



EMERALD LAKE VILLAGE DISTRICT WATER SERVICE RULES AND REGULATIONS

PREAMBLE AND LEGAL AUTHORITY

The following Rules and Regulations for the Emerald Lake Village District are adopted pursuant to the powers granted generally by RSA 52:1, 1 (d) and 52:3, and pursuant to RSA 38, authorizing the District to regulate a community well drinking water system ("Rules and Regulations"). These Rules and Regulations are adopted and supersede all previous Water Service Rules and Regulations concerning the ELVD water system.

SECTION 1. GENERAL STATEMENT

1.1 These Rules and Regulations govern water service by the District, connections to the District's water system for all properties located within the Emerald Lake Village District, the use of water by customers and the management of the water system by the District. These Rules and Regulations may be amended by the District as provided by RSA 38:26–28 and do not create contractual or vested rights in any customer, resident or property owner.

1.2 The District's water system consists, without limitation, of all wells and well sites which supply drinking water to the system, all supply and distribution lines thereto, and all treatment facilities, monitoring facilities, or other physical appurtenances or fixtures owned by the District and necessary for the operation of water system, as well as the right to charge for connection and usage thereto. As provided by Section 4, the Customer shall be responsible for installation and maintenance of the Customer's water service lines and appurtenances in accordance with these Rules and Regulations from the District's curbside shut-off to the building or facility served at their sole expense.

1.3 The purpose of these rules and regulations is to provide a continuous supply of drinking water to the residents of the Emerald Lake Village District in accordance with all applicable laws and standards, to regulate connections to the system and expansion of the system to ensure adequate water supply to all existing and future customers, to prevent physical and environmental damage to the water system, and to provide a fair and comprehensive rate and fee structure for water-related services.

1.4 Management of the District is vested in the District's Board of Commissioners as its governing body. As used herein, "District" shall mean and include the District Commissioners acting as a board or commission and its duly authorized agents, unless a different meaning is intended.

SECTION 2. OPERATIONS

2.1 The District, through its Board of Commissioners, shall manage the water system and have the power to retain professional operators and hire or retain other employees or independent contractors as necessary to operate the water system.

2.2 The District makes no warranty for service of water nor insures the same and shall not be liable for interrupted or unsatisfactory service or delivery. Additionally, the District shall not be liable for any damage caused by lack of water or water quality for any reason, including without limitation, supply shortage, repairs, extensions or connections, main or service pipe repairs, shut-offs or breaks, cleaning or repairing pipes, reservoirs, holding tanks or standpipes, or the opening or closing of any gate valve or other fixture related to the flow of water.

SECTION 3. WATER HOOKUP PERMITS

3.1 Any person owning property in the District may apply for water service on a designated form for issuance of a water hookup permit in order to connect to the District's main line for water service. An Application shall be submitted together with the permit fee(s) and other required information for review by the District Commissioners.

3.2 The fee(s) for new water hookups shall be as set by the Emerald Lake Village District "Water Fees, Rates & Fines Schedule."

In addition to the fee(s) for new water hookups, the owner and/or applicant shall be responsible for any additional costs required in order to provide water service to the property, including but not limited to: extension of water lines to the boundary of the subject property; blasting of ledge or other extraordinary excavation situations; paving or other road work to restore the District or Town road; and construction of pumping, storage or other improvements which may be required to provide water service to the property ("Additional Costs"). An estimated deposit in the amount of such Additional Costs, as determined by the District's operator and/or engineer, shall be paid to the District prior to issuance of a water hookup permit. The estimated deposit for such additional costs will be adjusted to actual cost upon completion of construction. Excess deposits over the original estimated deposit will be returned to the depositor and additional funds will be invoiced to the depositor when it is determined that the actual cost of the work exceeds the original estimated deposit.

3.3 Any water hookup permit issued by the District shall be valid for a period of six (6) months from the date of its issuance unless a longer period is specified by the District Commissioners, after which time the water hookup permit shall expire. **Water hookup permit is non-transferable.** The District may waive failure to comply within this time period or extend this time period for good cause and may, in its discretion for good cause, extend the time period or allow refund less an administrative fee as set by the Emerald Lake Village District "Water Fees, Rates & Fines Schedule." Any request to extend or waive the time period specified for a water hookup permit shall be submitted in writing *before* the expiration date.

In the event the property owner no longer wishes to connect to the District's water system, the property owner shall submit a request in writing to cancel the water hookup permit. The District Commissioners shall approve a request to cancel a water hookup permit and issue a refund to the property owner provided that: (a) there is no building or use on the property which requires (or will require) water service; and (b) good cause exists for a refund to be issued. If the Commissioners approve the request to cancel the hookup, the District shall refund the permit application fee(s) and any deposits for Additional Costs, less the total of any actual costs incurred by the District and an administrative fee as listed in "Water Fees, Rates & Fines Schedule." Any request to cancel the water hookup permit shall be requested in writing *before* permit expiration date, provided however that the District Commissioners may waive this requirement for good cause shown. Fee will be refunded within 30 days of approval by the District Commissioners.

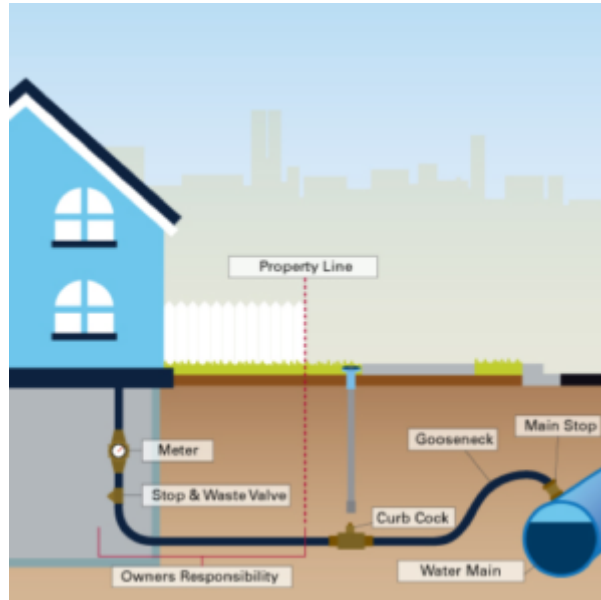
3.4 Application for water service and connection to the District's water system (unless and until disconnection is approved by the District) shall constitute continuing authorization for the District and its authorized agents to enter upon the property for inspection, installation, repair, and maintenance, as well as for replacement and removal of all related District water system property used in connection with water service. The application for a water hookup permit and the acceptance of water service constitutes permission to the District and its authorized agents to enter a property at any time in case of any emergency or leaks on the property, including leaks in the Owner's water service line(s). The District will attempt to schedule any actual work required to be performed by it with prior notice to the property owner for a mutually-convenient time.

As provided by RSA 38:22 (2013), the District shall not perform non-emergency work with a total cost in excess of \$250 per project, on facilities on an owner's property beyond the District's final shutoff point or the point at which the property owner is responsible for construction or maintenance, or both, unless a written contract has been executed and signed between the owner and an authorized representative of the District. The contract shall include the terms of the work to be performed, the name and address of the property owner, the location of the work to be performed, the estimated price of the work, the time of completion, and any other agreed-upon stipulations relating to the project.

3.5 Water permits for new connections shall be restricted by a growth rate to the District's Water System up to and not more than 1% per calendar year. Rate will be based on the number of hookups listed in the previous year's water warrant. For example: 536 users in 2021 would allow up to five (5) new hookups during the following year.

SECTION 4. CUSTOMER SERVICE LINES, OWNERSHIP AND MAINTENANCE

4.1 The District, through its operator, shall determine the location of the District's curbside shut-off to the property. The curbside shut-off shall be set near the edge of the District's right-of-way and the customer's property as shown below, unless construction conditions or other circumstances require a different location.



Drawing may not be exact to your property, for general reference only.

4.2 The water service line from the curbside shut-off to the property shall be deemed the “connection line.” The customer shall be responsible for installation of water service lines and appurtenances from the District's curbside shut-off to the building or facility served at their sole expense. Prior to any construction, reconstruction, extension, modification or repair of the connection line, the customer shall provide the materials, specifications, and procedures to be used to the District operator. Except in the case of an emergency, no work shall be performed without the written approval by the District operator. All work shall be inspected and approved by the District operator in writing prior to backfilling or covering.

4.3 The customer shall own and maintain the connection line subject to the rules and regulations of the District governing water service as may be amended from time to time, including but not limited to, these Rules and Regulations, the District's Backflow and Cross-Connections rules and regulations, any restrictions on water use, and any rules and regulations of the NH Department of Environmental Services.

4.4 A separate service line and application for service shall be required for each residential unit. The use of branched or tandem lines to provide water service to multiple dwelling units is prohibited unless a waiver is approved by the Board of Commissioners for good cause shown.

4.5 The customer shall maintain the connection line in accordance with any specifications established by the District. The District retains the right to require replacement or improvements to the connection line, including but not limited to backflow and cross connection prevention devices, to prevent water loss and to conform to drinking water standards or requirements then prevailing on a District-wide basis.

4.6 In the event of a minor leak (< 1 gallon per minute) in the customer's service line, the customer shall promptly notify the District's water system operator within 24 hours by calling their number, which is posted on the web site, and by emailing to the address maintained on the District's web site. The customer shall repair and/or abate any minor leak or other problems which shall arise as directed by the District's water system operator within a reasonable time. A “Reasonable Time” to repair a minor leak shall not exceed five (5) days. The District must approve any longer repair time.

In the event of a leak other than a Minor Leak, the customer shall notify the District operator immediately by calling the number and by emailing to the address maintained on the District's web site.

4.7 The District shall maintain all main pipes and portions of the "distribution lines" up to and including the curb stop.

4.8 The customer shall be responsible for all costs of any damage to the District's water system or for any costs for excessive loss of water from the customer's water service lines, plumbing or fixtures. This includes failure to effect a shut-off during winter months for unoccupied property which causes frozen and/or burst or leaking pipes and/or loss of water. Should this occur, the customer shall be additionally charged per the attached rate schedule and shall also be liable for all damages and expenses incurred by the District for repair in accordance with District, state, and federal regulations. A separate fee for "Negligence" may be imposed if the property owner failed to initiate a winter/seasonal water shutoff and did not provide adequate protection of the water service. The property owner shall also be solely responsible for any water leak repairs and associated costs on any portion of the property's connection with the District's curb stop. (See attached "Master List of Water Fees & Fines Chargeable to Homeowner As a Result of a Leak Due to Homeowner Negligence.")

4.9 The District's water system, including the curb stop, shall not be tampered with in any way by the homeowner. This includes shutting off or turning on the water or moving the curb stop. A secondary residential curb stop/shut-off may be installed and maintained by the homeowner inside the home or where it cannot freeze. Homeowner must notify the District if they have installed their own shut-off so the District has a record of it.

SECTION 5. WATER SHUT-OFFS

5.1 The Owner of a property may request a shut-off/turn-on of water service at any time. Actual service will be within 24 hours after request is acknowledged. This service shall be provided by the District operator or other personnel approved in advance by the District.

5.2 In case of such service furnished through the District and/or its operator, the owner or person requesting such service shall pay a shut-off/turn-on fee as set forth in the Emerald Lake Village District "Water Fees, Rates & Fines Schedule."

5.3 Failure to comply with the terms and conditions set forth in these Rules and Regulations or any other rules and regulations of the District may result in disconnection from the District's water service. Water service shall not be restored until all outstanding fees, fines, and liens are paid and the customer's connection is in compliance with all applicable rules and regulations of the District.

5.4 Seasonal shut-off/turn-on fee is waived if requested between October 1 and May 15.

SECTION 6. DORMANT CURB STOP

6.1 Rules and Regulations addressing Dormant Curb Stops may be found at the end of "Water Service Rules & Regulations."

SECTION 7. PROTECTION OF WATER SYSTEM

7.1 No person may tamper with, alter, remove or damage any water system fixture, including without limitation, any valves, district curbside shut-offs or standpipes in the system, or damage any of the water system properties including pumping stations, generators, pumps, monitoring facilities, treatment facilities, wellheads, storage tanks or any other equipment or structures used in the water system. Any such prohibited conduct may result in civil and criminal consequences.

7.2 Any person or entity doing excavation work near any mains or pipes owned by the District as part of its water system shall notify the District and Dig Safe in advance and as required by law. In addition, as provided by RSA 236:9, it shall be unlawful to excavate or disturb the shoulders, ditches, embankments or the surface improved for travel of any District highway, without written permission from the District commissioners. Any person performing such excavation work shall take all reasonable precautions required in the District's judgment to avoid damage to the District's water system or highways.

7.3 Any person or entity who proposes to build or repair any walkway, driveway or do any other work which may in any way affect or impact any part of the District's water system, including altering the amount of cover over existing mains

and service pipes, must first apply to the District for advance permission and abide by all reasonable precautions required in the District's judgment to avoid damage, including providing any bond appropriate in the District's judgment, and will remain liable for any additional expenses caused the District by reason of any such work.

7.4 Any person or entity who, intentionally or with gross negligence, interferes in any way with the continuing delivery of water to District property owners and residents may be deemed to have obstructed and interfered with government property and operations, and will be subject to all applicable civil and criminal statutes and penalties, as well as being responsible for all repairs, restitution, and other appropriate remedies.

7.5 Where a landowner's agent, including a contractor, acts negligently in undertaking any actions or omissions with respect to the requirements of these rules and regulations which causes actual damage or loss to the District, such persons or entities shall also be directly liable to the District.

SECTION 8. WATER CONSERVATION

8.1 The water generated by the District's wells is considered a precious natural resource, and the District shall be entitled to take all reasonable steps, including publication of further rules and regulations to enable conservation of drinking water.

8.2 The District's Board of Commissioners is hereby empowered to limit water usage and prevent waste of water. Any person violating water conservation measures adopted by the District shall pay the appropriate fees and/or fines established in the Emerald Lake Village District "Water Fees, Rates & Fines Schedule."

8.3 In order to preserve and protect the District's water supply, water permits for new service connections will be restricted by a growth rate limitation on new connections of not more than 1% per calendar year, calculated based on the number of hookups in the District's water warrant prepared by the Commissioners for the prior year. For example: 536 users in 2021 would allow up to five (5) new hookups during the following year.

8.4 All water system users have a duty to promptly report any leaks of which they have knowledge or notice on their property or elsewhere in the system.

8.5 Filling or adding water from the ELVD Water Supply to ANY pool, hot tub, spa, tank or trough of ANY size or type is NEVER permitted. Proof of water purchased from an external source to fill the items listed must be provided within 30 days or a fine will be assessed. (See "Water Fees, Rates & Fines Schedule," Item 7.)

8.6 In the event an outdoor water ban is declared by the Commissioners, the following uses of the District's water supply shall strictly prohibited:

- No watering with sprinklers of any type
- No watering with hose nozzles of any type
- No watering of lawns in any way
- No watering of ornamental flowers or shrubbery
- No washing of vehicles of any type
- No pressure washing of any type
- No filling of water cans or buckets larger than three (3) gallon capacity

(See "Water Fees, Rates & Fines Schedule," for penalties for any violation, Item 8.) In order to protect the District's water supply during periods of drought, this provision shall be interpreted broadly to apply to outdoor water uses that are similar those listed above.

8.7 In the event of a water ban, the following outdoor use of ELVD water supply is allowed:

- Fruits, vegetables, and herbs may be watered using a hand-held watering can or bucket. In this instance, a hose could be used to fill the water container nearby to the fruits and/or vegetables. A hose nozzle that will stop water flow when not filling container must be used. Certain accommodations may be made for individuals with a recognized and verified ADA physical handicap. Contact the ELVD administration for further information.
- Washing/bathing of domesticated household animals is permitted. A hose nozzle that will stop water flow when not wetting/rinsing the animal must be used.
- Livestock, fowl, farm animals, etc. may be watered using buckets only.

(See "Water Fees, Rates & Fines Schedule," for penalties for any violation, Item 8.)

SECTION 9. RATES AND CHARGES

9.1 Rates and fees associated with use of the connection and disconnection to the water system shall be as provided in the Emerald Lake Village District "Water Fees, Rates & Fines Schedule" attached hereto and incorporated herein as if fully set forth at length. The District shall review the schedule periodically and make such adjustments as it deems necessary. In doing so, the District may set an amount in addition to maintenance and service costs. Other factors include:

- A capital recapture
- Repayment of financing costs
- Capital improvement budgets
- Other factors related to providing water service
- Maintaining adequate fund balance for operations and emergencies

9.2 The customer or user of the District's water service for the purpose of charging base water service fees shall be each residence, whether continuously occupied or not, which has a curb stop valve service by the water system or that has water service available to it, including an installed water hookup not yet turned on. Customer and user also includes those to which water service has been shut off for nonpayment.

9.2a District water is supplied to single-family residences only. When a camper/motorhome/recreational vehicle is being lived in on the property, it must have proof of a permit from the town of Hillsborough and the homeowner will be charged a water fee as listed in the "Water Fees, Rates & Fines Schedule."

9.2b If a camper/motorhome/recreational vehicle does not have a permit, a fine will be assessed to the property owner as listed in the "Water Fees, Rates & Fines Schedule," Item 10.

9.2c Duplexes shall have one water hookup for each residence within the building.

9.3 The base water service fee shall be charged annually and billed in installments through the Town of Hillsborough and shall remain a flat fee until such time as water meters are installed for each user. At that time, the District shall be empowered to set a base rate and a user rate related to actual usage.

9.4 Any water fee or fine shall be the responsibility of the owner(s) of the property to which the service is provided as a joint and several obligation.

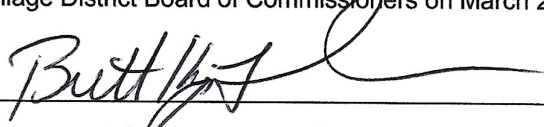
9.5 Nonpayment of any water service fees set forth in the Emerald Lake Village District "Water Fees, Rates & Fines Schedule" shall result in a lien on the property receiving service if not paid in full, including late fees and interest or other applicable charges as assessed by the Town of Hillsborough.

9.6 Nonpayment of any penalties or fines as set forth in the Emerald Lake Village District "Water Fees, Rates & Fines Schedule" shall result in an escalation of penalties up to and including water shut off until all fines and penalties are paid (see "Water Fees, Rates & Fines Schedule"). **All penalties and fines must be paid in full within 30 days of invoice date. Failure to pay in full, or make arrangements for a payment plan, will result in the water at the property being shut off.**

9.7 The District reserves the right to shut off or adjust water service to any property where the owner(s) have not paid water service fees for more than 180 days.

Adopted by the Emerald Lake Village District Board of Commissioners on March 23, 2023.

Brett Taber, Chairman /S/



Deborah Kardaseski, Commissioner /S/



Sarah Murphy, Commissioner /S/





EMERALD LAKE VILLAGE DISTRICT MASTER LIST OF WATER FEES & FINES CHARGEABLE TO HOMEOWNER AS A RESULT OF A LEAK DUE TO HOMEOWNER NEGLIGENCE

In the event of any loss of water on the resident portion of the service line, including but not limited to: not shutting water off for the winter or properly winterizing the home, the following costs may be charged to the homeowner:

1. Electric usage fee incurred because pumps had to run longer to replenish district water supply.
2. Trucking in of water, should that need to be done, to replenish district water supply due to a leak. Associated costs include: cost of trucking, cost of water, and cost of labor.
3. Leak detection, i.e., costs associated with finding the leak.
4. A fine for negligence of \$1,000.00, if leak is due to property owner's negligence.
5. Administrative fees.
6. Any additional costs associated with the incident (US Code Title 42, Section 3001-1; RSA 485:17; and RSA 485:58).

Emerald Lake Village District **does not charge** for a seasonal shut-off or turn-on. Any resulting fees must be paid in full before water will be restored to the property.



EMERALD LAKE VILLAGE DISTRICT WATER FEES, RATES, AND FINES SCHEDULE

- 1. New Water Hookup Permit Fee:** **\$10,000.00**
A security acceptable to the Board of Commissioners or payment in full for associated connection costs is required before installation begins.
- 2. Administrative Retention Fee:** **\$250.00**
Retained if original permit fee is requested to be returned prior to expiration date.
- \$500.00**
Retained if original permit fee is requested to be returned after an extension was granted.
- 3. Administration Fee Related to Penalties & Fines:** **\$100.00**
Seasonal shut-off/turn-on fee is waived if requested between October 1 and May 15.
- 4. Water Shut-off/Turn-on Fee:** **\$100.00**
Seasonal shut-off/turn-on fee is waived if requested between October 1 and May 15.
- 5. Basic Water Service Rate:** **As established by the Board of Commissioners.**
Billed semi-annually by the Town of Hillsborough. Late fees/interest will be determined and billed by the Town of Hillsborough.

Emerald Lake Village District's water bills are issued in the Spring and Fall. The Spring bill is for January through June of that year; the Fall bill is for July through December of that year. Any proration of bills needs to keep this in mind.
- 6. Additional Fee for Failure to Effect Shut-off With Damage Resulting:** **\$1,000.00 — Plus water loss penalties as listed below:**
- Electric usage fee incurred because pumps had to run longer to replenish district water supply.
 - Trucking in of water, should that need to be done, to replenish district water supply due to a leak. Associated costs include: cost of trucking, cost of water, and cost of labor.
 - Leak detection, i.e., costs associated with finding the leak.
 - Administrative fees.
 - Negligence Fee will be assessed if leak is due to property owner's negligence.

7. Tampering Penalty:

\$10,000.00 plus all actual costs

• Any additional costs associated with the incident (US Code Title 42, Section 300I-1; RSA 485:17; and RSA 485:58).

8. Filling or adding water from the ELVD Water Supply to ANY pool, spa, hot tub, tank or trough of ANY SIZE OR TYPE using a hose of any type is NOT permitted.

Proof of water purchased from an external source to fill the items listed must be provided within 30 days or a fine will be assessed.

\$1,000.00 fine for each violation, plus all additional fees.

Fine must be paid within 30 days or water will be shut off until fine is paid.

9. Violation of Water Ban: (Section 8.6 Applies)

First Violation: \$250.00

+ Add'l Fees

Second Violation: \$500.00

+ Add'l Fees

Each Additional Violation

Within Same Calendar Year: \$1,000.00

+ Add'l Fees

Additional fees may include certified mailings, administration time involved in follow-up, court costs, legal fees, water turn-on/shut-off, etc.

Fine must be paid within 30 days or water will be shut off until fine is paid.

10. Lake-Drawn Water Systems:

Only allowed if drawing water from Emerald Lake. Proof of lake-drawn system and Cross-Connection Control must be provided if requested by Board of Commissioners. Visible signage must be placed indicating "Sprinkler System Draws From Lake." The Cross-Connection Control policy is included as part of these "Water Service Rules and Regulations."

11. Camper/Motorhome/Recreational Vehicle on Property:

Water Fee With Town Permit: \$300.00 per RV

Water Fine Without Town Permit: \$100.00 per day until permit is obtained and all fees and fines are paid in full.

All fees and fines must be paid in full within 30 days or water will be shut off until paid in full.

12. Curb Stop Disconnection:

\$1,200.00 plus any net due from previous bills, with interest, if applicable. This must be paid before disconnection occurs. If additional disconnect costs occur, a supplemental invoice will be issued. The previously adopted "Dormant Curb Stops Rules and Regulations" are included as part of these "Water Service Rules and Regulations."

DROUGHT PENALTIES:

ALL FINES/PENALTIES DOUBLED DURING A DROUGHT.

Drought conditions will be determined by the State of New Hampshire. It is up to the resident to be aware of conditions as announced by the State. **During a Drought, water will be shut off immediately should any violation occur.**



EMERALD LAKE VILLAGE DISTRICT APPLICATION FOR NEW WATER HOOK-UP

Address of Property: _____

Tax Map Number: _____ Lot Number: _____

Name of Owner(s) of Record: _____

Current Address of Owner(s) of Record: _____

Telephone: _____

Email Address: _____

Designated Representative If Other Than Owner:

Name: _____

Address: _____

Telephone: _____

Capacity of Representative (relative, contractor, etc.) _____

Lot Sketch Attached: Yes _____ No _____

Fee Submitted (\$10,000): Yes _____ No _____ Date Submitted: _____

Application fee does not include curb stop installation costs, which will be assessed separately and payable before installation begins (See 3.2 in "Water Service Rules and Regulations").

Connection details from the home to the curb stop and description, including materials (attach a separate sheet and/or plans):

APPLICATION APPROVAL

Date of Site Visit and Attendees:

Permit is: _____ Denied _____ Approved _____ Approved subject to the following conditions:

Homeowner's connection line must be inspected by ELVD water system operators

Date Issued: _____ Date Permit Expires: _____

PERMIT IS VALID FOR SIX (6) MONTHS AND IS NON-TRANSFERABLE.

Bond Required: No _____ Yes _____ Amount: _____

Permit Number (Year, e.g. 2022- followed by sequential number): _____

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____

**EXTENSION REQUEST
MUST BE REQUESTED IN WRITING BEFORE PERMIT DATE OF EXPIRATION**

Date of Request: _____ Fee Paid: Yes ___ No ___ Date Submitted: _____

Extension Issued: Yes ___ No ___ Expiration Date: _____

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____