



**City Council Public Hearing
February 22, 2023
Council Chambers
6:00 PM**

Agenda

- 1. Call to Order**
 - 2. Amendment to Chapter 275-21 of the General Ordinances of the City of Rochester Regarding Conditional Uses in the Granite Ridge District P. 5**
 - 3. Adjournment**
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**City Council Workshop
February 22, 2023
Council Chambers
*Immediately Following the Public Hearing***

Agenda

- 1. Call to Order**
- 2. Public Input**
- 3. Communications from the City Manager**
- 4. Communications from the Mayor**
- 5. FY22 Annual Audit Presentation – Marcum LLP (formerly Melanson) P. 9**
- 6. Amendments to Chapter 260 of the General Ordinances of the City of Rochester Regarding Water**
 - 6.1 Memo from Director of City Services P. 11**
 - 6.2 Registry of Recommended Changes P. 13**
 - 6.3 Red-Lined version of Chapter 260 P. 27**
 - 6.4 Clean version of Chapter 260 P. 75**

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City Clerk's Office

7. **Community Outreach Facilitator Program P. 115**
8. **COAST presentation: Transportation Coalition P. 117**
9. **Committee of the Whole – Code of Ethics P. 119**
10. **Department Reports P. 145**
11. **Non-public/non-meeting**
12. **Adjournment**

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Amendment to Chapter 275 of the General Ordinances of the City of Rochester
Regarding Conditional Uses in the Granite Ridge District

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (additions in red):

§275-21.4 Conditions for particular uses.

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R. Granite Ridge District Residential Housing-§275.8

The Commercial footprint of fifty-five percent (55%), and Residential footprint of forty-five percent (45%) may be adjusted to increase the residential footprint percentage. The applicant shall demonstrate that a residential need exists which current market conditions are not adequately serving, or that commercial market conditions have changed which makes the 55% commercial footprint requirement economically unfeasible.

The completion and occupancy allocations of fifty percent (50%) of the residential development that may be occupied prior to the completion of between twenty-five to fifty percent (25%-50%) of the non-residential structures may be adjusted to increase the residential percentage. The applicant shall demonstrate that either residential or commercial market conditions are impacting the ability to comply with the allocation.

The effective date of these amendments shall be upon passage.

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City of Rochester Formal Council Meeting

AGENDA BILL

NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.

AGENDA SUBJECT

COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>
* IF YES ATTACH A FUNDING RESOLUTION FORM

RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>

FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input type="checkbox"/>

AGENDA DATE	
DEPT. HEAD SIGNATURE	
DATE SUBMITTED	
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

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SUMMARY STATEMENT

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RECOMMENDED ACTION

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RECOMMENDED ACTION

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City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.net



INTEROFFICE MEMORANDUM

TO: CITY COUNCIL

FROM: PETER C. NOURSE, DIRECTOR OF CITY SERVICES

DATE: December 19, 2022

SUBJECT: Proposed Revisions to Chapter 260 of the General Ordinances of Rochester

CC: Terence O'Rourke, City Attorney

Thank you for this opportunity. Please see attached draft Water Ordinance revisions. This work is the result of an in-depth review of our current ordinance language and comparison with past and current practices of its application. In our review, we identified areas of program administration which require improvement. This review was conducted by multiple staff and the City's environmental attorney.

Overall, the current ordinance has several areas which should be corrected or updated.

First, the existing language has ambiguities in some areas which has resulted in subjective interpretations by staff, customers and developers. This lack of consistency in language interpretation over the years has resulted in a program which has not been administered uniformly. Secondly, the ordinance lacks many key definitions and their application in the administration of a properly regulated water program. Language has also been changed to accommodate administration of the City's responsibilities under the EPA Lead and Copper Rule Revisions. The document was also formatted to create uniformity in the text style, font and spacing.

Recommended improvements will bring the ordinance into accepted industry standards and practices. Revisions affecting metering and infrastructure shall be in effect following approval of these revisions, thereby grandfathering existing customers.

Fees of Section 234-60 were reviewed and compared with similar communities. Further discussion may be warranted.

Per NH Department of Environmental Services (NHDES) Rules, this ordinance does not require NHDES review/approval.

Changes are summarized in the attached *Registry of Recommended Changes: Water Ordinance*. Changes are categorized into clarifying, minor and substantive. Most of the recommended changes are either clarifying or minor in nature.



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02/16/2023



City staff and our consultants applied hundreds of hours towards this effort and our work has been reviewed by the City Attorney.

Attachments:

- (1) Registry of Recommended Changes: Water Ordinance
- (2) Chapter 260 Ordinance Revision – Redlined – with Water Development Fee
- (3) Chapter 260 Water Ordinance (Proposed) – clean version

Water Ordinance Registry of Recommended Changes.

28 new definitions; 14 clarified definitions, 1 definition removed or merged. 51 Sections. New Chapter 260A (adopted September 6, 2022) added.

Revision Type:

- (S): Substantive. Refers to a recommended revision improvement that effects the administration of the program which may not reflect current practice.
- (M): Minor. Refers to a recommended revision improvement that reinforces consistency of or improves terminology and language which may reflect current practice
- (C): Clarifying. Refers to a recommended revision improvement that allows the ordinance to be more explicit on a point than the current language. May clarify current practice.

The current Water Ordinance as written, contained a number of ambiguities that have resulted in wide variations in interpretation and practices over time. The recommended revisions bring the Water Ordinance in line with current industry standards, regulations and practices. The document was also formatted to create uniformity in the text style, font and spacing.

Here is a summary of those sections amended by this proposed revision to the Water Ordinance:

§260-2 Definitions.

(C)

Proposed are twenty-eight new definitions and proposed edits to fifteen existing definitions. This draft also merged existing definitions found in sections §260-2 and §260-35, to make it easier to reference the definitions in one place within the document. The definitions were in some cases amended or added to ensure the system is operated to optimal industry standards, clarify legal jurisdiction, and clarify responsibilities of the various parties impacted by the water system.

The current Water Ordinance lacked some definitions which support proposed new language updating the existing ordinance and allowing for better delineation of operational responsibilities between the utility and its customers.

Some new definitions are recommended to define how services and metering are applied, identify public vs. private water facilities, better define potable water, fire water vs. domestic water, a consecutive water system, a franchise system, a public water service, a private water service, a public water main, a private water main, private distribution systems, definitions of various structures/uses, etc. The definitions of public and private water services are delineated to clarify the City's and customer's ownership in anticipation of obligations under the recently revised Lead and Copper Rule. This delineation does not depend upon the property line but the point of sanitary control. The definitions were also updated to clarify the requirements for the backflow protection program.

For the sake of uniformity, the term "Department" as updated, replaced Commissioner or Business Office throughout the revised ordinance. The definition of Water Treatment Chief

Operator was amended to Water System Superintendent which is representative of the current title and position within the Department.

§260-3 Policy Statement.

§260-3(A). (M)

This section references implementation of best practices consistent with industry standards of the American Water Works Association and compliance with state and federal regulations.

§260-3(B). (S)

This new section outlines the City's goal of a fully metered system including better defining service and metering requirements for varying land uses, building types including multiple units and non-residential buildings. This new section updates the prior ordinance to ensure uniformity in how services and metered buildings are authorized by the City. This section also clarifies new services on public and private ways. Services and metering, as proposed, will be administered universally on a per-premises basis. This revision creates a standard approach to manage service location(s), metering types and backflow protection to optimize the system that is maintained and operated by the City. This section also adds a requirement for master meters for one service serving multiple structures on a Premise. The City will determine the water service pipe connections for duplexes, condexes, and/or condominiums.

§260-3(F) (C)

Clarifies that a water meter must be installed for all unmetered services, unless it is not practical to do so. Language added to clarify that customers are responsible for the meter, but also the necessary fittings required for installation. This revision also replaces Business Office with Department, those changes are made throughout the revised ordinance draft.

§260-3(G) (C)

Defines how the Owner or Customer will be billed for flat rates in the event metering is not practical under §260-3(F).

§260-4 Application for Service

§260-4(A) (S)

Proposed new language is for applicants for public water to provide technical flow and pressure data with each new service application. Production of such data must be overseen by a qualified individual such as a professional engineer or fire protection engineer. For emphasis, City forces can be used to assist, but will not oversee the data collections. This is a typical practice and does not apply to single family homes unless they are equipped with fire suppression systems.

§260-4(B) (C)

Language change from reviewed from verified, added language that Applicants are responsible for costs incurred for preparation of their application.

§260-4(C) (C)

Replaced setting with installation.

§260-4(D) (M)

Change “must” to “shall”, added “Applicant” and changed “setting” to “installation.”

§260-4(E) (M)

Changed Commissioner to Department.

§260-4(G) (C)

Moved language within this section.

§260-4(H) (S)

Fire suppression is minimally noted in the current ordinance and this new section requires new systems be designed by a professional to conform with industry standards.

§260-4(I) (S)

Services to properties which do not abut public roadways or are located on private roads or drives are not explicitly addressed in the language of the current ordinance. The new language proposes to serve such customers by a singular service from a public water main, using the premises approach. This approach lessens the amount of service infrastructure in the private right of way for which the City is responsible to maintain and defines ownership and maintenance obligations by clearly demarking public versus private services. Multiple meters can be authorized in a single vault or backflow enclosure.

§260-6 Water Service Installation and Repair.

This section contains the most proposed changes to update the water service requirements including installation and repair including services, meter pits, and definition of public versus private water services and clarifying maintenance obligations. The purpose of these updates is to strengthen the current ordinance’s guidance on services, valve placement, metering, and backflow requirements to improve sanitary control and protect water quality and customers. The revisions in this section will create a single practice and prevent prior inconsistencies in interpretations by staff and developers in the past. For instance, it is best practice to have apartment and condominium

complexes be valved and metered at a singular point of sanitary control, near the right of way (typically in a vault) which contains the valves, a single meter and a backflow prevention device. With prior practices, these complexes contained structures that were metered individually resulting in more meters being purchased, maintained and read by the City. These revisions should be more efficient and reduce expenses, as well as strengthening requirements for sanitary control for backflow prevention rather than relying on bare minimum, low hazard equipment.

§260-6(A) (C)

Defines ownership and maintenance of private service lines by customers. This is also important for any future lead and copper rule compliance matters.

§260-6(B) (C)

Sets uniform requirements for dwelling units and non-dwelling units, including placement of the curb stop, meter pits or vaults and required shut-off valves and isolation valves to protect customers and users of the system. It also clearly defines who is responsible for maintaining and the cost of installing the meter pits and vaults.

§260-6(C) (S)

Sets curb stop location and backflow prevention requirements for single family dwellings, duplexes and condexes with water services less than 150 feet.

§260-6(D) (S)

Sets curb stop location, metering and backflow prevention requirements for single family dwellings, duplexes and condexes with water services more than 150 feet.

§260-6(E) (C)

Sets curb stop location, meter and vault and backflow prevention requirements for premises with multiple manufactured homes.

§260-6(F) (C)

Sets standard fire water service requirements including a requirement for separate domestic and fire services for new connections with backflow prevention requirements to ensure water quality protection.

§260-6(G) (S)

Provides the Department some discretion for exceptions to the requirements of §260-6(A-F) if warranted.

§260-6(H) (C)

Clarifies that the Department may make repairs to existing public and private water service lines but the costs of the repairs to private service lines shall be borne by the Owner or Customer.

§260-6(I)

Minor revisions clarifying the parties responsible for costs for installation of new services.

§260-6(J) (C)

Minor language edits clarifying in parts (B), (C) and (D) the requirements for metering at various types of properties including larger facilities, duplexes and condexes. Part (E) clarifies that the costs to install and maintain sub-meters are borne by the customer. Part (I) also clarifies that the cost to install new services are borne by the customer.

§260-6(K) (C)

Language edits to clarify the Department of Public Works issues licenses for contractors to make installation and repairs to the water system and an obligation that contractors utilize proper equipment when performing that work.

§260-6(L) (M)

Minor language edits.

§260-6(M) (S)

New language authorizing the Department to revoke a contractor's license for failure to comply with the Department's standards.

§260-6(N) (C)

Clarifies the easement and rights granted to the Department for new water services.

§260-6(O) (C)

Department has the "reasonable standard of care" to return private property to its prior condition after construction rather than "to do its best" under the prior ordinance.

§260-6(P) (C)

Clarifies the obligations for reimbursement for thawing frozen service lines.

§260-6(Q) (C)

Clarifies that any new services installed between December 1 and March 31 must be authorized by the Department, and the customer is responsible for any additional costs incurred by the Department as a result of that installation.

§260-7 Pipes and Fixtures

§260-7(A) (M)

Update that the Department of Public Works authorizes taps, updated from the Division of Water Supply and add clarify that hydrants cannot be tapped or opened without authorization, other than the fire department.

§260-7(B) (M)

Deleted and moved to §260-22.

§260-7(C) (C)

Proposed language replaces language that is not technically correct by prohibiting cross-connections between the public water system and any non-potable supply.

§260-8 Meters

§260-8(A) (S)

Every premise shall have an individual customer account for metered service, with a curb stop and cross-connection protection where applicable. Sub-meters may be installed and operated by the Owner but not read by the City unless those are in compliance with RSA 205-A:6. Changed “common” to “master” meter.

§260-8(B) (C)

Clarifies that the Department installs up to a 2” meter and the Owner is responsible for the water usage for the Premises. City shall directly read only those sub-meters in compliance with RSA 205-A:6.

§260-8(C) (M)

Add the term “sanitary,” and minor language revisions for consistency with new definitions.

§260-8(D) (M)

Minor language revisions for consistency with new definitions, move language from §260-9 regarding water conservation to this provision where it is more applicable. Moved language previously in §260-9 regarding conservation devices to this section.

§260-9 Sewer Deduct Meters (S)

New language added to reflect the availability and encourage use of water conserving devices for air conditioning and refrigeration equipment. Move language regarding conservation devices to §260-8(D).

§260-10 Meter Repairs§260-10(A) (C)

Minor revisions to clarify that Customers are responsible for meter damage caused by tampering or negligence.

§260-10(D) (C)

Add language that tampering with a meter may be subject to fines or termination of service.

§260-11 Meter Testing§260-11(B) (C)

Minor edit to update language consistent with new definitions.

§260-11(C) (M)

Minor edit to correct an internal reference.

§ 260-13 Tampering with Meter Operations§260-13(A) (C)

Clarify what constitutes tampering with meter operations.

§260-13(A)(1) (M)

Adds ability to utilize a best reasonable estimate to calculate water loss due to tampering if actual usage is not available.

§260-13(A)(2) (C)

Sets a charge equal to twice the lost water due to tampering utilizing water equal to the amount billed during the same period for the prior year.

§260-13(B) (M)

Minor edits to reflect consistency with new definitions.

§260-13(C) (M)

Simplifies that tampering may be cause for discontinuance of service.

§260-13(D) (C)

Defines a “tampering event” as a unauthorized action which inhibits or prevents a meter from operating or registering.

§260-14 Outside Reader (M)

Removes grandfathering of any meters on services installed prior to November 1, 2004 from having a radio read program. Removes language regarding exceptions to providing access.

§260-17 Establishment of Water Rates (C)

Minor edit to remove prior naming convention and clarifying the basis for water rates.

§260-18 Billing and Payment.§260-18(C) (M)

Revision to allow for online payment of bills.

§260-18(E) (M)

Minor edits to reflect consistency with new definitions and clarify that the Customer, not its agents or tenants, are responsible for the bills.

§260-19 Appeals.§260-19(A) Appeals (C)

Clarify the time period for when appeals must be filed.

§260-19(c) (M)

Minor edit to change “shall” to “will”.

§260-20 Agreements and Shut Offs§260-20(A) (M)

Update to allow the agreement to filled out online.

§260-20(B) (C)

Clarify the date upon which bills become delinquent.

§260-21 Miscellaneous Bills (M)

Minor edits to correct a naming convention, update for new definition and grammatical change.

§260-22 Turning On and Off (C)

Adding a provision for required advanced notice (except for emergencies) for termination of service for non-payment. Moved some existing language in this section to make the provision more clear. Added citation to State regulation requiring notice. Clarification that the Customer is responsible for shut-off expenses for either voluntary shutoffs at their request or for non-payment.

§260-23 Swimming Pools (M)

Minor edit for naming conventions and change “must” to “shall”

§260-24 Bulk Water Hauling – (S)

New section added to account for the build water hauling station for construction, irrigation, swimming pool and bulk water purchases.

Renumbered Sections 260-25 through 260-34.§260-25 Transfers (S)

Language added to require notice for any conversions of apartments or multi-unit dwellings to a condominium to ensure property billing of the correct entity.

§260-26 Violations.§260-26A (M)

Minor edit to correct naming conventions, make shutoffs permissive for violations to provide the Department with flexibility, and add the term “non-compliance”.

§260-26B & C (M)

Changes to correct naming conventions, exchange “termination of service” for “cutting off water supply”.

§260-27 Interruption of Service (C)

Add that the Department will make best efforts to provide advanced notice for temporary interruptions in service.

§260-28 Claims for Damages and Liability. (C)

In Part A, change “setting” to “installing” and in Part B, change “must” to “should”.

§260-29 (M)

Moved former §260-30 to §260-28.

§260-29(C) (M)

Renumbered former §260-30C to §260-28C. Added language to clarify that emergency water use regulations apply to water users on interconnections with the City’s consecutive water system.

§260-30 (M)

Renumbered former §260-28 to §260-30

§260-31 Construction/Extension of Water Mains for New Development. (C)

Renumbered former §260-29 to §260-30. This language requires that any new water main extensions built by private parties be built to City standards, whether built on public or private property. The changes in this section (Sections E & F) also clarify maintenance and ownership obligations for private services and main extensions in private ways and private property to avoid or reduce future conflicts and ensure that all future mains are conforming to Department requirements.

§260-31 (E) (S)

The City currently has water mains beneath private roadways. This presents conflicts inherent in having public water infrastructure needing repairs in private property. Although the ordinance establishes a City easement over the water infrastructure, such repairs would likely adversely affect the private roadway.

Former §260-31 (M)

Deleted the definition of “Person” and relocated to the definitions in §260-2.

§260-32 Regulation of Water Usage During Emergency (M)

Added a reference to City Ordinance §223-9.

§260-33 Private Fire Protection.§260-33(C) (S)

New section because the existing ordinance notes fees for private hydrants under 260-33 Water Rate and Fee Schedule. However there was currently no explanation of how a private hydrant is cited and operated. In order to best ensure accurate metering and billing of water, it will be the practice of the City for new development to require private hydrants be set behind the meter whenever possible.

§260-34 Water Rate and Fee Schedule. (S)

This was reviewed and fees were compared with neighboring communities. Fees were found to be comparable with other communities. However, they may be dated and the Council may wish to revisit their values. This section was updated to include the existing service connection permit fee and add the System Development Fee recently approved by the Council.

Added: 260-34(B)(9) – “Service Connection Permit Fee: fifty dollars (\$50.00)”, updated subsequent paragraph numbers in this section.

Added: 260-34(B)(18) – “Service Development Fee: \$3.17 per gallon per day, per unit in accordance with the Table 1008-1 referenced and as set forth §260A-5.”

§260-35(B)(1) (M)

Removed the term “potable” as redundant.

§260-35 Definitions. (M)

These same definitions are struck from this section and moved to Section 260-2 to be with the other definitions. The remaining sections were re-numbered due to the Section being removed.

§260-38 Duties of the Department of Public Works.§260-38F (M)

Added a reference that the Department shall conduct site surveys in accordance with Env-Dw 505.

§260-38G (C)

Clarified “backflow prevention device” versus the prior ordinance which stated “backflow preventor” to maintain consistency with the definitions.

§260-38H (M)

Removed “serious” to clarify that the water can be terminated for any threat.

§260-38L (S)

Added language that requires any substantive remodeling of residential properties that require meter changes and/or plumbing permits to install No. 7 dual check devices.

§260-39 Requirements of Owner.§260-39B (M)

Requires owners to comply with the City's backflow prevention philosophy and NHDES regulations. The Department shall regulate any isolation devices that it requires the owner to install.

§260-39E (M)

Minor modification of the language to make it more clear.

§260-39I (S)

Deleted prior section and language that allowed an owner to hard pipe a private well or water source to the City's system, this is no longer authorized as it is a source for contamination.

§260-39J (S)

Deleted prior section and language that allowed an owner to install plumbing on the Department's side of a backflow prevention device which is no longer authorized as it is a source for contamination.

§260-39I – O (M)

Re-lettered prior sections K-Q due to two deleted sections, minor changes in L and M to reduce compliance deadlines from 90 to 30 days. Change in section N to update "Premises" to match new definition.

§260-41 Degree of Hazard (C)

§260-41B – Added "or other high hazard devices approved by the Department" which provides additional flexibility.

§260-42 Auxiliary Water Source.§260-42A (S)

Deleted prior paragraph and Sections A(1) and A(2) related to authorization for connections of auxiliary water supplies (cisterns, wells, springs, etc.) and does not allow new hard-piped connections. Any existing connections may require a testable high-hazards backflow prevention device. New Section A(1) provides an owner the option to discontinue an auxiliary water supply in lieu of installation of a backflow prevention device consistent with NHDES requirements. High hazard devices must be connected before entrance to the public water system.

§260-42B (S)

Deleted Section B(1) allowing an approved reduced pressure zone (RPZ) device at connections with the public water supply. New Section B(1) updated naming conventions in the new definitions.

§260-45 Installation.

§260-45A (M)

Added reference to Department requirements and NH statutes.

§260-45B(3) (M)

Minor modification to clarify language.

§260-46 Periodic Testing.

§260-46E (M)

Changed terms from “shall” to “may” to give the Department discretion to temporarily terminate service until a device is tested or repaired as directed by the Department.

Added Chapter 260A – Water Development Connection Fee (as adopted on September 6, 2022).
(S)

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City Clerk's Office

+The following Code does not display images or complicated formatting. Codes should be viewed online.
This tool is only meant for editing.

Chapter 260

Water

[HISTORY: Adopted by the City of Rochester as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and property maintenance — See Ch. 40.

Health and sanitation — See Ch. 94.

Sewers — See Ch. 200.

Article I

Use Regulations and Rates

[Adopted 6-6-1995 as Ch. 17 of the 1995 Code]

§ 260-1 Agreement. [Amended 5-5-1998]

The following rules and regulations, and such regulations as may be hereafter established by the Rochester Department of Public Works, shall be considered a part of the contract with every customer who uses water supplied by the Rochester Department of Public Works and such customer by taking water shall be considered as expressing his/her assent to be bound thereby.

§ 260-2 Definitions.

As used in this article, the following words and terms shall have the meaning set forth below:

AIR GAP (approved for both high- and low-hazard protection)

An unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. Physically defined as a distance equal to twice the diameter of the supply side pipe but never less than one inch.

[AMERICAN WATER WORKS ASSOCIATION \(AWWA\)](#)

[The American Water Works Association \(AWWA\) is an international, nonprofit, scientific and educational society dedicated to providing total water solutions assuring the effective management of water. Founded in 1881, the AWWA has developed the industry standards that govern the operations of community tap water providers and is the largest organization of water supply professionals in the world.](#)

APPLICATION FOR WATER SERVICE

The form signed by the [Customer owner or his/her designated representative](#) to obtain water [service at the Premises and/or dwelling unit](#) from the [City](#) distribution water mains which will become the contract

between the Department of Public Works and the [Customer applicant](#).

APPROVED BACKFLOW PREVENTION DEVICE

A backflow prevention device that has been:

- A. Manufactured to allow for accurate testing and inspection so as to allow verification of performance; and
- B. Tested and certified by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research;
- C. Has a test procedure approved by the New England Water Works Association;
- D. Has been reviewed and approved by the Department

APPROVED SOURCE

A source of water utilized by a public water system for distribution to the public for consumption purposes and which is approved by the New Hampshire Department of Environmental Services, Water Division, for said use following a required and/or approved treatment process.

[Amended 3-5-2019]

ATMOSPHERIC VACUUM BREAKER

A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

AUXILIARY WATER SUPPLY

Any water supply on, or available to, a premises other than the City's approved public potable water supply.

[Amended 3-5-2019]

BACKFLOW

The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any source or sources other than the intended source.

BACKFLOW ENCLOSURE

An above-ground structure used to shelter, isolate, and protect a backflow prevention device from the environment for those connections and devices installed to protect against a high degree of hazard. Per law such high-hazard devices cannot be installed below ground level.

BACKFLOW PREVENTER WITH INTERMEDIATE ATMOSPHERIC VENT

A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere. The check valves are force loaded to a normally closed position and the venting means is force loaded to abnormally open position.

BACKFLOW PREVENTION DEVICE

A device or means designed to prevent backflow or backsiphonage¹. Most commonly categorized as [including](#) air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker,

¹ [As defined by Env-Dw 103.06 and consistent with Env-Dw 505.03.](#)

atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

BACKFLOW PREVENTION DEVICE INSPECTOR, CERTIFIED

A person who has proven his/her competency to inspect and test backflow prevention devices by the possession of a valid backflow prevention device certification issued by the New England Water Works Association or other equivalent certification approved by New Hampshire Department of Environmental Services.

BACK PRESSURE

Pressure created by mechanical means or other means causing water, liquids, or other substances to flow or move in a direction opposite of what is intended.

BACKSIPHONAGE

The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than its intended source, that is caused by negative or reduced pressure in the potable water system.

BAROMETRIC LOOP

A section of pipe rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage (only).

BUSINESS OFFICE

The Business Office of the City of Rochester, New Hampshire, as represented by its Finance Director, or duly authorized employee.

CHECK VALVE

A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

CITY

The City of Rochester, New Hampshire.

COMMISSIONER

The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code. [Amended 3-5-2019]

CONSECUTIVE WATER SYSTEM

A public water system that buys or otherwise receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

CONTAINMENT PHILOSOPHY

The method and philosophy of backflow prevention which requires a backflow preventer at the service entrance which isolates the customer's facility from the public water supply.

CONTAMINANT

As defined in RSA 485:1-a, II, any physical, chemical, biological or radiological substance or matter in water.

CROSS-CONNECTION

Any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other of which contains water of unknown or questionable safety and/or steam, chemicals, gases, or other contaminants whereby there may be a flow of an unapproved water or other substance to a potable water system.

CURB STOP

The shutoff valve located on the water service line that operates the connection of the water service from the water main to the ~~structure~~Premises. Curb stops are accessible for operation from outdoors and generally located near the municipal-private property line or right of way. Curb stops are considered by the Department to be the point of sanitary control between the Premises and the Public Water System.

CUSTOMER

The owner or duly authorized representative of the ownerparty who ~~has~~ made an application for a water service for a Premises and/or dwelling unit described in the application, or the subdivision supplied with water service by the City of Rochester. This includes any private person, commercial business, corporation, industry or governmental division.

CUSTOMER (OWNER) – CROSS CONNECTION

For the purposes of cross-connection compliance, any ~~O~~wner or Person with legal right to ~~o~~perate or reside in a Premises at which a cross-connection inspection is to be made or at which a cross-connection is present.

DEPARTMENT OF PUBLIC WORKS OR DEPARTMENT

The Department of Public Works ("Department") of the City of Rochester, New Hampshire, as represented by its Commissioner of Public Works or duly authorized employee or agents, including the Water Division.

DEPARTMENT

~~The City of Rochester Department of Public Works.~~

DETECTOR ASSEMBLY

A backflow prevention device primarily utilized in fire line installations. Its purpose is to protect the potable water supply line from possible contamination, back pressure or pollution from the fire system. It may also detect any water use in the fire line due to fire line leakage or deliberate water theft.

DEVICE UPGRADE

The replacement of an existing backflow prevention device with another appropriate device designed for a higher-hazard duty when the degree of hazard is increased.

DISTRIBUTION WATER MAIN

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Water mains which are installed or presently located on roadway layouts, rights-of-way, or easements which provide the water for fire protection or domestic water services, including the individual shutoff.

DIVISION

Division of Water, New Hampshire Department of Environmental Services.

DOMESTIC WATER

A potable water which is suitable for uses, including but not limited to, drinking, gardening and other household uses, municipal uses and farmstead uses, including water used in the washing or hydro-cooling of farm products destined for human consumption on the farm, for sale on the fresh food market or for delivery to a processing plant for canning, freezing or other type of preparation prior to marketing.

DOUBLE CHECK VALVE ASSEMBLY or DCA (approved for low-hazard protection only)

An assembly of two independently operating spring-loaded check valves with tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

DUPLEX/CONDEX

A duplex is a two (2) family dwelling owned by one person typically having two separate entrances. A condex is a condominium, where two (2) different individuals own each side and have shared rights to common areas.

DWELLING UNIT STRUCTURE

A building including a single-family home unit, cottage, mobile home, apartment, condominium or townhouse or other structure containing one or more residential units located on a Premises served by public water from the City. This definition applies to multiple dwelling units and mixed-use residential units that may exist in larger structures.

FIRE PROTECTION ENGINEER (FPE)

A professional fire protection engineer registered in the state of New Hampshire.

FIRE WATER SERVICE

A water service pipe that is used to convey public water to be used for firefighting and/or fire suppression.

FIXTURE ISOLATION PHILOSOPHY

An ~~more complex~~ isolation approach whereby protective devices are placed at individual fixtures within a facility as well as where cross-connections exist at the last free-flowing outlet to ensure occupants of a facility are protected within.

FRANCHISE

The right to conduct business as a utility pursuant to RSA 374:22 and RSA 374:26.

HIGH DEGREE OF HAZARD

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A condition where, if a backflow were to occur, the resulting effect on the water supply could cause injury, illness or death if consumed by humans. The foreign substance may be hazardous to humans from a chemical, biological, physical, or radiological standpoint. The effects of the contaminant may result from short-term or long-term exposure.

HOSE BIBB VACUUM BREAKER

A device which is attached to a hose bibb, and which acts as an atmospheric vacuum breaker.
[Amended 3-5-2019]

LOW DEGREE OF HAZARD

A condition where, if a backflow were to occur, the resulting effect on the water supply would be a change in aesthetic qualities. The foreign substance must be non-toxic and non-hazardous to humans.

MASTER METER / COMMON METER

A meter device used for billing purposes to measure consumption of water serving more than one structure or a group of structures.

MULTI-FAMILY DWELLING

A building or portion thereof containing three or more residential units with separate cooking and toilet facilities for each dwelling on one individual lot. See City of Rochester Zoning Code §275-2.2.

NATIONAL FIRE PROTECTION AGENCY ASSOCIATION (NFPA)

The National Fire Protection Association is a non-profit organization that establishes codes and standards designed to minimize the risk and effects of fire by establishing criteria for building, processing, design, service, and installations.

NON-DWELLING UNIT STRUCTURE

A physical building unit that receives public water in which occupants are present to receive such public water but not for dwelling or residential purposes. Such structures typically include commercial, industrial, institutional, or mixed purposes and may have multiple spaces for mixed purposes (non-residential).

OWNER

A Person who holds legal title or rights to real property or a Premises.

PERMIT

A document issued by the Department that allows the use of a backflow preventer.

PERSON

As defined in RSA 485:I-a, XIII, any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

POST INDICATOR VALVE (PIV)

Post indicator valves (PIV) provide a means to operate a buried or otherwise inaccessible non-rising stem (NRS) gate valve including NRS Gate Valve; NRS Gate Valve with post flange; outside stem and yoke

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(OS&Y) Gate Valves; Vertical Post Indicator; Wall Post Indicator; Supervisory Switches and Flange Packs.

POTABLE WATER

Water meant for human consumption from a source that has been approved by the New Hampshire Department of Environmental Services. All municipal water is produced and conveyed to premises as potable water.

[Amended 3-5-2019]

PROFESSIONAL ENGINEER (PE)

A registered professional engineer in the state of New Hampshire. Such an engineer shall have professional competency in civil or mechanical specialties as they pertain to this ordinance.

PREMISES

A parcel of real estate or portion of land which may include multiple parcels located within the City, including any improvements or structures therein (including Dwelling Unit Structures, Non-Dwelling Unit Structures and/or other improvements), which is determined by the City to be a single user for the purposes of receiving, using and paying for water from a water service connected to the public water supply. The industrial, commercial or residential facility or dwelling connected to the public water supply.

[Amended 3-5-2019]

PRESSURE VACUUM BREAKER or PVB (approved for low-hazard protection only)

A device containing one or two independently operating spring-loaded check valves and an independently operating spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shutoff valves on each side of the check valves plus properly located test cocks for the testing of each of the check valve(s).

PRIVATE DISTRIBUTION SYSTEM

Shall mean a water piping system and appurtenances such as hydrants and valves that may convey Public Water but is owned and maintained by a private entity and is on the Customer's side of the point of sanitary control, commonly delineated by the Curb Stop or other control device.

PRIVATE HYDRANT

Any fire hydrant located outside the public right-of-way and/or located on property other than that is not owned by the City, but which is connected to the public water system and installed and maintained by an Owner(s) for the purpose of providing private fire protection/suppression.

PRIVATE WATER MAIN

Shall mean a water main that is not owned or maintained by the City but that conveys Public Water to customers through private service lines and is owned and maintained by a private entity.

PRIVATE WATER SERVICE

The portion of the water service line providing domestic and, in some cases, both domestic and fire water service to the Customer running either from the connection to the public service line at the curb stop on public ways to the termination with the plumbing system within the Premises or from the connection to the public water main on private ways or through private property, which is the responsibility of the Customer

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to maintain.

PUBLIC WATER

Potable water or water provided for public fire protection supplied by the City's public water system and made available to its Customers through the City's distribution system, the distribution system of any City franchises, private distribution systems, community water systems, or other source of potable water produced by any consecutive public water systems under the City's drinking water regulatory responsibility, through such systems' distribution systems, or the City's system.

PUBLIC WATER MAIN

Shall mean the water main owned or maintained by the City, any of its franchises or consecutive water systems under its drinking water regulatory responsibility and qualify as part of the public water system, which are installed in a public way, publicly-owned easements whether recorded or by prescription, or private way open to public travel, or that may cross private properties, for the purpose of supplying water to one or more Customers potable water consumption or for public fire protection.

PUBLIC WATER SERVICE

The portion of the water service line providing domestic and, in some cases, both domestic and fire water service to the Premises running from the connection at the City distribution main to and including the curb stop on public ways or to and including a curb stop or other containment valve for the a private water service connection on private ways or private property, which is the responsibility of the City to maintain.

PUBLIC WATER SYSTEM

As defined by RSA 485:1-a, XV, a system for the provision to the public of piped water for human consumption; if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system:

- A. Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- B. Obtains all of its water from, but is not owned or operated by, a public water system; and,
- C. Does not sell water to any person.

READER

A device installed by the Department of Public Works for remote reading of the quantity of water consumed and measured by the water meter.

REDUCED PRESSURE ZONE PRINCIPLE BACKFLOW PREVENTION DEVICE or RPZ (approved for both high- and low-hazard protection)

An assembly consisting of two independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the two check valves and below the first check valve. These units are located between two tightly closing, resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks for the testing of the

check valves and the relief valve.

REPLACEMENT COSTS

Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the operational life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement costs. [Amended 5-5-1998]

RESIDENTIAL NO. 7 DUAL CHECK VALVE

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A device, designed for backpressure and back-siphonage protection for residential dwellings only, which incorporates ~~a~~ assembly of two independently operating, spring-loaded check valves without tightly closing shutoff valves and test cocks, ~~generally.~~ Generally employed immediately downstream of the water meter to act as a containment device. This is a non-testable device.

SEWER DEDUCT METER

A device installed and owned by the Department of Public Works for the measurement of water that will not be disposed of in the City sewer system.

SERVICE VALVE / SHUT OFF VALVE

A gate or valve located on a water main, or water service line used to isolate flows to and from a device such as a meter, backflow device, fire protection or structure. Service or shut off valves may be located on service lines to Premises located on private property and must be accessible for access and operation by the Department.

SINGLE-FAMILY DWELLING

A detached dwelling which contains exactly one residential unit (except for accessory apartments, where permitted); is not attached to any other dwelling or residential unit; and occupies its own individual lot on which there is no other dwelling or principal use. See City of Rochester Zoning Code §275-2.2.

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SITE SURVEYS

Initial site surveys of existing commercial and industrial properties are required to determine degree of compliance with the regulations herein. Such activities shall be executed by the Department either using its own resources or contracted resources. Activities shall include on-site surveys of commercial and industrial users of the public water supply which in the judgment of the Department may present risk of cross contamination.

SUB-METER

A privately owned and read water meter used for measuring water consumption for dwelling units connected after a meter pit or public meter. The City will only read individual sub-metered customers directly for those Premises complying with RSA 205-A:6; otherwise, the Owner will be responsible for reading, maintaining and/or repairing the meters.

SUPPLIER

Any person who controls, owns, or generally manages a public water supply system.

TAMPER/TAMPERING

Tamper or tampering shall mean any unauthorized action which disables, disconnects, bypasses, or otherwise inhibits or prevents the water meter from operating or registering, to affect, in any way, the ability of such meter to accurately measure the water being supplied to a Customer. Tampering shall also mean to affect any unauthorized use or modification to City water infrastructure.

TWO-FAMILY DWELLING

A building which contains exactly two residential units; is not attached to any other dwelling or dwelling unit; and occupies its own individual lot on which there is no other dwelling or principal use. See City of Rochester Zoning Code §275-2.2.

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UTILITY ADVISORY BOARD

The Utility Advisory Board of the City of Rochester, New Hampshire.

VAULT

An underground, water-proofed chamber or structure used to house or protect meters, backflow devices, valves, and or pumps connected to a public or private water system. This definition shall apply to and include the term meter pits which are structures defined above to protect, control, and access the meter device.

WATER MAIN

The water main shall mean the piping and associated valves, hydrants, and appurtenances for the purpose of supplying water to one or more customers or Premises for portable water consumption or for public fire protection.

WATER METER

A device installed by the Department of Public Works for the measurement of water quantities to be used as a basis for determining charges for water services.

WATER SERVICE

The water pipe extending from the City distribution water main to the building or structure located on the c- Customer's Premises. Such water service is further delineated by a Public Water Service and a Private Water Service.

WATER SERVICE ENTRANCE

The point in the customer's water system beyond the sanitary control of the Department; generally considered to be the outlet end of the water meter and always before any unprotected branch.

[Amended 3-5-2019]

WATER SYTEM SUPERINTENDENT/TREATMENT CHIEF OPERATOR

The Water System Superintendent/Treatment Chief Operator of the City of Rochester, New Hampshire, Water System Treatment Facility, Department of Public Works, or his/her designated representative, who is vested with the authority and responsibility for implementation of a cross-connection control program and for

enforcement of the provisions of Article I of this chapter and these regulations.

WATER UTILITY

The suppliers of water.

§ 260-3 Policy statement.

- A. In its administration of its drinking water program, the City will implement the best practices of the American Water Works Association (AWWA), other drinking water trade organizations, and the standards of the State of New Hampshire and US Environmental Protection Agency to the fullest extent.
- B. To the largest extent possible, the City of Rochester intends to have a fully metered system with outside and/or remote readers; all residential, commercial, institutional and industrial customers shall be metered on a per-premises basis, unless it is determined by the Department not practical to do so or unless otherwise required by RSA 205-A:6. In general, the City requires a single water meter for a Premises with one structure served by a single service pipe and requires a master meter on a single service line that serves a Premises with multiple dwellings and/or non-dwelling structures. In general, a separate service and water meter shall be required for each Premises of different ownership which abuts a public way. See 260-4 (I) for requirements for services and meters for premises on private ways or drives. The City shall determine the water service pipe connections for duplexes, condexes, and/or condominiums. However, there shall be no separate services for vertical condominiums, that is, condominiums substantially within the same footprint.
- C. All school buildings, non-City community facilities, hospitals, etc., shall be considered separate services, metered, and billed as commercial customers.
- D. All Customers shall be billed in accordance with the provisions of § 260-18 of this article.
- E. In agreement with any like provision in Chapter 200, Sewers, an elderly exemption, based on existing property tax requirements for such exemptions, shall be instituted.
- F. All Customers that are ~~For all commercial and industrial customers~~ not presently metered, the installation of a water meter will be required, unless determined by ~~the Department~~Business Office as not practical to do so. The customer shall pay any costs associated with such initial installation of the water meter, including all necessary fittings and appurtenances thereto.
- G. In the event of a meter or reader failure or when in the opinion of the ~~Department Business Office or Commissioner~~, a flat rate billing is necessary, ~~each unit of a multi unit dwelling or mobile home park shall be considered a residential customer.~~ The ~~property Owner or Customer or Customer~~ shall be billed for the sum of each dwelling unit even if the property has only one service (e.g., the owner of a ten-unit apartment building shall be billed the residential flat rate times 10).

§ 260-4 Application for service.

- A. All applications for water service or expansions or fire sprinklers ~~shall must~~ be made at the Department of Public Works -office, ~~or via or via on~~ an application form, at the City's website, stating fully and truly the uses to which the water is to be applied. The customer or his/her duly authorized representative

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~~shall~~must sign such application. The Department shall have final authority and approval for all water service and infrastructure connections.

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B. An estimate of the cost of work to install the service will be prepared by the applicant and reviewed ~~verified~~ by the Department of Public Works. Any costs incurred by the Applicant prior to submission of the application or in preparation of the application shall be borne solely by the Applicant. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

C. A deposit equal to the estimated cost or a payment agreement shall be made by the Applicant with the Department Business Office ~~before~~ before the work is begun. This regulation also applies to repairs of ~~on~~ service piping, the setting-installation of new meters, including outside reader, radio read equipment and appurtenances, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved. **[Amended 3-6-2007]**

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D. Installation charges and other fees on all new services ~~shall~~must be paid by the Applicant ~~or a payment agreement made with the Department Business Office~~ before the water is turned on. This regulation also applies to repairs on service piping, the setting-installation of new meters, including outside reader, radio read equipment and appurtenances, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved. **[Amended 3-6-2007]** ~~The Applicant must also pay Water Development Connection Fees, if applicable, as set forth in Article III.~~

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E. The ~~Department Commissioner~~ may waive the deposit for emergency repair purposes.

F. The City may allow applicants to enter into agreements with the City to pay all costs in equal installments over a period of time. Interest shall accrue on late payments at the same rate charged by the City for overdue property tax bills. Such agreements shall be recorded with the Strafford County Register of Deeds at the expense of the applicant. In the event property is conveyed, all monies owed to the City shall be remitted in full. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

G. Applications for service shall be furnished with existing and projected water flow and pressure requirements data. Such data shall be furnished for all domestic and fire needs as applicable. Applicants are responsible for any field verifications such as flow and pressure tests. Such tests shall be under the direction of a registered professional engineer and/or a registered professional fire protection engineer. Department of Public Works forces may be available to assist in such investigations by operating City infrastructure under the direction of a professional engineer and/or fire protection engineer, however, the applicant's registered professional shall be responsible for the gathering, preparation, interpretation, or presentation of any data.

H. A fire protection engineer may be required to design fire suppression systems, per the most current best practices of the National Fire Protection Association. Supporting plans and calculations shall be submitted to the Rochester Fire Department and the Department of Public Works.

I. Premises with multiple dwelling structures and/or non-dwelling structures of differing ownership which

are located on private roads or private drives shall receive public water via a singular, shared private service. All piping and infrastructure on the Owner'(s)/Customer'(s) side of the curb stop shall be the responsibility of the Owner(s)/Customer(s). In certain cases, the Department may approve the installation of multiple individual water meters in lieu of a master meter in a singular vault or backflow enclosure.

§ 260-5 Size of service and meter required.

[Amended 11-14-2006; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The minimum size of service connections and meter installation permitted shall conform to the recommendations of the American Water Works Association.

§ 260-6 Water Service Requirements, Installation and Repair.

- ~~A. The Department of Public Works or its agent shall or developer's or property owner's contractor shall install all new water services.~~
- ~~B. The Department of Public Works or its agent shall make necessary repairs to existing services up to the customer's side of the curb stop. The cost incurred for the repair and maintenance of all existing water services from the distribution main up to the customer's side of the curb stop, or to the customer's property line, whichever is further from the distribution main, shall be the responsibility of the Department of Public Works. The cost incurred for the repair and maintenance of existing water services from the customer's side of the curb stop, or from the customer's property line, whichever is closer to the customer's building, shall be the responsibility of the customer, except that the customer shall not be responsible for the cost of the sidewalk or roadway excavation and repair.~~
- ~~C. If new services are installed by a developer or property owner, the Department of Public Works must approve all materials, inspect the installation, provide and install the meter, perform the installation of the remote reader, install all wiring and perform testing and sealing of meters. All charges incurred during the work are the responsibility of the developer or property owner.~~
- ~~D. If a developer's or property owner's contractor's installation is found to be incorrect it shall be the developer's or property owner's responsibility to have it corrected.~~
- ~~E. Annually, before any contractor or company shall install or repair any portion of a water system within the City of Rochester, such contractor or company shall obtain a license from the Department of Public Works authorizing such contractor or company to perform installations of or repairs to such water system. Licenses shall be valid from January 1 through December 31 for any given year, except that in the first year after adoption, said existing licenses shall be prorated. The Commissioner of Public Works shall issue such license only to contractors or companies which demonstrate the ability to perform water installations and repairs in a workmanlike manner, consistent with the standards maintained by the Department of Public Works. All applicants shall be required to submit evidence of general liability insurance. The City Manager shall establish an annual fee for such water installation and repair license that shall be listed in § 260-33, Water Rate and Fee Schedule.~~
- ~~F. Any contractor or company installing or repairing any portion of the public water system must receive written authorization from the Department of Public Works and provide a performance bond or escrow account in the name of the City for the total (100%) of the estimated cost of the work.~~

- ~~G. The Department of Public Works and its agents shall have an easement 10 feet on each side of the water service for its entire length for the installation or repair of the service.~~
- ~~H. The customer shall be charged for all materials and labor associated with the initial installation or subsequent repairs due to negligence of the customer. The Department of Public Works shall do its best to return the easement to its prior condition as a result of installation or repair; however, it will be the customer's responsibility to repair and replace any damaged property within the aforementioned easement.~~
- ~~I. When it becomes necessary to thaw a frozen service pipe and it cannot be determined where it is frozen, 1/2 of the cost thereof shall be paid by the customer. The entire cost of thawing a frozen service pipe between the curb stop and the dwelling unit or other structure being served shall be the responsibility of the customer.~~
- ~~J. Ordinarily, no new service pipes or extensions of mains will be installed between December 1 and March 31 unless the customer shall defray all extra expenses incurred. An additional minimum charge as listed in § 260-33, Water Rate and Fee Schedule, shall be applied to the customer for road maintenance during these winter conditions if service or extension is allowed. [Amended 11-14-2006]~~
- A. All new water services may only be installed by the Department of Public Works or with its approval by an Owner's agent or contractor. All new water services shall be installed per the specifications of Department. There shall be established a singular, private water service and account for each Premises for which public water is supplied. Exceptions are subject to the approval of the Department. All piping, vaults or meter pits, enclosures, valves, backflow prevention devices and individual services lines in sum from the curb stop to customer's plumbing shall be considered a private water service and the maintenance and operation of which subject to the responsibility of the customer.
- B. Premises with structures such as dwelling unit structures and/or non-dwelling unit structures:
- Shall have the curb stop or other approved containment valve in a location as determined by the Department. A vault or meter pit may be required by the Department. If required, such vault or meter pit shall be generally located on the customer's property in the immediate vicinity of the property line closest to the curb stop or other approved containment valve in a location approved by the Department. Such vault or meter pit shall contain the meter, shutoff valve and if determined by the Department, a backflow prevention device whereupon the type of backflow prevention device may require a backflow enclosure in lieu of a vault. Meter reading equipment shall be immediately appurtenant to such vault or meter pit or enclosure. Vaults or meter pits and enclosures and their contents shall be subject to the specifications of the Department. Cost of vaults or meter pits, enclosures and any contents are the responsibility of the customer. Vaults or meter pits and enclosures shall be maintained by the customer in adequate operating condition to protect contents and their operation, shall be free of standing water. Depending upon facility use, water needs and application of metering, and as determined by the City, City meters may be required internally. Costs to provide and maintain non-City sub meters if desired by a customer are at the customer's cost.
- Each structure on each premises which receives public water shall have an individual, exterior,

accessible service with an approved or shutoff valve which may be operated by the City in emergency situations to completely isolate individual structures or piping systems from the public water supply or otherwise from other discreet structures or piping systems. In cases where a dwelling unit structure or non-dwelling unit structure may contain individual, unique customer accounts or piping systems, the same is required. This requirement is in addition to local plumbing requirements for individual, interior isolation valves for individual dwelling, commercial, industrial, or institutional units within such structures.

C. Premises with one single family dwelling unit structure and duplexes or condexes with a water service length less than one hundred and fifty feet:

Shall have the curb stop in a location determined by the Department. A residential No. 7 dual check backflow prevention device and meter shall be installed within the dwelling unit in accordance with the Plumbing Code. In cases where there is or may be a potential backflow of high degree of hazard, a testable backflow device for such high hazard applications shall be installed in the dwelling unit. The separate living quarters of duplexes and condexes shall generally be serviced and metered separately. Exceptions will be considered at the Department's discretion.

D. Premises with one single family dwelling unit structure and duplexes or condexes with a water service length greater than one hundred and fifty feet:

Shall have the curb stop in a location determined by the Department. An approved vault or meter pit which shall contain the meter, shutoff valve and required residential No. 7 dual check backflow prevention device shall be generally located on the customer's property in the immediate vicinity of the property line closest to the curb stop in a location approved by the Department. In cases where there is or may be a potential backflow of low degree of hazard, a testable backflow device for such low hazard applications shall be installed in the vault. In cases where there is or may be a potential backflow of high degree of hazard, a testable backflow device for such high hazard applications shall be installed in the dwelling unit. Meter reading equipment shall be immediately appurtenant to such vault. Vaults or meter pits and their contents shall be subject to the specifications of the Department. Cost of vaults and any contents is the responsibility of the customer. Vaults or meter pits shall be maintained by the customer in adequate operating condition to protect contents and their operation, shall be free of standing water. If approved by the Department, such vaults or meter pits may be designed to service multiple single-family dwellings with water service lengths greater than one hundred and fifty feet. The separate living quarters of duplexes and condexes shall generally be serviced and metered separately. Exceptions will be considered at the Department's discretion.

E. Premises with multiple manufactured homes:

Shall have the curb stop in a location as determined by the Department. A vault or meter pit may be required by the Department. If required, such vault or meter pit shall be generally located on the customer's property in the immediate vicinity of the property line closest to the curb stop in a location approved by the Department. Such vault or meter pit shall contain the meter, shutoff valve and if determined by the Department, a backflow prevention device whereupon the type of backflow prevention device may require a backflow enclosure in lieu of a vault. Meter reading equipment shall be immediately appurtenant to such vault or meter pit or enclosure. Vaults and enclosures and

their contents shall be subject to the specifications of the Department. Cost of vaults or meter pits, enclosures and any contents are the responsibility of the customer. Vaults or meter pits and enclosures shall be maintained by the customer in adequate operating condition to protect contents and their operation, shall be free of standing water. Only those manufactured homes complying with the requirements of RSA 205-A:6 shall be read separately by the City, and costs to install, maintain, and upgrade such sub meters shall be borne by the customer. All others will be read at the master/common meter in the vault or meter pit.

F. Fire Water Services Requirements:

In general, fire water services shall be services from the water main to the premises which are separate from private water services from the water main. In some cases, such as long service runs, vaulted or meter pit services and ultimately at the discretion of the Department, a singular private water service may supply both domestic and fire water. In such cases domestic water and fire water shall be separated on premises by individual, exterior service/shutoff valves. The best practices of AWWA and NFPA shall be implemented to ensure simultaneous drinking water quality and fire protection supply. A testable backflow prevention device is required for fire suppression systems. Detector assemblies and/or post indicator valves may be required on fire water services.

G. Exceptions:

Requirements in A. through G. provide a consistent, uniform approach to establish water service with best management practices. It is recognized that modifications of or exceptions to the above requirements may be considered by the Department in unique circumstances. Such considerations and determinations are solely the right of the Department.

H. The Department of Public Works or its agent will make necessary repairs to public water service lines. The cost incurred for the repair and maintenance of private water service lines, including leaking service lines, shall be the responsibility of the Owner or Customer, except that the Owner or Customer shall not be responsible for the cost of the sidewalk or roadway excavation and repair.

I. If new services are installed by an Owner, its agent, developer or contractor, the Department of Public Works must approve all materials, inspect the installation, provide and install the meter (including necessary fittings and appurtenances thereto), perform the installation of the remote meter reader, install all wiring and perform testing and sealing of meters. All charges incurred by the Department during this work are the responsibility of the Owner, its agent, developer, or contractor. The installation cost for new service lines to include all components including public and private services as defined shall be borne by the customer.

J. If an Owner's, its agent's, developer's, or contractor's installation is found to be incorrect it shall be their responsibility to have it corrected.

K. Annually, before any contractor shall install, tie-into or repair any portion of a water system within the City, such contractor shall obtain a license from the Department of Public Works authorizing such contractor to perform installations of or repairs to such water system. Licenses shall be valid from January 1 through December 31 for any given year., The Department of Public Works shall issue such license only to qualified contractors which demonstrate the ability to perform water

installations and repairs in a workmanlike manner, consistent with the standards maintained by the Department of Public Works and possess for use proper equipment. All applicants shall be required to submit evidence of general liability insurance. Developers and companies which are not qualified contractors shall not be eligible to obtain licensing. The City Manager shall establish an annual fee for such water installation and repair license that shall be listed in § 260-33, Water Rate and Fee Schedule.

- L. Any contractor or company installing, tying-into or repairing any portion of the public water system shall receive written authorization from the Department of Public Works and if determined by the Department, provide a performance bond or escrow account in the name of the City for the total (100%) of the estimated cost of the work.
- M. The Department may revoke the license of any contractor which has performed work below the Department's standards. Time period of revocation is solely at the discretion of the Department and may be permanent.
- N. The Department of Public Works and its agents shall have a perpetual easement 10 feet on each side of the water service for its entire length for the installation or repair of the service. This easement is contiguous along all public and private portions to include exterior service and isolation valves, and interior isolation valves to multi-family and commercial, industrial, and institutional structures.
- O. The Customer shall be charged for all materials and labor associated with the initial installation or subsequent repairs by the City due to negligence of the Customer. The Department of Public Works shall use a reasonable standard of care to return private property to its prior condition; however, it will be the customer's responsibility to repair and replace any damaged property.
- P. When it becomes necessary to thaw a frozen service pipe if it cannot be determined whether it is frozen on the public or private portion 1/2 of the cost thereof shall be paid by the Customer. The entire cost of thawing a frozen service pipe on the private portion of service shall be the responsibility of the Customer.
- Q. No new service pipes or extensions of mains will be installed between December 1 and March 31 unless the authorized by the Department of Public Works and Customer shall be responsible for any and all extra expenses incurred as a result of the new service or main extension. An additional minimum charge as listed in § 260-33, Water Rate and Fee Schedule, shall be applied to the customer for road maintenance during these winter conditions if service or extension is allowed. [Amended 11-14-2006]

§ 260-7 Pipes and fixtures.

- A. No persons except those duly authorized by the Department of Public Works shall~~will~~ tap any water main or connect any service pipes thereto, shut off or turn on the water from any main or tamper with any City water infrastructure. No person except firefighters shall open any hydrants including private hydrants that are not behind the customer's meter without the consent of the Department of Public Works. Water taken out of the system without permission will be calculated by the Department of Public Works Division of Water Supply Works and the violator will be required to pay the same and, in addition, may be subject to a fine for the violation of above provision.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- ~~B.~~ Notice of shutoff for repairs to mains or service pipes will be given in accordance with Env Dw-503.9, except in emergencies.
- ~~B.~~ No water service pipes shall be laid in the same trench with gas pipes, sewer pipes, or any other facility of a public utility nor within three feet of any open excavation or vault.
- ~~D.C.~~ No cross-connection between the public water system and any non-potable supply will be permitted. ~~allowed unless properly protected. The Department of Public Works shall inspect any such connection.~~ No connection capable of causing backflow between public water supply and ~~any waste outlet will~~non-public water supply shall be permitted

§ 260-8 **Meters.**

- A. All services are to be metered except in unusual cases where the Department ~~Commissioner~~ determines that it is not practicable. Every ~~Premises owned property served by the public water system shall have one customer account consisting of an individually shall be metered water service~~ and equipped with a separate ~~exterior shutoff valve curb stop~~ for each meter, ~~and when applicable, appropriate cross-connection protection unless otherwise determined by the Department Commissioner of Public Works.~~ Existing City water customers prior to March 1, 2008, will not be required to retrofit existing services to comply with this shutoff valve requirement. However, new ~~Sub-meters for individually dwelling units structures on the P premises may be operated by the Oowner but shall not be read by the City for billing, nor maintained/required by the City unless they comply with RSA 205-A:6.~~ New services or any meters not currently being read by the City shall be required to comply with this provision prior to the City taking ~~over~~ responsibility for reading or billing of said meter or ~~Customer, a A master, A common~~ meter shall ~~will~~ be provided for ~~all new multi-unit dwelling structures or rented units or developments lots.~~
- B. All meters are owned and maintained by the Department of Public Works, but the customer will be charged for any damage to meters (including necessary fittings and appurtenances thereto) caused by abnormal conditions, i.e., freezing, fire, tampering, etc. The Department of Public Works will typically install up to a 2-inch meter only one meter per on any one service, except sewer deduct meters. ~~And the~~ Owner of the premises shall be liable for the entire amount of water used on the premises irrespective of any leases or presence of sub-meters for ~~of~~ individual consumers. The City shall directly read, maintain and repair only those sub-meters for developments in compliance with RSA 205-A:6. [Amended 4-2-2008]
- C. Meters are installed for measurement of all water supplied to Customer. Customers shall provide a clean, dry, warm, safe, sanitary, and accessible place (always free from debris) for installation, - maintenance, and repair of a meter. The location shall be easily accessible by a person in the upright position for reading, maintaining, and changing.
- D. All persons shall avoid unnecessary waste of water. Water shall not be left running to prevent freezing unless required or authorized by the Department of Public Works. All customers taking water shall ~~keep~~ their own fixtures, and service pipes within their property lines, in good repair, and fully protected from injury by frost, and all such pipes and connections shall conform to City

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~~Standards the Rochester Plumbing Code. To encourage the conservation of water, all water-cooled air conditioning and refrigeration equipment with a total installed cooling capacity in excess of three (3) tons shall include a water conserving device that limits the actual water used for cooling to ten percent (10%) of the usual amount required for service to the Premises without use of the equipment.~~

§ 260-9 Sewer deduct meter.
[Amended 5-5-1998; 4-2-2008]

Upon application and approval by the Department of Public Works, a customer may install a sewer deduct meter to measure water that will not be disposed of in the City's sewer system. The purpose of this meter ~~is would be~~ to meter water uses, including but not limited to irrigation, in-ground sprinkler systems, swimming pool filling and commercial air-conditioning systems. ~~In order to encourage the conservation of water, all water-cooled air conditioning and refrigeration equipment with a total installed cooling capacity in excess of three (3) tons shall include a water conserving device that limits the actual water used for cooling to ten percent (10%) of the usual amount required for service to the Premises without use of the equipment. Customer shall be responsible for the cost of inspection and installation of the sewer deduct meter. The cost of this meter inspection of the installation by the City is entirely the responsibility of the customer.~~ The meter ~~shall will~~ fully meet the requirements of § 260-8 of this chapter except that the sewer deduct meter shall not be required to have a separate exterior shutoff valve.

§ 260-10 Meter repairs.

- A. All meters shall be maintained and kept in repaired by the Department of Public Works except when damaged or tampered with by the ~~customer~~ Customer or by his/her negligence, including freezing. In case of any such damage, the cost of repairs to the meter (including necessary fittings and appurtenances thereto) shall be charged to the ~~owner~~ Owner of the Premises.
- B. If the reader is out of repair or fails to register, the customer will be charged at the average daily consumption as shown by the reader when in order or the flat rate structure, whichever is less. Subsequently, if the actual amount of water used is determined to be different than the amount previously estimated, the charge will be on the subsequent billing by the difference between the two.
- C. If a customer, after being so notified, does not allow timely immediate access to the Department of Public Works in order to test and/or correct a faulty meter or reader, the customer's subsequent bill will be 1.5 times the average daily consumption as historically shown on the meter.
- D. No person, except the duly authorized agent of the Department of Public Works, shall be allowed to reset, take off, or repair a meter. Tampering with the meter may be subject to fines or termination of water service. [Amended 5-5-1998]

§ 260-11 Meter testing.

- A. Only the Department of Public Works shall replace or remove and test all meters. No meter shall be placed in service or permitted to remain in service if the error of registration exceeds 2% or as established by the latest American Water Works Association (AWWA) meter standards, whichever is less.
- B. The Department of Public Works may test a meter for accuracy in registration upon complaint of the ~~water customer~~ Customer. There shall be a minimum service charge for any complaint-driven service

call. The minimum service charge shall be as listed in § 260-33, Water Rate and Fee Schedule. Any meter found to be accurate in accordance with this article will not be replaced by the Public Works Department due to a complaint.

- C. Should the meter in question be found to be within the accuracy limits set forth in § 260-11 A. ~~established by the latest AWWA meter standards,~~ all applicable fees associated with testing shall be paid by the customer. If the meter in question is found to be inaccurate, all fees will be waived.
- D. The percent of error of registration shall be taken as the average of the error at the intermediate and maximum rates of test flow. Any determination of charges shall be based on this average error. **[Amended 5-5-1998; 4-2-2008]**

§ 260-12 Sealing of meter.
[Amended 5-5-1998]

Upon completion of adjustment and test of any meter under the provisions of these rules, the Department of Public Works shall affix thereto a suitable seal in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal. Disruption of the seal will be cause for discontinuance of service.

§ 260-13 Tampering with ~~meter~~ Meter Operations.

- A. No ~~eustomer~~Customer or Person or his or her agent shall ~~move, alter, or otherwise perform a tampering event~~ with ~~regard to~~ a meter. No person may move or alter a meter without having first received the written consent and authorization of the Department of Public Works ~~Commissioner and/or his/her designee~~Commissioner to take such action. In the event that the Department of Public Works ~~Commissioner and/or his/her designee~~Commissioner shall determine that a ~~eustomer~~Customer or Person ~~or his or her agent has performed a tampering event~~ with a meter, such Customer or Person shall be subject to the following charges: **[Amended 5-5-1998]**
 - (1) A charge in an amount based upon the actual water usage metered to such meter prior to ~~the tampering event~~, if determinable and if not, a best reasonable estimate.
 - (2) A charge in an amount ~~equal to based upon~~ twice the ~~billed estimated water~~ usage for the Premises serviced by the meter equal to the usage for the in question during the preceding same billing period for the prior year. (s) or the corresponding billing period(s) during the year immediately preceding such tampering event, whichever is greater.
 - (3) A charge for all costs associated with the repair and/or replacement of such meter.
 - (4) A reconnection fee as listed in § 260-33, Water Rate and Fee Schedule.
- B. Anything in Subsection A above to the contrary notwithstanding, should a ~~eustomer~~Customer or his or her agent, as a result of an emergency or other circumstances beyond his/her control, move or alter ~~perform a tampering event with respect to~~ a meter, without having received the prior written consent and authorization of the Department of Public Works ~~Commissioner~~Commissioner. Such customer may, upon appeal to the Utility Advisory Board in accordance with the provisions of § 260-19 and within its discretion, be relieved of any or all of the charges listed in Subsection A(1) through (4) above,

provided that such customer shall have notified the Department of Public Works, in writing, of the movement or alteration in question within three business days of the occurrence of such tampering event.

- C. Any provisions of this section to the contrary notwithstanding, tampering may be cause the occurrence of a tampering event without a customer and/or his/her agent having first obtained the written consent and authorization of the Commissioner of the Department of Public Works shall because for discontinuance of service to the customer.
- D. For the purposes of this section, the term "tampering" ~~event~~ shall mean any unauthorized action which disables, disconnects, bypasses, or otherwise inhibits or prevents the ~~tampers with a~~ water meter from operating or registering, so as to affect, in any way, the ability of such meter to accurately measure the water being supplied to a Customer. Such tampering ~~event~~ shall include, but shall not be limited to, any breaking or other disruption of the seal affixed to a meter pursuant to the provisions of § 260-12 of this chapter.

§ 260-14 **Outside reader.**
[Amended 3-6-2007]

All eCustomers shall be required to have an outside reader with radio read capability for their meter installed at the Premises. ~~Existing City maintained meters that were installed prior to November 1, 2004, shall be exempt from the requirement for radio read capability until such time as the radio read program is implemented.~~ The outside reader shall be installed at a place on the premises acceptable to the City and according to the specifications available at the Department of Public Works. The customer shall be responsible for repairs or replacement of damaged outside readers and associated wiring when damage is due to abuse, neglect and/or negligence of the customer. The City shall render a bill for labor, equipment, and materials for all such repairs or replacement. The outside reader and appurtenances shall be the property of the City. The customer shall be responsible for providing safe access to City personnel for reading. The customer shall remove potential hazards and nuisances such as snow, ice, vegetation, and dogs from the outside reader's access. ~~Exceptions may be granted by the Commissioner the Department of Public Works, in which ease +~~ Reasonable access shall be granted to Department of Public Works personnel for the purposes of reading and maintenance. If satisfactory access is not provided the City reserves the right to produce an estimated bill.

§ 260-15 **Inspections.**
[Amended 5-5-1998; 3-6-2007]

The Department of Public Works employees or its agents shall be allowed access to the customer's premises between the hours of 8:00 a.m. and 6:00 p.m. for examination of pipes, fixtures, connections, the quantity of water used, and the manner of use. In the case of an emergency, no prior notice needs to be given, and, in the event of refusal of entry, water may be shut off with a fee assessed and application can be made to the courts for an appropriate order with all legal costs being charged to the customer.

§ 260-16 **(Reserved)**

§ 260-17 **Establishment of water rates.**
[Amended 5-5-1998; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Water rates shall be established periodically by the City Council. Such water rates shall be computed based

on the total amount budgeted for the Department of Public Works, ~~Division of Water Supply Works, for any~~ operations and maintenance costs, plus any debt service and capital outlays determined by the City Council, and projections of estimated water consumption, number of accounts, and/or other such factors. Water rates shall be recommended to the City Council by the Utility Advisory Board and/or the City Manager and shall be established to provide sufficient revenue to at least pay the expenses of operating and maintaining the water treatment works, transmission and distribution system, and appurtenant facilities.

- A. Exemption. The City Council may authorize elderly exemptions for users qualifying for property tax exemptions in the City, but such exemptions shall not result in charges lower than those necessary to recover operation and maintenance costs. Only the portion of the water rates that recovers the debt service or capital outlays may be exempted.
- B. Implementation of new rates. Before new rates and/or fees are effective, there shall be two readings before the City Council. In addition, a public hearing shall be held between the first and the second readings. The public hearing shall be held at least 10 calendar days before the rates are effective.

§ 260-18 **Billing and payment.**

- A. Water bills shall be rendered to all customers at least quarterly and may be rendered more frequently at the discretion of the Business Office with the approval of the City Manager. **[Amended 5-5-1998]**
- B. Water bills shall be due and payable upon presentation and shall become delinquent after 30 days after the date of issuance. Interest shall accrue on bills not paid when due at the same rate charged by the City for overdue property tax bills. Seasonal customers will not be eligible for service unless the previous year's bill has been paid in full.
- C. Checks shall be made payable to the City of Rochester and mailed to the Tax Collector's office or paid online in City Hall. When bills are overdue, the customer will be sent a notice. Bills not paid when due become a lien on the property by New Hampshire statute.
- D. The failure of a customer to receive water bills does not relieve the customer of the responsibility of making prompt payment.
- E. The Department of Public Works in supplying water, doing work, or furnishing material shall ~~deal with~~ interact only with the eCustomer. ~~Said~~ and the premises, and such customer shall keep the ~~Department~~ Business Office advised of the address to which bills, notices, and communications may be forwarded. Although the payment for service rate may be assumed by an agent or tenant, the Customer of the Premises ~~shall~~ will be held personally responsible for the same. A change in ownership shall not relieve the Premises from payment of back bills. In case of forfeiture, the water may be shut off and will not be turned on again until all unpaid charges have been settled in full. A water shutoff notice will be delivered to the Customer prior to shutoff. (See § 260-20.)

§ 260-19 **Appeals.**
[Amended 5-5-1998]

Users aggrieved of bills rendered under this article have the following rights of appeal:

- A. Notification. The aggrieved ~~Customer~~ user shall notify the Business Office in writing that said bill is contested before the next ~~bill for water service is issued~~ payment is due for water service. The

notification shall explain why the bill is contested and provide the information necessary to determine the validity of the claim. The Finance Director may require the use of forms to expedite the appeals process.

- B. Resolution. Upon receipt of a notification under Subsection A, the Finance Director shall submit the claim to the Utility Advisory Board with a recommendation on the validity of the claim. The decision of the Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board. Aggrieved parties shall be allowed only one appeal per claim. **[Amended 3-5-2019]**
- C. Disposition of appeals. For appeals found to be valid, the date of the billing ~~will~~ be revised to the date of the Utility Advisory Board's decision. Revised charges ~~will~~ become due and payable as specified in § 260-18. For appeals not found to be valid, the date of the billing ~~will~~ be as originally issued, and charges and interest ~~will~~ be as computed as specified in § 260-18.

§ 260-20 Agreements and shutoffs.

- A. An agreement between the City Finance Director and the customer may be signed, on a form provided ~~by the Department or on-line at the City's website in the Business Office,~~ if the customer is unable to satisfy his/her water bill in full at the due date. A water shutoff notice and agreement procedure shall be established by the Finance Director and approved by the City Manager. **[Amended 5-5-1998]**
- B. ~~Bills unpaid more than~~ Unpaid bills of over than 30 days shall constitute cause for termination of water service or shutoff. If on the day of the shutoff the customer pays the outstanding water bill after City personnel arrive at the customer's service to execute the shutoff, the customer will be assessed a minimum service charge. This charge is as listed in § 260-33, Water Rate and Fee Schedule.

§ 260-21 Miscellaneous bills. **[Amended 5-5-1998; 3-5-2019]**

Charges for labor and material, including installation costs, shall be billed upon completion of the work which the bill covers. If such bills are not paid within 30 days or a payment agreement made with the Department ~~Business Office,~~ the water will be shut off ~~or and unpaid the~~ charges will become a lien on the property, ~~or both.~~ All late payments ~~will~~ include interest charges. Collection procedures will be taken, and any costs will be charged to the ~~customer~~ Customer.

§ 260-22 Turning on and off. **[Amended 5-5-1998; 3-5-2019]**

Forty-eight hours' advance notice is normally required for turning on and shutting off water for work performed by the Department of Public Works, except in the case of emergency, consistent with Env-Dw 503.9. The requested service will be provided as soon as possible thereafter, except in cases of termination for non-payment. Fourteen (14) days advanced notice will be provided to the Customer for termination of service for unpaid charges. ~~The requested service will be provided as soon as possible thereafter.~~ All expenses involved for the shut-off at either a customer's request or for non-payment will be the responsibility of the customer. Overtime charges at the rate of time and 1/2 will be charged before or after duty hours, with a minimum of a three-hour charge.

§ 260-23 **Swimming pools.**
[Amended 5-5-1998]

The Department of Public Works does not use its equipment to fill private swimming pools. Private companies ~~shall must~~ obtain written authority from the Department of Public Works to use water from the water system. Customers desiring an abatement of sewer charges while filling their pools must ~~eat~~ contact the ~~Department Business Office~~ for instructions prior to filling the pool. There will be no abatement if the ~~Department Business Office~~ has not been contacted.

§ 260-24 **Bulk Water Hauling.**

Any construction, irrigation, swimming pool or other bulk water hauler shall contact the Department to arrange access to designated City bulk water station(s) where metering and backflow prevention can be ensured. Any such hauler's use of hydrants or any other water source other than the designated station(s) shall constitute a tampering violation and hauler shall be responsible to compensate the City for all water released. The Department will estimate such quantities for charges.

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§ 260-~~24-25~~ **Transfers.**

On sale or transfer of property, the customer must give notification to the Business Office of such sale or transfer in order that a final meter reading can be taken, and proper charges made to the proper owner. A minimum of 24 hours' notice is required. ~~If an existing If an~~ apartment building ~~or other multi-unit, or other structure, or~~ dwelling unit ~~or Premises is converted to a become a~~ condominium, ~~the Owner shall provide written~~ notification to the ~~Department Business Office~~. The new Owner shall complete a water service application and be responsible for any fees or charges from the Department of Public Works and any private plumber necessary to provide a separate service and meter.

§ 260-~~25-26~~ **Violations.**

- A. Should any Customer violate any regulations established by the ~~Department Division of Water Supply Works,~~ or fail to pay rates or other charges when due, his/her supply ~~may~~ shall be shut off, or terminated, and it shall not be resumed until causes of a complaint ~~or non-compliance~~ are removed and/or all charges paid. [Amended 5-5-1998; 3-5-2019]
- B. Any violation of the rules and regulations hereby established or failure on the part of any ~~customer Customer receiving taking~~ water to promptly pay any and all ~~claims charges due to of~~ the Department shall be considered sufficient cause for ~~cutting off termination of water service the water supply~~ of such Customer and such ~~services supply~~ shall not be turned on again until all such ~~breach cause of complaint~~ shall have been removed, including any additional work or costs incurred for the turning on of the water.
- C. Where two or more Customers take water through one service pipe, the provision in regards to ~~termination of service or cutting off the~~ supply shall be applicable to all such customers although one or more of them may be innocent of any cause of offense.

§ 260-~~26-27~~ **Interruption of service.**
[Amended 5-5-1998]

The Department of Public Works reserves the right to shut off the service temporarily whenever it becomes

necessary to make extensions, alterations, or repairs, or to curtail the use of water whenever conditions so require without prior notice. The Department of Public Works will make best efforts to provide advanced notice to Customers when practicable.

§ 260-27-28 Claims for damages and liability.
[Amended 5-5-1998]

- A. The Department of Public Works will not be responsible for any damage caused by shutoffs in the mains or service pipes, because of shortage of supply, installing-setting or removing meters, repairs, construction, or for other reasons beyond the control of the Department. Notice of shutoff will be given when practicable; however, nothing in this rule shall be construed as requiring the giving of such notice. The Department of Public Works will not be liable for any damages resulting from leakage escaping from any part of the owner's system.
- B. All customers having direct pressure hot water tanks or appliances should~~must~~ place proper automatic vacuum and relief valves in the pipe system to prevent any damage to such tanks or appliances should it become necessary to shut off water on the street mains or service pipe. Service will be provided to such direct pressure installations only at the customer's risk and in no case will the Department of Public Works be liable for any damage occasioned thereby.

§ 260-29 Regulation of water usage during emergency.
[Amended 9-14-1999; 7-10-2018]

- A. Purpose. The purpose of this regulation is to ensure the use of water is properly regulated whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity, or failure of equipment or material. The City of Rochester may use reasonable means to protect, preserve, and maintain the public health, safety, and welfare when a water supply shortage exists.
- B. Authority. The City of Rochester adopts these regulations under its authority to regulate public water systems under RSA 38:26. In accordance with the provisions of RSA 47:17, XV, whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the City Manager is authorized to restrict or prohibit the use of water from the City water system.
- C. Applicability. The requirements of this section shall apply to all water users with connections receiving water from the City's public water system, including any connections with consecutive water systems~~which includes all public water systems owned and operated by the City.~~
- D. Definitions. As used in this section, the following terms have the meanings indicated:

PERSON

~~Any individual, corporation, trust, partnership, joint stock company, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the state or any interstate body, or other entity.~~

WATER SUPPLY SHORTAGE

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A situation when the City's water supply is in jeopardy as evidenced by a state or federal government agency declaring a drought in the area or the water system being unable to, or within 60 days of such written determination becomes unable to, supply the full commercial, domestic, and residential needs of the users of the City's water system, including needs for adequate fire protection. A water supply shortage usually occurs due to drought or a major infrastructure failure.

- E. Water emergency declaration. A water emergency declaration may be issued by the City Manager whenever a supply shortage or other water emergency occurs.
- F. Water use restrictions. Upon declaration of a water emergency, the City Manager shall implement certain water use restrictions necessary to conserve and maintain adequate reserves of the public water supply. Provided there is a declaration as noted above, the following levels of restriction will apply immediately after the public notification period specified in Subsection **H**:
 - (1) If a Level 1 water use restriction is issued, then customers are encouraged to refrain from outside water use such as landscape watering and to limit the amount of water used outdoors for other purposes.
 - (2) If a Level 2 water use restriction is issued, then:
 - (a) Any outside water use by odd-numbered addresses is allowed only on odd-numbered days.
 - (b) Any outside water use by even-numbered addresses is allowed only on even-numbered days.
 - (c) Any outside water use shall not occur between the hours of 8:00 a.m. and 5:00 p.m.
 - (3) If a Level 3 water use restriction is issued, then:
 - (a) No outside water use for lawn watering or irrigation. This applies to automatic sprinklers, automatic irrigation systems, and any unattended lawn watering.
 - (b) Filling of any swimming pools or containers greater than 100 gallons' capacity is prohibited.
 - (c) Washing of vehicles, including automobiles, trailers, trucks, etc., by hose is prohibited.
 - (d) Any outside water use shall not occur between the hours of 8:00 a.m. and 5:00 p.m.
 - (4) If a Level 4 water use restriction is issued, then all outside water use is prohibited.
- G. Exemptions to water use restrictions.
 - (1) Hand irrigation of crops used for food by residents at a residential property, provided a competent person is present using watering equipment with an automatic shut-off device, shall not be restricted.
 - (2) Water to sustain animal life shall not be restricted.
 - (3) Despite the authority granted by Subsection **B** of this regulation, orders imposing water use

restrictions shall not apply to uses that obtain water from sources other than the City water system, unless it can be clearly demonstrated that the use of such water directly affects the City water system.

- (4) The City Council may issue temporary water use restriction exemption permits for identified properties and locations that have made recent landscaping investments. The exemption period for limited irrigation for new seed, sod, or plugs is up to 45 days from the date of installation, and will be permitted between the hours of 5:00 p.m. and 8:00 a.m. Property owners must demonstrate that area soils have been appropriately prepared and use efficient irrigation best management practices. A watering exemption permit only pertains to newly seeded lawns and will not be issued for over seeding. This exemption does not apply during a Level 4 water use restriction.
- H. Public notification. Upon declaration of a water emergency by the City Manager, the City shall issue a written emergency notice declaring the emergency and setting forth with particularity a water use restriction that regulates the use of water from the City's water system. The notification, as issued, shall be reissued whenever there are modifications to the water use level restrictions.
- (1) Publication and/or posting of notice. The written emergency notice shall be published in a newspaper of general circulation in the City of Rochester within 72 hours after the issuance of such notice. In addition, the written emergency notice shall be posted in five prominent places within the City and on the City website.
- (2) Immediate threat to public health or safety. Whenever a sudden or unexpected event reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the emergency notice may be issued by any reasonable means, including electronic means.
- I. Termination notice of a water emergency. Upon a determination by the City that the water emergency no longer exists, the City Manager may terminate the water use restrictions. Public notification of such termination shall be given in accordance with Subsection **H(1)**.
- J. Appeals of water emergency declaration. Any person aggrieved by a water emergency declaration by the City Manager shall have the right to present the matter to the next regular or special meeting of the City Council or any emergency session of the Council called to discuss the water emergency. The City Council may exempt such aggrieved person, in whole or in part, from the compliance with such water use restrictions upon a showing that compliance with such water use restrictions creates an immediate threat to such person, or such person's immediate household's, health or safety. A ruling by a majority vote of the City Council with regard to such appeal shall be final and binding. Until and unless the action of the City Manager is modified or revoked by action of the City Council, all water usage shall be bound by the terms of the water use declaration issued by the City Manager.
- K. Penalties. Any person who, in any manner, directly or indirectly, violates or permits others under his/her custody or control to violate any terms of a duly issued water use restriction shall be guilty of a violation. Each separate day of water use in violation of such emergency notice shall constitute a separate offense and each separate prohibited water use in excess of one on the same day shall constitute a separate offense. In addition to the foregoing penalties, the City of Rochester is authorized to discontinue the furnishing of water where orders and restrictions have been violated on

multiple accounts. Such discontinuance shall be made pursuant to RSA 38:31 and may be continued so long as there is evidence that the violations continue. Penalties are determined by each water level restriction as follows:

- (1) Level 1 water restriction. There are no penalties as this is voluntary.
- (2) Level 2 and 3 water restrictions.
 - (a) First violation will be issued a warning.
 - (b) Second violation shall be punishable by a fine of one hundred dollars (\$100.00).
 - (c) Third violation shall be punishable by a fine of one hundred dollars (\$100.00).
 - (d) Additional violations shall be punishable by a fine of five hundred dollars (\$500.00) to ten thousand dollars (\$10,000.00) and discontinuance of water service. A service reactivation fee, as defined by § 260-33B, will be charged before water service is restored.
- (3) Level 4 water restriction. Each violation shall be punishable by a fine of five hundred dollars (\$500.00) to ten thousand dollars (\$10,000.00) and discontinuance of water service. A service reactivation fee, as defined by § 260-33B, will be charged before water service is restored.

§ 260-~~28-30~~ **Utility Advisory Board.**

- A. Function of the Board. The Utility Advisory Board shall periodically make recommendations to the City Council on the level of water rates to be established under this article, but such recommendations are not binding on the City Council. The Utility Advisory Board shall rule on appeals of user and other charges and fees and perform such other duties that may be assigned by City Council. **[Amended 5-5-1998; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. Membership. The Utility Advisory Board shall consist of five members. Such members shall be nominated by the Mayor and appointed by the City Council.
- C. Term. Members appointed on, or after, June 1, 2013, shall serve a term of three years from the date of appointment. **[Amended 6-4-2013]**
- D. Vacancies. Vacancies on the Utility Advisory Board shall be filled in the same manner that members are appointed under Subsection B. The term of a member appointed to fill a vacancy shall be equal to the remaining term of the member being replaced.
- E. Administrative actions. The City Manager shall have the authority to veto or modify any action of the Utility Advisory Board.

§ 260-~~29-31~~ **Construction/extension of water mains for new development which may become public water mains.**

- A. Applications for the construction/extension of water mains that are intended to be accepted by the City as City-owned mains shall be in the form of a petition addressed to the Department of Public

Works in compliance with the rules established by the Department of Public Works. **[Amended 5-5-1998; 5-1-2007]**

- B. The Department of Public Works may require that an applicant file a site plan with the Planning and Development Department such rights-of-way, easements, releases, performance surety, or any other instruments reasonably consistent for any such construction, and the City of Rochester shall be grantee, guaranteed insured, or payee of any such instrument. **[Amended 5-1-2007]**
- C. Construction or extension of any such water mains shall be per City standards.
- D. The applicant shall pay full costs for any such construction of water main and installation and full title to the same shall, upon acceptance by the City Council, be the property of the City of Rochester. All construction of water mains shall be under the direct supervision of the Department of Public Works.
- E. The City will not normally accept water mains that are constructed or extended appurtenant to roadways where such roadways are not intended to be accepted by the City. Such mains will be considered by the City to be private services and all required maintenance the responsibility of the owner. Owner maintenance and operation of such mains shall be subject to the directives of the Department to ensure water quality.
- F. Construction or extension of private water mains or private distribution systems beneath private property shall meet the specifications of the Department and Owner maintenance and operation of such mains shall be subject to the directives of the Department to ensure water quality.

§ 260-~~31~~32 **Extension of existing water mains in accepted roadways.**

- A. Upon petition by citizens of the City or when deemed necessary or desirable for the protection and well-being of the City, the extension of water mains in accepted roadways may be approved by a vote of the City Council in accordance with City Ordinance § 223-9. **[Amended 5-5-1998]**
- B. Where the construction and installation of water mains is to be made in and upon existing streets and roads, and the public good requires it and/or undue hardships would result if cash payment were made, then and in such case the City of Rochester may finance the construction through the issuance of bonds or other financing method and pay the full costs. The proportionate share of each abutter along the line of construction and installation based on the actual cost of construction per running foot or other equitable distribution of cost when petition, application, or late petition is made and granted shall become a lien on such abutting property as real estate taxes until payment of said proportionate share of full costs, including financing, is made.
- C. Payment may be as follows:
 - (1) The affected party may pay his/her proportionate share in cash for the full amount, at the time the obligation is incurred; or
 - (2) The affected party may enter into an agreement with the City of Rochester that said proportionate

share of all costs may be paid in equal installments over a period of time equal to the term of the bond or a lesser period. Such agreement is to be recorded with the Strafford County Register of Deeds at the expense of the affected party. In the event property is conveyed, the new owner(s) will be responsible for all unpaid bills and liens.

§ 260-~~32-33~~ **Private fire protection.**

- A. Private fire services may be permitted at the discretion of the ~~Department~~ Commissioner of Public Works and Fire Chief. All applications for private fire protection services must follow the provisions of § 260-4, Application for service. **[Amended 5-5-1998]**
- B. Fees for private fire hydrants shall be as listed in § 260-33, Water Rate and Fee Schedule.
- C. Private fire hydrants shall typically be set on the customer's side of the meter so that all use is recorded and billed. In cases where private fire hydrants are before the customer's meter any such use of a private fire hydrant for non-fire service flows must utilize a fire hydrant meter authorized and provided by the Department to measure said flows. The Customer or user shall be responsible for all water utilized and measured by said hydrant meter pursuant to the rates set forth in §260-33.

§ 260-~~33-34~~ **Water Rate and Fee Schedule.**

[Amended 6-26-2007; 6-10-2008; 6-16-2009; 7-5-2011; 11-20-2012; 2-4-2014; 9-15-2015; 8-2-22]

- A. Quarterly water rates. **[Amended 11-1-2016; 2-6-2018; 8-2-22]**
 - ~~(1) Residential Customers without exemption: five dollars and fifty five cents (\$5.55) per 100 cubic feet of water use.~~
 - ~~(2) Residential customers with exemption: two dollars and forty cents (\$2.40).~~
 - ~~(3) Commercial and industrial Customers: five dollars and fifty five cents (\$5.55) per 100 cubic feet of water use.~~
 - ~~(4) Unmetered residential, commercial and industrial Customers :

 - ~~(a) Per quarter per unit without exemption: one hundred forty eight dollars and fifty three cents (\$148.53).~~
 - ~~(b) Per quarter per unit with exemption: seventy four dollars and twenty five cents (\$74.25).~~~~
 - ~~(5) Minimum fee:

 - ~~(a) Per quarter per unit without exemption: twenty one dollars and nine cents (\$21.09).~~
 - ~~(b) Per quarter per unit with exemption: sixteen dollars and ninety one cents (\$16.91).~~~~
 - (1) Residential Customers without exemption: six dollars and fifty-four-one cents (\$6.41) per 100 cubic feet of water use.

- (2) Residential customers with exemption: two dollars and seventy-seven cents (\$2.77).
- (3) Commercial and industrial Customers: six dollars and forty-one cents (\$6.41) per 100 cubic feet of water use.
- (4) Unmetered residential, commercial, and industrial Customers:
 - (a) Per quarter per unit without exemption: one hundred seventy-one dollars and fifty-six cents (\$171.56).
 - (b) Per quarter per unit with exemption: eighty-five dollars and seventy-six cents (\$85.76).
- (5) Minimum fee:
 - (a) Per quarter per unit without exemption: twenty-four dollars and thirty-five cents (\$24.35).
 - (b) Per quarter per unit with exemption: nineteen dollars and fifty-one cents (\$19.51).

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B. Fees.

- (1) Meter Installation: a minimum of three hundred dollars (\$300.00) or estimated cost of installation, in advance one hundred dollars (\$100.00).
- (2) Installation and repair license: one hundred dollars (\$100.00) per year.
- (3) Bad check: twenty-five dollars (\$25.00) plus all associated fees.
- (4) Service reactivated following payment when shut off due to nonpayment: sixty dollars (\$60.00).
- (5) Service shutoff or turn on by request: thirty dollars (\$30.00).
- (6) Temporary service: see installation fees; water charges will be billed accordingly.
- (7) Private fire protection service: see installation fees.
- (8) Private fire hydrant service connection: one hundred fifty dollars (\$150.00) per hydrant per fiscal year. For purposes of this subsection, a private fire hydrant shall mean any fire hydrant located outside the public right-of-way and/or located on property other than that is not owned by the City of Rochester, but which is connected to the public water system. Any private hydrant located behind a water meter on that property shall be exempt from this charge.
- (9) Service Connection Permit Fee: fifty dollars (\$50.00).
- (10) Swimming pools: fees based on volume used times unit rate.
- (11) Meter repair or testing: thirty dollars (\$30.00) per visit plus cost of transportation of meter to testing facility and cost of testing.

~~(412)~~ Meter damage: fifty dollars (\$50.00).

~~(4213)~~ Backflow prevention devices: all costs associated with installation, repair, or inspection paid by owner. Inspection costs shall be not less than minimum service charge.

~~(4314)~~ Violations: all costs to correct violation paid by owner.

~~(4415)~~ Minimum service charge: thirty dollars (\$30.00) per visit.

~~(4516)~~ Meter tampering charge: a reconnection fee of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

~~(4617)~~ Minimum charge for road maintenance between December 1 and March 31: two hundred dollars (\$200.).

(18) Service Development Fee: \$3.17 per gallon per day, per unit in accordance with the Table 1008-1 referenced and as set forth §260A-5.

Article II Cross-Connections

[Adopted 4-2-2013 (Ch. 18 of the 1995 Code); amended in its entirety 12-3-2013]

§ 260-~~34-35~~ **Purpose.**

- A. New Hampshire Code of Administrative Rules Part Env-Dw 505 requires that the City of Rochester take appropriate actions to prevent the reverse flow of water previously delivered to customers or the backflow of harmful substances into the public water system. Each public water system serving 1,000 or more persons must have a written cross-connection control program ordinance. **[Amended 3-5-2019]**
- B. Cross-connections between water supplies and non-potable sources of contamination represent one of the most significant threats to health in the water supply industry. This program is designed to accomplish the following:
 - (1) To protect the City of Rochester, New Hampshire, public ~~potable~~ water supply from contamination by isolating, within its customers' internal distribution systems, contaminants that could backflow or backsiphon into the public water system.
 - (2) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable and non-potable water systems by isolating those contaminants that could backflow or backsiphon into the customer's internal distribution system.
 - (3) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination of potable water systems via cross-connections.
 - (4) To supplement the regulations promulgated and revised by the New Hampshire Department of

Environmental Services as listed in § 260-36 below.

~~§ 260-35 Definitions.~~

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

~~**AIR GAP (approved for both high and low hazard protection)**~~

~~An unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. Physically defined as a distance equal to twice the diameter of the supply side pipe but never less than one inch.~~

~~**APPROVED BACKFLOW PREVENTION DEVICE**~~

~~A backflow prevention device that has been:~~

- ~~A. Manufactured to allow for accurate testing and inspection so as to allow verification of performance; and~~
- ~~B. Tested and certified by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.~~

~~**APPROVED SOURCE**~~

~~A source of water utilized by a public water system for distribution to the public for consumption purposes and which is approved by the New Hampshire Department of Environmental Services, Water Division, for said use following a required and/or approved treatment process.~~

~~[Amended 3-5-2019]~~

~~**ATMOSPHERIC VACUUM BREAKER**~~

~~A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.~~

~~**AUXILIARY WATER SUPPLY**~~

~~Any water supply on, or available to, a premises other than the City's approved public potable water supply.~~

~~[Amended 3-5-2019]~~

~~**BACKFLOW**~~

~~The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any source or sources other than the intended source.~~

~~**BACKFLOW PREVENTER WITH INTERMEDIATE ATMOSPHERIC VENT**~~

~~A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere. The check valves are force loaded to a normally closed position and the venting means is force loaded to abnormally open position.~~

~~**BACKFLOW PREVENTION DEVICE**~~

~~A device or means designed to prevent backflow or backsiphonage. Most commonly categorized as air~~

~~gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.~~

~~BACKFLOW PREVENTION DEVICE INSPECTOR, CERTIFIED~~

~~A person who has proven his/her competency to inspect and test backflow prevention devices by the possession of a valid backflow prevention device certification issued by the New England Water Works Association or other equivalent certification approved by New Hampshire Department of Environmental Services.~~

~~BACK PRESSURE~~

~~Pressure created by mechanical means or other means causing water, liquids, or other substances to flow or move in a direction opposite of what is intended.~~

~~BACKSIPHONAGE~~

~~The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than its intended source, that is caused by negative or reduced pressure in the potable water system.~~

~~BAROMETRIC LOOP~~

~~A section of pipe rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage (only).~~

~~CHECK VALVE~~

~~A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.~~

~~CONTAINMENT PHILOSOPHY~~

~~The method and philosophy of backflow prevention which requires a backflow preventer at the service entrance which isolates the customer's facility from the public water supply.~~

~~CONTAMINANT~~

~~As defined in RSA 485:1 a, II, any physical, chemical, biological or radiological substance or matter in water.~~

~~CROSS CONNECTION~~

~~Any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other of which contains water of unknown or questionable safety and/or steam, chemicals, gases, or other contaminants whereby there may be a flow of an unapproved water or other substance to a potable water system.~~

~~CUSTOMER (OWNER)~~

~~Any person who has legal title to or license to operate or habitat in a property at which a cross-connection inspection is to be made or at which a cross-connection is present.~~

~~DEPARTMENT~~

~~The City of Rochester Department of Public Works.~~

~~DEVICE UPGRADE~~

~~The replacement of an existing backflow prevention device with another appropriate device designed for a higher hazard duty when the degree of hazard is increased.~~

~~DIVISION~~

~~Division of Water, New Hampshire Department of Environmental Services.~~

~~DOUBLE CHECK VALVE ASSEMBLY or DCA (approved for low hazard protection only)~~

~~An assembly of two independently operating spring loaded check valves with tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.~~

~~FIXTURE ISOLATION PHILOSOPHY~~

~~A more complex isolation approach whereby protective devices are placed at individual fixtures within a facility as well as where cross-connections exist at the last free-flowing outlet to ensure occupants of a facility are protected within.~~

~~HIGH DEGREE OF HAZARD~~

~~A condition where, if a backflow were to occur, the resulting effect on the water supply could cause injury, illness or death if consumed by humans. The foreign substance may be hazardous to humans from a chemical, biological, physical, or radiological standpoint. The effects of the contaminant may result from short- or long-term exposure.~~

~~HOSE BIBB VACUUM BREAKER~~

~~A device which is attached to a hose bibb and which acts as an atmospheric vacuum breaker.~~

~~{Amended 3-5-2019}~~

~~LOW DEGREE OF HAZARD~~

~~A condition where, if a backflow were to occur, the resulting effect on the water supply would be a change in aesthetic qualities. The foreign substance must be non-toxic and non-hazardous to humans.~~

~~PERMIT~~

~~A document issued by the Department that allows the use of a backflow preventer.~~

~~PERSON~~

~~As defined in RSA 485:1 a, XIII, any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.~~

~~POTABLE WATER~~

~~Water from a source that has been approved by the New Hampshire Department of Environmental Services.~~

~~{Amended 3-5-2019}~~

~~PREMISES~~

~~The industrial, commercial or residential facility or dwelling connected to the public water supply.~~

~~[Amended 3-5-2019]~~

~~**PRESSURE VACUUM BREAKER or PVB (approved for low hazard protection only)**~~

~~A device containing one or two independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shutoff valves on each side of the check valves plus properly located test cocks for the testing of each of the check valve(s).~~

~~**PUBLIC WATER SYSTEM**~~

~~As defined by RSA 485:1 a, XV, a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system:~~

- ~~A. Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);~~
- ~~B. Obtains all of its water from, but is not owned or operated by, a public water system; and~~
- ~~C. Does not sell water to any person.~~

~~**REDUCED PRESSURE ZONE PRINCIPLE BACKFLOW PREVENTION DEVICE or RPZ (approved for both high and low hazard protection)**~~

~~An assembly consisting of two independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the two check valves and below the first check valve. These units are located between two tightly closing, resilient seated shutoff valves as an assembly and equipped with properly located resilient seated test cocks for the testing of the check valves and the relief valve.~~

~~**RESIDENTIAL NO. 7 DUAL CHECK**~~

~~An assembly of two independently operating, spring loaded check valves without tightly closing shutoff valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device. This is a non-testable device.~~

~~**SITE SURVEYS**~~

~~Initial site surveys of existing commercial and industrial properties are required to determine degree of compliance with the regulations herein. Such activities shall be executed by the Department either using its own resources or contracted resources. Activities shall include on-site surveys of commercial and industrial users of the public water supply which in the judgment of the Department may present risk of cross-contamination.~~

~~**SUPPLIER**~~

~~Any person who controls, owns, or generally manages a public water supply system.~~

~~**WATER SERVICE ENTRANCE**~~~~The point in the customer's water system beyond the sanitary control of the Department; generally considered to be the outlet end of the water meter and always before any unprotected branch.~~~~[Amended 3-5-2019]~~~~**WATER TREATMENT CHIEF OPERATOR**~~~~The Water Treatment Chief Operator of the City of Rochester, New Hampshire, Water Treatment Facility, Department of Public Works, or his/her designated representative, who is vested with the authority and responsibility for implementation of a cross-connection control program and for enforcement of the provisions of Article I of this chapter and these regulations.~~~~**WATER UTILITY**~~~~The suppliers of water.~~**§ 260-36 Authority.**
[Amended 3-5-2019]

The authority for this article is derived from the New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention, and the City of Rochester public water system rules and regulations, as adopted.

§ 260-37 Responsibilities of Department.

The Department is responsible for protecting the public potable water distribution system from contamination due to the backflow or backsiphon of contaminants through the water service connection.

§ 260-38 Duties of Department of Public Works.

- A. The Department will determine if an approved backflow prevention device is required at the City's water service connection to any customer's premises.
- B. The Department may, directly or through a designated representative, give notice in writing to any such customer to install an approved backflow prevention device at each water service connection to his/her premises.
- C. The Department will issue permits for all new backflow prevention devices and amended permits for any upgrades to such devices for higher-hazard duty. No permit will be issued by the Department without an application from the owner.
- D. Permits shall have a duration based upon degree of hazard for the protective device. High-hazard device permits shall have a duration of six months to coincide with semiannual inspection and testing requirements. Low-hazard device permits shall have a duration of 12 months to coincide with annual inspection and testing requirements. All permits shall automatically renew following certification from owner that periodic inspection and testing has been completed on schedule.
- E. There will be no fees for permits issued.
- F. Existing commercial and industrial properties at the time of the issuance of this article shall be the

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subject of site surveys conducted by the Department to determine the need for backflow prevention devices. [Department shall conduct site surveys in accordance with Env-Dw 505.](#)

- G. The Department will not allow any cross-connection to remain unless it is protected by an approved backflow ~~prevention~~ [prevention device](#) for which a permit has been issued and which will be regularly tested [and inspected](#) per required schedule to ensure satisfactory operation.
- H. If the Department determines at any time that a ~~serious~~ threat to the public health exists, the water service will be terminated immediately.
- I. The Department will maintain records to include all applications for backflow prevention devices, installation, inspection and testing certification forms, notices of inspection/test requirement and permits.
- J. The Department will monitor for permit compliance. Permits shall lapse and become void if inspection and testing are not certified on schedule. A void permit shall constitute grounds for discontinuation of water.
- K. The Department will inform the owner by letter of any failure to comply with scheduled inspection and testing and resulting permit violation. The Department will allow an additional 14 days past the original due date for completion of inspection and testing and owner certification. In the event that the owner fails to provide the certification within the additional 14 days, the Department will inform the owner, by letter, that the water service to the owner's premises will be terminated. In the event that the owner informs the Department of extenuating circumstances as to why the certification has not been made on schedule, a time extension may be granted by the Department, but in no case will exceed an additional 30 days.
- L. All new single-family residential water services, [as well as substantive remodeling of residential properties that require meter changes and/or plumbing permits](#), will be required to install a residential No. 7 dual check device immediately downstream of the water meter. **[Amended 3-5-2019]**
- M. Installation of a residential dual check valve results in a potential closed plumbing system within the residence. As such, provisions shall be made by the owner to provide for thermal expansion within the closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.
- N. New and retrofit installations of reduced pressure zone principle devices and double check valve backflow preventer [shall](#) include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic flushing, and cleaning of mains, etc. These occurrences may stir up debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

§ 260-39 Requirements of owner.
[Amended 3-5-2019]

- A. The owner shall be responsible for the elimination or protection of all cross-connections on his/her

premises.

- B. The owner shall ensure the protection of the public water supply within his/her premises by the installation of approved backflow prevention devices, where necessary, or by fixture isolation techniques to comply with the City's containment philosophy and NH state regulations. All testing, inspection and maintenance shall be the responsibility of the owner. Those devices internal to the facility will not be regulated by the Department; however, any isolation devices required to be installed by the Department shall be regulated by the Department.
- C. The owner, after having been informed by letter from the Department, shall at his/her expense install, maintain, and test, or have tested, any and all backflow preventers on his/her premises.
- D. On new commercial and industrial installations, the owner or his/her qualified agent supplying the device(s) shall propose the type of backflow preventer, if any, that will be required. The owner shall supply a complete application for the installation of a backflow prevention device and provide it to the Department for permit issuance. The Department shall approve proposed devices.
- E. The owner shall inform the Department of any proposed or modified cross-connections and ~~also~~ of existing cross-connections ~~of~~ which the owner is aware but may not be known by the Department.
- F. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who wish to continue operations cannot shut down operation for during testing of the device(s) shall must supply additional devices for an operational by-pass. additional devices necessary for testing to take place.
- G. The owner shall install backflow devices with the minimum requirements as provided herein in a manner approved by the Department or its designee and in accordance with approved plumbing regulations. All new devices shall be tested satisfactorily upon installation.
- H. The owner shall install only a backflow preventer approved by the Department and the Division.
- I. The owner shall be responsible for the payment of all fees for device installation or replacement, annual or semiannual device inspection and testing, re-testing in the case that the device fails to operate correctly, and second reinsertions for noncompliance with Department rules and regulations.
- ~~I. Any owner having a private well or other private water source shall not connect ("hard pipe") to the Department's system. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross connected to the Department's system.~~
- ~~J. In the event the owner installs plumbing to provide potable water for domestic purposes which is on the Department's side of the backflow preventer, such plumbing must have its own backflow preventer installed.~~
- J. Should a backflow prevention device be required or an upgraded device, whether determined by the Department or otherwise the owner, the owner shall be responsible for submitting an application for

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such device to the Department.

- K. There will be no fee for applications submitted.
- L. Owners shall certify the installation of new or upgraded backflow prevention devices in writing to the Department within ~~90~~30 days of issuance by the Department of the permit.
- M. Failure, refusal, or inability on the part of the owner to install the required initial or upgrade device(s) and provide certification to the Department within 30 days shall constitute grounds for discontinuing water service to the premises until such time as the required certification of compliance is received by the Department.
- N. Owner shall be responsible for providing certification of inspection and testing to the Department within 14 days of regularly scheduled periodic inspection and testing, and retesting following initial test failure if applicable. Failure to submit the certification within 14 days shall void the permit and constitute grounds for discontinuing water service to the ~~p~~Premises.
- O. The owner shall correct at his/her cost any malfunction of the backflow preventer which is revealed by periodic testing. Corrections that impact the required certification schedule above shall be communicated to the Department at the earliest possible time.

§ 260-40 Administration.
[Amended 3-5-2019]

- A. Philosophy: The City will administer the program on the theory of containment, the approach of which utilizes a minimum of backflow devices and isolates the customer from the public water supply so that contamination of the public water system does not occur. If he/she so desires, the owner may utilize public health officials or private consultants to assist in the survey of his/her facilities and to assist in the selection of proper fixture isolation devices and the proper installation of these devices.
- B. The owner shall allow his/her property to be inspected for possible cross-connections and shall follow the provisions of the Department's program and the Division's regulations if a cross-connection is required.

§ 260-41 Degree of hazard.

The Department recognizes the threat to the public water system arising from cross-connections. These threats are classified as follows in this section:

- A. Low hazard. If a backflow were to occur, the resulting effect on the water supply would, at the most, be a change in its aesthetic qualities. The foreign substance(s) must be non-toxic to humans. All threats classified as "low hazard" will require, at a minimum, the installation of an approved double check valve assembly.
- B. High hazard. If a backflow were to occur, the resulting effect on the water supply could cause illness, injury or death if consumed by humans. The foreign substances may be hazardous to humans from a physical, chemical, biological, and/or radiological standpoint. The effects of the contaminants may result from short- or long-term exposure. All threats classified as "high hazard" will require the

installation of approved reduced pressure zone principle backflow prevention devices, ~~or air gaps or other high hazard device approved by the Department.~~

§ 260-42 Auxiliary water sources.
[Amended 3-5-2019]

- A. Any owner having a private well or other private water source shall not cross-connect ("hard pipe") to the Department's system. The owner may be required to install a testable high hazard backflow prevention device at the service entrance to the public water system if a private water source is maintained, even if it is not cross-connected to the Department's system.

~~Where a single or dual family residential customer served by the public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring, etc.), the supplier of the water shall protect the public water supply against backflow by requiring the customer to perform one of the following:~~

- ~~(1) Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by the supplier of the water, local Director of Building, Zoning, and Licensing Services, or his/her designee. The frequency of the inspections shall be at the time of the disconnection and at periodic intervals thereafter (i.e., every three to five years).~~

Commented [JJS1]: Include commercial and/or industrial?

Commented [JJS2]: This section should be subject to discussion, but I think "shall" is stronger.

Commented [JJS3]: There is some law that suggests that you cannot require someone to take public water service if they have their own supply; question is whether that applies to auxiliary services.

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- ~~(1) The owner has the option to~~ The owner has the option to abandon or discontinue the auxiliary water supply in a manner acceptable to the Water Division of the Department, ~~to the Division Department and NH Department of Environmental Services~~ in lieu of installation of a backflow prevention device.

- B. The Department shall not permit a cross-connection within the public water ~~supply~~ system unless it is considered necessary and that it cannot be eliminated.

~~(1) The customer shall install an approved reduced pressure zone (RPZ) device at the public water supply service connection.~~

- ~~(2)~~ (2) The Customer shall provide the Department water supplier with backflow prevention device test results per required schedule or the customer's water service from the water provider will be shut off until the data is supplied to the Department water supplier and approved.

§ 260-43 Permits.
[Amended 3-5-2019]

- A. Cross-connection permits that are required for backflow prevention devices are obtained from the Department. A permit will be issued for each individual device. There will be no fees for initial permits and subsequent renewals. Permits shall be issued with a duration which coincides with the inspection and testing schedule of the device. High-hazard devices shall have permits with durations of six months; low-hazard devices shall have durations of 12 months. Failure of the owner to provide certification of inspections and testing on the required schedule shall void the permit and constitute grounds for discontinuation of water.

- B. Amended permits shall be issued for any premises whereby there are any increases in degree of hazard such as to supersede the effectiveness of the present backflow preventer. Owners are responsible for submitting applications for the amended permits.
- C. The permit shall contain the information required in New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention.
- D. Permits are subject to revocation for cause by the Department and become immediately revoked if the owner should so change the type of cross-connection or degree of hazard associated with the service without proper notification to the Department.
- E. Fixture isolation devices internal to a facility will not be regulated by the Department and permits are not required.

§ 260-44 Existing backflow prevention devices.
[Amended 3-5-2019]

Any existing backflow preventer shall be allowed by the Department to continue in service if in good working order unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Permits for existing devices shall be issued with durations to coincide with the required schedule of inspection and testing. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, an existing backflow preventer must be upgraded to an approved device, or an approved device must be installed in the event that no backflow device is present.

§ 260-45 Installation.
[Amended 3-5-2019]

- A. Installation requirements. Initial installations, replacements and upgrades shall be performed by an individual with a current backflow prevention device inspector/tester certification from the New England Water Works Association (NEWWA) [and in accordance with Department of Public Works requirements and NH statutes.](#)
- B. Reduced pressure zone backflow prevention devices.
 - (1) The reduced pressure zone backflow prevention device shall be installed on the owner's side of the water meter on the potable water supply line.
 - (2) For "in-plant" protection, lines for safety showers and lines for eye wash units must be taken off the upstream side of the reduced pressure zone backflow prevention device.
 - (3) The reduced pressure zone backflow prevention device shall be located ~~so as~~ to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.
 - (4) The reduced pressure zone backflow prevention device and shutoff valves must be installed in a horizontal alignment between three and four feet from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Department of Public Works or its designee for vertical installations.

- (5) Tightly closing valves must be installed at each end of the device and must be immediately accessible unless otherwise approved by the Department of Public Works or its designee.
- (6) A drain is to be provided for a relief valve port. There must be an approved air gap separation between the port and the drain line. To be approved, the air gap must be at least twice the internal diameter of the discharge line, or two inches minimum.
- (7) Backflow prevention devices are not allowed to be installed below grade or other location that may be prone to unit inundation and/or submergence.

C. Double check valve assemblies.

- (1) The double check valve assembly shall be installed on the owner's side of the water meter on the potable water supply line.
- (2) For "in-plant" protection, lines for safety showers and lines for eye wash units must be taken off the upstream side of the double check valve assembly.
- (3) The double check valve assembly shall be located so as to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.
- (4) The double check valve assembly and shutoff valves must be installed in a horizontal alignment and the top of the double check valve assembly must be between 30 inches and 53 inches from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Department of Public Works or its designee.
- (5) Tightly closing valves must be installed at each end of the device and be immediately accessible unless otherwise approved by the Department of Public Works or its designee.
- (6) Double check valve assemblies must be provided with suitable connections and appurtenances for testing.

§ 260-46 Periodic testing.
[Amended 3-5-2019]

- A. Backflow prevention devices shall be inspected and tested at least semiannually for high-hazard applications and at least annually for low-hazard applications. All new devices in new facilities shall be tested for positive operation upon installation. Responsibility for ensuring inspections and testing and providing certification to the Department shall be the ~~owner's~~ Owner's. Failure to certify inspections and testing on the required schedule shall void the permit and be grounds for discontinuation of water service.
- B. Testing and inspection of all devices, to include reduced pressure principle backflow devices, testable double check valve assemblies, and testable pressure vacuum breakers, shall be performed by an individual with a current backflow prevention device inspector/tester certification from the New England Water Works Association (NEWWA).

- C. Any backflow preventer which fails during a periodic test shall be repaired or replaced. When repairs are necessary, upon completion of the repair, the device shall be re-tested at the owner's expense to ensure correct operation. High-hazard situations shall not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of ensuring that uninterrupted water service during testing and repair of devices is maintained and is strongly recommended when the owner desires such continuity.
- D. Backflow devices will be tested more frequently than specified in Subsection A above in cases where there is a history of test failures and the Department feels that, due to the degree of hazard involved, additional testing is warranted. Cost of the additional testing will be borne by the owner.
- E. Failure to test a backflow prevention device as required, or failure to repair a device when needed, ~~may~~ result in immediate, temporary termination of the water service until the device is tested or repaired as directed by the Department.

§ 260-47 Conflicting provisions; severability.

- A. If a provision of this article is found to be in conflict with any provision of a zoning, building, safety or health or other ordinance or code of the City of Rochester, or the State of New Hampshire, or the federal government, existing on or subsequent to the effective date of this article, that provision which in the judgment of the City of Rochester establishes the higher standard of safety and protection shall prevail.
- B. The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article that can be given effect without such invalid part or parts.

§ 260-48 Interpretation.

The provisions of this article with respect to the meaning of technical terms and phrases, the classification of different plumbing devices, the regulations with respect to installing, inspecting, or testing backflow prevention equipment, and other technical matters shall be interpreted and administered by the Department acting in and for the City of Rochester, New Hampshire.

§ 260-49 Appeals.

Any party aggrieved by any decision, regulation, or provision under this article, as amended, from time to time, shall have the right to appeal said decision to the Department which shall issue a decision within 30 calendar days of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board and then to the City Manager.

§ 260-50 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules, and regulations as it shall deem necessary and proper relating to control and management of cross-connections, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations. Future changes to this article will be submitted to New Hampshire Department of Environmental Services for approval prior to City adoption.

§ 260-51 **When effective; repealer.**

This article shall be in full force and effect immediately following its passage, as provided by law. The adoption of this article specifically repeals any previously adopted cross-connection ordinance or rules of the City of Rochester, New Hampshire, with regard to cross-connections between water supplies of potable and non-potable systems and/or sources.

Chapter 260A
Water Development Connection Fee
(As approved September 6, 2022)

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§260A-1 Authority.

The City of Rochester is authorized pursuant to RSA 38:27 and RSA 38:28 to assess a Water Development Connection Fee on new connections and development to help meet the additional water system demands created by the new development including capital construction and improvement of the City's water system. Said fees are assessed on a capacity-buy in approach as set forth in §260A-4 below.

§260A-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Water Ordinance, Chapter 260, §260-2, as amended.

§260A-3 Purpose.

These regulations shall govern the assessment of connection fees upon new development connections to the City's Public Water System to generate capital funds to maintain, improve and expand the water system to minimize the effect on existing customers in a fair and equitable manner.

§260A-4 Water Development Connection Fee

The water development connection fee or assessment imposed pursuant to these provisions only upon new development connections, including subdivisions, building construction and other land use changes, based on a capacity-buy in approach. This approach applies to new users that are required to invest in the equity of the City's Public Water System at a rate that reflects prior investments by existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new development connections to the City's water treatment and distribution facilities, inclusive of the system defined herein as the Public Water System. The water development connection fee shall not apply to any capital projects, including new connections or repairs, improvements, replacements, or expansion of the public water system initiated by the City, as approved by the City Council.

§260A-5 Calculation of Fees

The water development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective water system in gallons per day. The portion of

the water system capacity assigned to any new user is determined based on New Hampshire Water Usage Unit Design Standards, as contained in Table 1008-1 in Env-Wq 1000 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at: <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

§260A-6 Assessment and Collection of Fees

The water development connection fee will be assessed by the Department at the time of application only for new connections pursuant to Article I, §260-4. The fee shall not be assessed for any existing connections or developments. The fees shall be collected at the time of application for connection in accordance with §260-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of water development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the water development connection fees as necessary.

§260A-7 Waivers

A. An applicant may request a full or partial waiver from the Department of the water development connection fee assessments imposed by this ordinance. The amount of any such waiver, including the value of the land, facilities constructed, or other like-kind contributions or improvements to be made by the applicant toward public capital facilities in lieu of a water development connection fee shall not exceed the value of the water development connection fee.

B. The applicant must exclude from a waiver application the value of any on-site and/or off-site contributions or improvements that the applicant is required by the Department or City to implement or construct as a result of a plan or development approval. The required on or off-site contributions or improvements as a result of a plan or development approval by the City must be completed by the applicant in addition to or regardless of the water development connection fee under this ordinance. The value of contributions or improvements proposed as a waiver to offset the connection fee by the applicant shall be credited only towards facilities of a like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.

C. An applicant may apply to the Department for a waiver of a portion or the full amount of the water development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, and make a recommendation to the City Manager as to whether a waiver should be granted or denied. The City Manager shall approve all waiver applications. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§260A-8 Administration of Water Development Connection Fees

A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the water facilities for which fees are assessed, and shall be used

solely for the purposes specified in this ordinance. The water development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

B. Payment, administration, collection, custody, and records for the water development connection fee account shall be done by the Finance Department upon the direction of the City Manager.

C. The Department shall make a report to the City Council at the end of the fiscal year providing an account of all public water system facilities funded through water development connection fees during the prior year, and the report shall also include a summary of all waivers granted during the prior year.

E. Funds withdrawn from the water development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding, or equipping those public water system facilities identified in this ordinance.

§ 260A-9 Appeals.

Any party aggrieved by any decision, regulation, or provision under this Article, as amended, from time to time, shall have the right to appeal said decision first to the Department. The Department shall issue a decision within 30 calendar days of receipt of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board within thirty days (30).

§ 260A-10 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

§ 260A-11 When effective

This Article shall be in full force and effect immediately following its passage, as provided by law.

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City Clerk's Office

Chapter 260

Water

[HISTORY: Adopted by the City of Rochester as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and property maintenance — See Ch. 40.

Health and sanitation — See Ch. 94.

Sewers — See Ch. 200.

Article I

Use Regulations and Rates

[Adopted 6-6-1995 as Ch. 17 of the 1995 Code]

§ 260-1 Agreement.
[Amended 5-5-1998]

The following rules and regulations, and such regulations as may be hereafter established by the Rochester Department of Public Works, shall be considered a part of the contract with every customer who uses water supplied by the Rochester Department of Public Works and such customer by taking water shall be considered as expressing his/her assent to be bound thereby.

§ 260-2 Definitions.

As used in this article, the following words and terms shall have the meaning set forth below:

AIR GAP (approved for both high- and low-hazard protection)

An unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. Physically defined as a distance equal to twice the diameter of the supply side pipe but never less than one inch.

AMERICAN WATER WORKS ASSOCIATION (AWWA)

The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to providing total water solutions assuring the effective management of water. Founded in 1881, the AWWA has developed the industry standards that govern the operations of community tap water providers and is the largest organization of water supply professionals in the world.

APPLICATION FOR WATER SERVICE

The form signed by the Customer to obtain water service at the Premises and/or dwelling unit from the City distribution water mains which will become the contract between the Department of Public Works and the

APPROVED BACKFLOW PREVENTION DEVICE

A backflow prevention device that has been:

- A. Manufactured to allow for accurate testing and inspection so as to allow verification of performance; and
- B. Tested and certified by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research;
- C. Has a test procedure approved by the New England Water Works Association;
- D. Has been reviewed and approved by the Department

APPROVED SOURCE

A source of water utilized by a public water system for distribution to the public for consumption purposes and which is approved by the New Hampshire Department of Environmental Services, Water Division, for said use following a required and/or approved treatment process.

[Amended 3-5-2019]

ATMOSPHERIC VACUUM BREAKER

A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

AUXILIARY WATER SUPPLY

Any water supply on, or available to, a premises other than the City's approved public potable water supply.

[Amended 3-5-2019]

BACKFLOW

The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any source or sources other than the intended source.

BACKFLOW ENCLOSURE

An above-ground structure used to shelter, isolate, and protect a backflow prevention device from the environment for those connections and devices installed to protect against a high degree of hazard. Per law such high-hazard devices cannot be installed below ground level.

BACKFLOW PREVENTER WITH INTERMEDIATE ATMOSPHERIC VENT

A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere. The check valves are force loaded to a normally closed position and the venting means is force loaded to abnormally open position.

BACKFLOW PREVENTION DEVICE

A device or means designed to prevent backflow or backsiphonage¹. Most commonly categorized as including air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker,

¹ As defined by Env-Dw 103.06 and consistent with Env-Dw 505.03

atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double check with
intermediate atmospheric vent, and barometric loop. 02/16/2023

BACKFLOW PREVENTION DEVICE INSPECTOR, CERTIFIED

A person who has proven his/her competency to inspect and test backflow prevention devices by the possession of a valid backflow prevention device certification issued by the New England Water Works Association or other equivalent certification approved by New Hampshire Department of Environmental Services.

BACK PRESSURE

Pressure created by mechanical means or other means causing water, liquids, or other substances to flow or move in a direction opposite of what is intended.

BACKSIPHONAGE

The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than its intended source, that is caused by negative or reduced pressure in the potable water system.

BAROMETRIC LOOP

A section of pipe rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage (only).

BUSINESS OFFICE

The Business Office of the City of Rochester, New Hampshire, as represented by its Finance Director, or duly authorized employee.

CHECK VALVE

A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

CITY

The City of Rochester, New Hampshire.

COMMISSIONER

The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code. [Amended 3-5-2019]

CONSECUTIVE WATER SYSTEM

A public water system that buys or otherwise receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

CONTAINMENT PHILOSOPHY

The method and philosophy of backflow prevention which requires a backflow preventer at the service

CONTAMINANT

As defined in RSA 485:1-a, II, any physical, chemical, biological or radiological substance or matter in water.

CROSS-CONNECTION

Any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other of which contains water of unknown or questionable safety and/or steam, chemicals, gases, or other contaminants whereby there may be a flow of an unapproved water or other substance to a potable water system.

CURB STOP

The shutoff valve located on the water service line that operates the connection of the water service from the water main to the Premises. Curb stops are accessible for operation from outdoors and generally located near the municipal-private property line or right of way. Curb stops are considered by the Department to be the point of sanitary control between the Premises and the Public Water System.

CUSTOMER

The owner or duly authorized representative of the owner who made an application for a water service for a Premises and/or dwelling unit described in the application, or the subdivision supplied with water service by the City of Rochester. This includes any private person, commercial business, corporation, industry or governmental division.

CUSTOMER (OWNER) – CROSS CONNECTION

For the purposes of cross-connection compliance, any Owner or Person with legal right to operate or reside in a Premises at which a cross-connection inspection is to be made or at which a cross-connection is present.

DEPARTMENT OF PUBLIC WORKS OR DEPARTMENT

The Department of Public Works (“Department”) of the City of Rochester, New Hampshire, as represented by its Commissioner of Public Works or duly authorized employee or agents, including the Water Division.

DETECTOR ASSEMBLY

A backflow prevention device primarily utilized in fire line installations. Its purpose is to protect the potable water supply line from possible contamination, back pressure or pollution from the fire system. It may also detect any water use in the fire line due to fire line leakage or deliberate water theft.

DEVICE UPGRADE

The replacement of an existing backflow prevention device with another appropriate device designed for a higher-hazard duty when the degree of hazard is increased.

DISTRIBUTION WATER MAIN

Water mains which are installed or presently located on roadway layouts, rights-of-way, or easements which provide the water for fire protection or domestic water services, including the individual shutoff.

DIVISION

Division of Water, New Hampshire Department of Environmental Services.

DOMESTIC WATER

A potable water which is suitable for uses, including but not limited to, drinking, gardening and other household uses, municipal uses and farmstead uses, including water used in the washing or hydro-cooling of farm products destined for human consumption on the farm, for sale on the fresh food market or for delivery to a processing plant for canning, freezing or other type of preparation prior to marketing.

DOUBLE CHECK VALVE ASSEMBLY or DCA (approved for low-hazard protection only)

An assembly of two independently operating spring-loaded check valves with tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

DUPLEX/CONDEX

A duplex is a two (2) family dwelling owned by one person typically having two separate entrances. A condex is a condominium, where two (2) different individuals own each side and have shared rights to common areas.

DWELLING UNIT STRUCTURE

A building including a single-family home unit, cottage, mobile home, apartment, condominium or townhouse or other structure containing one or more residential units located on a Premises served by public water. This definition applies to multiple dwelling units and mixed-use residential units that may exist in larger structures.

FIRE PROTECTION ENGINEER (FPE)

A professional fire protection engineer registered in the state of New Hampshire.

FIRE WATER SERVICE

A water service pipe that is used to convey public water to be used for firefighting and/or fire suppression.

FIXTURE ISOLATION PHILOSOPHY

An isolation approach whereby protective devices are placed at individual fixtures within a facility as well as where cross-connections exist at the last free-flowing outlet to ensure occupants of a facility are protected within.

FRANCHISE

The right to conduct business as a utility pursuant to RSA 374:22 and RSA 374:26.

HIGH DEGREE OF HAZARD

A condition where, if a backflow were to occur, the resulting effect on the water supply could cause injury, illness or death if consumed by humans. The foreign substance may be hazardous to humans from a chemical, biological, physical, or radiological standpoint. The effects of the contaminant may result from short-term or long-term exposure.

HOSE BIBB VACUUM BREAKER

A device which is attached to a hose bibb, and which acts as an atmospheric vacuum breaker.
[Amended 3-5-2019]

LOW DEGREE OF HAZARD

A condition where, if a backflow were to occur, the resulting effect on the water supply would be a change in aesthetic qualities. The foreign substance must be non-toxic and non-hazardous to humans.

MASTER METER / COMMON METER

A meter device used for billing purposes to measure consumption of water serving more than one structure or a group of structures.

MULTI-FAMILY DWELLING

A building or portion thereof containing three or more residential units with separate cooking and toilet facilities for each dwelling on one individual lot. See City of Rochester Zoning Code §275-2.2.

NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)

The National Fire Protection Association is a non-profit organization that establishes codes and standards designed to minimize the risk and effects of fire by establishing criteria for building, processing, design, service, and installations.

NON-DWELLING UNIT STRUCTURE

A physical building unit that receives public water in which occupants are present to receive such public water but not for dwelling or residential purposes. Such structures typically include commercial, industrial, institutional, or mixed purposes and may have multiple spaces for mixed purposes (non-residential).

OWNER

A Person who holds legal title or rights to real property or a Premises.

PERMIT

A document issued by the Department that allows the use of a backflow preventer.

PERSON

As defined in RSA 485:I-a, XIII, any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

POST INDICATOR VALVE (PIV)

Post indicator valves (PIV) provide a means to operate a buried or otherwise inaccessible non-rising stem (NRS) gate valve including NRS Gate Valve; NRS Gate Valve with post flange; outside stem and yoke (OS&Y) Gate Valves; Vertical Post Indicator; Wall Post Indicator; Supervisory Switches and Flange Packs.

POTABLE WATER

Water meant for human consumption from a source that has been approved by the New Hampshire
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Department of Environmental Services. All municipal water is produced and conveyed to premises as potable water.

[Amended 3-5-2019]

PROFESSIONAL ENGINEER (PE)

A registered professional engineer in the state of New Hampshire. Such an engineer shall have professional competency in civil or mechanical specialties as they pertain to this ordinance.

PREMISES

A parcel of real estate or portion of land which may include multiple parcels located within the City, including any improvements or structures therein (including Dwelling Unit Structures, Non-Dwelling Unit Structures and/or other improvements), which is determined by the City to be a single user for the purposes of receiving, using and paying for water from a water service connected to the public water supply.

[Amended 3-5-2019]

PRESSURE VACUUM BREAKER or PVB (approved for low-hazard protection only)

A device containing one or two independently operating spring-loaded check valves and an independently operating spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shutoff valves on each side of the check valves plus properly located test cocks for the testing of each of the check valve(s).

PRIVATE DISTRIBUTION SYSTEM

Shall mean a water piping system and appurtenances such as hydrants and valves that may convey Public Water but is owned and maintained by a private entity and is on the Customer's side of the point of sanitary control, commonly delineated by the Curb Stop or other control device.

PRIVATE HYDRANT

Any fire hydrant located outside the public right-of-way and/or located on property other than that is not owned by the City, but which is connected to the public water system and installed and maintained by an Owner(s) for the purpose of providing private fire protection/suppression.

PRIVATE WATER MAIN

Shall mean a water main that is not owned or maintained by the City but that conveys Public Water to customers through private service lines and is owned and maintained by a private entity.

PRIVATE WATER SERVICE

The portion of the water service line providing domestic and, in some cases, both domestic and fire water service to the Customer running either from the connection to the public service line at the curb stop on public ways to the termination with the plumbing system within the Premises or from the connection to the public water main on private ways or through private property, which is the responsibility of the Customer to maintain.

PUBLIC WATER

Potable water or water provided for public fire protection supplied by the City's public water system and made available to its Customers through the City's distribution system, the distribution system of any City

franchises, private distribution systems, community water systems, or other source of potable water produced by any consecutive public water systems under the City's drinking water regulatory responsibility, through such systems' distribution systems, or the City's system.

PUBLIC WATER MAIN

Shall mean the water main owned or maintained by the City, any of its franchises or consecutive water systems under its drinking water regulatory responsibility and qualify as part of the public water system, which are installed in a public way, publicly-owned easements whether recorded or by prescription, or private way open to public travel, or that may cross private properties, for the purpose of supplying water to one or more Customers potable water consumption or for public fire protection.

PUBLIC WATER SERVICE

The portion of the water service line providing domestic and, in some cases, both domestic and fire water service to the Premises running from the connection at the City distribution main to and including the curb stop on public ways or to and including a curb stop or other containment valve for a private water service connection on private ways or private property, which is the responsibility of the City to maintain.

PUBLIC WATER SYSTEM

As defined by RSA 485:1-a, XV, a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system:

- A. Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- B. Obtains all of its water from, but is not owned or operated by, a public water system; and,
- C. Does not sell water to any person.

READER

A device installed by the Department of Public Works for remote reading of the quantity of water consumed and measured by the water meter.

REDUCED PRESSURE ZONE PRINCIPLE BACKFLOW PREVENTION DEVICE or RPZ (approved for both high- and low-hazard protection)

An assembly consisting of two independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the two check valves and below the first check valve. These units are located between two tightly closing, resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks for the testing of the check valves and the relief valve.

REPLACEMENT COSTS

Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the operational life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement costs.

RESIDENTIAL NO. 7 DUAL CHECK VALVE

A device, designed for backpressure and back-siphonage protection for residential dwellings only, which incorporates two independently operating, spring-loaded check valves without tightly closing shutoff valves and test cocks, generally employed immediately downstream of the water meter to act as a containment device. This is a non-testable device.

SEWER DEDUCT METER

A device installed and owned by the Department of Public Works for the measurement of water that will not be disposed of in the City sewer system.

SERVICE VALVE / SHUT OFF VALVE

A gate or valve located on a water main, or water service line used to isolate flows to and from a device such as a meter, backflow device, fire protection or structure. Service or shut off valves may be located on service lines to Premises located on private property and must be accessible for access and operation by the Department.

SINGLE-FAMILY DWELLING

A detached dwelling which contains exactly one residential unit (except for accessory apartments, where permitted); is not attached to any other dwelling or residential unit; and occupies its own individual lot on which there is no other dwelling or principal use. See City of Rochester Zoning Code §275-2.2.

SITE SURVEYS

Initial site surveys of existing commercial and industrial properties are required to determine degree of compliance with the regulations herein. Such activities shall be executed by the Department either using its own resources or contracted resources. Activities shall include on-site surveys of commercial and industrial users of the public water supply which in the judgment of the Department may present risk of cross contamination.

SUB-METER

A privately owned and read water meter used for measuring water consumption for dwelling units connected after a meter pit or public meter. The City will only read individual sub-metered customers directly for those Premises complying with RSA 205-A:6; otherwise, the Owner will be responsible for reading, maintaining and/or repairing the meters.

SUPPLIER

Any person who controls, owns, or generally manages a public water supply system.

TAMPER/TAMPERING

Tamper or tampering shall mean any unauthorized action which disables, disconnects, bypasses, or otherwise inhibits or prevents the water meter from operating or registering, to affect, in any way, the ability of such meter to accurately measure the water being supplied to a Customer. Tampering shall also mean to affect any unauthorized use or modification to City water infrastructure.

TWO-FAMILY DWELLING

A building which contains exactly two residential units; is not attached to any other dwelling or dwelling unit; and occupies its own individual lot on which there is no other dwelling or principal use. See City of Rochester Zoning Code §275-2.2.

UTILITY ADVISORY BOARD

The Utility Advisory Board of the City of Rochester, New Hampshire.

VAULT

An underground, water-proofed chamber or structure used to house or protect meters, backflow devices, valves, and or pumps connected to a public or private water system. This definition shall apply to and include the term meter pits which are structures defined above to protect, control, and access the meter device.

WATER MAIN

The water main shall mean the piping and associated valves, hydrants, and appurtenances for the purpose of supplying water to one or more customers or Premises for portable water consumption or for public fire protection.

WATER METER

A device installed by the Department of Public Works for the measurement of water quantities to be used as a basis for determining charges for water services.

WATER SERVICE

The water pipe extending from the City distribution water main to the building or structure located on the customer's Premises. Such water service is further delineated by a Public Water Service and a Private Water Service.

WATER SERVICE ENTRANCE

The point in the customer's water system beyond the sanitary control of the Department; generally considered to be the outlet end of the water meter and always before any unprotected branch.

[Amended 3-5-2019]

WATER SYSTEM SUPERINTENDENT

The Water System Superintendent of the City of Rochester, New Hampshire, Water System Treatment Facility, Department of Public Works, or his/her designated representative, who is vested with the authority and responsibility for implementation of a cross-connection control program and for enforcement of the provisions of Article I of this chapter and these regulations.

WATER UTILITY

The suppliers of water.

§ 260-3 Policy statement.

- A. In its administration of its drinking water program, the City will implement the best practices of the American Water Works Association (AWWA), other drinking water trade organizations, and the standards of the State of New Hampshire and US Environmental Protection Agency to the fullest extent.
- B. To the largest extent possible, the City of Rochester intends to have a fully metered system with outside and/or remote readers; all residential, commercial, institutional and industrial customers shall be metered on a per-premises basis, unless it is determined by the Department not practical to do so or unless otherwise required by RSA 205-A:6. In general, the City requires a single water meter for a Premises with one structure served by a single service pipe and requires a master meter on a single service line that serves a Premises with multiple dwellings and/or non-dwelling structures. In general, a separate service and water meter shall be required for each Premises of different ownership which abuts a public way. See 260-4 (I) for requirements for services and meters for premises on private ways or drives. The City shall determine the water service pipe connections for duplexes, condexes, and/or condominiums. However, there shall be no separate services for vertical condominiums, that is, condominiums substantially within the same footprint.
- C. All school buildings, non-City community facilities, hospitals, etc., shall be considered separate services, metered, and billed as commercial customers.
- D. All Customers shall be billed in accordance with the provisions of § **260-18** of this article.
- E. In agreement with any like provision in Chapter **200**, Sewers, an elderly exemption, based on existing property tax requirements for such exemptions, shall be instituted.
- F. All Customers that are not presently metered, the installation of a water meter will be required, unless determined by the Department as not practical to do so. The customer shall pay any costs associated with such initial installation of the water meter, including all necessary fittings and appurtenances thereto.
- G. In the event of a meter or reader failure or when in the opinion of the Department a flat rate billing is necessary. The Owner or Customer shall be billed for the sum of each dwelling unit even if the property has only one service (e.g., the owner of a ten-unit apartment building shall be billed the residential flat rate times 10).

§ 260-4 **Application for service.**

- A. All applications for water service or expansions or fire sprinklers shall be made at the Department of Public Works office, or via an application form, at the City's website, stating fully and truly the uses to which the water is to be applied. The customer or his/her duly authorized representative shall sign such application. The Department shall have final authority and approval for all water service and infrastructure connections.
- B. An estimate of the cost of work to install the service will be prepared by the applicant and reviewed by the Department of Public Works. Any costs incurred by the Applicant prior to submission of the application or in preparation of the application shall be borne solely by the Applicant. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- C. A deposit equal to the estimated cost or a payment agreement shall be made by the Applicant with the

02/16/2023
Department before the work is begun. This regulation also applies to repairs of service piping, the installation of new meters, including outside reader, radio read equipment and appurtenances, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved. **[Amended 3-6-2007]**

- D. Installation charges and other fees on all new services shall be paid by the Applicant or a payment agreement made with the Department before the water is turned on. This regulation also applies to repairs on service piping, the installation of new meters, including outside reader, radio read equipment and appurtenances, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved. **[Amended 3-6-2007]** The Applicant must also pay Water Development Connection Fees, if applicable, as set forth in Article III.
- E. The Department may waive the deposit for emergency repair purposes.
- F. The City may allow applicants to enter into agreements with the City to pay all costs in equal installments over a period of time. Interest shall accrue on late payments at the same rate charged by the City for overdue property tax bills. Such agreements shall be recorded with the Strafford County Register of Deeds at the expense of the applicant. In the event property is conveyed, all monies owed to the City shall be remitted in full. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- G. Applications for service shall be furnished with existing and projected water flow and pressure requirements data. Such data shall be furnished for all domestic and fire needs as applicable. Applicants are responsible for any field verifications such as flow and pressure tests. Such tests shall be under the direction of a registered professional engineer and/or a registered professional fire protection engineer. Department of Public Works forces may be available to assist in such investigations by operating City infrastructure under the direction of a professional engineer and/or fire protection engineer, however, the applicant's registered professional shall be responsible for the gathering, preparation, interpretation, or presentation of any data.
- H. A fire protection engineer may be required to design fire suppression systems, per the most current best practices of the National Fire Protection Association. Supporting plans and calculations shall be submitted to the Rochester Fire Department and the Department of Public Works.
- I. Premises with multiple dwelling structures and/or non-dwelling structures of differing ownership which are located on private roads or private drives shall receive public water via a singular, shared private service. All piping and infrastructure on the Owner's(s)/Customer's(s) side of the curb stop shall be the responsibility of the Owner(s)/Customer(s). In certain cases, the Department may approve the installation of multiple individual water meters in lieu of a master meter in a singular vault or backflow enclosure.

§ 260-5 Size of service and meter required.

[Amended 11-14-2006; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The minimum size of service connections and meter installation permitted shall conform to the recommendations of the American Water Works Association.

- A. All new water services may only be installed by the Department of Public Works or with its approval by an Owner’s agent or contractor. All new water services shall be installed per the specifications of Department. There shall be established a singular, private water service and account for each Premises for which public water is supplied. Exceptions are subject to the approval of the Department. All piping, vaults or meter pits, enclosures, valves, backflow prevention devices and individual services lines in sum from the curb stop to customer’s plumbing shall be considered a private water service and the maintenance and operation of which subject to the responsibility of the customer.

- B. Premises with structures such as dwelling unit structures and/or non-dwelling unit structures:

Shall have the curb stop or other approved containment valve in a location as determined by the Department. A vault or meter pit may be required by the Department. If required, such vault or meter pit shall be generally located on the customer’s property in the immediate vicinity of the property line closest to the curb stop or other approved containment valve in a location approved by the Department. Such vault or meter pit shall contain the meter, shutoff valve and if determined by the Department, a backflow prevention device whereupon the type of backflow prevention device may require a backflow enclosure in lieu of a vault. Meter reading equipment shall be immediately appurtenant to such vault or meter pit or enclosure. Vaults or meter pits and enclosures and their contents shall be subject to the specifications of the Department. Cost of vaults or meter pits, enclosures and any contents are the responsibility of the customer. Vaults or meter pits and enclosures shall be maintained by the customer in adequate operating condition to protect contents and their operation, shall be free of standing water. Depending upon facility use, water needs and application of metering, and as determined by the City, City meters may be required internally. Costs to provide and maintain non-City sub meters if desired by a customer are at the customer’s cost.

Each structure on each premises which receives public water shall have an individual, exterior, accessible service with an approved shutoff valve which may be operated by the City in emergency situations to completely isolate individual structures or piping systems from the public water supply or otherwise from other discreet structures or piping systems. In cases where a dwelling unit structure or non-dwelling unit structure may contain individual, unique customer accounts or piping systems, the same is required. This requirement is in addition to local plumbing requirements for individual, interior isolation valves for individual dwelling, commercial, industrial, or institutional units within such structures.

- C. Premises with one single family dwelling unit structure and duplexes or condexes with a water service length less than one hundred and fifty feet:

Shall have the curb stop in a location determined by the Department. A residential No. 7 dual check backflow prevention device and meter shall be installed within the dwelling unit in accordance with the Plumbing Code. In cases where there is or may be a potential backflow of high degree of hazard, a testable backflow device for such high hazard applications shall be installed in the dwelling unit. The separate living quarters of duplexes and condexes shall generally be serviced and metered separately. Exceptions will be considered at the Department’s discretion.

- D. Premises with one single family dwelling unit structure and duplexes or condexes with a water service length greater than one hundred and fifty feet:

Shall have the curb stop in a location determined by the Department. An approved vault or meter pit which shall contain the meter, shutoff valve and required residential No. 7 dual check backflow prevention device shall be generally located on the customer's property in the immediate vicinity of the property line closest to the curb stop in a location approved by the Department. In cases where there is or may be a potential backflow of low degree of hazard, a testable backflow device for such low hazard applications shall be installed in the vault. In cases where there is or may be a potential backflow of high degree of hazard, a testable backflow device for such high hazard applications shall be installed in the dwelling unit. Meter reading equipment shall be immediately appurtenant to such vault. Vaults or meter pits and their contents shall be subject to the specifications of the Department. Cost of vaults and any contents is the responsibility of the customer. Vaults or meter pits shall be maintained by the customer in adequate operating condition to protect contents and their operation, shall be free of standing water. If approved by the Department, such vaults or meter pits may be designed to service multiple single-family dwellings with water service lengths greater than one hundred and fifty feet. The separate living quarters of duplexes and condexes shall generally be serviced and metered separately. Exceptions will be considered at the Department's discretion.

- E. Premises with multiple manufactured homes:

Shall have the curb stop in a location as determined by the Department. A vault or meter pit may be required by the Department. If required, such vault or meter pit shall be generally located on the customer's property in the immediate vicinity of the property line closest to the curb stop in a location approved by the Department. Such vault or meter pit shall contain the meter, shutoff valve and if determined by the Department, a backflow prevention device whereupon the type of backflow prevention device may require a backflow enclosure in lieu of a vault. Meter reading equipment shall be immediately appurtenant to such vault or meter pit or enclosure. Vaults and enclosures and their contents shall be subject to the specifications of the Department. Cost of vaults or meter pits, enclosures and any contents are the responsibility of the customer. Vaults or meter pits and enclosures shall be maintained by the customer in adequate operating condition to protect contents and their operation, shall be free of standing water. Only those manufactured homes complying with the requirements of RSA 205-A:6 shall be read separately by the City, and costs to install, maintain, and upgrade such sub meters shall be borne by the customer. All others will be read at the master/common meter in the vault or meter pit.

- F. Fire Water Services Requirements:

In general, fire water services shall be services from the water main to the premises which are separate from private water services from the water main. In some cases, such as long service runs, vaulted or meter pit services and ultimately at the discretion of the Department, a singular private water service may supply both domestic and fire water. In such cases domestic water and fire water shall be separated on premises by individual, exterior service/shutoff valves. The best practices of AWWA and NFPA shall be implemented to ensure simultaneous drinking water quality and fire protection supply. A testable backflow prevention device is required for fire suppression systems. Detector assemblies and/or post indicator valves may be required on fire water services.

G. Exceptions:

Requirements in A. through G. provide a consistent, uniform approach to establish water service with best management practices. It is recognized that modifications of or exceptions to the above requirements may be considered by the Department in unique circumstances. Such considerations and determinations are solely the right of the Department.

- H. The Department of Public Works or its agent will make necessary repairs to public water service lines. The cost incurred for the repair and maintenance of private water service lines, including leaking service lines, shall be the responsibility of the Owner or Customer, except that the Owner or Customer shall not be responsible for the cost of the sidewalk or roadway excavation and repair.
- I. If new services are installed by an Owner, its agent, developer or contractor, the Department of Public Works must approve all materials, inspect the installation, provide and install the meter (including necessary fittings and appurtenances thereto), perform the installation of the remote meter reader, install all wiring and perform testing and sealing of meters. All charges incurred by the Department during this work are the responsibility of the Owner, its agent, developer, or contractor. The installation cost for new service lines to include all components including public and private services as defined shall be borne by the customer.
- J. If an Owner's, its agent's, developer's, or contractor's installation is found to be incorrect it shall be their responsibility to have it corrected.
- K. Annually, before any contractor shall install, tie-into or repair any portion of a water system within the City, such contractor shall obtain a license from the Department of Public Works authorizing such contractor to perform installations of or repairs to such water system. Licenses shall be valid from January 1 through December 31 for any given year., The Department of Public Works shall issue such license only to qualified contractors which demonstrate the ability to perform water installations and repairs in a workmanlike manner, consistent with the standards maintained by the Department of Public Works and possess for use proper equipment. All applicants shall be required to submit evidence of general liability insurance. Developers and companies which are not qualified contractors shall not be eligible to obtain licensing. The City Manager shall establish an annual fee for such water installation and repair license that shall be listed in § **260-33**, Water Rate and Fee Schedule.
- L. Any contractor or company installing, tying-into or repairing any portion of the public water system shall receive written authorization from the Department of Public Works and if determined by the Department, provide a performance bond or escrow account in the name of the City for the total (100%) of the estimated cost of the work.
- M. The Department may revoke the license of any contractor which has performed work below the Department's standards. Time period of revocation is solely at the discretion of the Department and may be permanent.
- N. The Department of Public Works and its agents shall have a perpetual easement 10 feet on each side of the water service for its entire length for the installation or repair of the service. This easement is contiguous along all public and private portions to include exterior service and isolation valves, and

interior isolation valves to multi-family and commercial, industrial, and institutional structures.

- O. The Customer shall be charged for all materials and labor associated with the initial installation or subsequent repairs by the City due to negligence of the Customer. The Department of Public Works shall use a reasonable standard of care to return private property to its prior condition; however, it will be the customer's responsibility to repair and replace any damaged property.
- P. When it becomes necessary to thaw a frozen service pipe if it cannot be determined whether it is frozen on the public or private portion 1/2 of the cost thereof shall be paid by the Customer. The entire cost of thawing a frozen service pipe on the private portion of service shall be the responsibility of the Customer.
- Q. No new service pipes or extensions of mains will be installed between December 1 and March 31 unless the authorized by the Department of Public Works and Customer shall be responsible for any and all extra expenses incurred as a result of the new service or main extension. An additional minimum charge as listed in § 260-33, Water Rate and Fee Schedule, shall be applied to the customer for road maintenance during these winter conditions if service or extension is allowed.
[Amended 11-14-2006]

§ 260-7 Pipes and fixtures.

- A. No persons except those duly authorized by the Department of Public Works shall tap any water main or connect any service pipes thereto, shut off or turn on the water from any main or tamper with any City water infrastructure. No person except firefighters shall open any hydrants including private hydrants that are not behind the customer's meter without the consent of the Department of Public Works. Water taken out of the system without permission will be calculated by the Department of Public Works and the violator will be required to pay the same and, in addition, may be subject to a fine for the violation of above provision. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. No water service pipes shall be laid in the same trench with gas pipes, sewer pipes, or any other facility of a public utility nor within three feet of any open excavation or vault.
- C. No cross-connection between the public water system and any non-potable supply will be permitted. No connection capable of causing backflow between public water supply and non-public water supply shall be permitted

§ 260-8 Meters.

- A. All services are to be metered except in unusual cases where the Department determines that it is not practicable. Every Premises served by the public water system shall have one customer account consisting of an individually metered water service and equipped with a separate curb stop for each meter, and when applicable, appropriate cross-connection protection unless otherwise determined by the Department of Public Works. Sub-meters for individually dwelling units on the Premises may be operated by the Owner but shall not be read by the City for billing, nor maintained/required by the City unless they comply with RSA 205-A:6. New services or any meters not currently being read by the City shall be required to comply with this provision prior to the City taking responsibility for

reading or billing of said meter or a master meter shall be provided for all new multi-unit dwelling structures or developments. 02/16/2023

- B. All meters are owned and maintained by the Department of Public Works, but the customer will be charged for any damage to meters (including necessary fittings and appurtenances thereto) caused by abnormal conditions, i.e., freezing, fire, tampering, etc. The Department of Public Works will typically install up to a 2-inch meter per service, except sewer deduct meters. Owner of the premises shall be liable for the entire amount of water used on the premises irrespective of any leases or presence of sub-meters for individual consumers. The City shall directly read, maintain and repair only those sub-meters for developments in compliance with RSA 205-A:6. **[Amended 4-2-2008]**
- C. Meters are installed for measurement of all water supplied to Customer. Customers shall provide a clean, dry, warm, safe, sanitary, and accessible place (always free from debris) for installation, maintenance, and repair of a meter. The location shall be easily accessible by a person in the upright position for reading, maintaining, and changing.
- D. All persons shall avoid unnecessary waste of water. Water shall not be left running to prevent freezing unless required or authorized by the Department of Public Works. All customers taking water shall keep their own fixtures, and service pipes within their property lines, in good repair, and fully protected from injury by frost, and all such pipes and connections shall conform to City Standards. To encourage the conservation of water, all water-cooled air conditioning and refrigeration equipment with a total installed cooling capacity in excess of three (3) tons shall include a water conserving device that limits the actual water used for cooling to ten percent (10%) of the usual amount required for service to the Premises without use of the equipment.

§ 260-9 Sewer deduct meter.
[Amended 5-5-1998; 4-2-2008]

Upon application and approval by the Department of Public Works, a customer may install a sewer deduct meter to measure water that will not be disposed of in the City's sewer system. The purpose of this meter is to meter water uses, including but not limited to irrigation, in-ground sprinkler systems, swimming pool filling and commercial air-conditioning systems. Customer shall be responsible for the cost of inspection and installation of the sewer deduct meter. The meter shall fully meet the requirements of § 260-8 of this chapter except that the sewer deduct meter shall not be required to have a separate exterior shutoff valve.

§ 260-10 Meter repairs.

- A. All meters shall be maintained and repaired by the Department of Public Works except when damaged or tampered with by the Customer or by his/her negligence, including freezing. In case of any such damage, the cost of repairs to the meter (including necessary fittings and appurtenances thereto) shall be charged to the Owner of the Premises.
- B. If the reader is out of repair or fails to register, the customer will be charged at the average daily consumption as shown by the reader when in order or the flat rate structure, whichever is less. Subsequently, if the actual amount of water used is determined to be different than the amount previously estimated, the charge will be on the subsequent billing by the difference between the two.
- C. If a customer, after being so notified, does not allow timely access to the Department of Public Works

in order to test and/or correct a faulty meter or reader, the customer's subsequent bill will be 1.5 times the average daily consumption as historically shown on the meter.

- D. No person, except the duly authorized agent of the Department of Public Works, shall be allowed to reset, take off, or repair a meter. Tampering with the meter may be subject to fines or termination of water service. **[Amended 5-5-1998]**

§ 260-11 Meter testing.

- A. Only the Department of Public Works shall replace or remove and test all meters. No meter shall be placed in service or permitted to remain in service if the error of registration exceeds 2% or as established by the latest American Water Works Association (AWWA) meter standards, whichever is less.
- B. The Department of Public Works may test a meter for accuracy in registration upon complaint of the Customer. There shall be a minimum service charge for any complaint-driven service call. The minimum service charge shall be as listed in § 260-33, Water Rate and Fee Schedule. Any meter found to be accurate in accordance with this article will not be replaced by the Public Works Department due to a complaint.
- C. Should the meter in question be found to be within the accuracy limits set forth in § 260-11 A, all applicable fees associated with testing shall be paid by the customer. If the meter in question is found to be inaccurate, all fees will be waived.
- D. The percent of error of registration shall be taken as the average of the error at the intermediate and maximum rates of test flow. Any determination of charges shall be based on this average error. **[Amended 5-5-1998; 4-2-2008]**

§ 260-12 Sealing of meter.
[Amended 5-5-1998]

Upon completion of adjustment and test of any meter under the provisions of these rules, the Department of Public Works shall affix thereto a suitable seal in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal. Disruption of the seal will be cause for discontinuance of service.

§ 260-13 Tampering with Meter Operations.

- A. No Customer or Person shall move, alter, or otherwise tamper with a meter. No person may move or alter a meter without having first received the written consent and authorization of the Department of Public Works and/or his/her designee to take such action. In the event that the Department of Public Works and/or his/her designee shall determine that a Customer or Person tampered with a meter, such Customer or Person shall be subject to the following charges: **[Amended 5-5-1998]**
- (1) A charge in an amount based upon the actual water usage metered to such meter prior to tampering, if determinable and if not, a best reasonable estimate.
 - (2) A charge in an amount equal to twice the billed usage for the Premises serviced by the meter equal to

the usage for the same billing period for the prior year.

- (3) A charge for all costs associated with the repair and/or replacement of such meter.
 - (4) A reconnection fee as listed in § **260-33**, Water Rate and Fee Schedule.
- B. Anything in Subsection A above to the contrary notwithstanding, should a Customer, as a result of an emergency or other circumstances beyond his/her control, move or alter a meter, without having received the prior written consent and authorization of the Department of Public Works. Such customer may, upon appeal to the Utility Advisory Board in accordance with the provisions of § **260-19** and within its discretion, be relieved of any or all of the charges listed in Subsection **A(1)** through **(4)** above, provided that such customer shall have notified the Department of Public Works, in writing, of the movement or alteration in question within three business days of the occurrence of such tampering.
 - C. Any provisions of this section to the contrary notwithstanding, tampering may be cause for discontinuance of service to the customer.
 - D. For the purposes of this section, the term "tampering" shall mean any unauthorized action which disables, disconnects, bypasses, or otherwise inhibits or prevents the water meter from operating or registering, so as to affect, in any way, the ability of such meter to accurately measure the water being supplied to a Customer. Such tampering shall include, but shall not be limited to, any breaking or other disruption of the seal affixed to a meter pursuant to the provisions of § **260-12** of this chapter.

§ 260-14 Outside reader.
[Amended 3-6-2007]

All Customers shall be required to have an outside reader with radio read capability for their meter installed at the Premises. The outside reader shall be installed at a place on the premises acceptable to the City and according to the specifications available at the Department of Public Works. The customer shall be responsible for repairs or replacement of damaged outside readers and associated wiring when damage is due to abuse, neglect and/or negligence of the customer. The City shall render a bill for labor, equipment, and materials for all such repairs or replacement. The outside reader and appurtenances shall be the property of the City. The customer shall be responsible for providing safe access to City personnel for reading. The customer shall remove potential hazards and nuisances such as snow, ice, vegetation, and dogs from the outside reader's access. Reasonable access shall be granted to Department of Public Works personnel for the purposes of reading and maintenance. If satisfactory access is not provided the City reserves the right to produce an estimated bill.

§ 260-15 Inspections.
[Amended 5-5-1998; 3-6-2007]

The Department of Public Works employees or its agents shall be allowed access to the customer's premises between the hours of 8:00 a.m. and 6:00 p.m. for examination of pipes, fixtures, connections, the quantity of water used, and the manner of use. In the case of an emergency, no prior notice needs to be given, and, in the event of refusal of entry, water may be shut off with a fee assessed and application can be made to the courts for an appropriate order with all legal costs being charged to the customer.

§ 260-17 **Establishment of water rates.**

[Amended 5-5-1998; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Water rates shall be established periodically by the City Council. Such water rates shall be computed based on the total amount budgeted for the Department of Public Works, for any operations and maintenance costs, plus any debt service and capital outlays determined by the City Council, and projections of estimated water consumption, number of accounts, and/or other such factors. Water rates shall be recommended to the City Council by the Utility Advisory Board and/or the City Manager and shall be established to provide sufficient revenue to at least pay the expenses of operating and maintaining the water treatment works, transmission and distribution system, and appurtenant facilities.

- A. Exemption. The City Council may authorize elderly exemptions for users qualifying for property tax exemptions in the City, but such exemptions shall not result in charges lower than those necessary to recover operation and maintenance costs. Only the portion of the water rates that recovers the debt service or capital outlays may be exempted.
- B. Implementation of new rates. Before new rates and/or fees are effective, there shall be two readings before the City Council. In addition, a public hearing shall be held between the first and the second readings. The public hearing shall be held at least 10 calendar days before the rates are effective.

§ 260-18 **Billing and payment.**

- A. Water bills shall be rendered to all customers at least quarterly and may be rendered more frequently at the discretion of the Business Office with the approval of the City Manager. [Amended 5-5-1998]
- B. Water bills shall be due and payable upon presentation and shall become delinquent after 30 days after the date of issuance. Interest shall accrue on bills not paid when due at the same rate charged by the City for overdue property tax bills. Seasonal customers will not be eligible for service unless the previous year's bill has been paid in full.
- C. Checks shall be made payable to the City of Rochester and mailed to the Tax Collector's office or paid online. When bills are overdue, the customer will be sent a notice. Bills not paid when due become a lien on the property by New Hampshire statute.
- D. The failure of a customer to receive water bills does not relieve the customer of the responsibility of making prompt payment.
- E. The Department of Public Works in supplying water, doing work, or furnishing material shall interact only with the Customer. Said Customer shall keep the Department advised of the address to which bills, notices, and communications may be forwarded. Although the payment for service rate may be assumed by an agent or tenant, the Customer of the Premises shall be held personally responsible for the same. A change in ownership shall not relieve the Premises from payment of back bills. In case of forfeiture, the water may be shut off and will not be turned on again until all unpaid charges have been settled in full. A water shutoff notice will be delivered to the Customer prior to shutoff. (See § 260-20.)

§ 260-19 Appeals.
[Amended 5-5-1998]

Users aggrieved of bills rendered under this article have the following rights of appeal:

- A. Notification. The aggrieved Customer shall notify the Business Office in writing that said bill is contested before the next bill for water service is issued. The notification shall explain why the bill is contested and provide the information necessary to determine the validity of the claim. The Finance Director may require the use of forms to expedite the appeals process.
- B. Resolution. Upon receipt of a notification under Subsection A, the Finance Director shall submit the claim to the Utility Advisory Board with a recommendation on the validity of the claim. The decision of the Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board. Aggrieved parties shall be allowed only one appeal per claim. **[Amended 3-5-2019]**
- C. Disposition of appeals. For appeals found to be valid, the date of the billing will be revised to the date of the Utility Advisory Board's decision. Revised charges will become due and payable as specified in **§ 260-18**. For appeals not found to be valid, the date of the billing will be as originally issued, and charges and interest will be as computed as specified in **§ 260-18**.

§ 260-20 Agreements and shutoffs.

- A. An agreement between the City Finance Director and the customer may be signed on a form provided by the Department or on-line at the City's website if the customer is unable to satisfy his/her water bill in full at the due date. A water shutoff notice and agreement procedure shall be established by the Finance Director and approved by the City Manager. **[Amended 5-5-1998]**
- B. Bills unpaid more than 30 days shall constitute cause for termination of water service or shutoff. If on the day of the shutoff the customer pays the outstanding water bill after City personnel arrive at the customer's service to execute the shutoff, the customer will be assessed a minimum service charge. This charge is as listed in **§ 260-33, Water Rate and Fee Schedule**.

§ 260-21 Miscellaneous bills.
[Amended 5-5-1998; 3-5-2019]

Charges for labor and material, including installation costs, shall be billed upon completion of the work which the bill covers. If such bills are not paid within 30 days or a payment agreement made with the Department, the water will be shut off and unpaid charges will become a lien on the property. All late payments will include interest charges. Collection procedures will be taken, and any costs will be charged to the Customer.

§ 260-22 Turning on and off.
[Amended 5-5-1998; 3-5-2019]

Forty-eight hours' advance notice is normally required for turning on and shutting off water for work performed by the Department of Public Works, except in the case of emergency, consistent with Env-Dw 503.9. The requested service will be provided as soon as possible thereafter, except in cases of termination for non-payment. Fourteen (14) days advanced notice will be provided to the Customer for termination of service for unpaid charges. All expenses involved for the shut-off at either a customer's request or for non-

payment will be the responsibility of the customer. Overtime charges at the rate of time and ^{02/16/2023} 1/2 will be charged before or after duty hours, with a minimum of a three-hour charge.

**§ 260-23 Swimming pools.
[Amended 5-5-1998]**

The Department of Public Works does not use its equipment to fill private swimming pools. Private companies shall obtain written authority from the Department of Public Works to use water from the water system. Customers desiring an abatement of sewer charges while filling their pools must contact the Department for instructions prior to filling the pool. There will be no abatement if the Department has not been contacted.

§ 260-24 Bulk Water Hauling.

Any construction, irrigation, swimming pool or other bulk water hauler shall contact the Department to arrange access to designated City bulk water station(s) where metering and backflow prevention can be ensured. Any such hauler's use of hydrants or any other water source other than the designated station(s) shall constitute a tampering violation and hauler shall be responsible to compensate the City for all water released. The Department will estimate such quantities for charges.

§ 260-25 Transfers.

On sale or transfer of property, the customer must give notification to the Business Office of such sale or transfer in order that a final meter reading can be taken, and proper charges made to the proper owner. A minimum of 24 hours' notice is required. If an existing apartment building or other multi-unit dwelling unit or Premises is converted to a condominium, the Owner shall provide written notification to the Department. The new Owner shall complete a water service application and be responsible for any fees or charges from the Department of Public Works and any private plumber necessary to provide a separate service and meter.

§ 260-26 Violations.

- A. Should any Customer violate any regulations established by the Department or fail to pay rates or other charges when due, his/her supply may be shut off, or terminated, and it shall not be resumed until causes of a complaint or non-compliance are removed and/or all charges paid. **[Amended 5-5-1998; 3-5-2019]**
- B. Any violation of the rules and regulations hereby established or failure on the part of any Customer receiving water to promptly pay any and all charges due to the Department shall be considered sufficient cause for termination of water service of such Customer and such service shall not be turned on again until all such breach shall have been removed, including any additional work or costs incurred for the turning on of the water.
- C. Where two or more Customers take water through one service pipe, the provision in regards to termination of service or supply shall be applicable to all such customers although one or more of them may be innocent of any cause of offense.

**§ 260-27 Interruption of service.
[Amended 5-5-1998]**

The Department of Public Works reserves the right to shut off the service temporarily whenever it becomes necessary to make extensions, alterations, or repairs, or to curtail the use of water whenever conditions so

require without prior notice. The Department of Public Works will make best efforts to provide advanced notice to Customers when practicable. 02/16/2023

§ 260-28 Claims for damages and liability.
[Amended 5-5-1998]

- A. The Department of Public Works will not be responsible for any damage caused by shutoffs in the mains or service pipes, because of shortage of supply, installing or removing meters, repairs, construction, or for other reasons beyond the control of the Department. Notice of shutoff will be given when practicable; however, nothing in this rule shall be construed as requiring the giving of such notice. The Department of Public Works will not be liable for any damages resulting from leakage escaping from any part of the owner's system.
- B. All customers having direct pressure hot water tanks or appliances should place proper automatic vacuum and relief valves in the pipe system to prevent any damage to such tanks or appliances should it become necessary to shut off water on the street mains or service pipe. Service will be provided to such direct pressure installations only at the customer's risk and in no case will the Department of Public Works be liable for any damage occasioned thereby.

§ 260-29 Regulation of water usage during emergency.
[Amended 9-14-1999; 7-10-2018]

- A. Purpose. The purpose of this regulation is to ensure the use of water is properly regulated whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity, or failure of equipment or material. The City of Rochester may use reasonable means to protect, preserve, and maintain the public health, safety, and welfare when a water supply shortage exists.
- B. Authority. The City of Rochester adopts these regulations under its authority to regulate public water systems under RSA 38:26. In accordance with the provisions of RSA 47:17, XV, whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the City Manager is authorized to restrict or prohibit the use of water from the City water system.
- C. Applicability. The requirements of this section shall apply to all water users with connections receiving water from the City's public water system, including any connections with consecutive water systems.
- D. Definitions. As used in this section, the following terms have the meanings indicated:

WATER SUPPLY SHORTAGE

A situation when the City's water supply is in jeopardy as evidenced by a state or federal government agency declaring a drought in the area or the water system being unable to, or within 60 days of such written determination becomes unable to, supply the full commercial, domestic, and residential needs of the users of the City's water system, including needs for adequate fire protection. A water supply shortage usually occurs due to drought or a major infrastructure failure.

- 02/16/2023
- E. Water emergency declaration. A water emergency declaration may be issued by the City Manager whenever a supply shortage or other water emergency occurs.
- F. Water use restrictions. Upon declaration of a water emergency, the City Manager shall implement certain water use restrictions necessary to conserve and maintain adequate reserves of the public water supply. Provided there is a declaration as noted above, the following levels of restriction will apply immediately after the public notification period specified in Subsection **H**:
- (1) If a Level 1 water use restriction is issued, then customers are encouraged to refrain from outside water use such as landscape watering and to limit the amount of water used outdoors for other purposes.
 - (2) If a Level 2 water use restriction is issued, then:
 - (a) Any outside water use by odd-numbered addresses is allowed only on odd-numbered days.
 - (b) Any outside water use by even-numbered addresses is allowed only on even-numbered days.
 - (c) Any outside water use shall not occur between the hours of 8:00 a.m. and 5:00 p.m.
 - (3) If a Level 3 water use restriction is issued, then:
 - (a) No outside water uses for lawn watering or irrigation. This applies to automatic sprinklers, automatic irrigation systems, and any unattended lawn watering.
 - (b) Filling of any swimming pools or containers greater than 100 gallons' capacity is prohibited.
 - (c) Washing of vehicles, including automobiles, trailers, trucks, etc., by hose is prohibited.
 - (d) Any outside water use shall not occur between the hours of 8:00 a.m. and 5:00 p.m.
 - (4) If a Level 4 water use restriction is issued, then all outside water use is prohibited.
- G. Exemptions to water use restrictions.
- (1) Hand irrigation of crops used for food by residents at a residential property, provided a competent person is present using watering equipment with an automatic shut-off device, shall not be restricted.
 - (2) Water to sustain animal life shall not be restricted.
 - (3) Despite the authority granted by Subsection **B** of this regulation, orders imposing water use restrictions shall not apply to uses that obtain water from sources other than the City water system, unless it can be clearly demonstrated that the use of such water directly affects the City water system.
 - (4) The City Council may issue temporary water use restriction exemption permits for identified properties and locations that have made recent landscaping investments. The exemption period

for limited irrigation for new seed, sod, or plugs is up to 45 days from the date of installation and will be permitted between the hours of 5:00 p.m. and 8:00 a.m. Property owners must demonstrate that area soils have been appropriately prepared and use efficient irrigation best management practices. A watering exemption permit only pertains to newly seeded lawns and will not be issued for over seeding. This exemption does not apply during a Level 4 water use restriction.

- H. Public notification. Upon declaration of a water emergency by the City Manager, the City shall issue a written emergency notice declaring the emergency and setting forth with particularity a water use restriction that regulates the use of water from the City's water system. The notification, as issued, shall be reissued whenever there are modifications to the water use level restrictions.
- (1) Publication and/or posting of notice. The written emergency notice shall be published in a newspaper of general circulation in the City of Rochester within 72 hours after the issuance of such notice. In addition, the written emergency notice shall be posted in five prominent places within the City and on the City website.
 - (2) Immediate threat to public health or safety. Whenever a sudden or unexpected event reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the emergency notice may be issued by any reasonable means, including electronic means.
- I. Termination notice of a water emergency. Upon a determination by the City that the water emergency no longer exists, the City Manager may terminate the water use restrictions. Public notification of such termination shall be given in accordance with Subsection **H(1)**.
- J. Appeals of water emergency declaration. Any person aggrieved by a water emergency declaration by the City Manager shall have the right to present the matter to the next regular or special meeting of the City Council or any emergency session of the Council called to discuss the water emergency. The City Council may exempt such aggrieved person, in whole or in part, from the compliance with such water use restrictions upon a showing that compliance with such water use restrictions creates an immediate threat to such person, or such person's immediate household's, health or safety. A ruling by a majority vote of the City Council with regards to such appeal shall be final and binding. Until and unless the action of the City Manager is modified or revoked by action of the City Council, all water usage shall be bound by the terms of the water use declaration issued by the City Manager.
- K. Penalties. Any person who, in any manner, directly or indirectly, violates or permits others under his/her custody or control to violate any terms of a duly issued water use restriction shall be guilty of a violation. Each separate day of water use in violation of such emergency notice shall constitute a separate offense and each separate prohibited water use in excess of one on the same day shall constitute a separate offense. In addition to the foregoing penalties, the City of Rochester is authorized to discontinue the furnishing of water where orders and restrictions have been violated on multiple accounts. Such discontinuance shall be made pursuant to RSA 38:31 and may be continued so long as there is evidence that the violations continue. Penalties are determined by each water level restriction as follows:
- (1) Level 1 water restriction. There are no penalties as this is voluntary.

- (2) Level 2 and 3 water restrictions.
- (a) First violation will be issued a warning.
 - (b) Second violation shall be punishable by a fine of one hundred dollars (\$100.00).
 - (c) Third violation shall be punishable by a fine of one hundred dollars (\$100.00).
 - (d) Additional violations shall be punishable by a fine of five hundred dollars (\$500.00) to ten thousand dollars (\$10,000.00) and discontinuance of water service. A service reactivation fee, as defined by § **260-33B**, will be charged before water service is restored.
- (3) Level 4 water restriction. Each violation shall be punishable by a fine of five hundred dollars (\$500.00) to ten thousand dollars (\$10,000.00) and discontinuance of water service. A service reactivation fee, as defined by § **260-33B**, will be charged before water service is restored.

§ 260-30 Utility Advisory Board.

- A. Function of the Board. The Utility Advisory Board shall periodically make recommendations to the City Council on the level of water rates to be established under this article, but such recommendations are not binding on the City Council. The Utility Advisory Board shall rule on appeals of user and other charges and fees and perform such other duties that may be assigned by City Council. **[Amended 5-5-1998; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. Membership. The Utility Advisory Board shall consist of five members. Such members shall be nominated by the Mayor and appointed by the City Council.
- C. Term. Members appointed on, or after, June 1, 2013, shall serve a term of three years from the date of appointment. **[Amended 6-4-2013]**
- D. Vacancies. Vacancies on the Utility Advisory Board shall be filled in the same manner that members are appointed under Subsection **B**. The term of a member appointed to fill a vacancy shall be equal to the remaining term of the member being replaced.
- E. Administrative actions. The City Manager shall have the authority to veto or modify any action of the Utility Advisory Board.

§ 260-31 Construction/extension of water mains for new development which may become public water mains.

- A. Applications for the construction/extension of water mains that are intended to be accepted by the City as City-owned mains shall be in the form of a petition addressed to the Department of Public Works in compliance with the rules established by the Department of Public Works. **[Amended 5-5-1998; 5-1-2007]**
- B. The Department of Public Works may require that an applicant file a site plan with the Planning and Development Department such rights-of-way, easements, releases, performance surety, or any other instruments reasonably consistent for any such construction, and the City of Rochester shall be

grantee, guaranteed insured, or payee of any such instrument. [Amended 5-1-2007] ^{02/16/2023}

- C. Construction or extension of any such water mains shall be per City standards.
- D. The applicant shall pay full costs for any such construction of water main and installation and full title to the same shall, upon acceptance by the City Council, be the property of the City of Rochester. All construction of water mains shall be under the direct supervision of the Department of Public Works.
- E. The City will not normally accept water mains that are constructed or extended appurtenant to roadways where such roadways are not intended to be accepted by the City. Such mains will be considered by the City to be private services and all required maintenance the responsibility of the owner. Owner maintenance and operation of such mains shall be subject to the directives of the Department to ensure water quality.
- F. Construction or extension of private water mains or private distribution systems beneath private property shall meet the specifications of the Department and Owner maintenance and operation of such mains shall be subject to the directives of the Department to ensure water quality.

§ 260-32 Extension of existing water mains in accepted roadways.

- A. Upon petition by citizens of the City or when deemed necessary or desirable for the protection and well-being of the City, the extension of water mains in accepted roadways may be approved by a vote of the City Council in accordance with City Ordinance § 223-9. [Amended 5-5-1998]
- B. Where the construction and installation of water mains is to be made in and upon existing streets and roads, and the public good requires it and/or undue hardships would result if cash payment were made, then and in such case the City of Rochester may finance the construction through the issuance of bonds or other financing method and pay the full costs. The proportionate share of each abutter along the line of construction and installation based on the actual cost of construction per running foot or other equitable distribution of cost when petition, application, or late petition is made and granted shall become a lien on such abutting property as real estate taxes until payment of said proportionate share of full costs, including financing, is made.
- C. Payment may be as follows:
 - (1) The affected party may pay his/her proportionate share in cash for the full amount, at the time the obligation is incurred; or
 - (2) The affected party may enter into an agreement with the City of Rochester that said proportionate share of all costs may be paid in equal installments over a period of time equal to the term of the bond or a lesser period. Such agreement is to be recorded with the Strafford County Register of Deeds at the expense of the affected party. In the event property is conveyed, the new owner(s) will be responsible for all unpaid bills and liens.

§ 260-33 Private fire protection.

- A. Private fire services may be permitted at the discretion of the Department of Public Works and Fire Chief. All applications for private fire protection services must follow the provisions of § 260-4,

- B. Fees for private fire hydrants shall be as listed in § 260-33, Water Rate and Fee Schedule.
- C. Private fire hydrants shall typically be set on the customer's side of the meter so that all use is recorded and billed. In cases where private fire hydrants are before the customer's meter any such use of a private fire hydrant for non-fire service flows must utilize a fire hydrant meter authorized and provided by the Department to measure said flows. The Customer or user shall be responsible for all water utilized and measured by said hydrant meter pursuant to the rates set forth in §260-33.

§ 260-34 **Water Rate and Fee Schedule.**

[Amended 6-26-2007; 6-10-2008; 6-16-2009; 7-5-2011; 11-20-2012; 2-4-2014; 9-15-2015; 8-2-22]

- A. Quarterly water rates. [Amended 11-1-2016; 2-6-2018; 8-2-22]
 - (1) Residential Customers without exemption: six dollars and fifty-four cents (\$6.54) per 100 cubic feet of water use.
 - (2) Residential customers with exemption: two dollars and seventy-seven cents (\$2.77).
 - (3) Commercial and industrial Customers: six dollars and forty-one cents (\$6.41) per 100 cubic feet of water use.
 - (4) Unmetered residential, commercial, and industrial Customers:
 - (a) Per quarter per unit without exemption: one hundred seventy-one dollars and fifty-six cents (\$171.56).
 - (b) Per quarter per unit with exemption: eighty-five dollars and seventy-six cents (\$85.76).
 - (5) Minimum fee:
 - (a) Per quarter per unit without exemption: twenty-four dollars and thirty-five cents (\$24.35).
 - (b) Per quarter per unit with exemption: nineteen dollars and fifty-one cents (\$19.51).
- B. Fees.
 - (1) Meter Installation: a minimum of three hundred dollars (\$300.00) or estimated cost of installation, in advance one hundred dollars (\$100.00).
 - (2) Installation and repair license: one hundred dollars (\$100.00) per year.
 - (3) Bad check: twenty-five dollars (\$25.00) plus all associated fees.
 - (4) Service reactivated following payment when shut off due to nonpayment: sixty dollars (\$60.00).
 - (5) Service shutoff or turn on by request: thirty dollars (\$30.00).

- (6) Temporary service: see installation fees; water charges will be billed accordingly.
- (7) Private fire protection service: see installation fees.
- (8) Private fire hydrant service connection: one hundred fifty dollars (\$150.00) per hydrant per fiscal year. For purposes of this subsection, a private fire hydrant shall mean any fire hydrant located outside the public right-of-way and/or located on property other than that is not owned by the City of Rochester, but which is connected to the public water system. Any private hydrant located behind a water meter on that property shall be exempt from this charge.
- (9) Service Connection Permit Fee: fifty dollars (\$50.00).
- (10) Swimming pools: fees based on volume used times unit rate.
- (11) Meter repair or testing: thirty dollars (\$30.00) per visit plus cost of transportation of meter to testing facility and cost of testing.
- (12) Meter damage: fifty dollars (\$50.00).
- (13) Backflow prevention devices: all costs associated with installation, repair, or inspection paid by owner. Inspection costs shall be not less than minimum service charge.
- (14) Violations: all costs to correct violation paid by owner.
- (15) Minimum service charge: thirty dollars (\$30.00) per visit.
- (16) Meter tampering charge: a reconnection fee of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).
- (17) Minimum charge for road maintenance between December 1 and March 31: two hundred dollars (\$200.).
- (18) Service Development Fee: \$3.17 per gallon per day, per unit in accordance with the Table 1008-1 referenced and as set forth §260A-5.

Article II Cross-Connections

[Adopted 4-2-2013 (Ch. 18 of the 1995 Code); amended in its entirety 12-3-2013]

§ 260-35 Purpose.

- A. New Hampshire Code of Administrative Rules Part Env-Dw 505 requires that the City of Rochester take appropriate actions to prevent the reverse flow of water previously delivered to customers or the backflow of harmful substances into the public water system. Each public water system serving 1,000 or more persons must have a written cross-connection control program ordinance. **[Amended 3-5-**

- B. Cross-connections between water supplies and non-potable sources of contamination represent one of the most significant threats to health in the water supply industry. This program is designed to accomplish the following:
- (1) To protect the City of Rochester, New Hampshire, public water supply from contamination by isolating, within its customers' internal distribution systems, contaminants that could backflow or backsiphon into the public water system.
 - (2) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable and non-potable water systems by isolating those contaminants that could backflow or backsiphon into the customer's internal distribution system.
 - (3) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination of potable water systems via cross-connections.
 - (4) To supplement the regulations promulgated and revised by the New Hampshire Department of Environmental Services as listed in § 260-36 below.

§ 260-36 Authority.
[Amended 3-5-2019]

The authority for this article is derived from the New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention, and the City of Rochester public water system rules and regulations, as adopted.

§ 260-37 Responsibilities of Department.

The Department is responsible for protecting the public potable water distribution system from contamination due to the backflow or backsiphon of contaminants through the water service connection.

§ 260-38 Duties of Department of Public Works.

- A. The Department will determine if an approved backflow prevention device is required at the City's water service connection to any customer's premises.
- B. The Department may, directly or through a designated representative, give notice in writing to any such customer to install an approved backflow prevention device at each water service connection to his/her premises.
- C. The Department will issue permits for all new backflow prevention devices and amended permits for any upgrades to such devices for higher-hazard duty. No permit will be issued by the Department without an application from the owner.
- D. Permits shall have a duration based upon degree of hazard for the protective device. High-hazard device permits shall have a duration of six months to coincide with semiannual inspection and testing requirements. Low-hazard device permits shall have a duration of 12 months to coincide with annual inspection and testing requirements. All permits shall automatically renew following certification

from owner that periodic inspection and testing has been completed on schedule.^{02/16/2023}

- E. There will be no fees for permits issued.
- F. Existing commercial and industrial properties at the time of the issuance of this article shall be the subject of site surveys conducted by the Department to determine the need for backflow prevention devices. Department shall conduct site surveys in accordance with Env-Dw 505.
- G. The Department will not allow any cross-connection to remain unless it is protected by an approved backflow prevention device for which a permit has been issued and which will be regularly tested and inspected per required schedule to ensure satisfactory operation.
- H. If the Department determines at any time that a threat to the public health exists, the water service will be terminated immediately.
- I. The Department will maintain records to include all applications for backflow prevention devices, installation, inspection and testing certification forms, notices of inspection/test requirement and permits.
- J. The Department will monitor for permit compliance. Permits shall lapse and become void if inspection and testing are not certified on schedule. A void permit shall constitute grounds for discontinuation of water.
- K. The Department will inform the owner by letter of any failure to comply with scheduled inspection and testing and resulting permit violation. The Department will allow an additional 14 days past the original due date for completion of inspection and testing and owner certification. In the event that the owner fails to provide the certification within the additional 14 days, the Department will inform the owner, by letter, that the water service to the owner's premises will be terminated. In the event that the owner informs the Department of extenuating circumstances as to why the certification has not been made on schedule, a time extension may be granted by the Department, but in no case will exceed an additional 30 days.
- L. All new single-family residential water services, as well as substantive remodeling of residential properties that require meter changes and/or plumbing permits, will be required to install a residential No. 7 dual check device immediately downstream of the water meter. **[Amended 3-5-2019]**
- M. Installation of a residential dual check valve results in a potential closed plumbing system within the residence. As such, provisions shall be made by the owner to provide for thermal expansion within the closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.
- N. New and retrofit installations of reduced pressure zone principle devices and double check valve backflow preventer shall include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic flushing, and cleaning of mains, etc. These occurrences may stir up debris within the water main that will cause fouling of backflow devices installed without

**§ 260-39 Requirements of owner.
[Amended 3-5-2019]**

- A. The owner shall be responsible for the elimination or protection of all cross-connections on his/her premises.
- B. The owner shall ensure the protection of the public water supply within his/her premises by the installation of approved backflow prevention devices, where necessary, or by fixture isolation techniques to comply with the City's containment philosophy and NH state regulations. All testing, inspection and maintenance shall be the responsibility of the owner. Those devices internal to the facility will not be regulated by the Department; however, any isolation devices required to be installed by the Department shall be regulated by the Department.
- C. The owner, after having been informed by letter from the Department, shall at his/her expense install, maintain, and test, or have tested, any and all backflow preventers on his/her premises.
- D. On new commercial and industrial installations, the owner or his/her qualified agent supplying the device(s) shall propose the type of backflow preventer, if any, that will be required. The owner shall supply a complete application for the installation of a backflow prevention device and provide it to the Department for permit issuance. The Department shall approve proposed devices.
- E. The owner shall inform the Department of any proposed or modified cross-connections and of existing cross-connections which the owner is aware but may not be known by the Department.
- F. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who wish to continue operations during testing of the device(s) shall supply additional devices for an operational by-pass.
- G. The owner shall install backflow devices with the minimum requirements as provided herein in a manner approved by the Department or its designee and in accordance with approved plumbing regulations. All new devices shall be tested satisfactorily upon installation.
- H. The owner shall install only a backflow preventer approved by the Department and the Division.
- I. The owner shall be responsible for the payment of all fees for device installation or replacement, annual or semiannual device inspection and testing, re-testing in the case that the device fails to operate correctly, and second reinsertions for noncompliance with Department rules and regulations.
- J. Should a backflow prevention device be required or an upgraded device, whether determined by the Department or otherwise the owner, the owner shall be responsible for submitting an application for such device to the Department.
- K. There will be no fee for applications submitted.
- L. Owners shall certify the installation of new or upgraded backflow prevention devices in writing to the Department within 30 days of issuance by the Department of the permit.

- M. Failure, refusal, or inability on the part of the owner to install the required initial or upgrade device(s) and provide certification to the Department within 30 days shall constitute grounds for discontinuing water service to the premises until such time as the required certification of compliance is received by the Department.
- N. Owner shall be responsible for providing certification of inspection and testing to the Department within 14 days of regularly scheduled periodic inspection and testing, and retesting following initial test failure if applicable. Failure to submit the certification within 14 days shall void the permit and constitute grounds for discontinuing water service to the Premises.
- O. The owner shall correct at his/her cost any malfunction of the backflow preventer which is revealed by periodic testing. Corrections that impact the required certification schedule above shall be communicated to the Department at the earliest possible time.

§ 260-40 Administration.
[Amended 3-5-2019]

- A. Philosophy: The City will administer the program on the theory of containment, the approach of which utilizes a minimum of backflow devices and isolates the customer from the public water supply so that contamination of the public water system does not occur. If he/she so desires, the owner may utilize public health officials or private consultants to assist in the survey of his/her facilities and to assist in the selection of proper fixture isolation devices and the proper installation of these devices.
- B. The owner shall allow his/her property to be inspected for possible cross-connections and shall follow the provisions of the Department's program and the Division's regulations if a cross-connection is required.

§ 260-41 Degree of hazard.

The Department recognizes the threat to the public water system arising from cross-connections. These threats are classified as follows in this section:

- A. Low hazard. If a backflow were to occur, the resulting effect on the water supply would, at the most, be a change in its aesthetic qualities. The foreign substance(s) must be non-toxic to humans. All threats classified as "low hazard" will require, at a minimum, the installation of an approved double check valve assembly.
- B. High hazard. If a backflow were to occur, the resulting effect on the water supply could cause illness, injury or death if consumed by humans. The foreign substances may be hazardous to humans from a physical, chemical, biological, and/or radiological standpoint. The effects of the contaminants may result from short- or long-term exposure. All threats classified as "high hazard" will require the installation of approved reduced pressure zone principle backflow prevention devices, air gaps or other high hazard device approved by the Department.

§ 260-42 Auxiliary water sources.
[Amended 3-5-2019]

- A. Any owner having a private well or other private water source shall not cross-connect ("hard pipe") to the Department's system. The owner may be required to install a testable high hazard backflow

prevention device at the service entrance to the public water system if a private water source is maintained, even if it is not cross-connected to the Department's system. 02/16/2023

(1) The owner has the option to abandon or discontinue the auxiliary water supply in a manner acceptable to the Water Division of the Department, in lieu of installation of a backflow prevention device.

B. The Department shall not permit a cross-connection within the public water system unless it is considered necessary and that it cannot be eliminated.

(1) The Customer shall provide the Department with backflow prevention device test results per required schedule or the customer's water service from the water provider will be shut off until the data is supplied to the Department and approved.

**§ 260-43 Permits.
[Amended 3-5-2019]**

- A. Cross-connection permits that are required for backflow prevention devices are obtained from the Department. A permit will be issued for each individual device. There will be no fees for initial permits and subsequent renewals. Permits shall be issued with a duration which coincides with the inspection and testing schedule of the device. High-hazard devices shall have permits with durations of six months; low-hazard devices shall have durations of 12 months. Failure of the owner to provide certification of inspections and testing on the required schedule shall void the permit and constitute grounds for discontinuation of water.
- B. Amended permits shall be issued for any premises whereby there are any increases in degree of hazard such as to supersede the effectiveness of the present backflow preventer. Owners are responsible for submitting applications for the amended permits.
- C. The permit shall contain the information required in New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention.
- D. Permits are subject to revocation for cause by the Department and become immediately revoked if the owner should so change the type of cross-connection or degree of hazard associated with the service without proper notification to the Department.
- E. Fixture isolation devices internal to a facility will not be regulated by the Department and permits are not required.

**§ 260-44 Existing backflow prevention devices.
[Amended 3-5-2019]**

Any existing backflow preventer shall be allowed by the Department to continue in service if in good working order unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Permits for existing devices shall be issued with durations to coincide with the required schedule of inspection and testing. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, an existing backflow preventer must be upgraded to an approved device, or an approved device must be installed in the event that no backflow device is present.

§ 260-45 **Installation.**
[Amended 3-5-2019]

- A. Installation requirements. Initial installations, replacements and upgrades shall be performed by an individual with a current backflow prevention device inspector/tester certification from the New England Water Works Association (NEWWA) and in accordance with Department of Public Works requirements and NH statutes.
- B. Reduced pressure zone backflow prevention devices.
- (1) The reduced pressure zone backflow prevention device shall be installed on the owner's side of the water meter on the potable water supply line.
 - (2) For "in-plant" protection, lines for safety showers and lines for eye wash units must be taken off the upstream side of the reduced pressure zone backflow prevention device.
 - (3) The reduced pressure zone backflow prevention device shall be located to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.
 - (4) The reduced pressure zone backflow prevention device and shutoff valves must be installed in a horizontal alignment between three and four feet from the floor to the bottom of the device and a minimum of 12 inches from any wall unless the device is approved by the Department of Public Works or its designee for vertical installations.
 - (5) Tightly closing valves must be installed at each end of the device and must be immediately accessible unless otherwise approved by the Department of Public Works or its designee.
 - (6) A drain is to be provided for a relief valve port. There must be an approved air gap separation between the port and the drain line. To be approved, the air gap must be at least twice the internal diameter of the discharge line, or two inches minimum.
 - (7) Backflow prevention devices are not allowed to be installed below grade or other location that may be prone to unit inundation and/or submergence.
- C. Double check valve assemblies.
- (1) The double check valve assembly shall be installed on the owner's side of the water meter on the potable water supply line.
 - (2) For "in-plant" protection, lines for safety showers and lines for eye wash units must be taken off the upstream side of the double check valve assembly.
 - (3) The double check valve assembly shall be located so as to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.
 - (4) The double check valve assembly and shutoff valves must be installed in a horizontal alignment

and the top of the double check valve assembly must be between 30 inches and 55 inches from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Department of Public Works or its designee. ^{02/16/2023}

- (5) Tightly closing valves must be installed at each end of the device and be immediately accessible unless otherwise approved by the Department of Public Works or its designee.
- (6) Double check valve assemblies must be provided with suitable connections and appurtenances for testing.

**§ 260-46 Periodic testing.
[Amended 3-5-2019]**

- A. Backflow prevention devices shall be inspected and tested at least semiannually for high-hazard applications and at least annually for low-hazard applications. All new devices in new facilities shall be tested for positive operation upon installation. Responsibility for ensuring inspections and testing and providing certification to the Department shall be the Owner's. Failure to certify inspections and testing on the required schedule shall void the permit and be grounds for discontinuation of water service.
- B. Testing and inspection of all devices, to include reduced pressure principle backflow devices, testable double check valve assemblies, and testable pressure vacuum breakers, shall be performed by an individual with a current backflow prevention device inspector/tester certification from the New England Water Works Association (NEWWA).
- C. Any backflow preventer which fails during a periodic test shall be repaired or replaced. When repairs are necessary, upon completion of the repair, the device shall be re-tested at the owner's expense to ensure correct operation. High-hazard situations shall not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of ensuring that uninterrupted water service during testing and repair of devices is maintained and is strongly recommended when the owner desires such continuity.
- D. Backflow devices will be tested more frequently than specified in Subsection A above in cases where there is a history of test failures and the Department feels that, due to the degree of hazard involved, additional testing is warranted. Cost of the additional testing will be borne by the owner.
- E. Failure to test a backflow prevention device as required, or failure to repair a device when needed, may result in immediate, temporary termination of the water service until the device is tested or repaired as directed by the Department.

§ 260-47 Conflicting provisions; severability.

- A. If a provision of this article is found to be in conflict with any provision of a zoning, building, safety or health or other ordinance or code of the City of Rochester, or the State of New Hampshire, or the federal government, existing on or subsequent to the effective date of this article, that provision which in the judgment of the City of Rochester establishes the higher standard of safety and protection shall prevail.

- B. The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article that can be given effect without such invalid part or parts.

§ 260-48 Interpretation.

The provisions of this article with respect to the meaning of technical terms and phrases, the classification of different plumbing devices, the regulations with respect to installing, inspecting, or testing backflow prevention equipment, and other technical matters shall be interpreted and administered by the Department acting in and for the City of Rochester, New Hampshire.

§ 260-49 Appeals.

Any party aggrieved by any decision, regulation, or provision under this article, as amended, from time to time, shall have the right to appeal said decision to the Department which shall issue a decision within 30 calendar days of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board and then to the City Manager.

§ 260-50 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules, and regulations as it shall deem necessary and proper relating to control and management of cross-connections, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations. Future changes to this article will be submitted to New Hampshire Department of Environmental Services for approval prior to City adoption.

§ 260-51 When effective; repealer.

This article shall be in full force and effect immediately following its passage, as provided by law. The adoption of this article specifically repeals any previously adopted cross-connection ordinance or rules of the City of Rochester, New Hampshire, with regard to cross-connections between water supplies of potable and non-potable systems and/or sources.

Chapter 260A
Water Development Connection Fee
(As approved September 6, 2022)

§260A-1 Authority.

The City of Rochester is authorized pursuant to RSA 38:27 and RSA 38:28 to assess a Water Development Connection Fee on new connections and development to help meet the additional water system demands created by the new development including capital construction and improvement of the City's water system. Said fees are assessed on a capacity-buy in approach as set forth in §260A-4 below.

§260A-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Water Ordinance, Chapter 260, §260-2, as amended.

§260A-3 Purpose.

These regulations shall govern the assessment of connection fees upon new development connections to the City's Public Water System to generate capital funds to maintain, improve and expand the water system to minimize the effect on existing customers in a fair and equitable manner.

§260A-4 Water Development Connection Fee

The water development connection fee or assessment imposed pursuant to these provisions only upon new development connections, including subdivisions, building construction and other land use changes, based on a capacity-buy in approach. This approach applies to new users that are required to invest in the equity of the City's Public Water System at a rate that reflects prior investments by existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new development connections to the City's water treatment and distribution facilities, inclusive of the system defined herein as the Public Water System. The water development connection fee shall not apply to any capital projects, including new connections or repairs, improvements, replacements, or expansion of the public water system initiated by the City, as approved by the City Council.

§260A-5 Calculation of Fees

The water development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective water system in gallons per day. The portion of the water system capacity assigned to any new user is determined based on New Hampshire Water Usage Unit Design Standards, as contained in Table 1008-1 in Env-Wq 1000 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

§260A-6 Assessment and Collection of Fees

The water development connection fee will be assessed by the Department at the time of application only for new connections pursuant to Article I, §260-4. The fee shall not be assessed for any existing connections or developments. The fees shall be collected at the time of application for connection in accordance with §260-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of water development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the water development connection fees as necessary.

§260A-7 Waivers

A. An applicant may request a full or partial waiver from the Department of the water development connection fee assessments imposed by this ordinance. The amount of any such waiver, including the value of the land, facilities constructed, or other like-kind contributions or improvements to be made by the applicant toward public capital facilities in lieu of a water development connection fee shall not exceed the value of the water development connection fee.

B. The applicant must exclude from a waiver application the value of any on-site and/or off-site

contributions or improvements that the applicant is required by the Department or City to implement or construct as a result of a plan or development approval. The required on or off-site contributions or improvements as a result of a plan or development approval by the City must be completed by the applicant in addition to or regardless of the water development connection fee under this ordinance. The value of contributions or improvements proposed as a waiver to offset the connection fee by the applicant shall be credited only towards facilities of a like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.

C. An applicant may apply to the Department for a waiver of a portion or the full amount of the water development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, and make a recommendation to the City Manager as to whether a waiver should be granted or denied. The City Manager shall approve all waiver applications. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§260A-8 Administration of Water Development Connection Fees

A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the water facilities for which fees are assessed, and shall be used solely for the purposes specified in this ordinance. The water development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

B. Payment, administration, collection, custody, and records for the water development connection fee account shall be done by the Finance Department upon the direction of the City Manager.

C. The Department shall make a report to the City Council at the end of the fiscal year providing an account of all public water system facilities funded through water development connection fees during the prior year, and the report shall also include a summary of all waivers granted during the prior year.

E. Funds withdrawn from the water development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding, or equipping those public water system facilities identified in this ordinance.

§ 260A-9 Appeals.

Any party aggrieved by any decision, regulation, or provision under this Article, as amended, from time to time, shall have the right to appeal said decision first to the Department. The Department shall issue a decision within 30 calendar days of receipt of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board within thirty days (30).

§ 260A-10 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate,

shall be a part of this Article.

§ 260A-11 **When effective**

This Article shall be in full force and effect immediately following its passage, as provided by law.



City of Rochester Formal Council Meeting

AGENDA BILL

NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.

AGENDA SUBJECT

COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>
* IF YES ATTACH A FUNDING RESOLUTION FORM

RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>

FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input type="checkbox"/>

AGENDA DATE	
DEPT. HEAD SIGNATURE	
DATE SUBMITTED	
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

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SUMMARY STATEMENT

[Empty box for Summary Statement]

RECOMMENDED ACTION

[Empty box for Recommended Action]



City of Rochester Formal Council Meeting

AGENDA BILL

AGENDA SUBJECT	Public Transit Financial Support
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COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input checked="" type="checkbox"/>

FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
* IF YES ATTACH A FUNDING RESOLUTION FORM

RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--

FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--

AGENDA DATE	February 22, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	February 3, 2022		
ATTACHMENTS	YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	<i>Blair Cox</i>

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	
SOURCE OF FUNDS	N/A
ACCOUNT NUMBER	N/A
AMOUNT	N/A
APPROPRIATION REQUIRED	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

LEGAL AUTHORITY

N/A

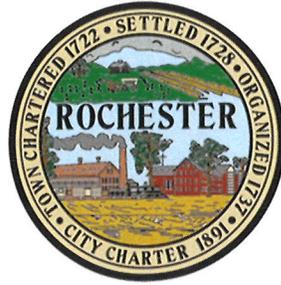
SUMMARY STATEMENT

The Cooperative Alliance for Seacoast Transportation (COAST) is leading an effort to increase financial support for public transportation. COAST's Executive Director, Rad Nichols, will provide the City Council with information on this effort.

RECOMMENDED ACTION

Mayor and Council support of the objective to increase financial support from the State of New Hampshire for public transportation.

CLEAN VERSION



City of Rochester, NH

**Code of Ethics and Conduct
For
Elected and Appointed Officials**

DRAFT

Adopted ____ 2023

A. ETHICS

The citizens and businesses of the City of Rochester are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government.
- Are independent, impartial, and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, all Boards, and Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Rochester and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of New Hampshire, and the City of Rochester in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
5. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and on the personal knowledge of a Member on the issue presented to the rest of the City Council at said hearing.
7. **Communication.** Council Members shall avoid posting to social media in regards to any adjudicative matters pending before the body. Outside of adjudicative matters pending before the body, members of the Council/Commission/Board/Committee are advised not to participate in discrimination or harassment, even if the identified behaviors are not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and displays or circulation of graphic material that degrades or shows hostility; and physical touching. Members are also advised to never demean or personally attack an employee regarding the employee's job performance in public.
8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and

compliance with conflict-of-interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from other appropriate entities, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

All members will maintain an updated financial disclosure statement in the Office of the City Clerk. The Financial Disclosure Statement shall be updated annually as of June 30th. Forms shall be based on the form used by the State to implement RSA 15-A prepared by the City Clerk for approval by the City Council and made available to all members for this purpose.

Financial Disclosure Statement shall mean a written statement, given under oath:

Listing an individual's primary source of annual income.

Listing any sources of income, whether or not connected with the City of Rochester which individually produce income in an amount greater than Ten Thousand Dollars (\$10,000.00) calculated annually on a per calendar year basis.

Listing capital assets in an amount greater than Ten Thousand Dollars (\$10,000.00) related to matters before the Council in which the member has a special interest. "Special Interest" means an item over which the Council has jurisdiction so that a change in law, a contracting decision, the granting of a license or permit, or other decision of the Council would have a greater potential impact on the Member than on the general public.

Financial Disclosure Statements shall be public records and shall be returned to the member Six (6) months after leaving office.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

9. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

11. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Rochester, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of the Rochester City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Charter and Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. **Positive Workplace Environment.** Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Rochester.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

a) Honor the role of the chair in maintaining order

It is the responsibility of the Mayor, as chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there

is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

b) Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

c) Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

d) Demonstrate effective problem-solving approaches

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

a) Be welcoming to speakers and treat them with care and gentleness.

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

b) Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine and announce limits on speakers at the start of the public hearing process.

c) Practice active listening

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes but reading for a long period of time or gazing around the room gives the appearance of disinterest. While you cannot be required to listen to public speakers in a certain way, it is advised that all members remain conscious of their actions during such time as member of the public might be speaking. To the best of your ability, remain focused on the speaker and avoid noise and distractions.

Members shall be cognizant of non-verbal body language and facial expressions that could be interpreted as disbelief, anger, or boredom.

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Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or

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Harassment consists of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching

a) *Treat all staff as professionals*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

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Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

c) *Never publicly criticize an individual employee*

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Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

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Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

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The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

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Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.
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Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. SANCTIONS

- a) **Acknowledgement of Code of Ethics and Conduct**
Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall not be assigned intergovernmental assignments or Council subcommittees by the Mayor. Members of committees appointed by the Mayor and/or the City Council who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

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c) *Behavior and Conduct*

The City of Rochester's Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the City of Rochester Council, Boards, Committees and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

d) *Councilmembers*

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded by the Mayor or formally censured by the Council, lose committee assignments (both within the City of Rochester and with intergovernmental agencies) or other privileges afforded by the Council.

Further, any Councilmember found in violation of this Code or any other misconduct in office may also be subject to the following sanctions imposed by the Council:

1. Required to attend and successfully complete training related to the nature of the violation.
2. Required to pay any monetary costs associated with investigating violations.
3. Required to issue a formal, sincere apology.
4. Removed from office in accordance with Section 70 of the City Charter.

Failure to comply with any sanctions imposed by the Council will be considered a violation of this Code and an act of misconduct in office.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Deputy Mayor. It is the responsibility of the Mayor (Deputy Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Deputy Mayor), then the alleged violation(s) can be brought up with the full Council.

e) *Board, Committee and Commission Members:*

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board, Committee or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board, Committee and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline, short of removal imposed by Council shall be determined by a majority vote of elected members of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Manager or City Attorney believe an

investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying with the State of New Hampshire Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign the below acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it, as necessary.

I affirm that I have read and understand the City of Rochester Code of Ethics and Conduct for Elected and Appointed Officials

Signature

Date

REDLINE VERSION



City of Rochester, NH

**Code of Ethics and Conduct
For
Elected and Appointed Officials**

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Adopted August 2022

A. ETHICS

The citizens and businesses of the City of Rochester are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government.
- Are independent, impartial, and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, all Boards, and Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Rochester and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of New Hampshire, and the City of Rochester in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
5. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and on the personal knowledge of a Member on the issue presented to the rest of the City Council at said hearing. ~~—should seek outside information on the subject matter from all possible sources.~~
7. **Communication.** Council Members shall avoid posting to social media in regards to any adjudicative matters pending before the body. Outside of adjudicative matters pending before the body, members of the Council/Commission/Board/Committee are advised not to participate in discrimination or harassment, even if the identified behaviors are not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and displays or circulation of

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graphic material that degrades or shows hostility; and physical touching. Members are also advised to never demean or personally attack an employee regarding the employee's job performance in public. For adjudicative matters pending before the body, members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.

(a) Social Media Social media presence by those officials covered under this code is to be informative in nature and positively reflect on the community and City staff and promote local activities. All officials shall avoid expressing opinions or bias regarding City business or issues that may come before the Council/Commission/Board/Committee when it may be construed that they are acting on behalf of the City.

In the use of social media, all officials are to abide by the following:

- Refrain from making belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments.*
- Ensure that they do not participate in discrimination or harassment, even if the identified behavior is not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching.*
- Shall never demean or personally attack an employee regarding the employee's job performance in public; and*
- Are to demonstrate their honesty and integrity, and to be an example of appropriate and ethical conduct.*

8.7. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good and compliance with conflict-of-interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from other appropriate entities, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

All members will maintain an updated financial disclosure statement in the Office of the City Clerk. The Financial Disclosure Statement shall be updated annually as of June 30th. Forms shall be based on the form used by the State to implement RSA 15-A prepared by the City Clerk for approval by the City Council and made available to all members for this purpose.

Financial Disclosure Statement shall mean a written statement, given under oath:

- 1) Listing an individual's primary source of annual income.

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2) Listing any sources of income, whether or not connected with the City of Rochester which individually produce income in an amount greater than Ten Thousand Dollars (\$10,000.00) calculated annually on a per calendar year basis.

3) Listing capital assets in an amount greater than Ten Thousand Dollars (\$10,000.00) related to matters before the Council in which the member has a special interest. "Special Interest" means an item over which the Council has jurisdiction so that a change in law, a contracting decision, the granting of a license or permit, or other decision of the Council would have a greater potential impact on the Member than on the general public.

Financial Disclosure Statements shall be public records and shall be returned to the member Six (6) months after leaving office.

~~Waiting on verbiage from Terence on Portsmouth ordinance for the following paragraph~~

~~In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.~~

- ~~9.8. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.~~
- ~~10.9. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.~~
- ~~11.10. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.~~
- ~~12.11. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.~~
- ~~13.12. **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability **when designated as delegates** for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Rochester, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.~~

~~14.13.~~ **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of the Rochester City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Charter and Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

~~15.14.~~ **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.

~~16.15.~~ **Positive Workplace Environment.** Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

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B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Rochester.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

- (a) *Honor the role of the chair in maintaining order*
It is the responsibility of the Mayor, as chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (c) *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.
- (d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- (a) *Be welcoming to speakers and treat them with care and gentleness.*
 - a. While questions of clarification may be asked, the official's primary role during public testimony is to listen.
- (b) *Be fair and equitable in allocating public hearing time to individual speakers.*
 - a. The chair will determine and announce limits on speakers at the start of the public hearing process.

(c) ~~e~~ Practice active listening

- a. It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes but reading for a long period of time or gazing around the room gives the appearance of disinterest. ~~Members shall try to be conscious of facial expressions and avoid those that could be interpreted as "smirking," disbelief, anger, or boredom. While you cannot be required to listen to public speakers in a certain way, it is advised that all members remain conscious of their actions during such time as member of the public might be speaking. To the best of your ability, remain focused on the speaker and avoid noise and distractions.~~
- b. ~~Members shall be cognizant of non-verbal body language and facial expressions that could be interpreted as disbelief, anger, or boredom.~~
- a-c. ~~Members shall make attempts to listen actively and respectfully to City staff, members of the public and other Members whenever possible.~~

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~~Section needs rewording~~

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Councilmembers

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded ~~by the Mayor~~ or formally censured by the ~~Council~~, lose ~~seniority or~~ committee assignments (both within the City of Rochester and with intergovernmental agencies) or other privileges afforded by the Council. ~~Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.~~ ~~Needs to be expanded on.~~

Further, any Councilmember found in violation of this Code or any other misconduct in office may also be subject to the following sanctions imposed by the Council:

1. Required to attend and successfully complete training related to the nature of the violation.

2. Required to pay any monetary costs associated with investigating violations.

3. Required to issue a formal, sincere apology.

4. Removed from office in accordance with Section 70 of the City Charter.

Failure to comply with any sanctions imposed by the Council will be considered a violation of this Code and an act of misconduct in office.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Deputy/Vice Mayor. It is the responsibility of the Mayor (Deputy Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Deputy Mayor), then the alleged violation(s) can be brought up with the full Council.

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Board, Committee and Commission Members:

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board, Committee or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board, Committee and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline, **short of removal** imposed by Council shall be determined by a majority vote of **elected members** ~~at least a quorum~~ of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy **that** might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying with the State of New Hampshire Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign ~~t~~he below acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it, as necessary.

I affirm that I have read and understand the City of Rochester Code of Ethics and Conduct for Elected and Appointed Officials

Signature

Date

FINANCIAL DISCLOSURE FORM

2022 NEW HAMPSHIRE STATEMENT OF FINANCIAL INTERESTS - RSA 15-A

02/16/2023

Type or Print Clearly

Full Name _____ Work Address _____

Primary Occupation _____ e-mail _____ Work Phone _____

Name the office, position, board or commission, board of directors, etc. or employment with state or county government held by you.
NO ACRONYMS

A. List below the name, address, and type of any profession, business, or other organization in which you or a family member was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. *Sources of retirement benefits other than federal retirement and/or disability benefits shall be included.* (Use additional sheets as necessary.)

1. _____
2. _____

If you have no qualifying income indicate by writing your initials next to the following statement. My income does not qualify _____

B. Indicate below whether you or a family member has a special interest in any of the following businesses, professions, occupations, groups, or matters. A person has a reportable special interest in an item on this list if a change in law, a change in administrative rule, a decision whether or not to award a contract, grant a license or permit, discipline a licensee or permittee, or other decision by government affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on you or a family member than it would on the general public:

<input type="checkbox"/>	1. Any profession, occupation, or business licensed or certified by the State of New Hampshire. List each such profession, occupation, or category of business:								
<input type="checkbox"/>	2. Health Care	<input type="checkbox"/>	3. Insurance	<input type="checkbox"/>	4. Real Estate, including brokers, agent, developers, and landlords	<input type="checkbox"/>	5. Banking or financial services	<input type="checkbox"/>	6. State of New Hampshire, county, or municipal employment
<input type="checkbox"/>	7. N.H. Retirement System	<input type="checkbox"/>	8. Current use land assessment program	<input type="checkbox"/>	9. Restaurants/ Lodging	<input type="checkbox"/>	10. Sale and distribution of alcoholic beverages	<input type="checkbox"/>	11. Practice of law
<input type="checkbox"/>	12. Any business regulated by the Public Utilities Commission	<input type="checkbox"/>	13. Horse or dog racing, or other legal forms of gambling	<input type="checkbox"/>	14. Education	<input type="checkbox"/>	15. Water Resources		
<input type="checkbox"/>	16. Agriculture	<input type="checkbox"/>	17. N.H. taxes: Business Profits Tax	<input type="checkbox"/>	Business Enterprise Tax	<input type="checkbox"/>	Interest and Dividends Tax	18. Optional: Specify any other area in which you have a special interest ---	

I have read RSA 15-A and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief. **RSA 15-A:9 Penalty.** Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false statement shall be guilty of a misdemeanor.

Date _____ Signature of Filer _____

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City Clerk's Office

January Department Reports:

- 10.1 Assessor's Office P. 147**
- 10.2 Building and Licensing Services P. 149**
- 10.3 City Clerk's Office P. 151**
- 10.4 Department of Public Works P. 155**
- 10.5 Economic & Community Development P. 169**
- 10.6 Finance Office P. 171**
- 10.7 Planning & Development Department P. 175**
- 10.8 Recreation & Arena *forthcoming***
- 10.9 Rochester Fire Department P. 183**
- 10.10 Rochester Police Department P. 187**
- 10.11 Rochester Public Library P. 191**
- 10.12 Tax Collector's Office P. 193**
- 10.13 Welfare Department P. 195**

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City Clerk's Office

ROCHESTER ASSESSING DEPARTMENT

MONTHLY REPORT

To: Blaine Cox, City Manager

From: Hollis McMullen, Assessor I

Date: February 14, 2023

Ref: January's Monthly Report for Assessing Department

OVERVIEW

1. Personnel Updates

Darcy Freer was promoted from Interim Chief Assessor to Chief Assessor as of 1/2/2023 and has been a great source of support to all of us here in the office. Congratulations Darcy!

2. Notable Items Related to Ongoing Operations

Approximately 150 Elderly & Disabled Exemption renewal letters were mailed out.

51 Religious, Charitable and Educational reminder letters were mailed out.

22 RSA 75:11 (Residential in Commercial Zone) renewal letters were mailed out.

New Elderly & Disabled Exemption and Veteran's credit applications have begun to be reviewed and processed for the 2023 tax year.

Darcy Freer passed her Certified New Hampshire Assessor exam from the Department of Revenue & is close to obtaining her Assessor Supervisor designation.

Our field staff continues to inspect properties that have been issued building permits this year and any that were not complete last year (as of 4/1/2022).

Added List Tax Bills Warrant \$5,733.50.

3. Training

Hollis McMullen has continued his one-on-one field training with Theresa Hervey and will obtain his Certified Measurer-Lister designation from the Department of Revenue shortly.

4. Staff Kudos

We would like to give a shout of thanks to Darcy Freer for her continued dedication to this office and team! Darcy was promoted from Interim Chief Assessor to Chief Assessor as of 1/2/2023 and has been a great source of support to all of us here in the office. Congratulations Darcy!

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City Clerk's Office

BUILDING AND LICENSING SERVICES

MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1st through January 31st

Date: January 2023

Ref: Monthly Report for Building and Licensing Services

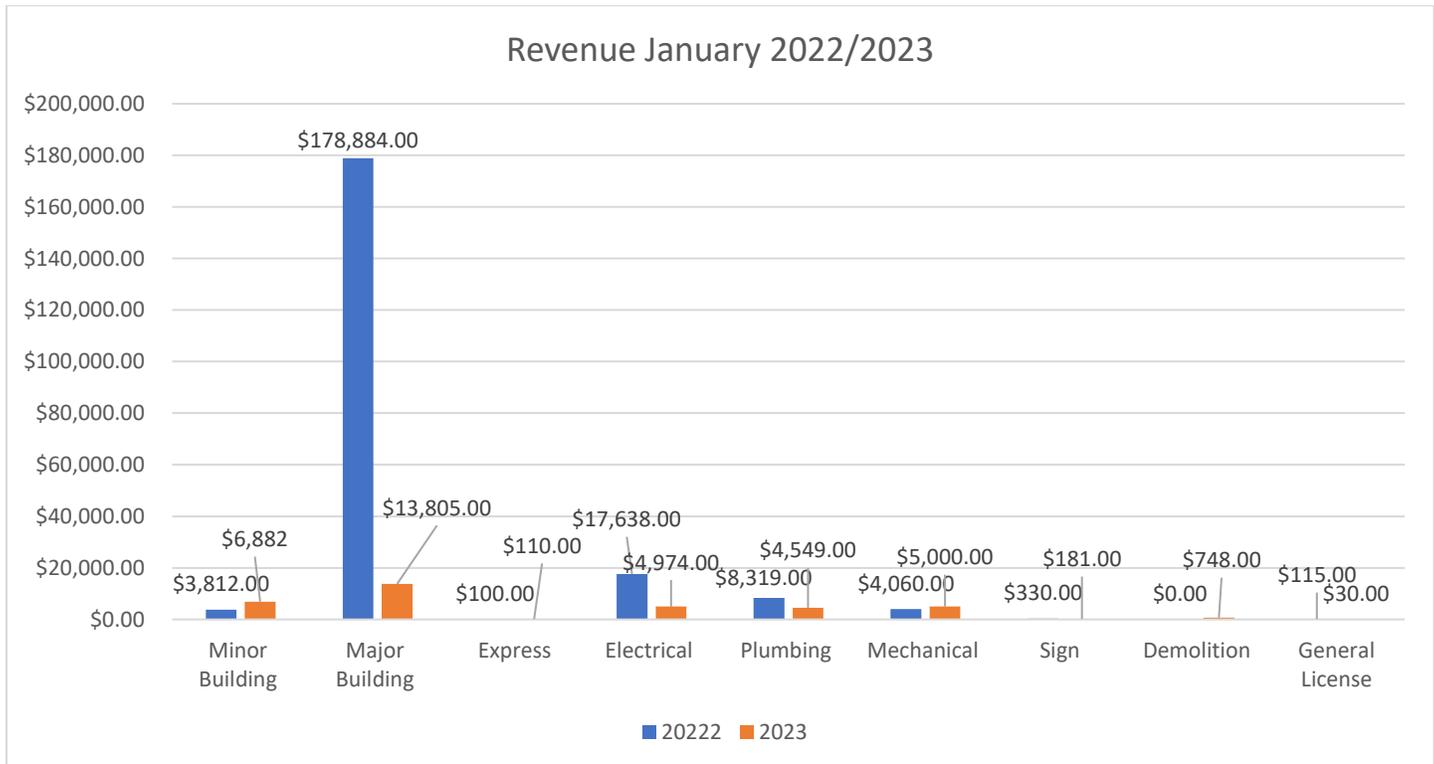
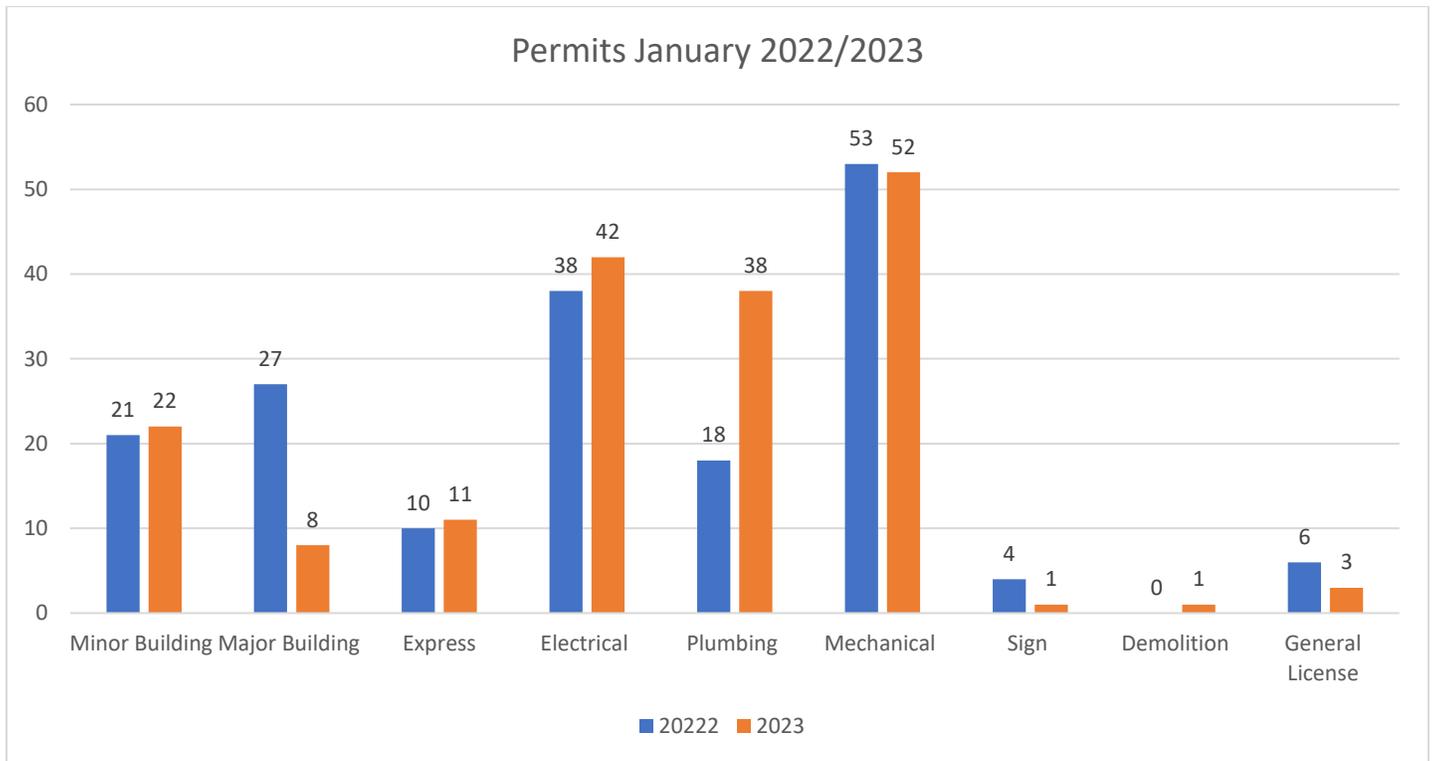
OVERVIEW**1. Notable Items Related to Ongoing Operations**

The following data is subject to adjustment & revision pending further review and analysis as well as year-end closing adjustments.

Department Revenue

Permit Type	January 2023
Building Permits	\$21,726.00
Electrical Permits	\$4,974.00
Plumbing Permits	\$4,549.00
Fire Suppression Permits	\$129.00
Fire Alarm Permits	\$0.00
Sprinkler Permits	\$0.00
Mechanical Permits	\$5,000.00
Food Milk Licenses	\$0.00
Taxi Licenses	\$30.00
General Licenses	\$0.00
Net Revenue	\$36,408.00

2. Permit Break Down



ROCHESTER CITY CLERK'S OFFICE

MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1, 2023 – January 31, 2023

Date: 2/14/2023

Ref: Monthly Report for the City Clerk's Office

OVERVIEW

1. Vital Statistics Updates

8 babies were born to Rochester residents in neighboring communities during the month of January.

38 resident deaths were reported in Rochester in the month of January.

1 couple celebrated their wedding ceremony in Rochester during the month of January. Additionally, 2 Rochester couples married elsewhere in the State.

2. Vital Records Revenue

The City Clerk staff issued 232 initial copies of vital records (birth, death, marriage, or divorce) and 165 subsequent copies of vital records. There were 5 marriage licenses issued by staff in January.

The chart below shows a comparison between revenue collected in January of 2023 versus January of 2022

	2022		2023	
	State	City	State	City
Initial/Subsequent copies:	\$2,417	\$2,218	\$2,681	\$2,449
Marriage Licenses:	\$516	\$84	\$215	\$35
Total:	\$2,933	\$2,302	\$3,070	\$2,484

3. Dog Licensing

The City Clerk's Office licensed 50 dogs in the month of January. There were \$25 in civil forfeiture fees collected from dogs unlicensed from the prior licensing year.

The clerk's office is looking forward to spring and the start of dog licensing season. We will start sending out reminder emails at the end of March alerting dog owners that they are able to license their dogs online for the new licensing year (May 1 – April 30). This time of year is also when we start exploring options for the annual rabies clinic. We plan on having one rabies vaccination clinic in April or May to give local dog owners an opportunity to get their dogs (and cats) up to date on rabies vaccinations and, if needed, to license their dogs with the City. As we get closer, we will announce the specific date and location.

4. Election Updates

In anticipation of the February 21, 2023 District 8 (Ward 4) Special Election; the Clerk's office has scheduled the Supervisors of the Checklist session for Wednesday, February 15 between 7:00 PM and 7:30 PM. The supervisors will meet at City Hall, 31 Wakefield Street. This will be an opportunity for new voters to register, as well as a chance for existing voters to make changes to the checklist such as party affiliation choice, address changes, and name changes. Following this session, the checklist will be closed for all new registrations until Election Day on February 21.

We will hold a Moderator's session on Saturday, February 18 at 1:00 PM in preparation for the Special Election. This session will allow the Moderator of Ward 4 to test the ballot counting machine prior to the election, and election staff will count the ballots going into the election.

As of January 31, 2023, there have been 45 absentee ballots requested for the February 21st Special Election, 24 of which have been returned to our office.

The breakdown of registered voters in Rochester as of January 31, 2023 is shown below:

Ward	Democrats	Republicans	Undeclared	Totals
1	1037	1,100	1,272	3,409
2	972	1,049	1,243	3,264
3	895	1,098	1,142	3,135
4	862	780	1,305	2,947
5	890	1,082	1,257	3,229
6	947	819	1,058	2,824
Totals:	5,603	5,928	7,277	18,808

Rochester will hold the first Election in NH to take place under SB 418. This bill will require voters registering for the first time in NH on Election Day who do not present valid photo ID to fill out an affidavit ballot. These ballots will be handled and processed separately from the

regular ballots. The City Clerk's office is currently awaiting guidance from the Secretary of State's office on the full process and procedures for affidavit ballots on Election Day should this situation present itself at the Ward 4 polling place. We will have support from the Secretary of State's office as well as the Attorney General's Office on Election day should any questions arise.

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City Clerk's Office



ROCHESTER DEPARTMENT OF PUBLIC WORKS MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1, 2023-January 31, 2023

Date: February 8, 2023

Ref: Monthly Report for DPW- BUILDING & GROUNDS

OVERVIEW

1. Personnel Updates

Still in the process of hiring a part time grounds employee.

2. Notable Items Related to Ongoing Operations

The project of painting and replacing the flooring in DHHS has begun. This will be a 5-phase project so operations of DHHS will not be affected. We are anticipating by 2/3 to have phase 1 and 2 complete. Work will continue until the painting and flooring of the 18000sf facility is complete. The painting is to be completed by the Building and Ground Department. Flooring was put out to public bid and Sherwin Willams Flooring company is completing the flooring.

The project of installing the tennis court lighting has been awarded to TEC Electric with the light fixtures and controls being donated by Affinity lighting. This project will not start until the spring due to excavation work that needs to be done.

The project of remodeling the 5 restrooms in the public library has been awarded to Solid Roots Construction. This project is expected to begin 2/20/23 We will also be phasing this project so facilities are still available for staff and customers.



The new Generator for Gonic Fire Department has been installed and tested. This project is now closed.

We are expecting our delivery of the boom lift ordered well over a year ago and took so long for delivery due to supply chain issues.

3. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

Keeping up with request from other departments due to our full labor force concentrating and trying to keep up with the schedule of painting DHHS.

ROCHESTER DPW – UTILITIES DIVISION MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1, 2023-January 31, 2023

Date: February 8, 2023

Ref: Monthly Report for DPW – UTILITIES DIVISION

OVERVIEW

1. Notable Items Related to Ongoing Operations

Operators responded to and completed over one hundred and forty work orders and service requests. Much of January was consumed with winter related activities such as snow and ice events, frozen hydrants and clearing snow from around hydrants.

2. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

Staffing shortages combined with almost daily emergency or unscheduled responses has delayed routine and necessary water distribution and sewer collection systems maintenance. The Utilities Division is down to only 5 operators to operate and maintain over 350 miles of mainline and over 14,000 water and sewer services.

3. Training

Operation and Maintenance of frost breaking equipment and equipment used to thaw frozen water lines.

4. Misc.

A sincere thank you to the many residents and business owners who kept their hydrants clear of snow thru the latest round of winter weather.



ROCHESTER DEPARTMENT OF PUBLIC WORKS MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1, 2023-January 31, 2023

Date: February 8, 2023

Ref: Monthly Report for DPW- BUILDING & GROUNDS

OVERVIEW

1. Personnel Updates

Still in the process of hiring a part time grounds employee.

2. Notable Items Related to Ongoing Operations

The project of painting and replacing the flooring in DHHS has begun. This will be a 5-phase project so operations of DHHS will not be affected. We are anticipating by 2/3 to have phase 1 and 2 complete. Work will continue until the painting and flooring of the 18000sf facility is complete. The painting is to be completed by the Building and Ground Department. Flooring was put out to public bid and Sherwin Willams Flooring company is completing the flooring.

The project of installing the tennis court lighting has been awarded to TEC Electric with the light fixtures and controls being donated by Affinity lighting. This project will not start until the spring due to excavation work that needs to be done.

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The new Generator for Gonic Fire Department has been installed and tested. This project is now closed.

We are expecting our delivery of the boom lift ordered well over a year ago and took so long for delivery due to supply chain issues.

3. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

Keeping up with request from other departments due to our full labor force concentrating and trying to keep up with the schedule of painting DHHS.

ROCHESTER DEPARTMENT OF PUBLIC WORKS

MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1, 2023-January 31, 2023

Date: February 8, 2023

Ref: January Monthly Report for DPW – ENGINEERING DIVISION

OVERVIEW

1. Personnel Updates

An Assistant City Engineer position remains vacant and is posted. Temporary part-time engineering assistance began in January 2023.

2. Notable Items Related to Ongoing Operations

Strafford Square Roundabout: Construction of Phase 2, the actual roundabout construction project, was awarded to the low bid contractor in September 2022. The pre-construction meeting was held in November 2022. Phase 2 is now under construction and is expected to be completed by December 2023.

Colonial Pines Sewer Extension – Phase 3: Construction of mainline sewer and drainage infrastructure is now complete. Sewer service installation work remains throughout the project area. Construction is currently in a winter shutdown; and, project completion, including final paving of Old Dover Road, Birch Drive, and Tingley Street, is anticipated in spring 2023.

Route 202A Water Main Extension and Water Tank: Construction of the water tank will continue in spring 2023. Water main installation on Walnut Street (Route 202A) and on Fiddlehead Lane continues. Water service connections will continue as the project progresses. Construction is anticipated to be substantially complete in fall 2023; final completion is expected in spring 2024.

Woodman Area Infrastructure Improvements: Construction is currently in a winter shutdown and is anticipated to resume in late winter/early spring. Construction is scheduled to continue until fall 2024.

WWTF Aeration Basin Sidewall Blower Tie-in (Iris Valve): Completion of this project is now anticipated in February 2023; an AOC compliance date extension has been requested from EPA for aeration automation completion by 2/28/2023. Construction of this project is intended to enhance the WWTF's ability to treat for nitrogen.

WWTF Dewatering Facility: Construction was re-commenced on this facility in September 2022. Construction is progressing; and, it is anticipated that this facility will be ready for start-up by January 2024.

Route 11 Sewer Pump Station Upgrade: Construction was substantially completed in January 2023. Final completion, including final paving and new generator installation, is expected in spring 2023.

Tara Estates Sewer Pump Station Upgrade: The construction contract agreement was signed in January 2023. The Notice To Proceed was issued and the contract time will commence to run on February 2, 2023. It is anticipated that construction will continue for approximately one year.

Annual Contracted Pavement Rehabilitation: FY22 paving work is completed with the exception of Jessica Drive which is anticipated to be paved in spring 2023. The FY23 paving rehabilitation assignments were approved by the City Council in November 2022; contracting of this FY23 paving is in process.

3. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

The Engineering Division is again experiencing an Assistant City Engineer position vacancy due to a resignation in December 2022.

4. Affected Business Processes or Systems

Engineering staff issued a total of **4 permits in January**, including right-of-way excavation, driveway (curb cut), water connection, sewer connection, sewer assessment, stormwater (drainage), sidewalk obstruction, and backflow prevention device permits.

5. Training

Staff attended the Building Community Support For Sustainable Stormwater Funding workshop series training in January.



ROCHESTER DEPARTMENT OF PUBLIC WORKS MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1, 2023-January 31, 2023

Date: February 8, 2023

Ref: January Monthly Report for DPW-GIS/ASSET MANAGEMENT
DIVISION

OVERVIEW

1. Notable Items Related to Ongoing Operations

DPW

Improvements to the GIS-based Computerized Maintenance Management System (CMMS) were completed and are on-going to better track service requests, work orders, and inspections.

Coordination continued with our Stormwater, Wastewater, and Water consultants in our on-going efforts to advance DPW's Asset Management Program. Asset inventories and asset condition assessments at both Treatment facilities are in motion and their assets are on track to be rolled into our Asset Management software soon.

Non-DPW

Coordinated a Master Address Table/Location Data Management solution presentation with the Solutions Architect and presented to the Deputy City Manager, Planning, BLS, Fire, and PD staff. It received a great response and once IT has department head signoffs we will begin to develop the solution.

Developed a draft "Homeless Camp" web map for Fire and PD staff to better coordinate efforts before their new CAD/RMS software is online.

Assisted Economic Development with zoning statistics related to a potential zoning change. Also provided some GIS data to them for a consultant.

Updated the City's Zoning Map and related web GIS layer in response to a recent zoning change to the Downtown Commercial zone.



Coordinated with NH Dept. of Safety staff to collect data for us to ultimately produce a “Cellular Signal Strength” map along all roads within the City. We are awaiting a timeframe from DOS staff.

2. Affected Business Processes or Systems

City IT staff have been able to identify the root cause of the issue that was plaguing our Enterprise GIS environment for almost 2 years. We continue to coordinate to find a more permanent fix for the issue.



ROCHESTER DEPARTMENT OF PUBLIC WORKS MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1, 2023-January 31, 2023

Date: February 8, 2023

Ref: Monthly Report for DPW- WATER TREATMENT FACILITY

OVERVIEW

1. Notable Items Related to Ongoing Operations

Treated water volume this month was 47.6 million gallons from the surface water facility and 10.0 million gallons from the groundwater plant for a total of 57.6 million gallons delivered to our customers.

All water quality testing and monitoring was completed in accordance with NHDES requirements. All analytes remained within compliance levels, including fourth quarter disinfection byproducts.

Watershed inspections were conducted throughout all reservoirs. All is well – there is evidence of limited seasonal recreational access prompting additional signage.

Equipment and grounds maintenance was performed at the plant, well, and tanks/stations. Station maintenance included snow cleanup; repairs to the Richardson BPS generator (returned to service); and repairs to the Washington Street BPS auxiliary heat system.

Maintenance at the Cocheco Well included recurring repairs to the fluoride analyzer system; pilot sampling for Iron & Manganese treatment; and repairs to building supervision systems.

Maintenance at the Surface Water Treatment Facility included repairs to the drive couples on the backwash trains; repairs to the raw caustic feed lines; caustic wash of the sand filter; peroxide/Wonkawash of the anthracite filter; and repairs to the chlorine feed systems.



2. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

Investigative and preparatory construction work for the 20" Transmission Main Project has been pushed out to February.

3. Staff Kudos

All staff continue to demonstrate excellence in operating a public drinking water system.

4. Training

The Annual Joint Meeting for New England Water Works Association & New Hampshire Water Works Association was held in Portsmouth, NH this year. Superintendent Ian Rohrbacher and Lead Operator Zeke Lapierre were in attendance, and presented on Rochester's value added use of the Consumer Confidence Report as customer outreach.

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City Clerk's Office

ROCHESTER ECONOMIC DEVELOPMENT DEPARTMENT

MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1, 2023 – January 31, 2023

Date: February 13, 2023

Ref: Monthly Report for Economic Development Department

OVERVIEW

1. New Projects & Project Updates

- 55 N. Main – Steel delivery and construction slated for February – est. 75-day build time
- Water St. redevelopment design in process
- Econ Dev is working with several developers concerning both residential and commercial development within the city – These deals are still in the negotiation phase, but they are keeping us up-to-date on the progress of each

2. New Businesses and Business Updates

- Moe's and The Dynasty both reopened after being closed for several months to repair damages due to fires.
- NEW - Richardson Monument Company – 185 Highland Street
- NEW - Crumbl Cookie – Marketplace Blvd
- NEW - Clearchoice MD – 77 South Main Street

3. Community Development Project Updates

- Community Development Committee met with 14 applicants who made presentations for both CDBG and Municipal funding- remaining will present in February.
- Community Development Division webpage has updated reports for 2022 including CAPER

4. Boards & Commissions Updates

- Rochester Main Street continues to work on efforts to bring visitors to downtown.
- Riverwalk is working on their 2023 action plan
- REDC will present an ED Fund update in April

5. Training & Staff Development

- Carole was named to the City Manager's Self-Directed Work Team for Employer-Assisted Child Care Cooperative.

6. Other

- On January 4, staff from the Planning Dept. and Econ Dev, as well as the Mayor, toured The Orpheum in Dover to get an idea what Cathartes has planned for residential development in the Ridge.

ROCHESTER FINANCE DEPARTMENT

MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1, 2023 – January 31, 2023

Date: February 14, 2023

OVERVIEW

1. Personnel Updates

Chad Mabey and Ava Scott have been accepted into the NH Government Finance Officers Association Accounting Certificate Program.

2. Notable Items Related to Ongoing Operations

The NH Municipal Bond Bank 2023 Series A bond sale occurred on January 10th.

Rochester received a True Interest Cost of approximately 3.39% on our 20-year, \$3,556,590 loan and a \$275,640 premium resulting in an end loan amount of \$3,280,950.

3. Notable Events Related to Unusual Operations

None

4. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

None

Rochester FINANCE Department

5. Staff Kudos

Kudos to Ava Scott, who since onboarding has become a strong member of our team as Accountant I.

6. Affected Business Processes or Systems

None

7. Training

None

8. Other

Monthly Financial Statements Summary – as of January 31, 2023

For the full detail report, click here: [January 31, 2023 Financial Detail Report](#)

Below are the revenues & expense highlights through January 31, 2023, which represents approximately 60% completion of FY23. A “Pending” designation means no revenues for that category were received by January 31, 2023.

GENERAL FUND NON-PROPERTY TAX REVENUES

Motor Vehicle Registrations: FY23 Adopted \$5,100,000: \$3,280,436 collected, 64.3%

Waste Management Host Fees: First & Second payments received, total \$2,379,807; **Note:** FY23 City Adopted Budget \$3,300,000, School Budget \$878,127-Total \$4,178,127.

Building Permits: FY23 Adopted \$350,000: \$582,144 collected, 166%

Rochester FINANCE Department

Interest Income: FY23 Adopted \$50,000: \$479,322 collected, 958%- Interest rates above 2.5% on investment accounts.

Interest on Delinquent Taxes: FY23 Adopted \$360,000: \$294,665, collected, 82%- Tax Year 2021 Tax Lien Notices submitted 9-30-22.

State of NH Rooms & Meals: FY23 Adopted \$2,296,678: \$2,867,759, collected, 125%

Highway Block Subsidy: FY23 Adopted \$617,000: \$381,236 collected, (two quarterly payments), 62%. State of NH DRA confirmed this revenue will increase to \$635,694.

Cablevision: FY23 Adopted \$235,000: \$71,726 collected, 31%.

Recreation-Summer/Fall Programs: FY23 Adopted \$115,550: \$123,141 collected, 107%.

GENERAL FUND EXPENSES: FY23 overall expenses are slightly above budget at 70%-Allocation 67% Expended, 3% Encumbered.

Police Patrol Overtime: FY23 Adopted \$108,546: Expended \$127,327, 117%

Dispatch Overtime: FY23 Adopted \$34,000: Expended \$119,985, 353%

Fire Overtime: FY23 Adopted \$240,000: Expended \$196,155, 82%

Public Works-Winter Maintenance: FY23 Adopted \$535,782: Expended \$134,958, 25%

COUNTY TAX: FY23 Adopted \$7,254,738: State of NH DRA confirmed \$7,785,827.

WATER-SEWER SPECIAL REVENUE FUNDS:

Summary Water-Sewer Funds:

Water Fund FY23 Adopted Revenues/Expenses \$7,686,468: Revenues 32%, Expenses 43%.

Sewer FY23 Adopted Revenues/Expenses \$10,524,422: Revenues 23%, Expenses 50%.

Rochester FINANCE Department

Note: Water & Sewer revenues decreased approximately 4% from August-31, 2022 Financial Report. This was due to a fiscal year end accrual reclassification of revenues received in FY23 that belonged in FYE22.

Community Center: FY23 Adopted Revenues/Expenses \$941,071:
Revenues 53% collected, Expenses 61 %

Arena Special Revenue: FY23 Adopted Revenues/Expenses \$431,661:
Revenues 59% collected Expenses 62%.

ROCHESTER PLANNING DEPARTMENT

MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1 to 31, 2023

Date: February 14, 2023

Ref: Monthly Report for Planning Department

OVERVIEW

1. Notable Items Related to Land Use Boards

APPLICATIONS REVIEWED BY THE PLANNING BOARD

Planning Board met January 9, 2023 for their Regular Meeting and January 30, 2023 for their Workshop Meeting.

CEM3 Holdings II, LLC, 146 Old Dover Road (by Berry Surveying) 2-lot subdivision Case# 140 – 72 – R1 – 22 **APPROVED**

Real Estate Advisors, Jeremiah Lane Extension request to meet General and Subsequent conditions Case# 223 – 21 – A – 16 **APPROVED**

Waterstone Rochester, LLC, The Ridge Marketplace Extension request to meet Precedent Conditions Case# 216 – 11 – GRD – 22 **APPROVED**

Wesson Realty, LLC, Pickleball Facility, 389 Gonic Road Extension request to meet Precedent Conditions Case# 262 – 73&74 – HC – 22 **APPROVED**

Timothy & Sally Fontneau, 14 Highland Street & 928,932 Portland Street (by Berry Surveying) Lot Line Revision Case# 103 – 72,104,105 – NMU – 22 **APPROVED**

Green & Company, Old Gonic Road Townhomes, 19 Old Gonic Road (by Jones & Beach) Site Plan to construct 174 townhomes. Case# 131 – 10 – R2 – 21 **HAS BEEN CONTINUED TO DATE UNCERTAIN**

Waterstone Rochester, LLC, The Ridge Marketplace Review Completion of Precedent Conditions, Final Decision. Conditionally Approved May 16, 2022. Case# 216 – 11 – GRD – 22 **FINAL PLANS APPROVED**

Krzysztof & Renata Kozlowski, Millstone Place, 9 Academy Street (by Kozbro Development Company) Request for an extension to meet precedent conditions for an

approved site plan to construct 2-3 dwelling unit buildings. Case# 125 – 198 – R2 – 22
APPROVED

Glenn David's Integrity Auto, Inc., 415 No Main Street. Site Plan Amendment. Review Completion of Precedent Conditions, Final Decision. Conditionally Approved November 7, 2022. Case# 114 – 4&3 – HC – 22 **FINAL PLANS APPROVED**

Glenn David's Integrity Auto, Inc., 415 No Main Street. Lot Line Adjustment. Review Completion of Precedent Conditions, Final Decision. Conditionally Approved November 7, 2022. Case# 114 – 4&5 – HC – 22 **FINAL PLANS APPROVED**

APPLICATIONS REVIEWED BY THE ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment met on January 11, 2023

Z-22-35 Nelson Lee Seeks a *Variance* from Section 19.2.E(1) to permit a two-family home on a parcel that does not meet the density requirement. **WITHDRAWN**

Location: 43 Summer Street, Map 117 Lot 75 in the Neighborhood Mixed Use Zone.

Z-22-38 Packy's Investment Properties, LLC Seeks a *Special Exception* from Table 18-D to permit utility power generation. **APPROVED**

Location: 17 Sterling Drive, Map 208 Lot 18 in the Granite Ridge Development Zone.

Z-23-01 Gregory Jeanson Seeks a *Variance* from Sections 24. & 24.7; Tables 18-A & 18-B to permit a Home Occupation III and a Commercial Yard Sale in the R1 zone.
DENIED

Location: 173 Old Dover Road, Map 253 Lot 90 in the Residential-1 Zone.

Z-23-02 Packy's Investment Properties, LLC Seeks an *Appeal of Administrative Decision* that the addition of thirteen (13) more trackers to a mini-storage (self-storage) site that already contains eleven (11) trackers is an addition of use of a Utility – Power Generation and not simply an expansion of an accessory solar use. **DENIED**

Location: 17 Sterling Drive, Map 208 Lot 18 in the Granite Ridge Development Zone.

APPLICATIONS REVIEWED BY THE CONSERVATION COMMISSION

Conservation Commission met on February 1, 2023

797 Portland Street; Tax Map 108 Lot 50

Review of conditional use permit for temporary and permanent wetlands disturbance as part of a proposed 16 lot subdivision. **RECOMMENDATION APPROVAL LETTER TO PLANNING BOARD**

287 Rochester Hill Road – Sofield Apartments; Tax Map 254 Lot 18 Review of conditional use permit for wetland buffer impacts associated with townhouse development.

RECOMMENDATION APPROVAL LETTER TO PLANNING BOARD

20 Flat Rock Bridge Road; Tax Map 210 Lot 64 Review of conditional use permit for restoration of a previously disturbed wetland and buffer.

RECOMMENDATION APPROVAL LETTER TO PLANNING BOARD

APPLICATIONS REVIEWED BY THE HISTORIC DISTRICT COMMISSION

The Historic District Commission met on January 18, 2023

City of Rochester, 33 Wakefield Street Certificate of Approval to install a mural located on the front of the City Hall Annex Building. Case # 120 – 408 – DC – 23 **CONTINUED TO 2/15/2023**

John Maranda, 16-22 North Main Street Certificate of Approval for a new sign. Case # 121 – 11 – DC – 23 **APPROVED**

ARTS AND CULTURE COMMISSION ACTIVITIES

The Arts and Culture Commission did not hold a meeting for the month of January

2. Notable Events Related to Land Use Board Workshop Items

The draft Solar Ordinance is currently in a third-party review.

Natural Resources Master Plan and Historical and Cultural Resources Master Plans have started the update process.

The Planning Board and ZBA had a joint Retreat this year with Guest Speaker Stephen Buckley from NH Municipal Association to talk about Planning and Zoning Law.

3. Training

Ryan O'Connor and Renee McIsaac attended PTAP training.

Shanna Saunders and Renee McIsaac attended NH Planners Association training regarding urban street trees and forest monitoring of Open Space.

4. Ordinance/Regulation Highlight of the Month

Chapter 275 Article 10 – Aquifer Protection Overlay District

275-10.2 The purpose of this article is to preserve, maintain, and protect from contamination existing and potential groundwater supply areas that may be available for use as a current or future source of supply for Rochester's municipal water system. This article serves as a public education tool to provide residents and small businesses awareness on typically unrecognized hazards.

275-10.8 The following uses are prohibited in the Aquifer Protection Overlay District:

- A. Development or operation of a solid waste facility.
- B. Outdoor storage of road salt or other deicing chemicals in bulk.
- C. Development or operation of a junkyard.
- D. Development or operation of a snow dump.
- E. Development or operation of a wastewater or septage lagoon.
- F. Development or operation of a petroleum bulk plant or terminal.
- G. Development or operation of gasoline stations.

H. Use of powdered ammonium nitrate fuel oil and explosives that contain perchlorate during blasting activities.

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City Clerk's Office

Rec & Arena REPORT

Forthcoming

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City Clerk's Office

ROCHESTER FIRE DEPARTMENT

MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1 – January 31

Date: February 15, 2023

Ref: Monthly Report for Fire Department

OVERVIEW

1. Personnel Updates

- Full Staffing – 10 personnel on-duty – **42% of shifts in January**
- One FF Short – 9 personnel on-duty – **48% of shifts in January**
- Two FF's Short – 8 personnel on-duty – **10% of shifts in January**

Anniversaries:

- Firefighter Pat Couch – 26 years
- Lieutenant Nick Marique – 18 years
- Firefighter Kaitlin Taatjes – 11 years
- Firefighter Chad Foss – 4 years

2. Notable Items Related to Ongoing Operations

TYPE OF CALL	01/2022 – 12/2022 Previous Year (Calendar)	January 2022	January 2023
Building Fires	21	2	3
Cooking Fires	9	2	0
Vehicle Fire	18	2	2
Carbon Monoxide Present	17	6	4
Emergency Medical Calls	1185	129	78
Vehicle Accidents (Injury)	141	7	12
Vehicle Accidents (No Injury)	299	30	27
Alarms	355	23	29
Service Calls	172	25	19
Other	962	62	134
TOTAL CALLS	3157	288	308

Community Risk Reduction

- 1) Annual school inspection have started
- 2) Creation of After the Fire trifold pamphlet to provide to victims of fire. The intent is to give them guidance on what to do during the initial 48 hours after a fire occurs. DC Hughes worked with RFD Chaplain Hunt and a recent fire victim to develop this pamphlet.

FY23 Year to Date

Inspections Completed	Car Seat Installations
228	18

Blasting	Place of Assembly	Pyrotechnics	Fire & Life Safety	Approvals & Reviews
1	20	0	48	402
\$25.00	No Fees Associated	0	No Fees Associated	Included in Permit Fees

Permits Issued	Sprinkler Systems	Fire Alarms	Hood Suppression	Tank Removal
114	24	16	4	1
\$17,570.00	\$13,246.00	\$3,917.00	\$357.00	\$25.00

Operations

Building Fire 208 Old Dover Rd.



Vehicle Extrication
Spaulding Bypass Exit 16



Mutual Aid Building Fire
293 River Rd. Lebanon Me.



Mutual Aid Building Fire
60 S. Main St. Wolfeboro



RFD also responded mutual aid to:

- 29 N. Rochester Rd. Lebanon Maine - Chimney Fire
- 29 Industrial Park Dr. Dover NH - Commercial Building Fire
- 8 Fairfield Dr. Dover NH - Building Fire

3. Notable Events Related to Unusual Operations

Another winter storm occurred on January 23rd

On this date alone, Rochester Fire responded to **81 calls** for service. **71** of these calls were storm related, with the majority related to downed wires. This represents **10 times** the average call volume for us.



ROCHESTER POLICE DEPARTMENT MONTHLY REPORT

To: Blaine Cox, City Manager

From: Gary M. Boudreau, Chief of Police

Date: 02/13/2023

Ref: Monthly Report for January 2023

OVERVIEW

1. Personnel Updates

Personnel: Filling open Dispatch vacancies are still a critical need, with the center at roughly 50% staffing.

The Police Commission continues to hold interviews to fill open positions. Many area agencies are struggling to fill vacant police positions and good candidates really have their “pick” of the market. Currently we have only four open F/T police positions.

2. Notable Items Related to Ongoing Operations

Comp Stat:

We started 2023 with improved staffing which has allowed the department to place a focus on proactive activities. During January officers made 716 traffic stops throughout the city with 142 traffic summons issued and 489 warnings issued. In addition officers made 31 arrests for various reasons during these traffic stops. We had 107 accidents occur throughout the city, 13 of which occurred in parking lots. We also saw DWI incidents were they typically average with 5 arrests, which is down from 15 in December.

In review of property crimes, we saw an increase from January of 2022. We saw the largest increase in burglaries throughout the month with 7 reported. Upon a closer review of these, the majority of them occurred at self-storage unit. It is more difficult to develop suspects in these instances due to large periods in time of when the act could have occurred. We also saw a large increase in vandalisms report during the month. Upon a review of these there was no noticeable trends or sprees associated with them. While we did see an increase compared to 2022, there was only 61 reported incidents of property crimes.



In review of violent crimes, we saw 18 violent crimes reported, with 16 incidents of misdemeanor simple assault and 2 felony level aggravated assaults. As with most months, the majority of these incidents stem from domestic violence situations.

While only the first month of the year the department was slightly busier in 2023 as compared to January of 2022. This month we responded to 1402 calls for service from residents, which is an increase over January 2022 of 1357 service calls. All of emergency services activity combined the dispatch center had 4,133 log entries in January.

We continue to be part of the Rochester Mental Health Alliance and the Opiate Abatement programs. We participated in a podcast regarding what the Committee is doing.

The Police Department and Recreation Department coordinated to host Winterfest at the Commons, which had approximately 300 attendees. The event offered touch-a-truck, skating, a movie and fire pits.

We are continuing our work with Waypoint, the CEO and City Outreach Coordinator on homeless resources and ideas for outreach. We met with Fire and City DPW to map out the homeless encampments.

Following the open houses held in the Fall, our Explorer Program has 15 cadets enrolled.

Community Engagement

Officer Kimbrough worked with the Make-A-Wish foundation and “Cops For Kids With Cancer Foundation” on securing a donation for a Rochester resident whose 4-year old daughter has cancer.

The POP Unit was re-established with Officer Brendan Colson and Officer Nicholas Alexander filling those roles.

3. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

We remain in need of qualified school crossing guards. There are eight (8) vacancies. The department will be moving a proposal forward in the FY24 budget process.

Staffing in the Communications Center is still at a critical shortage. They are currently down five positions.



4. Training

Thirteen (13) officers participated in the forty (40) hour Crisis Intervention Team (CIT) Certification. The training was coordinated and held in conjunction with the NH Chapter of the National Alliance on Mental Illness (NAMI). The department utilized funding from a USDOJ JAG grant to host this training exclusively for our officers as these training classes throughout the state are highly sought after.

The Dispatch Supervisor recently attended a training for Mental Health in Leadership. All dispatchers will be attending Mental Health First Aid Training for CIT through the Police Department in March.

Lt. Jeremy Aucoin attended “Leading with Compassion: Navigating Public Safety Mental Health and Wellness” at the New Hampshire Fire Academy in Concord. The keynote presenter was Dr. Nicole Sawyer.

The policy is going before the Commission and Watchguard will be on site February 1, 2, & 3 for set up and training of the new body worn cameras. We expect the body worn camera program to go live in March.

5. Other

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City Clerk's Office

Library, February 9, 2023

ROCHESTER LIBRARY DEPARTMENT

MONTHLY REPORT

To: Blaine Cox, City Manager

From: January 1, 2023 - January 31, 2023

Date: February 9, 2023

Ref: Monthly Report for Library

OVERVIEW

1. Personnel Updates

The library was pleased to welcome Laura Wagerman on January 30, 2023 into a library assistant position.

2. Notable Items Related to Ongoing Operations

There was a total of 10,777 items circulated with 7,252 people visiting the library in the month of January. Two hundred sixty-four patrons used the library's Internet computers. Interlibrary loan activity included 98 materials borrowed from other libraries and 148 loaned to other libraries.

Saturday, January 7th the Children's Room held a Make It & Take It craft program from 10:00am to 12:00pm. This month participants created "Suncatcher Snowflakes" using supplies provided by the library.

The *Write-In Group* continued to meet the first and third Thursday of the month. Participants focus on works-in-progress surrounded by other aspiring writers.

The Friends of the Rochester Library Book Club met January 9th and featured *Finding the Mother Tree: Discovering the Wisdom of the Forest* by Suzanne Simard.

The True Crime Book Club met Tuesday, January 31st and featured *Manhunt: The 12-Day Chase for Lincoln's Killer* by James L. Swanson.

The Teen Advisory Board (TAB) meeting was held Tuesday, January 23rd at 6pm. Teens are encouraged to come hang out, eat snacks, and share ideas library programs, groups, and activities.

The Teen Room hosted drop-in activities after school during the week beginning in January. Tuesdays featured writing activities, Wednesdays STEAM activities, and Thursdays feature board and card games.

Featured Adult Services Book Displays for the month of January included: *New Year New Goals* - book display; *Musicals* - music display; and *New Year New You* - DVDs display.

Library, February 9, 2023

The Rochester Public Library was pleased to present the artwork and poetry of the Racial Unity Team during the month of January.

A Legal Reference page was added to the library website in January. Patrons can access hundreds of online and printable legal forms, find links to NH Law Library Guides, the NH Law Library, NH Legal Aid, and NH Legal Assistance. Librarians only provide patrons assistance in identifying and using legal resources within the library's collection. They do not perform legal research, interpret materials, or provide legal advice.

Three hundred twenty-five of our library patrons downloaded 1,802 e-books to media devices through the library's web site this month. The RPL website also enabled patrons access to the Mango Languages, Chilton, and Legal Forms databases along with 520 digital downloads from Hoopla.

3. Library Programming

Tuesday, January 10th the children's room hosted the library's first *Experience Art* program for children ages 6-12. Experience art (or process art) engages children in the experience and the process involved in creating, rather than the end result. Children are invited to experiment with provided materials, invent, and create. It honors the child's individual expression and offers the opportunity to explore without restrictions. During these art sessions, there is no right or wrong way to create. Experience art is meant to be fun and playful. It fosters independence and self-regulation. Participants come dressed with the potential to get messy and have a good time.

The library was pleased to host Anders Morley, winner of the 2021 National Outdoor Book Award for travel writing with his book *This Land of Snow*. This is the story of Morley's four month journey through the wilds of northwestern Canada on cross-country skis. More than a tale of adventure, *This Land of Snow* is a meditation of the coldest season and on the approach of mid-life, which Booklist's Brenda Barrera has called "a captivating memoir" and "an eloquent ode to the harsh beauty of winter." Morley discussed and shared anecdotes from his journey, read from the book, and shared photographs from along the way.

4. Other

Trustees will be meeting in the library on February 21st at 6pm.

ROCHESTER TAX COLLECTOR'S OFFICE

MONTHLY REPORT

To: Blaine Cox, City Manager

From: Doreen Jones, Tax Collector

Date: February 6, 2023

Ref: Monthly Report for Jan. 2023

OVERVIEW

1. Other

City of Rochester Tax Collector's Office

January 31,2023

Tax Year	Annual Warrant	Collected		Uncollected	
		Amount	%	Amount	%
2022	72,060,382	69,162,336.11	95.98%	2,898,045.89	4.02%
2021	69,388,398	68,804,618.48	99.16%	583,779.52	0.84%
2020	68,438,739	68,058,478.95	99.44%	380,260.05	0.56%
2019	66,169,796	65,886,766.20	99.57%	283,029.80	0.43%
2018	63,834,824	63,686,444.87	99.77%	148,379.13	0.23%
2017	60,524,791	60,419,504.02	99.83%	105,286.98	0.17%
2016	58,196,003	58,126,107.80	99.88%	69,895.20	0.12%
2015	56,938,119	56,896,642.36	99.93%	41,476.64	0.07%
2014	55,068,779	55,029,592.18	99.93%	39,186.82	0.07%
2013	53,324,262	53,293,564.01	99.94%	30,697.99	0.06%
2012	50,952,912	50,927,904.45	99.95%	25,007.55	0.05%
2011	48,856,892	48,835,613.51	99.96%	21,278.49	0.04%
2010	47,308,832	47,293,393.73	99.97%	15,438.27	0.03%
2009	46,898,827	46,888,650.48	99.98%	10,176.52	0.02%
2008	46,522,769	46,517,222.63	99.99%	5,546.37	0.01%
2007	42,964,450	42,960,468.01	99.99%	3,981.99	0.01%
2006	40,794,160	40,791,889.12	99.99%	2,270.88	0.01%
2005	38,024,453	38,023,111.86	100.00%	1,341.14	0.00%
2004	36,065,496	36,063,969.69	100.00%	1,526.31	0.00%
2003	33,310,579	33,309,167.95	100.00%	1,411.05	0.00%
2002	29,725,878	29,724,928.84	100.00%	949.16	0.00%
			Total Uncoll:	4,668,965.75	6.76%

Online Credit Card Payments (Citizen Self Service)		
CSS Count FY 23		
Month	Total \$\$	# of Payments
July	\$ 1,204,564.72	1248
Aug	\$ 389,050.60	861
Sept	\$ 258,721.73	781
Oct	\$ 214,015.14	753
Nov	\$ 185,664.75	761
Dec	\$ 962,165.57	1068
Jan	\$ 1,525,359.43	1226
Feb		
Mar		
Apr		
May		
June		
Totals	\$ 4,739,541.94	6698
Autos FY23		
Month	Total	# of Transactions
July	\$ 467,444.60	3193
Aug	\$ 526,654.45	3512
Sept	\$ 513,443.36	3413
Oct	\$ 546,911.58	3166
Nov	\$ 448,879.60	2914
Dec	\$ 461,535.73	2821
Jan	\$ 419,886.35	2710
Feb		
March		
April		
May		
June		
Totals	\$ 3,384,755.67	21729



ROCHESTER WELFARE DEPARTMENT MONTHLY REPORT

To: Blaine Cox, City Manager

From: Todd M. Marsh, Welfare Director 

Date: February 02, 2023

Report Dates: January 01, 2023- January 31, 2023

Ref: Monthly Report for Welfare Department

OVERVIEW

1. Personnel Updates

None

2. Notable Items Related to Ongoing Operations

The state has approved funds under the federal American Rescue Plan Act to continue Emergency Temporary Housing (ETH) assistance for motels/hotels for people without children through April 1st and for families through June 15th. Funds can pay for people already in motels/hotel rooms or people who applied for this assistance before what has been described as a pause of all new requests on October 21st.

In recent months, largely due to the phased ending of ERAP funding, there has been an increasing trend of sought assistance from renters.

January reports a notable, yet expected general assistance increase from January 2022, however, a decrease compared to last month.

On average, rental rates are higher throughout New Hampshire, including Rochester, than prior to the pandemic and ERAP funding.

An increasing number of residents report evictions due to owners/landlords remodeling buildings/apartments, with resulting limiting higher alternative rental cost options.

In January, many applicant residents with ongoing income acknowledged their ability to have saved funds while receiving ERAP for rent, however, for various reasons, did not. They are in need of limited temporary assistance and budgeting assistance to reset their expense paying routines.

Cont.

Since the phasing out and pausing of new ERAP applications, the Welfare Department has experienced increased inquiries for motel assistance, including from people assisted by ERAP for an extended time. Under the ERAP program, the assisted were not required to seek traditional homeless shelters or self-pay portions of their motel, stay if able. The Welfare Department has been successful at offering local traditional homeless shelter space for people in need, including people residing in motels. Historically, for various reasons, about half of households refuse the prospect of traditional homeless shelter options. Single individuals are more likely to refuse shelter options than families.

3. Notable Events Related to Unusual Operations

None.

4. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

None

5. Staff Kudos

Welfare Department team members continue to use professional, thoughtful, humane and cost effective practices to meet legal obligations and the department's mission.

6. Affected Business Processes or Systems

None

7. Training

Welfare Department team members continue to seek and practice continuous improvement with department functions, including webinars and readings.

8. Analysis of Direct Assistance for January 2023

General Assistance represents an average cost per case/family of \$440.38 and case/Individual of \$480.89 for this month.

Total voucher assistance issued: **\$11,017.77**

There was an increase of \$8,751.37 in assistance issued this month compared to January 2022. There was a decrease of \$4,645.77 in vouchers issued this month compared to last month.

15 families units were financially were assisted a minimum of once for this report month.

9 singles (w/o children) were financially assisted a minimum of once for this report month.

Reimbursements from the Interim Assistance Program SSI, State Medicaid and Personal Reimbursements totaled \$0.00

The office reported 96 formal case notes for this period.

9. Other / In The News/Helpful Links

Emergency Rental Assistance Program Funding Update

<https://www.nhhfa.org/emergency-rental-assistance-program-funding-updatedecember-19-2022/>