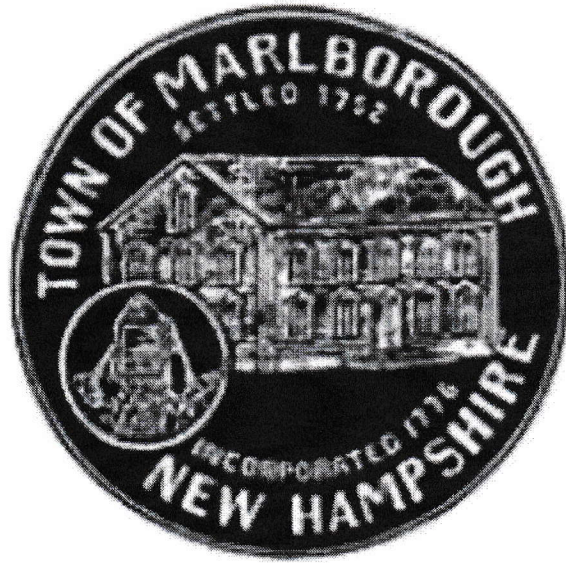


TOWN OF MARLBOROUGH



WATER ORDINANCE

ADOPTED: November 18, 2020

GENERAL INFORMATION

I. DEFINITIONS

Active Water Service: Water service that has not been shut off by the Water Department at the service curb stop and where the water meter remains installed at the property.

Board of Selectmen: Governing Board for the Town of Marlborough.

Building: A single family home, apartment, cottage, mobile home, condominium, and factory with a metered water service pipe connection to the public drinking water system.

Building Inspector: The Town of Marlborough's licensed Building Inspector contracted to inspect all construction projects.

Commercial User: Small industries, restaurants, auto repair shops, dog groomers, multi-family units, schools, housing complexes, etc. that use more water than the average residential household.

Corporation Stop: A water industry valve that connects water service pipes to water distribution mains. Corporation Stops are property of the Town of Marlborough, NH.

Curb Stop: A water industry valve that connects Town owned service pipes to customer/property owners service pipes. Curb Stops are property of the Town of Marlborough.

Customer/Property Owner: Shall mean any Property Owner, Customer, or corporation of any type supplied water by the Marlborough Water Department.

Distribution Water Main/Distribution System: Water lines located in roadway layouts, rights-of-ways, or easements which provide the water for water services or fire protection.

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

EPA: United States Environmental Protection Agency.

Industrial User: Any user on the system who uses large quantities of water for fabricating, processing, washing, diluting, cooling, transportation, or for sanitation needs within a manufacturing facility.

NHDES: The New Hampshire Department of Environmental Services.

Plumbing Code: The State of New Hampshire Plumbing Code.

Public Drinking Water System: All parts, connections, services, and assets of the Town of Marlborough, NH Public Drinking Water System.

Public Notice: An official notice to the residents of Marlborough from the Town's representatives. Notices may be posted online, on bulletin boards, via mailings, on the radio, and in newspapers.

Residential User: Any Customer or Building, excluding Industrial and Commercial Users, that receives drinking water from the Town of Marlborough, NH Public Drinking Water System.

Superintendent: The Town of Marlborough Water and Sewer Superintendent or his or her authorized deputy, agent, or representative.

Service Area: The Territory served by the Town of Marlborough Public Drinking Water System

Service Pipe: The pipe that transfers water from the Corporation Stop at the Distribution Water Main to the Curb Stop. This pipe continues from the Curb Stop into a Building. Service Pipe may mean domestic service or sprinkler (fire) service.

Service Tap: A waterworks industry task of connecting a Service Pipe to a Distribution Main. During this process, a Corporation Stop is drilled into the Distribution Main by a certified technician.

Town: The Town of Marlborough, New Hampshire.

Town Clerk/Tax Collector: Elected position warranted by the Board of Selectmen to collect all water and sewer debt.

Town Plumber: The Town of Marlborough's licensed plumber contracted to perform water meter related work.

Water Department: Shall mean the Marlborough Water Department as represented by the Superintendent, Selectmen, or duly authorized employees or agents.

Water Meter: Device servicing all Buildings connected to the Public Drinking Water System used to accurately measure the gallons of water used by each Customer. This term includes the Water Meter, the transmitter box, the electrical wiring, and all associated plumbing, maintenance, and operational parts related to the operation and maintenance of the Water Meter.

Water Permit: Form signed by the Customer/Property Owner or designated representative to request connection to, or perform repair work on, the Public Drinking Water System.

II. SERVICE AREA

- A. The territory served by the Water Department.

III. OFFICE LOCATION AND HOURS OF WORK

- A. The Water Department is located at the Marlborough Town Offices at 236 Main St.

Phone numbers are: Water Department: 603-876-4097
Town Clerk/Tax Collector: 603-876-4529

Normal Operating Hours are between 9:00 A.M and 3 P.M.

The Water Department is available on-call 24 hours a day seven days a week (see Schedule A for fees).

IV. WATER CONNECTIONS, EXTENSIONS, AND REPAIR PERMITS

A. Water Permit Processes

1. The Water Permit for water Service Pipe connection, extension, and repairs is available at the Marlborough Town Offices.
2. An approved Water Permit shall constitute a contract between the Water Department and the applicant to pay the Water Department its established rates and charges and to comply with these rules and regulations.
3. The Water Permit shall be accompanied by the following:
 - Plan of scale acceptable to the Water Department showing the proposed location on the Building on the lot with the proposed connection to the water system shown.
 - The plan should also include all other features necessary to clearly depict the property and the water Service Pipe connection to the Building and relative to other utilities, structures, etc. that may exist.
 - Estimate of water usage
 - Size and material of Service Pipe
4. The Water Department reserves the right to designate the size and location of water Service Pipes.
5. Use of water is confined to the premises named in the Water Permit. No Property Owner shall supply another not entitled to the use of water, nor shall he use it for any other purpose not mentioned in the Water Permit.

6. No person shall obtain water service from any hydrant, fountain, or other fixture of the Water Department without written consent of the Water Department.
7. The Water Permits for new services may be approved only if an existing Distribution Water Main is currently available in the right-of-way of the abutting property. The Town shall not be obligated to extend any infrastructure to serve any specific Customer.
8. The Water Department reserves the right to deny any Water Permit for any reasonable reason, such as but not limited to capacity of infrastructure, available water yield, etc.
9. Water Permits denied by the Water Department may be appealed in writing to the Board of Selectmen for review.
10. Water Permit Fees are due and payable before any service will be connected. Applicable fees are as approved by the Board of Selectmen and outlined on Schedule A.
11. All costs associated with the installation of services are the responsibility of the applicant.

V. WATER RATES - SERVICE FEES

A. General Water Rates

1. Rates and charges for water service are based on quantity of water delivered to the premises (residential or commercial) as measured by and registered on the water meter as follows (see Schedule A):
 - Water usage is billed in per thousand (1,000) gallon units per quarter. The Board of Selectmen will determine the annual rate in January of each year. Base fees will be determined at the same time and will be used to cover the operating costs of the Water Department. When and if the Water Department takes on debt, a quarterly debt service fee will be determined by the loan lender.
 - The Board of Selectmen is authorized to allow an amount, at their discretion, for expansion and completion of the system by budgeting for capital improvements in addition to the operating budget. The new rate will go into effect for the first quarter billing in April each year.
 - In the event of non-payment, interest shall accrue at the rate of eight percent (8%) per annum and shall be charged on all water bills not paid within thirty (30) days from the date due. The Marlborough Town Clerk/Tax Collector shall place a formal lien against the property for balances not paid within one year. The interest rate will increase to 14 percent (14%) per annum once a lien is executed by the Town Clerk/Tax Collector.

2. There shall be a service charge (see Schedule A) for each time the water is turned off for nonpayment or any other reason, and this charge must be paid to the Town Clerk/Tax Collector prior to turning the water back on. If needed, the Town may shut off the service of any Building, at the expense of the Building owner, at any time.
3. The reading for any meter not accessible at the routine time for such reading shall be estimated for that billing. The estimated reading will be adjusted as necessary at the next quarterly billing cycle by inserting the actual reading.
4. Bills are mailed quarterly (January, April, July, and October) and will show the usage based on the previous meter reading to the most current meter reading. All such bills not paid within thirty (30) days from date due shall be considered delinquent and will be dealt with as shown above.
5. It is the express responsibility of the owner to immediately inform the Town Clerk/Tax Collector of an incorrect address or address change for the mailing of bills. Failure to do so will not relieve any owner of liability of all charges assessed against his or her property nor shall routine action for collection of such account be withheld because of such failure.
6. Water bills shall be issued to all properties within the Public Water System Service Area. All such properties will continue to receive bills even if the water is turned off, the meter is removed, and the service is no longer deemed an Active Water Service. To cease billing, the Property Owner must submit a letter to the Board of Selectmen outlining why the billing must stop. The Board of Selectmen will review these situations on a case by case basis. Customers will be responsible for all Turn Off fees as determined by the Board of Selectmen (see Schedule A).
7. The Board of Selectmen shall have the sole authority to abate, reduce or otherwise forgive any bill or assessment for any rate or charge which may be, or which may become legally due to the Town of Marlborough on account of water service. When a Customer petitions for said abatement, the Town Plumber may cause the meter to be tested, at the expense of the Property Owner, and the results of said tests shall be forwarded to the Board of Selectmen. If a faulty meter is detected, the meter shall be repaired/replaced and the account shall be adjusted as deemed appropriate by the Board of Selectmen. The Customer is responsible for hiring a licensed plumber to check his or her plumbing system on his or her side of the Water Meter to determine whether any leaks exist.
8. The current fees to be charged to the Water Customers are as approved by the Board of Selectmen and outlined in Schedule A.

B. Fire Protection

1. All water supplied through fire Service Pipes may, at the option of the Water Department, be metered and special measuring or detecting devices may be installed, as approved by the Water Department at the owner's expense.

C. Transfer of Ownership

1. Transfer of ownership will occur once the deed has been recorded at the Registry of Deeds.
2. Prior to transfer of ownership, the person purchasing, selling, or their agent, shall contact the Town Clerk/Tax Collector to arrange for a final Water Meter reading and preparation of the final bill due by the seller. The determination of the final bill is subject to a fee as determined in Schedule A. The Seller must make the property available for inspection if deemed necessary by the Water Department. A lien will be placed on the property for any outstanding balance not paid at the time of the sale or transfer and will be subject to collection by the Town of Marlborough.

D. Swimming Pools

1. The Marlborough Water Department will not fill any swimming pools. Use of hydrants is prohibited. The topping of pools to maintain water levels is permitted and billed at the metered water rate. The sewer portion of the bill may be abated if the Property Owner provides information regarding the activity, including the date the filling occurred along with start and stop meter readings. Sewer abatement requests must be submitted to the Board of Selectmen where they will be reviewed for approval.

E. Backflow Prevention Devices

1. Backflow prevention devices are mandatory. See Appendix A for fees and rules.

F. Violation Fines

1. If a Customer fails to comply with these rules and regulations, or comply with any written order of the Water Department, a fine may be levied against the Customer's account (see Schedule A).

G. Service Calls (After Hours)

1. The after-hours call out fee for Water Department services shall be billed to the Customer on an hourly basis with a minimum fee of two hours labor, plus materials and any other associated costs (see Schedule A).

VI. METERS

A. General

1. Water Meters are required for any use of Town water, and all requirements, sizes and types will be determined by the Water Department. Water Meter installations and repairs must be completed by the Town Plumber.

B. Location

1. All Water Meters shall be set, as nearly as possible, at the point of entrance of the Service Pipe to the Building and the Property Owner shall provide and maintain a clean, dry, warm, and accessible place thereafter. Water Meters once set may be changed in location at the request of the Property Owner, at their expense. All Water Meters shall be installed to record all water usage at the property.

C. Access

1. The Water Department or its agents shall have access to all premises supplied with water, at all reasonable hours, to permit the inspection of plumbing and fixtures, to get, remove, repair or read Water Meters, to ascertain the amount of water used and the manner of use, and to enforce these Rules and Regulations.

D. Non-Registering

1. If a Water Meter does not register during a billing period due to mechanical failure, repair or testing, the bill may be estimated by the Town Clerk/Tax Collector based on previous water usage.

E. Tampering

1. If a Water Meter is tampered with or defaced for any reason, the Property Owner will be subject to a fine (see Schedule A).

F. Accuracy

1. All questions regarding the accuracy of Water Meters will be directed to the Water Department. If needed, the Town Plumber will check the accuracy of the Water Meter in question and determine if it needs to be replaced.

G. Water Meter Repairs

1. Water Meter installations and repairs must be completed by the Town Plumber. Water Meters are required and shall remain the property of the Town of Marlborough. The Town will pay all costs associated with the repair and maintenance of the Water Meters unless damage is determined to be from Property Owner neglect or the repairs fall out of the Town Plumber's responsibilities. In the event of neglect, the Building owner will pay the costs of the new Water Meter and associated materials, as well as the labor of the Town Plumber and Water Department.

personnel. Owner neglect encompasses, but is not limited to, frozen Water Meters, cracked Water Meters, fire damaged Water Meters, Water Meters not properly secured and mounted according to the NH Plumbing Code standards, tampering, and broken transmitter boxes and wires. The property owner will also be responsible for all costs beyond a simple Water Meter replacement. These situations include, but are not limited to, broken or stuck Building supply shut off valves, damaged or corroded household plumbing, and plumbing not following the NH Plumbing Code. The Town Plumber has the right to deny the installation of a new Water Meter until these repairs are made.

H. Water Meter Testing

1. Property Owners may question at any time the accuracy of the Water Meter. When a Customer petitions for a Water Meter test, the Town Plumber may cause the Water Meter to be tested, at the expense of the Customer, and the results of said tests shall be forwarded to the Town Clerk/Tax Collector. If a faulty Water Meter is detected, the Water Meter shall be repaired/replaced and the account shall be adjusted as deemed appropriate by the Board of Selectmen. The Customer is responsible for hiring a licensed plumber to check his or her plumbing system on his or her side of the Water Meter to determine whether any leaks exist.

I. Water Meter Transducer Opt-Out Program

1. Customers wishing to remove the radio transducer on their Water Meter may schedule to have the Town Plumber remove it at a cost (see Schedule A). The customer will also be subject to a manual meter read fee on a quarterly basis (see Schedule A).

VII. SERVICES

A. General

1. The turning on or off of any water service at the Curb Stop by anyone other than the Water Department is forbidden.

2. A lack of occupancy within a Building does not negate the Property Owner's payment responsibility. Even when the water is turned off at the Curb Stop and the Water Meter has been removed by The Water Department, the owner shall continue to pay all minimum charges, base fees, and debt fees. The Property Owner may dispute these charges in writing to the Board of Selectmen, but all charges will remain applicable until deemed otherwise by the Board of Selectmen on a case by case basis.

3. In the event the Property Owner requests water to be turned on or off, the Water Department will not be responsible for any damages occurring due to such action requested.

B. Ownership

1. All Service Pipes up to and including the Curb Stop shall be owned and maintained by the Water Department. From the Curb Stop to the Building, the Service Pipe shall be purchased, owned, installed, and maintained by the Property Owner and inspected by the Water Department and Marlborough Plumbing Inspector upon installation.
2. All Property Owners shall maintain the plumbing and fixtures within their own premises in good repair and protect from freezing at their own expense. They shall make any repairs which may be necessary to prevent leaks and damage.
3. In the event the property experiences high water pressure, the Property Owner shall install and maintain a pressure reducer device as appropriate.
4. If a leak should cause high water usage and the Property Owner is also on Town Sewer an abatement may be requested from the Board of Selectmen for the sewer portion of the bill if the water did not enter the Town Sewer System. A request does not automatically mean the abatement will be granted.
5. The Water Department may enter any Building, property, or land, within the Public Drinking Water System's Service Area. Reasons for entering property include, but are not limited to, surveying work, locating equipment, repair and maintenance, leak detection, and assessing a Property Owner's plumbing for misuse, leaks, and damage.
6. Any water leaks found after the Curb Stop, including inside a Property Owner's Building, are required to be repaired at the expense of the Property Owner.

C. Materials

1. All materials proposed for water services shall be reviewed and approved by the Water Department through the water and sewer permit process.

D. Installation

1. All Service Pipes shall be installed to a minimum depth of five and one-half (5 1/2) feet.
2. The Water Department shall not be required to install or repair any Customer Service Pipes.
3. All work shall be performed in a manner satisfactory to the Water Department. If any defects in workmanship or materials are found, or if the Property Owner's Service Pipe has not been installed in accordance with such specifications and the Water Department requirements, the water service will either not be turned on or will be disconnected if such defects are not remedied. All services shall be flushed, pressure tested and disinfected before acceptance by the Water Department. Any new additions shall be approved by the Water Department. No Property Owner shall install any additions or alter any Service Pipes for any purpose not mentioned in the Property Owner's Water Permit without first giving written notice to the Water Department and obtaining its approval through the water and sewer permit process.

4. Service Pipes will not be placed in the same trench with gas pipes, electric conduits, sewers, or similar structures except under special conditions determined by the Water Department.
5. See Appendix A for cross connection rules.
6. No Customer of the Public Drinking Water System shall install an electrical or telephone ground of any sort to the water Service Pipe or on their plumbing.
7. New Service Taps shall be done by certified contractors at the Property Owner's expense. All work to be inspected by the Water Department (see Schedule A).

E. Frozen Pipes

1. In those cases where the Property Owner's Service Pipe is frozen, the thawing must be done by, and at the expense of, the Property Owner.
2. To avoid a recurrent freezing event, the Water Department may order an examination of the Property Owner's Service Pipe. If the Service Pipe is not at a depth of at least five and one-half feet (5 1/2) as required, the Water Department reserves the right to require it to be relocated when weather permits.
3. If the water line is determined to be frozen past the Property Owner's Curb Stop, the Water Department may attempt to thaw the line, or hire a contractor to thaw the line and make any needed repairs at the expense of the Town. The Property Owner is still responsible for all time and material costs associated with any work completed from the Curb Stop to the Building. If the line cannot be thawed, a temporary service line may be installed by the Water Department until weather permits the digging, inspection, and repair of the line.

F. Private Wells

1. No pipes or fixtures connected to the Distribution Water Mains shall also be connected to a private source.

VIII. NEW WATER MAINS

A. General

1. All Distribution Water Mains shall be built in accordance with all Water Department, NHDES, and EPA rules and regulations.

IX. PRIVATE FIRE PROTECTION

A. General

1. A Water Permit for private fire Service Pipes must be accompanied by a plan of the proposed piping system, together with a statement telling for what other purpose the system might be used.
2. Water Permits for fire Service Pipes must be accompanied by detailed drawings, flow calculations, projected consumption data, etc. prepared by an engineer registered in the State of New Hampshire.
3. System shall be so designed, installed and maintained so as not to create hydraulic problems with the existing Distribution system.
4. Where a standpipe, reservoir, pump, tank or cistern is used, it shall be constructed so as to shield and protect the water from all possible contamination according to a plan submitted to and approved by the Water Department.
5. In construction of standpipes, reservoirs, pumps, tanks and cisterns provisions shall be made for easy access to their interiors by the agents of the Water Department for the purpose of inspection and to permit cleaning as required by the Water Department. Also, a draw-off pipe shall be fitted for the purpose of drawing off the water periodically for inspection. Such draw off pipe shall not be connected with a sewer, drain or outlet in any way that would permit contamination of the public water supply.
6. The utilization of a booster pump in a private fire protection system shall require an on-site storage tank of adequate size as determined by the system design engineer to buffer system pressure hammers that will exist in the Town's Water Distribution System. Once the system is installed and ready to be placed online, the Town in coordination with the installer and facility will arrange for a flow test, where several pressure monitors will be placed throughout the Water Distribution System. After the test, the data will be analyzed to determine if, in the opinion of the Superintendent, unacceptable pressure variations or swings exist. Should such variations exist, the private fire protection system will not be allowed to be activated and the system designer will have to design an appropriate solution to the problem.

C. Availability of Water

1. The Board of Selectmen does not guarantee the ability to furnish proper quantities of water through any fire Service Pipe, nor does it guarantee anything relative to that service.

D. Flow Tests

1. Private fire Service Pipes and fire apparatus connected therewith may be tested by the Property Owner or by the insurance inspectors.
2. Written notice shall be given at the Water Department at least two weeks in advance of any testing.

3. The test shall be conducted in the presence of a Water Department agent.

X. PROPERTY OWNER RESPONSIBILITY

A. General

1. Hydrants or valves can only be used by the Water Department or its agents. Hydrants may also be used by fire fighters (with the Water Department's permission) for testing, filling fire trucks after a fire, at a working fire, or other emergency.
2. In the event the Customer requests water to be turned on or off, the Water Department will not be responsible for any damages occurring due to such action requested.
3. The Property Owner is not only responsible for the maintenance of their water Service Pipe and household plumbing, but also for their impact on the entire Public Drinking Water System.

B. Damage to Water Department Property

1. Damage or vandalism to hydrants or hydrant markers should be reported immediately to the Water Department. Offenders will be charged the entire cost of restoring the hydrant to proper operating condition and/or replacement, when necessary, due to the extent of said damage.
2. A bill will be sent to any Property Owner who does work, or hires contractors who cause damage to any property owned by the Water Department.
3. The Water Department will not be responsible for damages to lawns, gardens, pavement, or property if relocation or removal is necessary to turn the water off.

C. Waste and Leaks

1. Property Owners shall prevent all unnecessary waste of water. The Board of Selectmen shall determine what constitutes waste or improper use and will restrict the same when necessary.

D. Fluctuation of Water Demand and Pressure

1. No Property Owner shall install or use a water consumption apparatus which will affect the pressure or operation conditions so as to interfere with the service of another Property Owner or the Public Water System in its entirety.

2. Where a Property Owner has or proposes to install apparatus which requires water in sudden and / or large quantities impairing pressure to the detriment, damage, or disadvantage of other water users, or the Public Water System as a whole, the Water Department reserves the right to require such water user to install devices or apparatus which will confine such fluctuation of demand, high water usage, or reduction of pressure to reasonable limits as determined by the Water Department and NHDES.

3. If a Property Owner, after receiving written notice from the Water Department, fails to present an acceptable remedial plan to confine fluctuation of demand or reduction of pressure within the limits set by the Water Department, that Customer will be charged a fee until remedied (see Schedule A).

XI. OPERATION OF THE WATER DEPARTMENT

A. General

1. The Water Department will endeavor to continue to provide adequate volume and pressure of water at all times of the day, however, this cannot be guaranteed due to events beyond its control.

B. Flushing

1. A regular schedule of flushing mains will be established by the Water Department and the Board of Selectmen. Public Notice showing times and locations of planned flushing measures shall be provided.

C. Drought or Emergency

1. The Water Department reserves the right, in periods of drought, emergency or when deemed essential to the protection of the public health, safety and welfare, to restrict, curtail or prohibit the use of water for secondary purposes such as sprinkling, car washing, air conditioning or filling swimming pools and shall have the right to fix hours and periods when water may be used for such purposes.

D. Turning Water On and Off

1. All requests for water to be turned on or off will be made forty-eight (48) hours in advance to the Water Department either in writing or by calling the Water Department. The Water Department will respond giving a date to perform the service. The requested service will be provided as soon as possible after notification. It is imperative that under no circumstances will anyone other than the Water Department personnel turn on or off any water Service Pipe. The Property Owner or a representative shall be present at the property and sign an acknowledgment indicating the service was completed. There are fees associated with these services (see Schedule A).

2. Emergency turn-offs at the Property Owner's request will be attended to as soon as possible at any time of the day.

3. Turn-offs in the event of any type of disaster or unattended home where a leak is discovered may be carried out without notifying the Property Owner.

E. Interrupted or Unsatisfactory Service

1. The Water Department will not be responsible for any damages caused by shutoffs in the Distribution Mains or Service Pipes because of shortage of supply or for repairs, extensions, or connection, or for any other reason beyond the control of the Water Department. Notice of shut off will be given when practical, but nothing in this rule shall be construed as requiring the giving of such notice.

2. The Water Department will not be responsible for damages caused by discolored water, which may be occasioned by cleaning of pipes, reservoirs, or standpipes, or the opening or closing of any valves or hydrants or any other cause.

3. The Water Department shall not be liable for any damage caused by bursting of pipes, collapse, or leakage of Property Owner's equipment.

4. The Water Department shall not be liable for damages to fences, walls, walks, lawns, landscaping or any other portion of the Property Owner's premises occasioned by work or installations.

5. The Water Department in no way guarantees the quantity of water or water pressure or the quality of water, but will endeavor to render the best possible service at all times.

F. Termination of Service without Notification

1. Any service may be immediately terminated, without notification, for any of the following reasons:

- An illegal Service Pipe connection.
- A violation to the Cross-Connection Ordinance (Appendix A).
- Tampering with Service Pipes, connections, and/or Water Meters.
- Denial of access to a representative of the Water Department for the purpose of:
 - (1) Reading Water Meters.
 - (2) Checking and/or repairing Water Meters or Service Pipes.
 - (3) Checking water connections, appliances and/or fixtures.

- Non-compliance with a request to curtail the use of water under special conditions determined by the Water Department.
- Use of water other than described in the Water Permit.
- Willful or unintended waste of water.

XII Appeals

A. Appeals & Complaint Procedure

1. Appeals to any regulation contained herein must be made in writing to the Board of Selectmen for review.
2. Complaints regarding any facet of the operations of the Marlborough Water Department may be directed to the Board of Selectmen for review.
3. All appeals and complaints will receive careful consideration.
4. Any appeal of these regulations does not prevent the Marlborough Water Department from taking any action deemed necessary to maintain the safety and potability of the Public Drinking Water System.

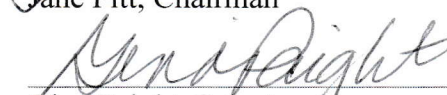
XIII. SEVERABILITY

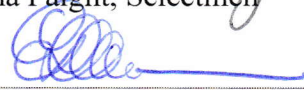
The provisions of this Ordinance are declared to be severable and if any provision hereof is held invalid, that shall not affect the other provisions hereof which can be given effect.

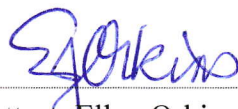
XIV. ADOPTION

Passed and adopted by the Board of Selectmen, Town of Marlborough, State of New Hampshire, on the 18th day of November 2020


Jane Pitt, Chairman


Gina Paight, Selectmen


Earl Nelson, Selectman


Attest: Ellen Orkins, Town Clerk

Appendix A

Marlborough, NH Cross-Connection Control Ordinance (July 17, 2017)

I. Purpose

Cross-Connections between water supplies and non-potable sources of contamination are significant threats to health in the water supply industry. This ordinance is designed to maintain the safety and potability of the water in Marlborough Water Works by establishing rules and procedures to prevent the contamination of public drinking water by the backflow of water or other fluids.

A. The purpose of this regulation is:

1. To protect the public water supply of Marlborough Water Works from the possibility of contamination by isolating contaminants which could backflow or back-siphon into the public water system within its Customers' internal distribution system(s);
2. To promote the elimination or control of cross-connections, actual or potential, between its Customers' in-plant drinking water system(s) and anything that could contaminate or pollute it; and
3. To provide for the maintenance of a cross-connection control program to effectively prevent the contamination or pollution of all drinking water systems.

This document is intended to supplement the rules listed in section II below.

II. Authority

- A. Federal Safe Drinking Water Act of 1974 and the 1986 Amendment.
- B. New Hampshire Administrative Rule Env-Dw 505, or subsequent rules, *Backflow Prevention*.
- C. Marlborough Water Works rules and regulations.

III. Requirements

The water/sewer Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollution through the water service connection. If, in the judgment of the water Superintendent, an approved backflow prevention device is required at the Marlborough Water Works water service connection to any Customer's premises for the safety of the water system, the water Superintendent or his designated agent shall give notice, in writing, to said Customer to install an approved backflow prevention device at each service connection to his premises. The Customer shall, within 90 days, install approved device or devices at his own expense. Failure, refusal, or inability on the part of the Customer to install said device or devices within 90 days shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed.

IV. Definitions

- A. Approved Backflow Prevention Device** – A backflow prevention device that has been:
 - 1.** Manufactured to allow for accurate testing and inspection so as to allow verification of performance; and
 - 2.** Tested and approved by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.
- B. Auxiliary Water Supply** – Any water supply on or available to the premises other than the purveyor's approved public potable water supply.
- C. Backflow** – The flow of water or other fluids, mixtures or substances into the distribution pipes of a potable water system from any source other than the intended approved source of supply.
- D. Backflow Preventer** – A device or means designed to prevent backflow or back-siphonage.
 - 1. Air Gap** – A physical separation sufficient to prevent backflow between the free- flowing discharge end of the potable water system and any other system. Physically defined as a vertical distance equal to twice the diameter of the supply pipe but not less than one inch.
 - 2. Atmospheric Vacuum Breaker** – A device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.
 - 3. Barometric Loop** – A fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water systems to protect against back-siphonage.
 - 4. Double Check Valve Assembly** – An assembly of two independently operating spring-loaded check valves with tightly closing shut-off valves on each side of the double check valve, plus properly located test cocks for the testing of each check valve.
 - 5. Dual Check Valve with Intermediate Atmospheric Vent** – A device having two independently operating spring-loaded check valves separated by an atmospheric vent chamber.
 - 6. Hose Bib Vacuum Breaker** – A device which is connected to a hose bib and which acts as an atmospheric vacuum breaker. Not to be used under constant pressure.
 - 7. Pressure Vacuum Breaker** – A device containing one or two independently operated spring-loaded check valves and an independently operated spring-loaded air inlet valve located on the discharge side of the check valve(s). The device includes tightly closing shut-off valves on each side of the check valve(s) and properly located test cocks for the testing of the assembly.

- 8. Reduced Pressure Principle Backflow Preventer – An assembly consisting of two independently operating spring-loaded check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.
- 9. Residential Dual Check – An assembly of two spring loaded independently operating check valves. Generally employed immediately downstream of the water meter to act as a containment device in a single- or two-family residence.
- E. Backpressure – A condition in which the owner's system pressure is greater than the supplier's system pressure.
- F. Back-Siphonage – The flow of water or other fluids, mixtures or substances into the distribution pipes of a potable water system from any source other than its intended source caused by the sudden reduction of pressure in the public water system.
- G. Containment – A method of backflow prevention which requires a backflow prevention device at the water service entrance.
- H. Contaminant – A substance that may impair the quality of the water creating a potential health hazard to the public.
- I. Cross-Connection – Any actual or potential connection between the public water system and any source of contamination or unapproved water source.
- J. Fixture Isolation – A method of backflow prevention in which a backflow preventer, such as a hose bib or an atmospheric vacuum breaker, is located to correct a cross-connection at an in-plant location rather than at a water service entrance. This protects the drinking water in the building.
- K. Owner – Any person who has legal title to, or license to operate or habitat in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection may be present.
- L. Person – Any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.
- M. Water Service Entrance – That point in the owner's water system beyond the sanitary control of the water supplier; generally considered to be the outlet end of the water meter or where the water service first enters the building.
- N. Water Superintendent – The official, or his delegated representative, in charge of Marlborough Water Works who is invested with the authority and responsibility for the implementation of an

effective cross-connection control program and for the enforcement of the provisions of this ordinance.

- O. Water Supplier – The public water supply system.

V. Administration

- A. Marlborough Water Works will operate an approved cross-connection control ordinance, including the keeping of necessary records to fulfill the requirements of NHDES's Backflow Rules, Regulations, and related laws.
- B. The owner shall allow Marlborough Water Works to inspect his property for possible cross-connections and shall follow the provisions of Marlborough Water Works ordinance and their rules.
- C. If Marlborough Water Works 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 the appropriate device approved for that purpose.

VI. Responsibilities

A. Marlborough Water Works

- 1. On new installations, Marlborough Water Works will provide an on-site evaluation and/or inspection and review of plans in order to determine the type of backflow preventer, if any, that will be required.
- 2. On new installations, Marlborough Water Works will issue a permit after receiving documentation from a certified backflow tester that the device has been installed properly and is working as designed.
- 3. For premises existing prior to the start of this program, Marlborough Water Works will:
 - a. Perform an assessment of the function of the premise and determine if it poses a cross-connection risk. If a risk is present, assess the risk as high hazard or low hazard.
 - b. Inform the owner in writing of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, 30 days will be allowed. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.
- 4. Marlborough Water Works will not allow any cross-connection to remain unless it is isolated by an approved backflow prevention assembly, commensurate with the degree of hazard, for which a permit has been issued and which will be regularly inspected and tested to ensure satisfactory operation.

5. Marlborough Water Works shall inform the owner in writing of any failure to comply and the time allowed for the correction to be made. If upon re-inspection the owner has not complied, Marlborough Water Works may allow an additional 15 days for the correction. In the event the owner fails to comply with the necessary correction by the time of the second re-inspection, Marlborough Water Works will inform the owner, by certified letter, that the water service to the owner's premises will be terminated within a period not to exceed five days. In the event that the owner informs Marlborough Water Works of extenuating circumstances as to why the correction has not been made, a time extension may be granted by Marlborough Water Works.
6. If Marlborough Water Works determines at any time that a serious threat to the public health exists, the water service shall be terminated immediately.
7. Marlborough Water Works shall begin inspections to determine the nature of existing hazards and corrections to be made, following approval of the program by NHDES. Initial focus will be on high hazard water use.
8. Certified backflow prevention device inspectors must be certified through the NEWWA Certified Backflow Prevention Device Inspectors/Testers Program.
9. Marlborough Water Works shall also develop installation standards and specifications for each type of backflow preventer to ensure they are installed in a manner in which they have been evaluated and approved and to allow for periodic testing and maintenance.

B. Owner

1. The owner shall be responsible for the elimination or isolation with the proper installation of an approved backflow prevention device commensurate with the degree of hazard, for all cross-connections on his premises.
2. The owner, after having been informed by a letter from Marlborough Water Works, shall, at their expense, install, maintain, and inspect or have inspected, all backflow preventers on his premises.
3. The owner shall correct any deficiency of a backflow preventer which is revealed by inspection or testing. This shall include the replacement of parts or the replacement of the backflow preventer, if deemed necessary by Marlborough Water Works.
4. The owner shall inform Marlborough Water Works of any proposed or modified cross-connections and also existing cross-connections of which the owner is aware but has not been found by Marlborough Water Works.
5. The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Owners who cannot shut down operations for inspecting of the device(s) must supply additional devices necessary to allow inspecting to take place.

6. The owner shall install backflow preventers in a manner and location approved by Marlborough Water Works.
7. The owner shall only install an 'approved backflow prevention device'.
8. Any owner having a private well or other private water source must:
 - a. Have a permit if the well or source is cross-connected to Marlborough Water Works system. Permission to cross-connect may be denied by Marlborough Water Works. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to Marlborough Water Works system.
 - b. In the event the owner installs plumbing to provide drinking water for domestic purposes which is on Marlborough Water Works side of the backflow preventer, such plumbing must have its own backflow preventer installed.
9. The owner shall be responsible for the payment of all fees for permits, annual or semi-annual device inspections, re-testing in the case that the device fails to operate correctly, and re-inspections for non-compliance with Marlborough Water Works or NHDES requirements.

VII. Degree of Hazard

Marlborough Water Works recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved backflow prevention devices for high and low hazards.

A. 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.

B. 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 from either a chemical, bacteriological or radiological standpoint. The effects of the contaminants may result from short- or long-term exposure.

Only the following types of backflow prevention devices may be used for the containment of on-site contaminants for high and low hazard situations respectively:

C. High Hazard:

1. Air gap (AG)
2. Reduced pressure principal backflow preventer (RPZ)
3. Combination of the above

D. Low Hazard:

1. Air gap (AG)
2. Pressure vacuum breaker (PVB)
3. Double check valve assembly (DCVA)
4. Reduced pressure principal backflow preventer (RPZ)
5. Combination of the above

VIII. Permits

Marlborough Water Works shall not permit a cross-connection within the public water system unless it is considered necessary and cannot be eliminated.

- A. Cross-connection permits that are required for each backflow prevention device are obtained from Marlborough Water Works. A fee of \$20 will be charged for the initial permit and \$10 for the renewal of each permit.
- B. Cross-connection permits shall be renewed every five years and are non-transferable. Permits are subject to revocation and become immediately revoked if the owner should so change the type of cross-connection or degree of hazard associated with the service type of device, replacement of device with a new device, or change of ownership.
- C. A permit is not required when containment for a connection evaluated as neither a low nor high-degree of hazard is achieved with the utilization of residential dual checks.

IX. Existing in-use Backflow Devices

Any existing backflow preventer shall be allowed by Marlborough Water Works to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or unless an unreasonable risk to the public health results.

X. Periodic Testing

- A. Backflow prevention devices shall be inspected and tested at least semi-annually for high hazard devices and annually for low hazard devices.
- B. Periodic inspections and testing shall be performed by an inspector certified through the NEWWA Backflow Prevention Device Inspectors/Testers Program. The inspections will be done at the owner's expense.
- C. When performed by an inspector from Marlborough Water Works, the inspections shall be conducted during Marlborough Water Works regular business hours. Exceptions to this, when at the request of the owner, may require additional charges to cover the increased costs to Marlborough Water Works.
- D. Any backflow preventer which fails the inspection test during a periodic inspection will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be inspected a second time at the owner's expense to ensure correct operation. High hazard situations will not be allowed to continue unprotected, if the backflow preventer fails the inspection and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the inspection date will be established. The owner is responsible for spare parts, repair tools, and/or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring that uninterrupted water service is provided during inspections or repair of devices and is strongly recommended when the owner desires such continuity.
- E. These devices shall be repaired or replaced at the expense of the owner whenever said devices are found to be defective. Tests and repairs shall be recorded on forms approved by the water Superintendent, and copies shall be distributed to the owner and water Superintendent within [14] days of the actual test.
- F. Backflow prevention devices may be inspected more frequently than specified in section A above; in cases where there is a history of test failures and Marlborough Water Works feels that due to the degree of hazard involved, additional inspections are warranted. Cost of the additional inspections will be borne by the owner.

XI. Records and Reports

- A. **Records** – Marlborough Water Works will initiate and maintain the following for a minimum of five years:
 - 1. Master files on Customer cross-connection inspections and/or tests.
 - 2. Master files on cross-connection permits.
 - 3. Copies of Water Permits.
- B. **Reports** – Each year, by April 1, Marlborough Water Works will compile an inspection report which describes testing conducted during the previous calendar year and including the following:

- (1) The total number of permitted cross connections that existed at the water system at the end of the year for which the report is being filed; and
- (2) The following information for each backflow prevention device:
 - a. The permit number of the backflow prevention device;
 - b. The name of the owner of the backflow prevention device;
 - c. The location of the backflow prevention device;
 - d. The date of each inspection and test performed during the year of reporting;
 - e. The name, certifying organization, and certification number of the certified backflow prevention device inspector who performed the inspection and test on the device;
 - f. The result of each inspection and test; and
 - g. If the inspection or test result is unsatisfactory, the date at which the backflow prevention device was found to be satisfactory following a subsequent inspection and test in that calendar year period.

Addendum

I. Residential Dual Check

- A. Effective the date of acceptance of this Cross-Connection Control Ordinance for the Town of Marlborough, all new residential buildings will be required to install a residential dual check valve device immediately downstream of the water meter. Installation of this residential dual check valve device on a retrofit basis on existing service lines will be instituted at the time of the next meter replacement/repair at the cost of the homeowner or at such time as deemed necessary by Marlborough Water Works.
- B. The owner should be aware that installation of a residential dual check valve results in a closed plumbing system with the residence. As such, provisions may have to be made by the owner to provide for thermal expansion within the closed loop system, i.e., the installation of thermal expansion tanks and/or pressure relief valves.

II. Strainers

- A. Marlborough Water Works strongly recommends that all new retrofit installations of reduced pressure principle devices and double check valve backflow preventers include the installation of strainers located immediately upstream of the device to prevent fouling of backflow devices due to unforeseen circumstances occurring to the water system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may 'stir up' debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

Schedule A

Schedule A WATER DEPARTMENT FEE / FINE SCHEDULE				
Water Connection Fees				
<u>Domestic Use</u>				
Residential	(single family)	\$2000		11/18/2020
	(multi-family)	\$2000 per unit		11/18/2020
Commercial	TBD by Scope of Work (Min \$2,000)			11/18/2020
Industrial	TBD by Scope of Work (Min \$2,000)			11/18/2020
Institutional/ Government	TBD by Scope of Work (Min \$2,000)			11/18/2020
Other	TBD by Scope of Work (Min \$2,000)			11/18/2020
Water Permit Fees	\$25.00			11/18/2020
Cross Connection/ Backflow Device Fee	\$25.00 – Permit \$10.00 – 5-year Renewal			11/18/2020
<u>Non-Domestic Use</u>				
Per inch diameter of service connection		\$1000 per inch diameter of pipe		11/18/2020
Water Turn on/off	\$40.00	During Business Hours		11/18/2020
Overtime on/off	\$40.00	Plus OT Fee for after hours callout		
Water Meter Testing (up to 1")	Actual Vendor Fee			11/18/2020
Backflow Testing	Actual Vendor Fee (per test or retest)			11/18/2020
Cross connection & Backflow Facility Inspection	Actual Vendor Fee			11/18/2020
Town Plumber Work	Actual Vendor Fee			11/18/2020
Water Meter Tampering or Bypass of Water Meter				
Water Meter Tampering or bypass including accessories	\$250.00	1st offense plus any damage to equipment. Water usage to be estimated.		11/18/2020
	\$500.00	2 nd offense plus any damage to equipment. Water usage to be estimated. Hearing before Board of Selectmen		11/18/2020
Billing	11/18/2020	Water Service Calls		11/18/2020
Final Readings	\$30.00			
Manual Meter Reads (no Transducer)	\$45/ QTR	During Working Hours:	Materials & straight labor charge	
		During Overtime Hours	Materials plus overtime labor charge (overtime rate) (2-hour min)	
General Ordinance Violations	\$30.00 per week until resolved			11/18/2020

