

# **RULES AND REGULATIONS (BY-LAWS)**

## **FRANCONIA WATER DEPARTMENT**

**Revised and Approved April 11, 2024**

The following Rules and Regulations made by the Franconia Water Department, will, upon application for, or acceptance of service, constitute a contract between the customer and the utility will be considered to express his consent to be bound thereby, and to take water only for the purpose stated in the application and at the established rates.

### **1. Definitions:**

- a. The word "Department" shall mean the Franconia Water Department.
- b. The word "Customer" shall mean any person, firm, corporation, utility or agency that has applied for and has been granted water supply service. Customers shall be defined as Residential and Commercial
- c. The term "water service" shall mean the furnishing of water by the Department.
- d. The term "Service Pipe" shall mean the pipe running from the customer's premises to the main.
- e. The term "main" shall mean a water pipe owned, operated and maintained by the Department for the purpose of transmission and distribution of the water.
- f. The word "meter" as used herein shall mean an approved device for measuring the quantity of water used by the customer for purposes of determining service charges.
- g. The word "Commissioners" shall mean the members elected to operate the Franconia Water Department. Currently there are 3 elected commissioners.

## 2. Rules and Regulations:

- a. New water supply services will be installed by the Franconia Water Department through its water system maintenance company and all charges shall be billed to the customer. The water system company under contract at the time of the customer's installation request shall provide a cost estimate for the installation, from which the customer will pay a 50% pre-installation deposit. Final payment of the remaining balance will be due at the completion of work and paid to the Franconia Water Department. The Franconia Water Department may, at its discretion, permit any new customer to have the work done by a private installer under the guidelines and direction of the Department.
- b. All new services shall be metered before being allowed water. The meter shall be supplied by and remain the property of the Department. The Department will maintain and test meters as necessary. It shall be the customer's responsibility to provide a suitable place for the meter that is accessible to the Department personnel or hired help at reasonable times, and to protect the meter from damage and freezing. If said meter has been damaged or frozen as a result of customer's neglect, the customer will be required to purchase a new meter.
- c. From the curb stop to the building, the service pipe on existing services will be the responsibility of the property owner.

### Protection Against Freezing

All year round services must be protected against freezing. If it is necessary to thaw a frozen service, the customer shall assume the cost from the curb stop to the building and will secure a contractor other than the Department to do this thawing if available. If it cannot be clearly defined where the service is frozen, the customer will be required to assume one half of all expenses involved in thawing. At no time will the Department assist in any thawing operation inside the building.

### Unauthorized Use of Water

No customer shall supply water to another party, nor shall he use it for any other purposes not mentioned in his application without the Department approval. No person shall obtain water from any hydrant or other fixture of the Franconia Water Department without previous written consent of the Franconia Water Department.

### Seasonal Customer

A seasonal customer is one who regularly takes service for a portion of the year. A seasonal customer will be subject to the Rules and Regulations as well as the rates set forth by the Commissioners.

*It is the responsibility of the customer to make sure that the valves inside the house are shut off before calling to have the water turned on. It is also the customers' responsibility to make sure that the water has been turned off after calling to have it shut off in case of a shut off valve failure. The Franconia Water Department will not be responsible for any damage for valves left open.*

### Cross Connection

A cross-connection is any actual or potential connection or structural arrangement between a public or private potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluids, gas, or substance other than the intended potable water with which the potable system is supplied. No cross connection between the public water supply system or any other system, will be allowed unless properly protected. No new cross connections may be installed without the written approval of the Commissioners. In addition, no connection capable of causing back flow between the public water supply system and any plumbing fixture, device or appliance or between any waste outlet or pipe having direct connection to waste drains, will be permitted.

If a customer fails to protect such cross connection after a time limit set by the Commissioners, service shall be disconnected.

Pursuant to Section 485:11 Backflow Device Requirements and Tests.  
Installations, Repairs and Replacements

<http://www.gencourt.state.nh.us/rsa/html/l/485/485-11.htm>

### Winter Construction

No new service pipes or extensions of mains shall be installed for the convenience of a customer during the winter months, unless the customer assumes all extra expenses over the ordinary centurion cost. Such construction will be performed at the Department's discretion.

### Access to Premises

Employees and Commissioners of the Water Department, having proper identification, shall have free access to all premises supplied with water at reasonable hours to permit the inspection of plumbing and fixtures, to set, remove, or read meters, to ascertain the amount of water used and the manner of use and to enforce these rules and regulations.

### No Liability for Interrupted or Unsatisfactory Service

If, by reason of shortage of supply or for the purpose of making repairs, extensions or connections or for any reason beyond the control of the

Franconia Water Department it becomes necessary to shut off the water in a main or service pipe, the department will not be held responsible for any damages caused by such shut off and no adjustment of rates shall be made unless service is interrupted for a continuous period of Ten (10) days. In this case, a proportional adjustment of rates shall be made. Notice of shut off will be given, if practical, but nothing in this Rule shall be construed as requiring the giving of such notice. The Department will not be responsible for damage caused by discolored water or unsatisfactory water service which may be occasioned by cleaning of mains or standpipes on their opening or closing of valve or hydrants or any abnormal condition unless caused by negligence or lack of responsible care of the Department. The Water Department will make every effort to maintain normal pressures at all times on the distribution system, but shall not be held liable for the failure of either the supply or distribution division of its system to furnish adequately its normal quantity of water when such failures are due to the elements, natural caused, breaks, leaks, or waste or unlawful use of water.

### Repair to Meters

The Department will pay for meter repairs and replacements necessitated by ordinary wear. Expenses associated with tampering or removing from service any meter, either by the customer or contractor hired by the customer, for the purpose of winterization, renovations, or for any other causes within the control of the customer, or as a result of freezing; will be charged to the customer, including cost of removing and replacing the missing or damaged meter, and a determination of an estimate of water consumed during the period the meter was out of service or not operating properly.

### Fire Hydrants

Fire Hydrants will not be used for any purpose other than the extinguishments of fires or for such other purposes as may be agreed to by the Commissioners. In no case shall fire hydrants be open by a person other than an agent of the Franconia Water Department or one who has obtained written authorization from the Franconia Water Department.

### Turning Water On and Off

Under no circumstances will any person other than the Franconia Water Department employees be allowed to turn on or off the water service at the curb stop. The charges for turning water on and off at the customer's request shall be determined by the Water Commissioners (See Rates Schedule). If the customer does turn on or off the water and damage is caused and repairs or replacement is needed, the customer will be responsible for all expenses.

*It is the responsibility of the customer to make sure that the valves inside the house are shut off before calling to have the water turned on. It is also the customer's responsibility to make sure that the water has been turned off after calling to have it shut off in case of a shut off valve failure. The Franconia Water Department will not be responsible for any damages for valves left open.*

### Water Restrictions

The Franconia Water Department reserves the right to limit or curtail use of water for such purposes as lawn care, car washing, swimming pools, etc., during periods of water shortage or during any other period when it becomes necessary for the common good. Failure to comply with such restrictions after due notice, shall result in termination of water service for the duration of such limitation by the Department.

### Bleeds

In some cases, older mains and services have been installed without sufficient cover to prevent freezing. To prevent this, certain customers may be asked to allow water to flow continuously through a bleeder outlet during the coldest months. An adjustment will be made on the billing for this period to compensate these customers for the increased water usage. No adjustment will be made for customers who use bleeders for their own convenience rather than at the request of the Franconia Water Department.

## **3. Billing:**

Commissioners have the right to set/adjust rates as deemed necessary.

Water bills are presented on a trimester basis and are computed on the basis of consumption as determined by the meter readings plus the standard meter rental charge.

All billing for the use of water shall be made to the owner of the property as listed on the Town of Franconia tax records. Outstanding water bills are a lien against the property.

Seasonal customers will be billed a flat rate based on the size of their meter whether the service is turned on or turned off.

When the meter reader is unable to read the meter, he will leave a notice card for the customer to read his own meter. It shall be the responsibility of the customer to read their own meter and notify the Department within 48 hours. If no reading is received, the Department will estimate the bill based on previous billings.

In the event of a malfunction of the water meter, an average charge for the past year will be used for billing purposes. If and when a break or leak occurs within the customer's plumbing, the customer is expected to pay the amount of the bill for the water passing through the meter.

### Main Extensions

Extensions of mains and service mains will be made upon petition of prospective customer, and/or as desired by the Commissioners, subject to the following Terms and Conditions:

- i. The Franconia Water Department will extend mains in highways, streets, roads and rights of way where easements can be obtained.
- ii. Service mains will be approved by the Commissioners and will become the property of the Department upon acceptance.
- iii. With one exception to the above, a qualified contractor can make application to lay a water main with the approval of the Board of Water Commissioners but said contractor will be responsible for the maintenance and repair of said main for one (1) year after the finish date to the satisfaction of the Department provided material specified by the department is used. After one year, if properly operating, the department will assume ownership of said main by condition and subject to inspection by the department.
- iv. The size and kind of pipe shall be determined by the Department in accordance with conditions surrounding the extension including the possibility of future extension or the addition of fire protection service.
- v. Extensions of mains and service mains shall be made only upon conditions that the prospective customer signs an agreement with the Department which shall provide that the customer and/or customers shall pay the entire cost of the extension and/or extensions applied for. A contract shall be drawn stating the terms and conditions as set forth and the customer shall pay the estimated cost before any work is begun.

## Termination of Service

Any service may be terminated after proper notification for the following reasons:

- ii. An illegal service connection.
- iii. A cross connection to any other water supply
- iv. Tampering with service connections and or meters.
- v. Denial of access to a member of the Department.
- vi. Non-Compliance with Department request to curtail use of water under conditions set forth in the Department Regulations.
- vii. Failure to pay a delinquent account.

### **4. PROCEDURE TO SHUT OFF WATER SERVICE:**

If a trimester water bill is not paid within 60 days of its due date, the Franconia Water Department will initiate SHUT OFF procedure.

- A certified letter announcing shut off will be sent and shut off of service will take place seven days after the return receipt card, or the undeliverable certified letter, has been returned to the Franconia Water Department.
- One day before shutting off service, the Water Department will make a diligent attempt to contact the customer either by phone or by a personal visit to the customer's home.

The Water Department cannot terminate service at night or during the weekend.

If the Water Department knows that minors, elderly persons, or infirm persons live in the household, special arrangements MAY be made.

If the customer cannot afford to pay the bill, he or she must still make reasonable efforts to negotiate payment arrangements with the Water Department.

The Water Department will charge the customer its standard shut off fee (\$100.00). Upon payment of the bill in total, the Water Department will also charge the customer its standard turn on fee (\$100.00) to return water service to the property.

These are intended to be the Rules and Regulations for the operation of the Franconia Water Department. As such, they are subject to change by the Franconia Water Department Commissioners.