

## Terms and Conditions

The following Terms and Conditions made by the *Bath Water District*, and approved by the Maine Public Utilities Commission constitute a contract between the customer and the utility. The customer agrees to adhere to these Terms and Conditions and to take water only for the purposes stated in the application for service and at the established rates.

All procedures and protocols of the District will conform to applicable sections of the Terms and Conditions, and the Rules and Regulation of the Maine Public Utilities Commission. Collection and Credit procedures stated in these Terms and Conditions for residential customers will conform to Chapter 810 of the Maine Public Utilities Commission. Collection and Credit procedures for industrial customers will conform to Chapter 860 of the Maine Public Utilities Commission.

For areas not specifically addressed by this document or by reference, the Maine State Plumbing Code is considered the minimum requirement.

### Definitions

The word “utility” refers to the Bath Water District.

The word “District” refers to the Bath Water District

The word “customer” means any person, firm, corporation or governmental division who has applied for and is granted service or who is responsible for payment of the service.

The word “main” means a water pipe, owned, operated and maintained by the utility, which is used to transmit or distribute water but is not a water service pipe.

The term “PUC” refers to the Maine Public Utilities Commission.

The word “service pipe” means the pipe running from the main to the premises of the customer.

### Conditions

- 1) **Application of Service**: The owner or the owner’s agent, or the occupant of the establishment to be served may apply for service on forms provided by the utility at the office of the utility at 1 Lambard Street, Bath.
  - a) **New Services** - If the customer is a new service connection or other work on the establishment is required to provide service, the owner must authorize the utility to enter the premises to do the necessary work. Subject to the provisions of the water main extension rules of the Public Utilities Commission, the size and location of the utility’s portion of the service pipe shall be determined by the utility.
  - b) **Multi Unit Residences** - A tenant may become a customer if the tenant assumes responsibility for future service under the conditions set forth in 35-A.M.R.S.A. Sec. 706(2), Chapter 810, Sec.9 (I)(2) of the Commission’s Rules, and Section 5 below. Where there is more than one occupant of a building supplied with water, the plumbing must be arranged by the owner as to permit separate connections with shutoffs and meters in locations acceptable to the utility, for each place of business or abode, unless the owner of the premises makes application for service and thereupon assumes responsibility for payment of all charges for water service rendered to the property.

- c) Seasonal Services - If the new application is for a seasonal rental property, only the property owner may be an applicant for service.
- 2) **Charge for Establishment of Service**: The utility will charge \$20.00 to establish water service during the normal business hours of 8:00 am to 4:00 p.m., Monday through Friday. The charge during other than normal business hours is \$66.00.
- 3) **Billing Procedures**: All bills are due and payable upon presentation. Bills shall be payable at the office of the utility. Annual metered and annual flat rate charges are normally billed quarterly. The utility does reserve the right to render bills monthly or bi-monthly if it so desires.
  - a) Non Receipt of Bill - The customer will be responsible to provide a correct billing address. Failure of the customer to receive his/her bill does not relieve him/her of the obligation of its payment nor for the consequences of non-payment
  - b) Late Payment Charge - A late payment charge will be assessed on any account balances that remains unpaid 25 days from the postmark date of the customer's bill. The late payment charge will be the maximum amount allowed under chapter 870 of the Maine PUC rules.
  - c) Minimum Annual Meter Charges - Minimum meter charge for annual metered service shall be billed quarterly in advance and water used in excess of the minimum will be billed at the end of the billing quarter.
  - d) Minimum Seasonal Meter Charges - Seasonal minimum meter charges will be billed and due immediately after the meter is set for the season. Bills for water in excess of the minimum amount will be billed immediately after the final reading for the season. The utility reserves the right to render bills quarterly for excess water used by seasonal customers. Seasonal flat rate charges will be billed and due immediately after the service is turned on for the season.
  - e) Fire Protection Charges - Public and private fire protection charges shall be billed quarterly, in advance.
- 4) **Deposit Procedures**: The system may demand a deposit from any residential customer if it has proof, as defined by PUC Rules and Regulations, that the customer is likely to be a credit risk or will damage the District's property. The amount of a deposit shall not exceed a reasonably estimated bill for two (2) average billing periods. The interest rate on customer deposits shall be at the rate set from time to time by the Public Utilities Commission. All credit and collection procedures for residential customers will be based upon Chapter 810 and 870 of the Maine Public Utilities Commission's Rules and Regulations.
- 5) **Disconnection of Service**: Service may be discontinued by reason of nonpayment of water bills or for violation of any rule or regulation contained herein. Service once disconnected may not be restored until the cause of the discontinuance of service has been removed and penalty charges, if any, have been paid in full. Before service is discontinued for delinquency, the utility will follow a reasonable procedure to effect payment, including, but not limited to, the issuance of a shutoff notice mailed at least three days in advance of shutoff date.
  - a) Disconnection of Leased or Rented Property: Before disconnecting a leased or rented single - meter, multi - unit residential property for non-payment, the utility shall:
    - i) Comply with the notice requirements in Chapter 810 of the Maine Public Utilities Commission Rules and Regulations; and
    - ii) Assess, against the landlord, a lien fee of \$325.00 (see attached sheet) in addition to any applicable reconnection fee set forth in section 6 of these Terms and Conditions; and

- iii) At the systems option, the system may separately meter or cause to be separately metered each dwelling unit within the property at the landlord's expense; and
  - iv) Apply any existing deposit to the current account balance; and
  - v) File a lien authorized by Title 35-A M.R.S.A. Sec. 6111; and
  - vi) Notify the Consumer Assistance Division of the actions taken pursuant to this Term and Condition and their results.
- 6) **Collection Trip Fee**: If utility personnel visit the customer's premises to disconnect service for non-payment and in lieu of actual disconnection the customer pays or makes a payment arrangement for the entire past due balance, the utility will charge a collection fee of \$10.00 or the utilities reconnection charge, whichever is less.
- 7) **Restoration of Service**: The utility will charge a customer a reconnection fee to restore services at the customer's premises if service was disconnected for non-payment of bills, violation of the Terms and Conditions, fraudulent use of water, dangerous conditions on the customer's premises, violation of Commission rules or at the customer's request.
- a) **Reconnection charge** - The reconnection charge is \$20.00 for each resumption of service made during normal business hours of 8:00 am to 4:00 p.m., Monday through Friday. The charge during other than normal business hours is \$66.00.
- 8) **Charge for Returned Checks**: The utility will charge the customer's account for any check returned by the bank for reason of non-payment. The charge is the greater of \$5.00 per account to which the check is to be applied, or the amount the bank charges the utility not to exceed \$15.00. The utility will furnish the customer with proof of any bank charges in excess of \$5.00 if requested in writing by the customer.
- 9) **Seasonal Customer**: A seasonal customer regularly takes service for only a portion of the year from either a summer or year-round main. A seasonal customer will be subject to the rules and charges of seasonal rates in effect. A customer regularly vacating the premises for three months or less may elect in writing to be classified as an annual customer subject to annual charges.
- 10) **Flat rate customers**:
- a) **Restoration to Flat Rate** - Premises once served at meter rates will not be restored to a flat rate by order of the PUC.
  - b) **Charges for Fixtures** - All customers billed on flat rates will be charged for all fixtures, whether used or not. If a hot and cold water faucet supply the same fixture, only one faucet will be charged. No water will be furnished for less than the first faucet rate.
  - c) **Alterations in Fixtures** - No customer supplied with water on flat rates may install any additional fixtures or alter any previously installed fixtures without first giving 30 days prior written notice to the utility.
  - d) **Hose connections** - For the purpose of flat rate billing, a hose is considered as such when used by hand only. A hose running unattended will be charged as a sprinkler according to the utility's rate schedule.
  - e) **Waste of Unmetered Water** - Customers on flat rates must prevent all unnecessary waste of water. Water will not be supplied on flat rates for any continuous flow device. The utility will decide what constitutes waste or improper use and will restrict usage when necessary.

- 11) **Conservation** - When necessary to conserve the water supply, the utility may restrict or prohibit the use of hoses and sprinklers for both flat rate and metered customers.
- 12) **Access to Premises**: Employees of the utility having proper identification have free access to all premises supplied with water, at all reasonable hour 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 the Terms and Conditions.
- 13) **Unauthorized Use of Water**: No customer shall supply water to another, nor use it for any purpose not mentioned in his/her application without prior written utility approval. No person shall obtain water from any hydrant or other fixture of the utility without prior written approval. Unauthorized use of water is considered theft of services.
- 14) **Tampering with Utility Property**: No person may tamper with utility property. No valve, shutoff, hydrant or standpipe, which is the property of the utility, will be opened or closed or otherwise operated by other than persons authorized by the utility.
- 15) **Service Interruption**: The utility will provide notice of any planned shut-off to affected customers at least twenty-four hours in advance of the interruption of service. The utility will give notice of any unplanned shut-off when practicable. If a customer requests, the utility will make a pro rata reduction in the customer's minimum bill if service is interrupted for longer than forty-eight hours and the interruption is not the customer's fault.
  - a) **Bill Adjustments for Interruptions** - If a customer requests in writing, the utility will make a pro rata reduction in the customer's minimum bill if service is interrupted for longer than ten days and the interruption is not the customer's fault.
- 16) **Meters**: All water sold by the utility shall be on the basis of meter measurements or as otherwise provided for in the rate schedule. The customer may receive water through a meter upon written application to the utility. The size of the meter will, in all cases, be determined by the utility.
  - a) **Multi Unit Metering** - Except as provided in Chapter 810, where there is more than one occupant of a building supplied with water, the utility may require the owner to arrange the plumbing to permit separate connection with shutoffs and meters in locations acceptable to the utility, for each place of business or abode.
  - b) **Meter Testing** - The utility will test its meters according to the schedule and standards in chapter 620.
    - i) **Requested Meter Testing** - Upon customer request, the utility will test the customer's water meter in the presence of the customer or representative, at no charge unless the customer requests more than one test in 18 months. If the customer requests a test more frequently, the utility may require the customer to pay a deposit of \$75.00 for a meter that is 1" or smaller and \$300.00 for an meter larger than 1", to cover the cost of the test. If a meter tested at the request of the customer does not conform to standards, the customer's deposit will be refunded and the utility will adjust the customer's bill according to the provisions of Chapter 620. If the meter conforms to standards, the utility may keep the customer's deposit and continue to use the meter at the customer's premises.
    - ii) **Meter Specifications** - To determine the accuracy of meters, the standard specifications of the American Water Works Association shall be used.
  - c) **Consumption Adjustments** – Consumption adjustments will be made in accordance with the Rules and Regulation of the Public Utilities Commission.

- d) **Submetering** - Additional or auxiliary meters for showing subdivisions of water use must be furnished, installed, read, and maintained at the customer's own expense.
- 17) **Utility Jobbing**: A customer may be required to complete a written application before the utility will provide unregulated utility service or undertake any work on a customer's property. The utility may require the customer to pay a deposit equal to the utility's written estimate of the work to be done. Unless the work is done on a flat rate basis, the utility will return any excess deposit upon completion of the work. If the final cost exceeds the deposit, the customer must pay the additional amount within ten (10) days of completion of the work.
- 18) **Winter Construction**: No service or extension of mains will be installed for the convenience of a customer during winter conditions which increase the cost of the work for the utility, unless the customer assumes all extra expenses over the ordinary construction costs.
- 19) **Joint Use of Service Pipe Trench**: Water service pipes shall not be placed in the same trench with other utility facilities, under normal circumstances. A horizontal separation of ten feet will be provided. Where extenuating, unusual or special circumstances are encountered, a lesser separation of joint use of trench may be allowed if all parties agree, provided that the installation complies with all applicable laws, rules and regulations.
- 20) **Fire Hydrants**: Fire hydrants may not be used for any purpose other than to extinguish fires unless prior permission is given by the utility. Fire hydrants shall not be opened by any person other than an agent of the utility or a duly authorized representative of the municipality or the owner.
- 21) **Private Fire Protection**: Customers requiring private fire protection must contact the utility to determine the availability of fire service at their location. Fire service, if available, will be installed at the customer's expense within the bounds of the public way or right of way. The fire service line, after installation, will be owned and maintained in the public way or right of way by the utility. Ready-to-serve charges for fire service are billed quarterly. The utility does not guarantee any quantity of water pressure available through the fire protection service. The owner of the service shall determine, from time to time, the adequacy of the supply through the fire service by conducting tests of his private system. Timely notice must be given to the utility so a representative of the utility can be present to observe the test.
- a) **Hydrant Restrictions** - No water shall be drawn from the private fire protection service pipes for any purpose whatever, except for (a) the extinguishment of a fire, or (b) where the hydrant is connected to a metered distribution main. This provision is not to be considered as prohibiting a reasonable use of water for fire drills, draining of the system to prevent freezing, or other reasonable use in connection with proper fire protection.
- b) **Hydrants Connected to Metered Lines** - In those cases where private fire hydrants are connected to metered distribution mains, the consumer shall submit to the District each month, in writing, a detailed request for credit for the amount of water used to extinguish fires and a reasonable use of water for fire drills. This estimate shall be in cubic feet or gallons used for each incident together with the date of use. The request for credit shall be signed by the head of the fire protection department or an official of the District.
- 22) **Ownership and Maintenance of Service Pipe**: All service pipes, including the shutoff, within the limits of the highway or right of way, shall be installed, owned and maintained by the utility. From the limits of the highway or right of way to the building, the service pipe shall be installed, owned and maintained by the customer provided, however, that if subsequently a public way must be crossed, such crossing shall meet the utility's specifications and be installed only after approval of the utility.

- a) **Materials and Installations** - To avoid potential problems, the customer is required to contact the District prior to conducting any work on their service pipe. All new service pipe and appurtenances must meet the District's materials specification requirements. The District shall inspect all underground water related installations and renewals prior to backfilling. Approval of such installations by the District does not constitute a guarantee by the District as to the sufficiency of the materials or workmanship.
  - b) **Stop Valves** - Every service must be provided with two operable stop valves on each side of the meter, easily accessible to District personnel and protected from freezing. All piping shall be so arranged as to prevent backsiphonage and to permit drainage whenever necessary.
  - c) **Fluctuation of Pressure by Customer's Apparatus** - A customer may not install or use any device, which will affect the utility's pressure or water quality without prior utility permission. When a customer has or proposes to install apparatus which requires water in sudden and/or material quantities, impairing the pressure to the detriment, damage, or disadvantage of other customers, the utility reserves the right to require such customers to install devices or apparatus which will confine such fluctuations of demand reduction of pressure within reasonable limits determined by the utility. If the customer, after receiving written notice from the utility, fails to present an acceptable remedial plan within a time limit set by the utility, service will be discontinued pursuant to the provisions of the *Terms and Conditions*.
  - d) **Safeguarding Direct Pressure Water Devices and Systems Supplied by Automatic Feed Valves** - Customers must install vacuum, temperature, and pressure relief valves or cutouts to prevent damage to a direct pressure water device or secondary system supplied by an automatic feed valve. Water service supplied to any customer not providing such protective devices will be strictly at the risk of the customer, and the utility will not be held liable for damage resulting from the leak of or failure of such protective devices.
- 23) **Seasonal Service Pipes and Mains**: Seasonal service pipes and mains are ones that because of a lack of sufficient cover or for other reasons can supply premises for only a portion of a year. Water furnished through summer service pipes and mains will be furnished only from May 1 to October 1, except that the utility may render service before and after these dates if deemed advisable. Service furnished later than November 1<sup>st</sup> via a summer service shall be by written agreement between the utility and the customer.
- 24) **Cross Connection**: No cross connection between the public water supply system and any other supply will be allowed unless properly protected in accordance with the directives and rules of the State Bureau of Health. In addition, no connection capable of causing back flow between the public water supply system and any plumbing fixture, device or appliance, or between any waste outlet or pipe having direct connection to waste drains will be permitted. If the owner of such a connection fails or refuses to break or properly protect the connection within a time limit specified by the utility, the utility may disconnect the service according to Chapter 810 or Chapter 860. The utility's cross connection rules are on file at the utility office.
- a) **Device Responsibility** - The customer is responsible for the installation, maintenance, testing, and care of the approved backflow device.
- 25) **Routine and Emergency Work**: All non emergency work that involves District personnel will be scheduled at least three days in advance. All work requested with less than the required notification will be handled at the discretion of the District. Non emergency work includes, but is not limited to: installation or repair of services, marking services, shut offs and turn ons, District inspections, etc.
- 26) **Variances**: Requests for variances to these *Terms and Conditions* must be made by a customer through a written request to the District.

- 27) **Commission Appeal**: In the case of any disagreement or dispute regarding the application of any provision of these terms or in circumstances where the application of these terms appears unjust, either party may refer the matter to the PUC for settlement. The PUC may grant exceptions to the provisions of these terms for good cause.
- 28) **District Liability**: The District will only be liable for damages arising from claims to the extent provided in the Maine Tort Claims Act, as set forth in Title 14, Chapter 741 of the Maine Revised Statute Annotated. Notwithstanding the Maine Tort Claims Act, the utility makes no representation or warranties about the quality of the water and will not be liable thereby for any damages caused by unsatisfactory water quality. The District will not be responsible for meeting water quality standards that exceed primary drinking water standards set by the Maine Drinking Water Program. Further, The District will not be responsible for damages caused by temporary shut off or shortage of supply, working on the system piping or metering, discontinuance for nonpayment, or any other damages caused by construction or maintenance.

Attachment A - Lien Charge for Disconnection of Leased or Rented Property

Before disconnection for nonpayment of a single meter, multi-unit account billed to the property owner, the District will charge the account to recover collection costs incurred pursuant to Maine Public Utilities Commission Chapter 810, section 9(1) - (4).

Charges are based upon average costs of labor and overhead, equipment, legal and other costs, as detailed below:

- 1) Tenant Notification
  - a) Meter service person: 1.0 hr = \$18.60
  - b) Vehicle: 1.0 hr = \$15.00

Sub Total = \$33.60
  
- 2) Preparation and Filling of Lien
  - a) Research/Recording Agent:
    - i) Research - 4.0 hr = \$66.00
    - ii) Recording at Registry of Deeds - 1.0 hr = \$16.50
  - b) Secretary:
    - i) Preparation - 1.0 hr = \$16.50
    - ii) Mailing - 0.5 hr = \$8.25
  - c) Vehicles: 2.5 hr = \$16.80 (Private Vehicle)
  - d) Office Supplies: = \$10.00 (est.)

Sub Total = \$134.05
  
- 3) "Complaint and Summons" Filling and Processing
  - a) Research/Recording Agent:
    - i) Form Preparation - 1.5 hr = \$24.75
    - ii) Form processing/filing - 1.5 hr = \$24.75
    - iii) Recording at Registry of Deeds - 4.0 hr = \$66.00
  - b) Secretary:
    - i) Preparation - 0.5hr = \$8.25
  - c) Vehicles: 5.0hr = \$33.60 (Private Vehicle)
  - d) Other:
    - i) Sheriff serving charge - rate = \$0.00
    - ii) Forms - = \$1.00 (est.)

Sub Total = \$158.35

**Final Total = \$326.00**

