the Hudson Water Utility.

V. BOOSTER STATIONS AND HIGH SERVICE AREAS:

- A. General. Where a new service(s) or main extension results in pressure variations exceeding the limits of good engineering practice. The Hudson Water Utility shall require any of the following at its discretion: Booster station, booster pump(s) or pressure reducing devices.
- B. Booster stations. Shall be constructed in accordance with the Hudson Water Utility specifications, and shall be paid for by the applicant unless otherwise approved by the Hudson Water Utility. These shall be inspected, approved and owned by the Hudson Water Utility.
- C. Booster pumps and pressure reducing devices. Shall be installed by a licensed plumber at the applicant's expense and inspected by the Hudson Water Utility.

VI. JUDICIAL ENFORCEMENT REMEDIES

A. INJUNCTIVE RELIEF:

When the Hudson Water Utility determines that a customer has violated, or continues to violate, any provision of this Regulation, Hudson Water Utility may petition the Hillsborough County Superior Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, that restrains or compels the specific requirement imposed by this Regulation on activities of the customer. The Hudson Water Utility may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the customer to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a customer.

B. CIVIL PENALTIES:

- 1. A customer who has violated, or continues to violate, any provision of the regulation, or order issued hereunder, shall be liable to the Town for a maximum civil penalty of \$5,000 per violation, per day, plus actual damages incurred by the Hudson Water Utility.
- 2. All charges and penalties shall be collected through civil proceedings brought before the Superior Court.
- 3. The Town may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Hudson Water Utility.

4. In determining the amount of civil liability, the Court shall consider all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
5. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, implementing any other action against a user.
6. The Board of Selectmen may adopt a schedule of fines as appropriate from time to time.
7. Any person violating any of the provisions of the Regulations shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

C. CRIMINAL PROSECUTION:

Any customer or user who willfully or negligently violates any provision of the Regulations or any orders or permits issued hereunder shall, upon conviction, be guilty of a violation, punishable by a fine not-to-exceed \$1,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation. Ref. RSA.

D. NONEXCLUSIVE REMEDIES:

The remedies provided for in the Regulations are not exclusive. The Town may take any, all, or any combination of these actions against a non-compliant user. Further, the Town is empowered to pursue more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

VII. SEVERABILITY

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

VIII. EFFECTIVE DATE

This Regulation shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Duly enacted and ordained this ____ day of _____ by the Board of Selectmen of the Town of Hudson in Hillsborough County, State of New Hampshire, at a duly noticed and duly held session of the said Board of Selectmen. This Regulation is hereby authenticated as required by the Town Charter.

Hudson, New Hampshire
By Board of Selectmen

Chairman

Attest: _____

EXHIBIT # 2 – SCHEDULE OF RATES & FEES

I. Monthly rates (per tariff approved by Board of Selectmen (date).

A. Usage

1. Fixed meter size rate:

<u>Meter size</u>	<u>Monthly rate</u>
5/8"	\$10.69
3/4"	\$20.58
1"	\$32.21
1 1/2"	\$65.49
2"	\$105.59
3"	\$205.82
4"	\$322.10
6"	\$644.19
8"	\$804.57
10"	\$911.49

2. Volume Charge: \$3.30 per 100 CU FT.

3. Fire Service.

<u>Service Size</u>	<u>Monthly Rate</u>
2"	\$11.94
3"	\$26.87
4"	\$47.77
6"	\$107.50
8"	\$191.10
10"	\$298.58
12"	\$429.97
Private hydrant	\$77.63
Public hydrant	\$16.20

Note: the fire service size is the pipe diameter at the building or service entrance as determined by the Town Engineer or designated agent.

II. Connection fees: (approved by the Board of Selectmen (date).

A. Application processing and service connection inspection @ \$100.00.

B. Meter purchase and installation:

<u>Size</u>	<u>Cost</u>
5/8"	\$350.00
3/4"	\$450.00
1"	\$500.00
1 1/2"	\$750.00
2"	\$1,000.00
3"	\$1,000.00 (plus parts)
>3"	To be determined @ time of application

C. Inspection fee.

For water main installation and fire service installation - \$4.00/L.F.

III. New customer water system access fee approved by the Board of Selectmen (date).
(see schedule attached)

IV. Hydrant painting, @ \$85.00/ea.

V. Backflow permit fee @ \$15.00

TOWN OF HUDSON

TOWN CLERK 886-6003, FINANCE DEPT. 886-6000, WATER UTILITY

12 School Street, Hudson, NH 03051 603/886-6008

APPLICATION FOR WATER UTILITY ABATEMENT

ABATEMENT # _____

*****APPLICANT MUST FILL IN ALL SPACES BELOW AND SIGN*****

Water Acct. # _____ Date: _____

Name of Applicant: _____

Name of Property Owner: _____

Address of Property: _____

Map: _____ Lot: _____ Parcel: _____

I/We request an Abatement on water charges on the property listed above for the billing period:

_____, for the following reason(s): _____

Signature of Applicant(s): _____, Date: _____
_____, Date: _____

Mailing Address, Street: _____, Town/City: _____

State: _____, Zip Code: _____, Phone Days: _____, Nights: _____

RETURN COMPLETED APPLICATION TO THE WATER UTILITY CLERK

Do not write below this line – official use only

Date received: _____, Signed: _____

Type of Request:

Monthly Utility Rents: Monthly Fire Service Fee: Water Connection Fee Water Access Fee:

Total Abatement Amount: \$ _____, Paid Amount: \$ _____

Accounts Receivable Amount: \$ _____, Refund Amount: \$ _____

ABATEMENT PROGRESS REPORT

1. Date of Filing _____ Utility Clerk: _____

Accuracy check, corrections, and deficiencies: _____

2. Date Received by Finance Director: _____ Signed: _____

Recommendations: _____

3. Submitted for Review Date by Water Utility Committee: _____

4. Date Reviewed by Water Utility Committee: _____

Action and Recommendations taken by Water Utility Committee: _____

Deny

Approve

Recommended Total Abatement Amount: \$ _____

Recommended Refund Amount \$ _____

Recommended Accounts Receivable Amount: \$ _____

Date of Water Utility Committee Action: _____

5. Action taken by Board of Selectmen: Granted

Denied

6. Date Notification Letter Sent to Applicant: _____

