



TOWN OF SUNAPEE
WATER & SEWER COMMISSION
P.O. BOX 347, SUNAPEE, NH 03782
Phone: (603) 763-2115 Fax: (603) 763-2271

Ordinance Establishing Water Rates, Rules, Regulations & Water Attachment Fee

SECTION I - GENERAL

A. INTRODUCTION

This publication of Rates, Rules and Regulations is effective as of this date and supersedes all previously published schedules governing the provision of water service to the customers in the Town of Sunapee, New Hampshire, in the county of Sullivan.

Rates, Rules and Regulations are subject to change without notice, including additions to and/or deletions from this publication.

The material contained herein is published for the information, guidance and compliance for all property owners within our municipal system. This revision is based on the Safe Drinking Water Act, RSA 485, as it may be amended from time to time.

B. DEFINITIONS

‘AWWA’ means the American Water Works Association, the professional association of organizations and individuals concerned with water supply, treatment and distribution.

‘COMMERCIAL UNIT’ means any retail store, restaurant, office building, laundry, and other business or service establishment.

‘COMMISSION’ means the Sunapee Water & Sewer Commission

‘CUSTOMER’ means an individual, corporate body, governmental unit, business enterprise, or other legal entity furnished services by the Water Department.

‘DEPARTMENT’ means the Sunapee Water & Sewer Department.

‘DEVELOPER’ means a person(s) requesting installation of service to a real estate development.

‘MAIN’ is the Water Department's primary water distribution system, normally installed underground, from which individual service connections are made to furnish water to customers.

‘NHDES-Water Division’ means the New Hampshire Department of Environmental Services- Water Division, a regulatory body of the State of New Hampshire charged, among other responsibilities, with Implementation of Safe Drinking Water Act and those laws and regulations pertaining to the supply, treatment and distribution of potable water.

‘OPERATION & MAINTENANCE’ means those functions that result in expenditures for materials, labor, utilities and other items, which are necessary for managing water facilities. The term ‘operation & maintenance’ includes replacement as defined herein.

‘REAL ESTATE DEVELOPMENT’ means a group of adjacent units of occupancy prepared by a single developer.

‘REPLACEMENT’ means expenditures for obtaining and installing equipment, accessories or appurtenances, which are necessary during the useful life of the water system to maintain the capacity and performance.

‘RESIDENTIAL UNIT’ means one room or rooms connected together, constituting a separate, independent housekeeping unit established for owner occupancy, rental or lease, and containing independent cooking, sleeping, and sanitary facility. Any residential unit that has 5 or less bedrooms is considered a single unit. Any residential unit containing more than 5 bedrooms shall be treated as two units.

‘SERVICE CONNECTION’ means valves, pipe and ancillary items installed from a main to a customer's premises or point of water consumption.

SECTION II - ADMINISTRATION

A. COMMISSION

The Water Department is governed by a seven member Water & Sewer Commission, elected pursuant to law.

The Commission directs the affairs of the Department in accordance with authority conferred by law.

The Commission is responsible for the establishment of water rates to be charged to customers, for preparation and submission to the voters of an annual budget, and for the conduct of all business for the department in accordance with good business practice, laws and regulations.

B. SUPERINTENDENT

The Superintendent is appointed by the Commission and charged with day to day operations of the facilities of the Department. He/she is also responsible to the Commission for the performance of subordinates and the technical aspects of the water supply, treatment and distribution system.

SECTION III - SERVICE

A. PROVISIONS OF SERVICE

A customer desiring to have water service connected or disconnected or inspection shall give the Department a minimum of 48 hours notice and shall pay the applicable service charge (see schedule of rates and fees). A customer on regular service may request that service be disconnected and re-connected, during normal work hours once each calendar year without being charged. All requests must be scheduled through the Water and Sewer Office at 603-763-2115.

Customers who require service after regular working hours, including turn-on or turn-off curb stops, shall be subject to overtime charges rather than the standard service charge.

B. RESPONSIBILITIES

The customer is responsible for all cost involved for the installation of water connections from the municipal system to the property line/curb line.

Installation of the water line, from the municipal system to the property line/curb line, shall be completed by the Department. The property owner shall be responsible for the continuation of the service to the building, which shall be inspected by the Department prior to back fill. The department requires 48 hours notice for all inspections. The service should be five and one half feet (5 1/2') deep or have sufficient insulation. Services shall be bedded in a minimum of 6" (six inches) of sand and covered with a minimum of 1' (one foot) of sand.

The customer is responsible for the repair of the service from the building to the property line/curb line. If any necessary repairs are not made in a timely manner, the Department may shut off the water to that property. The Department will perform any repairs from the main to the property line/curb line. The customer shall be liable for all costs of the total repair from the Department main to the customer's premises.

C. REAL ESTATE DEVELOPMENTS

A real estate developer may request water service to a development. The developer shall provide, to the Commission, a complete set of detailed plans and specifications prepared by a New Hampshire state-registered engineer, for review and comment. After approval by the Commission, detailed plans and specifications will be sent to the NHDES-Water Division for review, comment and approval. If the Commission requires assistance from the Commission consulting engineer to review the plans for the development, the cost will be charged to the developer.

If larger mains are required to serve the development, the cost will be charged to the developer. If the mains need to be extended to serve the development, the cost will be charged to the developer. No installation of water shall be allowed to commence until all agencies have approved the plans. All materials and installations shall meet AWWA, NHDES-Water Division and local standards, and when necessary, a qualified resident engineer may be required to oversee the project at the expense of the developer. The resident engineer must be approved by the Commission.

D. NEW SERVICES

Applications for new water connection shall be made to the Department in writing on a Permit Application form by the customer or authorized agent.

A deposit for the estimated cost of the service connection and any attachment fees (see Appendix A) will be required at the time of application. If additional costs are incurred, the customer will be billed accordingly. If the cost of the service connection is less than the deposit, the customer will be refunded the difference.

Prior to service activation, there shall be a final inspection by the Department.

E. TYPES OF SERVICE

Year round service shall be provided where water mains are determined by the Department to be frostfree.

Seasonal service will be provided from May 15 through October 15. Seasonal service lines are not frostfree and shall be shut off at the main during the cold season. After service has been shut off, it is the property

owner's responsibility to be sure that any valve to the property is kept shut. The Department will not be liable for any damage done from flow through an open valve subsequent to reinstatement of service.

SECTION IV - METERING

A. USE OF METERS

It is the Commission's intention that all water sold by the Department be based upon metered volume sales in accordance with a rate schedule established by the Commission.

B. TEMPORARY METERS

Temporary meters shall be procured from the Department for the purpose of measuring the volume of water used in construction. There shall be a setup fee for installation of the meter and back flow preventor. Usage will be charged at the current Metered Water Rate.

C. SIZE OF METERS

The size of the meter shall be determined by the Department after a review of the information submitted on the service application form. The cost of the meter, and installation shall be borne by the person(s) requesting service. The meter and outside reader shall be the property of the Department.

D. NUMBER OF METERS

The Department's policy concerning the number of meters at any premises is as follows:

1. For single units, residential or otherwise, or for multiple units such as townhouses or duplexes which have their own cellar or first floor space, each unit will have its own water service and meter.
2. For apartment type units or shared buildings which are conversions, the owner can choose to either service each unit on an individual water line or serve multiple units from one service. In the former, a meter will be set for each service and an account will be established for that meter. In the latter, one or more meters can be set according to the owner's wishes. If one meter is desired, one account will be established for the premises. The owner is not precluded from installing the owner's private meters downstream from the Department's meter for the purpose of splitting the usage among tenants, but the Department will not provide individual billing. If a meter is desired for each tenant, the plumbing must be arranged so that the meters are installed in parallel. Meters in series will not be accepted. Multiple billing accounts will be established for the premises.
3. When a customer fails or neglects to furnish a suitable location for a meter inside the customer's building or where, for other reasons, it is necessary or expedient to locate the meter in 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.

E. METER SETTING

The customer shall provide a clean, dry and warm place, always free from debris, for the installation of the meter. The location shall be the point of service entry and easily accessible by a person in an upright position for reading, maintaining and changing. The general arrangement shall be in accordance with any directions, either special or general, given by the Department or its duly authorized agent, with reference to the security, safety, or necessary accessibility of the same.

1. The Customer shall purchase the meter from the department. The installation is the responsibility of the customer and must be inspected by the department.

2. The customer shall provide a meterhorn setting for meters of one inch (1") size to five-eighths inch (5/8") size and a back flow dual check valve. The meterhorn and check valve may be purchased from the Department.
3. Meters one and one-half inch (1 1/2") and larger shall be installed according to a sketch of typical installation, which may be obtained from the Department. A properly valved and sealed bypass shall be provided around all meters 1 1/2" and larger.
4. All customers shall be required to have a radio transmitter for their meter which shall be installed at a place on the premises acceptable to the Department. The customer shall be responsible for repairs or replacement of damaged readers. The Department shall bill for labor, equipment, and materials for repair or replacement.
5. Meter repairs or replacements necessitated by ordinary wear will be paid for by the Department. In the event that a meter freezes and is damaged due to the customer's negligence or other cause, then an additional charge, plus the actual cost of meter parts, shall be made to the customer to cover cost of removal, thawing, repair, testing, re-installation and meter reading.

F. METER TAMPERING

If meter tampering is discovered, the customer shall be charged for unmetered water based upon the rate schedule. This charge will be for the entire period, from last verification to discovery of tampering. An additional fee will be charged to cover the cost of reading, resetting, re-sealing, re-billing, etc.

G. BACKFLOW TAMPERING

It is a violation to tamper with or bypass the back flow dual check valve.

H. METER TESTING

Installed meters shall be tested upon the customer's request, at an additional fee to the user. If the meter is malfunctioning the cost will be borne by the Department. Tested meters registering within one percent (1%) plus or minus shall be considered correct. All meter testing and repair charges for meters over one inch (1") size shall be charged to the customer at actual costs plus fifteen percent (15%). Thereafter, all meters will be tested in accordance with AWWA standards on meter testing frequency.

SECTION V - BILLING

A. RATES

All services will be charged an annual user fee as established in the rate schedule. This fee includes a base rate that cannot be prorated. These rates are determined yearly by the Commission.

All services will be charged an annual water bond fee as established in the rate schedule. The water bond fee is for the cost of capital improvements which require funding through bonds. This fee cannot be prorated. These rates are determined yearly by the commission, based on the number of equivalent single units.

Any residential unit that has 5 or less bedrooms is considered a single unit. Any residential unit containing more than 5 bedrooms shall be treated as two units.

B. ABATEMENTS

Abatement of the annual user fee is available where there was NO use of the water system for the year billed. If a customer believes that there has been an error in billing, a certified written request for abatement should be sent to the Commission. All requests for abatements, rebates or billing errors will be reviewed only back to the previous billing year.

If there are any changes to the property that would affect the annual charge, it is the responsibility of the user to notify the Department immediately. A visual inspection of the property by the Department may be necessary.

C. ATTACHMENT FEES

It is regarded as inequitable to finance future capital improvements to the municipal water system solely through water user rates. Therefore, attachment fees are due when a person attaches to the water system. (see Section VIII).

D. RESPONSIBILITY FOR CHARGES

All users are responsible to pay all fees within the time allowed. All payments shall be made to the Department.

All users shall be billed in installments, determined yearly by the Commission when setting rates. Users will be notified in the first billing of the annual fees and their breakdowns.

Any payment not received within thirty (30) days of the billing due date shall be considered delinquent and appropriate action will be taken. When an account is overdue, interest will be added at an annual rate of twelve percent (12%). Interest is calculated on a monthly basis and a statement will be mailed upon request. Any payment made after the billing due date must include interest. Subsequent statements will show interest as a past due amount.

When any billing (including interest) remains unpaid at the end of a calendar year, such bill shall be provided by Warrant, to the Tax Collector and recorded in the land records of the Town of Sunapee, by the Tax Collector, which constitutes a lien on the property in accordance with RSA 38:22, as it may be amended from time to time. The outstanding amount is then paid to the Water Department by the Tax Collector and becomes a debt to the Town of Sunapee.

Any customer whose premises are served by the Town of Sunapee Water System, who knows of the service and who does not receive a bill for the annual usage fee and who does not notify the Water & Sewer Commission within ninety (90) days of when the bill for the fee is usually and customarily mailed, shall be considered a theft of service in accordance with RSA 637:8, as it may be amended from time to time.

SECTION VI - CONSTRUCTION & MAINTENANCE

Any individual, corporation, partnership, governmental agency or other legal entity seeking to dig, excavate, construct or otherwise disturb the existing ground surface lying within a public right-of-way located within the Town's boundaries, shall obtain the Department's concurrence prior to initiating the proposed action.

All construction and maintenance shall be in accordance with AWWA, State, Federal and local standards. Service connections shall be installed with type K copper pipe or CTS polyethylene pipe. All pipes must have a minimum pressure rating of 200 PSI.

Each service connection shall have a corporation stop, curb stop and a service box located on the property, accessible to the Department at all times. Should the service box be obstructed, the customer will be charged for removing the obstruction.

Customers shall maintain plumbing and fixtures, within their property, in good working order and shall make repairs at their expense to prevent leakage. No cross connection between the municipal system and any other water supply shall be permitted.

Customers shall provide a proper back flow preventor in their supply lines to prevent damage to hot water tanks and property.

The customer shall assume all risks and cost to their property. The Department is not responsible for damage or inconvenience caused by reasons beyond their control.

No other utility connections will be combined in the same trench with water and sewer lines. It is recommended, wherever practical, that water and sewer lines should be installed in separate trenches. Written request must be made to the Department prior to lines being installed in the same trench.

No service connections will be installed after November 1st or before frost conditions permit in the spring. Only emergency repairs will be made during the winter months.

SECTION V11 – CROSS CONNECTION CONTROL

A. Purpose

Cross-connections between water supplies and non-potable sources of contamination can represent one of the most significant threats to health in the water supply industry. This program is designed to maintain the safety and potability of the water in Sunapee's water systems and to prevent the contamination of public drinking water by the backflow of any substance other than water from the intended source of supply.

B. Authority

This program derives its enforceability from New Hampshire Administrative Rule Env-Dw 505 (Backflow Prevention) and The Sunapee Water Department rules and regulations.

C. Requirements

The Water Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants through the water service connection. An approved backflow prevention device is required at the water service connection to any Sunapee water customer's premises for the safety of the water system. Water service shall not be provided to any premises unless such a device has been properly installed.

D. Definitions

1. Approved – Accepted by the Water Superintendent as meeting an applicable specification stated in the regulations, or as suitable for the proposed use.
2. Auxiliary Water Supply – Any water supply available to a premises other than the approved public potable water supply.
3. Backflow – The flow of water or other fluids, mixtures or substances into the distributing pipes of a public water supply system from any source other than the intended approved source of supply.

4. Backflow Preventer – A device or means designed to prevent backflow or back-siphonage.
5. Backpressure – A condition in which the owner's system pressure is greater than the supplier's system pressure.
6. Back-siphonage – The backflow of water or other fluids into the distribution pipes resulting from negative or less than atmospheric pressure in the water supply system.
7. Containment – A method of backflow prevention which requires a backflow prevention device at the water service entrance.
8. Contaminant – Any substance that will impair the quality of the water to a degree that it creates a health hazard to the public.
9. Cross-connection – Any actual or potential connection between the public water supply and a source of contamination.
10. Fixture Isolation – A method of backflow prevention in which a backflow preventer is located to correct a cross-connection at an in-plant location rather than at a water service entrance.
11. Owner – Any person who has legal title to, or a license to operate or inhabit a property upon which a cross-connection inspection is to be made upon which a cross-connection is present.
12. Water Service Entrance – The point in the owner's water system beyond the sanitary control of the water supplier. This will ordinarily be at the outlet of the water meter and always before any unprotected branch.
13. Water Supplier – The public water supply system.

E. Administration:

1. The Sunapee Water Department will operate a cross-connection control program, including keeping the necessary records, which fulfills the requirements of the Commission's rules.
2. The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Sunapee Water & Sewer Commission's rules.
3. If the Sunapee Water Department requires that the public supply be protected by containment, the owner shall be responsible for the water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose.
4. The Sunapee Water Department shall conduct premise inspections to determine the nature of any existing hazards and corrections to be made. Initial focus will be on high hazard commercial premises.

F. Owner's Responsibility:

1. The owner shall be responsible for the elimination or protection of all cross-connections on his premises.
2. The owner, after having been informed by a letter from the Sunapee Water Department, shall at his expense, install, maintain, and have inspected and tested all backflow preventers on his premises.
3. The owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing. This shall include the replacement of parts or the replacement of the entire backflow preventer if deemed necessary by the Superintendent.
4. The owner shall inform the Superintendent of any proposed or modified cross-connections and also existing cross-connections of which the owner is aware of, but has not been found by the Sunapee Water Department.
5. The owner shall not install a by-pass around any backflow preventer. Owners who cannot shut down operations for inspecting and testing the device(s) must supply additional devices necessary to allow inspecting and testing to take place.
6. The owner shall only install backflow preventers approved by the Sunapee Water Department and the Commission. These must be installed in a manner and location approved by the Sunapee Water Department.
7. The owner shall be responsible for the payment of all fees for annual or semi-annual device inspections and tests, re-testing in the case that a device fails to operate correctly, and second re-inspection for noncompliance with the Sunapee Water & Sewer Commission's or NHDES requirements.

G. Degree of Hazard:

The Sunapee Water Department and Commission recognize the difference in the threat to public water systems arising from different types of cross-connection. These may be classified as Follows:

1. Low Degree of Hazard – If backflow were to occur, the resulting effect on the water supply would be a change in its aesthetic qualities. The foreign substance must be non-toxic to humans and non-bacterial in nature.
2. Moderate Degree of Hazard – If backflow were to occur the resulting effect on the water supply would be significant changes in aesthetic qualities. The foreign substance must be non-toxic to humans and non-bacterial in nature.
3. High Degree of Hazard – If backflow were to occur, the resulting effect on the water supply could cause illness or death if consumed by humans. The foreign substance may be toxic to humans either chemically, bacteriologically, or radiologically. The effects of the contaminants may result from short or long term exposure

H. Existing in-use Backflow Devices:

Any existing backflow preventer shall be allowed to continue in service unless the Sunapee Water Department determines that the degree of hazard is such as to supercede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health.

I. Periodic Testing:

1. The time interval for testing of backflow devices shall be determined by the Sunapee Water Department.
2. The inspections shall be preformed by a certified inspector or his delegated representative. The inspections and testing shall be at the owner's expense.
3. Any backflow preventer which fails during and inspection will be repaired or replaced immediately. The Commission requires that repair parts be ordered within 24 hours and that shipment by the fastest means available will be secured. Any delay of more than 7 days shall require discontinuance of service to insure protection of the public water supply. In the case of a high degree of hazard situation, the owner shall be responsible for the provision of spare parts and have a supply on hand.

SECTION VIII - MISCELLANEOUS

- A. State and Federal regulations prohibit water service connections to the municipal system with less than thirty-five (35) pounds pressure at the foundation sill.
- B. When necessary to conserve water, the Commission may restrict or prohibit the use of water, including hoses, sprinklers and irrigation devices. The Commission may take whatever action is necessary to conserve water and protect the integrity of the water system. Customers shall take all reasonable steps to prevent waste of water.
- C. The Department may disconnect, upon 72 hours written notice, for any violation of Department Rules and Regulations or nonpayment of fees or charges.
- D. Employees of the Department, with proper identification, shall have access to all premises supplied with municipal water service, during normal business hours, for the purposes of inspection of plumbing and fixtures, to install, read or remove meters, to determine the quantity of water used and the manner of use, and the determination of compliance of these rules and regulations. The customer will be notified and he/she or a designated representative, must be present when access is necessary.

- E. The Department shall not be held responsible for damage or inconvenience caused by a water main break, cleaning or flushing of water mains, hydrants and reservoirs, opening and closing gates, valves, and hydrants, curb shut off for repairs and maintenance, or for any occurrence beyond their control.
- F. Hydrants, gates, valves, curbstops and other control devices are the property of the Department and shall not be operated, or tampered with by anyone other than authorized employees of the Department. In case of fire, Fire Department personnel may operate the fire hydrants.
- G. If it becomes necessary to shut off water to all, or a portion of the system for repairs and maintenance, the Department will be held harmless or any damages resulting from shut down of the system or recharging the system. Users will be notified before the system is shut down except in case of emergency.

The Department telephone number is 763-2115. In an emergency call Police Dispatch at 763-5555.

SECTION VI111 – WATER ATTACHMENT FEE

In order to more appropriately allocate the costs of constructing, maintaining and paying off capital debt and interest incurred in constructing and maintaining the water system of the Town of Sunapee, the Sunapee Water and Sewer Commission, pursuant to RSA 38:26; RSA 38:27; RDS 38:28; Chapter 197, Section 4, NH Laws 1901, as they may be amended from time to time, and other provisions of law, ordains as follows:

- A. Water Attachment Fee. In addition to charges for use of the water system and charges to cover the labor and material costs associated with connecting thereto, the owner of improved property shall be liable for a one-time water attachment fee, due and payable at the time of approval and connection of the property to the water system. The water attachment fee shall be computed as follows:

Commercial-Industrial: \$9.24 per gallon per day.
 Residential/Apartment: \$2,000 per single family housing unit.

The daily flow rate for Commercial-Industrial customers shall be determined by using half of the gallonage calculated in accordance with Table 1008-1, Unit Design Flow Figures, from the ‘Subdivision and Individual Sewage Disposal Rules, Chapter Env-Ws 1000, NH Department of Environmental Services, Water Division, Latest Edition. (Table 1008-1 shows maximum flow rates). The daily flow rate so determined shall be multiplied by \$9.24 to determine the water attachment fee.

The water attachment fee is separate from, and in addition to, charges made by the Town of Sunapee to cover labor and material costs associated with physical connection to the system.

- B. Penalties and Remedies for Non-Payment of Fees. In the event an owner fails or refuses to pay the water attachment fee, such unpaid charges shall result in a lien on the property in accordance with RSA 38:22, as it may be amended from time to time. Interest at the rate of 1% per month computed monthly (12% per annum), from and after the date fees are assessed by the Commission, shall be charged on all fees which remain unpaid 30 days after notification by the Commission. The person against whom fees are assessed shall be responsible for all costs of collection, including reasonable attorney fees.
- C. Severability. If any provision of this section of the ordinance or any application of it to any person or

circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this Ordinance are severable.

D. Applicability. The fees established in this section of the ordinance shall apply to all improved properties connected to the water system.

The Water & Sewer Commission of the Town of Sunapee may amend any portion of this Ordinance for any reason deemed necessary.

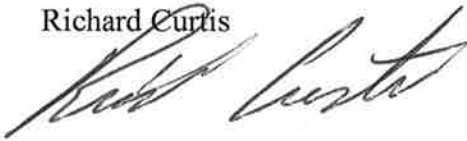
This amended ordinance takes effect upon its adoption and replaces any ordinance in existence prior to this.

ADOPTED this 25th day of *May*, 2023 by the Water & Sewer Commission.

Theodore Gallup, Chairman



Richard Curtis



Charles Hirshberg



Wayne Stoddard



Jimmy Williams, Vice-Chairman



Douglas Gamsby



Jeffrey Roof



