Ellsworth Water Department

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City Manager:

Ellsworth Water Department
Terms and Conditions

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Ellsworth Water Department
Terms and Conditions

The following Terms and Conditions made by the City of Ellsworth Water Department and filed with the Maine Public Utilities Commission constitutes 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 and at the established rates.

Definitions

The word "utility" refers to the Ellsworth Water Department.

The Word "customer" means any person, firm, corporation or governmental division who has applied for and is granted service 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 word "service pipe" means the pipe running from the main to the premises of the customer.

The phrase "normal business hours" means Monday through Friday , 8 am – 3:30pm , excluding Holidays.

1. **Application for 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. If a seasonal rental property only the property owner may be an applicant for service. Any 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 660 sec. 10 of the Commission's rules and section 5 below. If a service connection or other work on the establishment is required, the owner must authorize the utility to enter the premise to do the necessary work.

2. **Seasonal Customer:** A seasonal customer regularly takes service for only a portion of the year from either a summer or a year-round main. A seasonal customer will be subject to the rules and changes 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.

3. **Billing Procedures:** Annual metered and annual flat rate charges are normally billed quarterly. The utility does reserve the right to render bills monthly if it so desires.

   Minimum meter charges 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 quarterly. Seasonal minimum meter charges will be billed and payable upon being issued after the meter is set for the season. Bills for water used 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 payable upon being issued after service is turned on for the season.

Public and private fire protection charges shall be due and payable on a quarterly basis.

All bills shall be payable at the office of the utility or at any designated collection station. 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.

4. **Credit and Collection Procedures:** All credit and collection procedures for all customers will be based on Chapter 660 and 870 of the Maine Public Utilities Commission Rules and Regulations. The system may demand a deposit from any residential customer in accordance with Chapter 66. The interest rate on customer deposits shall be the rate set from time to time by the Public Utilities Commission.

   All procedures for non-residential customers will be based upon Chapters 660 and 870 of the Maine Public Utilities Commission Rules and Regulations.

5. **Disconnection of Leased or Rented Property:** Before disconnecting a leased property or rented single-metered, multi-meter residential property, the utility shall;

   A. Comply with the notice requirements in Chapter 660 of the Maine Public Utilities Commission Rules and Regulations; and
   B. Assess, against the landlord, a collection fee of $204.00 in addition to any applicable reconnection fee set forth in Section six (6) of these Terms and Conditions.
   C. At the system's option, the system may separately meter or cause to be separately metered each dwelling unit within the property at the landlords expense; and
   D. Apply any existing deposit to the current account balance.

6. **Charges for Establishment of Service:** The Water Department will charge an application fee of $20 to establish water service for new customers if it is not necessary to visit the premises to connect the service. If it is necessary to visit the premises to connect the service, the Water Department will charge $25, and this must be completed during normal business hours.

7. **Restoration/Reconnection of Service:** The Utility will charge a customer a reconnection fee to restore services at the customer's premises if service was disconnected for any reason allowable under Chapter 660 of the Commission's Rules and Regulations, including but not limited to the Customer's request.

   A. The charge is $50.00for each restoration or reconnection of service made during the normal business hours of 8:00 a.m. to 3:30 p.m. Monday through Friday. The charge during other than normal business hours is $100.00 per hour with a minimum charge of $100.00.

B. When service is completed at the customer's request, the Water Department will charge $25.00, per 5 business day period to turn on the service or turn off the service during normal business hours.

8. **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 $20.00.

9. **Metered Water Sales from Hydrants:** At customer request, the Utility may provide a meter and backflow preventer for temporary bulk water from a hydrant for a construction site, or for filling a swimming pool, holding tank, or other large container. During business hours, the Utility charges $65 to set/remove the meter. Customers are billed monthly for the previous month's water use at the same rates as domestic metered customers.

10. **Terms of Payment:** Customers are legally obligated to pay for the services they receive. All bills are payable upon being issued. A late payment charge will be made on any unpaid balance outstanding after 30 days from the postmark of any bill. The late payment charge will be the maximum amount allowed under Chapter 870 of the Maine Public Utilities Rules. Payments may be made at the office of the utility or at any designated collection station. Failure of the customer to receive his/her bill does not relieve him/her of the obligation of its payment nor from the consequences of non-payment.

11. **Charge for Returned Checks:** The utility will charge the customer's account for any check by the bank for reason of non-payment. The charge is the greater of $5.00 per check 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

12. **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 utility approval. No person shall obtain water from any hydrant or other fixture of the utility without prior approval.

13. **Maintenance of Plumbing:** A customer must maintain the plumbing fixtures within his/her own premises in good repair and protect them from freezing.

14. **No Tampering with Utility Property:** No person may tamper with utility property. No valve, shut off, hydrant , standpipe, meter or other utility equipment , which is property of the utility, will be opened or closed or otherwise operated by other than persons authorized by the utility.

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15. **Access to Premises:** Employees of the utility having proper identification have access to all premises supplied with water, at all reasonable hours to permit the inspection of plumbing fixtures, to set, remove or read meters, to ascertain the amount of water used and manner of use, and to enforce these Terms and Conditions.

16. **Liability:** The municipality will only be liable for any damage arising from claims to the extent liability is provided in the Maine Tort Claims Act, as set forth in Title 14 of the Maine Revised Statute Annotated. The utility makes no representations or warranties about the suitability of the water for any particular purpose.

17. **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 in 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 customers minimum bill if service is interrupted for longer than forty eight hours and the interruption is not the customers fault.

18. **Metering:** Except as provided in Chapter 660 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 connections with shut-offs and meters in locations acceptable to the utility, occupant.

19. **Meter Testing:** The utility will test its water meters according to the schedule and standards in Chapter 620. 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 to cover the cost of that test. If a meter tested at the customer's request does not confirm to standards, the customer 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.

20. **Sub Metering:** Additional or auxiliary meters for showing subdivision of water use must be furnished, installed, read and maintained at the customer's own expense.

21. **Stop Valve:** Every service must be provided with an operable stop valve located inside the building near the service entrance, easily accessible and protected from freezing. All plumbing must be installed to prevent back-syphoning and to permit drainage whenever necessary.

22. **Cross Connections:** 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, and no new cross connection may be installed without the approval of the Bureau and the utility. In addition, no connection

capable of causing backflow between the public supply system and any plumbing fixture, device or appliance, or between any waste outlet or pipe having direct connection to the 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 66o. The utilities cross connection rules are on file at the utility office.

23. **Fluctuation of Pressures 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.

24. **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.

25. **Utility Jobbing:** A customer must complete a written application before a utility will provide unregulated utility service. The customer must pay a deposit equal to the utility's written estimate. Unless the work is done on a flat rate basis, the utility will return any excess deposit upon completion. If the final cost exceeds the deposit, the customer must pay the additional amount upon completion.

26. **Winter Construction:** No new 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 expense over ordinary construction cost.

27. **Joint use of Service Pipe Trench:** Normally, water service pipes will not be placed in the same trench with other utility facilities. Where possible, a horizontal separation of ten (10) feet will be provided.

    Where extenuating 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.

28. **Charges for Fixtures:** All customers billed on flat rates will be charged for all fixtures, whether used or not. If a hot and cold faucet supply the same fixture, only one faucet will be charged. No water will be furnished for less than the first faucet rate.

29. **Alterations in Fixtures:** No customer supplied with water on flat rates may install any additional fixtures or alter any previous plumbing without first giving written notice to the utility.

30. **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 of improper use and will restrict usage when necessary.

31. **Use of Hose and Lawn Sprinkler:** For purpose of flat rat 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 utilities rate schedule.

    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.

32. **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 must not be opened by any person other than an agent of the utility or a duly authorized representative of the Municipality or the owner.

33. **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 services are billed quarterly. The utility does not guarantee any quantity of water or pressure available through a fire protection service. The owner of the service shall determine, from time to time, the adequacy of supply through the fire service by conducting tests of his/her private system. Timely notice must be given to the utility so a representative of the utility can be present to observe the test.

34. **Private Entities:** The utility will make no investments in water main extensions, service lines or appurtenances for the benefit of private development. Persons requesting water main extensions, service line or appurtenances shall be responsible for costs associated with the main extension, service line or appurtenance.