

CHAPTER 17

WATER

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17.1 Agreement.

The following rules and regulations, and such regulation as may be hereafter established by the Rochester Department of Public Works, shall be considered a part of the contract with every customer who uses water supplied by the Rochester Department of Public Works and such customer by taking water shall be considered as expressing their assent to be bound thereby.

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17.2 Definitions.

As used in this ordinance, the following words and terms shall have the meaning set forth below:

(a) Application for Water Service. The form signed by the owner or his/her designated representative to obtain water from the distribution water mains which will become the contract between the Department of Public Works and the applicant.

(b) Business Office. The Business Office of the City of Rochester, New Hampshire, as represented by its Finance Director, or duly authorized employee.

(c) City. The City of Rochester, New Hampshire.

(d) Curb Stop. The shutoff valve located on the water service line from the water main to the structure.

(e) Customer. The party who has made an application for a water service for the dwelling unit described in the application, or the subdivision supplied with water service by the City of Rochester, or the owner or agent thereof for the property being serviced. This includes any private person, commercial business, corporation, industry or governmental division.

(f) Department of Public Works. The Department of Public Works of the City of Rochester, New Hampshire, as represented by its Director of Public Works or duly authorized employee or agents.

(g) Director. Commissioner of Public Works as defined in Section 18 of the City Charter or his/her designee.

(h) Distribution Water Main. Water mains which are installed or presently located on roadway layouts, rights-of-way, or easements which provide the water for fire protection or water services including the individual shutoff.

(i) Dwelling Unit. A single-family home, cottage, mobile home on private property, apartment, condominium or townhouse.

(j) Reader. A device installed by the Department of Public Works, for remote reading of the quantity of water measured by the water meter.

(k) Replacement Costs. Expenditures for obtaining and installing equipment accessories, or appurtenances which are necessary during the operational life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement costs.

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(l) Sewer Deduct Meter. A device installed and owned by the Department of Public Works for the measurement of water that will not be disposed of in the City sewer system.

(m) Utility Advisory Board. The Utility Advisory Board of the City of Rochester, New Hampshire.

(n) Water Meter. A device installed by the Department of Public Works for the measurement of water quantities to be used as a basis for determining charges for water services.

(o) Water Rates and Charges. A separate listing of all deposits, water rates, charges, and violation fees can be obtained from the Department of Public Works or Business Office.

(p) Water Service. The pipe extending from the distribution water main to the customer's building or structure.

17.3 Policy Statement.

(a) To the largest extent possible, the City of Rochester is intended to have a fully metered system with outside readers, all residential, commercial and industrial customers shall be metered, unless it is determined by the Director, not practical to do so.

(b) All school buildings, non-city community facilities, hospitals, etc. shall be considered separate services, metered and billed as commercial customers.

(c) Customers shall be billed in accordance with the provisions of Section 17.19 of this Chapter.

(d) In agreement with any like provision in Chapter 16, Sewer Use Ordinance, an elderly exemption, based on existing property tax requirements for such exemptions, shall be instituted.

(e) For all commercial and industrial customers not presently metered, the installation of a meter will be required. The customer shall pay any costs associated with such installation.

(f) In the event of a meter or reader failure or when in the opinion of the Business Office or Director a flat rate billing is necessary, each unit of a multi-unit dwelling or mobile home park shall be considered a residential customer. The property owner shall be billed for each dwelling unit even if the property has only one service (i.e., the owner of a 10-unit apartment building shall be billed the residential flat rate x 10)

17.4 Water Service Connection Required.

[26]

The owners of all houses, buildings, or structures used for human occupancy, employment, recreation, or other purposes, situated within the City and currently connected to the public water system of the City, and the owner of any newly constructed

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house, building, or structure used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is located the public water system of the City, is hereby required at the owner(s) expense to extend water mains, in order to connect such house, building, or other structure directly with the public water system of the City, in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so, provided that said public water system is within two hundred (200) feet of said house, building, or structure. The City Manager may grant a waiver of this requirement if he/she deems that it imposes an unreasonable financial hardship upon the owner.

17.5 Application for Service.

[28]

(a) All applicants for water service or expansions or fire sprinklers must be made at the Public Works Department Office on an application form, stating fully and truly the uses to which the water is to be applied. The customer or his/her duly authorized representative must sign such application.

(b) An estimate of the cost of work to install the service will be prepared by the Department of Public Works.

(c) A deposit equal to the estimated cost or a payment agreement shall be made with the Business Office before the work is begun. This regulation also applies to repairs on service piping, the setting of new meters, including outside reader, radio read equipment and appurtenances, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved.

(d) Installation charges and other fees on all new services must be paid or a payment agreement made with the Business Office before the water is turned on. This regulation also applies to repairs on service piping, the setting of new meters, including outside reader, radio read equipment and appurtenances, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved.”

(e) The Director may waive the deposit for emergency repair purposes.

(f) The City of Rochester may allow applicants to enter into agreements with the City to pay all costs in equal installments over a period of time. Interest shall accrue at the same rate charged by the City for overdue property tax bills. Such agreements shall be recorded with the Strafford County Register of Deeds at the expense of the applicant. In the event property is conveyed; all monies owed to the City of Rochester shall be remitted in full.

17.6 Size of Service and Meter Required. The minimum size of service connections and meter installation permitted shall conform with the recommendations of the American Water Association.

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17.7 Service Installation and Repair.

[27]

(a) The Department of Public Works or its agent shall or developer's or property owner's contractor shall install all new water services.

(b) The Department of Public Works or its agent shall make necessary repairs to existing services up to the customer's side of the curb stop. The cost incurred for the repair and maintenance of all existing water services from the distribution main up to the customer's side of the curb stop, or to the customer's property line, whichever is further from the distribution main, shall be the responsibility of the Department of Public Works. The cost incurred for the repair and maintenance of existing water services from the customer's side of the curb stop, or from the customer's property line, whichever is closer to the customer's building, shall be the responsibility of the customer, except that the customer shall not be responsible for the cost of the sidewalk or roadway excavation and repair.

(c) If new services are installed by a developer or property owner, the Department of Public Works must approve all materials, inspect the installation, provide and install the meter, perform the installation of the remote reader, install all wiring and perform testing and sealing of meters. All charges incurred during the work are the responsibility of the developer or property owner.

(d) If a developer's or property owner's contractor's installation is found to be incorrect it shall be the developer's or property owner's responsibility to have it corrected.

(e) Annually, before any contractor or company shall install or repair any portion of a water system within the City of Rochester, such contractor or company shall obtain a license from the Department of Public Works authorizing such contractor or company to perform installations of or repairs to such water system. Licenses shall be valid from January 1 through December 31 for any given year, except that in the first year after adoption, said existing licenses shall be prorated. The Director of Public Works shall issue such license only to contractors or companies who demonstrate the ability to perform water installations and repairs in a workmanlike manner; consistent with the standards maintained by the Department of Public Works. All applicants shall be required to submit evidence of general liability insurance. The City Manager shall establish an annual fee for such water installation and repair license that shall be listed on the Water Rate and Fee Schedule.

(f) Any contractor or company installing or repairing any portion of the public water system must receive written authorization from the Department of Public Works and provide a performance bond or escrow account in the name of the City for the total (100 percent) of the estimated cost of the work.

(g) The Department of Public Works and its agents shall have an easement ten (10) feet on each side of the water service for its entire length for the installation or repair of the service.

(h) The customer shall be charged for all materials and labor associated with the initial

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installation or subsequent repairs due to negligence of the customer. The Department of Public Works shall do its best to return the easement to its prior condition as a result of installation or repair; however, it will be the customer's responsibility to repair and replace any damaged property within the aforementioned easement.

(i) When it becomes necessary to thaw a frozen service pipe and it cannot be determined where it is frozen, one-half of the cost thereof shall be paid by the customer. The entire cost of thawing a frozen service pipe between the curb stop and the dwelling unit or other structure being served shall be the responsibility of the customer.

(j) Ordinarily, no new service pipes or extensions of mains will be installed between December 1 and March 31 unless the customer shall defray all extra expenses incurred. An additional minimum charge as listed in Section 16.32, Water Rate and Fee Schedule shall be applied to the customer for road maintenance during these winter conditions if service or extension is allowed.

17.8 Pipes and Fixtures.

(a) No persons except those duly authorized by the Department of Public Works, will tap any water main or connect any service pipes thereto. No unauthorized person shall shut off or turn on the water from any main within the street lines. No person except firemen shall open any hydrants without the consent of the Department of Public Works. Water taken out of the system without permission will be calculated by the Water Department and the violator will be required to pay same and, in addition, be subject to a fine for the violation of above provision.

(b) Notice of shutoff for repairs to mains or service pipes will be given when practicable.

(c) No water service pipes shall be laid in the same trench with gas pipes, sewer pipes, or any other facility of a public utility nor within three (3) feet of any open excavation or vault.

(d) No cross connection between the public water system and any non-potable supply will be allowed unless properly protected. The Department of Public Works shall inspect any such connection. No connection capable of causing backflow between public water supply and any waste outlet will be permitted.

17.9 Meters.

[31]

(a) All services are to be metered except in unusual cases where the Director determines that it is not practicable. Every owned property shall be metered and equipped with a separate exterior shutoff valve for each meter. Existing City Water customers prior to March 1, 2008 will not be required to retrofit existing services to comply with this shutoff valve for each meter requirement. However, new services or any meters not currently being read by the City shall be required to comply with this provision, prior to the City taking over responsibility for reading or billing of said meter or customer. A common meter will be provided for rented units or lots. All meters will be maintained by the

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Department of Public Works, but the customer will be charged for any damage to meters caused by abnormal conditions i.e., freezing, fire, tampering, etc. The Department of Public Works will set only one meter on any one service and the owner of the premises shall be liable for the entire amount of water used on the premises irrespective of leases of individual consumers.

(b) Meters are installed for measurement of all water supplied to consumer. Customers shall provide a clean, dry, warm, safe and accessible place (always free from debris) for installation of a meter. The location shall be easily accessible by a person in the upright position for reading, maintaining and changing.

(c) All persons shall avoid unnecessary waste of water. Water shall not be left running to prevent freezing unless required by the Department of Public Works. All customers taking water must keep their own fixtures, and service pipes within their property lines, in good repair, and fully protected from injury by frost and all such pipes and connections shall conform to the Rochester Plumbing Code.

17.10 Sewer Deduct Meter.

[1] [32]

Upon application and approval by the Department of Public Works, a customer may install a meter to measure water that will not be disposed of in the City's sewer system. The purpose of these meter would be to meter water uses including but not limited to in-ground sprinkler systems and commercial air conditioning systems. The cost of this meter inspection of the installation by the City is entirely the responsibility of the customer. The meter will fully meet the requirements of Section 17.9 of this chapter except that the sewer deduct meter shall not be required to have a separate exterior shutoff valve.

17.11 Meter Repairs.

[2]

(a) All meters shall be kept in repair by the Department of Public Works except when damaged by the customer or by his/her negligence, including freezing. In case of any such damage, the cost of repairs shall be charged to the owner of the premises.

(b) If the reader is out of repair or fails to register, the customer will be charged at the average daily consumption as shown by the reader when in order or the flat rate structure, whichever is less. Subsequently, if the actual amount of water used is determined to be different than the amount previously estimated, the charge will be on the subsequent billing by the difference between the two.

(c) If a customer, after being so notified, does not allow access to the Department of Public Works in order to test and/or correct a faulty meter or reader the customer's subsequent bill will be 1.5 times the average daily consumption as historically shown on the meter.

(d) No person, except the duly authorized agent of the Department of Public Works shall be allowed to reset, take off, or repair a meter.

17.12 Meter Testing.

[3]

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(a) Only the Department of Public Works shall replace or remove and test all meters. No meter shall be placed in service or permitted to remain in service if the error of registration exceeds two percent (2%) or as established by the latest AWWA meter standard, whichever is less.

(b) The Department of Public Works may test a meter for accuracy in registration upon complaint of the water consumer. There shall be a minimum service charge for any complaint driven service call. The minimum service charge shall be as listed in Section 17.33 Water Rate and Fee Schedule. Any meter found to be accurate in accordance with this ordinance will not be replaced by the Public Works Department due to a complaint.

(c) Should the meter in question be found to be within the accuracy limits established by the latest AWWA meter standards, all applicable fees associated with testing shall be paid by the customer. If the meter in question is found to be inaccurate, all fees will be waived.

(d) The percent of error of registration shall be taken as the average of the error at the intermediate and maximum rates of test flow. Any determination of charges shall be based on this average error.

17.13 Sealing of Meter. [4]

Upon completion of adjustment and test of any meter under the provisions of these rules, the Department of Public Works shall affix thereto a suitable seal in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal. Disruption of the seal will be cause for discontinuance of service.

17.14 Tampering With Meter. [5]

(a) No customer or his/her agent shall perform a tampering event with regard to a meter without having first received the written consent and authorization of the Director of Public Works and/or his designee to take such action. In the event that the director of Public Works and/or his/her designee shall determine that a customer and/or his/her agent has performed a tampering event with respect to a meter, such customer shall be subject to the following charges:

- (1) A charge in an amount based upon the actual water usage metered to such meter prior to the tampering event, if determinable;
- (2) A charge in an amount based upon twice the estimated water usage for the premises serviced by the meter in question during the preceding billing period(s) or the corresponding billing period(s) during the year immediately preceding such tampering event, whichever is greater;
- (3) A charge for all costs associated with the repair and/or replacement of such meter;
- (4) A re-connection fee as listed in Section 17.33 Water Rate and Fee Schedule.

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(b) Anything in paragraph (a) above to the contrary notwithstanding, should a customer or his/her agent, as a result of an emergency or other circumstances beyond his/her control, perform a tampering event with respect to a meter, without having received the prior written consent and authorization of the Director of Public Works, such customer may, upon appeal to the Utility Advisory Board in accordance with the provisions of Section 17.20 and within its discretion, be relieved of any or all of the charges listed in the sub-subparagraphs 1 through 4 of subparagraph (a) above, provided that such customer:

- (1) Shall have notified the Department of Public Works, in writing of the tampering event in question within three (3) business days of the occurrence of such event; and,

(c) Any provisions of this Section 17.14 to the contrary notwithstanding, the occurrence of a tampering event without a customer and/or his/her agent having first obtained the written consent and authorization of the Director of the Department of Public Works shall be cause for discontinuance of service to the customer.

(d) For the purposes of this Section 17.14, the term “tampering event” shall mean any action which disables, disconnects, bypasses or otherwise tampers with a water meter so as to affect, in any way, the ability of such meter to accurately measure the water being supplied to a customer. Such event shall include, but shall not be limited to, any breaking or other disruption of the seal affixed to a meter pursuant to the provisions of Section 17.13 of this Chapter.

17.15 Outside Reader.

[29]

All customers shall be required to have an outside reader with radio read capability for their meter. Existing City-maintained meters that were installed prior to November 1, 2004, shall be exempt from the requirement for radio read capability until such time as the radio read program is implemented. The outside reader shall be installed at a place on the premises acceptable to the City and according to the specifications available at the Department of Public Works. The customer shall be responsible for repairs or replacement of damaged outside readers and associated wiring when damage is due to abuse, neglect and/or negligence of the customer. The City shall render a bill for labor, equipment and materials for all such repairs or replacement. The outside reader and appurtenances shall be the property of the City. The customer shall be responsible for providing safe access to City personnel for reading. The customer shall remove potential hazards and nuisances such as snow, ice, vegetation and dogs from the outside reader’s access. Exceptions may be granted by the Director of Department of Public Works, in which case reasonable access shall be granted to Public Works personnel for the purposes of reading and maintenance. If satisfactory access is not provided the City reserves the right to produce an estimated bill.

17.16 Inspection.

[7]

The Department of Public Works employees or its agents, shall be allowed access to the customer’s premises between the hours of 8:00 A.M. and 6:00 P.M. for examination of pipes, fixtures, connections, the quality of water used, and the manner of use. In the case

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of an emergency, no prior notice needs to be given and, in the event of refusal of entry, water may be shut off with a fee assessed and application can be made to the courts for an appropriate order with all legal costs being charged to the customer.

17.17 Rates, Charges and Fees. [8]

A separate listing of all deposits, water rates, charges, and violation fees can be obtained from the Department of Public Works or the Business Office.

17.18 Establishment of Water Rates. [9]

Water rates shall be established periodically by the City Council. Such water rates shall be computed based on the total amount budgeted for the Department of Public Works Water Division operations and maintenance, plus any debt service and capital outlays determined by the City Council, and projections of estimated water consumption, number of accounts, and/or other such factors. Water rates shall be recommended to the City Council by the Utility Advisory Board and/or the City Manager and shall be established to provide sufficient revenue to at least pay the expenses of operating and maintaining the water treatment works, transmission and distribution system, and appurtenant facilities.

(a) Exemption. The City Council may authorize elderly exemptions for users qualifying for property tax exemptions in the City, but such exemptions shall not result in charges lower than those necessary to recover operation and maintenance costs. Only the portion of the water rates that recovers the debt service or capital outlays may be exempted.

(b) Implementation of New Rates. Before new rates and/or fees are effective, there shall be two (2) readings before the City Council. In addition, a public hearing shall be held between the first and the second readings. The public hearing shall be held at least ten (10) calendar days before the rates are effective.

17.19 Billing and Payment. [10]

(a) Water bills shall be rendered to all customers at least quarterly and may be rendered more frequently at the discretion of the Business Office with the approval of the City Manager.

(b) Water bills shall be due and payable upon presentation and shall become delinquent after thirty (30) days after the date of issuance. Interest shall accrue on bills not paid when due at the same rate charged by the City for overdue property tax bills. Seasonal customers will not be eligible for service unless the previous year's bill has been paid in full.

(c) Checks shall be made payable to the City of Rochester and mailed to the Tax Collector's Office in City Hall. When bills are overdue, the customer will be sent a notice. Bills not paid when due become a lien on the property by New Hampshire Statute.

(d) The failure of a customer to receive water bills does not relieve the customer of the responsibility of making prompt payment.

(e) The Department of Public Works in supplying water, doing work, or furnishing

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material shall deal with only the customer and the premises, and such customer shall keep the Business Office advised of the address to which bills, notices, and communications may be forwarded. Although the payment for service rate may be assumed by an agent or tenant, the customer of the premises will be held personally responsible for the same. A change in ownership will not relieve the premises from payment of back bills. In case of forfeiture, the water may be shut off, and will not be turned on again until all unpaid charges have been settled in full. A water shutoff notice will be delivered to the customer prior to shutoff. [See Section 17.21].

17.20 Appeals.

[11]

Users aggrieved of bills rendered under this ordinance have the following rights of appeal:

(a) Notification. The aggrieved user shall notify the Business Office in writing that said bill is contested before the next payment is due for water service. The notification shall explain why the bill is contested and provide the information necessary to determine the validity of the claim. The Finance Director may require the use of forms to expedite the appeals process.

(b) Resolution. Upon receipt of a notification under Section 17.20(A), the Finance Director shall submit the claim to the Utility Advisory Board with a recommendation on the validity of the claim. The Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board. Aggrieved parties shall be allowed only one appeal per claim.

(c) Disposition of Appeals. For appeals found to be valid, the date of the billing shall be revised to the date of the Utility Advisory Board's decision. Revised charges shall become due and payable as specified in Section 17.19. For appeals not found to be valid, the date of the billing shall be as originally issued, and charges and interest shall be as computed as specified in Section 17.20.

17.21 Agreements and Shutoffs.

[12]

(a) An agreement between the City Finance Director and the customer may be signed, on a form provided in the Business Office, if the customer is unable to satisfy their water bill in full at the due date. A water shutoff notice and agreement procedure shall be established by the Finance Director and approved by the City Manager.

(b) Unpaid bills of over thirty (30) days shall constitute cause for water shutoff. If on the day of the shutoff, the customer pays the outstanding water bill after City personnel arrive at the customer's service to execute the shutoff, the customer will be assessed a minimum service charge. This charge is as listed in Section 17.33 Water Rate and Fee Schedule.

17.22 Miscellaneous Bills.

[13]

Charges for labor and material, including installation costs, shall be billed upon completion of the work which the bill covers. If such bills are not paid within thirty (30) days or a payment agreement made with the Business Office, the water will be shut off or

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become a lien on the property, or both. All late payments shall include interest charges. Collection procedures will be taken and any costs will be charged to the customer.

17.23 Turning On and Off. [14]

Twenty-four (24) hours advance notice is normally required for turning on and shutting off water. The requested service will be provided as soon as possible thereafter. All expenses involved will be the responsibility of the customer. Overtime charges at the rate of time and one-half will be charged before or after duty hours, with a minimum of a three (3) hours charge.

17.24 Swimming Pools. [15]

The Department of Public Works does not use its equipment to fill private swimming pools. Private companies must obtain written authority from the Department of Public Works to use water from the water system. Customers desiring an abatement of sewer charges while filling their pools must call the Business Office for instructions prior to filling the pool. There will be no abatement if the Business Office has not been contacted.

17.25 Transfers. On sale or transfer of property, the customer must give notification to the Business Office of such sale or transfer in order that a final meter reading can be taken and proper charges made to the proper owner. A minimum of twenty-four (24) hours notice is required. If an apartment building, or other structure, or dwelling unit becomes a condominium, notification must be given to the Business Office in writing. The new owner shall complete a water service application and be responsible for any fees or charges from the Department of Public Works and any private plumber necessary to provide a separate service and meter.

17.26 Violations. [17]

(a) Should any customer violate any regulations established by the Water Department, or fail to pay rates or other charges when due, his/her supply shall be shut off, or terminated, and it shall not be resumed until causes of complaint are removed and/or all charges paid.

(b) Any violation of the rules and regulations hereby established or failure on the part of any customer taking water to promptly pay any and all claims of the department, shall be considered sufficient cause for cutting off the water supply of such customer and such supply shall not be turned on again until all such cause of complaint shall have been removed, including any additional work or costs incurred for the turning on of the water.

(c) Where two or more customers take water through one service pipe, the provision in regard to cutting off the supply shall be applicable to all such customers although one or more of them may be innocent of any cause of offence.

17.27 Interruption of Service. [18]

The Department of Public Works reserves the right to shut off the service temporarily whenever it becomes necessary to make extensions, alterations, or repairs, or to curtail the use of water whenever conditions so require.

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17.28 Claims for Damages and Liability. [19]

The Department of Public Works will not be responsible for any damage caused by shutoffs in the mains or service pipes, because of shortage of supply, setting or removing

meters, repairs, construction, or for other reasons beyond the control of the department. Notice of shutoff will be given when practicable; however, nothing in this rule shall be construed as requiring the giving of such notice. The Department of Public Works will not be liable for any damages resulting from leakage escaping from any part of the owner's system.

(a) All customers having direct pressure hot water tanks or appliances must place proper automatic vacuum and relief valves in the pipe system to prevent any damage to such tanks or appliances should it become necessary to shut off water on the street mains or service pipe. Service will be provided to such direct pressure installations only at the customer's risk and in no case will the Department of Public Works be liable for any damage occasioned thereby.

17.29 Utility Advisory Board. [20]

(a) Function of the Board. The Utility Advisory Board shall periodically make recommendations to the City Council on the level of water rates to be established under this ordinance, but such recommendations are not binding on the City Council. The Utility Advisory Board shall rule on appeals of user and other charges and fees and such other duties that may be assigned by City Council.

(b) Membership. The Utility Advisory Board shall consist of five (5) members. Such members shall be nominated by the Mayor and appointed by the City Council.

(c) Term. Members shall serve a term of five (5) years from the date appointment.

(d) Vacancies. Vacancies on the Utility Advisory Board shall be filled in the same manner that members are appointed under Section 17.29(B). The term of a member appointed to fill a vacancy shall be equal to the remaining term of the member being replaced.

(e) Administrative Actions. The City Manager shall have the authority to veto or modify any action of the Utility Advisory Board.

17.30 Rules Relating to Construction/Extension of Water Mains for New Development. [21] [30]

(a) Applications for the construction/extension of water mains shall be in the form of a petition addressed to the Director of Public Works in compliance with the rules established by the Department of Public Works.

(b) The Director may require that an applicant file with the Planning Department such rights-of-way, releases, performance surety, or any other instruments reasonably consistent for any such construction, and the City of Rochester shall be grantee, guaranteed insured, or payee of any such instrument.

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(c) The applicant shall pay full costs for any such construction of water main and installation and full title to the same shall, upon acceptance by the City Council, be the property of the City of Rochester. All construction of water mains shall be under the direct supervision of the Department of Public Works.

17.31 Regulation of Water Usage During Emergency. [25]

In accordance with the provisions of RSA 47:17, XV, whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the City Manager is authorized to restrict or prohibit the use of water from the City water system. Such restriction and/or prohibition of the use of water from the City water system shall be implemented in the following manner:

(a) Declaration of Emergency. A water emergency exists whenever the City Manager makes a written determination that the City's water system is unable to, or will within sixty (60) days of such written determination become unable to supply the full commercial, domestic and residential needs of the users of the City's water system, including needs for adequate fire protection.

(b) Issuance of Notice of Emergency. Upon the City Manager's determination that a water emergency exists, the City Manager shall issue a written emergency notice declaring the emergency and setting forth with particularity an order restricting the use of water from the City's water system. Such order may (1) restrict water usage during certain periods during the day or week or according to any orderly and nondiscriminatory scheme, and (2) prohibit usage not essential to public health and safety. The order as issued may be revised from time to time as the City Manager deems necessary.

(c) Public Notification of Emergency.

(1) Publication and/or Posting of Notice. The written emergency notice provided for in subsection (b) above shall be published in a newspaper of general circulation in the City of Rochester within seventy-two (72) hours after the issuance of such notice. In addition to publication as provided for in the previous sentence or in place of such publication in the event that no newspaper of general circulation within the City of Rochester exists, the written emergency notice shall be posted in five (5) prominent places within the City. The water emergency and the emergency restriction and/or prohibition of water usage shall be in full force and effect upon the earlier of the compliance with the publication or posting requirements set forth in this sub-section. Substantial compliance with this sub-section shall be sufficient to implement the effect of the emergency notice.

(2) Immediate Threat to Public Health or Safety. Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the emergency notice provided for in the preceding sub-section may be given by any reasonable means, including electronic means. The water emergency and any restrictions and/or prohibition of water usage promulgated therewith shall be in full force and effect upon the giving of such notice, provided that,

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if any such means is other than that required in sub-section (1) of this sub-section, the emergency notice shall be promulgated in accordance with the provisions of sub-section (1) of this sub-section within seventy two (72) hours of the first notice.

(d) Length of Emergency. A duly proclaimed water emergency shall continue, and the terms of the restriction and/or prohibition of water uses as set forth in the written emergency notice shall be in force for sixty (60) days or until such time as the City Manager shall be caused to be published a notice that the emergency has ended, whichever is shorter, unless the City Council, by resolution approved by a majority of all its members, extends the emergency notice.

(e) Appeals of Water Emergency Declaration. Any person aggrieved by a declaration of water emergency by the City Manager shall have the right to present the matter to the next regular or special meeting of the City Council or any emergency session of the Council called to discuss the water emergency. The City Council may exempt such aggrieved person, in whole or in part, from the compliance with such order upon a showing that compliance with such order creates an immediate threat to such person's health or safety. A ruling by a majority vote of the City Council with regard to such appeal shall be final and binding. Until and unless the action of the City Manager is modified or revoked by action of the City Council, all water usage shall be bound by the terms of the emergency notice issued by the City Manager.

(f) Penalty. Any person who, in any manner, directly or indirectly, violates or permits others under his/her custody or control to violate any terms of a duly issued written emergency notice shall be guilty of a violation. Each separate day of water use in violation of such emergency notice shall constitute a separate offense and each separate prohibited water use in excess of one (1) on the same day shall constitute a separate offense. Violation of this ordinance shall be punishable by a fine of One Hundred Dollars (\$100.00) for each offense.

17.32 Extension of Existing Water Mains in Accepted Roadways. [22]

(a) Upon Petition by citizens of the City or when deemed necessary or desirable for the protection and well being of the City the extension of water mains in accepted roadways may be approved by a vote of the City Council.

(b) Where the construction and installation of water mains is to be made in and upon existing streets and roads, and the public good requires it and/or undue hardships would result if cash payment were made, then and in such case the City of Rochester may finance the construction through the issuance of bonds or other financing method and pay the full costs. The proportionate share of each abutter along the line of construction and installation based on the actual cost of construction per running foot or other equitable distribution of cost when petition, application, or late petition is made and granted, shall become a lien on such abutting property as real estate taxes until payment of said proportionate share of full costs including financing, is made.

(c) Payment may be as follows:

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(d) The affected party may pay their proportionate share in cash for the full amount, at the time the obligation is incurred; or,

(e) Enter into an agreement with the City of Rochester that said proportionate share of all costs may be paid in equal installments over a period of time equal to the term of the bond or a lesser period. Such agreement is to be recorded with the Strafford County Register of Deeds at the expense of the affected party. In the event property is conveyed, the new owner(s) will be responsible for all unpaid bills and liens.

17.33 Private Fire Protection. [23]

(a) Private fire services may be permitted at the discretion of the Director of Public Works and Fire Chief. All application for private fire protection services must follow the provisions of Section 17.5 Application for Service.

(b) Fees for private fire hydrants shall be as listed in Section 17.33 Water Rate and Fee Schedule.

17.34 Water Rate and Fee Schedule. [24] [33][34][35]

Quarterly Water Rates

Residential Customers without exemption:	\$4.49 per 100 cu. ft. of water use
Residential Customers with exemption:	\$1.94
Commercial and industrial customers:	\$4.49

Unmetered Residential Customers:	
Per quarter per unit without exemption:	\$120.14
Per quarter per unit with exemption:	\$60.06

Minimum Fee:	
Per quarter per unit without exemption:	\$17.07
Per quarter per unit with exemption:	\$13.67

II. This Amendment shall take effect on August 1, 2011.

Fees.

Installation:	A minimum of \$300.00 or estimated cost of installation, in advance \$100.00
Installation and Repair License:	\$100.00 per year
Bad Check:	\$25.00 plus all associated fees.
Service Reactivated following payment when shutoff due to non-payment.	\$60.00
Service Shutoff or Turn on by request:	\$30.00

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Temporary Service:	See Installation Fees- Water charges will be billed accordingly.
Private Fire Protection Service:	See Installation Fees.
Private Fire Hydrant Service Connection	\$150.00 per hydrant per fiscal year. For purposes of this section, a private fire hydrant shall mean any fire hydrant located outside the public right-of-way and/or located on ^{6/26/06} property other than that owned by the City of Rochester but which is connected to the Public Water System. Any private hydrant located behind a water meter on that property shall be exempt from this charge
Swimming Pools:	Fees based on volume used times unit rate.
Meter Repair or Testing:	\$30.00 per visit plus cost of transportation of meter to testing facility and cost of testing.
Meter Damage:	\$50.00
Backflow Prevention Devices:	All costs associated with installation, repair, or inspection paid by owner. Inspection costs shall be not less than Minimum Service Charge.
Violations:	All costs to correct violation paid by owner.
Minimum Service Charge:	\$30.00 per visit.
Meter Tampering Charge:	A reconnection fee of not less than \$100.00 nor more than \$500.00
Minimum charge for road maintenance between December 1 and March 31:	\$200.00

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[1] through [5] and [7] through [23] Amended 5/5/98
[24] Amended 6/26/2007
[25] Amended 9/14/99
[26] Amended 1/15/02
[27] Amended 11/14/2006
[28] Subparagraphs (c) and (d) amended 3/6/2007
[29] Amended 3/6/2007
[30] Amended 5/1/2007
[31] Amended 4/2/2008
[32] Amended 4/2/2008
[33] Amended 6/11/2008
[34] Amended 6/16/2009
[35] Amended 7/5/2011

6/11/08