

**Introduced and Sponsored by Councilor Silvia K. Thompson**

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**TOWN OF HOPKINTON  
PROPOSED ORDINANCE  
HOPE VALLEY WATER DISTRIBUTION SYSTEM**

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**INTRODUCTION**

The Town of Hopkinton maintains an agreement with the Town of Richmond to obtain water for the use of its residents and commercial businesses in the village of Hope Valley. Hopkinton is obligated to pay Richmond for water and services provided for the benefit of waterline customers in Hopkinton. It is necessary for the Town of Hopkinton to insure that customers making use of water obtained from Richmond fully understand their obligations with respect to receiving such water. It is also necessary that the Town insure that it is properly protected in the event certain issues arise concerning water provided to the customers, including but not limited to, nonpayment by waterline customers.

**DEFINITIONS**

The words and terms listed below shall have the following meaning when used in this Chapter:

Curb stop --- A valve installed on the service pipe at the property line.

Customer --- A person, business, association, or governmental or quasi-governmental entity to which the distribution system supplies water.

Manager --- The person who maintains the waterline distribution system on a day-to-day basis.

Owner --- The proprietor of record of real property or a building or portion of a building to which water is supplied.

Properties --- A building, group of buildings, portion of a building, residence or parcel of land that has a water service connection.

Service pipe -- The pipe from the property to the meter.

Water main -- The primary water pipe that transports water from the source to water service pipes.

Water system - The water distribution infrastructure operated by the Town of Hopkinton.

**ADMINISTRATION OF WATER DISTRIBUTION SYSTEM**

- A. The Town's water distribution system shall be operated as an enterprise system monitored on a day-to-day basis by its Water Manager, who shall be supervised by the Town's Finance Director who, in turn, shall be supervised by the Town Manager.
- B. The Finance Department shall deposit all water system revenue into a restricted account and shall make all expenditures from such fund. The Finance Director shall oversee the operation of the restricted waterline account.
- C. The Town Clerk's Office shall serve as the central repository for all waterline service applications.
- D. The Tax Collector's Office shall be responsible for notifying the Finance Director of any transfers of ownership for properties on the waterline.

**TOWN'S RESPONSIBILITIES**

- A. The Town will make all reasonable efforts to insure the availability of water obtained from the Town of Richmond, but does not, under any circumstances, guarantee that water will always or perpetually be available. The Town shall not be responsible for any loss,

personal injury or property damage resulting from the failure to supply water or water pressure.

- B. The Town shall have the right to stop water service temporarily, without notice, for repairs, emergencies, system maintenance or any other reason, at any time. If the Town determines that an interruption of service is necessary, the Town shall make a reasonable effort to notify affected customers, in advance, and will endeavor to provide an estimate, if possible, as to how long the service will be interrupted. No customer shall be entitled to damages or a refund of any payment for any stoppage of water supply.
- C. The Town will exercise reasonable diligence in providing a continuous and adequate supply of water to its customers.

### **OWNER RESPONSIBILITIES**

- A. Water bills shall be promptly paid when due.
- B. Effective July 1<sup>st</sup>, 2017, the Town shall issue water bills on a quarterly basis. The first quarterly reading will take place on October 1<sup>st</sup>, 2017, for the months of July, August, and September 2017.
- C. Payment by owners shall be due thirty (30) days from the date of invoice. Interest of one and one-half percent (1.5%), per month, shall accrue on unpaid balances and owners shall pay to the Town all costs of collection of the overdue amounts, including any legal fees incurred. Failure to receive an invoice does not relieve the owner of the responsibility to pay for water and services in a timely fashion.
- D. All consumption fees and any other charges for water and services, as well as costs of collection including legal fees, shall be a lien on the real property to which the water is delivered in the same manner that municipal taxes are a lien on the property, and shall be collected in the same manner that overdue municipal taxes are collected.
- E. Property owners whose checks are returned for insufficient funds shall pay a returned check fee, as assessed by the Town's Finance Director.
- F. Property owners who transfer ownership shall notify the Finance Director at least three (3) working days before the conveyance or transfer to obtain a final meter reading and account closing statement for payment. Any outstanding charges against the account shall remain collectable. Property owners shall be liable for the payment of all charges incurred, until the Town receives proper notice of the transfer of property ownership. Failure to receive an invoice sent to a previous address does not relieve the owner of the obligation to pay such invoice.
- G. Property owners shall allow a representative of the Town access to the premises, during reasonable hours, to examine service pipes and fixtures, to install or replace a meter, to observe the manner of water use, and for any other reason related to water service.

- H. Property owners shall allow a representative of the Town access to the premises, at any time, in the event of an emergency situation related to water service.

### **RESTRICTIONS ON WATER USE**

- A. If the Town of Richmond notifies the Town of Hopkinton that water supplies are inadequate because of weather conditions, the Town has the authority to declare a water emergency and require water conservation measures, including but not limited, to prohibition of water use for watering non-agricultural gardens and lawns, washing motor vehicles, and filling swimming pools. Before such a restriction takes effect, the Town shall make every effort to notify customers of the reason and nature of the restriction, and its effective date.
- B. During a water shortage, the Town will equitably apportion available water among customers, taking into account public health and safety considerations.
- C. Irrigation systems operated by agricultural operations, as defined in R.I. Gen. Laws § 2-23-4(a) for commercial crops in fields or greenhouses and irrigation systems for golf courses shall not be connected to the water system.

### **EXISTING WATER SERVICE ACCOUNTS**

- A. Property owners shall promptly pay any outstanding water balances, prior to the conveyance or transfer of ownership.
- B. Property owners shall pay any past due balance on their water bills that accrued prior to the effective date of this Ordinance.

### **NEW WATER SERVICE ACCOUNTS**

- A. All applications for Town water service connections shall be made on an *Application for a New Waterline Service Connection Form* which may be obtained at the Town Clerk's Office. The owner shall complete the application form, have the septic system pumped, inspected and certified by an ISDS Inspector, consistent with the provisions of Chapter 121-14 of the Town of Hopkinton's Waste Water Management Ordinance.
- B. A check for \$100.00, made payable to the Town of Hopkinton, must accompany the application.
- C. The Town's approval of the owner's signed application shall constitute a binding agreement between the owner and the Town that obligates the owner to pay all applicable rates and charges.

- D. The Town's Finance Director shall have the authority to require a deposit against future charges if the owner is not able to establish credit to the satisfaction of the Finance Director.

### **NEW WATER SERVICE CONNECTIONS**

- A. New water service connections shall be made only after certification, in writing, by the Town's Water Manager that the water supply is adequate to serve the new connection. The Water Manager shall have the right to refuse to authorize a new service connection if it is determined that the main is inadequate to provide service due to its size or location or the proposed water demand would adversely affect service to other customers.
- B. Installation of a service pipe shall be performed by a licensed contractor, at the owner's expense, and inspected by the Water Manager, prior to approval.
- C. Connection of the service pipe to the curb stop shall be performed by a state-licensed master plumber, and inspected by the Water Manager, prior to approval.
- D. Maintenance and repair of the service pipe from the curb stop to the owner's property shall be the owner's responsibility.
- E. The costs associated with the purchase of new water meters shall be borne by the Town.
- F. During the 2016-17 replacement period, the cost for removal and installation of water meters shall be borne by the Town.
- G. After the 2016-17 replacement period, the cost for removal and installation of water meters shall be borne by the property owner.

### **BACKFLOW AND CROSS-CONNECTION PREVENTION**

- A. Property owners shall be responsible for preventing the backflow of water or other fluids from sources, other than the approved water source, that could contaminate or pollute the public water distribution system.
- B. Backflow prevention device required by the Rhode Island Building Code shall be installed at every new property and connected to the water system by a state-licensed master plumber.
- C. Property owners shall be responsible for maintaining backflow prevention devices in good working condition and shall repair or replace malfunctioning devices.
- D. Installation of a by-pass device around any backflow prevention device is prohibited, unless a backflow prevention device of the same type is installed on the by-pass. If the property owner's water supply cannot be shut down for testing of the backflow

prevention device, the owner must install, at the owner's expense, another backflow prevention device of the same type on a by-pass to enable testing and repair to take place.

- E. If property served by the water distribution system has a well, the owner shall ensure that the well is not cross-connected to the water distribution system. An air gap shall be maintained between the well and the system.
- F. Air conditioning systems that use water from the water distribution system shall be equipped with a check valve to prevent entry of used water into the system's water main.
- G. If the Water Manager determines that a cross-contamination hazard exists, the owner shall correct the hazard within ten (10) days. However, the Water Manager shall have the authority to grant extensions of time for such corrections for reasonable cause, but in no event shall the time for such corrections exceed forty-five (45) days.
- H. The Building and Zoning Official shall notify the Water Manager of every plumbing and/or building permit application for a property owner who seeks to be connected to the water distribution system.
- I. Each temporary water service connection shall be fitted with a shut-off valve and a backflow prevention device.
- J. Cross-connection prevention devices shall be installed in every commercial building, industrial building, or residence containing four or more dwelling units.

### **DISCONNECTION OF WATER SERVICE**

- A. Owners who wish to have their water service disconnected shall notify the Town at least thirty (30) days before the scheduled disconnection date. Such disconnection shall be performed by Town's Water Manager.
- B. The Town shall have the authority to disconnect service to properties whose owners are in arrears for six (6) months or more; however, at that time, the Town shall then formally notify the property owners, in writing, that they have an additional sixty (60) days to pay their water bills before the Town disconnects their service.
- C. Water service may be disconnected, without notice, to property owners for the following reasons:
  - 1. If the Town determines that an imminent hazard exists to the public health, safety, and welfare of residents and business owners.
  - 2. If the property owner uses equipment in a manner that adversely impacts the water system equipment or service to other customers.

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3. If the Town has evidence that the owner is obtaining water service by fraudulent means, is diverting water for an unauthorized use, or is obtaining water that is improperly metered.
4. If the property owner tampers with water equipment owned by the Town.
5. If the property owner fails to provide access, a suitable location or any other condition required by the Town.
6. If the property owner is allowing leakage to occur.

### **PROHIBITED ACTIVITIES**

- A. No person or persons shall cause a physical connection to be made between the water distribution system and any other water supply for any purpose at any time.
- B. No person shall provide water to another person, whether or not for resale, without the express written approval of Town officials.
- C. No person shall connect a pump to the water main or to a service pipe for the purpose of increasing water pressure, without express written approval of Town officials.
- D. No person shall insert any object, material or substance that may cause damage or pollution into any water pipe or main that is part of the water distribution system, discontinue the flow of water in any pipe or main, tap into any main or service pipe, or tamper with or alter any service pipe, or tamper, remove, or install any meter without the approval of the Town.
- E. No person, other than authorized fire company personnel, shall open, close, or tamper with a hydrant valve, without the written approval of Town officials.
- F. No person shall obstruct access to a fire hydrant.
- G. All damage to water mains, service pipes, hydrants, or other parts of the water system that occur during any construction shall be the responsibility of the property owner for whom the work is being performed.

### **RATES**

- A. Charges for water usage rates, service charges, debt service or other fees shall be set from time to time by the Hopkinton Town Council.

**This act shall take effect upon its passage.**

**Adopted:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_  
**Elizabeth Cook-Martin**  
**Town Clerk**