

Town of Lincoln, New Hampshire

Water System Regulation

A regulation governing the use of the public water system and the installation and connection of water mains and appurtenances for the Town of Lincoln, County of Grafton, State of New Hampshire.

The Board of Selectmen of the Town of Lincoln hereby adopts the following regulation for the management and protection of the Lincoln public water system and its associated facilities.

Article 1 – General Provisions

Section 1. This regulation shall be known and may be cited as the “Lincoln Water System Regulation.”

Section 2. This regulation is adopted for the purpose of protecting the Town’s public water system and its associated facilities. The objective is to assure a safe, reliable, and ample supply of drinking water by controlling and regulating: construction of facilities and connections to the Town’s water system; usage of water supplied by the system; and improvements in developments that may become part of the system in the future.

Section 3. This regulation shall take effect upon its adoption and shall remain in effect until repealed, amended or superseded. The Selectmen shall review the provisions hereof as they deem necessary based upon then-existing conditions and circumstances.

Section 4. If any other applicable regulation, bylaws, ordinance or statute differs from the provisions of this regulation, the more stringent provision shall apply.

Article 2 – Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used in this regulation shall be as follows:

1. **ASTM** means the American Society of Testing and Materials. **AWWA** means the American Water Works Association. Any ASTM, AWWA or other specification incorporated by reference in this regulation shall be deemed to refer to the most recent specifications or requirement.
2. **Department** means the Town of Lincoln Public Works Department.

3. **Owner** means the record owner of property. When appropriate to the context, it may include and occupant of the property, or an agent, representative or contractor of such owner or representative.
4. **Public** in reference to a water main or appurtenance refers to a part of the Town water supply system.
5. **Shall** is mandatory. **May** is permissive.
6. **Superintendent** means the Superintendent of Public Works.
7. **Town** means the Town of Lincoln.
8. **Water main** means a common water pipe controlled by a government agency or public utility, subdivision or Homeowner's Association.
9. **Water service** means the pipe from a water main to a customer's location, and includes the corporation stop or tagging sleeve and any intermediate curbstop along the service pipe.

Article 3 – Administration

Section 1. The Board of Selectmen or his designee shall administer this regulation. All forms, applications, permits or other documents necessary to implement this regulation shall be promulgated by the Board of Selectmen. They may adopt rules and procedures as are necessary to implement this regulation. No waiver or exception from this regulation shall be effective unless approved in writing by the Board of Selectmen.

Section 2. Unless otherwise specified by this regulation or directed by the Board of Selectmen, all inquiries, applications and contact with the Town in matters relating to the water system shall be handled through the Board of Selectmen's office.

Section 3. Any authorized town employee or official, bearing proper credentials, may enter private property through with the Town holds and easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water facilities lying within said easement. Access shall be obtained in a manner consistent with the terms of the easement. If Town facilities are located on private property for which the specific easement rights may not exist, or if access to private property is required to view private facilities connected to the Town system, such Town employees or officials shall be afforded access as necessary. If access is denied, appropriate search warrants or other appropriate authorizations may be obtained.

Article 4 – Compliance Requirement

Section 1. This regulation shall apply, where appropriate, to all property in the Town of Lincoln. The record owners of such property shall bear responsibility for assuring compliance herewith, but non-owner occupants, agents, contractors and representatives shall likewise comply with its terms.

Section 2. This regulation uses the term “owner” as a matter of course. Where activities or conditions that are subject to this regulation are conducted by, or are under the control of, others (e.g. tenants, contractors and subcontractors), those persons shall be deemed to be the owner for the purposes of compliance herewith.

Article 5 – Required Connections and Facilities

Section 1. Any structure capable of use for human occupancy, employment, business, commerce, industry, recreation, or other similar purposes, or which uses water for domestic purposes, situated within the Town of Lincoln and abutting any street or alley, or right-of-way in which a public water main is located, shall be connected, at the Owner’s expense, directly with the proper public water main in accordance with this regulation, within 90 days after receipt of notice from the Town to do so, provided that said public water main is within 100 feet of the property line.

Section 2. All connections to the Town water system shall first be approved by the Town in such a manner as the Board of Selectmen determines, in accordance with application procedures set forth in this regulation. The materials used in, and the manner of, such installations and connections shall conform to the requirements and standards set forth in the regulation.

Section 3. The Town may require existing connections and installations to be examined and replaced where necessary to protect the system or public health or welfare.

Section 4. All new construction which utilizes a water supply or distribution system, and which is not proposed for connection to the Town system, shall use materials and installation methods that conform to this regulation.

Article 5-A

Section 1. DEFINITIONS. In this article, unless the context requires otherwise:

A. Multiple-user Property means a property or development which contains two (2) or more individual entities which separately utilize water supplied by the Town,

including, without limitation by reason of enumeration, condominium developments, time-sharing facilities, and commercial malls and shopping centers.

B. Responsible Party means the person, association, or organization, which is responsible for payment of charges for water services under this article.

Section 2. FINDINGS AND PURPOSE.

A. Findings. As part of the expansion and improvement of the Town's Water System, installation and use of water meters will be required. Use of individual meters and bills for payment of water service provided to multiple-user properties would be costly and inefficient and the remedies available for nonpayment are largely ineffective and counterproductive if the Town is required to impose liens on individual units.

B. Purpose. The purpose of this regulation is to establish an efficient and effective means of billing for water service provided to multiple-user properties and to thereby reduce delinquent accounts and lessen the overall administrative and other costs in providing water service.

Section 3. COMBINED BILLING AND PAYMENT.

A. General Requirement. Except when a waiver is granted pursuant to Section 6, and commencing with charges for water service provided on and after June 1, 1993, billing, payment and collection of charges for water services provided to multiple-user properties shall be governed by this section.

1. Water service to a multiple-user property shall be provided in the name of the responsible party determined by the Board of Selectmen in accordance with the following:

- a. Where the multiple-user property is owned as a single entity rather than individual, identifiable units, the record owner (s) shall be the responsible party.
- b. Where a unit owner's association, home owners association or other group exists, under recorded covenants or other documents, which includes all units in the property, that entity shall be the responsible party.
- c. In any other instance, the responsible party shall be determined by the users, subject to approval by the Board of selectmen, after considering the appropriateness of the entity and the ability of the Town to assess, bill and collect charges for water services from the responsible party.

B. NEW DEVELOPMENTS. When acting upon an application for approval of a multiple-user property under subdivision regulation or site plan review, the Planning Board shall require as a condition of final approval that a responsible party be established

and that appropriate binding documents be recorded to reflect the existence and powers of the responsible party. The Planning Board shall obtain the concurrence of the Board of Selectmen in the designation of the responsible party.

Section 4. BILLING, COLLECTION, AND ENFORCEMENT

A. By accepting water service from the Town both the user and the responsible party are deemed to have and authorized the billing, payment and collection methods established by this regulation. The Town shall bill multiple-user properties a total usage basis and the responsible party shall be the entity initially responsible for payment, subject to the collection and lien powers set forth in RSA 38:22 and this article.

B. The allocation of water service charges to individual users shall be determined by the responsible party and the users, but shall be equitable and appropriate, and shall be subject to review by the Board of Selectmen to determine if it will allow reasonable means of collection and enforcement under this regulation, if the responsible party fails to make a timely payment.