

CITY OF CONCORD

In the year of our Lord two thousand and twenty-one

AN ORDINANCE amending the CODE OF ORDINANCES, Title I, General Code; Chapter 9, Water, Article 9-1, Waterworks

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 9, Water, by amending Article 9-1, Waterworks, as follows:

9-1-1 - Waterworks Established.

A waterworks for the City of Concord, as authorized by Acts of the Legislature, as amended, is hereby established and it shall be developed, maintained and operated by the Director of [~~Waterworks~~] **General Services**, pursuant to section 30-2-17 of the Administrative Code. Water shall not be distributed beyond the City limits without a specific vote of the City Council authorizing such distribution.

9-1-2 - Definitions.

~~[Appraised value. The words "appraised value" shall mean the value of improvement as determined by the Chief Assessor for the purpose of this ordinance.]~~

~~[Availability charge. The words "availability charge" shall mean a charge covering the cost of providing necessary standby capacity to supply quantities of water in excess of ordinary consumption for use in extinguishment of fires.]~~

Cross-connection. The words "cross-connection" shall mean any actual or potential physical connection or arrangement between two (2) otherwise separate systems, one of which contains potable water and the other which contains water of unknown or questionable safety and/or steam, chemicals, gases or other contaminants whereby there may be a flow of an unapproved water to a water supply.

Customer. The word "customer" shall be taken to mean any person, firm, corporation, organization, government, or governmental subdivision who has applied for and is granted service **for water supply** and or who is responsible for payment for the service.

Director. The word "Director" shall mean the Director of [~~Waterworks~~] **General Services**.

Department. The word "department" shall mean the [~~Concord Water Department~~] **General Services Department**.

Dwelling Unit. The words “Dwelling Unit” shall mean one or more metered locations at a premises.

Fire Suppression Device. The words “fire suppression device” shall mean the system used to extinguish, contain, or in some case, entirely prevent fires from spreading or occurring.

Fixed Charge. The words “fixed charge” shall mean the price the customer pays as a base charge.

~~[Improvements]~~***Premises.*** The word [~~“improvements”~~] “Premises” shall mean all buildings and structures including but not limited to houses of public worship, parish houses, church parsonages, convents, monasteries, the buildings and structures of schools, seminaries of learning, colleges, academies and universities including dormitories, dining rooms, kitchens, auditoriums, classrooms, infirmaries, administrative and utility buildings, athletic facilities, gymnasiums, boat houses and wharves, factories, house trailers and mobile homes, hospitals, nursing homes, convalescent homes, and club houses.

Main. The word "main" shall mean a water pipe owned, operated and maintained by the [~~waterworks~~]***General Services Department***, which is used for the purpose of transmission or distribution of water but is not a water service pipe.

Meter. The word “meter” shall mean an instrument for recording the quantity of water passing through a particular service.

Meter Size. The words “meter size” shall mean the water meter classification determined by the incoming water size diameter.

Metered Water. The words “metered water” shall mean the metered quantity of potable water delivered to the customer.

Private Fire Suppression Device. The words “private fire suppression device” shall mean the privately owned system used to extinguish, contain, or in some case, entirely prevent fires from spreading or occurring.

Service pipe. The words "service pipe" shall mean the pipe running from the main to the premises of the customer.

Tier. The word “Tier” is the basis for water charges based on consumption.

Water service charge. The words "water service charge" shall mean the total of the water use rate, private fire suppression [~~availability~~]***device*** charge, [~~general availability~~]***fixed*** charge and annual schedule rates chargeable to a customer.

Waterworks. The word “waterworks” shall mean a system of pipes and structures, intakes and cribs, pumping stations, treatment plants, storage tanks, pipelines and appurtenances, or a combination thereof, actually used or intended for use for the purpose of furnishing water for drinking or household purposes.

9-1-3 - Receipts of [~~Waterworks~~]***The General Services Department*** Shall Be Earmarked.

All monies received in any way on account of the waterworks shall be paid into the City treasury, and shall be kept and applied exclusively for the uses of said waterworks, including the

payment of the waterworks bonds. The City Auditor shall keep accounts, showing fully all receipts and payments had and made in any way on account of the waterworks, including said bonds, separately and distinctly from all other receipts and payments.

9-1-4 - Fire Hydrants.

Fire hydrants may not be used for any purposes other than the extinguishment of fires or for such other purposes as may be approved by the Director. In no case shall fire hydrants be opened by any person other than an agent of the Director or a duly authorized representative.

9-1-5 - No Tampering With Waterworks Property.

No person shall tamper with waterworks property. It shall be a violation of this section for any person other than persons authorized by the director to open, close or otherwise operate any valve, shutoff, hydrant, standpipe, or curbstop which is the property of the waterworks.

9-1-6 - Water Use Rates.

The schedules of water-use rates listed in Schedule I of Chapter 1 apply to all customers using metered water. [~~Those customers whose premises are metered by the City's AMR (automatic motor reading) system shall receive a monthly credit of fifty cents (\$0.50).~~]

9-1-7 – [~~Availability~~] *Device* Charge—Private Fire Suppression Devices.

All customers using the waterworks [~~services~~] for private fire suppression devices shall pay the rates as set forth in Schedule I of Chapter 1. These rates apply to [~~availability of service for~~] private suppression devices only and include no allowance for water use.

9-1-8 – [~~Availability~~] *Fixed* Charge [~~Standby Capacity.~~]

There shall be a fixed monthly charge, based on the size of the water meter installed at the premises and a volumetric charge for all water passing through the meter, as set forth in Chapter 1, Schedule I, Chapter 9 Water, Section 9-1-6 Water Use Rates.

[~~All property owners whose improvements are within six hundred (600) feet distance from a hydrant which is part of the department water system, and all customers using the waterworks service shall pay an availability charge for general standby capacity as listed in Schedule I of Chapter 1. For new or newly renovated structures, the value of the improvements stated on the building permit shall be used to calculate the availability charge until the appraised value is available. For those users, who are prohibited by law from paying the availability charge predicted on a valuation basis, there shall be levied a surcharge as listed in Schedule I of Chapter 1.~~]

9-1-9 - Estimated Water Usage.

In the case in which a meter stops or fails to register the quantity of water used, the ~~[quarterly]~~ **monthly** usage shall be estimated as the average ~~[quarterly]~~ **monthly** amount which was recorded when the meter was in operation. In those cases in which the water usage is not metered, the ~~[quarterly]~~ **monthly** usage shall be estimated as the average ~~[quarterly]~~ **monthly** amount for the ~~[class of service and]~~ service size in the system.

9-1-10 - Operating Rules and Procedures, Fees and Charges.

The Director is authorized to establish and publish rules and procedures necessary for the operation of the waterworks. The ~~[director]~~ **Director** is also authorized to establish and adjust fees and charges associated with work performed or services supplied by the Department to the public. Said rules, procedures, fees and changes shall be subject to review and approval by the City Manager and will be incorporated in the annual budget request. The Director is authorized to enter into a non-interest bearing payment plan with a property owner for the cost of work and services supplied by the Department to eliminate the cross connection of a water line to an adjacent property. Such agreement shall be recorded at the Merrimack County Registry of Deeds and a lien shall be placed on the property in accordance with RSA 38:22, III.

9-1-11 - Date Due: Interest.

Water service charges are due and payable monthly and within thirty (30) days of the date of bill at such office(s) as the City Manager may designate. Failure or neglect to pay water service charge bills within thirty (30) days of the date of the bill shall result in the adding of one and one-half (1½) percent interest (eighteen (18) percent per annum) on water service charge ~~[bills]~~ then unpaid.

9-1-12 - Cross-Connection Control.

In compliance and in conjunction with New Hampshire Code of Administrative Rules, Part Env-Dw 505, Backflow Prevention, the Director will publish an established set of rules and administer a cross-connection control program to protect the public water supply system. No cross-connection within the system will be allowed unless protected by an approved backflow preventer commensurate with the degree of potential hazard. All such devices shall be located at the water service entrance and all water consumption within the premises shall pass through the protective device. The ~~[director]~~ **Director** is further empowered to establish and collect certain fees and charges associated with inspection and testing of premises and devices. Said fees and charges shall be reviewed with the City Manager and incorporated into annual budget requests.

9-1-13 - Charge for Testing Private Fire Hydrants.

The fee for operational testing and periodic flow testing of private fire hydrants shall be as listed in Schedule I of Chapter 1, per year, per hydrant.

SECTION II: This ordinance shall take effect July 1, 2021.

Explanation:

Matter added to the current ordinance appears in ***bold italics***.

Matter removed from the current ordinance appears in [brackets and ~~struck through~~].