

TOWN OF ENFIELD  
MUNICIPAL WATER AND SEWER SYSTEM  
USER CHARGE ORDINANCE

ADOPTED 14 APRIL 1992

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ENFIELD BOARD OF SELECTMEN

## **ARTICLE 1**

### **PURPOSE**

In accordance with the Town of Enfield Municipal Sewer Ordinance of 14 March 1989 and as amended 14 March 1990 , Article 11 of the 1972 Town meeting warrant as approved 7 March 1972, and Article 15 of the 1992 Town meeting warrant adopting RSA 149-I Sewers on 10 March 1992, and applicable State and Federal requirements and guidelines, the regulations, rules and procedures established herein are set forth to:

1. Establish a water and sewer user charge system which assesses each lot owner for his or her fair share of the operating and applicable capital costs of the municipal water and sewer systems.
2. Promote conservation and wise stewardship of a most precious resource.
3. Establish clearly defined conditions of service, billing and collection terms and procedures, and other necessary requirements to insure effective and efficient customer service and Water and Sewer Department operations.

## **ARTICLE 2**

### **REPEAL OF CONFLICTING ORDINANCES AND REGULATIONS**

Ordinances and regulations or parts thereof in conflict herewith are hereby repealed.

## **ARTICLE 3**

### **SEVERABILITY CLAUSE**

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

## **ARTICLE 4**

### **DEFINITIONS**

1. "Curb stop" shall mean the primary on-off valve on an individual customer water service line usually placed near the customer lot/public right-of-way boundary and maintained by the Department. Sometimes referred to as a "shut-off" or "standpipe."
2. "Department" shall mean the Enfield Municipal Water and/or Sewer Department/s.
3. "Lot" shall mean an area of land recognized by tax maps and recorded deeds on file with the Town of Enfield and the State of New Hampshire.
4. "May" is permissive.
5. "Shall" is mandatory.

6. “Submeters/metering” shall mean the practice of installing separate meters on building internal plumbing service lines to meter the water and/or sewer usage to each tenant dwelling area, business area or industrial process area.
7. “Superintendent” shall mean the person charged by the Board of Selectmen with overall responsibility for the management of the Municipal Water and Sewer Departments.

## **ARTICLE 5**

### **CONTRACT**

The rendering of service by the Department and acceptance thereof by the customer shall be deemed a valid contract between the parties, their heirs, assigns and successors, including and subject to all provisions of this ordinance to include conditions of service, rates, and rules and regulations applicable to the service whether or not a signed contract is delivered by the customer and accepted by the Department.

## **ARTICLE 6**

### **GENERAL SERVICE CONDITIONS**

#### **SECTION 1. WATER UNITS.**

A water unit, applicable to both water and sewer hookups, is defined as the maximum amount of water and/or wastewater the residents of a typical single family home in Enfield would reasonably use and/or discharge during a calendar quarter. Based on recorded usage data and industry standards, this amount is hereby established as:

19,000 gallons per quarter (gpq)

Customers are encouraged to use from the municipal water system and/or discharge to the municipal sewer system only up to this amount of water per quarter per each water unit allocated. Multi-family, commercial, governmental and industrial user equivalent units are based on multiples of 19,000 gpq.

#### **SECTION 2. SERVICE CONNECTIONS, RESPONSIBILITY FOR.**

- A. Water connections. The service pipe from the water main to the curb stop, the location of which shall be determined by the Department, shall be maintained by the Department. The service pipe from the curb stop to the owner's premises shall be installed and maintained by the owner. Owners are responsible for damages due to negligence to the curb stop box and cover and/or meter pits and covers. Owners shall keep curb stop and meter pit covers free of any obstruction which would hinder easy access by the Department.
- B. Sewer connections. The service pipe from the collection main to the owner's property line, or other suitable location as determined by the Department, shall be maintained by the Department. The remainder of the service pipe to the owner's premises shall be installed and maintained by the owner.

#### **SECTION 3. METERING REQUIRED (see Article 8).**

- A. All customers desiring to take water from the municipal water system and/or to discharge wastewater to the municipal sewer system shall have incoming water use determined by a meter. The volume of effluent water discharged to the sewer system shall be determined as a direct proportion from the incoming water meter reading, except as follows:
- i. Customers having municipal sewer service who, by nature of the use of the property, can substantiate that a significant and abnormal amount of incoming metered water is not being discharged into the municipal sewer system, may apply for an adjustment of their sewer bills. The following conditions apply:
    - a. The application shall be made in writing to the Superintendent and shall include as a minimum information concerning measured flows of water not entering the sewer system compared to metered incoming water.
    - b. The method of metering and determination of flows shall be subject to the Superintendent's discretion and shall be applied consistently among similar customer usage situations.
    - c. A report of justifiable adjustments shall be made to the Board of Selectmen by the Superintendent.
- B. Meters which cannot be read during the scheduled meter reading date/s or which may have malfunctioned may subject the customer to having the volume measurement estimated based on the customers usage history and any other pertinent information supplied by the customer or known to the Department. No more than two (2) consecutive estimations will be made for any one meter, after which the customer must provide safe access to the meter location so that the next bill can be based on an actual meter reading.
- C. Submetering. A master meter shall be installed upstream of any sub-meters to totalize all incoming water. The Department will not be responsible for the installation and maintenance of sub-meters (see Section 6 of this Article).

#### SECTION 4. MINIMUM CHARGES.

Each customer shall be billed a minimum charge, regardless of actual usage, composed of and in accordance with the following:

- A. **ACCOUNT BASE CHARGE.** The account base charge compensates the Department for costs associated with servicing a customer account, to include:
- Meter reading or estimating usage
  - Preparation and mailing of bills
  - Collection and posting of payments
  - Miscellaneous administrative requirements to support the above

The account base charge shall be the same for each customer, regardless of meter size or number of water units allocated, and shall be charged to a customer's account regardless of occupancy or meter status, unless special circumstances warrant otherwise. Furthermore, the account base charge shall be the same for a customer having both water

and sewer service as a customer having only one or the other service. Account base charge revenues will be shared between the Water and Sewer Departments based on the ratio of water system accounts to sewer system accounts as determined on January 1 of each year (see Appendix I for account base charge amount).

- B. **FIXED COST SHARE.** The fixed cost share charge partially compensates the Department for the fixed costs of maintaining reserve capacity in the water and or sewer system to accommodate a customer's maximum allocated demand. Fixed costs would include debt servicing and minimum operations and maintenance costs. The fixed cost share shall be billed to a customer's account based on the number of water units allocated for water and/or sewer service. The fixed cost share shall be charged to the customer's account regardless of occupancy or meter status (see Appendix I for fixed cost share amounts).

#### SECTION 5. VOLUME USE CHARGES.

Each customer shall be charged a volume use charge per each measure of metered or estimated water used for water and/or sewer service (see Appendix I for Volume use Charge amounts).

#### SECTION 6. WATER AND SEWER SERVICE RESALE.

Resale for profit of municipal water or municipal sewer service is strictly prohibited. Landlords may sub-meter multi-tenant buildings but may not charge tenants in excess of the per gallon cost to the landlord from the Departments for water and/or sewer service (see Section 3.C of this Article).

#### SECTION 7. PROHIBITION ON FURNISHING WATER.

No customer will be permitted to supply water to another lot owner except as approved by the Department and only on a temporary emergency basis.

#### SECTION 8. INTERRUPTIONS OF SERVICE, LIMITATIONS OF LIABILITY.

- A. **Limitations of Liability.** No customer shall be entitled to damages, or to have payment refunded, for any interruption of supply occasioned either by an accident to any portion of the water and/or sewer systems, or by shutting off for the purpose of additions or repairs to the water and/or sewer systems, or by the stoppage or shortage of supply due to causes beyond the control of the Department, such as excessive drought, excessive use of and waste of water by other customers, or by leaks or defects in the pipes owned by him or other customers.
- B. **Notice of Interruptions.** When it becomes necessary to shut off the water from any section of the Town, because of an accident or for the purposes of making changes or repairs, the Department will endeavor to give timely notice to as many of the customers affected as time and the character of the repairs or the accident will permit, and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such cause. Failure to give such notice will not render the Town responsible or liable for any damages that may result from the shutting off of the water or any coincident condition.

- C. Interruption Without Notice. The Board of Selectmen reserve the right to shut off the supply of water without notice in the case of an accident or to make repairs, and in the cases of severe drought or short supply, to restrict the use of water or shut the water off from all places when in their judgment the supply for the time being can be suspended. Persons having boilers or other appliances on their premises depending on the pressure in the pipes to keep them supplied with water are hereby cautioned against the danger from the sources and are required to provide, at their own expense, safety devices, approved by the authority having jurisdiction, to protect themselves from danger. The Town will not be liable for damages to any person or premises resulting from shutting off the water from any main or service, even in cases when no notice is given.

#### SECTION 9. GENERAL LIMITATIONS OF LIABILITY.

- A. The Town will not be responsible for any damages caused by discolored water which may be occasioned by the cleaning of water mains or reservoirs, the opening and closing of any valve or hydrant, or for any other cause when not due to lack of reasonable care by the Department.
- B. The Town shall not be bound by any promise, agreement or representation made by any of its agents or employees that is contrary to the letter or intent of the requirements and provisions of this ordinance.

### ARTICLE 7

#### CUSTOMER BILLING

##### SECTION 1. RESPONSIBILITY FOR CHARGES. (Ref: RSA 38:22)

The current owner of the lot for which water and sewer service has been allocated and charges have accrued shall be held responsible for payment of those charges. Additionally:

- A. Real Estate Transfers. A buyer of a lot for which there is previous or current balance due for water and/or sewer services shall be held responsible for payment of those charges and/or late payment fees when due. The Department will assist in real estate transfers to help insure that all parties are aware of charges due, but accepts no responsibility for failure of a new owner to receive payment from previous owners for outstanding water and/or sewer charges. A property transfer fee will be billed to the account being transferred for water and/or sewer service for calculating pro-rated charges as of the date of closing or other designated date.
- B. Name and Address Changes. Customers are responsible for informing the Departments as to current mailing addresses. Bills mailed to a current address, so far as the Departments have been informed, are considered to have been received by the owner and are due and payable.
- C. Rental Property Owners. If desired, bills can be sent to a landlord in care of the tenant. However, charges accrued are the ultimate responsibility of the owner.

##### SECTION 2. BILLING CYCLE.

All customers shall be billed quarterly (every three months), with meters being read at the end of March, June, September and December. Bills will be mailed on or about the first of April, July, October and January.

### SECTION 3. TERMS.

The net amount of the bill is due upon receipt by the 10th of the month following the billing month. Payments made by mail shall be posted as of the postmark of the envelope.

### SECTION 4. LATE PAYMENT PENALTY.

A late payment penalty shall be assessed on the day following the due date (see Appendix I for Late Penalty amount).

### SECTION 5. LIENS.

All charges for services furnished to customers shall create a lien upon the real estate where such services are furnished. All associated costs for the lien process will be billed to the customer's account to include a Lien Processing Fee (see Appendix I for Lien Processing Fee amount).

### SECTION 6. ADDITIONAL COLLECTION COSTS.

Any other required legal fees and associated costs incidental to any special actions required to collect a delinquent amount will be billed to the customer account.

### SECTION 7. RETURNED CHECKS.

Customer accounts will be billed a fee for processing checks returned for insufficient funds. Additionally, late fees may be assessed if the returned check results in the bill being paid late (see Appendix I for return check fee amount).

## **ARTICLE 8**

### **DISCONTINUANCE OF SERVICE**

(Ref: NH Code of Administrative Rules, PUC Ch. 603.08)

#### SECTION 1. WITH NOTICE.

The Department shall have full authority to discontinue service, with notice, if the customer:

- A. Has failed to pay by the end of the quarterly billing cycle any proper or undisputed bill;
- B. Has failed to abide by the terms of a payment agreement entered into pursuant to Section 5 of this Article; or
- C. Refuses access to their premises for: a necessary inspection of the meter or backflow prevention device, or for the purposes of determining unauthorized use of the sewer system per the Town of Enfield Sewer Ordinance, inspection of customer sewer piping, processes and/or appurtenances.

#### SECTION 2. WITHOUT NOTICE.

The Department shall have full authority to discontinue service to any customer without notice if:

- A. There exists fraudulent use or procurement of water and/or sewer service, or tampering with the connections or meter and/or backflow devices, or conditions dangerous to the health, safety or utility service of others, or a clear and present danger to life, health, physical property or to the Department's ability to serve other customers;
- B. The customer has clearly abandoned the premises;
- C. The customer fails to repair a customer maintained meter or backflow prevention device within ten business days of notice to do so;
- D. The customer's water or sewer service pipe is defective or has been damaged to an extent as to render further service to the property contrary to prudent operation of the municipal water and sewer systems.

### SECTION 3. INSUFFICIENT REASONS FOR DISCONNECTION.

No customer shall be disconnected if:

- A. The customer's unpaid bill is less than \$25.00, unless it includes any arearage in whole or in part outstanding in excess of 120 days.
- B. The unpaid bill results from other than basic utility service. Basic services would include:
  - i. Account base charges, fixed cost shares and meter and backflow-preventer fund charges.
  - ii. Volume use charges.
  - iii. Late fees and restoration fees.
  - iv. New customer fees and charges.
  - v. Chargeable services, such as meter repairs, thawing, meter tests, etc.
- C. The Department has, within the preceding 30 days, been advised by a registered physician that a medical emergency exists at the location or would result from the disconnection. A registered physician's certificate of medical emergency may originally be made by telephone; however, no such verbal certification shall continue to be effective unless written notice of the medical emergency shall be received by the department within 7 days of any certification by telephone. Such certification is renewable monthly and the customer shall be required to negotiate a payment schedule pursuant to Section 5 of this Article.

### SECTION 4. DISCONNECTION NOTICES.

The Department must send by regular first class delivery a single notice postmarked at least twelve days in advance of the proposed disconnection date. The notice shall set forth the following information clearly, concisely and conspicuously:

- A. The date of disconnect.



- B. The reason for disconnect to include the total dollar amount owed.
- C. The manner by which the customer may question or contest the reason for disconnect.

The notice shall also contain the name and address of the customer and the address of the premises affected, if different.

#### SECTION 5. SPECIAL PAYMENT ARRANGEMENTS.

When a customer cannot pay a bill in full the Department will continue to serve the customer if the customer pays a reasonable portion of the outstanding bill and agrees to pay the balance of the bill in reasonable installments in accordance with a written special payment arrangement. The following conditions apply:

- A. The Superintendent shall be authorized to determine the payment arrangements with the customer. In deciding the reasonableness of a particular arrangement, the Superintendent shall take into account the size of the unpaid balance, the customer's payment history and the amount of time and the reasons why the debt is outstanding. If the Superintendent and the customer cannot agree, the customer shall have the right to appeal to the Board of Selectmen and the Superintendent shall advise the customer of such right. In either case, a written copy of the Superintendent's decision shall be provided to the customer.
- B. A customer must request a conference with the Superintendent prior to the date of disconnect which is specified in the disconnect notice. If the customer calls on the disconnect date, he/she is not entitled to a meeting with the Superintendent. If the customer calls the department either one or two days before the disconnect date, a conference shall be scheduled no later than three business days after the request.
- C. The Department shall continue service for three days after the Superintendent's conference with the customer. If the customer requests a meeting with the Board of Selectmen within this three day period, then the department shall continue service until the final decision of the Board.
- D. Before the conclusion of the Superintendent's conference with the customer, the Superintendent, if possible, shall state a final decision. If it becomes necessary after the conference to further investigate the customer's challenge, the customer's appeal period will not begin to run until the Superintendent communicates to the customer a final decision to proceed with the disconnect.

#### SECTION 6. PROCEDURES FOR ACCOMPLISHING DISCONNECTION.

- A. The Department may disconnect service for nonpayment only from 8 a.m. to 3 p.m. on any authorized business day; however, service may not be disconnected for nonpayment of bills on any day preceding a day that the Department's business office is closed to the public, unless special arrangements are made with the customer to disconnect during these times.
- B. Before disconnection, the Department employee disconnecting the service must notify any adult occupant of the premises or leave a notice if no adult is at the premises. The notice will include information as to how the customer may be reconnected.

- C. If the Department sends an employee to the customer's premises for the purpose of disconnecting service and the customer offers to pay the bill in full, the employee shall leave the service intact and direct the customer to go immediately to the Department business office and tender payment there. Under no circumstances will an employee accept a payment in the field. The employee must know the full amount to be paid but is not authorized to negotiate any payment arrangements.
- D. The Town accepts no responsibility for any damages to furnaces, appliances and other private property which might result from discontinuance of service carried out in accordance with the provisions of this section.

#### SECTION 7. RESTORATION OF SERVICE.

- A. The Department shall restore service promptly upon the customer's request when the cause for disconnection has been removed.
- B. The Department shall endeavor to restore service during the business hours of the day of the request. When the customer requests that service be restored at other than regular business hours, the Department may comply, but is under no obligation to do so unless a medical emergency exists.
- C. A restoration fee will be charged to the customer account upon reconnection (see Appendix I for restoration fee amount).

#### SECTION 8. COMPUTATION OF TIME.

Computation of any time period referred to in this Article begins with the first day following that on which the act which initiates the time period occurs.

#### SECTION 9. SPECIAL DISCONNECTION PROCEDURES FOR LANDLORD-TENANT CUSTOMERS.

All provisions of this section so far enumerated shall apply to non-owner occupied buildings, except as modified below:

- A. Landlord-Tenant Accounts. In the specific instance of a proposed discontinuance of service by the Department of an account involving a landlord-tenant relationship, the Department shall notify the Board of Selectmen of its disconnect action. Such notice shall be made to the Board if no payment arrangement can be made and before the landlord is actually disconnected. The following conditions apply:
  - i. The Department shall not disconnect service to a meter where any service provided through it accrues to the benefit of one or more parties known by the Department to be tenant/s, without giving notice to the tenant/s as follows, except that service may be discontinued without notice if the conditions of Section 2 of this Article applies:
    - a. Contents of Notice. The notice to tenants shall set forth the following information:

- (1) The date the department proposes to disconnect the service;
  - (2) A recommendation that the tenant immediately contact the landlord;
  - (3) The reason for the disconnection; and
  - (4) The address and telephone number at which the tenant may contact the department.
- b. **Timing and Manner of Giving Notice.** The notice shall be delivered not less than five days in advance of the date that the disconnection will take place. Notice may also be given by telephone, by personal visit, by posting or hanging on the front or back door of a tenant's dwelling unit or by sliding it under the tenant's door. When the number of dwelling units in a structure exceeds ten, the notice to tenants required hereunder shall be given in the manner above and provided to at least five tenants, plus an additional number which will be a reasonably representative sample of the remaining tenants which need not exceed ten percent thereof; and in such case the notice shall be posted in a common area or such other place as is calculated to receive the attention of the occupants of the structure.
- ii. The tenant may, within the five day period, seek a conference with the Town Administrator. If the tenant cannot resolve the situation with the Administrator, the tenant may seek review by the Board of Selectmen. If the tenant intends to seek Board review, the tenant must notify the Town Administrator of the intended action, in writing, within three days of the final decision of the Administrator. If the customer requests a Board review within the three day appeal period, then the Department shall continue service until the final decision of the Board on this review.
- iii. It is recognized that it will be impossible for the Department to be aware of every case where disconnection of service is prohibited hereby without prior notice to an affected tenant. If such a disconnection takes place, the Department upon learning thereof shall restore the interrupted service immediately, and may thereafter discontinue service only in compliance with this section. The Department shall, however, make reasonable, diligent and good faith effort to identify possible disconnection of services to tenants and to give the required notice.

## **ARTICLE 9**

### **NEW CUSTOMER FEES AND CHARGES**

#### **SECTION 1. GENERAL REQUIREMENTS.**

Owners of lots desiring to make hookups to existing water and/or sewer mains will be charged the following:

- A. Application fee. The application fee is non-refundable, payable in advance, and is used to cover the administrative costs of processing an application and minor technical review (see Appendix I for application fee amount).
- B. Engineering, technical and administrative services. Special engineering, technical and administrative services which might be required due to the complexity of the proposed connection, such as for industrial and commercial applications, will be the responsibility of the owner.
- C. Construction deposit. A deposit equal to the estimated cost of completing the connection from the main to the private property line may be required to be placed in escrow if, in the opinion of the Board of Selectmen, circumstances warrant. The escrow fund shall be subject to the following:
  - i. The Town of Enfield shall be the escrow agent. The escrow amount shall be deposited into an interest bearing account in a local financial institution. The owner shall be provided with deposit and interest balances upon request.
  - ii. The Town shall have full authority to use the escrowed deposit to pay for the correction of any deficiencies in the construction of the connection.
  - iii. Once construction has been completed in accordance with all department construction standards and to the satisfaction of the Town, the deposit, with interest, less a 10% retainage and any amount used to correct construction deficiencies, will be returned to the owner within ten working days from the date of final completion.
  - iv. The 10% retainage may be used by the Town to correct any settling of roadways, faulty paving and other deficiencies that may become apparent within one year of completion of the connection.
  - v. The 10% retainage, plus interest, less any amount used to correct construction deficiencies, will be returned to the owner within 10 working days of the end of the one year period.
- D. Cost of the connection. The customer shall pay for the full cost of the connection from the main to the foundation. Costs would include, but not be limited to:
  - i. Materials: pipe, valves, bedding and blanket material, fill and paving material.
  - ii. Tap of the main.
  - iii. Cost of State and other permits.
  - iv. Labor and equipment, whether supplied by the department or by a subcontractor, to include special police details for traffic control.
  - v. Landscaping of public rights-of-way and disturbed abutter property.

- E. Inspection of the connection construction. The customer will be charged a connection construction inspection fee if the inspection can be made by a Department representative. If the complexity of the connection requires registered engineer construction inspection services, the full cost of such inspection shall be billed to the customer (see Appendix I for inspection fee amount).
- F. Meters. New customers will be charged for the meter and meter setting materials and a meter installation fee (see Appendix I for meter installation fee amount).
- G. Backflow preventers. All customers are required to furnish and have installed, in accordance with the Water Department Cross-Connection Program, an approved backflow preventer.

## SECTION 2. PAYMENT ARRANGEMENTS.

The Town Administrator and Superintendent shall have full authority to establish administrative control procedures to insure that payment for services for new hookups is appropriately required, and made by the customer in a timely fashion.

## SECTION 3. WITHHOLDING OF SERVICE.

The Town reserves the right to withhold service to new customers until all expenses associated with the new hookup have been cleared; to include payment of all subcontractors engaged by the customer. Additionally, building permits and certificates of occupancy may be withheld until such time as all bills have been paid.

# ARTICLE 10

## WATER METERS & BACK-FLOW PREVENTERS

(Ref: NH Code of Administrative, PUC CH 605 and, NH Code of Administrative Rules, Part WS 314, Cross Connections)

### SECTION 1. METERS REQUIRED.

All property owners shall provide a clean, dry, warm and easily accessible place, in accordance with Department construction standards within the building served, for the installation of a water meter and, if a water customer, the installation of a back-flow preventer. The meter shall be placed so that it records all water entering the premises. If the owner cannot provide a suitable location for the installation of a meter and/or backflow preventer within the building, or, due to proposed installations which may be contrary to good engineering practice or Department construction standards, the owner shall, at the owner's expense, install an outside meter pit according to the Department's construction standards. If, in the case of a private water system being metered, the water quality is such that the meter may not operate properly, the owner may be required to install and maintain a filtering device upstream of the meter.

### SECTION 2. METER AND BACK-FLOW PREVENTER SPECIFICATIONS.

All water meters and back-flow preventers and the installation thereof shall be as specified by Department construction standards.

### SECTION 3. ACCESS REQUIRED.

Department personnel carrying proper identification shall be permitted access to the building interior for inspection, testing and maintenance of the meter and/or back-flow preventer upon ample prior notice being given to the owner.

#### SECTION 4. INSTALLATION.

The customer shall have the meter setting materials and backflow preventer installed by a licensed N.H. plumber in accordance with Department construction standards. The customer shall notify the Department at least one week in advance of the date a Department maintained meter is desired to be set. Department personnel will set the Department maintained meter and wire the remote reading device, if required.

#### SECTION 5. METER TESTING AND MAINTENANCE.

Water meters will be tested and maintained in accordance with the following:

- A. Meters shall be maintained within an accuracy limit of plus or minus 3%, the percent error being taken as the algebraic sum of the errors at the intermediate and maximum rates of test flow, as set forth in the following table, divided by two:

Test Flow-Gallons per Minute

Meter size (inches)	Minimum	Intermediate	Maximum
5/8 or 5/8 x 3/4	.25	2	10
3/4	.50	3	15
1	.75	5	25
1-1/2	1.50	10	50
2	2.00	16	80
3	4.00	30	120
4	7.00	50	250
6	12.00	100	500

- B. The Department shall maintain smaller meters in accordance with the following:
- 3/4 inch and smaller meters shall be replaced or tested and repaired every 10 years.
  - Meters larger than 3/4 inch but no larger than 2 inches shall be tested and repaired or replaced every 4 years, the cost of which shall be billed to the customer.
- C. Customers having meters larger than 2 inches shall maintain them in accordance with the following:
- Meters shall be tested by a testing firm engaged by the Department on an annual basis. Cost of the test will be billed to the customer. The customer shall, within

ten working days, arrange to have the meter repaired or replaced if necessary or be subject to discontinuance of water and/or sewer service.

- D. Customer's who question the accuracy of a meter may request to have the meter tested. If the meter is proven to be inaccurate the customer's bill will be adjusted accordingly. If the meter is proven to be accurate the customer will be charged for the meter test, except that if the meter is not Department maintained the customer will be charged for the test regardless of the test results. The customer has the right to be present at the test. A report of the test shall be given to the customer within 15 days of the test (see Appendix I for Meter Test fee amount).
- E. Meters will be re-read by the Department, free of charge, upon request.

#### SECTION 6. CUSTOMER BILL ADJUSTMENTS FOR METER ERRORS.

- A. Calculation of error. In meter tests made by the Department, at the request of a customer, the correctness of registration of the meter and its performance in service shall be judged by its average error in accordance with paragraph 5A. of this section. Any adjustment of charges which is made in accordance with this requirement shall be based on the average error thus derived.
- B. Adjustments.
  - i. Fast Meters. Whenever as the result of a test made by the Department at the request of the customer, a meter is found to register in excess of 103% of the correct amount, the Department shall refund or credit to the customer an amount equal to the charge for the excess billed for the previous twelve months or number of months that the customer has occupied the property, whichever time period is less, or for a period equal to one-half of the time elapsed since the last test, whichever is the shorter period. However, if the time when the error first developed or occurred can be definitely fixed, the amount to be refunded or credited is to be based thereon.
  - ii. Slow Meters. Whenever as the result of a test made by the Department at the request of the customer, a meter is found to register less than 90% of the correct amount, the Department may make a charge to the customer for the unbilled amount supplied for the previous twelve months or number of months the customer has occupied the property, whichever time period is less, or for a period equal to one-half of the time elapsed since the last test, whichever is the shorter period.

#### SECTION 7. BACKFLOW PREVENTER TESTING AND MAINTENANCE.

The Department will test and maintain residential type back-flow preventers 1 inch and smaller. The customer will be required to test and maintain, in accordance with the Department Cross-Connection Control Regulations, at the customer's expense, other types and sizes of back-flow preventers (see Appendix I for Backflow Preventer Test Fee amount).

#### SECTION 8. DAMAGES TO WATER METERS & BACK-FLOW PREVENTERS.

Customers shall be charged for damages to Department maintained water meters and backflow preventers resulting from customer negligence, such as, but not limited to, freezing and hot water damage.

#### SECTION 9. PULLING AND RE-SETTING METERS.

Customers will be charged for pulling and re-setting a Department maintained meter. Meters must be pulled, by authorized Department personnel only, when a building is to be shut down for the winter season. Customers shall notify the Department five working days in advance of the date they desire a meter to be pulled or re-set (see Appendix I for Meter Setting/Pulling fee amount).

#### SECTION 10. TAMPERING PROHIBITED.

Under no circumstances shall anyone other than an authorized employee of the Department break the security seals of a meter, remote reading device, or backflow preventer. Customers shall not attempt to repair a Department maintained meter, remote reading device or backflow preventer or disturb their installation in any way. Anyone found to have tampered with a meter or remote reading device to render it inoperative or inaccurate may be subject to such fines as may be permitted by law. Destroyed or damaged seals shall be considered prima facie evidence of tampering by the customer.

#### SECTION 11. METER AND BACKFLOW-PREVENTER REPLACEMENT FUND.

Customers having Department maintained meters 3/4 inch and smaller and/or Department maintained back-flow preventers, shall be charged a quarterly fee to be placed in a Water Department capital reserve fund for the eventual replacement of the meter and/or back-flow preventer. The reserve fund shall be known as the Meter and Backflow-Preventer Replacement Fund (see Appendix I for Meter and Backflow-Preventer Replacement Fund fee).

### **ARTICLE 11**

#### **FIRE PROTECTION SERVICE**

##### SECTION 1. SPRINKLER SYSTEMS.

Customers using municipal water to service fire protection sprinkler systems shall be charged a quarterly sprinkler service fee as follows:

- A. For single family homes, no charge.
- B. For multi-unit housing, commercial and industrial uses, a graduated fee based on nominal sprinkler service line size (see Appendix I for Sprinkler Service charge amount).

Installations of fire protection sprinkler systems shall be in conformity to Department construction standards up to the point of foundation penetration and, inside the foundation, shall be in conformity with the authority having jurisdiction over sprinkler system construction. Back-flow preventer installations shall be done as required in the Water Department Cross-Connection Control Regulations.

##### SECTION 2. FIRE HYDRANTS.

Privately owned and maintained fire hydrants shall not be permitted. Customers desiring the special installation of fire hydrants must submit a written request to the Board of Selectmen. The full cost of the installation and maintenance of special request fire hydrants shall be billed to the customer receiving the service (see Appendix I for Hydrant Service Charge amount).



## **ARTICLE 12**

### **GENERAL SERVICES**

#### **SECTION 1. PRIVATE WORK PROHIBITED.**

Water and Sewer Department personnel shall not repair or install nor shall Department equipment be used to repair or install private water and/or sewer lines without written authorization from the Board of Selectmen, except in the case of a dire emergency. The Superintendent must report the completion of emergency repairs to private services requiring the use of Department labor and/or equipment immediately to the Board. Except for Department maintained meter and backflow preventer servicing, water and sewer Department personnel are strictly prohibited from repairing, installing or altering interior building plumbing.

#### **SECTION 2. GENERAL SERVICES PROVIDED.**

Special services provided to each customer free of charge, in addition to those services mentioned elsewhere in these regulations, would include, but not be limited to:

- A. Water service turn on and off for water customers. Customers must notify the Department one day in advance of the date desired for water to be turned on or off. Emergencies will be accommodated as quickly as possible.
- B. Water use audits and other conservation related services.
- C. Information on water quality, service pressures and other technical assistance.
- D. Account information.
- E. Assistance with leak detection.

#### **SECTION 3. CHARGEABLE SERVICES.**

Special services chargeable to the customer, in addition to those services mentioned elsewhere in these regulations, would include, but not be limited to:

- A. One half the cost of thawing frozen water service lines if the location of the freeze plug cannot be determined.

## **ARTICLE 13**

## **NON-CUSTOMER BILLING FOR MATERIALS AND SERVICES**

### **SECTION 1. TERMS.**

Services and materials provided to persons or organizations who are not water and/or sewer customers shall be billed directly by the Department in accordance with the following terms:

- A. Bills due and payable within thirty days.
- B. 1-1/2 % per month, 18% per annum, interest charged on amount past due.
- C. Costs for materials and services same as that established for customers.
- D. Return check fees, collections fees, etc., same as that established for customers.

## **ARTICLE 14**

### **VIOLATIONS AND PENALTIES**

#### **SECTION 1. VIOLATIONS.**

Any person found to be violating any provision of this ordinance shall be served by the Town of Enfield with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correcting thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Actions which may be taken by the Town, in addition to those stated elsewhere in this ordinance and other applicable ordinances, include ex parte temporary judicial injunctive review, entry on private property to halt violations, termination of service or demand of specific action by the person.

#### **SECTION 2. PENALTIES.**

Any person found to be violating any provision of this ordinance, except ARTICLE 12, SECTIONS 3 and 4, shall be fined in the amount not to exceed \$100.00 per day of such violation, or if applicable, in accordance with Article 13, Section 2, of the Town of Enfield municipal Sewer Ordinance, 14 March 1989 and as amended 13 March 1990. Each day in which any such violation shall continue shall be deemed a separate offense.

#### **SECTION 3. TAMPERING WITH THE MUNICIPAL WATER SYSTEM. (Ref. RSA 485:31)**

- A. Any person who tampers with, or makes a threat to tamper with, the municipal water system shall be guilty of a Class B felony if a natural person and guilty of a felony if any other person.
- B. Notwithstanding RSA 651:2, a natural person may, in addition to any sentence of imprisonment, probation or conditional discharge, be fined not more than \$50,000 if found guilty of tampering with the municipal water system, and not more than \$25,000 if found guilty of an attempt to tamper with or making a threat to tamper with the municipal water system. Each day of violation shall constitute a separate violation.
- C. Any person who tampers, attempts to tamper, or makes a threat to tamper with the municipal water system shall be liable to the State, upon suit brought by the attorney

general for a civil forfeiture not to exceed \$50,000 for such tampering or not to exceed \$25,000 for such attempt or threat.

D. In this section, the term “tamper” means:

1. To introduce a contaminant into the municipal water system with the purpose of harming persons; or
2. To otherwise interfere with the operation of the municipal water system with the purpose of harming persons.

#### SECTION 4. INJURING PROPERTY, WATER SYSTEM (Ref. RSA 485:31)

Any person who shall willfully injure any of the property of the department used by it in supplying water to customers shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, and such person shall also forfeit and pay to the Department 3 times the amount of actual damages sustained, to be recovered in an action on the case.

#### SECTION 5. LIABILITY.

Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

### ARTICLE 15

#### WATER UNIT TRANSITION

Effective for the first billing quarter of 1992, all multi-unit customer accounts will be adjusted to reflect the new water unit definition set forth in Article 6 of this Ordinance. The Superintendent shall have authority to make water unit adjustments as necessary to implement the requirements and intent of this ordinance, and in accordance with the following:

- Water unit adjustments shall be: supported by available usage data, reflective of maximum occupancy/usage, and applied consistently.
- Water unit adjustments shall strive to maintain the current level of reasonable usage for affected customers. For customers having historical usage above normal expectations, the Superintendent will investigate the causes, and make an adjustment accordingly to consider reasonable conservation/corrective measures.
- Affected customers will be given an opportunity to comment on their water unit adjustments prior to implementation. The Superintendent shall consider all pertinent factors in making adjustments. Customers have the right to appeal the Superintendents decision to the Board of Selectmen.
- The Superintendent may, if new data indicates the need, change adjustments made initially to reflect a more accurate water unit allocation. All adjustments must be finalized by the end of the 4th billing quarter of 1992.

### ARTICLE 16

This ordinance shall be in full force and effect from and after passage, approval, recording and publication as provided by law. Minimum charges and volume use rates enumerated herein shall be retroactive for services rendered during the first billing quarter of 1992. All other charges and fees shall be effective upon adoption of this Ordinance.

**APPENDIX I  
SCHEDULE OF FEES AND CHARGES**

ACCOUNT BASE CHARGE .....	\$8.07 per account
FIXED COST SHARE	
WATER SERVICE .....	\$5.24 per allocated water unit per quarter
SEWER SERVICE .....	\$6.69 per allocated water unit per quarter
METER REPLACEMENT FUND	
5/8 METER .....	\$0.75/quarter
3/4 METER .....	\$1.00/quarter
3/4 or 1 DCV BFP .....	\$0.25/quarter
VOLUME USE CHARGE (same for all customer classifications)	
WATER SERVICE .....	\$4.06/1000 gallons
SEWER SERVICE .....	\$4.14/1000 gallons
LATE PAYMENT FEE .....	10% of the current outstanding charges
LIEN PROCESSING FEE .....	\$25.00
RESTORATION CHARGE .....	\$10.00 (for restoring water service after discontinuance for non-payment)
PROPERTY TRANSFER FEE .....	\$20.00
NEW CONNECTION APPLICATION FEE	
WATER SERVICE .....	\$10.00
SEWER SERVICE .....	\$10.00
CONNECTION CONSTRUCTION INSPECTION FEE	
WATER CONNECTIONS .....	\$45.00
SEWER CONNECTIONS .....	\$45.00
METER INSTALLATION FEE .....	\$25.00
METER PULLING/SETTING .....	\$12.50 per trip
METER TESTING FEE .....	\$25.00/hr plus costs
METER REPAIR FEE .....	\$25.00/hr plus materials
FIRE PROTECTION SERVICE CHARGES	
SPRINKLER SERVICE .....	\$2.00 per inch nominal sprinkler service line size per quarter.
HYDRANT SERVICE .....	Not established.
BACKFLOW PREVENTER TEST .....	\$25.00 plus cost of any special materials parts, and services.
GENERAL LABOR SERVICES	
(Hourly employee rate + current benefit %) x (man hours)	
Overtime rate may apply when applicable.	

## PARTS AND MATERIALS

Department replacement cost plus 5 % inventory and administrative charge.