



NEW SHOREHAM WATER DISTRICT RULES and REGULATIONS

As Amended April 18, 2006

The following rules and regulations made by the New Shoreham Water District constitute a contract between the customer and the Water District upon acceptance by the District of an application for water service. The customer is considered to have expressed its consent to be bound thereby and to take water only for the purposes stated in the application, at the established rates.

A. DEFINITIONS

"Air Break" shall mean a physical termination and break in the connection and continuity to any piping, meter or aperture.

"Backflow Drainage" A reversal of flow in the drainage system.

"Backflow preventor" A device or means to prevent backflow.

"Cross-connection" Any physical connection or arrangement between two otherwise separate physical systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

"Customer" shall be taken to mean any person, firm, corporation, government, or governmental division supplied by the New Shoreham Water District.

"District" refers to the New Shoreham Water District.

"Excavation" means an operation for the purpose of movement or removal of earth, rock, or other materials in or on the ground, or otherwise disturbing the subsurface of the earth, by the use of powered or mechanized equipment, including but not limited to digging, blasting, auguring, back filling, test boring, drilling, pile driving, grading, plowing in, hammering, pulling in, trenching, and tunneling; excluding the movement of earth by tools manipulated only by human or animal power and the tilling of soil for agricultural purposes."

"gpd" stands for gallons per day.

"Main" or "main pipe" shall mean the distribution pipe from which service connections are made to supply water to customers.

"Public water system" refers to the water system operated by the New Shoreham Water District.

"Premises" as used herein shall be restricted to the following:

(a) A building under one roof owned or leased by one customer and occupied as one residence or one place of business

(b) A combination of buildings owned by one customer in one common enclosure, or occupied by one family, or one corporation or firm, as a residence or place of business.



(c) Each unit of a multiple house or building separated by a solid vertical partition wall, occupied by one family or one firm, as a residence or place of business.

(d) A building owned by one customer having a number of apartments, offices, or lofts which are rented to tenants, and using in common one hall and one or more means of entrance.

"Service pipe" or "service connection" shall mean the pipe running from the main pipe to the premises of the customer.

"Seasonal use" shall mean any intermittent use, season after season, at the same premises.

"Water Supply System" The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source.

"Vacuum breaker" A type of backflow preventor installed on openings subject to normal atmospheric pressure.

B. APPLICATIONS FOR SERVICE

1. No agreement or service shall be granted by the Water District to any applicant until all arrears and charges due by the applicant at any premises, now or heretofore occupied by it, shall have been paid in full and until all plumbing is to code.

2. Accepting service from the Water District shall constitute a contract between the Water District and the applicant, obligating the applicant to pay its rates as established from time to time, and to comply with these Regulations.

3. Applications for new service connections shall be made to the Director of Public Works and accepted subject to the availability of an existing main in a street or right-of-way abutting on the premises to be served. These Regulations in no way obligate the Water District to extend its mains in order to provide service to premises under consideration. An applicant cannot be considered until the property is added to the district.

a. Available water allocation for the next year's new or increased use is determined annually in October at the joint Annual Allocation, Priorities and Capital Budget meeting.

No new or increased use may be made without application to the NS Water Board. Applications shall be made to the Water District Office on a form approved by the Board and shall include such plans, calculations and other information deemed necessary by the Board. Each application, if received with supporting information and a processing fee (determined by the Board) shall be accepted and marked with the date and time received. No application shall be accepted unless complete with all supporting information and proof of fee payment. Completed application shall be reviewed, and the requested allocation either granted or denied, based upon available capacity as determined and its priority.



An application that would be equal to or greater than the available capacity for that year shall be denied. Where an application for water allocation amounts to twenty-five (25%) of the total available allocation in a particular year or 20,000 gallons per quarter (217.4 gpd), which ever is less, the Water Board and Town Council may require special conditions or cost sharing and Contributions In Aid of Construction from such applicant if it agrees to provide service. If the application involves a "public facility" under Section 19-154(1), such application shall be forwarded to the Town Council for review. Applications for allocation of 2,000 gpd or more shall be made by August 1 prior to the Annual Allocation meeting in order to be considered for the allocation for the next year.

No building permit shall be issued without payment of all water applications and permit fees.

b. Water allocation assigned to a specific Plat/Lot, shall remain with that Plat/Lot and cannot be transferred to another Plat/Lot.

c. All sprinkler applications for new service shall purchase 15,000 gallons (163 gpd) water allocation. The Water Company will determine the amount of water used by sprinkler activation and will charge, at the prevailing rates, for excess use over the allocation purchased.

4. When a prospective customer has made application for a new service or has applied for the reinstatement of an existing service, that service shall comply with the Plumbing Code requirements as set forth by the State of Rhode Island Providence and Plantations and the Town of New Shoreham Utility Standards. The District shall not be liable, in any circumstances, for any accidental breaks, or leakage arising in any way in connection with the supply of water or failure to supply same, or the freezing of water pipes or fixtures of the customer.

5. As security for payment of bills, the District may require any applicant or any customer, whose credit has not been established with the District, to make a deposit equal to one and one-half times the estimated average bill for the third quarter of the year. In case the billing period is changed and/or the estimate of the size of the bill is found to be incorrect, an adjustment shall be made in this deposit to suit the conditions. In the case of a customer who has outstanding past due bills, and is a more than twenty-five percent owner or in control of a legal entity making application for utility service, all past due bills, under whatever name incurred, shall be paid prior to connecting new service. Deposits of applicants shall be payable at the time the application is made and shall be paid by the prospective customer upon demand.

6. Deposits will be refunded when service is discontinued and final bills paid, or when the customer has established satisfactory credit with the Director of Finance and all current bills are paid.

C. SERVICE CONNECTIONS

7. The Water District shall furnish, install, own and maintain all new service connections, provided the costs of excavation, back fill, and the removal and replacement of paving, walks, curbs, and similar items, including the hiring of traffic control personnel and obtaining the street opening permits necessarily



incurred in respect to new services, shall be borne by the customer or other applicant for service. The Water District shall bear all costs up to the public way for replacement of services. The Water District shall only bear cost of public way, not on private property. This service property shall be maintained by the Water District and may be removed or changed by it at any time.

8. The control of the water supply to the customer shall be by means of a separate curb stop. Meter installations are for the exclusive use of the Water and Sewer Districts.

9. The District shall furnish and install the following equipment: Corporation stop, service pipe to the property line, curb stop and curb box. All service pipes shall have a minimum cover of at least three and one half (3 1/2) feet. All service pipes shall not be less in size than one (1) inch inside diameter. The Superintendent shall determine where the meter shall be set.

10. The service pipe from the property line to the premises shall be installed at the expense of the customer. For this installation, the customer shall employ a competent plumber or contractor, satisfactory to the Water District to do the work; the plumber or approved installer, shall be responsible to supply records and an "as built" drawing of what was installed to the Water Superintendent.

a. The minimum size and cover shall be the same as that used from main to property line. All new services shall be 200-psi test Polyethylene. Nylon fittings are prohibited for underground use. The Water Superintendent shall approve materials and methods of construction and if the service has not been installed in accordance with the Water District's requirements, water service will not be turned on until defects have been remedied. The customer shall maintain the service pipes between the property line to the premises and all piping and fixtures on or in the premises of the customer; a legally authorized individual shall perform any work in a manner satisfactory to the District.

b. Every service must be provided with a workable curb stop located outside the building near the service main, easily accessible and protected from freezing. All piping shall be so arranged as to permit draining whenever necessary. The customer shall make all necessary repairs as may be necessary, from time to time, to prevent leaks and damages. The contractor or customer shall give a record of all changes to the Water Superintendent.

c. All customers having direct pressure hot water tanks must place proper vacuum and relief valves in the pipe system to prevent any damage to such tanks in the event of lack of pressure in the street mains due to shutdowns or other reasons. The Water District will not supply water to premises where hot water tanks or other appliances are subjected to direct pressure except at the risk of the owner and occupants. Any such damage resulting from failure to comply with this rule must be borne exclusively by the customer.

11. All service pipes shall be laid as required by law and code.



12. On future installations or reinstallations of service lines, only one premise will be supplied through one service pipe. Where more than one premise is now supplied through one service pipe, and under the control of one curb cock, any violation of the rules of the District by either or any of the customers so supplied, shall be deemed a violation by all. The District may take such action as could be taken against a single customer, who is not in violation of the District's rules, and has been given a reasonable opportunity to attach his pipe to a separately controlled service connection.

13. Use of water is confined to the premises named in the contract. No customer shall supply any person not entitled to the use of water, nor shall the customer use it for any purpose not mentioned in his application. No person not entitled to the use of water shall obtain it from any hydrant, fountain, or other fixture of the District without previous consent of the District.

a. In the event that a well is permanently abandoned in the Water District, the property owner shall be responsible for disconnecting the well as set forth in Rhode Island Department of Environmental Management's Regulations, Section 9.02. The well shall be inspected and documented by the Town Building Official when the appropriate disconnection is completed.

14. The District shall in no event be responsible for maintenance of, or for damage done by water escaping from, the service pipe or any other pipe and fixtures on the outlet side of curb stop; and the customer shall at all times comply with state and municipal regulations in reference thereto and shall make any change thereon required on account of change of grade, relocation of mains or otherwise.

D. METERED SERVICE

15. All customers shall be metered and an individual meter shall be required for each service connection. Any sub-metering shall be the responsibility of the owner.

16. All meters will be furnished by and remain the property of the District, which will authorize the size, type and make of meter to be used, as well as the location of the setting.

17. The officers or agents of the District shall have reasonable access with notification, unless an emergency, to properties supplied with water, at all reasonable hours, to permit the inspection of plumbing and fixtures, to set, remove or read meters, to ascertain the amount of water used and manner of use, and to enforce these Regulations.

18. All meters shall be maintained by and at the expense of the District insofar as ordinary wear and tear are concerned, but the customer will be held responsible for damages as a result of freezing, hot water, or other external causes. When such damage occurs, the District will furnish and set another meter to replace the one frozen or otherwise damaged, and the customer shall pay for the cost of such repairs.

19. The quantity recorded by the meter shall be taken to be the amount of water passing through the meter, which amount shall be accepted as conclusive by both



the customer and the District, except when the meter is found to be registering inaccurately or has ceased to register. In such cases, the quantity is determined by the average registration of the meter in a corresponding past period when in order, or by the average registration of the new meter, whichever method is representative in the opinion of the District of the conditions existing during the period in question.

20. The District reserves the right to remove, to test any meter at any time and to substitute another meter in its place. In the case of a disputed account involving the question as to the accuracy of the meter, the District upon request of the applicant will test such meter. The customer shall pay for all fees and cost for testing such meter in advance of any test. In the event that the meter so tested is found to have an error in registration in excess of 2% at any rate of flow within normal test flow limits and to the detriment of the customer, the fee advanced for testing will be refunded and the current bill rendered, based on the last reading of such meter, shall be corrected accordingly. This correction shall apply to both over and under registration.

21. The customer shall permit no one, other than an agent of the District or other person lawfully authorized to do so, to remove, inspect, or tamper with the meter or other property of the District on his premises. The customer shall notify the District as soon as it comes to his knowledge of any injury to or cessation in registration of the meter.

D. PAYMENT FOR SERVICE

22. Metered Service.

a. Bills for water consumed shall be rendered in arrears monthly, quarterly, or annually, at the option of the District.

b. Bills for private fire service shall be rendered, in advance, on July 1 of each year. All bills for metered service and fire service are due and payable upon presentation.

23. All bills shall be payable upon receipt. However, no bill shall be considered "due" under applicable law, or these Regulations, in less than thirty (30) days from receipt. No disputed portion of a bill that relates to the proper application of approved rates and charges, or the District's compliance with these Regulations, shall be considered "due" during the pendency of any complaint, investigation, hearing or appeal under these Regulations.

a. A customer has thirty-(30)-days from receipt of a bill to make an inquiry as to the billing.

b. The billing inquiry should first be addressed to the Finance Office. Upon receipt of a timely request, the Finance Department will verify that the correct billing was sent, that the information on the bill is accurate and report that information to the customer. If the inquiry is based on the inability to pay, a referral shall be made to the Mary D Fund and the New Shoreham Welfare Director. If the inquiry is about a payment plan, the Finance Director is authorized to approve any payment plan that, in her judgment, is acceptable.



c. The customer may request the Superintendent of the utility to verify the actual meter reading by a written request to the Superintendent. A manual reading shall be taken and, if requested, a printout for the previous twenty eight (28) days shall be supplied to the customer. After being provided the information, the customer may request to have the matter placed on the agenda of the utility Commissioners. In no event shall such request be considered if it is made more than thirty (30) days after the requested information has been supplied.

d. Any timely request for a hearing shall be placed on the Commission agenda within the next thirty (30) days. The Commissioners may continue the hearing if further information is being sought, or may be continued by the customer one time for good cause shown.

e. Service may not be terminated before a hearing decision, but interest and penalties shall continue to run. Unless abated at hearing, the full amount, including interest and penalties, is due and payable within fifteen (15) days of the Commission decision. The date of the Commission decision shall be the date of the Commissioner vote unless another date is specified.

f. When an account is sixty-(60)-days or more overdue, the Commission may order that a municipal lien certificate be filed on any past due amount.

g. Service may not be terminated before a hearing decision. If payment is not received after these time limits, termination of service may occur on notice to the customer.

24. Whenever the customer desires to have the service contract terminated or the water service discontinued, the customer shall notify the District in writing. Until the District receives such notice, the customer shall be responsible for the payment for all service rendered by the District, including charges for meter repairs caused by damages by hot water or freezing, or other external causes. A reasonable time after the receipt of such notice shall be allowed for the District to take a final reading of the meter or meters and to discontinue service.

25. The presentation or non-presentation of a bill is not a waiver of any of the above rules.

26. Conditions for Mandatory Connection.

a. Properties with wells within the water district, which wells are otherwise lawful, shall not be required to connect to the District system.

b. If a property is required to connect to the District system by Federal, State, or Local authorities, it may not again have a private drinking water well, unless the appropriate authorities approve of such well in writing.

c. All new construction or renovation (as defined by the State Building Code at the time of application) of commercial, residential, public, or private premises within the Water District must connect to the municipal water supply if the property abuts on any street, alley or right-of-way in which there is now located, or in the future may be located a municipal supply line. The owner is required, at



their expense, to connect to the municipal water supply in accordance with the provisions of this article provided that said municipal water is determined to be accessible and available by the Water Superintendent.

27. Standby Charges.

a. The standby charge shall be annually determined as part of the District's budget process. The District shall adopt standards for when a standby charge shall be incurred.

b. The full annual minimum charge shall be assessed to customers reconnecting to the system.

28. Minimum Charges.

a. All customers shall be subject to a minimum charge.

b. Minimum charges shall be based on the annual fixed costs of District divided by the gallons sold in the third quarter of the previous year. The minimum charge shall be determined as part of the annual budget process.

c. The minimum charge for "public facilities", as defined in the sewer allocation regulations, shall be one quarter of the otherwise applicable minimum charge.

c. The minimum charge shall be credited against the gallonage charges otherwise applicable, but shall not be credited against allocation charges or penalties.

29. Private Water Mains and Lines.

a. Any customer agrees to allow any other customer, within the Water District, to use a private water main line, which the customer may own, or which goes over or on its property, for connection to the water distribution system.

b. The Water District shall determine whether a private line is adequate to serve any additional customers. If it is adequate, then the new user of the line shall pay its proportionate share of the documented cost of the line to the owner of the line. The proportionate cost shall be determined by the Rhode Island Department of Environmental Management standards for ISDS, unless the Water District finds some other measure to be appropriate, based on the specific facts of the installation.

c. In the event a private water main is inadequate, the Water District shall require improvement of the line, at the expense of the new user, with appropriate assessments to the abutters.

d. In the event of any dispute as to a private line, by the owner or proposed user, the Water District shall hold a hearing and make a determination on the amounts owed. Such determination shall be final and shall be treated as an assessment for purposes of appeal.



e. Extension of water lines in the public right-of-way: The Water District shall not allow private water lines to be installed under a public right-of-way. When new water service includes an extension of a water main, it shall be the responsibility of the person applying for water service to design and install the main in accordance with the Town of New Shoreham Utility Standards, the Water District's Rules and Regulations and with the approval of the Water Superintendent. After testing, and with approval of the Water Superintendent, private water lines shall become property of the Block Island Water Company.

f. Existing private water lines in public right-of-ways: The Water Superintendent shall determine whether the condition of private lines meet the prevailing standards of construction in order to preserve the quality of the municipal water supply in accordance with the RI Department of Health's principles. All costs for improvements to private lines shall be borne by those who are serviced by the line. All upgrades must provide lateral connections for future customers. The Water District reserves oversight approvals to designs, installations and contractors and may initiate improvements to water line at any time for the health and safety of its customers. Private water lines, tested and approved by the Water Superintendent, shall be turned over to the Block Island Water Company. Future customers connecting to this line shall follow the provisions regarding proportionate cost stated in section 29.B.

g. All customers on private water lines on private rights-of-way are responsible for the maintenance of that water line from the valve on the public water main to the termination point within the private right-of-way. Each location where multiple customers are attached to a private water line, an elected body, board, or association must assume liability for that private line. The Water Board shall require a signed document stating the aforementioned stipulations prior to water service becoming available. The Block Island Water Company shall have a standard form of agreement for service that shall be used. The Water Superintendent may allow variances in the agreement language, consistent with these regulations.

h. The Water District reserves the right to shut off any private water main connected to the public water supply found to be deficient and/or until corrective action is taken.

E. TERMINATION OF SERVICE

30. Service may be discontinued, or suspended, for anyone of the following reasons:

- a. Use of water for purposes other than described in the application.
- b. Misrepresentation in application.
- c. Willful wastes of water.
- d. Molesting District property or seals on appliances.
- e. For vacancy.



- f. Nonpayment of bills when due.
- g. For cross connecting the District service pipe with any other supply source.
- h. Refusal of reasonable access to property.

31. The District may terminate service to a household in which all residents are sixty-five (65) years of age or older only after such District first notifies any appropriate agencies. At this time, only the Town Welfare Officer and the Mary D. Fund are known to be appropriate agencies.

32. When water has been turned off from any premises for any of the above reasons, or for any other violation of the District's rules, charges will be made for disconnecting and the restoration of service, to be paid in advance by the party requesting restoration of service. When water has been turned off at the customer's request for seasonal purposes, charges will be made for disconnecting and restoring service. These charges shall be set annually.

33. In case of vacancy of a customer's premise, the customer must notify the District in writing of such vacancy and upon his failure to do so, he will become responsible for any damage to the property of the Districts and/or the property of the customer arising from such failure.

34. In the event the District intends to suspend or terminate service, it shall give thirty days prior written notice and an opportunity to be heard before the Commissioners before suspension or termination. The appropriate staff persons shall review the situation to determine whether any error has been made or whether a reasonable time for payment should be granted.

35. The District shall attempt to provide service under all conditions, but the District does not guarantee to furnish proper quantities of water through the fire service connection, nor does it guarantee anything relative to such service. Plumbing supplying fire hydrants, fireplugs, sprinklers, or any other appliances used for fire service shall not be used for supplying water for any other service; any exceptions must be determined by the Water District and Superintendent. All fire sprinkler services shall have a post indicator valve. There shall be no exceptions.

36. The Water District shall have the right to cut off the water supply to make repairs, changes or connections to its mains and other equipment. It shall use reasonable effort to notify the customer in advance of such discontinuance of service, but it shall not be liable for any damage or inconvenience suffered by the customer because of such discontinuance of service, or because of failure to notify the customer in advance of its intention to discontinue service.

37. The Water District shall not be liable for any damage or inconvenience suffered by the customer as a result of interruption of service, quantity of supply, inadequate or changing pressure, quality of water, or any cause beyond its control.

38. The District shall have the right to reserve a sufficient supply of water at all times, in its storage resources, to provide for fire or any other emergencies, and may restrict or regulate the quantity of water used by its customers in case of scarcity, or whenever the public welfare may require it.



F. FIRE SERVICE

39. Applicants desiring private fire service should consult with the Water District as to the availability of such service. If suitable means are available, the Water District will provide service at the property line as in the case of other water service. The District will endeavor to maintain the efficiency of its service.

a. Any building/premise connecting to the public water supply for a sprinkler system as of April 12, 2005 is required to connect to the public supply for all uses and must remove all piping and appurtenance to and from any well supplies within that structure.

40. Water from fire hydrants or other fire systems shall be used only for fire protection purposes, except that water from public fire hydrants may be used in a reasonable amount and at such times as the Superintendent may permit, for testing the hydrants and fire fighting apparatus. Such test to be conducted only by the properly authorized agents of the Block Island Volunteer Fire Department after the consent of the Superintendent has been obtained and back flow prevention is in place. No pumps are permitted to be connected with the water pipes to draw water directly from any main or service pipe, except for fire purposes, without specific permission from the Superintendent.

41. The Block Island Volunteer Fire Department shall use the fire hydrants with reasonable care and shall compensate the Water District for any injury which may result from any carelessness or negligence on the part of any officer, servant or agent of the Town, or any member of the Fire Department using the same.

G. GENERAL.

42. No customer, unless specially authorized to do so, shall open or close any of the District's stopcocks or valves in any public or private line.

a. No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment. Any persons violating this provision shall be subject to immediate arrest under the appropriate criminal charge and is liable for all damages caused through his actions as aforesaid.

43. No agent or employee of the District shall have the right or authority to bind it by any promise, agreement or representation, contrary to the letter or intent of these Regulations.

44. In the interest of public health, the Water District shall not permit its mains or services to be connected on any premises with any service pipe or piping that is connected with any other source of water supply. Nor will the District permit, its mains or service pipes to be connected in any way to any piping, tank, vat or other apparatus that contains liquids, chemicals, or any other matter that may flow back into the District's service pipe or mains, and consequently endanger the water supply.

a. All connections to the municipal water supply are required to have a backflow prevention device on that connection. Failure to comply with this regulation will result in discontinued service to that location.



45. In the event that any section or subsection of these regulations is held unlawful, then all other provisions shall remain in full force and effect unless it shall be inconsistent with the overall purpose of a section.

46. All regular locate requests performed by any operator are to be conducted under the DIGSAFE system.

b. Excavations within the boundaries of the New Shoreham Water District are only to be conducted during normal working hours unless otherwise approved by the Water Superintendent at least 72 hours ahead of the scheduled excavation, or of it is an emergency. Normal working hours are defined as Monday through Friday, 7AM to 5PM, excluding holidays.

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Amended: September 13, 2005

Amended: April 18, 2006

Attest: Janet Ziegler, NS Water District Clerk