

# BY-LAWS OF THE BENNINGTON WATER AND SEWER DEPARTMENT

## DEFINITIONS

The property and operation of the water supply in the Town of Bennington shall be called the Bennington Water and Sewer Department.

- I. Utility shall mean the Bennington Water and Sewer Department.
- II. The terms Water/Sewer Commissioners or Commissioners, whenever used in these rules and regulations, shall be held to mean the persons elected by the Town to whom shall be entrusted the supervision of the Bennington Water and Sewer Department, and any act in these rules and regulations required or authorized to be done by the Water/Sewer Commissioners may be done by them or on behalf of them by any officer, employee, or firm authorized by them. They shall be compensated a yearly wage and also be paid at the going rate at the time of an emergency situation. The minimum shall be for at least two (2) hours.
- III. The Water/Sewer Superintendent shall mean the person responsible for the general operation of the utility and all physical aspects of same. His specific duties shall be outlined by the Water/Sewer Commissioners and he shall be responsible to them as an employee of the utility.
- IV. Customer shall mean any individual, partnership, firm, association, corporation, town or governmental division, whose property is supplied by the utility with a separate connection and is individually metered.
- V. Main pipe shall mean the supply pipe from which service connections are made to supply water to customers.
- VI. Service pipe shall mean the pipe running from the main pipe to inside the customer's dwelling or point of property entrance.
- VII. Meters
  - A. All customer's services will be metered except in the following cases where the rental is to be set by the Commissioners:
    1. Seasonal use/limited service.
    2. Temporary Service – i.e., construction or any service which will not be a permanent nature or perennial use.
  - B. All customers will be supplied with a 5/8-3/4 meter upon payment of a fee set by the Commissioners at the time of the request. The meter will be maintained by the utility at the utility's expense except as otherwise prescribed in this section. A service shutoff will be installed inside the building. A \$10 administrative fee will be assessed at the time of property ownership transfer.
    1. All meters shall be set, as near as possible, at the point of entrance of said service pipe inside the building and the customer shall provide and maintain a clean, dry, warm, and accessible place therefore. Meters, once installed, may be changed in location at the request of the customer, only at his/her expense and only authorized by the Board of Water Commissioners.

2. If a meter larger than the 5/8-3/4 furnished by the utility is necessary, the additional cost of same will be charged to the customer. The 5/8-3/4 meter most of the time will be found adequate for all household and most light commercial operations.
- C. When the customer fails or neglects to furnish a suitable location for a meter inside his/her building or where for other reasons it is necessary or expedient to locate the meter in an underground vault or box, the customer shall bear the total expense.
- D. Meter repairs or replacements necessitated by ordinary wear will be paid by the utility. Those caused by freezing, hot water, or any other fault of the customer will be charged to the customer. The fee for said meter and or accessories will be determined at the time of said failure, and will be at the Commissioners' decision.
- E. If any auxiliary meters are desired by the customer, which would be for showing a subdivision of the supply, he/she shall furnish, install, and maintain them at his/her own expense. The meter may also be requested to be replaced when the regular house meter is replaced due to outdated meter and or parts availability.
- F. If a meter fails to register or it is removed for repair by the utility, the utility will make a charge for water used based on an average for the water used for a similar period prior or subsequent to the repair period.
- G. ALL meters installed shall be the property of the utility and SHALL NOT be moved or removed without authorization of the Board of Water Commissioners.

#### APPLICATION FOR WATER SERVICE

1. Application for water service shall be made to the Water Commissioners by the owner of said property in which the service is desired and will supply a permit in writing to the utility authorizing entry to the premises to do the necessary work.
2. New service or replacing old service pipes.
  - A. Application shall be made as Section 1 above requires.
  - B. Installation costs.
    1. The installation of water service pipes from the curb stop or shut off to the building will be the responsibility of the customer. The Bennington Water/Sewer Department in no way will be involved in private property installations of water service or water mains.
    2. An application fee for a new service will be required. The fee will be determined by the Commissioners at said time of request. This fee will include, but not be limited to, the following:
      - A. Location of nearest main
      - B. Tapping of said main for service line
      - C. Bring tap to side of road, within State/Town right-of-way
    3. The customer will furnish a ball valve inside the building on all new service pipes near the service entrance, before said meter, and it shall be easily accessible and protected from freezing.

4. New service pipes will be installed only where there are existing mains. In no instance shall installation of service pipes be construed to mean extension of existing mains.
5. If water service is desired by a customer or group of customers where the extension of existing mains is necessary, they shall submit to the Commissioners a complete plan of services desired and extension of mains required.
  - A. The Commissioners and the Board of Selectmen shall make such extensions provided they are along an existing highway, and if the total cost does not exceed \$1,000, and the funds are available within the Water Department budget or said capital improvement fund, and only if in their opinion the rentals from such extensions will amortize capital investment and interest within a period of twenty years, and that such extensions lend themselves to the overall growth and expansion of said Town.
  - B. If the plan for extensions does not qualify under 5-A, the Commissioners and Board of Selectmen shall be provided a detailed plan with cost estimates as accurate as possible. The cost of such information shall be borne by the Applicant for said such request.
    - a. The Commissioners and Board of Selectmen shall determine the feasibility of the proposed project.
    - b. If in the opinion of the Commissioners and the Board of Selectmen, the application should be favorably considered, they shall request the Selectmen to either insert an appropriate article in the Town Warrant for an annual or special Town Meeting for consideration of the voters of the Town of Bennington, or by a request from the Commissioners to the Board of Selectmen for a request to withdraw funds from a Capital Reserve account designated for that purpose.
      - i. If a special Town Meeting is requested by the Applicant, the cost of said meeting shall be borne by the Applicant.
      - ii. All service pipes, including the curb, within the limits of the highway shall be owned and maintained by the utility. From the curb stop house-side to the building, the pipe, valves, or any other appliances installed shall be maintained and owned by the customer.
      - iii. When it becomes necessary to thaw a frozen service line and it cannot be determined where it is frozen, the cost shall be shared, 50% for the utility and 50% for the customer. Payment from the customer shall be when service is rendered.
      - iv. Where water service is furnished to any housing not placed on a permanent foundation, or to any trailer or modular home, the whole cost of installing service from the nearest available main pipe shall be paid by the customer.

- v. When the building contains multiple living units, each unit will have its own individual meter as well as a shut-off serving the utility only.
- vi. In the instance of properties containing more than one building or mobile home with housing facilities therein, each said building or mobile home will have its own meter and service shut-off as prescribed elsewhere in these regulations.

## USE OF WATER

- I. All customers having direct pressure hot water tanks must place proper vacuum and relief valves in the pipe system to prevent any damage to such tanks, should it become necessary to shut off the water on the street mains or service pipes. The utility will not be responsible for damage to any hot water tanks on the customer's premises.
- II. The use of hoses, lawn sprinklers, letting water run to prevent freezing or any other use other than absolute necessity may be restricted when necessary by the Water Commissioners by publishing a public notice in the weekly local paper.
- III. All gates, valves, shut-offs, curb stops, and standpipes which are the property of the utility, shall NOT be opened or closed or tampered with in any way by any person other than the Water Commissioners or Superintendent or any other authorized by such personnel.
- IV. The utility will not be responsible for any damage caused by dirty water from the use of fire hydrants, flushing of mains or from any malfunction of its equipment or any other reason beyond the control of the utility through regular maintenance practices. Notice of water shut-off or possible dirty water conditions will be given, published in the local newspaper where practicable, but nothing in this rule shall be construed as requiring the giving of such notice.
- V. Statements for services rendered will be submitted to the customer at the end of every quarter of the calendar year.
  - a. The billing for metered service will be NET 30 days from the date of the bill.
  - b. Any bill over 45 days old shall be considered delinquent.
  - c. The Water Commissioners shall consider nonpayment after 45 days sufficient reason for service to be disconnected or they, in their judgment, may charge interest at 1% monthly on any delinquent account, whichever their discretion dictates.
    - i. In any case where a customer's water is shut off whether for non-payment of rentals, vacancy, administrative fee, or for any other reason, a service charge will be assessed. The fees for such will by determined by the Water Commissioners at such time service is requested.
      - 1. In any case where water has been shut off, there will be a service charge to reinstate service. As described in water shut off, the Commissioners will determine the fee for restoring service, and it will be necessary for the customer to pay both the shut-off fee and reinstatement fee in advance.

2. In any case where a property ownership transfer occurs, a \$10 administrative fee will be assessed to cover the costs associated with, but not limited to, ownership change, distribution of documents, and postage.
- ii. Disconnection with notice.
1. The utility may disconnect service to a residential customer after appropriate notice if:
    - a. The customer has failed to pay within 45 days following the postmarked date of any proper undisputed bill or deposit request.
    - b. The customer has failed to abide by the terms of a payment agreement pursuant to Section 4 (below).
    - c. The customer refuses to give reasonable access to his/her premises for necessary inspection of utility property.
  2. Notice may be sent not less than 45 days after the postmark date of the original bill. Written notice of the intent of the utility to disconnect service shall be postmarked at least twelve (12) days in advance of the date of disconnect.
  3. Service shall be disconnected only between the hours of 8:00 a.m. and 4:00 p.m. on a regular business day, but not preceding a day which the utility business office will be closed.
    - a. Prior to disconnection, the utility employee disconnecting service shall notify an adult or leave a note if no one is present. The note shall contain the procedure whereby service may be re-established.
    - b. The utility employee disconnecting the service shall accept payment in full of the bill tendered prior to his commencing the disconnection. In such event, the employee shall give a receipt and leave the service intact.
    - c. The utility will restore service promptly upon the customer's request when the cause for disconnection has been removed and the customer has paid a reconnection fee.
  4. When a customer cannot pay a bill within the due date, the utility may set up a payment plan, but only if the customer pays a reasonable portion of the original bill. The payment plan will be due before the next reading. If at any time the payment plan is broken, the Commissioners will have the authority to terminate water service without any questions.
  5. Customer Appeals. If a customer disputes a bill, the customer must request a conference with the utility prior to the date of disconnection. The Appeals process shall comply with the procedures set forth by the Public Utilities Commission, Code 603.08, Section 4.

6. Medical Emergency. No service will be disconnected when the Water/Sewer Department is advised that a medical emergency does exist at that location or would result from the disconnection, in accordance with the procedures set forth by the Public Utilities Commission, Code 063.08, Section 2.C.
- iii. In all cases involving subdivisions of rental apartment houses, etc. the owner of the property shall be billed and held responsible for payment of such rental.
    1. Disconnect Notice to Tenants: Notice required. The utility will not disconnect service to a meter where any part of the service provided through it accrues to the benefit of one or more parties known by the utility to be tenant(s) without giving written notice to such tenant(s) as hereafter required; provided, however, that service may be disconnected without notice when (a) necessary to avoid danger to life or property, or (b) upon the order of a duly constituted public authority such as police, fireman, public health officers, etc.
    2. Contents of Notice: the notice shall set forth the following information:
      - a. The date on or after which the utility propose to disconnect.
      - b. A recommendation that the tenant immediately contact the landlord.
      - c. The reason for the disconnection.
      - d. The address and telephone number at which the tenant may contact the utility.
    3. Timing and Manner of Giving Notice. The notice shall be delivered not less than five (5) days in advance of the date that the actual disconnection will take place unless given by mail. If given by mail, notice shall be mailed by first class mail, postage prepaid, not earlier than ten (10) days no later than six (6) days prior to the date of the intended actual disconnection addressed to the tenant at his/her mailing address or the occupant of a designated dwelling unit. Notice may also be given by telephone, by personal visit, by posting or hanging on the front or back door of a tenant's dwelling unit, by delivering it in hand, or by sliding it under his/her door.
  - iv. Disconnection with Notice – Non-residential. The same rules shall apply as enumerated in Section ii, with the exception that written notice of disconnection shall be given at least five (5) business days prior to the date of disconnection.
  - v. Penalty for Bad Checks. Whenever a check or draft presented for payment is not accepted by the institution upon which it is written, the utility will impose a charge of \$25, and payment for such bill shall be made in cash only.

Hydrants will not be used in any way except by people authorized by the Water Commissioners or by duly authorized members of the Fire Department for the purpose of fire protection or drills.

- VI. An authorized utility representative shall have the right and be permitted access to a customer's premises at any reasonable time to inspect the plumbing, fixtures, or replace or repair meters and enforce all aforementioned conditions.

1. Willful Waste of Water. This section is interpreted to include any situation where leaks in a customer's system go un-repaired after the customer is notified by telephone, letter, or a personal visit of the necessity to repair such leaks.

VII. Water may be shutoff without notice for any of the following reasons:

- A. Misrepresentation in application.
- B. Willful waste of water.
- C. Tampering with utility property.
- D. For vacancy.
- E. For cross-connecting the utility's service with any other supply source.
- F. Refusal of reasonable access to the property.

VIII. The Commissioners and Board of Selectmen may propose from time to time rate adjustments and amendments to these regulations, such proposed rate adjustments and amendments shall become effective upon adoption of the Commissioners at a regular monthly meeting.

IX. The Water Commissioners or a duly representative of the Town, shall keep a suitable set of books, fair and accurate account of all sums receiving into and paid from the utility account. At the close of each year, they shall make a report to the Town, to be published in the Town Report, giving a particular account of all financial transactions during the year.

X. The Water Superintendent must be hired by the Water Commissioners and cannot be a member of the Committee.

XI. Whoever violates any provision of these regulations, may in addition to other remedies provided by law, be fined by the court as provided by law.

The regulations have been prepared by the Water Commissioners pursuant to the vote of the Town, March 1967. They shall become effective April 1, 1968 upon adoption of the Town.

These regulations were amended on March 14, 1988.

These regulations were amended on April 3, 2007, per RSA 38:26 by the power given to the Commissioners to amend these By-Laws. This document was again amended July 11, 2007.

All previous regulations or rules inconsistent with these regulations are hereby rescinded.

## Water Shutdown – Notification Procedures

### Responsibility of the Water Department

- Scheduled Repairs and Minor Leaks
  - 12-24 hours notice. Notify Town Hall personnel of affected area.
- Service Leaks That Affect Mains
  - Notify Town Hall personnel of affected area. Wait one (1) hour before shutting off affected area
- Water Main Breaks
  - Shutdown affected area *immediately*. Notify Town Hall personnel.

### Responsibility of Town Hall Personnel

- Call Southwest Fire Mutual Aid to notify Fire Chief that there is a water shutdown situation. If the Chief deems necessary, a Fire Department representative will sound the fire siren three times to notify people that there is a water shutdown emergency.
- Call area businesses in the area affected.
- Call one of the Water Commissioners to notify them of the situation.