

PREAMBLE

WHEREAS the Town Council, sitting as the Board of Water and Sewer Commissioners (“Board”) is responsible for the municipal water system in the Town of Jamestown; and

WHEREAS potable water is a resource necessary for the public health and safety of our community; and

WHEREAS it is the duty of the “Board” to preserve and protect this resource and ensure its wise and responsible use; and

WHEREAS certain areas of the Town of Jamestown, including the urban water district and surrounding areas, are almost exclusively served by the municipal water system; and

WHEREAS this district is the location of our school, the business community, public services, and a large number of residences; and

WHEREAS the district and surrounding areas have no other practical alternative to the municipal water system for potable water due to the geology of Jamestown; and

WHEREAS the municipal water system has a well established minimum safe yield due to the limited watershed; and

WHEREAS the minimum safe yield of the system has been regularly reached and exceeded during the summer for many years; and

WHEREAS the ability of the “Board” to provide potable water to its customers has been seriously threatened from time to time; and

WHEREAS these threats have caused the “Board” to seek help from the National Guard in delivering water to the island by tanker truck; and

WHEREAS these threats have caused the “Board” to install a water line from North Kingstown to Jamestown; and

WHEREAS the “Board” has requested at various and diverse times the Town of North Kingstown to provide water to Jamestown; and

WHEREAS, North Kingstown has not always been able to provide water; and

WHEREAS these threats have required the “Board” on various occasions to terminate all non-essential water usage; and

NOW, wherefore, in view of the above, the “Board” hereby enacts and adopts the following regulations designed to protect the municipal water system:

SOME WAYS WE CAN BE OF SERVICE TO YOU

The Commission maintains permanent service connection records including service and curb box locations. This information is available to applicants upon request.

The Commission assists the customer whenever possible, to locate or mark out existing underground service pipes.

In the event of a leak in a customer's service pipe, the Commission has equipment available that can frequently locate the leak, thus reducing the cost of repairs.

The Commission will, upon request, send a Water Department employee to turn off a curb stop at the customer's main valve, so that necessary repairs can be made. A nominal fee will be charged for this service.

The Commission will furnish rate schedules and such additional information as customers may responsibly request.

The Commission maintains a regular water sampling program to insure the safe water quality for its customers.

The Commission periodically flushes all water mains throughout the distribution system and tests all hydrants and gates to remove sediment from the system and to improve water quality and availability for fire protection. Water may become discolored during this procedure and particular care should be taken while washing clothes.

If you have any questions or suggestions, please call the Water Department at 423-9808 between the hours of 8:00 AM and 4:30 PM (Monday through Friday). We will be happy to assist you. Information is also available on-line at <http://www.jamestownri.net/utilities.html>.

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RULES AND REGULATIONS
 of
BOARD OF WATER AND SEWER COMMISSIONERS

As amended May 18, 2009

Deleted: As amended May 20, 2002.

DEFINITIONS

The word "Commission" as used herein is THE BOARD OF WATER AND SEWER COMMISSIONERS OF THE TOWN OF JAMESTOWN, R. I.

"Customer" means any person, corporation, company, association, or partnership, which has an ownership interest in premises furnished water by the Board of Water and Sewer Commissioners.

"Premises" shall include, but shall not be restricted to:

- (a) Each unit in a condominium as the same is defined in Title 34, Chapter 36.1, Section 1.03, of the General Laws of Rhode Island;
- (b) Each unit physically separated from other units within a building or structure and having separate washroom, bathroom and/or cooking facilities;
- (c) Any structure having washroom, bathroom and/or kitchen facilities;
- (d) Any undeveloped property.
- (e) A wharf or pier.

"Rural Water and Sewer District" shall refer to all the land in the Town of Jamestown which is not contained within the Urban Water and Sewer District as described below and further designated as the Rural District on the Urban and Rural Water and Sewer District Map, Appendix A.

"Service Pipe" means the water pipe that runs between the main and the customer's place of consumption, including fire lines.

"Sewer Service Connection" shall refer to a hard pipe attachment to a single structure on an individual lot with frontage on the right of way within which the public sewer main is located.

"Street" means any land, road or highway used by the public for purposes of travel by vehicles or any suitable easement granted through the Board of Water and Sewer Commissioners to provide water and/or sewer to two (2) or more premises.

"Street Main" means the water or sewer pipe normally maintained by the Commission under any street.

"Undefined Terms": Where any term, word or phrase utilized in these Regulations is undefined and is defined in the Zoning Ordinance, such term, word or phrase shall be defined in accord with the Zoning Ordinance.

"Urban Water and Sewer District" shall refer to all the land in the Town of Jamestown bounded to the north by a line running east along the north property line of Plat 8, Lot 30, from the West Passage of Narragansett Bay extended to Arnold Avenue and continuing east on Arnold Avenue to North Road, then north on North Road to Whittier

Road, then east on Whittier Road to Prudence Lane, then south on Prudence Lane to Bryer Avenue, then east on Bryer Avenue to Calvert Place, then north on Calvert Place to Mount Hope Avenue, then east on Mount Hope Avenue to Bayview Drive, then north on Bayview Drive to property line of Plat 8, Lot 645, to the East Passage of Narragansett Bay and bounded to the south by the water shut off at the Mackerel Cove Beach House, running east along Hamilton Avenue right of way and along the northern edge of Plat 9, Lots 827 and 324, extended east to the East Passage of the Narragansett Bay and further defined as that land which is encompassed within the area shown and designated as the Urban District on the Urban and Rural Water and Sewer District Map, Appendix A. All reference to roadway boundaries is defined as the centerline of the roadway.

"Water Service" means the flow of water from the street main through the "SERVICE CONNECTION" AND "SERVICE PIPE" to and through the water meter and into the "CUSTOMER'S" interior piping system for consumption or use therein.

"Water Service Connection" means the water service pipe, excluding corporation cock, from the main to and including the curb stop adjacent to the street line or the customer's property line, and such other valves and fittings as the Commission may require between the main and curb stop.

"Water or Sewer Extension" means the physical extension of any street main and/or the supply of municipal water or sewer to premises in excess of the number allowed as a matter of right by the Zoning Ordinance of the Town of Jamestown, as the same may be amended from time to time.

GENERAL RULES

1. The rules and regulations as herein set forth constitute a part of the contract with every customer taking water from the Commission each of whom shall be deemed to assent and be bound thereby.

2. The Commission will attempt to provide an adequate supply of water throughout its system, but in view of the limitations of the system cannot assume responsibility or liability, direct, indirect or consequential, for any damage from failure to do so. Whenever possible, work necessitating the interruption of service will be scheduled to provide the least inconvenience to the customer. The Commission will make a reasonable effort to give notice in advance of any work necessitating the interruption of service. To safeguard against possible damage due to interruption of service, customers shall regulate their installations connected with the water supply system so that damage will not occur if water is shut off without notice. Automatic check valves shall be installed on the service at the building. Water boilers and storage pressure tanks shall be provided with a temperature, vacuum, and pressure relief valves which customers shall keep in good operating condition at all times. Lever type valves are required.

3. Authorized employees of the Commission shall have reasonable access to customers' premises for the purpose of reading, testing or repairing meters; inspecting plumbing connections, fixtures or pipes, inspecting for illicit connections or discontinuing service for any of the reasons listed under Rule 60 and such employee will wear a Commission uniform or carry a badge identification card, or insignia, identifying him as a commission employee. Services rendered after hours or on weekends or Holidays are subject to special charges, and this service shall be for emergencies only.

4. Whenever the public interest so requires, the Commission reserves the right to curtail or suspend entirely the use of water for essential and nonessential purposes. Such limitation of use shall be without liability on the part of the Commission.

5. No customer shall supply water to other persons or permit any connection to be made on his premises for supply to other premises.

6. If there is not sufficient pressure or flow in the system to permit an industrial or commercial customer to qualify for preferred risk insurance, the expense for any improvement in the system for this specific purpose shall be borne by the customer.

7. Customers are responsible for keeping their service pipes, house pipes and fixtures in good order and protected from freezing. Failure to do so may result in interruption of service and costly repairs for which the Commission is not liable.

8. Any changes in location of meters or services requested by the customer shall, if approved by the Commission, be made at the customer's expense.

9. No pipe or fixture connected with the mains of the Commission may be connected with pipes or fixtures supplied with water from any other source. Storage or mixing tanks subject to contamination, swimming pool re-circulating systems, private wells and reclaiming

water systems, etc. are considered for the purpose of this regulation as other sources. Such cross connections are in violation of Rhode Island State Health Department regulations. All service connections shall have an approved backflow device installed after the meter. The device shall be the property of the owner and shall be maintained and tested at the owner's expense.

10. The piping and plumbing on all premises supplied from the Commission's water system shall conform to all State and local regulations.

11. Water furnished by the Commission shall not be used for air conditioning or equipment cooling.

12. In the event that any customer shall use water at rates of flow that cause noticeable pressure variations in the water system, the Commission may require that the customer control his flow rates or install equipment to minimize such variations.

13. Commercial buildings and restaurants shall comply with the 2006 International Plumbing Code chapter 10, section 1003 for the installation of grease traps.

14. The owner is responsible for the maintenance of the sewer service from the house to the main including the tap.

15. The Commission from time to time may grant permission for recreational use of the reservoir.

APPLICATIONS AND TRANSFERS

13A. Urban Sewer District. All requests for sewer service connections and extensions within the urban district must be reviewed and approved as outlined below.

Applications for sewer connections shall meet the following requirements:

a. Approval by the Director of the Department of Public Works of all engineering and technical matters.

b. Compliance with the Zoning Ordinance of the Town of Jamestown as determined by the Zoning Enforcement Officer.

c. Assumption of responsibility for cost of all improvements, labor, and equipment necessary to make the connection including necessary road repairs by the applicant.

d. Payment of \$3,000 per dwelling unit or per commercial unit to the Town of Jamestown, Sewer Division.

As a condition of approval for all service connection requests, the applicant shall install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto.

Applications for sewer extensions in the urban district shall meet the following requirements:

a. Approval by the Director of the Department of Public Works of all engineering and technical matters.

b. Compliance with system capacity as determined by the Commission.

c. Consistency with the Zoning Ordinance of the Town of Jamestown as determined by the Zoning Enforcement Officer.

d. Assumption of responsibility for cost of all improvements, labor, and equipment necessary to make the extension and subsequent connections including necessary road repairs by the applicant.

e. Payment of \$3,000 per dwelling unit or per commercial unit to the Town of Jamestown, Sewer Division.

As a condition of approval for all sewer extension requests in the urban district, the applicant shall install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto.

13B. Rural Sewer Districts. All requests for sewer service connections and extensions within the rural district must be reviewed and approved as outlined below.

Applications for connections shall require the following:

a. Frontage on the public sewer main in the right of way.

b. Discharge estimates.

c. Assumption of responsibility for cost of all improvements, labor, and equipment necessary to make the connection by the applicant.

d. Payment of \$3,000 per dwelling unit or per commercial unit to the Town of Jamestown, Sewer Division.

As a condition of approval for all service connection requests, the applicant shall install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto and satisfy the technical specifications required by the Director of Public Works.

All applications for a sewer extension shall show to the satisfaction of the Commission the following:

a. The request is not contrary to the goals and policies of the Comprehensive Community Plan in effect at the time of application. Prior to the approval of any sewer service extension, the Commission shall receive an advisory opinion from the Planning Commission and the Public Works Director relative to the proposal.

b. Existing conditions pose a risk to public health, safety, or welfare.

c. The general area proposed for expansion is not suitable for service by Individual Sewerage Disposal Systems or other acceptable alternative systems. The applicant shall furnish such information in connection therewith as requested by the Commission.

As a condition of approval for all service extension requests, the applicant shall:

a. Install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto.

b. Satisfy the Commission that there is adequate system capacity.

c. Satisfy the Board that the extension will not have a negative effect on existing private wells in the area.

d. Assume responsibility for cost of all improvements, labor and equipment necessary for the expansion by the applicant.

e. Pay an amount sufficient to allow for mitigation of inflow/infiltration equal to or greater than that which will be generated by the proposed extension. This amount shall be determined by the Public Works Director.

14A. Urban Water District. All requests for water extensions and/or service connections shall be made on forms provided by the Commission and signed by the owner of the premises to be supplied or his duly authorized representative.

I. Within the Urban Water District requests for water connections to single or two-family residential uses shall be granted by the Commission subject to the payment of a \$3,000 connection fee for each unit, or such fee as is established by the Commission from time to time, as well as an installation fee which shall be based on the amount of time and material incurred by the water department in performing the installation. The minimum installation fee shall be \$1,850 for services installed on town roads and \$3,300 for services installed on state highways. The Commission will consider, on a case by case basis, requests to waive the installation fee with respect to connections which will service low or moderate income housing as defined in Section 45-53-3 of the Rhode Island General Laws, as amended from time to time. Said connection fee shall be placed in the capital reserve fund for the purpose of making future improvements to the public water system while the installation fee shall be placed in the operating account to cover the actual installation expenses incurred.

Within the Urban Water District requests for water extensions to single or two-family residential uses will be allowed under the following conditions:

a. That the owner, at his expense, shall extend a municipal water main in a street in accordance with the specifications approved by the Public Works Director. All

cost associated with the extension including but not limited to engineering, materials and labor shall be the responsibility of the owner.

b. That the above described extension of water shall be designed and constructed consistent with the improvement of the municipal system and in accordance with generally accepted water and sewer distribution practices and approved by the Public Works Director, and shall be required for the purpose of insuring that the distribution and quality of water delivered to existing customers shall not be impaired.

c. All pipe and materials shall conform to AWWA specifications. The size of the pipe shall be a minimum of eight (8) inches or as outlined in the Fay, Spofford and Thorndike report of fire flows, whichever is greater. No recycled pipe or materials are to be used.

d. Extensions shall be looped and not allow for dead ends if feasible. If no public way is available to loop a line, the line shall be extended to the midpoint of the property requesting the extension.

e. That a performance bond with surety in an amount satisfactory to the Commission shall be required to insure the proper construction and completion of the extension.

f. That any service connection is subject to the payment to the Commission of \$3,000 connection fee or such connection fee as is established by the Commission from time to time, per a dwelling unit or per commercial unit.

g. Applicant shall install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto.

h. Prior to service, all lines shall be chlorinated, flushed, pressure tested and water quality tested.

i. The Jamestown Fire Chief must be consulted as to the necessity of fire hydrants. A hydrant must be placed at the end of any dead-end street.

j. Consistency with system capacity as determined by the Commission.

k. That any service connection is subject to the payment of an installation fee which shall be based on the amount of time and material incurred by the water department in performing the installation. The minimum installation fee shall be \$1,850 for services installed on town roads and a \$3,300 installation fee for services installed on state highways. The Commission will consider, on a case by case basis, requests to waive the installation fee with respect to connections which will service low or moderate income housing as defined in Section 45-53-3 of the Rhode Island General Laws as amended from time to time. Said fee shall be placed in the operating account to cover the actual installation expenses incurred.

II. All requests for water extensions and/or service connections to uses other than one or two family dwelling units will be subject to the following conditions:

a. The applicant shall be subject to the requirements listed in (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) above.

b. The applicant shall show to the satisfaction of the Commission that the proposed extension or service connection:

1. Is consistent with the Comprehensive Community Guide Plan adopted December 23, 1991, as amended;

2. Will not result in an increase in annual consumption of water that would otherwise result if:

(i) The applicant dedicated the use of the premises to a use as allowed by the Zoning Ordinance as a matter of right and not the result of any variances.

3. Will not reduce the level of fire protection of the community.

III. Any requests for continued service connections where the applicant proposes an expansion of use or a change in use will be subject to the following conditions:

a. The applicant shall be subject to the requirements listed in subparagraph (g) and (j) of this section 14A I, and

b. The applicant shall be subject to the requirements of subparagraph (b) (1), (2) and (3) of this section, 14A II; and

14B. Rural Water Districts. All service connections in the Rural Water District shall be subject to the following conditions:

a. The applicants shall be subject to the requirements described for connections in the urban district for one or two-family residential uses.

b. The applicants shall show to the satisfaction of the Commission that the proposed service connection requested:

1. Is Consistent with the Comprehensive Community Guide Plan adopted December 23, 1991, as amended;

2. Will not impair the available resources of the Urban Water District;

3. Will not reduce the level of fire protection of the community; the property shall not be part of a major subdivision.

4. Extensions to and within the rural district shall be prohibited.

Nothing herein shall be construed to prohibit or prevent the Board of Water and Sewer Commissioners from making such improvements, including extensions, which shall, in the opinion of the Board,

improve the quality or quantity of water furnished to existing water uses.

CONSERVATION

15A. Limitations on Use. In an effort to conserve water, the following rules shall control the uses hereafter described:

1. No customer shall connect an in-ground or underground irrigation or sprinkler system to the municipal water system. Lawn irrigation shall be prohibited from June 1 to August 31.

2. No customer shall use water furnished by the municipal water system for lawn irrigation, house washing, boat washing, or residential car washing when the height of NORTH RESERVOIR is more than 42 inches below the top of the spillway and after publication of said information in a daily or weekly newspaper of general circulation within the Town of Jamestown.

3. When the height of the North Reservoir is from 42 inches to 60 inches below the top of the spillway and after publication as described in subsection 2, above, no customer shall use water furnished by the municipal water system for any outdoor use.

4. Any customer alleged to have violated any of subsections 1 through 4, of Section 15A or any of subsections 1 through 4 of Section 15B of the Rules and Regulations, may be required to appear at a show cause hearing before the Commission. Notice of the show cause hearing shall be mailed to the customer by first class mail at least fourteen (14) days before the hearing. The notice shall set forth the time, date and place of hearing and the subsection or subsections alleged to have been violated. The hearing shall be open to the public. Violations shall be established upon proof to a preponderance of the evidence before the Commission, as found by a majority vote of all members of the Commission, that the customer has violated the aforementioned Rules and Regulations. If the Commission finds that there has been a violation of the Rules and Regulations, the burden shall be upon the customer to show cause, by a preponderance of the evidence satisfactory to a majority of the Commission, why the customer's water service should not be discontinued or, as an alternative to discontinuance, temporarily suspended upon such terms and conditions as the Commission deems appropriate.

5. An application for relief from the literal requirements of subsections 2, 3, and 4, above, in the form of a variance, shall be made in writing to the Board of Water and Sewer Commissioners, specifying the relief sought and reasons therefore. The Commission shall hold a public hearing on any application for a variance in an expeditious manner, after receipt, in proper form, of an application, and shall give notice of the public hearing by publication of notice in a newspaper of general circulation within the Town of Jamestown at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard

upon the matter of the application for the variance. Notice also shall be sent by first class mail to the applicant at least fourteen (14) days before the hearing. The cost of publishing and mailing notices shall be borne by the applicant. The Commission may grant relief in the form of a variance, setting forth terms, conditions and limitations it deems appropriate, only upon a four-fifths (4/5) vote of all members of the Commission and only upon a finding that the applicant has proven by clear and convincing evidence:

a.) That the requested relief will not compromise the ability of the Commission to supply customers with adequate quantities of safe potable water; and,

b.) That the requested relief will not contribute to conditions inimical to the public health, safety and welfare or to the Town of Jamestown Water Supply Management Plan; and,

c.) That the applicant has no reasonably available and practical alternative, such as wells, holding tanks, water tankers, off-island services, or the like, to supply water for the use or uses in question; and,

d.) That the applicant will suffer substantial hardship if relief is not granted and that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; and,

e.) That the relief to be granted is the least relief necessary.

6. The Commission may temporarily suspend all or part of the Limitations on Use set forth in subsections 2, 3 and 4 above, for such period or periods of time and/or upon such terms and conditions it deems appropriate at a public hearing and upon a four-fifths (4/5) vote of all members of the Commission and upon a finding, upon a preponderance of the evidence, that it is satisfied that rainfall, other meteorological conditions, North Reservoir height, projected water usage needs, and other factors it deems pertinent establish that the suspension will not compromise the ability of the Commission to supply customers with adequate amounts of potable water for the foreseeable future, and that the suspension will not contribute to conditions inimical to the public health, safety, welfare or to the Town of Jamestown Water Supply Management Plan. The reason for and the dates comprising the period of suspension shall be set forth in the decision of Commission. However, the Commission may terminate the suspension at any time if it determines at public hearing and upon majority vote that a preponderance of evidence shows that conditions require reinstatement of the suspended subsection or subsections. Notice of public hearings hereunder shall be published in a newspaper of general circulation within the Town of Jamestown at least seven (7) days before the hearing. Notices of suspension, termination and/or reinstatement shall be published in such a newspaper within seven (7) days of the Commission's action.

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15B. Limitations on Appliances, Toilets and Fixtures. In an effort to conserve water, the following rules shall control appliances, toilets and fixtures.

1. New Construction. No connection to the municipal water system shall be approved unless all clothes washers, dishwashers, toilets, faucets and showerheads meet or exceed the water efficiency standards established and published by the board from time to time.

2. Existing Construction. No clothes washer or dishwasher in any structure connected to the municipal water system shall be replaced except with such appliance as meets or exceeds the water efficiency standards established and published by the board from time to time.

3. Existing Toilets, Faucets, Showerheads and Clothes Washers.

a. Sale. No interest in improved real property connected to the municipal water system shall be conveyed for consideration unless and until all toilets, faucets and showerheads therein meet or exceed the low-flow standards established and published by the board from time to time.

b. Non-Sale. All toilets, faucets and showerheads in all improved real property connected to the municipal water system shall meet or exceed the low-flow standards set forth in the following in Table A, below. The Owner of any improved real property which is not in compliance with the requirement shall be billed an addition Fifty Dollar (\$50.00) charge for each quarter during which the noncompliance continues.

Plumbing Fixture or Fixture Fitting	Maximum Flow Rate or Quantity**
Water Closet	1.6 gallons per flushing cycle
Urinal	1.0 gallons per flushing cycle
Shower Head	2.5 gallons per minute at 80 psi
Lavatory, private	2.2 gallons per minute at 60 psi
Lavatory, public	0.5 gallons per minute at 80 psi
Lavatory, public, metering or self-closing	0.25 gallon per metering cycle
Sink faucet	2.2 gallons per minute at 60 psi

**Consumption tolerances shall be determined from reference standards.

Within fifteen (15) years of the date May 17, 1999, all clothes washers in all improved real property connected to the municipal water system shall meet or exceed the water efficiency standards established and published by the board the from time to time.

4. Procedure. No person shall connect new construction as described in (B)(1) above, replace appliances as described in (B)(2) above, or replace toilets, faucets, showerheads and clothes washers as described in (B)(3)(a) and (B)(3)(b) above, unless issued a permit therefore by the office of the building official of the Town of Jamestown.

Upon installation or replacement of the appliances and/or fixtures described herein, every owner shall apply to the office of the building official for a certificate of compliance which shall be

issued by the office of the building official upon satisfactory evidence that the appliances and/or fixtures meet the standards established and published by the board from time to time. The office of the building official shall charge as an inspection fee for said certificate of compliance such fee as may be established and published by the Commission from time to time. Said certificate of compliance shall be presented to the Clerk of the Commission who shall maintain a permanent record of the same.

SERVICES

16. A single service may not supply more than one premises.

17. All new services, renewed services, and existing services transferred to new owners shall be metered. The Commission may meter private fire lines if it so desires.

18. All new and renewed services shall be a minimum of one (1) inch in diameter with no soldered joints underground. Services shall be Type K copper tubing. Customers who replace their service line at their discretion shall be responsible for excavating back to the main, backfilling with gravel and compacting the trench. The Commission shall re-tap the main, replace the tubing to the corporation stop and patch the road.

19. All services shall be provided with a full way shut off and valve box at the curb or at a convenient point prescribed by the Commission between the curb and the property line, and with a ball valve inside the cellar wall, except that valves without wastes may be used in connections with a meter, one valve to be located on the street side and the other on the building side of the meter. Where more than one building on a premises is supplied by a single service, the branch line to each building shall have an underground shut off valve with valve box outside the building.

20. When an applicant applies for service, except in conjunction with new main extensions, the Commission or its agent will furnish, install, own and maintain such new service connection. The applicant will bear the cost of the service connection pipe and curb stop and their installation. The applicant will also be charged for tapping the main, furnishing and installing the corporation cock and curb box, and for the costs of excavation, backfill and removal and replacement of paving, walks, curbs, etc., necessarily incurred with respect to new services. Such charges shall be assessed in the form of an installation fee which shall be based on the amount of time and material incurred by the water department in performing installation. The minimum installation fee shall be \$1,850 for services installed on town roads and \$3,300 for services installed on state highways. Said installation fee shall be utilized to cover the actual installation expenses incurred. The Commission will consider, on a case by case basis, requests to waive the installation fee with respect to connections which will service low or moderate income housing as defined in Section 45-53-3 of the Rhode Island General Laws as amended from time to time.

21. The Commission or its agent will furnish, install, own and maintain at its expense, all replacements of service connections it deems necessary, including the cost of excavation, backfill, removal,

and replacement of paving, walks, curbs, etc. necessarily incurred with respect to each replacement.

22. The customer at his own expense shall furnish, install, own and maintain the service pipe from the curb stop to the place of consumption, and shall assume ownership of the curb box, keeping service pipe and box in good repair in accordance with reasonable requirements of the Commission.

23. The customer shall inform the Commission previous to backfill so that the Commission may make an inspection in order to determine whether the service pipe complies with company requirements. No service pipe shall be turned on without prior approval by the Commission.

24. Maintenance of all service pipes from curb stop to inside the cellar wall, shall be paid for by the customer.

25. The service pipe shall extend through that point on the customer's property line or the street line easiest of access to the utility from its existing distribution system and, where practicable, from a point at right angles to the existing distribution line in front of the premises to be served. New service pipes and replacement of existing service connections shall not cross-intervening properties. The approval of the Commission shall be secured as to the proper location for the service pipe.

26. Services shall be laid at a minimum depth of 4'-6" below ground. The Commission will not be responsible for damages done to services which have not been properly drained. Services for buildings without cellars shall have underground stop and waste valves between building and curb shutoff.

27. Customers who wish to convert from seasonal to year round service shall be responsible for lowering service to a minimum depth of 4'-6" below ground level. Such services which have been lowered shall be inspected by the Commission before backfilling. The Commission, at its discretion, may shut off seasonal meters which are used all year, which have not been lowered to the proper depth.

28. Water services may not be laid in the same trench with other underground utility facilities.

29. No service pipe shall cross any portion of a seepage system or be installed less than 10 feet away from any portion of a seepage system.

30. All existing underground lawn sprinkling systems shall be equipped with check valves and vacuum breakers to prevent back siphonage into the water system.

31. If part of a multiple family house changes ownership, the new owner shall have a separate service and meter installed.

32. The cost of restoring a deactivated service in excess of any salvage realized shall be borne by the customer.

METERS

33. The Commission shall determine the type and size of the meter to be installed. Each premises must be separately metered. The Commission will require that each apartment in a multiple family apartment house be separately metered where the existing plumbing permits, with suitable control valves for each unit at locations to be determined by the Commission.

34. No Sub-metering will be permitted.

35. Services provided with meters larger than inch and a half shall include valves, a sealed by-pass and test tee around the meter.

36. For the installation of seasonal meters, upon notification, between April 15th and May 31st, a charge of \$50.00 will be made. For installing a seasonal meter before or after said dates, upon notification, a charge of \$75.00 will be made. For removing, testing and storing of seasonal meters, upon notification, between September 15th and October 31st, a charge of \$50.00 will be made. For removing, testing and storing of seasonal meters, upon notification, before or after said dates, a charge of \$75.00 will be made. Attention is called to the Rules pertaining to disconnecting meters. Any repairs required to rehabilitate a seasonal meter must be borne by the customer.

37. Meters will be owned, installed, maintained and removed by the Commission. Damage due to freezing, hot water, faulty connections, or customer's negligence shall be paid for by the customer.

38. No person, other than a Commission employee, shall break seals or disconnect meters unless specifically authorized in writing by the Commission to do so. If any person takes such action without authorization from the Commission, he will be liable for any damages which may result therefrom, and shall be billed on the basis of water used in a similar period.

39. The customer will provide at his expense, an accessible and protected location for the meter, which location shall be subject to the approval of the Commission at the time of service pipe installation. The meter must be located inside the building it serves and have adequate accessibility and protection against freezing or other damage to the meter. A setting within a building shall be located just inside the cellar wall at a point which will control the entire supply, exclusive of fire lines, to the premises; except that when the service pipe exceeds 100 feet in length, the Commission may require that the meter be set near the street shut off with suitable valves in a pit at least five (5) feet deep with a cover. Pit and cover shall be owned, installed and maintained by the customer; pit construction and location shall be approved by the Commission.

40. The customer is responsible for maintaining piping on either side of meter in good condition and valved on both sides of meter so that meter may be removed or replaced conveniently and without impairing such piping. The Commission reserves the right to seal the valve before the meter or to place meter seals on each side of the meter. If a leak should develop, subsequent to meter removal or replacement, due to poor condition of the piping, the customer shall be responsible for any necessary repairs.

41. Swimming pools or other facilities which might require considerable quantities of water may be required to be separately metered and to have separate services. Customers are not permitted to fill pools with water from hydrants.

42. The customer is requested to notify the Commission promptly of any defect in, or damage to, the meter or its connection.

43. In order to assure accuracy, the Commission may at any time remove a meter for tests, repairs or replacement.

44. The Commission will, upon written request by a customer and if he so desires, in his presence, make without charge a test of the accuracy of the meter in use at his premises, provided the meter has not been tested by the Commission within the period of one (1) year previous to such request. A written report of the results of the test shall be furnished the customer.

45. The Commission can assume no responsibility for the clogging of interior house plumbing that may occur during or after repairs to services or meters.

BILLING AND COLLECTION

46. Separate premises shall be separately billed.

47. Bills are payable when rendered. Failure of the customer to receive the bill or notice does not relieve him from the obligation of payment or from the consequences of its non-payment.

48. Water supplied to a building occupied by more than one tenant shall be charged to the owner or his agent and shall not be charged to the various tenants in the building. However, upon written request of an owner, the Commission will meter each tenant separately and bill the owner for each metered tenant, in addition to his own bill from which the tenant's metered water shall be deducted. In any event, the owner shall be primarily liable and responsible for water supplied.

49. Whenever a metered customer is receiving water for more than one purpose, predominant use as determined by the Commission shall determine whether he is to be billed at residential, commercial or industrial rates.

50. Where a premises is supplied by two or more meters connected to a single service, the minimum charge for each meter shall be applied and the registrations combined in the computation of consumption charges. Where a premises is supplied through more than one service the minimum charge shall be applied to each meter and the registrations shall not be combined. Combined billing will not be allowed except on the same premises.

51. Bills for residential and commercial metered service rendered quarterly, shall cover consumption during the previous quarter except the minimum meter charge is billed in advance.

52. Bills for industrial and commercial customers and large consumers shall be rendered monthly and may cover consumption during

the previous month, except the minimum meter charge is billed in advance.

53. First and final bills, shall be prorated so as to adjust the bill to the periods for which service was rendered. Bills for seasonal metered service, including installation and minimum meter charges, shall be rendered at the time the meter is installed. Bills for removing, testing and storing the seasonal meters and for all water used above the minimum allowed. shall be rendered at the time the meter is removed. No seasonal meter shall be installed unless and until all charges against the account have been paid in full. Prorated charges will be made in cases where new cottages are occupied for the first time subsequent to July 15th.

54. Private fire protection charges shall be billed quarterly and shall be billed in advance.

55. Public fire protection charges shall be billed quarterly and shall be billed in advance.

56. Water for construction purposes will be sold at regular commercial meter rates. If it is not practicable to install a meter, the minimum commercial meter rate will apply.

57. Miscellaneous sales and temporary services are billed as the service is rendered.

58. All bills are due upon presentation. If any part of a bill is unpaid 30 days after presentation, the Commission may, after 15 days written notice, discontinue service. If water is turned off for non-payment there will be a charge for turning on the water again.

Customers are warned that under the Enabling Act of the Legislature establishing the Water Commission, interest at the rate of 8% per annum must be charged on all unpaid bills from thirty days after due date until date of payment. Also under the Enabling Act, the Collector of Taxes shall present a certificate to the Town Clerk stating the amount of the delinquent bill, its due date and the name of the owner of the real estate as a public record, notice of which shall be mailed to such owner. From the date of such filing until the same is paid in full, such delinquent bill plus any interest and charges accruing thereon shall constitute a lien upon the real estate on a parity with the lien for town taxes.

Listed below is a schedule of the billing:

BILL SENT OUT = DUE DATE

DUE DATE + 20 DAYS = REMINDER NOTICE

DUE DATE + 30 DAYS = TURN OFF NOTICE

Note: This also starts interest charges and the filing of the lien.

TURN OFF NOTICE + 6 DAYS = Telephone call or letter to address of record.

TURN OFF NOTICE + 15 DAYS = Shut Off Water Service.

TOTAL DAYS TO SHUT OFF = 45 DAYS

Note: No shut offs under Rule 61 will be done on the day immediately prior to a weekend or Holiday.

59. Bills which are incorrect due to meter or billing errors will be adjusted as follows:

Whenever a meter in service is tested and found to have over-registered more than two per cent (2%), the Commission will adjust the customer's bill for the excess amount paid, determined as follows:

If the time at which the error first developed can be definitely determined, the amount of overcharge shall be based on that period of time. If the time at which the error first developed cannot be determined, the amount of the overcharge shall be for a period equal to one-half of the time since the meter was last tested. If more than one customer received service through the meter during the period for which the refund is due, a refund will be paid to the present customer only for the time during which he received service through the meter.

Whenever a meter in service is found not to register, the Commission may render an estimated bill. The Commission will estimate the charge for the water used by averaging the amount registered over a similar period preceding or subsequent to the period of non-registration or for corresponding periods in previous years adjusting for any changes in the customer's usage.

Billing adjustments due to faulty meters will be calculated on the basis that the meter should be one hundred per cent accurate. For the purpose of billing adjustment the meter error shall be one-half of the algebraic sum of the error at maximum test flow plus the error at intermediate test flow.

When a customer 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 will be refunded or credited to the customer.

When a customer 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 will be billed to the customer.

DISCONTINUANCE OF WATER SERVICE

60. Service may be refused or discontinued for any of the following reasons:

- (a) A condition determined by the Commission to be hazardous.
- (b) Customer use of equipment in such a manner as to adversely affect the Commission's equipment or the Commission's service to others.
- (c) When the Commission has discovered that by fraudulent means a customer has obtained unauthorized water service or has diverted the water service for unauthorized use or has

obtained water service without same being properly registered upon the Commission's meter.

(d) Tampering with the equipment furnished and owned by the Commission.

(e) Violation of or non-compliance with the Commission's Rules and Regulations.

(f) Failure of the customer to fulfill his contractual obligations for service or facilities subject to the Commission's Rules and Regulations.

(g) Failure of the customer to permit the Commission reasonable access to its equipment.

(h) Failure of the customer to furnish such service equipment, permits, certificates or rights of way as shall have been specified by the Commission as a condition to obtaining service or are necessary therefore or for withdrawal or termination thereof.

Whenever possible, no service will be disconnected on the day immediately prior to a weekend or holiday, except as provided in subparagraphs (a), (b), (c) and (d) of this section.

PRIVATE FIRE SERVICE CONNECTIONS

61. Fire hydrants and sprinkler systems shall be installed and maintained at the expense of the customer. The size, material and location of piping and specifications for any tanks and pumps that may be required shall be submitted in writing to the Commission for approval.

62. Private fire services shall not be used to serve water for purposes other than fire protection, and no water shall be taken from a private fire service connection or hydrant for any purpose other than to extinguish fires or to test fire-fighting equipment. Such tests shall be made only after written notification to, and approval by, the Commission.

63. The Commission shall not be held liable or responsible for any losses or damage resulting from fire or water which may occur due to the installation of a private fire service connection or any leakage or flow of water therefrom.

PUBLIC FIRE SERVICE

64. If the Fire Department desires to use water from hydrants for testing equipment or for any purpose other than that of extinguishing fires, they must contact the Commission in advance of such usage.

65. Persons other than authorized fire department personnel who desire to use water from public hydrants for building or other purposes must first obtain permission in writing from the Commission.

66. All public fire hydrants shall be owned and maintained by The Commission.

67. Any hydrant located on public property or a public right of way is by definition subject to public fire charges rather than private fire charges.

WATER MAINS

68. All water mains laid as replacements or extensions of the existing system shall be a minimum of eight (8) inches in diameter, and shall comply with plans for the future water system network. Six (6) inch pipe may be laid for short distances between larger sized mains, or in other circumstances, but only by special permission of the Commission.

If the Commission requires the installation of a water main of larger diameter than ten (10) inches, they shall bear the cost difference between the ten (10) inch main and the larger size required.

Design and layout of the proposed water main, including valves, hydrants and appurtenances, shall be according to accepted good engineering practice and shall be approved by the Commission before any material shall be ordered or construction work started.

Water mains shall be laid with a minimum of 4'-6" of cover, with proper tamping, and with backfill placed in accordance with Commission specifications.

Materials to be used in the construction work shall be as specified and approved by the Commission.

EXTENSION AND FINANCING OF WATER MAINS

69. Reference is hereby made to Chapter 13 of the Code of Ordinances.