

**SOUTH BERWICK WATER DISTRICT  
80 BERWICK ROAD  
SOUTH BERWICK, MAINE**

**TERMS and CONDITIONS**

**MAINE PUBLIC UTILITIES COMMISSION**

**TENTH REVISION**

**PUBLIC HEARING HELD ON:**

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**TERMS and CONDITIONS**

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Signature\_\_\_\_\_

John Leach, Superintendent

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**Water Utilities**

The following Terms and Conditions made by the South Berwick Water District and filed with the Maine Public Utilities Commission will, upon application for or acceptance of service, constitute a contract between the customer and the District, and the customer will be considered to express his consent to be bound thereby, and to take water only for purposes stated in the application for service and at the established rates. Any failure to comply with these rules and regulations, or requirements referenced herein, may be cause for refusal or discontinuance of service.

These Terms and Conditions produced by the South Berwick Water District, and accepted by the Maine Public Utilities Commission will govern and guide the District in the operation of its business.

**Definitions**

The word “Commission” refers to the Maine Public Utilities Commission.

The word “Utility”, “SBWD” or “District” refers to the South Berwick Water District.

The word “customer” shall be taken to mean any person, firm, corporation, government, or governmental division who has applied for and is granted service or who is responsible for payment for the service.

The words “water main” means a water pipe, owned, operated and maintained by the District, which is used for the purpose of transmission or distribution of water, but is not a water service pipe.

The words “service pipe” is the pipe running from the main to the premises of the customer.

**1. Utility Service Area**

We are permitted by Charter to serve the following area: South Berwick and portions of Berwick.

## 2. Application for Service

Applications for service are to be made at the office or on forms provided by the District, online or by mail. Pursuant to Chapter 620 of the Commission's Rules and Regulations, such application may be made by either the owner or occupant of the premises to be served. Any tenant may become a Customer if the tenant assumes responsibility for future service under the conditions set forth in Title 35-A MRSA 706(2), Chapter 660, Sec. 10(I)(2) of the Commission's Rules and Regulations, and under Section 29 below. The applicant will pay the District a \$20.00 Application for Water Service Fee along with any associated turn-on fees and minimum in advance payment prior to the service being activated. A turn on charge of \$35.00 will apply in conjunction with an application for service if water service is not on during business hours. The turn on charge outside of business hours will be \$61.00. If the rendering of service requires a new service connection or other work on the owner's premises, and the application is made by the occupant of the premises, the occupant must present to the District a letter of request in writing from the owner authorizing the District to enter the premises to perform the necessary work.

Subject to the provisions of the water main extension rules of the Public Utilities Commission, the size and location of the utility's portion of the service pipe shall be determined by the District.

## 3. Conservation

The District shall take all reasonable steps to prevent unnecessary waste of water. All customers must prevent all unnecessary waste of water. Customers shall not allow water to run to prevent freezing, or longer than necessary for proper use, without written authorization from the District. If a leak is located on a customer's service pipe, the District shall provide notice to the customer that the leak must be repaired expeditiously. If a customer fails to repair a leak on their service pipe within a reasonable period specified by the District, service shall be discontinued pursuant to Chapter 660. Pursuant to Chapter 620 of the Commission's Rules and Regulations, when necessary to conserve the water supply or in the event of an emergency, the Utility may restrict or prohibit waste or improper usage for all Customers, including but not limited to, the use of hoses and lawn sprinklers. Under these conditions, the Utility will decide what constitutes waste and improper usage to protect the health and safety of the water system.

## 4. District Jobbing

The District may perform work for a customer at the customer's expense. A deposit may be required equal to the District's written estimated cost of the work and for which deposit the customer will be given a receipt. It will be generally assumed that estimates and bills will be rendered on the basis of time and materials. Unless the work is performed on a flat-rate basis, the District will return any excess deposit upon completion of the work. If the final cost exceeds the deposit, the customer must pay the additional amount upon completion of the work and a final bill will be rendered. Temporary shutoff and resumption of service outside of normal working hours and for the convenience of the customer will be considered District jobbing and will be charged to the customer at applicable rates.

### **5. Ownership and Maintenance of Service Pipe**

The District shall install, own, and maintain the service drop portion of the service pipe and shall extend from the main to the curb stop (shut-off valve). The curb stop shall ordinarily be at the edge of the right of way. The customer owned service pipe must be installed per the District's standards and specifications and only after approval of the District is obtained. Any service pipe requested shall be financed in full by the customer. When it becomes necessary to thaw frozen service pipes, and it cannot be determined where it was frozen, and when the District, at the customer's request, undertakes to thaw the same, one-half of the cost thereof shall be paid by the customer.

### **6. Temporary Service**

When, for any reason, it is impracticable to provide independent service, water may be furnished temporarily from an adjacent service if deemed advisable by the District and the owner gives his permission, but entirely at the expense and risk of the customer requesting such service. As a general rule, temporary establishments or temporary service are expected to last no longer than five years. The owner must enter into a temporary service agreement with the District before any temporary service is provided. The District shall have no obligation to make an investment to extend or supplement its water service to a house trailer or any establishment considered by the District to be of a temporary nature. Temporary shutoff and resumption of service outside of normal working hours and for the convenience of the customer will be considered District jobbing and will be charged to the customer.

### **7. Unauthorized Use of Water**

No customer shall supply water to another party nor, shall he/she use it for any purposes not mentioned in his/her application without District approval. No customer or unauthorized person shall obtain water from any hydrant or other fixture of the District without the previous consent of the District. No Customer or his agent shall bypass any meter, nor restore service without District authorization, nor unreasonably interfere with Utility service nor otherwise take action to prevent the proper metering of water consumed by the Customer. In the event of such discovery of such unauthorized use of water, the Customer shall be immediately disconnected, pursuant to Chapter 660. In addition, the Utility shall be entitled to bill and recover from the Customer or responsible person the cost of the estimated amount of water consumed, based on the Utility's approved rates, plus interest at an annual rate of 5%. Where the unauthorized use of water has occurred, the Utility may also assess the Customer or responsible person a fee of \$35.00 per employee per hour, with a minimum of one hour, for each service visit to the Customer's premises necessary to investigate and address the unauthorized use of water, including removing the meter bypass, taking measures to prevent further diversion of water, and verifying that corrective measures have been taken and maintained. Theft of utility services is unlawful and violators will be prosecuted to the fullest extent of the law. For service visits that occur during other than normal business hours, the fee will be \$61.00 per employee per hour. In no case shall the total of such hourly fees exceed \$100.00 per employee. In addition, pursuant to Title 35-A MRSA S2706 as amended or replaced, the Customer or person responsible for the unauthorized use may be liable in a civil action to the Utility for all other reasonable costs to the Utility, including attorney's fees, costs of undertaking and completing the investigation resulting in the

determination of liability, and for a civil penalty not to exceed \$2500.00, due and payable to the Utility for each violation.

### **8. Summer Service of Pipes and Mains**

Summer service of pipes and mains are ones which because of a lack of a sufficient cover or for any other reasons can supply premises for only a portion of a year. Water furnished through summer service pipes and mains will be furnished only from May 1 to October 1 except that the utility may render service before and after these dates if deemed advisable. Service furnished later than November 1 via a summer service or main shall be by written agreement between the District and the customer unless the District does not believe it is necessary to do so.

### **9. Seasonal Customer**

A seasonal customer is one who regularly takes service for only a portion of the year from either a summer or year-round service. A seasonal customer will be subject to the rules and charges of seasonal rates, if in effect, or of annual rates, if seasonal rates are not in effect. A customer regularly vacating his premises for three months or less, may elect in writing to be classified as an annual Customer subject to annual rules and charges.

### **10. Shutoff Valve**

Pursuant to Chapter 620 of the Commission's Rules and Regulations, every service must be provided with a minimum of one operable stop valve located inside the building near the service entrance, easily accessible, and protected from freezing. All plumbing must be installed to comply with applicable plumbing codes, to prevent back-siphonage and to permit draining whenever necessary.

### **11. Maintenance of Plumbing**

To prevent leaks and damage, all customers shall maintain at their own expense, the plumbing and fixtures within their own premises, in good repair and protect them from freezing. If damage does occur, the Customer is liable for any expenses incurred. A leak or break that is considered a danger to the system will be cause for immediate disconnection of the Customer. If a leak is discovered that is not considered an immediate danger to the system, but may be a long term or cumulative danger, the Customer will be notified in writing by the Utility and will be given 30 days to repair the leak. If the repair is not completed by that time, the Customer will be subject to a fourteen day disconnection notice, pursuant to Chapter 660.

### **12. Cross Connections**

All customers, both new and existing, must comply with all provisions of the District's Cross Connection Control Program regarding installation, inspection, maintenance, and testing of approved backflow devices. All requirements of the District's Cross Connection Control Program must be met before water service will be supplied to new accounts. Pursuant to Chapter 620 of the Commission's Rules and Regulations, no cross connection between the District's public water supply system and any other supply will be allowed unless properly protected, based upon the Maine Cross Connection Control Rules and the Maine Internal Plumbing Code. No new cross connection may be installed without the express, written approval of the Utility. In addition, no connection will be permitted capable of causing back flow, including back

siphonage or back pressure, between the District's public water supply system and any plumbing fixture, device or appliance, or between any waste outlet or pipe having direct connection to waste drains. If the owner of such a connection fails or refuses to break or properly protect the connection within a time limit specified by the District, the District may disconnect the service according to Chapter 660 of the Commission's Rules and Regulations. The District's Cross Connection Control Program is on file at the District's office and the State Department of Human Services. In addition, all commercial and industrial accounts shall have a minimum of a testable reduced pressure zone (RPZ) backflow device located immediately following the District's water meter.

### **13. Fluctuation of Pressures by Customer's Apparatus**

Pursuant to Chapter 620 of the Commission's Rules and Regulations, as a condition of service, customers may not install or use any device that will affect the District's pressure, water quality, or operating conditions so as to interfere with the service of another customer. Where a customer has or proposes to install apparatus which requires water in sudden and/or material quantities, impairing the pressure to the detriment, damage, or disadvantage of other customers, the District reserves the right to require such customer to install devices or apparatus which will confine such fluctuation of demand or reduction of pressure within reasonable limits determined by the District. If the customer, after receiving written notice from the District, fails to present an acceptable remedial plan within a time limit set by the District, service will be discontinued pursuant to provisions of the Public Utilities Commission Rules and Regulations, Chapter 660.

### **14. Safeguarding Direct Pressure Water Devices and Systems Supplied by Automatic Feed Valves**

Pursuant to Chapter 620 of the Commission's Rules and Regulations, as a condition of service, Customers having direct pressure water devices, including but not limited to hot water tanks, or secondary systems supplied by automatic feed valves, should have installed and maintained in good operating condition, at the expense of the customer, appropriate vacuum, temperature, and pressure relief valves, or cutouts in the water system or their appurtenances should it become necessary to shut off the water main or service or should a pressure failure occur for any other reason. Water service supplied to any customer not providing such protective devices will be strictly at the risk of the customer, and the District will not be held liable for damages resulting from the lack of or failure of such protective devices.

### **15. Joint Use of Service Pipe Trench**

Pursuant to Chapter 620 of the Commission's Rules and Regulations, normally, water service pipes will not be placed in the same trench with other Utility facilities. Where possible, a horizontal separation of ten feet will be provided. Where extenuating, unusual or special circumstances are encountered, a lesser separation of joint use of trench may be allowed if all parties agree, provided that the installation complies with all applicable laws, rules and regulations.

### **16. Winter Construction**

No new service or extension of mains will be installed for the convenience of a customer during winter conditions that increases the cost of the work for the District, unless agreed to by the

District, and the customer assumes all extra expense over ordinary construction costs. As with all service and water main extensions the entire cost will be paid for by the customer.

### **17. Billing Procedures**

Minimum meter charges for annual and seasonal metered service shall be billed quarterly in advance and water used in excess of the minimum for annual metered service shall be billed quarterly in arrears. The Utility reserves the right to render bills monthly in advance if it so desires. In addition, the Utility reserves the right to bill seasonal minimum meter charges immediately after the meter is set for the season, and water used in excess of the minimum immediately after the final reading for the season. Public and private fire protection charges will be billed in advance each year on a quarterly basis. The Utility reserves the right to bill fire protection monthly, semi-annually, or annually. Bills may be paid by any Utility approved payment method, including but not limited to by mail or in person, and must be received at the office of the Utility. Failure of the Customer to receive his/her bill does not relieve him/her of the obligation of its payment nor for the consequences of non-payment.

### **18. Credit and Collection Procedures**

All credit and collection procedures for both residential and nonresidential Customers will be based upon Chapter 660 and Chapter 870 of the Commission's Rules and Regulations. The Utility may demand a deposit from a Customer as permitted by Chapter 660. Pursuant to Chapter 870, the interest rate on Customer deposits shall be the rate set from time to time by the Commission.

### **19. Charge for Returned Checks**

As provided in Chapter 870 of the Commission's Rules and Regulations, the Utility may charge the greater of \$5.00 per account to which the check is applied or the amount the bank charges the Utility, not to exceed \$15.00 for each check returned by a bank. If the Utility charges more than \$5.00, the Utility shall furnish the customer with proof of the bank charge.

### **20. Abatement/Rebate Policy**

Customers may apply for a pro-rata reduction on the minimum usage charge if water service is interrupted for more than forty-eight hours through no fault of their own. Please contact the District office for information about interrupted or unsatisfactory water service. At the discretion of the Board of Trustees, the District may rebate a portion of a customer's bill for leakage. The basis of the rebate, if awarded by the Trustees, will only be available one time during a three year period on each individual account. Proof will be required to substantiate the leakage and repair. The rebate will be based upon deducting one-half of the billing in excess of normal usage for the bill period in question, based on two prior histories. New accounts with no history will be rebated at any excess of minimum charge.

### **21. Terms of Payment**

Customers are legally obligated to pay for the services they receive. Bills are payable upon being issued on the due date. Failure of the Customer to receive his/her bill does not relieve him/her of the obligation of payment for services received nor for the consequences of non-payment. The due date for payment, in order to avoid late fees or the initiation of collection

action, will be no less than twenty-five days after the bill is mailed. The late payment charge for overdue bills will be no more than the maximum amount allowed under Chapter 870 of the Commission's Rules and Regulations, to be determined annually.

## **22. Electronic Bill Payment**

The District may allow customers to pay amounts owed the District for service by using a credit card, debit card, ACH (automatic clearing house) or pre-authorized draft (collectively electronic bill payment). The District or any vendor retained by the District to process any payments by electronic bill payment may charge customers a fee for processing payments, as long as the customer is informed of the specific amount of the fee prior to making the payment. Maine PayPort charges a fee of 2.5% of the amount being paid, with a minimum fee of \$1.00.

## **23. Access to Premises**

Pursuant to Chapter 620 of the Commission's Rules and Regulations, as a condition of service, Customers shall provide access for Utility employees with proper identification, to all premises supplied with water, at all reasonable hours, to permit the inspection of plumbing and fixtures; to set, remove or read meters; to ascertain the amount of water used and the manner of use, and to enforce these Terms and Conditions.

## **24. Discontinuance of Service**

Bills for water service are due and payable when issued, and shall be considered delinquent and subject to an interest charge (see section 22) when unpaid after twenty-five days. Water Service will be terminated in accordance with Chapter 660, of the Commission's Rules and Regulations.

## **25. Medical Emergencies**

The District will follow Chapter 660 of the Commission's Rules for customers who have a medical emergency.

## **26. Disconnection of Leased or Rented Property**

Before disconnecting a leased or rented residential property, the Utility shall comply with the notice requirements contained in Chapter 660 of the Commission's Rules and Regulations, and must offer the tenant the right to take responsibility for future payments.

Leased or Rented Single-meter, Multi-unit Residential Property: Pursuant to Chapter 660, in addition to the above, before disconnecting a leased or rented single-meter, multi-unit residential property, the Utility shall:

1. Apply any deposit to the current account balance, and
2. Assess, against the landlord, a collection fee of \$35.00, in addition to any applicable reconnection fee set forth in Section 9 of these Terms and Conditions.

At its discretion, the Utility may separately meter or cause to be separately metered, at the landlord's expense, each dwelling unit within the property.

## **27. Charges for Reconnection/Restoration of Service**

The District will charge a customer a reconnection fee to restore service at the customer's premises if service was disconnected for any reason allowable under Chapter 660 of the Commission's Rules and Regulations and/or under these Terms and Conditions, including but

not limited to at the Customer's request. The reconnection charge is \$35.00 per hour per employee required for resumption of service made during normal business hours of 9:00am to 4:00pm, Monday through Friday. The charge outside of normal business hours and holidays is \$61.00 per hour per employee.

### **28. Collection Trip Fee**

If District personnel visit the customer's premises to disconnect service for non-payment and in lieu of actual disconnection the customer pays or makes a payment arrangement for the entire past due balance, the District will charge a collection fee of \$25.00, as permitted in Chapter 660 of the Commission's Rules and Regulations.

### **29. Service Interruption**

As specified in Chapter 660 of the Commission's Rules and Regulations, the Utility will provide reasonable notice of any planned shut-off to affected Customers. If the interruption is expected to last more than five hours or to affect more than ten Customers or a single commercial Customer on a dedicated line, notice will be given at least twenty-four hours in advance of the interruption of service. The Utility will notify the Customers when practicable of the cause and duration of any unplanned shut-off. Pursuant to Chapter 620, if a Customer requests, the Utility will make a pro rata reduction in the Customer's minimum bill if service is interrupted for longer than forty-eight hours and the interruption is not due to negligence or improper care of equipment by the Customer.

### **30. Charges for Removal of Snow, Ice, or Other Obstacles During Disconnections Requested by the Customer**

The Customer will be responsible for clearing snow, ice, or any obstacles to the shut-off valve and/or meter when requesting a disconnection. If the Customer does not fulfill this responsibility and the Utility must clear the area to perform the requested disconnection, the Utility will charge the Customer at the following rates per trip: \$35.00 per employee per hour during the normal business hours of 9:00am to 4:00pm, Monday through Friday, plus a backhoe rental fee of \$34.00, if needed. During holidays and outside normal business hours, the charge will be \$61.00 per employee per hour, plus the previously mentioned backhoe rental fee. If the disconnection request relates to a trip for the repair or replacement of a damaged meter, the equipment fees and total labor hours incurred for removal services in this section will be combined with the totals in Section 5 and calculated together.

### **31. Liens**

The District may exercise its lien rights in accordance with Sections 6414-A and 6111-A Title 35-A MRSA to collect a past due water bill, including a charge of \$ 300.00 covering lien notification, preparation, filing and processing in addition to the past due amount, filing fees, and postage fees. The property owner is responsible for all water service charges and related expenses in an occupied or unoccupied property. The property lien process may begin when unpaid water service charges become three months past due for service used by the property owner, tenant, or occupant. The District is not responsible for locating or contacting any tenant. It is the responsibility of the property owner to notify the District to obtain a final water meter reading when there will be a name change on the water service account. Meter readings will not

be completed retroactively. We will accept final water meter reading requests from tenants or occupants who are removing their name from water service, and tenants or occupants placing water service in their name. Upon being requested to obtain a final water meter reading, a final bill will be calculated for the owner or tenant ending service. An initial billing will be completed placing service in the new tenant's name or returning to the owner's name. Service will be placed in the property's owner's name during any timeframe between tenants retaining water service in their names. A pro-rated minimum in advance water service charge will be applied to the account for the remainder of the existing quarter when an account is transferred to the owner's name or tenant's name.

### **32. Backflow-Prevention Device Testing**

Customers with testable backflow devices are responsible for completing device testing according to the Utility schedule, available in the Utility office. The Customer must select a certified professional to comply with this requirement, and will pay the charges for the testing and for any necessary repairs directly to the contractor. Upon completion, the Customer must send the Utility a copy of each signed certified test. In the event that a Customer does not comply with the testing requirement or does not make repairs necessary to maintain full functionality of the device, the water service will be disconnected as a dangerous condition, pursuant to the Utility's Cross Connection Control Program and to Chapter 660 of the Commission's Rules and Regulations.

### **33. Liability**

The District will only be liable for any damages arising from claims to the extent that liability is expressly provided in the Maine Torts Claim Act, as set forth in Title 14, Chapter 741 of the Maine Revised Statutes Annotated. The Utility will not be responsible for any damages caused by discolored water or unsatisfactory water service, and makes no representations or warranties, express or implied, about the quality or suitability of the water provided by the Utility for any particular purpose. If, by reason of temporary shortage of supply or for the purpose of maintenance, making repairs, extensions, connections, or placing or replacing meters, unpaid bills pursuant to Chapter 660, or for any reason beyond the control of the District, it becomes necessary to shutoff water in a main or service, the District will not be responsible for any damages occasioned by such shutoff, and no adjustment of rates will be allowed unless the interruption is in effect for a continuous period in excess of 48 hours, if the interruption is not the customers fault, in which case a proportional adjustment of rates will be made if a Customer requests it. The District will not be responsible for meeting unusually high water quality standards for specialized or industrial customers or any other particular purpose.

The District will attempt to maintain standard system pressures between 25 lbs. p.s.i. and 125 lbs. p.s.i. and will not be required to render serviced where normal system pressures may be expected to fall below 20 lbs. p.s.i. In the event that a prospective customer desires service with the full understanding that the normal system pressures as described above may fall below 20 lbs. p.s.i., service will be rendered only upon completion of a Limited Service Contract, which shall be approved by the Public Utilities Commission prior to rendering service. Where a customer feels that the system pressures, within the above range are higher than his plumbing or apparatus can endure, it shall be the responsibility of the customer to install a suitable pressure reducing device.

**34. Meters**

- A. **GENERAL** - All water sold by the District shall be on the basis of metered measurements or as otherwise provided for in its rate schedules, and the utility may install meters whenever deemed expedient.

The customer may receive water through a meter upon written application to the District. The size of the meter will, in all cases, be determined by the District.

- B. **METER SETTING** - All meters shall be set, as nearly as possible at the point of entrance of the service pipe to the building and the customer shall provide and maintain a clean, dry, warm and accessible place thereof. The cost of the meter and installation shall be borne by the customer. Meters, once set, may be changed in location at the request of the customer, at their own expense, and the work shall be done only by the District or an agent of the District.

For new installations of meters one and one half inches and larger in nominal size, the piping arrangement shall be in accordance with the specifications, standards and requirements of the District.

Except as provide in Chapter 660, and in accordance with the District's Policy on Metering Multi-Unit Dwellings and Complexes, the District requires all new and or renovated or converted to, multi-unit structures, each unit of the multi-unit structure shall have its own separate service line, meter, individual shut-offs, both inside and outside the structure, unless a variance is requested and granted.

- C. **REMOTE READING REGISTERS** - Remote reading registers or similar remote automated, such as ECR Touch Pads or MXU Radio Read transmitters, etc., acceptable to, and installed by the District, shall be utilized. Remote readers will be installed in a protected area accessible at all times. The owner is responsible for the care of and any damage to the remote reader.

If requested by the customer either for his convenience or to avoid plumbing modifications or a meter vault, the meter register and its installation shall be paid for by the customer but the meter remote register shall be owned and maintained by the District. All new remote registers will comply with District specifications, standards and requirements.

- D. **METER PIT/VAULT** - Notwithstanding, and in accordance with the District's Policy on the Installation of Meter Pits, and or when for other reasons it is necessary or expedient to locate the meter outside the building, the District shall require the owner/developer of a property to supply and install a meter pit(s) to its specifications at the customers expense and as a condition of service, when one or more of the following conditions exists:

1. The service location makes discovery of a possible leak unlikely
2. The use of service pipe deemed by the District to be inferior makes the possibility of a leak likely. Note: copper tubing must be type K, and C.T.S. plastic tubing must be rated 200 psi, ductile iron class 52.
3. A single service supplies two or more units with no suitable common area (accessible independently of any individual tenant/owner) in which to install the meter
4. A property of two or more units is supplied through multiple services, any one of which is located in front of, or enters a unit other than, the one it serves.
5. The customer does not provide a clean, warm, dry and accessible location for the meter and its appurtenances.
6. The customer does not furnish an otherwise suitable location for a meter(s) inside the customers dwelling.

Further, whenever any dwelling or structure is constructed in excess of 300 feet from the roadway, the District shall require a meter pit installation as close to the property line as the District deems necessary. The applicant for service shall pay all costs associated with the purchase and installation of the meter pit, including all appurtenances, and shall be responsible for the installation and maintenance of the service line from the meter pit to the dwelling.

Whenever any dwelling or structure is constructed on a slab foundation, regardless of the distance from the road, the District shall require the installation of a meter pit according to the requirements of this Section.

In such cases requiring the installation of a meter pit, the District shall determine the appropriate materials and size for the meter pit, piping and meters.

If mutually agreed upon, the installation may be performed by the District on a jobbing basis.

- E. **REPAIRS** - Meter repairs and replacements necessitated by ordinary wear will be paid for by the District. Those caused by freezing, hot water, or by other causes within the control of the customer will be charged to the customer, including the cost of removing and replacing the damaged meter.
- F. **SUBMETERING** - If additional or auxiliary meters are desired by the customer for showing subdivision of the supply, the customer shall purchase, furnish, install, read and maintain them at his own expense.
- G. **TESTING** - The District will follow Chapter 62 of the Commission's Rules and Regulations for meter testing. Each District furnishing water on a metered basis shall provide and maintain suitable equipment and facilities for testing its meters acceptable to the Public Utilities Commission, except that upon written request from a District having a relatively small number of meters and limited personnel, the

Commission may waive this requirement provided arrangements are made with another District or qualified firm properly equipped to test its meters, such arrangements being acceptable to the Commission.

**35. Metering of Multi-Unit Dwellings and Complexes**

A. Whenever any multi-unit family dwelling or complex is constructed, each individual unit may be provided with a separate curb stop and shut off, and each unit may be individually metered.

B. Whenever any existing dwelling or complex is renovated or expanded, a System Development Charge equivalent to a 5/8" meter shall be assessed for each additional unit, or for the increase of meter size. In the case of an existing multi-unit or family dwelling being renovated, the existing unit shall be grandfathered in regard to the assessment of a System Development Charge.

C. All provisions of section 37 shall apply to all multi-unit structures and multi-unit complexes, whether residential, commercial, or industrial, including construction or renovation of mother-in-law apartments.

D. A multi-unit complex of two or more units may be master metered. The decision to master meter a multi-unit complex shall be determined by the District. The sizing of service pipe and the master meter shall be determined by the District. In the case of a master-metered complex, the System Development Charge shall be assessed on upon the size of the master meter.

**36. Consumption Adjustments**

A. **Meter Malfunction or Removal** - If a meter malfunctions or if it is removed from service, the District will provide an estimate of the water consumption during the period of malfunction or removal, said estimate to be based on the average consumption for similar periods, adjusted for any known charges, and the charges will be computed accordingly. Whenever a meter error, which is determined by dividing by two the algebraic sum of the intermediate and maximum flow error, is found to exceed 10%, that meter shall be considered to have malfunctioned.

B. **Percentage Adjustment** - In addition, when a meter is tested at a customer's request and the meter error is found to be 2% or more but not greater than 10%, an appropriate percentage adjustment may be made to the metered consumption of the past billing period and that portion to date of the current billing period, and the charges may be adjusted accordingly.

C. **Over Registering** - Whenever a meter is tested under any circumstances and there is found a meter error 2% or more on the high side, the consumption shall be adjusted in accordance with Section 38 A or 38 B, whichever is appropriate, and the customer charges shall be revised accordingly.

**D. Faulty Remote Meter Adjustment** - If the District finds that a remote reading meter has under reported actual usage, it will abate one-half of the difference between the actual usage and the remote reading. However, the amount rebated can not exceed the previous year's usage.

### **37. Fire Hydrants**

Fire hydrants may not be used for any purpose other than to extinguish fires unless prior permission is given by the Utility. In the event of fire extinguishment, the fire department will notify the District of hydrant use within a reasonable time of declaring the fire under control to allow for proper maintenance. Fire hydrants must not be opened by any person other than an agent of the District or a duly authorized representative of the municipality or owner. Should a fire hydrant be used temporarily for any purpose other than extinguishing a fire, the District will place a temporary meter to record gallons consumed. A fee of \$150.00 per meter setting will be charged in addition to a charge for the gallonage used.

### **38. Private Fire Hydrants**

Private Fire Protection including hydrants will be furnished and installed by the owner. Fire hydrants may not be used for any purpose other than to extinguish fires unless prior permission is given by the Utility. To ensure reliability of private hydrants, and for the safe operation of the water system, all private hydrants (including valves connected to the District's water system) will be maintained by the District, at the owner's cost.

### **39. Private Fire Protection**

Customers desiring private fire protection should first contact the District to determine the availability of fire service at their location. If available, the fire service line will be installed at the customer's expense within the bounds of the public way or right of way. The fire service line, after installation, will be owned and maintained in the public way or right of way by the District, as specified in Chapter 64 of the Commission's Rules and Regulations. Private fire protection service lines shall not be used for domestic water use or any other purpose other than fire protection. The District does not guarantee any quantity of water or pressure available through a fire protection service. The Utility may require the owner, as a condition of service, to determine, from time to time, the adequacy of supply through the fire service by conducting tests of his/her private system. If so required, sufficient notice must be given to the Utility so a representative of the Utility can be present to observe the test. The owner may also be required to perform certain additional tests and maintenance on the system, in order to be consistent with the health or safety standards of the Utility and the water system.

### **40. No Tampering with District Property**

There shall be no tampering with District property. No valve, valve sealing mechanism, meter, shutoff, hydrant or standpipe, valves (main line), service line valves, or meter/remote readers, which is the property of the District shall be opened or closed or otherwise operated, modified, or removed by other than persons authorized to do so by the District. Tampering will subject a Customer or other responsible party to the same charges and actions outlined in Section 7, entitled Unauthorized Use of Water. In addition, in the event of such tampering, the responsible

party may be subject to a civil action, pursuant to Title 35-A MRSA §2707, as amended or replaced.

#### **41. Emergency Water Conservation Provisions**

**A. Purpose** - The purpose of these provisions is to allow the South Berwick Water District, to implement emergency water conservation measures when necessary. Drought, low rainfall, hot weather and wasteful water usage practices occasionally combine to create a water supply emergency for the District. One response when such an emergency occurs is for the District to implement water conservation provisions for its customers. These provisions will help achieve necessary water conservation by enabling the District to prohibit certain specific wasteful water usage practices, and allowing the District to enforce the prohibition with specific penalties.

#### **B. Water Supply Emergency**

1. **Definition** - A water supply emergency exists when the Board of Trustees of the District, determines that the District's water supply has become, or is at risk of becoming so depleted that the District's ability to provide service to its customers is in jeopardy.

2. **Declaration of an Emergency** - When the Trustees determine that a water supply emergency exists, it shall make formal declaration of the existence of such an emergency. When the Trustees declare an emergency, the District will notify its customers of the emergency.

3. **Notice of Declaration of Emergency** - The District shall provide notice of the declaration of a water supply emergency as follows:

A. **Content of Notice** - The notice shall be in writing and shall include a statement of the nature and cause of the emergency. A statement of the prohibited water usage practices will be included.

B. **Notice to Customers** - The District shall provide written notice of a water supply emergency to each of its customers. Notice may be provided by a separate mailing, or may be mailed with a standard billing statement.

C. **Notice to the Commission** - The District shall provide written notice of a water supply emergency to the Public Utilities Commission at the same time it provides notice to its customers.

4. **Prohibition** - During a declared water supply emergency, the following water usage practices are considered to be wasteful and are prohibited:

A. The use of hoses or sprinklers for watering grass or other vegetation.

B. The use of hoses or sprinklers for cleaning and washing of any vehicle or other object.

- C. Filling swimming pools, spas, hot-tubs, ponds and flooding of backyard skating rinks.
- D. The use of any continuous water flow device.

**42. Commission Appeal**

In the case of any disagreement or dispute regarding the application of any provisions of these terms and conditions, or in circumstances where the application of these Terms and Conditions appears unjust; either party may refer the matter to the Public Utilities Commission for resolution. The Public Utilities Commission may grant exceptions to the provisions of these Terms and Conditions for good cause shown.

**43. Important Notice**

The Public Utilities Commission also has rules and regulations concerning Service Standards for Water Utilities, and Consumer Protection Standards for Water Utilities. This information was not published due to the large content. However, copies of the Commission’s Rules and Regulations concerning water service are available at our business office located at:

80 Berwick Road  
South Berwick, Maine 03908

or at:

Public Utilities Commission  
Consumer Assistance Division  
18 State House Station  
Augusta, Maine 04333-0018  
1-800-452-4699

**44. Current Billing Dates**

Town – Customers	Old Mill/Hooper Sands Road	Agamenticus Estates
January 1	February 1	March 1
April 1	May 1	June 1
July 1	August 1	September 1
October 1	November 1	December 1

**45. Policy on Residential Fire Sprinkler Systems**

In response to the Town of South Berwick’s enacted Residential Fire Sprinkler System Code, the South Berwick Water District amends its Schedule of Rates to reflect the following:

Residential Class Customers:

All single family residences, owner occupied, with a service line not exceeding 2” in diameter, shall be exempt from fire sprinkler connection charges.

Single family residences, not owner occupied, with a service line not exceeding 2” in diameter, will be charged one half the private sprinkler connection charge.

Single family residences, owner occupied, with auxiliary apartments, in-law apartments, studio apartments or facsimiles, with a service line not exceeding 2" in diameter, will be charged one half the private sprinkler connection charge.

Duplexes, owner occupied, with a service line not exceeding 2" in diameter, will be charged one half the private sprinkler connection charge.

Duplexes, not owner occupied, with a service line not exceeding 2" in diameter, will be charged the standard private sprinkler connection charge.

Tri-Plexes, owner occupied, with a service line not exceeding 2" in diameter, will be charged two-thirds the private sprinkler connection charge.

Tri-Plexes, not owner occupied, with a service line not exceeding 2" in diameter, will be charged the standard private sprinkler Connection Charge.

All other multi-plex residences in excess of three units will be charged all and full applicable fees.

All other multi family residences or residences with a service line greater than 2" in diameter, will be charged the standard private sprinkler connection charge. In addition to the above charges, all systems shall have tamper alarm flow switches with an outside audible alarm and or light indicator alarms. Local water flow alarms with facilities for flow testing, such as alarm devices, shall be provided on all sprinkler systems.

Stand-alone sprinkler systems shall have independent (separate) shut-off valves (curb-stops) located at or close to the property line. A second shut-off valve shall all be located at the service entrance as close to the inside wall as possible.

Systems shall have sufficient back-flow devices installed in accordance with the South Berwick Water District and prescribing design engineer specifications.

It shall be the sole responsibility of the owner, that their systems periodically be checked to ensure proper working order and in accordance with NFPA 13D Standards.

All stand-alone systems shall be sized by a licensed sprinkler design engineer and further approved by either the local code enforcement officer or State Fire Marshall's Office.

Sprinkler systems connected to the South Berwick Water District will not use antifreeze solutions other than water solutions of pure glycerin (chemically pure or United States Pharmacopoeia 96.5 % grade) or propylene glycol. Suitable glycerin-water and propylene glycol-water mixtures can be found in NFPA Standard 13D or its latest revision.

The South Berwick Water District will not be responsible or liable for any booster pumping, fire pumping or other means of providing adequate storage or pressure in complying with design criteria.

Multiplex Fire Sprinkler Systems (combined domestic/fire, WIRSBO System, etc.) are supplied directly through domestic service supply lines and are regulated in accordance with existing South Berwick Water District Terms and Conditions and shall be charged with applicable rates.

Owner shall be responsible for placing the fire sprinkler charges, if any, in their name only. Tenants will not be allowed to place fire sprinkler service in their name.

Any single family or multi-family residence, that includes a business or commercial use, will be charged the full service fire protection charges with applicable rates.

All residential systems shall be in full conformity and compliance with NFPA 13D standard, and or latest revision.

In the event the owner requests to have their fire sprinkler system shut-off, for whatever reason, or should the South Berwick Water District shut off the fire sprinkler system for financial collection reasons, the South Berwick Water District will not be held responsible, be liable, or deemed negligent for its actions.

The South Berwick Water District will inform the Town's Code Enforcement Officer (CEO) of any changes, to the best of their knowledge, in the operational status or the non-operational status of any residential fire sprinkler system.