

Effective Date 7/11/16

MARLBOROUGH MUNICIPAL WATER UTILITY SYSTEM

RULES & REGULATIONS

A. DEFINITIONS

As used in this article, the following terms shall have the meanings indicated:

ACCOUNT – Any Premises receiving water from the Department’s distribution system

BACKFLOW PREVENTER – A device that prevents the reverse flow of any liquid or substance in the distributing pipes of a public water supply from backflow.

BOOSTER PUMP – A pump used to increase or boost water pressure.

BUILDING - A residential dwelling unit(s), a public and/or quasi-public unit(s), a commercial and/or industrial unit(s) to which water is supplied by the Marlborough water system through one meter.

CORPORATION STOP – A valve for joining a service pipe to a water main. It cannot be operated from the surface.

Cross Connection Control Device – A Department of Public Health approved device for preventing back pressure or back siphonage. These devices are required to be installed and tested, in accordance with the requirements of the Public Health Code. All inspection and testing will be performed by the company at the customer’s expense.

CURB BOX - A vertical pipe or casting with a cover plate over the curb stop and extending to the ground surface to allow access to the valve.

CUSTOMER - Any person, firm, corporation, company, association, governmental unit, tenant, or owner of the property furnished a water service.

CUSTOMER SERVICE LINE – The curb box and that portion of the Service Line from the Curb Stop to the Customer's place of consumption.

DEPARTMENT - The Water Department of the Town of Marlborough.

DESIGNATED AREA - The property to be serviced by the municipal water utility system as provided for in this article and in future ordinances as a result of any extension of the municipal water utility.

LEGISLATIVE BODY - The Board of Selectmen of the Town of Marlborough.

LEGISLATIVE POWER - The power of the Board of Selectmen derived from Chapter 102 of the Connecticut General Statutes and other provisions pertaining to the contracting for water (Chapter 98 of the Connecticut General Statutes) and any other provision of the Connecticut General Statutes, as amended.

MAIN(S) – A water pipe which is used for the purpose of transmission or distribution of water but not a water service pipe.

METER – A device for measuring the quantity of water used.

MUNICIPAL WATER UTILITY ACCOUNT - A separate account kept by the Water Department for deposit of all funds derived from the municipal water utility system and withdrawal of these funds for any authorized and permitted expenditures, which account shall be audited annually, and the Treasurer of the Town of Marlborough shall act as custodian of said account and funds. Said funds shall be kept separate from other funds of the Town and shall be used for such municipal water utility system and for no other purpose as provided in C.G.S. § 7-240, as amended.

MUNICIPAL WATER UTILITY SYSTEM - There shall be one municipal water utility in the Town of Marlborough, owned by the Town of Marlborough, a Connecticut municipality, which municipal water utility shall be constructed, maintained and operated by the legislative body or its duly authorized agent pursuant to the provisions of Chapter 102 of the Connecticut General Statutes, as amended, entitled "Municipal Waterworks System."

OWNER - The title owner(s), as recorded in the Marlborough land records, of the building(s) and/or land supplied water by the water system.

OWNER'S SERVICE PIPE – That portion of the service pipe from the curb stop to the water meter in the building or premises.

RULES FOR USE, ASSESSMENTS, BENEFIT CHARGES, AGREEMENTS FOR USE - Charges for the use of the water from the municipal water system, assessment of benefits, benefit charges and contracts between the legislative body and the property owner-consumer concerning connection to the system and respective liabilities. Said rates, assessments, charges and agreements are subject to further ordinances and public hearings as provided for in Chapter 102, C.G.S. § 7-239 and Chapter 97, C.G.S. § 7-137c et seq. of the Connecticut General Statutes, as amended.

SERVICE CONNECTION – The Service Line from the Main to the Curb Stop, at or adjacent to the street line or the Customer's property line, and such other valves or fittings as the Company may require at or between the Main and the Curb Stop, but excluding the curb box.

SERVICE LINE – The pipe that runs between the Main and the Customer's place of consumption

SINKING FUND - A fund consisting of a sum equal to 10% of the amount needed to pay for the construction, acquisition, maintenance, operation, interest on borrowings, and other charges in operating said system as required in Chapter 102 of the Connecticut General Statutes, as amended.

TAP – The fittings installed at the Main to which the Service Line is connected.
Termination – The voluntary or involuntary discontinuance of Service to an individual Customer.

TERMINATION – The voluntary or involuntary discontinuance of Service to an individual Customer.

TOWN - The Town of Marlborough.

WATER COMMISSION - The duly appointed Water Commission of the Town of Marlborough.

WATER DEPARTMENT - The duly authorized agent of the legislative body empowered to operate, maintain, repair the municipal water utility system and any extension thereof and to collect the water use charges, assessments, fees and to lien property for any deficiencies in the payments of assessments, extension fees, water use rates, etc. Said Department shall also provide any notices required by this article or the provisions of the Connecticut General Statutes, as amended, and any further ordinances enacted by the legislative body required to water out the purpose and intent of providing water by way of the municipal water utility in a manner provided by law.

WATER SYSTEM - The municipally owned Marlborough water system.

B. WATER DEPARTMENT

1. Creation

There shall be an administrative department of the Town of Marlborough known as the "Water Department".

2. Duties

The Department shall be responsible for the day-to-day operations of the Town water system.

3. Divisions within Water Department.

The Department shall contain two divisions to be known as the "Water Department Administrative Division" and the "Water Department Operations Division."

4. Duties of each Division.

The duties of each Division shall be as follows:

a. Administrative Division: to administer all resolutions, regulations, and policies set by the Water Commission that concern the collection of money due the Department, to represent the Water Authority in its day-to-day relations with the public, to keep all records of the Department, and to discharge such other duties as are necessary for the efficient operation of the Department.

b. Operations Division: to administer all resolutions, regulations, and policies with regard to the operation and maintenance of the water distribution system owned by the Town.

c. Chief Operating Officer.

The First Selectman will be the Chief Operating Officer of the Department, and the Director of each Division will be responsible to the First Selectman.

d. Use of other Town agencies and departments.

The First Selectman may use the services of other Town agencies and departments, including the Department of Public Works, in carrying out the responsibilities of the Department.

e. Employees.

All salaried employees of the Department shall be interviewed and recommended for employment by the Water Commission and appointed by the First Selectman in accordance with Section 3.8.1.1 of the Marlborough Town Charter.

f. First Selectman responsible to Water Commission.

The First Selectman will be responsible to the Water Commission for those matters which, by statute, Charter, or ordinance are the responsibility of the Commission and to

the Board of Selectmen for those matters which, by statute, Charter, or ordinance are the responsibility of the Board of Selectmen.

g. Each Division to communicate information to Water Commission.

Each Department Division will be responsible for communicating to the Water Commission any information which the Commission requires to properly perform its functions.

h. Salaries.

Nothing in this article shall be construed to prohibit the payment of Department employees with funds derived from the operation of the water system; provided, however, that such salaries, from whatever source paid shall be set by the Board of Selectmen upon the recommendation of the Water Commission and as defined in the personnel policies adopted under Section 3.4.2 of the Marlborough Town Charter.

C. WATER CONNECTIONS FOR WATER SYSTEM

1. Water connection applications.

a. All applications for service connections and use of water shall be made at the office of the Department on the form prescribed and shall be signed by the owner of the building to be supplied or by his duly authorized agent or representative. The owner/agent shall state fully and truly the specific use or uses to which the water is to be applied. The acceptance of the application and supply of water by the Department shall constitute the entire contract between the Town and the owner, obligating the owner to pay the charges for connection, deposits, etc., and rates for water use established and to comply with all laws, ordinances and regulations.

b. Owners of property shall be responsible for all payments of all just charges for services furnished him or his property during ownership.

2. Water connection permit and inspection fee.

a. Each water connection permit requires the payment of an application fee and a tapping charge in accordance with Department Fee Schedule by the owner to the Department at the time of the filing of the water connection application. All water connections shall be inspected by a duly authorized agent or representative of the Department prior to backfilling by the owner.

b. Each owner is responsible for arranging licensed contractor to execute the tapping of the main and the connection from the curb box to the building and for all required internal plumbing changes, other than meter connection. The external connection (i.e., from curb box to building) shall not be backfilled prior to inspection. All connections by owner shall be made by a State of CT licensed plumber and shall meet water connection specifications of the state and local public health code, building code and any specification approved by the Town by ordinance or regulation.

c. Separate services are required for each building except under unusual circumstances, and then only with the consent of the Department, no service pipe shall be used to supply water for more than one (1) separate building or premise.

d. Interconnection of services is prohibited. Individual properties may receive their water supply through one (1) or more than one (1) service pipe, but, interconnection of these pipes will not be permitted without special approval of the Department.

e. No physical cross connection between the distribution system of a public water system and that of any other water supply is permitted unless written approval from the State of Connecticut Department of Public Health has been granted prior to such cross connection.

f. Individual booster pumps are only to be used as a special provision in individual cases where the building(s) being served is an excessive distance from the street main or its elevation precludes adequate water pressure, and there is at least twenty five (25) psi in the street main. Backflow preventers are required for all booster pumps installed on the inlet side of the booster pump. The Department shall determine what type of backflow preventer is installed.

D. GENERAL

1. Inspection of Customer's Premises

The Department or any duly authorized representative shall have the right at all reasonable times to enter any dwelling, house, or other premises where the water supplied, or connection made with the Town water system, to install, read, inspect or repair meters, fixtures, and make inquiries pertaining to the use of said water as they shall deem necessary.

2. Unauthorized Tapping of Mains or Interferences with Gate Valve Prohibited No person except an authorized representative of the Department will be allowed to tap mains or distributing pipes, insert corporation stop, therein, set or remove meters on service pipes or interfere with gate valves and curb valves, except in special cases, after obtaining permission from the Department.

3. Water meters.

The owner will purchase and install all meters. The meters shall be the type and manufacturer brand specified and approved by the Department. The Department will own and maintain all meters thereafter. The meters will be connected or disconnected by a duly authorized agent or representative of the Department. All water supplied to owners for any approved purpose shall be metered, except for fire hydrant connections and other connections where metering is impractical with written authorization of the Water Commission.

4. Extensions of Water Mains

Property owners or customers requesting necessary extensions of the water distribution mains shall be required to pay all actual costs of such extensions and all Department inspection and testing fees. The size and type of main shall be determined by the Department.

Property owners or customers will be required in advance of construction, to deposit a bond in a form of assigned passbook, cash, or letter of credit to the Department for the cost of the extension as estimated by the Department.

5. Penalties

The non-compliance or failure of any customer to observe any of the rules and regulations of the Department will be sufficient cause for shutting off the water supply to the property. Whenever the water supply is shut off from any service for non-payment or violation of the rules and regulations of the Department, no person other than a Department employee will be allowed to turn water on at either a corporation or curb valve.

E. WATER USE RATES AND CHARGES

1. Water use billings and other charges.

a. All water use rates and other charges established by this article shall be billed to the property owner. Prompt notice shall be given to the Department of a change in the billing address of the owner. Failure to receive a bill does not relieve the owner of the obligation of its payment nor from the consequences of its nonpayment. Whenever an owner sells or transfers property for which application for service has been approved, the owner shall promptly notify the Department in writing, giving the name and address of the new owner.

b. All water use rates shall be billed on a calendar quarterly basis to the owner after meter reading by a duly authorized agent or representative of the Department. All bills are due and payable within thirty (30) days after the due date which shall be the 15th day of the month following the end of a calendar quarter and shall be payable to the Marlborough Water Department at 26 North Main Street, Marlborough, CT, 06447.

c. All charges for other than use rates as established by this article shall be billed at the time the basis for the charges is created. Those charges shall be due and payable within thirty (30) days after the due date of the charges billed and shall be payable to the Marlborough Water Department at 26 North Main Street, Marlborough, CT, 06447.

d. All overdue bills for water use rates and other charges shall bear interest at the same rates as for unpaid property taxes.

e. All use rates shall be approved by the Board of Selectmen. All other charges shall be established and finally approved by the Water Commission as the duly authorized

agent of the Board of Selectmen pursuant to the provisions of Chapter 102 of the Connecticut General Statutes, as amended

2. Water use rates and other charges.

- a. Water use rates shall cover the costs of water, administrative fees and expenses; maintenance, repair and capital replacement, reserve, and contingency.
- b. There shall be a minimum quarterly meter charge in addition to the quarterly consumption charge, which is due regardless if there is no water usage in accordance with the provisions of rate Schedule A.
- c. There shall be a charge billed to the owner for relocation of a meter in accordance with the Department Fee Schedule.
- d. There shall be a charge for removal of a meter for discontinuation of service at the owner's request in accordance with the Department Fee Schedule.
- e. There shall be an Application Fee and a charge for reconnecting any service which has been disconnected for failure to pay in accordance with the Department Fee Schedule.
- f. There shall be a charge for a meter test requested by the owner, provided the test shows that the meter is reading to within a four-percent accuracy in accordance with the Department Fee Schedule.
- g. For temporary use of water by contractors and others for such purposes as construction where the use of a meter is not practical, a flat rate per day or portion of a day shall be charged. For extended use, a flat rate per week shall be charged.
- h. All meters shall be owned and maintained by the Department. All damages to meters caused by neglect, carelessness, mischief and/or vandalism by the property owner and/or their agents, guest, lessees etc. shall be chargeable to the owner and collected in accordance with the provisions of this article.
- i. These rates and charges will be set forth in detail in Schedules A Fee Schedule.

3. Delinquent payment of water use charges and other charges.

- a. Any bills for rates and/or charges as established by the provisions of this article which remain unpaid after thirty (30) days after the due date of any and all of the rates and charges billed to the owner shall be considered delinquent and shall constitute a lien upon the property served in favor of the Town of Marlborough and shall be subject to interest at the same rate as that charged for unpaid property taxes.

b. Bills which remain unpaid for two months from the due date shall cause the Department to send a final notice mailed by registered mail to the owner and shall give a fourteen (14) day notice from the date of receipt by the owner in which to pay the arrears as written in the notice and shall detail the owner's right to a review and his right to consideration due to serious illness. This right of review shall be outlined in this article describing the rights of appeal.

c. If, after fourteen (14) days from the date of the receipt of the final notice by the owner, there has been no payment received by the Department or no arrangement for payment has been made or no claim of serious illness has been made and no change has been made in the position of the Department, a notice to terminate service may be given to the agent or representative of the water system and service shall be disconnected. Service will not be reconnected until all arrears charges and fees are paid or arrangements for payment at the satisfaction of the Department are made.

4. Liens.

All rates and charges as established by the provisions of this article and billed to the property owner which remain unpaid for thirty (30) days after the due date shall be and shall remain a lien against the served property until such rates, charges, interest, shutoff fees and lien fees have been paid and the Town shall have the authority to foreclose such liens. Such liens shall take precedence over all other liens or encumbrances except taxes and may be foreclosed against the lot or building served in the same manner as a lien for taxes. Lien fees shall be charged at the same rate as that for unpaid taxes. Such liens shall be released by the Town upon payment of such rates, charges and fees.

5. Appeals.

a. Any owner who has a question or complaint or who disputes all or part of his bill after receiving a termination notice (final bill) may contact the Department. If the owner remains unsatisfied, he may request the First Selectman of the Town of Marlborough in writing to review the problem. Any such request must be made within ten (10) business days after receipt of the final notice. If the dispute remains unresolved after a written decision is issued by the First Selectman, the owner may request a further investigation and hearing by the Board of Selectmen of the Town of Marlborough. This request must be made in writing within five (5) business days after receipt of the written decision by the First Selectman.

b. If any person presently and normally living in a residence is seriously ill, the Department will not shut off water service during such illness if the resident has his doctor or someone from the doctor's office call the Department within seven days from the time the owner received a final notice from the Department. The doctor shall, within one week, follow up the telephone call with a letter stating the nature and length of the illness. The owner will be required to make an equitable arrangement to pay past due bills and to pay on a current basis all future bills while the illness continues.

c. A copy of this appeal procedure shall be mailed with each final notice.

6. Adjustment of bills.

Bills which are incorrect due to meter or billing errors shall be adjusted as follows:

a. Whenever a meter in service is tested and found to have over-registered more than four (4) percent, the Department shall adjust the owner's bill for the excess amount paid as determined below:

(i) If the time at which the error first developed or occurred can be definitely determined, the amount of overcharge shall be based thereon.

(ii) If the time at which the error first developed or occurred cannot be definitely determined, it shall be assumed that the over-registration existed for a period equal to one-half of the time since the meter was last tested. If more than one owner received service through the meter during the period for which the fund is due, a refund shall be paid to the present owner only for the time during which he received service through the meter.

b. Whenever a meter in service is found not to register, the Department may render an estimated bill. The Department shall estimate the charge for the water used by averaging the amount registered over a similar period preceding or subsequent to the period of nonregistration or for a corresponding period in previous years, adjusting for any changes in the owner's usage.

c. When an owner has been overcharged as a result of incorrect reading of the meter, incorrect calculation of the bill, incorrect connection of the meter or other similar reasons, the amount of the overcharge shall be adjusted, refunded or credited to the owner.

d. When an owner has been undercharged as a result of incorrect reading of the meter, incorrect calculation of the bill, incorrect connection of the meter or other similar reasons, the amount of the undercharge may be billed to the owner.

7. Transfer of ownership.

When transfers of property served by the water system are to be made, the owner shall request the water meter to be read at least two business days in advance, and a final bill will be prepared and available in the Department office. Said final bill must be paid prior to transfer of the service to the buyer, and the seller shall be liable for all charges to the date of written notice to transfer the service. The seller shall furnish the Department with the name and mailing address of the buyer. The new owner (buyer) must apply for service in the Department office and pay a transfer fee in accordance with the Department Fee Schedule.

8. Obligations of owner.

a. The owner shall own and be responsible for the expense to repair and maintenance of the service connection line from the main to the building and shall be obligated to protect Department owned meters, curb boxes, fixtures and appurtenances from freezing and other damage, from whatever cause.

b. The obligation for thawing any frozen services and meters shall be the responsibility of the owner.

c. When there is a leak in any service pipe and the owner of the property cannot be readily found or, refuses to make immediate repair, the Department has the right to make the necessary repairs and/or shut-off service and any and all costs thereof shall be charged to the Owner.

9. Damage to water mains, and meters.

a. All damages to water mains, and/or meters owned by the Department caused by the owner or his agent in putting in sewers, drains, pipes or in any other manner shall be chargeable to the owner, and such charges shall be collected in accordance with the provisions of this article.

b. No owner or his lessees shall be compensated for damages to his property or appurtenances thereof because of damage caused by his neglect, carelessness, mischief and/or vandalism or by his lessees to any water mains, service mains, hydrants and/or meters.

10. Water system operation.

No person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage of water supply occasioned by accident to any portion of the works nor for stoppage for purpose of additions or repairs, nor for nonuse occasioned by absence or any other reason, and the Marlborough Municipal Water System shall have the right at all times to shut off the water temporarily without notice (although it is intended that prior notice will be given when possible) for necessary repairs, extensions or other necessary work connected with the distribution system or for causes beyond its control. The Department may restrict or regulate the quantity of water used by consumers in case of scarcity or whenever the public welfare may require it.

11. Damage due to delinquent and/or terminated accounts.

No person shall be entitled to compensation for damage due to termination of service due to unpaid water use rates and charges as established by the provisions of this article.

12. Rights of Department agents and/or representatives.

The duly authorized agents or representatives of the Department shall have the right of access at all reasonable hours to the premises supplied with water for the purpose of reading meters, examining meters, pipe connections and fixtures thereof, etc., and for observing the manner of the use of water and for any other necessary purpose, and

said agents and/or representatives shall supply the proper credentials of their authority upon request by the owner or the owner's representative.

13. Water use rates or charges to Town.

The Town shall be subject to the same water use rates and charges under the same conditions and terms as other users of the water system.

14. Amendments to water use rules, rates and charges.

The Town reserves the right to change and amend from time to time these terms, conditions, rates and charges for the use of water in accordance with the contract with the water supplier and/or the Connecticut General Statutes, as amended.

SCHEDULE A

FEES

Application Fee	\$50.00
Tapping Fee.	\$1,500.00
Disconnect Fee	\$250.00
Meter Relocation	\$250.00
Reconnection Fee	\$250.00
Transfer of Ownership	\$10.00
Meter Test/Calibration	\$500.00
Returned Check Fee	\$20.00
Damaged Equipment and/or replacement	Department's cost of repair
Missed Appointment Fee by the Department	\$50.00 plus any cost incurred

Meter Service Charge

Meter Size 1" Monthly	\$100.00 Quarterly/ \$25.00
--------------------------	-----------------------------

Water Consumption Charge

Per 1,000 Gallons	\$6.50
-------------------	--------