

BYLAWS FOR RYE WATER DISTRICT

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Article I — Object

Section 1: The object and purpose of the Rye Water District shall be to reliably and efficiently provide water that meets or exceeds Federal and State requirements for Residential, Commercial, and Fire Protection usages.

The Rye Water District is a village district as defined in New Hampshire R.S.A. Chapter 52 and is not a department of the Town of Rye.

The provisions of Chapter 52 (R.S.A.), State of New Hampshire, and any amendments thereto, with exceptions as outlined herein, shall govern the Rye Water District.

Section 2: The boundaries of the Rye Water District include the major portion of the Town of Rye, although the southeastern portion of the Town (Jeness Beach and Rye Beach Precinct) is supplied by a privately-owned water company. The northern part of Town (north of Foyes Corner) is supplied by the city of Portsmouth, although the Rye Water District owns and services the mains on Wentworth Road, Harborview Drive, Elizabeth Lane, and Frontier Road Extension.

Article II — Eligibility for Services

Section 1: The services of the Rye Water District shall be available only to those within the District, except as specifically authorized by the Commission.

Article III — Officers

Section 1: The officers of the Rye Water District shall be one Moderator, one Clerk, one Treasurer, and three Commissioners.

Section 2: The term of office shall be two years for the Moderator. The term of office shall be three years for the Clerk, Treasurer, and Commissioner.

Section 3: These officers shall be elected as their term expires by legal voters of the District at the Annual District Meeting. Note, election of Commissioners is staggered to allow voting for one Commissioner each year for a three-year term.

Article IV — Duties

Section 1: The Moderator, Clerk, Treasurer and Commissioners shall severally qualify and possess the same powers and perform the same duties in respect to the District's meetings and business affairs that the Moderator, Clerk, Treasurer, and Selectmen of Towns respectively possess and perform in respect to like matters in Towns.

Article V — Meetings

Section 1: The Annual Meeting of the Rye Water District shall be held on the last Saturday in March of each year.

Section 2: The Commissioners' meetings are held the first Monday of each month (Holidays excepted), or as posted, at the Rye Water District office, 60 Sagamore Rd.

Section 3: Special meetings may be called at any time between the Annual Meeting or Monthly meetings as is deemed necessary by the Commissioners in order to conduct the affairs of the District.

Article VI — Check Lists

Section 1: The Check List, as prepared by the Town Supervisors of the Check List, shall be used and only those voters (legal) in the District shall be permitted to vote on District matters.

Article VII — Auditing of the Books

Section 1: The books of the District shall be audited and a financial

statement prepared by a Certified Public Accountant as of December 31 of each year.

Article VIII — Terms and Conditions

Section 1: The terms and conditions of the District will govern the operations of the District for applications, contracts, deposits, charges and payments, meters, service connections, customer connections, line extensions, rates, and other general conditions that may apply to managing the affairs of the District.

REGULATIONS AND RATE/FEE SCHEDULES

1. Application for Service

Each application for the use of water shall be made to the District Commissioners on the prescribed form furnished by the District and shall be signed by the property owner or his duly authorized agent and the contractor performing the work. A connection fee, as listed in the fee schedule posted at the District office, shall be made with each application before work is begun on a new service.

A tapping fee per fee schedule will be charged plus all costs associated with labor and materials.

The District reserves the right to reject any application based on an economic analysis of the costs necessary to provide the requested service and the impact on the annual operating budget, usage, or tax rates.

2. Size of Service and Meter Required

The minimum size of service connection and meter installation permitted shall be determined in accordance with the American Water Works Association Standards and Guidelines.

3. Service Installations

New service installation will only be permitted April 15 through November 15. Installations will not be permitted on weekends or holidays.

The property owner shall have a contractor of their choice excavate for the installation of a service line at their expense. The contractor must provide to the District office:

- a) A trench permit approved by the Town or State,
- b) A valid Certificate of Insurance,
- c) A Dig Safe Job I.D. Number,
- d) Adequate construction signs and barricades as required by Town or State, and provide traffic control when necessary,
- e) 48-hour notice to District prior to excavation date.

The contractor, under the supervision of a District representative, may excavate to the water main. The District will tap the main and install and connect a street shutoff valve to the main. Installation from the

street shut-off valve to the inside of the building shall be the responsibility of the contractor, under the supervision of a District representative.

Service pipes and fittings shall conform to District requirements as specified in the Rye Water District Installation Specification. The District will install the water meter and any required fitting. Cost of fittings to be borne by the property owner. For service lines extending over 200 feet from the street shut-off valve to the building, property owners shall be required to install a District-approved meter pit or vault. Where a weatherproof pit or vault is installed, a plastic service line may be installed.

Underground service from the street shutoff valve to the inside of the building shall be of type K copper and installed a minimum of five feet below grade. Only compression-type fittings are allowed. No flared or soldered joints are permitted between the street shutoff valve and the water meter. A minimum of 18 inches of pipe shall be left inside the building foundation or other wall for connection of valves, fittings, and meter.

No service pipes shall be laid in the same trench with gas, gasoline, fuel, sewer pipe, or any other facility of a public utility nor within three feet of any open excavation or vault. All electric and telephone cables must maintain a minimum distance of six feet from all water mains, service lines, and curb valves.

No street shutoff valve shall be installed under a driveway. The location of the street shutoff valve must be approved by, and accessible to, the District.

All service pipe installation shall comply with NH State Regulation ENV. WS #1008.04.

If the existing main is not adjacent to the property, it shall be the property owner's responsibility to furnish the District the easements, surveying, etc. needed to bring the service by or across other property. Service lines shall not be tapped to provide service to abutters.

4. Cross-Connection Control

a) A cross-connection is defined as any connection capable of causing back-flow or back-siphonage into the public water supply system as a result of pressure reduction in the public water system.

b) Cross-connections between the Public water supply and any other supply are prohibited. All service connections shall comply with NH State Regulation ENV.WS #364, Cross-Connection Prevention.

c) Residential Service Back-Flow Preventers:

All new, repaired, upgraded, and requested water services shall have protection from back-flow with the use of a District-approved dual check valve back-flow prevention device. These devices shall be purchased and maintained by the property owner and not be bypassed in any way.

With a device installed, the water system on the premises will now become a “closed” system. Thermal expansion may be experienced and shall be addressed at the property owner’s expense.

d) Commercial Service, Fire Sprinkler, and Commercial Irrigation Systems:

Sprinkler systems within the District will be required to include a testable back-flow device. Each device will be tested for proper operation twice per year by the District’s personnel or by a Certified Tester approved by the District Commissioners at the customer’s expense. All back-flow prevention assemblies shall be tested in accordance with NH RSA 485:11 Valve Tests.

The Superintendent shall notify the property owner in advance when tests are to be conducted. If a device fails testing, it shall be repaired, overhauled, or replaced at the expense of the property owner, then retested. A record will be kept for each device within the District of size, type, and performance of operation.

5. Pipes and Fixtures

No person except those duly authorized by the Commissioners shall tap any water main or connect any service pipes thereto. No unauthorized person shall shut off or turn on the water from any main within the street lines. No person except firemen, for fire-fighting purposes, shall open any hydrants without the consent of the District.

Tampering with Public Water Systems, as defined in R.S.A. 485:31 — Any person who tampers with, attempts to tamper with, or makes a threat to tamper with Public Water Systems shall be guilty of a Class B felony, if a natural person, and guilty of a felony if any other person.

Repairs and/or modifications to a property owner’s service entrance, whether required as a result of freezing or other causes, will be charged to the property owner on a cost basis. All work must be done under authorization and/or supervision of the Water District Superintendent.

Cost of street shutoff valve repair will be Rye Water District’s responsibility unless the valve was not installed in accordance with the District requirements or damaged by others.

6. Meters

All services are to be metered. All meters will be installed and maintained by the District, but the property owner will be charged for any damage to meters caused by abnormal conditions. All meters 3/4 inch and larger shall be purchased by the property owner. The District will set only one meter on any one service and the property owner shall be liable for the entire amount of water used on the premises irrespective to leases or individual consumers.

Meters are installed for measurement of all water supplied to the property and property owners will be charged for all water registered thereby.

The property owner shall provide a clean, dry, warm, and accessible

place for installation of the meter, as nearly as possible at the point of entrance of the service pipe to the building. When the property owner fails or neglects to furnish a suitable location for meter, the property owner shall bear the expense of an alternative location (i.e. underground box or vault).

7. Meter Repairs

All meters installed by the District will be kept in repair by the District except when damaged by the property owner or tenants or by their negligence, including freezing. In case of such damage, the cost of repairs or replacement, including materials and labor, shall be charged to the property owner. In case a meter fails to register the full amount of water consumed, the amount of the bill will be estimated by the District, based upon the use recorded during previous years. No person except the duly authorized agent of the Commissioners shall be allowed to set, remove, or repair a meter.

Upon installation and/or repair of meters, the District will affix thereto a suitable seal in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal. Disruption of seal may be cause for discontinuance of service.

8. Meter Testing

The District will test a meter for accuracy upon complaint of a property owner. If, on testing the meter it is found to be registering satisfactorily, a charge will be made to the property owner. (See rate & fee schedule)

The District reserves the right to test and repair or replace the water meter at the District's discretion.

9. Billing and Payment

a. Residential Service:

Property owners will be billed for each dwelling unit on the premises. A dwelling unit is a house, a cottage, a condominium unit, an apartment, or other groups of rooms, or a single room when it is used for separate living quarters, with a kitchen, or cooking equipment for the exclusive use of the occupants of the unit.

Condominiums

Each condominium unit shall have its own meter. However, where conversion makes this impractical, in the opinion of the Commissioners, each unit shall be billed in accordance with the appropriate rate schedule.

Water service to any condominium association shall be billed to the association treasurer, or other designated representative, and said representative shall be responsible for the payment of the water bill for all condominium units.

Apartments

Each apartment intended for year-round occupancy, shall be billed in

accordance with the minimum charge for a 5/8 inch meter (see fee schedule).

Any apartment conversion into condominiums will be serviced and billed in accordance with the above paragraph.

b. Commercial Service:

Property owners will be billed for each commercial installation on the premises.

Commercial units within a multiple commercial complex shall be individually metered and billed in accordance with service classification "G," whether condominium or otherwise.

Where individual metering is considered impractical, in the opinion of the Commissioners, each unit will be billed in accordance with service classification "G."

Cabins and Motels

Units which will be used on a seasonal basis (May 1 through October 31) shall be charged in accordance with the number of fixtures provided in each unit as determined by the AWWA Manual M-22, or on a basis of a 5/8-inch meter per unit.

c. General

Property owners will be charged for all water usage registered on their installed meters.

Year round Basic charge bills will be issued to property owners on March 30, for the current calendar year, and will be payable within 30 days. Property owners will not receive a quarterly statement unless they exceed the basic charge volume. If water usage exceeds the basic charge volume, the quarterly statement will show the excess water charges for that quarter. Quarterly bills are issued on June 30, September 30, and December 30.

Seasonal usage will be billed June 30 for the current year and will not be eligible for service unless the previous year's bill has been paid in full.

Bills may be paid by check, credit card, or cash. Automatic payment by credit card can be established by contacting the District Business Manager. Cash payments may only be made at the District office.

Checks should be made payable to the Rye Water District and may be paid at the Water District office or mailed to the District Office.

Remittances sent by mail are at the sender's risk and, if receipts are desired, a stamped, self-addressed envelope must be sent with the remittance. When bills are overdue, the property owner will be sent a Demand Notice. Bills not paid when due become a lien on the property as provided by New Hampshire Statute.

The failure of a property owner to receive a water bill does not relieve the responsibility of making prompt payment.

A late charge will be added to all bills not paid within 30 days after their due date. (See rate & fee schedule).

d. Deposits

Property owners will be charged for checks returned because of insufficient funds (see rate & fee schedule).

Property owners who are repeatedly late in paying their bills will be required to deposit an estimated annual minimum payment unless alternative credit arrangements are approved by the Commissioners.

e. Miscellaneous Bills

Bills for labor, material, and equipment shall be billed upon completion of the work which the bill covers. If such bills are not paid within 30 days, the District's late charge policy shall apply, and the service may be shut off by order of the Commissioners.

10. Claims for Damages

The District shall not be responsible for maintenance or repairs to any pipe or fixtures between the street shutoff valve and the water meter. The property owner shall maintain the service pipe in proper order and shall make any changes required thereto on account of change of grade, relocation of mains, or other conditions.

The District will not be liable for any damages resulting from leakage or water escaping from any part of the property owners system.

All property owners having direct pressure hot water tanks or appliances must place proper automatic vacuum and pressure relief valves in the pipe system to prevent damage to such tanks or appliances should it become necessary to shut off water on the street mains or service pipe.

No person shall be entitled to damages, nor to have any portion of their charges abated or refunded for any stoppage of supply occasioned by accident to any portion of the work or source of supply, nor for the purpose of addition or repairs, nor for nonuse.

11. Turning On and Off

Two business days' notice is required for turning on or shutting off water. The requested service will be provided as soon as possible thereafter on a regular work day.

A charge will be made by the District for setting or removing meters or shutting off permanent water service at the property owner's request or for nonpayment of bill (see rate & fee schedule).

12. Property Transfers

On sale or transfer of property, advance notification of such sale or transfer must be given to the District Business Manager, in order that a meter reading can be taken and proper charges made to the respective owner.

13. Interruption of Service

The District reserves the right to shut off the service temporarily whenever it becomes necessary to make extensions, alterations, or repairs.

Service line leakage identified by the District must be repaired by the property owner as soon as practical but not more than ten business days after notification by the district. Failure to correct leaks within this time frame shall result in service termination until repairs are made.

The District reserves the right to curtail the use of water in any emergency.

14. Violations

Violation of any regulation established by the District or its Commissioners, or failure to pay rates or other charges due, will result in termination of service. Service shall not be resumed until causes of complaint are removed or all charges paid. Such service disconnections may be made on the distribution lines of either the District or property owner.

15. Inspection

The Commissioners, and/or their agents shall be allowed access to the property owner's premises between the hours of 8 a.m. and 6 p.m. for examination of pipes, fixtures, connections, the quality of the water used, and the manner of use. The District will provide reasonable advance notice to the property owner when an inspection is required.

16. Subdivisions

An application to install water service to a subdivision shall be submitted by the property owner to the District Superintendent.

The cost of water installations in subdivisions, including the engineering thereof, shall be borne by the property owner.

The property owner shall obtain a copy of the rules and specifications for water main installation from the District Superintendent.

A Clerk of the Works shall be established for all subdivision installations at the property owner's expense.

Before the water system of a subdivision is connected to the District water system, said subdivision water system shall be conveyed by easement to the District.

17. Swimming Pools

Requests for filling swimming pools from District hydrants shall be submitted to the District office (see rate & fee schedule).

18. Contractor Requirements

For service installations see sections (1) – (5) and (16). Prior to starting work contractors shall obtain a copy of the rules and specifications for service connections and water main installation from the District Superintendent. Contractors are required to sign all applications for service for which they will be performing work. All work is to be performed in accordance with District by-laws, rules, and specifications. Exceptions must receive prior written approval by the District Superintendent.

19. Rye Water District Usage Rate & Fee Schedule (Schedules are posted

at the District Business Office)

This schedule is applicable to all customers within the boundaries of the District where water supply mains are available.

Basic Annual Charge: The Basic Annual Charge is determined by the size of the meter as shown in the rate schedule for the first 50,000 gallons used per calendar year.

Excess Charges: Volumes in excess of 50,000 gallons per calendar year will be charged as shown in the rate schedule.

20. District Tax Rate - Fire Protection & Hydrant Service

All properties within the Rye Water District, with boundaries within 600 feet of a District hydrant, shall be assessed a District tax for fire protection and hydrant service.

The rate is computed on the valuation of properties established yearly by the State Tax Commission and which appears on Town Tax bills for all such qualifying properties within said boundaries of the District.

For properties that are not subject to District taxation (such as municipal, church, non-Rye properties, etc), and do receive District water, the minimum charge per calendar year shall be twice the basic annual charge.