

Milford, New Hampshire

Water Department

Rules & Regulations

Herein are the Water Department rules and regulations adopted by the Milford Board of Water & Sewer Commissioners for the purpose of controlling use, consumption and operations of the Town of Milford, NH municipal water system pursuant to NH-RSA 38. These rules & regulations do hereby replace all former revised, amended and/or adopted rules as written in a similar document dated July 15, 1996.

This document shall be considered a contract between the Town of Milford Water Department and its Customers, who, by the taking of water, shall be considered an expression of their assent to be bound by this document.

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Definitions

Abutter – One whose property abuts, is contiguous to, or joins at the border or boundary of a public right-of-way in which a Main Pipe is to be or has been installed.

Average Daily Water Usage – The total volume of water measured in gallons or cubic feet measured at a meter during a given billing period divided by the number of days in that billing period.

Backflow – The flow of water or other liquids, mixtures, or substances into the Utility's service or Main Pipes from any source other than the intended source.

Backflow Prevention Device – A Utility approved device which operates on the Service Pipe to prevent any material from being forced or drawn into the Main Pipe and contaminating the potable water supply.

Board – Shall mean Board of Water and Sewer Commissioners, a three (3) member Board who possess all the powers and duties as the municipality may prescribe, who shall govern the Water Utilities Department in the Town of Milford. Said Board is established for the more convenient management, control and direction of the Milford Water Works system. Source – RSA 38:18.

Bypass – The pipe extended around the meter from and to the Service Pipe through which the Utility may provide service to the Customer while the meter is out of service.

Commercial Service – Water service provided to properties or buildings used to produce and/or provide products or service.

Cross Connection – Any actual or potential physical connection or arrangement between two otherwise separate water systems, one of which contains potable water and the other which could potentially contain unacceptable levels of contaminants such as physical, chemical, biological or radiological substance or matter.

Curb Stop/Curb Shut Off – The valve owned and maintained by the Utility, normally located at or adjacent to the Customer's property line, which the Utility alone may use to turn on or Shut Off service to the Premises.

Customer – Any individual, partnership, firm, association, corporation, city, government or government division whose property is serviced by the Utility under any of the following conditions:

- A building under one roof and occupied as a residence for one household or business.
- A combination of buildings in one enclosure and occupied by one household or business.
- Each household or business occupying a part of a building housing more than one household or business

- Each premise individually metered and provided with a separate service connection.

NHDES – New Hampshire Department of Environmental Services

Director – Shall mean the Director of Water Utilities, under the direction of the Water and Sewer Commissioners.

DPW – Department of Public Works

Easement – An acquired legal right for the specific use of land owned by others

EPA – Shall mean U.S. Environmental Protection Agency or, the Region 1 Water Management Division Director, or other duly authorized official of the agency.

Household – A single Residential Living Unit (RLU).

Main Pipe – Also known as a water main, this is the water supply pipe from which service connections are made to supply water to customers.

Meter – Any device approved by the Town for measuring the quantity of water used as a basis for determining charges for water service to a customer.

Owner – As it applies to pipeline extensions, shall mean the owner of record of real property. “Owner” as it applies to applications for to applications for water service and payments for water shall mean the owner of real property and dwellings or structures on leased land.

Premises – The property, building or structure owned by a customer.

Public Water Supply – A potable water supply approved for human consumption by the New Hampshire Department of Environmental Services.

Regular Work Hours – The operating hours of the Water Department are 7:00AM – 3:30PM, Monday through Friday (excluding holidays).

RLU – Shall mean Residential Living Unit or Household, a single family home, each separate dwelling in a duplex, apartment, condominium, etc.

Service Pipe – Also known as a water service, this is the water pipe extending from the main pipe to the customers building or point of property entrance.

Shut Off – The valve owned and maintained by the Customer, located within the Customer’s Premises or on Customer’s property, which may be used to turn on or off service to the Premises.

Town – The Town of Milford, Hillsborough County, a municipality of the State of New Hampshire, acting by and through the Water and Sewer Commission of Milford, New Hampshire and through its authorized representatives, including the Superintendent.

Utility – Otherwise known as the Milford Water Department.

Service Area

The area serviced by the Milford Water Department in which these Rules and Regulations apply is shown on the Service Area Map (Appendix A). The limiting factors of the service area are as follows:

All areas in which water mains are currently in place within the Town of Milford, NH including a limited area located in the Town of Amherst, NH.

Areas up to elevation 390, areas above elevation 390 have been franchised to Pennichuck Water.

Authorization, Terms, and Conditions

The operation of the Water Department as a municipal facility is authorized under RSA Chapter 38 of the New Hampshire Revised Statutes as amended (Appendix B).

The following terms and conditions are a part of the Water Department Rules and Regulations, and delivery of water service by the Utility is conditioned upon their acceptance. The acceptance of a water service by the customer shall be construed to be acceptance of the Rules and Regulations, and the terms and conditions presently effective under which the Utility renders service, and/or any rules and regulations legally effective in the future.

The Utility reserves the right to refuse water service to any customer that contemplates building until such time as the Utility shall decide that there is sufficient progress to show that the building will be completed and occupied and adequate water service can be supplied.

Article 1. Application for Service

Procedure

Application for service shall be made at the Utility office located at 564 Nashua Street in Milford, NH or at the Community Development Office located at Milford Town Hall 1 Union Square Milford, NH. Applications must be made in person, by the owner, or owners'

representative of the property to be served. The rendering of the service by the Utility and the acceptance thereof by the customer shall be deemed a valid contract between parties, their heirs, assigns or successors, including and subject to all the provisions of the Utility's charges, rules and regulations applicable to that service whether or not a signed application is made by a customer and accepted by the Utility.

If the rendering of service requires a new service connection, and the application is made by other than the property owner, the applicant must present, to the Utility, written permission from the owner of the premises authorizing the Utility to enter the premises in order to do the necessary work.

Owner Responsibility

It shall be the express responsibility of the new owner to immediately inform the Utility in writing, of such change and to furnish a correct address for the mailing of bills. Failure to receive bills rendered shall not relieve the owner of the obligation to pay the water bill, nor shall routine action for collection of the account be withheld because of such failure.

Determination

If the Utility determines that it does not or will not have sufficient capacity to provide adequate water service, it shall not be obligated to provide the service. The Utility may, at its option and discretion, enter into such agreements with applicants to make readiness to serve improvements at Customer's expense.

Priority

Applications for water shall be given service in the order received as indicated by the date thereon. Applications for service renewal which have actually stopped delivering water or for services which are leaking shall receive priority over all other applications.

Notice for Service

A 24-hour notice is required for providing water to any service, and shall take place only during regular Utility business hours except as otherwise provided under Section 5.

Emergency Service Request

Water may be provided to a service at any time when, in the opinion of the Utility, an emergency condition or greater need exists. However, such conditions shall not operate to excuse or forgive charges or other liabilities assessed against the property so served.

System Plans

Any owner of a fire line, fire apparatus, and/or a water service greater than 1-inch, shall submit to the Utility a reasonably accurate drawing or sketch of such service for approval. Said drawing or sketch shall include the size, type and relative location of all pipes, valves and/or fixtures which may form any party of said service.

Changes and Additions

There shall be no changes or additions to any existing fire line, fire apparatus or water service until a drawing or sketch showing such proposed changes or additions has been submitted to and approved by the Utility. Neither shall new equipment be installed without such approval.

Article 2. Water Service

Curb Stop

- (1) Curb Stop shall mean the service valve owned and maintained by the Utility. This valve is normally located at or adjacent to the customers property line and is used by the Utility to turn the water service on or off as necessary.

Shut Off

- (1) Shut Off shall mean the valve owned and maintained by the customer. This valve is normally located within the customer's premises, generally in the basement or at some other location usually near the water meter and is used by the homeowner to turn the water service on or off as needed.

Service Pipe

- (1) Service pipe connections shall only be made from the water main to the legal address of the customer being served unless otherwise authorized by the Utility.

Installation, Ownership and Maintenance

- (1) All service pipes, including the curb stop, within the limits of the town right of way shall be installed, owned, and maintained by the Utility. The service pipe from the property line to the customers building shall be installed, owned, and maintained by the customer. All service pipe installations shall comply with the current Utility Standards and Specifications. On all new service installations, or replacement service lines, only one customer per service pipe shall be allowed. Where more than one customer is now supplied through one service pipe and under control of one curb stop, any violation of the rules and regulations of the Utility by either customer being supplied shall be deemed a violation by all, and the Utility may take such

action as could be taken against a single customer except that such action shall not be taken until the customer or customers, who are not in violation of the Utility's rules, have been given a reasonable opportunity to attach their pipe to a separately controlled service connection.

- (2) As required by RSA 38:22, III, the Utility shall not perform any non-emergency work in an amount greater than \$250 for construction, maintenance, or both, on an Owner's property beyond the Utility's final shut off point, or the point at which the Owner is responsible for construction or maintenance, or both, unless a written contract has been executed and signed between the Owner, or a representative of the property and an authorized representative of the Utility. The contract shall include the terms of the work to be performed, the name and address of the property owner, the location of the work to be performed, the estimated price of the work, the time of completion, and any other agreed upon stipulations relating to the project. No lien shall be placed on the property for such work in the absence of such a contract.
- (3) All service pipes shall have a minimum of 5-feet of cover. All curb stops shall be a maximum depth of 6-feet as specified in the Utility Standards and Specifications.
- (4) The developer or owner shall be responsible to pay the Utility for all costs incurred to install all portions of the service pipe located within the public right of way up to the customers' premises. Any reinstallation of a service, at the customer's request, which in the opinion of the Utility is required due to increased demand, within the property being serviced, shall be performed by the Utility at the customer's expense. All costs associated with replacement of service pipes within the Town right of way due to deterioration or relocation by the Utility shall be borne by the Utility.
- (5) No service pipe shall be installed in the same trench with gas, sewer, or any other public utility, nor within 3-feet of any open excavation or vault.
- (6) The owner, or owners' representative, of a premises to be serviced, shall complete an Entrance Permit Application (Appendix C) that will identify the type of service(s) being requested. Upon review of the application the Utility will determine the size of the service pipe.
- (7) All water main taps and service pipe connections shall be completed by the Utility or its authorized agent. No person shall turn on or shut off any; water valve, hydrant, curb stop, or other water fixture connected to the water main without permission from the duly authorized agent of the Utility.
- (8) The Utility shall not be held responsible for any damage caused by interrupted water service in main lines or service pipes due to (but not limited to) shortage of supply, repairs, extensions, connections, or any other reason beyond the control of the Utility. The Utility shall make every effort to notify customers of a water supply interruption when practicable and to the best of their ability, but nothing in this rule shall be construed as requiring the giving of such notice.
- (9) The Utility shall not be held responsible for any damage caused by discolored water which may be occasioned in the event of cleaning pipes, reservoirs and/or storage

tanks, the opening and/or closing of valves or hydrants or for any other cause when not due to lack of reasonable care on the part of the Utility.

- (10) Joint use of a Service Pipe trench with gas pipe, sewer pipe or other Utility service shall only be performed in accord with Utility Specifications.
- (11) Main pipe extensions shall be sized and approved by the Town or its authorized representative and shall be the property of the Town. The pipe shall be installed as outlined in the Town of Milford Water Main Improvement Specifications. Installation shall be by the Town or utility service contractor approved by the Town.
- (12) Highways and streets in which an extension is to be made shall have been laid out, lines and grades established, and dedicated to public use by the Town. Subdivisions and site plans shall be approved by the Milford Planning Board, with rough grade and line established and approved by the Utility or its designee prior to main installation.
- (13) If developers of land choose to extend the Town's water system to their property(ies), they must perform the installation of the water main in accordance with the Town of Milford Water Main Improvement Specifications, including any subsequent revisions thereto. Inspection of such work shall be provided by the Town, and the cost of said inspection shall be paid by the developer. The Town assumes no liability for damage to persons or property caused by said water main until final acceptance.
- (14) The Town may wish to maintain ownership of lines located on private property. In such cases, the developer is required to supply an easement to the Town in a form acceptable to the Town. All costs associated with such installation, inspection, and easement legal review shall be borne by the developer.

Article 3. Winter Construction

- (1) The Utility portion of any new water service shall be installed during the period between April 15 and November 15, weather permitting. In the case of an emergency, the owner requesting a service installation during winter months shall be responsible to pay all extra expenses incurred due to seasonal conditions including maintenance of any excavation until final paving is installed and approved by DPW as applicable.

Article 4. Maintenance of Plumbing

- (1) Customers shall be responsible to maintain all plumbing and fixtures within their premises at their expense. Plumbing shall be in good repair, free from leaks and protected from freezing. Failure to comply with this requirement and upon proper notification to the owner, water service may be disconnected until repairs are complete. Any relocation of the service pipe on customer's premises shall be at the owner's expense, and in no case shall the Utility be held responsible for any damage resulting from service work performed within the customer's premises.

- (2) The Customer shall be responsible for thawing Customer's portion of the Service Pipe, and the Utility shall be responsible for thawing its portion of the Service Pipe. When the point at which a Service Pipe is frozen cannot be determined and the Utility is requested by the Customer to thaw the pipe, one-half of the thawing cost shall be paid by the Customer.

Article 5. Water Meters

- (1) All water services shall be metered. Water meters shall be located at the point of water service entry within the customers building or installed in an approved meter vault located on the customers' property.
- (2) Meter size shall be determined by the Utility after review of the information submitted on the Entrance Permit Application (Appendix C). The Utility will install and maintain all meters up to 1-inch. The developer or customer shall be responsible for all costs associated with the new water meters. The Milford Water Utilities department must be the sole provider of all meters to be installed.
- (3) The customer shall provide and maintain a clean, warm and dry area, free from debris, for the installation of the water meter. The location shall be easily accessible by the technician for reading and maintaining as needed. The general arrangement shall be in accordance with any directions, either special or general, given by the Utility or its duly authorized agent, in reference to the security, safety, or necessary accessibility of the same. In no case shall a meter be placed in an open or concealed area beneath a floor and, if a meter is so placed, the Utility may require the Customer to remove and place the meter in accordance with the requirements of this ordinance.
- (4) The developer or owner shall provide and install an approved kornerhorn assembly for all meters up to 1-inch. Plumbing for meters up to 1-inch shall be in accordance with Utility Standards and Specifications and performed by a licensed contractor. Kornerhorns for meters up to 1-inch are available for purchase at the Water Utilities Office.
- (5) All meters greater than 1-inch shall be installed in accordance with Utility Standards and Specifications.
- (6) All customers shall be required to have an outside reader/transmitter for each water meter. The outside reader/transmitter shall be furnished and installed at a location on the premises that is acceptable to the Utility. The customer shall be responsible for repairs or replacement of damaged outside readers. The Utility shall render a bill to the customer for material, labor and/or equipment for any required repair or replacement of the outside reader. The outside reader is the property of the Utility.
- (7) Meters up to 1-inch in size that should fail due to normal use will be repaired or replaced by the Utility. All other causes of meter failure, such as freezing or physical damage, will be the responsibility of the customer.
- (8) Customers shall ensure their electrical service is properly grounded following any work or meter change-out by the Town when such services are used for electrical

grounding. The Town is not responsible for any appurtenant uses of the meter other than to register water usage.

- (9) Any additional or auxiliary meters requested by customers will be purchased from the Milford Water Utilities department at the owner's expense. Meters up to 1-inch shall be installed and maintained by the Utility. All meters larger than 1-inch shall be installed at the owner's expense. All meters will be maintained by the Town of Milford Water Utilities department.
- (10) In the event that a water meter is not registering properly, said meter will be repaired or replaced. Any period of non-registration of water use will be estimated by the Utility and charged to the customer accordingly. The estimate will be based on historical data subsequent to the period of non-registration and/or any other pertinent information submitted to the Utility by the customer.
- (11) Meters will be new and/or tested before installation. Thereafter, meters will be tested and maintained in accordance with guidelines set forth by the American Water Works Association.
- (12) In the event that it becomes necessary to relocate a meter, the customer will be responsible for all costs associated with the relocation including, but not limited to, materials and labor.
- (13) Second Meters: Second meters are required for the purpose of metering irrigation water that will not be discharged to the municipal sewer system in accordance with the following provisions:
 - A. Customers must complete a "Water Entrance Application" and pay all applicable charges.
 - B. All plumbing must be done by a NH licensed Master Plumber and in accordance with the National Plumbing Code and the Utility Standards and Specifications.
 - C. Customers are responsible to pay the quarterly meter charge as long as the meter remains in service
 - D. No adjustments will be made for leaks or unwanted water usage

Article 6. Hot Water Systems

- (1) All customers having direct pressure hot water tanks or other such appliances shall install a thermal expansion device and/or automated vacuum, temperature, and pressure relief valves in the piping system to prevent any damage to such tanks or appliances in the event that it should become necessary to interrupt the water supply at the water main or service pipe. At the customers' request, service will be provided to such direct pressure installations at the customer's risk and in no case will the Utility be held liable for any damage occasioned thereby.

Article 7. Water Use

- (1) The Utility shall determine what constitutes waste or improper use and will restrict the same as necessary. The customer shall be responsible for all leaks and waste on their property and shall make payment for all water as registered by the water meter. The Utility hereby neither assumes nor recognizes any part of the care of or responsibility for any water fixtures or the use of or waste of water on any metered premises. Any omission or delay of the Utility in sending a courtesy notice to any customer or property owner regarding a wrong or wasteful condition within their premises shall not be construed as implying or assuming any such care or responsibility.
- (2) The Utility may set restrictions and/or prohibit the use of water if it becomes necessary to conserve the town water supply.
- (3) The bypassing of water around a meter, or any use of un-metered water, with the exception of firefighting purposes, will be deemed a fraudulent use and water service will be discontinued immediately. Payment of not less than 2-times the current rate for such quantities as the Director shall estimate to have been fraudulently used shall be charged to that party.
- (4) The piping or selling of water by any customer to another property and/or person shall be considered a fraudulent use of water.
- (5) The existence of an unsealed bypass valve shall be considered a fraudulent use of water.
- (6) All piping, curb stops, valves, hydrants, meters and etc., which are the property of the Utility shall not be opened, closed or tampered with in any way by any person other than an authorized employee of the Utility or person authorized by the Utility. Any person or corporation found tampering with Utility property shall be subject to a fine not exceeding \$100.00 (One Hundred Dollars) for each offense and may be ordered to make restitution.

Article 8. Cross-Connections

Rules

- (1) The Town of Milford Cross-Connection Control Program is based on NH Code of Administrative Rules: Part Env-Dw 364 Backflow Prevention (Appendix E).

Definitions

- (1) Backflow: The flow of unwanted substances into the water distribution pipes of a potable supply of water.
- (2) Backflow Prevention Device: A device that is designed to, and which in practice does, prohibit unwanted substances from flowing into the water distribution pipes of a potable supply of water.
- (3) Additional definitions are defined in Appendix E.

Prevention

- (1) The Customer shall protect against the possibility of backflow between all plumbing, fixtures, devices, and appliances and the public water supply by furnishing and installing a backflow prevention device. Such device shall be approved by the Utility and be equal to the degree of potential hazard in accordance with regulations adopted by N.H. Department of Environmental Services.
- (2) The backflow prevention device shall be installed on the service pipe at the entrance to the Customer's Premises, and all water entering the premises shall pass through the device in accordance with Utility specifications.
- (3) Customers with presently installed Backflow prevention devices that do not meet the requirements of this Ordinance and Utility Specifications may continue to use nonconforming Backflow Prevention Devices provided they satisfactorily protect the Utility system whenever the nonconforming device is moved from the present location and requires more than minimum maintenance and there is otherwise a hazard to Utility's potable water supply, the Backflow prevention device shall be replaced by a device meeting current requirements.
- (4) The Backflow prevention device shall be installed on the Service Pipe at or near the property line or immediately inside the building being served, but in all cases before the first branch line leading off the Service Pipe. All water entering the Premises shall pass through the protective device in accordance with Utility Specifications.

Inspection, Testing & Repair

- (1) The Utility shall periodically inspect and test the backflow prevention device, the frequency of which shall be dependent upon the degree of potential hazard. The customer shall, at their expense, be required to repair or replace any defective device as necessary.

Fees & Expenses

- (1) The Customer shall be responsible for all costs associated with the purchase, installation and maintenance of the backflow prevention device.
- (2) Testing and inspection of the backflow prevention device shall be performed by the Utility. Said charges will be applied to the customer in accordance with the rate schedule (Appendix D). In the event that a device fails and requires a follow-up test, there will be no additional charge. Should the device continue to fail, all subsequent testing will be charged the current rate. Continued device failure may require the Utility to discontinue water service until such time that the system security is brought back into compliance.

Article 9. Liability

- (1) The Utility shall not be held responsible for any damage caused by, but not limited to:

The interruption of water in any main or service pipe
Shortage or limited water supply
System repairs, emergency or routine
New construction
Other reasons beyond the control of the Utility

The Utility will make every practical effort to post/publish a notice for water interruption in a timely manner; however, nothing in this rule shall be construed as requirement for the giving of such notice.

- (2) The Utility shall not be held responsible for damage caused by dirty water which may happen on occasions during periodic cleaning of pipes, reservoirs, standpipes or the opening or closing of any gates, valves or hydrants, or for any other cause through reasonable care on the part of the Utility.

Article 10. Hydrants

- (1) Hydrants may not be used for any purpose other than fire protection without prior authorization by the Director. In no case shall hydrants be opened by any person, firm or corporation other than an agent of the Utility or its duly authorized representative.
- (2) In the case that use of a hydrant is requested, and permission is granted by the Director, a meter will be installed on the hydrant and then pressurized by the Utility. Once set-up is complete, an initial meter reading will be taken. Upon completion of hydrant use, the customer shall again notify the Utility to request a shutdown. The hydrant will be closed and a meter reading will be taken prior to removal. The customer will then be charged a set-up fee and for all water used at a rate as described in the rate schedule (Appendix D).

Article 11. Fire Protection

A: PRIVATE

- (1) An application for a private fire service must be accompanied by site and plumbing plans of the proposed system including a statement explaining what other purpose(s) the system might be used for.
- (2) All private fire service pipes in the public right of way shall be furnished, installed and connected by the Utility, or its authorized agent, at the Owner's expense. All portions of said fire service pipes which fall within the limits of a public right of way shall be the property of the Utility.

- (3) Wherever a standpipe, reservoir, pump tank or cistern is used for fire protection, it shall be constructed in a way as to shield and protect the water source (see Article 8, Cross-Connection) from all possible contamination according to plans as submitted to and approved by the Utility.
- (4) In the construction of standpipes, reservoirs, pumps, tanks and cisterns, provision shall be made for means of easy access to their interiors by the agents of the Utility for the purpose of inspection, and to permit cleaning as required by the Utility. A “draw-off” pipe shall be fitted for the purpose of removing the water periodically for the purpose of inspection. No “draw-off” pipes shall be connected to any sewer, drain or outlet in any way that would potentially cause a cross contamination situation. All private fire service lines shall be equipped with a testable, double check, backflow prevention device.
- (5) The Utility shall not guarantee to furnish proper quantities of water through any private fire service, nor will it undertake to guarantee anything relative to that service, but the Utility will endeavor to maintain a reasonable service.
- (6) Any private fire service or fire apparatus connected therewith may be tested by the owner or insurance inspector under the following conditions:
 - a. Notice to be given at the Water Utilities Office and a mutually agreed date and time to be set.
 - b. All tests are to be conducted in the presence of a Utility agent.
 - c. All costs associated with the Utility's work shall be paid by the Owner.
- (7) If the Town plans to disrupt fire service for water system improvements, reasonable notice shall be given to customers prior to construction. The Town assumes no responsibility if damage occurs to property because of disruptions planned or unforeseen.

B: MUNICIPAL

- (1) Municipal fire protection is available within the Milford Water Department Service Area (Appendix A).
- (2) The Utility will exercise due effort to maintain normal operating pressure within the distribution system at all times.
- (3) The Utility shall not be held liable for the failure of maintaining adequate quantity and/or pressure due to reasons such as; natural causes, water breaks or leaks, unusual or recurrent drafts, the unlawful use of water or for any other reason beyond control of the Utility.
- (4) The Utility shall charge the Municipality an annual hydrant rental as described in the current Rate Schedule (Appendix D).

Article 12. Payment for Water Services

- (1) Invoices for water service and all other water related business shall be rendered periodically in accordance with the "Terms of Payment" specified in the Water User Rate Schedule (Appendix D). Payments must be made payable to "Town of Milford" and must be received at:

Water Utilities Office
564 Nashua Street
Milford, NH 03055

or at such place as designated by the Utility.

- (2) Water bills are mailed to customers at their last known address. All charges are due upon receipt and are considered past due thirty (30) days after date of bill. Amounts not paid within thirty (30) days shall be subject to interest which will accrue daily at the rate of 8% per annum. Accounts not paid after sixty (60) days will receive a "Shut Off Notice". Accounts not paid by the "Due Date" of the "Shut Off Notice" will be assessed a late fee. Water service may be disconnected at any time from the shutoff date and remain off until such time that full payment is made. All late payments must be made at the Water Utilities Office.
- (3) Failure of a customer in receiving a bill shall not relieve that customer of the obligation of payment, nor from the consequence for non-payment.
- (4) The Customer shall make payment for all water registered by the water meter regardless of leaks or the manner in which the water was used.
- (5) Whenever a check or draft presented for payment of service is not accepted by the institution on which it is written, a charge shall be imposed by the Utility as specified in the applicable rate schedule.
- (6) In the event that a Utility representative is required to verify a meter reading and cannot readily gain access to the Utility's meter for the purpose of determining the meter reading, or in the event the water meter card furnished by the Utility is not returned within a reasonable amount of time, the Utility will make its best estimate of the consumption that might be registered on that meter since the last date the meter was read, and so charge and bill the customer based on that estimate. Such billing shall be for no more than two (2) consecutive bill cycles after which the customer must, upon the request of the Utility, provide a safe access to the meter in order to calculate an actual reading and repair/replace meter as necessary. Failure by the customer to provide the requested access to their property shall result in the disconnection of the water service to that customer's property, without notice.
- (7) A deposit equal to the estimated cost of a jobbing request shall be made before the work is started. Jobbing bills are due and payable when rendered and subject to the same shutoff provisions as for non-payment of bills. Terms are net 30 days.
- (8) Water charges cannot by lease, contract, agreement or in any other way be transferred by the customer to any other person or tenant for the purpose of

relieving that customer from payment of water charges and/or late payment charges accrued by that customer.

- (9) The Customer shall provide the Utility with prior notice of any change in ownership or change in billing address of a metered Customer Unit. Upon such notice, the Utility shall determine a meter reading and render the Customer a bill for service up to the date of transfer. When a customer notifies the Utility that the change of address is for billing purposes only and no physical change of address will occur, no further action will be taken by either the Customer or the Utility. For example, a Customer may change their billing address from their current street address to a PO box number or another person's street address.
- (10) All water charges shall become a lien upon real estate as provided by New Hampshire RSA 38, section 38:22 as follows:

38:22 Liens and Collection of Charges. –

I. All charges for services furnished to patrons by a municipally owned electric, gas, or water works shall create a lien upon the real estate where such services are furnished.

II. A municipality may use any of the following collection procedures for charges and the use of one collection procedure for one service shall not preclude the use of a different collection procedure for another service:

(a) A municipality may commit bills for charges to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. The tax collector shall have the same rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto as in the collection of taxes as provided in RSA 80; provided, however, that the real estate lien shall continue for 18 months from the date of the last unpaid bill.

(b) The official or board responsible for administering the municipal utility may collect charges for services by direct billing on any periodic basis it may choose. All charges which are delinquent may be committed to the tax collector with a warrant signed by the appropriate municipal officials requiring the tax collector to collect them. The tax collector shall have the same rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto as in the collection of taxes as provided in RSA 80; provided, however, that the real estate lien shall continue for 18 months from the date of the last unpaid bill.

(c) If the official or board responsible for administering the municipal utility has not committed the charges to the collector of taxes, the municipality shall have a lien upon the real estate where the services were furnished and the lien shall continue for 18 months from the date of the last unpaid bill, unless the municipality records in the registry of deeds for the county in which the land is situated a notice of lien, in which case the lien shall continue for 6 years from the date of the last unpaid bill. The lien may be enforced in a suit by the municipality against the owner of the real estate. In such a suit, the municipality shall have the right to a judgment for per year charges, interest at the rate of 12 percent from the date of the last unpaid bill to the date of judgment, and

costs. The records in the municipal department which furnished the services shall be sufficient notice to maintain suit upon the lien against subsequent purchasers or attaching creditors of the real estate.

(d) When the services were furnished to some person or legal entity other than the owner of the real estate, the liens provided for in this paragraph shall be effective against the owner of the real estate only for charges of which the owner of the real estate was notified by the municipality within 120 days of the date the charges became delinquent; provided, however, that a municipality may meet these notice requirements by mailing to the owner of the real estate copies of the bills for services at the same time bills are furnished to the person or legal entity which received the services.

Source. 1997, 206:1, eff. July 1, 1997.

Abatement Policy

- (1) It is the policy of the Town of Milford not to grant adjustments to water and sewer bills unless the problem rests with the Town's system. However, the Town recognizes that a high bill resulting from accidental, unpreventable water release can present financial hardship to a ratepayer. While most water releases are preventable, there are certain circumstances when an accidental water release is not preventable.
- (2) The intent of this policy is to establish a one-time abatement of up to \$500, during any ten-year period, due to an accidental, unpreventable water release that exceeds 50% above normal average usage. This figure is calculated looking back over a 12-month period (4 Quarters) from the date of discovery of the leak.
- (3) The Town is under no obligation to issue abatement if the leak is not due to a deficiency in the town system.
- (4) Discovering and repairing issues to stop water loss is the responsibility of the ratepayer. A courtesy notice from the Water and Sewer Department regarding high usage on a metered property, nor the omission or delay of sending such notice, does not create any liability to the town.
- (5) The deadline for submitting an abatement application is 90 days after receipt of the date of the water and sewer bill containing the qualifying amount for which abatement is sought.
- (6) In order to qualify for abatement, a ratepayer's excess consumption must exceed 50% above their normal average consumption, calculated from a review of a 12 month look-back period, as determined by the water and sewer department. Any request not meeting this standard will not be considered.
- (7) The ratepayer must prove that the deficiency responsible for leakage has been repaired or corrected. This repair or correction must be affirmed by the water and sewer department.

- (8) The Water and Sewer department reserves the right to grant adjustments on water use or sewer use or both, such as in the case of a second meter landscaping irrigation system malfunction, billing clerical errors, or meter adjustment/read errors.
- (9) In the event that a ratepayer cannot determine the source or cause of the abnormally high consumption (or claims the source never existed), the ratepayer is required to hire a private licensed plumber to assist the ratepayer in trying to determine said source or cause. If the plumber is unable to determine the source or cause of the abnormally high consumption, the Town will take the position that the ratepayer has located and repaired or corrected the source of the leak.
- (10) If the ratepayer claims that said source never existed, the Town shall test the meter and make an adjustment to the bill in accordance with NHPUC requirements for meters found to be over-recording. If the meter test reveals an accurate or under-recording meter, the ratepayer shall be held responsible for the entire bill plus the cost of meter testing and shipping/handling.
- (11) In the event the source or cause of the abnormally high consumption is related to a leak due to ratepayer negligence such as the failure to maintain internal (private) plumbing fixtures in good repair and/or protect plumbing from freezing, the ratepayer will be held responsible for the entire bill. The Town is not responsible for spigot damage due to freezing or falling ice.
- (12) In the event the abnormally high consumption has occurred due to unpredictable leakage not caused by ratepayer negligence or unfortunate circumstances, the Town shall consider granting a one-time, ten-year abatement of up to \$500.
- (13) The Town shall not disconnect service (for abnormally high consumption) provided the ratepayer pays the entire amount due within the normal payment period or enters into payment arrangements with the Water and Sewer department office for the excessive amount and is in good standing on all current billings.

Article 13. Disconnection of Service

- (1) Water service may be disconnected by the Utility at any time without prior notice. The following are some reasons that a service would be disconnected:
 - a. Tampering with any Utility owned property
 - b. Vacancy of property
 - c. Unauthorized cross-connection of Utility service pipe(s) with any other supply source.
 - d. Refusal of reasonable access to customers' property.
 - e. Refusal or neglect in complying with the Utility's Rules and Regulations

Article 14. Service Connection/Disconnection Charges

- (1) Reconnection charges shall be applied to all requests for any water service or private fire protection service shut off for any reason including, but not limited to, the reasons specifically listed in Article 13.
- (2) Service connections/disconnections shall be done during regular working hours at the customer's request for the purpose of allowing a customer, or customers' contractor, to maintain their piping. Payment for this service shall be made in accordance with the Rate Schedule (Appendix D). All requests for connection/disconnection during non-regular working hours will also be charged accordingly.

Article 15. Seasonal Use

- (1) Should a customer request the installation or removal of a meter for the purpose of seasonal use, said customer shall be billed for each request. Seasonal meters will be billed for each quarter it is in service. See User Rate Schedule for current rates (Appendix D).

Article 16. Right of Access

- (1) Any authorized Utility representative shall have the right of access to any property, upon which Utility equipment is located, for the purpose of installation, removal, repair, replacement, record usage and/or to enforce the terms and conditions of the Water Department Rules & Regulations.

Article 17. Water Main Extension

- (1) Any extension of a water main for the purpose of servicing new customers shall be installed in accordance with the provisions of Article 22 as set forth in the Water Department Rules and Regulations. All water main construction shall comply with the Utility Standards and Specifications.
- (2) Water main extensions shall comply with the most recent Water Utility Standards and Specifications and shall become the property of the Town of Milford upon completion and acceptance by the Board.
- (3) The size and location of all water main extensions shall be approved by the Utility prior to installation.
- (4) Any new street or street extension in which a water main is requested shall be laid out with lines and grades established and approved by: Board, Planning Board, and Department of Public Works.
- (5) The following items shall apply to any person, business, industry or developer requesting, through the Board, a water main extension to service their particular property:
- (6) The petitioner shall finance the entire cost of the water main extension.

- (7) All water service pipes from the water main to the property line shall be the responsibility of the petitioner of the extension.
- (8) The number of service lines and location of each service shall be installed per recommendation of the Utility.
- (9) There shall be no reimbursement from the Utility to the petitioner for any connection of abutters to the water main extension.
- (10) All water main extensions and/or water service pipes shall be installed in accordance with the Utility Standards and Specifications.
- (11) The Utility shall determine the size and location of any water main extension based on surrounding conditions and/or the purpose of possible future expansion(s).
- (12) The Utility shall require and provide (at the petitioners' expense) a full-time inspector for the construction of any underground infrastructure that would become the property of the Town of Milford upon completion. One as-built mylar print, two sets of paper prints and one electronic copy of the project plan shall be furnished to the Utility prior to final acceptance of the project.
- (13) The Utility shall require certified leak, pressure and bacteria test reports prior to final acceptance of the project.
- (14) The Utility shall require all contractors to submit a Certificate of Insurance and may require the posting of a Performance Bond and/or other insurance requirements as needed.
- (15) In the event that the Utility requires ownership of water mains located on private property, the developer shall be responsible for all costs associated with the survey, plan, installation and inspection required to furnish such easement(s) to the Utility.
- (16) The Utility shall not allow construction of any water main extension that is not of a permanent duration or in any way discriminates against any other customer and/or, in the opinion of the Superintendent, is not justified.

Article 18. Electrical Ground Wires

- (1) Grounding wire(s) from any source, whatsoever, shall not be attached to any water pipe inside or outside any building other than at the point that the service pipe enters a building. Said ground wire must only be connected to the street side of the shut-off valve located prior to the water meter assembly.

Article 19. Change of Ownership

- (1) Each owner on record shall be responsible for notifying the Utility, of any transfer of ownership or change in mailing information, not less than 48-hours prior to said change. Once notified, the Utility will conduct a final meter reading and issue a final bill.

Article 20. Air Conditioning

- (1) Any air conditioning equipment utilizing cooling water, for compressors and/or refrigerant, where the total installed capacity, in one or more units, is in excess of 3-tons, shall have a water conservation device that limits the maximum usage to not more than 10% of the required water use under normal operation.

Article 21. Quality of Service

- (1) The Utility shall endeavor to supply a safe, consistent and reliable water supply to all customers. However, the Utility shall not be held liable in the event that quantity, quality and/or pressure of water should fall below optimum conditions at any time.

Article 22. Amending Rules

- (1) The Board may amend any Rule and/or Regulation, as written herein, by a majority vote during a regular Commissioners meeting.

Article 23. Prohibited Use

- (1) Fraudulent Use. Evidence of the existence of an unsealed Bypass, the Bypassing of water around meters, or the unauthorized piping or selling of water, or any other use of un-metered water except for fire extinguishing purposes shall be deemed fraudulent use.
- (2) Tampering. All Curb Stop/Curb Shut Off, valves, hydrants, meters, or other property of the Utility shall not be opened, closed, or tampered with in any way by any person not authorized to do so by the Utility.
- (3) Cross Connections. No Cross Connection shall be permitted between the public water supply and any other water supply, or between the public water supply and any plumbing fixture, device, or appliance capable of contaminating the public water supply unless the connection is protected at the metering point by a Backflow prevention device as required by this ordinance. The connection shall be approved by the Utility and the New Hampshire Department of Environmental Services, and shall satisfy in all respects the laws of the State of New Hampshire.
- (4) Electrical Ground Wires. No ground wires from any source whatsoever shall be attached to any water pipe inside or outside of the Premises served, unless the wires are attached to the Service Pipe at its entrance to the Premises and on the street side of the meter.
- (5) Fees and Expenses.
 - a. Tampering. Any damage to the Curb Stop/Curb Shut Off, valve, hydrants, meters, or other property of the Utility which the Utility determines is caused by tampering caused by the Customer (or Customer's employees,

contractors or agents) shall be repaired by the Utility at the Customer's expense.

- b. Fraudulent Use. Upon discovery by the Utility of fraudulent use by a Customer, the Customer shall be charged not less than double rates for such quantities of service as the Utility shall estimate to have been fraudulently used.
- (6) Civil Penalty. Any person who violates this Ordinance shall be subject to a civil penalty not to exceed \$10,000 per day of such violation as authorized by RSA 38:26.

Article 24. Discontinuation of Service

- (1) Service may be discontinued by the Utility without notice for any of the following reasons:
- a. Misrepresentation by the Customer in the application for service or other fraudulent procurement of service.
 - b. Use of water for purposes other than described by the Customer in the application for service.
 - c. Willful waste of water.
 - d. Fraudulent use of or tampering with Utility property.
 - e. Abandonment of the Premises by the Customer.
 - f. Cross Connection or unauthorized connection to the Utility's Service Pipe or Main Pipe with any other fixture or supply source in violation of this Ordinance or Utility Specifications.
 - g. Failure to maintain plumbing and fixtures in good repair that could, in the Utility's judgment, result in contamination of the potable water supply or damage or injury to the Utility's system, persons or property.
 - h. Failure to install, maintain, or repair a Backflow prevention device within the period specified by the Utility.
 - i. Failure to prevent contamination of potable water.
 - j. Unauthorized use of private fire protection system.
 - k. Any other use of the water or the Utility system that could cause an imminent danger or loss to the Utility's system or supply or the persons and property of others.
- (2) Service may be discontinued by the Utility with written notice by verified mail postmarked at least twelve (12) days in advance of the proposed discontinuation date for any of the following reasons:
- a. Refusal of reasonable access to the Customer's Premises for inspection;

- b. Refusal or neglect to comply with this Ordinance or with Utility Specifications;
 - c. Customer's failure to comply with terms of payment arrangement entered into between the Customer and the Utility; and
 - d. For such other reasons as the Utility may designate in writing.
- (3) Service may be discontinued by the Utility for non-payment of any Utility bill, including late payment charges, if all of the following conditions are met:
 - a. If the Customer has not paid the bill in full within 30 days from the postmark date on the bill;
 - b. The Utility has provided the Customer with written notice by verified mail of its intention to discontinue service, postmarked at least twelve (12) days in advance of the proposed discontinuation date for residential Customers or, in the case of non-residential Customers, at least five (5) days in advance of the proposed discontinuation date;
 - c. Prior to the date of notice of discontinuance, the Utility has not received payment in full.
- (4) Should such Customer water service discontinuance involve a Customer where any part of the water service provided to the Customer is for the use and benefit of one or more parties known by the Utility to be residential tenants, then such notice of water service discontinuance shall comply with RSA 38:31, I (a)-(d), and said service shall not be discontinued should the tenant assume responsibility for the water service per RSA 38:31, II. The notice required to be given tenants per RSA 38:31, I, shall not be required when the discontinuance is necessary to avoid danger to life or property, and firefighters, public health officials, and building inspectors.
- (5) In all cases where the Customer is not the Owner of the Property, the Town shall mail copies of delinquent bills to the Owner as is authorized by RSA 38:22, II (d).
- (6) A Customer may request a conference with the Utility prior to the proposed date of service discontinuation. Such conference shall be held in accordance with the Utility's standard procedure.
- (7) If service has been discontinued, the Utility shall restore service promptly upon the Customer's request when the cause of discontinuation has been removed provided that the Customer has paid the restoration charges required under the rate schedule.

Article 25. Violations and Penalties

- (1) Any person found in violation of any provision of this chapter shall be served by the Town with written notice stating the nature of the violation.
- (2) Whoever violates any of the provisions of this chapter shall be subject to a fine in an amount not exceeding \$10,000 for each violation, as authorized by RSA 38:26. Each day in which a violation shall continue shall be deemed a separate offense.

- (3) Nothing in this provision shall prevent the Town from enforcing the provisions of this chapter by any other legal action.

Article 26. Previous Rules and Regulations

- (1) All previously published and/or unpublished rules and regulations inconsistent with the Rules and Regulations as written herein are hereby repealed.

Revision History

April 10, 2012	Amended and approved
March 5, 2019	Amended and approved
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