

Appendix

City of Nashua

Draft Water Ordinance

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

Sec. x-1. NAME.....	4
Sec. x-2. DEFINITIONS.....	4
Sec. x-3. APPEALS.....	4
Sec. x-4. INITIATION OF UTILITY SERVICE.....	4
Sec. x-6. METER READING.....	6
Sec. x-7. BILLING.....	7
Sec. x-8. PAYMENT ARRANGEMENTS.....	7
Sec. x-9. PENALTIES AND CHARGES.....	9
Sec. x-10. TERMINATION OF SERVICE.....	9
Sec. x-11. DISCONNECTION OF SERVICE.....	9
Sec. x-13. RECONNECTION OF SERVICE.....	11
Sec. x-14. DENIAL OF NEW SERVICE FOR PRIOR ARREARAGE.....	11
Sec. x-15. TRANSFER OF SERVICE.....	11
Sec. x-16. INTERRUPTION OF SERVICE.....	11
Sec. x-17. USE OF SERVICE DEEMED A CONTRACT.....	12
Sec. x-18. SERVICE PIPE.....	12
Sec. x-19. WINTER CONSTRUCTION.....	13
Sec. x-20. MAINTENANCE OF PLUMBING.....	13
Sec. x-21. METERS.....	13
Sec. x-22. HOT WATER TANKS.....	14
Sec. x-23. BACKFLOW PREVENTION & CROSS-CONNECTIONS.....	14
Sec. x-24. TAMPERING.....	15
Sec. x-25. LIABILITY.....	15
Sec. x-26. PUBLIC HYDRANTS.....	15
Sec. x-27. PRIVATE FIRE PROTECTION.....	15
Sec. x-28. OTHER CHARGES.....	16
Sec. x-29. RIGHT OF ACCESS.....	16
Sec. x-30. COOLING EQUIPMENT USING WATER.....	16
Sec. x-31. MAIN PIPE EXTENSIONS.....	16
Sec. x-32. WATER RESTRICTIONS.....	18
Sec. x-33. WATER CONSERVATION PROGRAM.....	18
Sec. x-34. RENTS AND CHARGES.....	18
FORM OF WATER RATES FOR GENERAL SERVICE – METERED - SCHEDULE GM...	20
FORM OF WATER RATES FOR MUNICIPAL FIRE PROTECTION SERVICE - SCHEDULE FP-GM-M.....	22

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

FORM OF WATER RATES FOR PRIVATE FIRE PROTECTION SERVICE - SCHEDULE
FP-GM-NM..... 23
FORM OF WATER RATES FOR MISCELLANEOUS UTILITY SERVICE FEES 24

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

Sec. x-1. NAME

This Article of the Nashua City Code shall be known as the Water Ordinance.

Sec. x-2. DEFINITIONS

- (a) APPEALS BOARD means a person or board designated by the Mayor or Board of Aldermen for the purposes of ruling on appeals arising from this Ordinance.
- (b) ARREARAGE means any amount due to the City for water utility service that remains unpaid after the due date printed on the original bill.
- (c) CITY means the City of Nashua.
- (d) CURB STOP means the valve in the service line from main to premises that is the boundary between the service line owned by the City and the service line owned by the premises.
- (e) CURRENT BILL means the amount of money due to the City for water utility service rendered in the most recent billing period.
- (f) CUSTOMER means any person, firm, partnership, corporation, cooperative marketing association, tenant, governmental unit, or a subdivision of a municipality, or the State of New Hampshire accepted to receive water utility service.
- (g) CUSTOMER Service PIPE means that section of service pipe from the Customer's property line or the curb stop valve to the meter.
- (h) DISCONNECTION means a physical action to stop the flow of water to a Customer.
- (i) DUE DATE means the date on which payment of a bill is due to the City.
- (j) LATE PAYMENT means any payment made to the City or its authorized agent after the due date printed on the bill.
- (k) MAIN PIPE means the supply pipe (typically located in streets) from which service connections are made to supply water to Customer.
- (l) SERVICE Connection SERVICE PIPE means the point of connection between the Customer's service line and the utility's service line.
- (m) SERVICE PIPE means the pipe running from the main pipe to inside the cellar wall of the Customer's building or point of property entrance.
- (n) Termination means a bookkeeping function that occurs when a Customer's account is closed permanently.
- (o) UNDUE DELAY means more than 3 business days from the date for which service was requested, except during severe storms, heavy seasonal activity, and other similar unforeseeable circumstances.

Sec. x-3. APPEALS

- (a) Any decision regarding the application of this Article may be appealed to the Appeals Board.

Sec. x-4. INITIATION OF UTILITY SERVICE

- (a) Persons seeking water service are required to apply to the City in writing on forms supplied by the City.

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

- (b) The location to which an applicant requests service shall be:
 - (1) Within the City's authorized service area; and
 - (2) Equipped with plumbing suitable to accept water utility service.
- (c) The City will select the appropriate rate to be charged for the requested water service. Where no appropriate rate for the service requested exists, the City may execute a special contract that supersedes portions of this Ordinance for rates and conditions of service.
- (d) The applicant shall be required to sign a Low Pressure or High Pressure agreement as a condition of service when the following conditions exist:
 - (1) Low Pressure - when the average pressure at the meter entrance under no flow conditions is less than 40 psig or pressure variations exceed 33% above or below the average operating pressure. When low-pressure conditions exist, the applicant shall install a water booster pump as a condition of receiving service.
 - (2) High Pressure - when the average pressure at the meter entrance under no flow conditions exceeds 80 psig. When high-pressure conditions exist, the applicant shall install a pressure-reducing valve as a condition of receiving service.

Sec. x-5. DEPOSITS

- (a) As a condition of new residential service, the City may require a deposit, or a written guarantee, in the following circumstances:
 - (1) When the Customer has an undisputed overdue balance;
 - (2) When the City has successfully obtained a judgment against the Customer for non-payment of a delinquent account;
 - (3) When the City has disconnected the Customer's service within the last 3 years because the Customer interfered with, or diverted, the service of the City situated on or about the Customer's premises; or
 - (4) When the Customer is unable to provide satisfactory evidence to the City that he or she intends to remain at the location for which service is being requested for a period of 12 consecutive months unless he or she provides satisfactory evidence that he or she has not been delinquent in his or her similar water utility service accounts for a period of 24 months.
- (b) For purposes of the paragraph above, satisfactory evidence shall consist of:
 - (1) a copy of the Customer's deed, lease or letter from a landlord; and
 - (2) oral or written statements by a representative of the similar water utility service.
- (c) As a condition of existing residential service, the City may require a deposit or a written guarantee as provided below, in the following circumstances:
 - (1) When the Customer has received the following number of disconnect notices for non-payment within a 12 month period:
 - (a) For Customers billed monthly: 4 disconnect notices for water service;
 - (b) For Customers billed every 2 months: 3 disconnect notices, and;
 - (c) For Customers billed quarterly: 2 disconnect notices for water service;

ARTICLE x
CITY OF NASHUA DRAFT WATER ORDINANCE

- (2) When the Customer's service has been disconnected for non-payment of a delinquent account;
 - (3) When the City has disconnected the Customer's service because the Customer interfered with, or diverted, the service of the City situated on, or delivered on or about, the Customer's premises; or
 - (4) When the Customer has filed for bankruptcy, including the City as a creditor under the filing, and the filing has been accepted, in which case the deposit requirement shall be in accordance with 11 U.S.C. 366.
 - (5) As a condition of non-residential service, the City may require a deposit.
- (d) In lieu of a deposit, the City will accept the irrevocable written guarantee of a responsible party such as a social service organization, a municipal welfare agency, a bank, or a Customer in good standing of the City as a surety for a Customer service account, provided that any such guarantee shall:
- (1) Be in writing;
 - (2) Include the maximum amount guaranteed; and
 - (3) Specify that the City shall not hold the guarantor liable for the sums in excess of the maximum amount guaranteed unless agreed to in a separate written agreement.
- (e) The deposit will be returned with interest (calculated at the average rate received by the City for short term investments) or the responsible party assuring the guarantee referenced in (e) above shall be released from liability and no further deposit shall be required from the Customer at the point in time when all bills have been paid without delinquency for 12 consecutive months for a residential Customer and 24 consecutive months for a non-residential Customer.
- (f) The amount of deposit shall be:
- (1) No less than \$10; and
 - (2) No more than the charge for utility service for a period of 2 high-use months, calculated as described below, exclusive of the highest-use month:
- (g) Either by mail or in person, the City shall provide each Customer with a receipt for any deposit containing, at a minimum: (a) the Customer's name; (b) the location of the service; (c) the date and amount of the deposit payment; (d) and a statement of the terms and conditions governing the receipt, retention, refund, and payment of deposits;
- (h) Nothing shall prohibit the City from negotiating payment of the deposit in installments, normally not exceeding three (3) months.
- (i) Payment of the deposit in installments shall not relieve the Customer of the obligation to pay the current bill in a timely manner.

Sec. x-6. METER READING

- (a) The City will read all service meters at regular intervals and on the corresponding day of each meter reading period as far as practicable within regularly scheduled work days.
- (b) The City may, at its option, read some or all meters in alternate months, and render a monthly bill by estimating usage during the month when no reading was made.

ARTICLE x
CITY OF NASHUA DRAFT WATER ORDINANCE

- (c) Estimated readings will be based on the Customer's available historical data.
- (d) When a meter reading is obtained and an actual quantity of water is determined, the estimated quantity previously billed will be deducted from the total quantity used during the period and a bill rendered for the remaining quantity.
- (e) If the estimated consumption is greater than the actual meter reading a credit will be issued to the Customer's account.
- (f) In the event a meter reading cannot be obtained at the regularly scheduled time, whether monthly or in alternate months, postcards (postage pre-paid) may be used by the Customer to record the reading or the Customer may call the City with a meter reading.
- (g) If the Customer calls or returns the postcard in the time described thereon, the pertinent bill will be based on the card, reading or call; otherwise, it will be estimated.
- (h) Bills rendered for service on an estimated basis shall have the same force and effect as those based upon actual meter readings.

Sec. x-7. BILLING

- (a) Bills will be rendered on forms that show the amount of water consumed during the billing period, arrearages, special charges, and such other information as is needed to verify the calculation of the charges. Customers may verify their records with the City during normal business hours or by special arrangement with City staff.
- (b) The City shall have a lien on property served by its water utility for any and all fees charged pursuant to this Article and may enforce said lien as provided in RSA 38:22, or its successor, or any other means. The tax collector shall file notices of liens in the county registry of deeds at least once annually.

Sec. x-8. PAYMENT ARRANGEMENTS

- (a) With the exception stated in (b) below, when a residential Customer is unable to pay the total arrearage due, the City may continue to provide service to the Customer if the Customer agrees to a payment arrangement wherein the Customer shall:
 - (1) Pay a reasonable portion of the arrearage as agreed by the Customer and the City;
 - (2) Pay the balance of the arrearage in reasonable installments as agreed to by the Customer and the City; and
 - (3) Pay the current bill and all future bills by the due date printed on the bill.
- (b) When a residential Customer is unable to pay the total arrearage due and the City has been notified that a medical emergency exists, the City may continue to provide service to the Customer if the Customer agrees to a payment arrangement wherein additional flexibility is built into the payment arrangement, including but not limited to negotiating a flat monthly payment, for application to both the arrearage and the Customer's current bill.
- (c) In deciding upon the reasonableness of a payment arrangement, the Customer and the City will consider the:
 - (1) Size of the arrearage;
 - (2) Estimated size of the Customer's future monthly bills;

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

- (3) Customer's payment history;
 - (4) Amount of time that the arrearage has been outstanding;
 - (5) Reasons why the arrearage is outstanding and whether those reasons will or will not continue during the course of payment; and
 - (6) Customer's ability to pay.
- (d) For an arrearage resulting from a non-registering meter, meter reading error, or reconciliation between estimated billings and actual usage, the payment arrangement shall extend for a minimum period of time equal to the period of time for which the error is being re-billed.
- (e) For billing adjustments due to specific meter inaccuracies, the following procedure shall apply:
- (1) Meters shall be tested in accordance with American Water Works Manual M6 (Water Meters – Selection, Installation, Testing and Maintenance).
 - (2) Meter error shall be the average of the errors of the maximum and intermediate rate tests.
 - (3) If a meter is found to register in excess of 103% of the correct amount, the City will refund an amount equal to the excess charges for the shorter of:
 - (a) The previous 12 months;
 - (b) A period equal to 1/2 the time elapsed since the last test of the meter; or
 - (c) The period of occupancy of the customer.
 - (4) If a meter is found to under-register by less than 97% of the correct amount, the City may charge the customer for an amount equal to the unbilled amount for the shorter of:
 - (a) The previous 12 months;
 - (b) A period equal to 1/2 the time elapsed since the last test of the meter; or
 - (c) The period of occupancy of the customer.
 - (5) If a meter or a remote register is found that does not register properly, the City shall estimate the water to be billed based on the best information available to it considering historical consumption and any information that can be provided by the customer.
 - The maximum period of recovery for the difference between previously filled amounts and estimated actual consumption shall not exceed 12 months unless the customer was purposely diverting water.
- (f) The City may require payment at shorter than monthly intervals if the payment arrangements are made in lieu of disconnection or upon reconnection without a deposit.
- (g) The City will not disconnect any Customer for failure to comply with a payment arrangement, which has not been timely confirmed in writing and received by the Customer. For purposes of this section, receipt by the Customer of a mailed confirmation shall be presumed 3 days subsequent to mailing, or the actual date of delivery when known.
- (h) The City may disconnect without additional notice any Customer for failure to comply with a properly confirmed payment arrangement.

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

Sec. x-9. PENALTIES AND CHARGES

- (a) The City may charge a late payment fee for overdue bills of all Customers:
 - (1) A late payment charge may be imposed only after the due date printed on the bill; and
 - (2) The date of payment to the City's authorized agent shall be considered the payment date for purposes of this section.
- (b) The City may impose a charge on a Customer account whenever the institution on which it is written does not accept a check or draft presented for payment of service.
- (c) The amount of the charge permitted by (b), above, shall be the greater of \$5 or the actual administrative cost of recovery.

Sec. x-10. TERMINATION OF SERVICE

- (a) Customers are required to provide the City with four (4) business days notice of intent to terminate service in order to take final meter readings and prepare final bills. Termination service may be obtained on an expedited basis by paying the fee in the current table of Miscellaneous Utility Service Fees in this Ordinance.

Sec. x-11. DISCONNECTION OF SERVICE

- (a) The City may disconnect service to a Customer if:
 - (1) The Customer has failed to pay an arrearage after demand has been made; or
 - (2) The Customer has failed to pay a deposit request or to provide an acceptable third-party guarantee in lieu of the deposit; or
 - (3) The Customer has failed to pay a bill for water utility services or to enter into a payment arrangement for payment of the bill on or before the due date printed on the bill; or
 - (4) Water is being discharged from the Customer Service Pipe; or
 - (5) The Customer has clearly abandoned the property; or
 - (6) A condition dangerous to the health, safety, or utility service of others exists; or
 - (7) Clear and present danger to life, health, or physical property exists;
 - (8) The Customer refuses access to the residential premises for a necessary inspection of utility property, including but not limited to the reading of meters.
- (b) Except in the circumstances described below, the City shall give proper notice of disconnection as follows:
 - (1) Notice of disconnection to a Customer shall consist of written notice postmarked 14 days prior to the proposed date of disconnection;
 - (2) Notice to a residential or non-residential Customer shall not be required if:
 - (a) The Customer has obtained utility service in an unauthorized manner or used utility service fraudulently; or
 - (b) The Customer has clearly abandoned the property; or
 - (c) The Customer has violated any ordinance provision; or

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

- (d)* A condition dangerous to the health, safety, or utility service of others exists;
or
 - (e)* Clear and present danger to life, health, or physical property exists;
- (c) The City shall not disconnect a Customer's service and a notice of disconnection shall not be sent to a residential Customer if:
- (1) The Customer's arrearage is less than 30 days outstanding and is less than \$25 for; or
 - (2) The unpaid bill results from other than delivery of water, such as merchandise, appliance sales, or repairs; or
 - (3) The City has reason to believe that a medical emergency exists at the location or would result from the disconnection of service; or
 - (4) A municipal welfare office has guaranteed payment of current bills on behalf of the Customer and the Customer agrees to enter into a reasonable arrangement for repayment of the amount in arrears; or
 - (5) The arrearage is for prior residential service furnished in the name of someone other than the Customer of record unless:
 - (a)* The Customer of record and the above mentioned person other than the Customer of record resided together at the address where the arrearage was incurred;
 - (b)* Both that person and the Customer of record received the benefit of the City service;
 - (c)* Both that person and the Customer of record reside together at the current service address and receive the benefit of the current utility service; and
 - (d)* The person other than the Customer of record refuses to enter into a payment arrangement.

Sec. x-12. DISCONNECTION OF SERVICE IN RESIDENTIAL TENANT/LANDLORD SITUATIONS

- (a) "Tenant" for purposes of this section, means a person who rents and occupies a room in a rooming house or a person who rents and occupies a dwelling unit, in a building or mobile home park owned by another, consisting of contiguous living, sleeping, kitchen and bathroom facilities for the exclusive use of that person and his or her immediate family. Tenant specifically excludes a person who rents a unit for short-term, vacation, or recreation purposes.
- (b) Service shall not be disconnected to a Customer if any part of the service provided accrues to the benefit of one or more parties known by the City to be residential tenant(s) unless the City gives written notice to those tenants in accordance with RSA 38:31, or its successor.
- (c) The City shall provide service to a tenant in the tenant's own name as Customer of record if so requested, subject to the terms and requirements of the City's tariff and this chapter, without requiring the tenant to pay any part of the landlord's past due balance as a condition of receiving service.

ARTICLE x
CITY OF NASHUA DRAFT WATER ORDINANCE

Sec. x-13. RECONNECTION OF SERVICE

- (a) When the cause for a disconnection has been removed, the City shall reconnect service upon the Customer's request.
- (b) When the cause of the disconnection is failure to pay an arrearage, the City shall reconnect service when:
 - (1) All the arrearages have been paid; or
 - (2) The Customer has provided evidence of an agreement with a municipal welfare official, pursuant to RSA 165, or its successor; or with another social service agency to pay the current bill; and
 - (3) The Customer has agreed to enter into a payment arrangement for the unpaid arrearage.
- (c) The City will endeavor to reconnect service during business hours on the day of the request. When the Customer requests that service be reconnected at other than regular business hours, the City will attempt to make the reconnection but will be under no obligation to do so.
- (d) A charge will be made for reconnection of service.

Sec. x-14. DENIAL OF NEW SERVICE FOR PRIOR ARREARAGE

- (a) The City may deny new service to any applicant due to an outstanding arrearage with that particular utility for prior service.
- (b) The City will not deny new residential utility service to any applicant with whom either
 - (1) A reasonable payment arrangement can be made; or
 - (2) The City has a current payment arrangement.

Sec. x-15. TRANSFER OF SERVICE

- (a) Service will be transferred to a new customer only at the request of the new customer.

Sec. x-16. INTERRUPTION OF SERVICE

- (a) When service is interrupted because the City must perform work on mains, lines, or equipment that is not an emergency, the City will perform the work at a time causing minimum inconvenience to Customers consistent with the circumstances.
- (b) Whenever practicable with reference to planned work, the City will notify the following Customers, where known, in advance:
 - (1) Alarm services;
 - (2) Medical alert services;
 - (3) Emergency services; and
 - (4) Other similarly situated Customers who will be seriously affected by the service interruption.
- (c) The City may interrupt or curtail service and/or vary the characteristics thereof:
 - (1) When necessary to prevent injury to persons or property; and
 - (2) When necessary to effect a temporary rationing of water for the common good of the City's system.

ARTICLE x
CITY OF NASHUA DRAFT WATER ORDINANCE

Sec. x-17. USE OF SERVICE DEEMED A CONTRACT

(a) Whether or not a signed application for service is made by the Customer and accepted by the City, the rendering of service by the City and its use by the Customer shall be deemed a contract between the parties and subject to all provisions of the tariff applicable to the service.

Sec. x-18. SERVICE PIPE

(a) Location. Service pipe connections normally will be made from the street that is the legal address of the premises served. No service pipe shall cross any property other than the property being served unless located in an easement that has been accepted by the City that is in the City's benefit.

(b) Installation, Ownership and Maintenance

(1) Main-to-Curb Stop - All service pipes within the limits of the highway including the service from the main to the curb stop (the "Main-to-Curb Stop"), shall be installed, owned and maintained by the City.

(2) Curb Stop-to-Premises - From the limits of the highway to the premises served (the "Curb Stop-to-End") the service pipe may be installed by the City at the Customer's expense or, at the Customer's option, this portion of the service pipe may be installed by the Customer subject to the City's specifications. For services installed by the City, at the time application for service is made a deposit will be required based upon the estimated cost of construction. For services installed by the Customer, at the time of application the City will charge a service connection inspection fee.

(c) The City reserves the right to refuse water service to any location until such time as the City decides that there is sufficient progress to show that the building will be completed and occupied.

(d) On future installations, or re-installations, of service lines, only one Customer will be supplied through one service pipe. Where more than one Customer is now supplied through one service pipe and under control of one curb-stop, any violation of the rules of the City by either or any of the Customers so supplied shall be a violation by all and the City may take such action as could be taken against a single Customer, except that such action shall not be taken until the innocent Customer who is not in violation of the City's rules has been given a reasonable opportunity to attach his pipe to a separately controlled service connection.

(e) Service pipes shall be laid so as to have adequate separation, as determined by the City, from all other utility pipes, excavations and vaults.

(f) Temporary Service Connection

(1) Temporary service is one installed to any building or trailer not placed on a permanent foundation, or to a garden or for other temporary use.

(2) The whole cost of installation from the nearest available main, and maintenance, shall be at the Customer's expense.

(3) If, within five (5) years, a temporary service becomes permanent, the City will reimburse the Customer for its share of the service pipe expense.

(g) Stop Cock

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

(1) Every service must be provided with a stopcock or valve easily accessible and located inside the building near the service entrance.

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

(h) Thawing. When it becomes necessary to thaw a frozen service pipe and it cannot be determined where it is frozen, and the City at the Customer's request undertakes to thaw the same, one-half of the cost thereof shall be paid by the Customer.

Sec. x-19. WINTER CONSTRUCTION

(a) Ordinarily no new service pipes or extensions of mains will be installed during winter conditions (when frost is in the ground).

Sec. x-20. MAINTENANCE OF PLUMBING

(a) Customers shall maintain the plumbing and fixtures within their own premises in good repair, free from leaks and protected from freezing, at their own expense; and for failure to do so service may be disconnected.

(b) The City shall have the right to inspect the plumbing from the curb stop through the shutoff valve downstream of the meter in any premise receiving water service for compliance with this Section.

(c) Any relocation of the service pipe on Customer's premises due to change in grade, relocation of grade or otherwise shall be at the Customer's expense, and in no event shall the City be responsible for any damage done by water escaping therefrom.

Sec. x-21. METERS

(a) All new water services will be metered except service used only for fire protection. The City reserves the right to require metering of fire protection connections if appropriate. The City reserves the right to install a water meter for any premise existing at the time of the initial adoption of this Ordinance at its own expense.

(b) The City will determine the size of the meter using accepted utility practices.

(c) Meter Setting

(1) The Customer shall provide a clean, dry, warm (i.e. not in danger of freezing) and accessible place for the installation of the meter, as near as possible to the point of entrance of the service pipe to the building.

(2) The original cost of the meter and installation will be borne by the City; however, the City reserves the right to charge Customers:

(a) For excess cost over the cost of a meter that the City determines should be used whenever the Customer requests a special metering device or a meter larger than the City determines is necessary;

(b) For piping and fittings in excess of normal requirements;

(c) For removing or resetting meters at the Customer's request.

(3) When the Customer fails or neglects to furnish a suitable location for a meter inside his building or where for other reasons it is necessary or expedient to locate the meter in

ARTICLE x
CITY OF NASHUA DRAFT WATER ORDINANCE

an underground box or vault, the Customer shall bear the expense of same. Any relocation of such underground box or vault shall be at the Customer's expense.

(d) Repairs

- (1) Meter repairs or replacements necessitated by ordinary wear will be paid for by the City;
- (2) Meter repairs or replacements caused by freezing, hot water, or by other fault of the Customer will be charged to the Customer.

(e) Auxiliary Meters

- (1) If additional or auxiliary meters are desired by the Customer for subdivision of the supply, they shall be furnished, installed and maintained at the Customer's expense.

(f) Non-Registering Meters

- (1) If a meter is found which does not register, the bill for the period of non-registration will be based upon information recorded prior to or subsequent to the period of non-registration, and;
- (2) Any other pertinent information supplied by the Customer or known to the City.

(g) Tampering

- (1) If a meter, including the remote register and interconnecting cable or wire or other connections or equipment of the City are found to have been interfered with, diverted, damaged or tampered with, the Customer shall be assessed a charge not to exceed the actual cost of repair, or replacement if necessary, to such meter installation, and service may be terminated without notice. The City shall estimate the water that would have been registered and render a bill to the Customer for that amount.
- (2) Only authorized City personnel may break the seal on a meter.
- (3) An unauthorized broken seal shall constitute tampering.

Sec. x-22. HOT WATER TANKS

- (a) All Customers having direct pressure hot water tanks or appliances must place proper automatic vacuum 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.
- (b) Service will be provided to direct pressure installations only at the Customer's risk and in no case will the City be liable for any damage occasioned thereby.

Sec. x-23. BACKFLOW PREVENTION & CROSS-CONNECTIONS

- (a) The City hereby adopts by reference the provisions of the regulations of the New Hampshire Department of Environmental Services Env-Ws 364 BACKFLOW PREVENTION, or its successor. The definitions in Env-Ws 364, or its successor, shall apply with respect to this Section of this Article and specifically the term "supplier" shall be the City of Nashua.
- (b) Backflow prevention devices shall be tested as provided in Env-Ws 364, or its successor. Customers shall provide written evidence that certified inspectors have successfully tested backflow devices at intervals specified in Env-Ws 364. Failure to provide such evidence shall be grounds for immediate discontinuation of service.

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

Sec. x-24. TAMPERING

(a) All gates, valves, shut-offs and standpipes that are the property of the City shall not be opened or closed or tampered with in any way by any person other than an authorized employee of the City.

Sec. x-25. LIABILITY

(a) The City will not be responsible for any damage caused by shut-offs in the mains or service pipes, because of shortage of supply, setting or removing meters, repairs, construction, or for other reasons beyond the control of the City. Notice of shut-off will be given when practicable; however, nothing in this rule shall be construed as requiring the giving of such notice.

(b) The City will not be responsible for damage caused by dirty water which may be occasioned by periodic cleaning of pipes, reservoirs, or standpipes, or the opening or dosing of any gates, valves, or hydrants, or any other cause.

Sec. x-26. PUBLIC HYDRANTS

(a) Hydrants may not be used for any purpose other than extinguishing fires and for such other purposes as may be mutually agreed to by the City and the municipality in which the hydrant is located.

(b) The City may permit the purchase of water from hydrants by specific persons (such as contractors) for limited periods of time where withdrawal of quantities of water will not have an adverse effect on the water system and its Customers. Such water purchases shall be made through metering devices attached to the hydrant(s) by City employees or their agents or if other, explicit arrangements are made between the City and the purchaser. There shall be a fee charged for the installation and use of such devices. Water so purchased will be at the volumetric rate in effect at the location from which water is taken.

(c) In no case shall hydrants be operated by any person other than an agent of the City or a duly authorized representative of the municipality.

Sec. x-27. PRIVATE FIRE PROTECTION

(a) An application for private fire service must be accompanied by a plan of the proposed piping system, together with a statement telling for what other purpose the system might be used.

(b) Water supplied through fire service pipes may, at the option of the City, be metered and special measuring or detecting devices may be installed. All such meters and devices shall be approved, furnished and set by the City at the Customer's expense.

(c) Where a private standpipe, reservoir, tank or cistern is used it shall be constructed so as to shield and protect the water from all possible contamination in a manner satisfactory to the City.

(d) In the construction of private standpipes, reservoirs, tanks and cisterns, provision shall be made for means of easy access to their interiors by agents of the City for the purpose of inspection and to permit cleaning. A draw-off pipe shall be fitted for the purpose of draining water periodically for inspection and such draw-off pipe shall not be connected with a sewer or drain in any way that would permit pollution of the water.

ARTICLE x
CITY OF NASHUA DRAFT WATER ORDINANCE

Sec. x-28. OTHER CHARGES

(a) Service Connection and Disconnection Charge. There will be a service charge for turning off or turning on water at Customer's request. The service charge will be equivalent to the sum of the cost of one hour of labor time and one hour of equipment use time and will vary depending upon whether the connection or disconnection is made during regular hours or during non-regular hours.

(b) Collection Charge. Whenever the City sends an employee to the Customer's premises for the purposes of disconnecting service for non-payment and the Customer tenders payment in full of the bill to prevent disconnection, a service charge may be imposed as stated under Paragraph "A" above, Service Connection and Disconnection Charge. The City may require that full payment plus the charge be paid in cash.

(c) Penalty for Bad Checks. Whenever a check or draft presented for payment is not accepted by the institution on which it is written, or is returned for insufficient funds, the City will impose a charge cover the costs of processing said check or draft.

(d) Initiation of Service. When a Customer seeks to establish a new water account or transfer an existing water account with the City, there shall be a charge to cover the City's costs associated with opening and transferring water accounts.

Sec. x-29. RIGHT OF ACCESS

(a) Any authorized City representative on reasonable notice shall have the right and be permitted access to Customer's premises to inspect the plumbing, fixtures, or appliances supplied with water: set, read, remove, replace or repair meters; enforce this Ordinance.

Sec. x-30. COOLING EQUIPMENT USING WATER

(a) All air conditioning equipment using water to cool the compressor or refrigerant installed or replaced after May 15, 1966, where the total installed capacity, in one or more units, is in excess of 3 tons, shall include a water conserving device, thereby limiting the use of water to that lost by evaporation.

(b) The water-conserving device may be a cooling tower, spray pond, evaporating condenser, or other equipment by which water is cooled and recirculated.

(c) If a Customer collects the water discharged from the air conditioning equipment and uses the entire amount so discharged in other normal manufacturing uses, the above regulation A will not apply.

Sec. x-31. MAIN PIPE EXTENSIONS

Main pipe extensions may be made upon petition of prospective Customers. No main pipe constructed by other than the City shall be connected to the Water Utility unless construction and testing has been performed to the City's satisfaction.

(a) Materials and Specifications

(1) Main pipes shall be located within highways or streets that have been accepted by the municipality in which they have been located or within easements to the City providing suitable legal rights to construct, maintain, repair, replace and operate the main pipes including the right to excavate whenever necessary. Location of main pipes within

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

easements shall be made only when it is not feasible to locate them within streets or when required by long range water transmission and distribution plans.

(2) The City shall determine the size and materials of the main pipe and standards and specifications for installation all of which shall conform to the applicable American Water Works Association standards. Normally, main pipe extensions shall be made with Class 52 cement-lined ductile iron pipe of no less than eight-inch (8") inside diameter. In its sole discretion and on a case-by-case basis, the City may allow the use of smaller size main pipes and alternate materials.

(3) If main pipe larger than eight-inches (8") inside diameter is required, the City may, but is not required to, participate in the cost of constructing said main pipe to the extent that the excess construction size is required to further the long range plans for the water transmission and distribution system.

(b) Cost of Construction

(1) The cost of constructing main pipe extensions shall be borne by the petitioners for said main pipe. Construction costs shall include the main pipes and all appurtenances such as valves and fire hydrants and will include all costs of construction through site restoration, if required.

(2) Upon approval of the petition for main pipe extension, petitioners may construct said extension at their own expense and, upon completion of construction and testing, deed said main to the City or petitioners may advance the money for construction to the City that will thereafter cause the main to be constructed. At the completion of the construction the City shall return any advances received in excess of the amount required to complete the project without interest.

(c) System Upgrades

If a new Customer or a new use by an existing Customer places a sufficient demand on the Water Utility to require improvements to the treatment, storage or transmission facilities, the City may require that Customer to pay for some or all of the costs of improvement.

(d) Recovery of Costs by Petitioners

(1) Where service connections could be made to a water main extended as provided above by persons who did not participate in its cost of construction, petitioners may recover a portion of the costs of construction by the method described below.

- a. Petitioners and the City shall enter into a written agreement prior to commencing construction that shall describe the project and a method of allocating the cost of construction benefiting abutting properties or properties that could connect to the project.
- b. The agreement shall provide a method or formula for determining the final cost of the main extension project.
- c. The agreement shall provide that if an abutting property wishes to become a Customer, it shall pay the amount specified by the agreement to the City in

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

addition to any other costs imposed by the City. The City shall remit the amount collected as prescribed by the agreement.

d. In no case shall the agreement be for a period of time greater than ten (10) years from the date on which the main extension project is placed into service.

(e) Extension of Mains at City Initiative

Where main pipes have been constructed at the City's initiative, the City may set a fee to be collected to be collected from benefiting properties becoming Customers as described above. Where the main extension is larger than 8-inches (8") inside diameter, the fee shall be based on the cost of 8-inch main.

(f) Special Contract

Nothing in this Ordinance shall prohibit the City from entering into a Special Contract for water service when special conditions require it. The principle of Special Contracts shall be that they shall not result in subsidization by a Customer or class of Customers to benefit another Customer or Customers.

Sec. x-32. WATER RESTRICTIONS

(a) The City retains the right to establish restrictions on outside water use as required to maintain an adequate supply of potable water for domestic use. When the City determines that restrictions on outside water use are required it will notify the affected Customers through at least one of the following media:

- (1) Mail or on-site notice
- (2) Newspaper of local circulation
- (3) Radio
- (4) Television

Sec. x-33. WATER CONSERVATION PROGRAM

[Section Reserved]

Sec. x-34. RENTS AND CHARGES

(a) Charges for Water Utility services will be according to the rates in the following pages. These rates shall be effective upon the adoption of this ordinance for all Customers served by the City.

(b) Explanation of Charges.

- (1) Customer Charge. The Customer charge is a fixed charge to each Customer receiving service whether or not water is actually purchased. It is related to the Customer's ability to receive water and is based on the size of the Customer's connection.
- (2) Volumetric Charge. The volumetric charge is based on the amount of water used by the Customer as measured through water meters or as estimated. Water is measured in units of 100-cubic-feet (748 gallons). The volumetric charge is in addition to the Customer Charge.
- (3) Fire Protection. In most cases, fire protection connections to the Water Utility do not have water meters and water passes through them only for fire fighting purposes.

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

(a) Municipal Fire Protection. Fire protection costs are associated with the capability of the Water Utility to supply large amounts of water for relatively brief periods of time. No charge is made for actual water used. Charges are usually made for the size of the piping (expressed in inch-feet) and the number of fire hydrants.

(b) Private Fire Protection. Service to protection systems that are not metered (typically sprinkler systems) is based on the size of the connection to the distribution system. A charge is also made for fire hydrants located on private premises.

(c) Bills due. Bills are calculated and mailed either monthly or quarterly depending on rate applicable to the particular customer. Bills are due 20 days after being deposited in the U. S. Mail or other approved means of delivery.

ARTICLE x
CITY OF NASHUA DRAFT WATER ORDINANCE

**FORM OF WATER RATES FOR
GENERAL SERVICE – METERED - SCHEDULE GM**

Availability:

The rate is available for metered water service in Nashua and other areas formerly served by the Pennichuck G-M rate.

Character of Service:

Nashua Core System: Water is fully treated, filtered, and purified and is transmitted by gravity and pumps to the individual service pipes.

Community Water Systems: Water is ground water from a well site. Water quality meets or exceeds all federal and state standards for drinking water. Outdoor use of water may be restricted during dry summer periods.

Quarterly Billing

The Customer charge for bills rendered quarterly based on meter size will be:

Meter Size	Quarterly Customer Charge
5/8"	\$ 29.58
3/4"	42.57
1"	68.58
1 1/2"	133.65
2"	218.82
3"	401.25
4"	661.74
6"	1,313.10
8"	2,094.90
10"	3,006.75

In addition to the Customer charge, the volumetric charge based on usage will be:

Volumetric Charge: \$ 1.546 per 100 cu. ft.

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

**FORM OF WATER RATES FOR
GENERAL SERVICE – METERED - SCHEDULE GM (cont.)**

Monthly Billing

The Customer charge per month based on meter size will be:

Meter Size	Quarterly Customer Charge
5/8"	\$ 9.86
3/4"	14.19
1"	22.86
1 1/2"	44.55
2"	72.94
3"	133.75
4"	220.58
6"	437.70
8"	698.30
10"	1002.25

In addition to the Customer charge, the monthly volumetric charge based on usage will be:

Volumetric Charge: \$ 1.546 per 100 cu. ft.

ARTICLE x
CITY OF NASHUA DRAFT WATER ORDINANCE

**FORM OF WATER RATES FOR
MUNICIPAL FIRE PROTECTION SERVICE - SCHEDULE FP-GM-M**

Application

This rate is applicable to general fire protection in areas served under the GM rates.

Character of Service:

The City will make every effort to maintain normal pressures at all times on the distribution system, but will not be held liable for the failure of either the supply or distribution division of its system to adequately furnish its normal quantity of water when such failure is due to the elements, natural causes, breaks, leaks, unusual or concurrent droughts, or the waste or unlawful use of water.

Rate:

1. Hydrant Charge. For each hydrant installed there shall be a charge of \$33.60 per quarter or \$11.20 per month, from the date of installation.
2. Inch-foot charge. The number of inch-foot units is obtained by multiplying the number of linear feet of pipes of each diameter (four inches and larger) by the diameter in inches. The number of inch-foot units shall be determined as of January 1st each year, and shall be the basis for computing the inch-foot charge for the entire year with one-fourth to be billed each quarter or one-twelfth to be billed each month.

For each inch-foot: \$0.0920 per year

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

**FORM OF WATER RATES FOR
PRIVATE FIRE PROTECTION SERVICE - SCHEDULE FP-GM-NM**

Availability:

This rate is available in the service area covered by the GM rate for private fire protection and sprinkler service.

Character of Service:

The City will make every effort to maintain normal pressures at all times on the distribution system, but will not be held liable for the failure of either the supply or distribution division of its system to adequately furnish its normal quantity of water when such failure is due to the elements, natural causes, breaks, leaks, unusual or concurrent droughts, or waste or unlawful use of water.

Rate:

The charge shall be determined by the size of the pipe entering the property:

	<u>Per Quarter</u>	<u>Per Month</u>
4" connections	71.25	23.75
6" connections	119.55	39.85
8" or larger connections	176.01	58.67

No charge will be made for water used to extinguish fires.

ARTICLE *x*
CITY OF NASHUA DRAFT WATER ORDINANCE

FORM OF WATER RATES FOR MISCELLANEOUS UTILITY SERVICE FEES

The following fees are associated with miscellaneous services that the City may provide from time to time:

Type of Service	Amount
Initiation of Service	\$20.00
Service Pipe Connection	\$85.00
Service Connection and Disconnection of water service	
During Regular Hours	\$28.00
Non-Regular Hours	\$40.00
Returned check fees & administrative costs	\$25.00
Late payment fee	<i>to be determined</i>
Inspection Fee of Main Pipe Extensions	\$3.00 per foot
Backflow Preventer Testing (Annual)	<i>to be determined</i>
Expedited Termination Service	\$75.00
Hydrant metering device connection/disconnection (water purchase not included)	\$250 plus \$50 per day