

# Chapter 477

## Water

**[HISTORY: Adopted by the Town of Salem as indicated in article histories. Amendments noted where applicable.]**

### GENERAL REFERENCES

Sewer use — See Ch. 398.

Stormwater management — See Ch. 417.

Utility demand and benefit assessments — See Ch. 455.

---

### Article I

#### Procedure for Overdue Bills

**[Adopted by the Board of Selectmen 8-27-1979 (Ch. 304, Art. V, of the 1995 Code); amended 5-7-2001]**

#### § 477-1 **Issuance of termination notice.**

When an arrears amount appears on the shutoff list a minimum of 50 days after the due date, a termination notice shall be mailed by certified letter to the customer. This notice will be mailed a minimum of 25 days before the shutoff date.

#### § 477-2 **Costs to be added following notice.**

The cost for certified mail will be added to the overdue amount.

#### § 477-3 **Right to hearing.**

The consumer will have the right to a hearing prior to or following termination of service.

#### § 477-4 **Payment plan agreement.**

When a customer is unable to make full payment, a payment plan agreement will be executed, which shall be satisfactory to the customer and the Water Division. If the customer fails to make payments in accordance with the agreement, the Finance Department reserves the right to send a notice that will indicate that the water may be shut off on the next scheduled shutoff date. Section **477-5**, Termination of service, does not apply to payment plan agreements.

#### § 477-5 **Termination of service.**

Certified letters will be mailed and the shutoff date noted. After the twenty-five-day deadline, unpaid accounts will be forwarded to the Public Works Director for termination of service. Charges for shutting off and turning water on will be charged to the account and borne by the customer, including overtime charges, if applicable.

#### § 477-6 **Acceptance of payment at time of termination prohibited.**

Under no circumstances will an employee of the Water Division accept any payment at the time of termination.

Article II  
**Interest Rate on Past-Due Bills**

[Adopted by the Board of Selectmen 4-13-1981 (Ch. 304, Art. IV, of the 1995 Code); amended 5-7-2001]

§ 477-7 **Establishment of rate.**

The interest rate on past-due water bills shall be an annual rate of 12%. Interest is to be charged monthly starting 25 days after the billing date with a five-day grace period the first month. The interest will be calculated starting from the bill date.

Article III  
**Water Rate Policy**

[Adopted by the Board of Selectmen 6-7-1982 (Ch. 304, Art. II, of the 1995 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 477-8 **Fixed costs.**

An administrative fee will be assessed to each account each time the meter is read. This fee includes the cost of reading meters, billing, collection and administrative expenses.

- A. The administrative fee is the distribution of administrative costs divided equally over the number of water customers/service units served by the system.
- B. The administrative fee will be charged per customer/service unit per the Department of Public Works Fee Schedule. This cost will be divided evenly between the water and sewer fund if both are charged to an account. Otherwise, the fee will be charged fully to the water fund.
- C. Adjustments will be made periodically employing the following formula: total administrative costs divided by the number of customer/service units.
- D. Any rate changes approved by the ~~Board of Selectmen~~Town Council will be in the form of a legal notice and will be posted 90 days prior to implementation.

§ 477-9 **Operation and maintenance costs.**

Operation and maintenance costs are those associated with maintaining the Salem Public Works Department, Water Division.

- A. Operation and maintenance costs are considered to be the operating budget of the Salem Public Works Department, Water Division, and the cost of the number of cubic feet of water consumed.
- B. The operating and maintenance costs will be charged on the following formula:
  - (1) Expenditures, based on appropriations approved at the Annual Town Meeting, minus non-water-consumption-related revenue divided by the total billable consumption.
- C. Adjustments will be made periodically employing the formula listed above in Subsection **B(1)**.
- D. Any rate changes approved by the ~~Board of Selectmen~~Town Council will be in the form of a legal notice and will be posted 90 days prior to implementation.

**§ 477-10 Unmetered accounts.**

Unmetered utility accounts will be billed as follows:

- A. Unmetered water accounts: based on rates in the Department of Public Works Fee Schedule.
- B. Unmetered sewer accounts: based on rates in the Department of Public Works Fee Schedule.
- C. No administrative fee will be charged to these unmetered accounts.

**Article IV  
Regulations Applicable to System**

**[Adopted by the Board of Selectmen 6-21-1982 (Ch. 304, Art. I, of the 1995 Code); amended 5-7-2001]**

**§ 477-11 Purpose; former legislation superseded.**

The following rules and regulations are adopted to regulate use of the public water supply and distribution system in the Town of Salem, New Hampshire. These rules and regulations shall replace and supersede all previous rules, regulations and ordinances relating to the control of the water system in Salem.

**§ 477-12 Services not in compliance.**

All water services not in compliance with these rules and regulations at the time of adoption shall be brought into compliance as soon as possible, but not later than the first repair or replacement of that water service.

**§ 477-13 Definitions.**

**[Amended by the Board of Selectmen 1-6-2014]**

As used in this article, the following terms shall have the meanings indicated:

**METER AND METERHORN ASSEMBLY**

Includes a meter to register the amounts of water consumed and the bracket to hold the meter, including a shutoff and check valve.

**OWNER**

The owner of record, according to the Town of Salem Tax Assessor's office, of a parcel of land serviced by the Salem water system.

**SERVICE SHUTOFF**

The shutoff valve located in a waterline at the point the water connection becomes a water service. Generally located one to three feet on the public side of the right of way line, but may be located otherwise in cases of tap sleeve valves, widening or relocated rights-of-way.

**WATER CONNECTION**

That part of the water distribution system, between the water main and the service shutoff, installed specifically to provide water to one adjacent water service.

**WATER MAIN**

Any part of the water distribution system which lies in a public right-of-way or easement installed to provide water to one or more service connections, public fire hydrants or connections to other parts of the water distribution system.

**WATER SERVICE**

The water pipe from the service shutoff into the property up to the connection to the meter assembly, excluding the meter and meterhorn assembly.

§ 477-14 **Application for service; installation.**

**[Amended by the Board of Selectmen 11-2-2015; 5-15-2017; 4-18-2022; Amended by the Town Council 11-20-2023]**

- A. All property owners wanting to tie into the water distribution system shall file an application for service with the Municipal Services Department — Engineering Division.
- B. At the time of filing the application for water, an application fee shall be paid in accordance with the current water rate and fee schedule.
- C. For each property applying for a new water connection, the owner shall comply with the following conditions:
  - (1) Each property is allowed only one water service and one water meter for domestic service.
  - (2) Separate water meters for outside water use (i.e., lawns, swimming pools, gardens, etc.) are required for residential properties.
  - (3) For commercial properties, all irrigation systems shall be connected to and serviced by a private well(s) or private water system. Those commercial properties in the Windham franchise area and receiving water from the regional water line per the Town of Windham's purchased allotment shall be exempt.
  - (4) Approved fire service connections for a building sprinkler system are permitted and do not count as a second connection/meter.
  - (5) All water services and connections shall be made directly to the water main.
  - (6) Permanent connections to neighboring water services or connections shall not be allowed.
  - (7) The water service connection shall enter the owner's building at a location which is and shall remain easily accessible for the installation and future maintenance of the meter and meter assembly. The location of the water service connection in the owner's building shall be approved by the Municipal Services Department.
- D. A commercial property owner may submit a request for a waiver regarding Subsection C(3) above, provided they demonstrate a significant hardship such as insufficient water yield less than 7.5 gallons per minute (gpm), excessive depths greater than 1,000 feet, contamination, the need for additional storage and pumping, and requiring additional permitting. Any request for a waiver will be reviewed by the Municipal Services Department prior to presentation to the ~~Board of Selectmen~~ Town Council for consideration or service connection for irrigation purposes. Further, the ~~Board of Selectmen~~ Town Council may request a formal engineering analysis to be provided that validates the request, with the cost thereof borne by the petitioner. Alternative methods shall be investigated, and a report of such investigation shall be submitted as part of the request. It shall be the sole discretion of the ~~Board of Selectmen~~ Town Council to grant or deny the request. The ~~Board of Selectmen~~ Town Council shall not be obligated to grant a waiver if in their opinion a waiver is not warranted.
- E. A residential property owner may submit a request for a waiver regarding Section C (2) above provided they demonstrate a significant hardship such as the existing water meter configuration is installed in an area that is not located on, or by, an exterior wall and/or is internally located in the interior of the house including underneath a concrete slab, and because of the physical barriers, a dedicated line and new meter to the exterior, or direct point of exit, on an exterior wall of the house is not possible. At no time will a waiver be granted if the service entrance has been altered and does not meet water department requirements or because of substantial costs including major alteration or reconfiguration of plumbing to get through the exterior wall and to the irrigation system tie in. Alternative methods, if requested and as applicable, shall be investigated, and a report of such an investigation shall be submitted as part of the request. It shall be the sole discretion of the Town Council to grant or deny the request. The Town Council shall not be obligated to grant a waiver if in their opinion a waiver is not warranted.

§ 477-15 **Responsibilities of owners.**

[Amended by the Board of Selectmen 1-6-2014]

- A. It shall be the responsibility of the owner to install and maintain the water service from the service shutoff to the inside plumbing, excluding the meter and meter assembly.
- B. The meter assembly shall be owned and maintained by the Town of Salem. The owner shall report any damage or malfunction of the meter to the Town of Salem. The owner shall not in any way tamper with the meter. The owner shall be subject to the fines outlined below if any seals on the meter or meter assembly are broken.
- C. There shall be no cross-connections to any other water supply. If an alternative supply exists, a physical air gap shall be required between the two supplies so that only the Town water or the alternative supply may be used at any one time for domestic use.
- D. The owner shall be responsible for the payment of the water bill and other legitimate charges. All bills rendered by the Town of Salem are due within 25 days of the billing date. For all accounts that are delinquent by 50 days or more, the Town may take action to terminate the water service.
- E. Those owners of facilities with water meters of four-inch or greater sizes shall test such water meters in accordance with § 477-39.
- F. The owner shall allow the Town of Salem and its agents entry to the premises at all reasonable and/or necessary times for the purpose of reading, repairing, testing, replacing, and/or disconnecting water meter(s) on the premises.

§ 477-16 **Installation and repair standards.**

- A. All work done on extension to, connection to or extensions of the water distribution system shall be done in accordance with the most current construction specifications in the Department of Public Works, Town Engineer's office.
- B. Tapping the water main and construction of the water connection shall be done by the Department of Public Works, Water Division. Any variance allowing the owner to do this work will be at the discretion of the Director of Public Works.
- C. Whenever work is being done on the water distribution system, the Department of Public Works, Town Engineer's office, shall be notified 24 hours in advance. The Town Engineer's office shall again be notified at least one hour prior to backfilling of underground waterworks.
- D. Whenever the installation of utilities includes excavation within the Town's right-of-way, a road opening permit will be required. Such applications shall be filed with the Department of Public Works.

§ 477-17 **Violations and penalties; termination of service.**

- A. The ~~Board of Selectmen~~Town Council, acting through the Town Manager, may impose fines and/or terminate service for violations of these rules and regulations.
- B. Fines as specified in Subsection C of this section may be imposed for any of the following violations of these rules and regulations:
  - (1) Meter tampering. If the meter is tampered with or if in any way the seal placed on the meter and meter assembly becomes broken.

- (2) Unauthorized entry to the water system. Operation (opening, closing) of any main line, branch line, service line or other buried shutoff valve located before (upstream of) an approved meter assembly, as well as direct taps to the main or any other unmetered line supplied water by the Salem municipal water system, without the express written consent of the Water Division. **[Amended by the Board of Selectmen 1-6-2014]**
  - (3) Unauthorized use of hydrants.
  - (4) Use of an alternative water supply cross-connection with the Town of Salem water supply.
  - (5) Violation of a written order from the Utilities Manager, Public Works Department, to repair a water service leak or to take corrective action to protect a water service from recurring freezing problems.
- C. Fines for violation of the provisions of this article, as adopted by the ~~Board of Selectmen~~Town Council, are on file with the Department of Public Works and on the Town of Salem website. Fines shall not exceed the maximum penalty established pursuant to RSA 31:39, III. **[Amended by the Board of Selectmen 1-6-2014]**
- D. Any water service may be immediately terminated after a twenty-five-day written notification for any of the following violations of this article:
- (1) An account for water services rendered which is 50 days delinquent.
  - (2) A fine that has not been paid within 25 days of issuance.
  - (3) Denial of access to a representative of the Salem Public Works Department, Water Division, for the purpose of inspecting the water service and/or repairing the meter and meterhorn assembly and/or reading the meter.

## Article V Fee Schedule

**[Adopted by the Board of Selectmen 6-21-1982 (Ch. 304, Art. III, of the 1995 Code), as amended through 11-3-2008]**

### § 477-18 New service fees.

New service application fees shall be set annually by the ~~Board of Selectmen~~Town Council.

### § 477-19 Fees for certain services.

**[Amended by the Board of Selectmen 1-6-2014]**

Miscellaneous fees, including water shutoff, account deactivation, restoration of service, service calls, bulk purchase of water, equipment charges, materials, temporary construction meters, testing of customer meters, and final billing, shall be set annually by the ~~Board of Selectmen~~Town Council.

### § 477-20 Sewer credits for filling of swimming pools.

**[Amended by the Board of Selectmen 7-26-2021]**

Sewer credits and/or abatements for filling of pools are not allowed.

## Article VI Backflow

**[Adopted by the Board of Selectmen 3-5-1984 (Ch. 304, Art. VI, of the 1995 Code); amended 5-7-2001]**

§ 477-21 **Backflow prevention devices.**

Backflow prevention devices are used to prevent the contamination of the Salem Public Works Department, Water Division, system from possible backflow of water or other contaminants into the system. The Town of Salem follows the regulations set by the New Hampshire Department of Environmental Services Administrative Order No. 2071, as of July 1, 1982.

§ 477-22 **Purpose.**

The purpose of this regulation is to identify and prevent the contamination of the Salem water distribution system from possible backflow of water or other liquids, gases, mixtures and process chemicals into said system by action with its origin beyond the outlet of the customer's water meter.

§ 477-23 **Applicability.**

The Water Division will determine, as part of its granting of a water service, those sites which will require a backflow prevention device. There must be an approved backflow prevention device installed and inspected by the Salem Water Division at those designated sites prior to the water service being activated. This regulation will apply to all municipal water customers with the level of hazard established by the Salem Department of Public Works.

§ 477-24 **Responsibilities of Town.**

The Town of Salem acknowledges its responsibility to protect the sanitary and aesthetic quality of its distribution system by enforcing this article.

- A. The Water Division will not permit any water connection to its system that has the potential for backflow contamination without an approved backflow prevention device. A permit will be supplied from this Department.
- B. The Water Division will specify the location and type of device to be installed in each location.
- C. The Water Division will maintain records of these devices and will perform a testing of the device as per this schedule:
  - (1) High hazard location: semiannually.
  - (2) Low hazard location: annually.
  - (3) Special applications: as necessary.
- D. Testing of the devices will be performed by a responsible technician, under the direction and approval of the Water Division.
- E. There will be an annual testing fee schedule implemented and updated as necessary.
  - (1) First time or retest of a faulty backflow prevention device: see the Department of Public Works Fee Schedule for rate.
  - (2) Multiple devices in a building are charged a discount rate; see the Department of Public Works Fee Schedule for rate.
- F. Water service turn-on will not be permitted without approval of the device and the proper permit issued.

§ 477-25 **Responsibilities of customer.**

There will be installed a proper, approved backflow prevention device at all water service locations as deemed necessary by the Water Division. This installation is the customer's responsibility and will be performed by competent plumbers, mechanical contractors, and those licensed to provide plumbing services,

under the direction of the Water Division and/or the Building Division, as per the implementation schedule:

- A. Where water service must be continuous, an approved bypass will be installed.
- B. The device will be installed in an accessible location free from debris, corrosive gases, electrical and/or industrial hazards, etc., and access will be provided for Salem Department of Public Works personnel and/or their designee to inspect the device whenever they deem necessary.
- C. The customer is responsible for maintaining this device in proper operating condition at all times.
- D. If the device is ever determined to be inoperative, proper repairs must be implemented within 48 hours or a time satisfactory to the enforcing agency.
- E. The Water Division must be notified if there is any physical damage and/or modifications to be done to the backflow arrangement.
- F. All maintenance and repairs to the device are at the customer's expense. The customer will provide the Water Division with proper maintenance and repair records.
- G. The customer will further ensure the protection of the "in-plant" water supply by the installation of other backflow prevention devices, as determined by the Salem Department of Public Works.
- H. The customer will apply to the Town Hall, Water Division Office, 30 days prior to the permit expiration for renewal. The inspection/renewal fee must be paid at that time.

**§ 477-26 Enforcement.**

- A. This regulation is vital to maintaining the safety and integrity of the Town of Salem's Water Distribution System and will be strictly enforced.
- B. Water service termination and/or fines will be implemented for the following reasons:
  - (1) Failure to install the specified device(s).
  - (2) Failure to maintain and repair such device as directed by the Salem Department of Public Works or other such enforcing agency.
  - (3) Any modification and/or tampering with the device without prior permission of the Water Division.
  - (4) Failure to renew the permit and/or pay applicable fees.
  - (5) Refusal of entry of the Department of Public Works personnel for inspection of device.
  - (6) For any action or nonaction which is deemed by an authorized agency not to be in the best interest of protecting the health and integrity of the Town of Salem's municipal water supply and distribution system.
- C. Fines for violation of the provisions of this article, as adopted by the ~~Board of Selectmen~~ Town Council, are on file with the Department of Public Works and on the Town of Salem website. Fines shall not exceed the maximum penalty established pursuant to RSA 31:39, III.

**§ 477-27 Appeal.**

The applicability and enforcement of this article may be appealed through the Salem Board of Adjustment.

**Article VII**



## **Drinking Water Resource Protection Program**

**[Adopted by the Board of Selectmen 11-16-1994 (Ch. 305 of the 1995 Code)]**

### **§ 477-28 Purpose.**

To prevent any degradation of water resources within the Town of Salem and to maintain water quality within the Town at ambient water quality standards as defined by RSA 485-C.

### **§ 477-29 Statutory authority.**

Under the authority of RSA 147:1 and RSA 485-C, Groundwater Protection Act, the following article is adopted to protect Salem's water resources for the benefit of the public.

### **§ 477-30 Statutory provisions.**

The rules, regulations and policies of the New Hampshire Department of Environmental Services (NHDES), Water Division and the Water Supply Engineering Bureau, and amendments thereto are referenced and form a part of this article.

### **§ 477-31 Definitions.**

For the purpose of this article, all the definitions referenced in the above-listed rules, regulations and policies of the New Hampshire Department of Environmental Services, Water Division and the Water Supply Engineering Bureau, and amendments thereto form a part of this article.

### **§ 477-32 Inventory of potential contaminant sites (PCS).**

- A. An inventory of potential contaminant sites (PCS) shall be developed by the Town Health Officer or his (or her) agent, identifying the location, property owner, type and quantity of the potential contaminant substance. A preliminary on-site inspection and interview will be conducted at each location in the inventory.
- B. The inventory of PCS sites will be maintained by the Health Officer or his (or her) agent and shall be updated at intervals not to exceed three years. Unannounced inspections will be performed at random intervals to determine compliance with the water resources management program outlined in § 477-33.

### **§ 477-33 Water resources management program.**

- A. Best management practices (BMP) are as defined in the New Hampshire Department of Environmental Services rules and regulations referenced in § 477-30 above.
- B. The Town of Salem shall be notified by the responsible person of any spills or releases of regulated contaminant or petroleum products as soon as possible, not to exceed 24 hours of the occurrence. Notification shall include time, date, location, volume, material type and all other information necessary to assess the impact on public health and the environment. This notification shall not waive notification to the state and federal agencies where applicable.

### **§ 477-34 Penalties.**

Failure to comply with this article may result in appropriate action, including prosecution taken by local, state or federal authorities.

## **Article VIII Manufactured Housing Parks**

**[Adopted by the Board of Selectmen 1-6-2014 (Ch. 304, Art. VII, of the 1995 Code)]**

### **§ 477-35 Master meter.**

- A. All manufactured housing parks, which exist at the time of the adoption of this article or are

subsequently constructed, and which obtain water service from the Town, will do so through a master meter. The master meter and meter assembly shall be owned and maintained by the Town of Salem. The master meter shall be located in a meter pit designed to permit access for maintenance and to maintain a proper operating environment for the meter and meter reading equipment. Bills for water usage measured by the master meter shall be prepared on a billing cycle commensurate with other commercial properties in the Town of Salem and sent to the manufactured housing park owners or their agents.

- B. For new manufactured housing parks, or for new master meter pits at existing manufactured housing parks, the design and final construction of the master meter pit must be approved by the Utilities Manager, Public Works Department.
- C. The manufactured housing park owner is responsible for maintaining the master meter pit in a manner that allows the Town access for maintenance and provides for the proper operation of the master meter and meter reading equipment.

**§ 477-36 Individual customer meters for manufactured housing park tenants.**

- A. In accordance with RSA 205-A:6, II, manufactured housing park owners may shift responsibility for payment of water and sewer service to their tenants. The manufactured housing park owner is responsible for the cost associated with this shift, including the cost of furnishing and installing a water meter for each manufactured home.
- B. Each new or replaced manufactured home's water meter must be located within the home's living space or in an approved meter pit (see Subsection C). Each manufactured home shall have a separate shutoff at a location accessible to Water Division personnel.
  - (1) Existing manufactured homes installed prior to January 13, 2014, shall be allowed to have the water meter installed under the manufactured home in the waterline, provided that the meter is installed in an accessible location to Water Division personnel and is installed horizontally.
  - (2) The manufactured home owner shall provide and maintain a ball valve on both sides of the meter with an in-line backflow preventer. The manufactured home owner shall be responsible for providing and maintaining adequate heat tape, heating cable and insulation of the waterline. Meters shall be protected by a Styrofoam insulating jacket or equivalent which can be purchased from the Town of Salem, New Hampshire.
  - (3) The Town of Salem, New Hampshire, its personnel, subcontractors or agents shall not be responsible for damage to siding, skirting, heat tape, etc., while servicing meters and Town equipment.
- C. The construction of the meter pit must meet the Salem Public Works Department, Water Division's Water Distribution System Material and Construction Specifications (see Section W-5, Meter Vaults and Pits). All water meters and meter reading equipment at each manufactured home must meet the current specifications of the Salem Public Works Department, Water Division.
- D. Each meter location shall be, and shall remain, easily accessible for the installation and future maintenance of the meter and meter assembly. Each location shall be approved by the Utilities Manager, Public Works Department.
- E. The meter conversion must be completed 90 days after notice or by the January 1, 2015, deadline. Once the conversion is complete for all homes in the manufactured housing park, the Town of Salem will directly bill the tenants for their water usage and for the associated sewer usage, in accordance with the same procedures used for billing other residential customers in Salem.
- F. The water usage shown on the water bill prepared for the manufactured housing park owner's master meter will be reduced by an amount equal to the sum of the water usage of all tenants. The bills will

clearly show the master meter readings and the total tenant water usage for the billing period. For billing purposes, the net usage at the master meter will not be less than zero. The readings for the master meter and for the tenant meters will be made on the same day.

- G. For parks which already have master meters and tenant meters at the time of the adoption of this article, the billing procedures described in the foregoing subsection shall begin as of the date of adoption of this article.
- H. In the event of nonpayment of any water service account owed to the Town by a tenant of the park, the Town reserves the right to enter the park and, following existing laws, ordinances, regulations, and/or the procedures which the Town has established for the collection of water accounts owed to it by other users of the Town's water system, may take appropriate steps to collect such account, including but not limited to shutting off water service to the individual tenant.
- I. The Town will also enter the park, including the lots of individual manufactured housing park tenants, at all reasonable and/or necessary times for the purpose of reading, repairing, and disconnecting the water meters within the park.

**§ 477-37 Park owner responsible for water distribution infrastructure.**

- A. The manufactured housing park owner owns and is responsible for maintaining water distribution mains, service connections, and appurtenances located on his property. Such maintenance shall include but is not necessarily limited to detecting and correcting leakage and protecting against backflow, cross-connections, and any other sanitary hazards that may affect the public water system or affect water consumed by tenants of the park.
- B. If water quality at the master meter meets required state and federal drinking water quality standards but the quality of water as measured at any tap within the park falls below required state or federal standards, the manufactured housing park owner shall be responsible for restoring the water quality to such standards, at the manufactured housing park owner's expense.
- C. The manufactured housing park owner will provide the Town with copies of all existing and future records and/or plans regarding the location and specifications of the component parts of the water system located within the park, including but not limited to plans regarding the location of all individual shutoffs and meters.

**Article IX  
Customer Water Meter Testing**

**[Adopted by the Board of Selectmen 1-6-2014 (Ch. 304, Art. VIII, of the 1995 Code)]**

**§ 477-38 Meter testing at customer request for meters less than four inches in size.**

- A. The Town of Salem water system is not under the jurisdiction of the New Hampshire Public Utilities Commission (NHPUC). Nevertheless, the Town has reviewed NHPUC's meter testing procedures and has elected to implement some of their provisions in this article.
- B. A customer may request in writing to the Utilities Manager that the Town test a water meter less than four inches. The Town requires a deposit of 100% of the testing fee to be paid by the customer with the request, in accordance with the fee schedule established per § 477-19. Fee schedule is sent by separate e-mail.
- C. For meters of size one inch and smaller testing will be performed directly by the Town. For meters larger than one inch but smaller than four inches the Town will not perform the testing directly but instead will arrange to have the meters tested by a testing firm. The Town and any such testing firm shall utilize testing facilities, equipment and procedures consistent with those in NHPUC regulation Puc

605.06.

- D. If desired by the customer, the Town will allow the customer or an agent to be present when the Town conducts the meter test of one-inch and smaller meters.
- E. Consistent with NHPUC regulation Puc 605.03(c), the meter test flows shall be as follows:

**Test Flows in Gallons per  
Minute (gpm)**

**Meter  
Size**

**(inches**

**)    Minimum    Medium    Maximum**

5/8	1/4	2	15
3/4	1/2	3	25
1	3/4	4	40
1.5	1.5	8	50
2	2	15	100
3	4	20	150

- F. Consistent with NHPUC regulation Puc 605.03(e), the percent error of registration shall be taken as the algebraic sum of the errors at the medium and maximum rates of test flow, as set forth in the table above, divided by two.
- G. The Town will furnish the customer a test record with all data from the test.
- H. Consistent with NHPUC regulation Puc 605.03(d), the meter shall be determined to be inaccurate and will not be returned to service if:
  - (1) The percent error of registration exceeds 103% or is less than 97%; or
  - (2) The registration at the minimum flow exceeds 103% or is less than 90%.
- I. The deposit paid by the customer with the meter test request shall be refunded to the customer if the meter is determined to be inaccurate.
- J. Consistent with NHPUC regulation Puc 605.05, adjustments to the customer's water bill (and, if applicable, sewer bill) shall be made as follows:
  - (1) When the percentage error of registration exceeds 103% of the correct amount, the Town shall refund an amount equal to the charge for the excess billed for the shorter of the following:
    - (a) The previous 12 months;

- (b) A period equal to 1/2 the time elapsed since the last test; or
  - (c) The period of occupancy by the customer.
- (2) When the percentage error of registration is below 97% of the correct amount, the Town shall charge the customer for the unbilled amount for the shorter of:
- (a) The previous 12 months;
  - (b) A period equal to 1/2 the time elapsed since the last test; or
  - (c) The period of occupancy by the customer.

**§ 477-39 Required testing of large meters by water customers.**

Meters four inches and greater in size are required to have the meter tested every four years at customer expense.

- A. Customers whose water meters are four inches or larger in size shall test those meters periodically in accordance with this article.
- B. Meter testing shall be conducted and the results reported to the Town within four days of whichever of the following applies:
  - (1) The Town's installation of a new meter under the Town-wide meter replacement program which began in 2011;
  - (2) Installation of a meter on a new service at any time from 2011 on; and/or
  - (3) The prior meter test conducted under this article.
- C. The Town shall endeavor to mail to the customer a reminder of the need for this testing six months before the due date.
- D. The customer's meter testing firm must utilize testing facilities, equipment and procedures consistent with those in NHPUC regulation Puc 605.06, and the testing report must include a signed certification statement to that effect. The testing report shall contain all data and calculations associated with the test. The customer shall furnish the testing report to the Utilities Manager.
- E. Should the customer not perform the required meter testing within the schedule indicated above, the Town has the right to engage a meter testing firm to perform the test and shall bill the customer for all costs of the test plus a surcharge in accordance with the fee schedule established per § **477-19**.
- F. Consistent with NHPUC regulation Puc 605.03(c), the meter test flows shall be as follows:

**Test Flows in Gallons per  
Minute (gpm)**

**Meter  
Size**

**(inches  
)    Minimum    Medium    Maximum**

**4            7            40            200**

6            12            60            500

- (1) For meters of larger size, test flows shall be agreed to by the Town, customer, and the customer's testing firm before the tests are performed.
  
- G. Consistent with NHPUC regulation Puc 605.03(e), the percent error of registration shall be taken as the algebraic sum of the errors at the medium and maximum rates of test flow, as set forth in the table above, divided by two.
  
- H. Consistent with NHPUC regulation Puc 605.03(d), the meter shall be determined to be inaccurate and will be replaced at the Town's expense if:
  - (1) The percent error of registration exceeds 103% or is less than 97%; or
  - (2) The registration at the minimum flow exceeds 103% or is less than 90%.
  
- I. Consistent with NHPUC regulation Puc 605.05, adjustments to the customer's water bill (and, if applicable, sewer bill) shall be made as follows:
  - (1) When the percentage error of registration exceeds 103% of the correct amount, the Town shall refund an amount equal to the charge for the excess billed for the shorter of the following:
    - (a) The previous 12 months;
    - (b) A period equal to 1/2 the time elapsed since the last test; or
    - (c) The period of occupancy by the customer.
  - (2) When the percentage error of registration is below 97% of the correct amount, the Town shall charge the customer for the unbilled amount for the shorter of:
    - (a) The previous 12 months;
    - (b) A period equal to 1/2 the time elapsed since the last test; or
    - (c) The period of occupancy by the customer.