

## BY-LAWS OF THE BENNINGTON WATER AND SEWER DEPARTMENT

### Definitions

The property and operation of the water supply in the Town Of Bennington shall be called the Bennington

Water and Sewer Department.

I. Utility shall mean the Bennington Water and Sewer Department

II. The term Water/Sewer Commissioners or Commissioners, whenever used in these rules and regulations shall be held to mean the persons elected by the town to whom shall be entrusted the supervision of the Bennington Water and sewer Department, and any act in these rules and regulations required or authorized to be done by the water/sewer commissioners may be done by them or in behalf of them by a firm, or employee authorized by them. Water and Sewer Commissioners shall be compensated a yearly wage, and also be paid at the going rate at the time of an emergency situation.

III. The Water /Sewer Superintendent shall mean the person responsible for the general operation of the utility and all physical aspects of same. His specific duties shall be outlined by the Water/Sewer Commissioners and he shall be responsible to the Water/Sewer Commissioners as an employee of the utility

IV. Customer shall mean any individual, partnership, firm, association, corporation, town or governmental division, whose property is supplied by the utility with a separate connection and is individually metered.

V. Main pipe shall mean the supply pipe from which service connections are made to supply water to customers.

VI. Service Pipe shall mean the pipe running from the main pipe to inside the customers dwelling or point of property entrance. The utility is only responsible for the service pipe from the main pipe to the curb stop. From the Curb stop to the interior of the dwelling is *the responsibility of the homeowner.*

VII. Meters

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

A. All customers' services shall be metered except in the following cases where the rental is to be set by the Water Commissioners.

1. Seasonal use-limited service

2. Temporary service i.e., construction or any service which will not be a permanent nature or perennial use.

B. All customers shall be supplied with a 5/8-3/4 meter upon payment of a Fee set by the Commissioners at the time of the request. The meter will Be maintained by the utility at the utility's expense except as otherwise Prescribed in this section. A ball valve will be installed inside the building. A registration fee of \$20.00 will be assessed for new or change Of ownership accounts.

All meters shall be set, as near as possible, at the point of entrance of said service pipe inside the building and the customer shall provide and maintain a clean, dry, warm and accessible place therefore. Meters once installed may be changed in location at the request of the customer, only at his/her expense and only if authorized by the Board of Water Commissioners.

2. If a meter larger than the 5/8-3/4 furnished by the utility is necessary, the additional cost of same will be charged to the customer. The 5/8-3/4 meter most of the time will be found adequate for all household & most light commercial applications.

C. When the customer fails or neglects to furnish a suitable location for a meter inside his/her building or where for other reasons it is necessary or expedient to locate the meter in an underground vault or box, the customer shall bear the total expense.

D. Meter repairs or replacements necessitated by ordinary wear will be paid by the utility. Those caused by freezing, hot water or any other fault of the customer will be charged to the customer. The fee for said meter and or accessories will be determined at the time of said failure, and will be at the Commissioner's discretion.

E. If any auxiliary meters are desired by the customer, which would be for showing a subdivision of the supply, he/she shall furnish, install and maintain them at his/her own expense. The meter may also be requested to be replaced when the regular house meter is replaced due to outdated meter and or parts availability.

F. If a meter fails to register, the utility will make a charge for water used based on an average for the water used for a similar prior period.

G. ALL meters installed shall be the property of the utility, and SHALL NOT be moved or removed without authorization of the Board of Water Commissioners.

H. A fee for final water meeting reads will be assessed at what the utility cost is.

I. In the case that a customer's water must be shutoff at the curb stop for interior repairs the utility will charge the customer what it costs the utility to do so. The same fee will be charged to turn the curb stop on.

#### APPLICATION FOR WATER SERVICE

1. Application for water service shall be made to the Water Commissioners by the owner of said property in which the service is desired, and will supply a permit in writing to the utility authorizing entry to the premises to do the necessary work.

2. New service or replacing old service pipes.

A. Application shall be made as section 1 above requires.

B. Installation Costs.

1. The installation of water service pipes from the curb stop or shut off to the building will be the ***responsibility of the customer***. The Bennington Water/Sewer Department in no way will be involved in private property installations of water service of sewer mains

2. An application fee for a new service will be required. The fee will be determined by the Commissioners at said time of request.

3. This fee will include but not limited to the following ;

A. Location of nearest main.

B. Tapping of said main for service line.

C. Bring tap to side of road, within State/Town right-of-way.

4. The customer will furnish a ball valve inside the building on all new service pipes near the service entrance, before said meter, and it shall be easily accessible and protected from freezing.

5. New service pipes will be installed only where there are existing mains. In no instance shall installation of service pipes be constructed to mean extension of existing mains,

6. If water service is desired by a customer or group of customers where the extension of existing mains is necessary, they shall submit to the Commissioners a complete plan of services desired and extension of mains required.

A. The Commissioners and the Board of Selectmen shall make such extensions provided they are along an existing highway, and if the total cost does not exceed \$2500.00, and the funds are available within the Water Department budget or said capital improvement fund, and only if in their opinion the rentals from such extensions will amortize capital investment and interest within a period of twenty years, and that such extensions lend themselves to the overall growth and expansion of said Town.

B. If the plan for extensions does not qualify under 5-A, the commissioners and board of selectmen shall be provided a detailed plan with cost estimates as accurate as possible. The cost of such information shall be borne by the Applicant for said such request a The Commissioners and Board of Selectmen shall determine the feasibility of the proposed project.

C. If in the opinion of the Commissioners and the Board of Selectmen, the application should be favorably considered, they shall request the selectmen, to either insert an appropriate article in the Town Warrant for an annual or special Town Meeting for consideration of the voters of the Town of Bennington, or by a request from the Commissioners to the Board of Selectmen for a request to withdraw funds from a capital reserve account designated for that purpose.

A. IF a special Town Meeting is requested by the applicant, the cost of said meeting shall be borne by the applicant.

B. All service pipes, including the curb, within the limits of the highway shall be owned and maintained by the utility. From the curb stop house side to the building the pipe, valves or any other appliances installed, **shall be maintained and owned by the customer.**

C. When it becomes necessary to thaw a frozen service line and it cannot be determined where it is frozen, the cost shall be shared, 50% for the utility and 50% for the customer. Payment for the customer shall be when service is billed. Where water service is furnished to any housing not placed on a permanent foundation, or to any trailer, modular home, the whole cost of installing service from the nearest available main pipe shall be paid by the customer.

E. When the building contains multiple living units, each unit will have its own individual meter as well as a shut off valve for each meter. The complex shall have its own main meter.

#### USE OF WATER

1. All customers having direct pressure hot water tanks must place proper vacuum and relief valves in the pipe system to prevent any damage to such tanks, should it become necessary to shut off the water on the street mains or service pipes. **The utility will not be responsible for damage to any hot water tanks or fixtures on the customer's premises.**

2. The use of hoses, lawn sprinklers, letting water run to prevent freezing or any other use other than absolute necessity may be restricted when necessary by the Water Commissioners by publishing a public notice in the weekly local paper.

3.A All gates, valves, shutoffs, curb stops, and standpipes which are the property of the utility, shall NOT be opened or closed or tampered with in any way by any person other than the Water Commissioners or Superintendent or any other individual authorized by such Personnel.

3.B And service extensions with curbs that could be shut off by the Water commissioners.

4. **The utility will not be responsible for any damage caused by dirty water from the use of fire hydrants, flushing of mains or from any malfunction of its equipment or any other reason beyond the control of the utility through regular maintenance practices or emergencies.** Notice of water shut off or possible dirty water conditions will be given, publishing in local paper where practicable, but nothing in this rule shall be construed as requiring the giving of such notice.

5. Statements for services rendered will be submitted to the customer at the end of every quarter of the calendar year.

A. The billing for metered service will NET 30 days from Date

B. Any bill over 45 days old shall be considered delinquent

C. The water commissioners shall consider nonpayment after 45 days sufficient reason for service to be disconnected or they in their judgment may charge interest at 8% monthly on any delinquent account.

1. In any case where a customer's water is shut off, whether for nonpayment of rentals, vacancy, transfer of property, or for any other reason, a service charge will be assessed. The fee for such will be determined by the Water Commissioners at such time service is requested.

2. In any case where water has been shut off, there will be a service charge to reinstate service. As described in water shut off, the Commissioners will determine the fee for restoring service, and it will be necessary for the customer to pay both the shut off fee and reinstatement fee in advance.

3. In any case involving a transfer of ownership or billing addresses, a \$20.00 registration of ownership fee will be paid in advance.

D. When a customer cannot pay a bill within the due date, the utility may set up a payment plan, but only if the customer pays a reasonable portion of the original bill. The payment plan will be due before the next reading. If at any time the payment plan is broken, the commissioners will have the authority to terminate water service without any questions

E. Customers appeals. If a customer disputes a bill, the customer must request a conference with the Water/Sewer Board prior to the date of disconnection. The appeals process shall comply with the procedures prescribed by the public utilities commission, code 1203.11, Section 4. The customer must come before the Water/Sewer Commission to request a payment plan and sign a payment form granting the payment plan.

F. Medical Emergency. No service shall be disconnected when the Water/Sewer Commission is advised that a medical emergency does exist at that location or would result from the disconnection. In accordance with the procedures set forth by the Public Utilities Commission Code 1203.11, Section 2 C

G. In all cases involving subdivisions of rental apartment houses, the owner of the property shall be billed and held responsible for payment of each rental.

a. Disconnect Notice to tenants: Notice required. The utility will not disconnect service to a meter Where any part of the service provided through it accrues to the benefit of one or more parties known by the utility to be tenant(S) without giving written notice to such tenant (S) as hereafter required; provided, however that service may be disconnected without notice when (a) necessary to avoid danger to life or property, or (b) upon the order of a duly constituted public authority such as police, fireman, public health officers, etc.

b. Contents of notice: The notice shall set forth the Following information:

(1) The date on or after which the utility Proposed to disconnect.

(2) A recommendation that the tenant immediately contact the landlord.

(3) The reason for the disconnection

(4) The address and telephone number at which the tenant may contact the Utility.

c. Timing and manner of giving notice. The notice shall be delivered not less than 5 days in advance of the date that the actual disconnection will take place unless given by mail. If given by mail, notice shall be mailed by first class mail, postage prepaid, not earlier than 10 days nor later than 6 days prior to the date of the intended actual disconnection addressed to the tenant at his/her mailing address or the occupant of a designated dwelling unit. Notice may also be given by telephone, by personal visit, by posting or hanging on the front or back door of a tenant's dwelling unit, by delivering it in hand or by sliding it under his/her door.

4. Disconnection with notice-Non Residential. The same rules shall apply as enumerated in section 2, with the exception that written notice of disconnection shall be given at least five (5) business days prior to the date of disconnection.

5. Penalty for bad checks Whenever a check or draft presented for payment is not accepted by the institution upon which it is written, the utility will impose a charge of \$35, and payment for such bill shall be made by cash only

Hydrants may not be used in any way except by people authorized by the water commissioners or by duly authorized members of the fire department for the purposes of fire protection or drills.

Filling Pools.

1. The use of hydrants for filling swimming pools is strictly prohibited unless directly supervised by one of the commissioners or water superintendent.

1. Willful waste of water: This section is interpreted to include any situation where leaks in a customer's system go unrepaired after the customer is notified by telephone, letter or a personal visit of the necessity to repair such leaks.

VIII. Water may be shut off without notice for any one of the following reasons:

A. Misrepresentation in application

B. Willful waste of water

C. Tampering with utility property

D. For vacancy

E. For cross connecting the utility's service with any other supply source.

F. Refusal of reasonable access to the property.

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

A) The board of water/sewer commissioners, effective April 20, 2013, from advise from the board of selectmen, do hereby discontinue water shutoff, and hereby authorize the tax collector to lien said property effective January 1 of each calendar year.

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

XI. The Water Superintendent must be hired by the Water Commissioners and cannot be a member of that committee.

XII. Whoever violates any provision of these regulations, may in addition to other remedies provided by law, be fined by the court as provided by law. The regulations have been prepared by the water commissioners pursuant to the vote of the town, March 1961. They shall become effective April 1, 1968 upon adoption of the town.

These regulations were amended on March 14, 1988

These regulations were amended on April 3, 2007 , by Per RSA 38.26

These regulations were amended on February 18, 2012

These regulations were amended on April 20, 2013

These regulations were amended on July 12, 2022

By the power given to the commissioners to amend these bylaws. ALL previous regulations or rules inconsistent with these regulations are Hereby rescinded.

Water Shutdown –Notification Procedures

Responsibility of the Water Department

SCHEDULED REPAIRS AND MINOR LEAKS

12-24 hour notice

Notify town hall personnel of affected area

SERVICE LEAKS THAT AFFECT MAINS

Notify town hall personnel of effected area

Wait 1 hour before shutting off effected area

WATER MAIN BREAKS

Shut down affected area IMMEDIATELY

Notify Town Hall personnel.

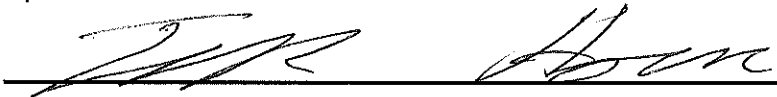
Call one of the Water Commissioners to notify them of the situation.

RESPONSIBILITY OF TOWN HALL PERSONNEL

Call Southwest Mutual Aid to notify Fire Chief that there is water shut down situation. If the Chief deemed necessary a fire department representative will sound the fire siren three times to notify people that there is water shut down emergency situation.

Call area businesses in the area effected

Tyler Howe



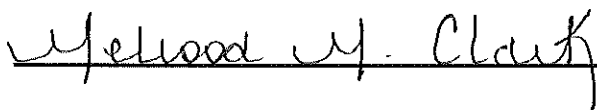
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Jon Charlonne



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Melissa Clark



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Date 7-12-22