

DECISION

I CERTIFY THAT THE WITHIN IS A TRUE  
AND CORRECT COPY OF THE ORIGINAL.  
DATED THIS 26<sup>th</sup> DAY OF Oct., 2016.  
Jordan Lewis

2016 NSUARB 182  
M07463

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**IN THE MATTER OF THE PUBLIC UTILITIES ACT**

- and -

**IN THE MATTER OF AN APPLICATION** of the **TOWN OF YARMOUTH**, on behalf of its **WATER UTILITY**, for Approval of Amendments to its Schedule of Rates and Charges for Water and Water Services and its Schedule of Rules and Regulations

**BEFORE:** Murray E. Doehler, CPA, CA, P.Eng., Member

**APPEARING:** **TOWN OF YARMOUTH**  
Gerry Isenor, P.Eng.  
G.A. Isenor Consulting Limited  
  
Blaine Rooney, CPA, CA  
Blaine S. Rooney Consulting Limited  
  
David Ernst, P.Eng.  
Town Engineer  
  
Gerry Verran, CPA, CMA  
Director of Finance

**HEARING DATE:** August 23, 2016

**UNDERTAKINGS:** September 6, 2016

**DECISION DATE:** **October 26, 2016**

**DECISION:** **Schedule of Rates and Charges approved, as amended.**  
**Schedule of Rules and Regulations approved, as amended.**

## I SUMMARY

[1] The Town of Yarmouth ("Town") applied to the Nova Scotia Utility and Review Board ("Board") on behalf of the Yarmouth Water Utility ("Utility" or "Applicant") for amendments to its Schedule of Rates and Charges for Water and Water Services and its Schedule of Rules and Regulations pursuant to the *Public Utilities Act*, R.S.N.S. 1989, c. 380 as amended ("*Act*"). The existing Schedule of Rates for Water and Water Services and Schedule of Rules and Regulations have been in effect since April 1, 2012 and June 1, 2010, respectively.

[2] A rate study to support the Application ("Rate Study"), dated April 22, 2016 was prepared by G.A. Isenor Consulting Limited in association with Blaine S. Rooney Consulting Limited and was submitted to the Board on May 5, 2016. Information Requests ("IR"s) were issued by Board staff on June 14, 2016, and responses were filed on July 6, 2016.

[3] The Application proposed rate increases for the fiscal years 2016/17, 2017/18, and 2018/19 ("Test Years"). For 5/8" meter residential customers, based upon average quarterly consumption, the proposed increases in each of the Test Years are 8.6%, 5.3% and 1.4%, respectively. For all other metered customers, based upon the average quarterly consumption of each meter size, the proposed rate increases are between 10.1% to 23.3% in 2016/17, 6.0% to 10.1% in 2017/18, and 2.4% to 11.2% in 2018/19.

[4] The Application also proposes amendments to the annual public fire protection charge to be paid to the Utility by the Town and the Municipality of the County of Yarmouth ("Municipality") for the provision of water for fire protection service. The total

annual public fire protection charge was proposed to remain at \$508,503 in 2016/17 and 2017/18, and increase to \$517,563 in 2018/19 in the Application. In the course of responding to the Undertakings, the Utility became aware of an error in the previous three years' fire protection charge calculations, and provided a revised Rate Study to reflect the correct fire protection charge calculations.

[5] The public hearing was held at the Yarmouth Town Council Chambers on August 23, 2016, after due public notice. Gerry Isenor of G.A. Isenor Consulting Limited and Blaine Rooney of Blaine S. Rooney Consulting Limited, represented the Utility. The Utility was also represented by David Ernst, P.Eng., Town Engineer, and Gerry Verran, CPA, CMA, Director of Finance. There were no formal intervenors in the proceeding, and no requests to speak. One letter of comment was received by the Board.

[6] The Rate Study as included in the Application was presented at the hearing. The original Rate Study was amended in response to the Information Requests. It was subsequently revised in response to the Undertakings. It is the revised Rate Study as presented in the Undertakings that is referenced in this decision, unless otherwise noted.

[7] The Schedule of Rates and Charges and the Schedule of Rules and Regulations are approved, as amended and requested by the Utility.

## **II INTRODUCTION**

[8] The water source for the Utility is surface water from Lake George, located in Yarmouth County. The raw water is withdrawn from Lake George via a water intake to a treatment plant, commissioned in 2003. The treatment process includes dissolved air flotation, filtration, and chlorination.

[9] The distribution system for the Utility consists of mains ranging in size from 4" to 12" in diameter and two above ground steel water storage reservoirs.

[10] The Utility has 2,936 metered customers. The Utility also provides bulk water to boats, ships, and other commercial users.

[11] The Application was presented to the Board based upon the need to adjust the rates as a result of increased operating costs and to fund the projected capital program.

### **III REVENUE REQUIREMENTS**

#### **(A) Operating Expenditures**

[12] For the year ended March 31, 2015, the Utility had an excess of revenues over expenditures of \$332,877 and an accumulated surplus of \$661,122. However, if current rates are left in place, the Utility is projecting a deficit balance of \$40,559 by the end of 2018/19.

[13] The revised Rate Study corrected an error in the calculation of the fire protection charge. This correction resulted in shifting some of the revenue requirement from the fire protection charge to the customers in 2016/17 and 2017/18. As a result there are slightly higher rates for the customers in 2016/17 and 2017/18 than had been in the original submission.

[14] The Utility notes in its response to Board IR-5 that the non-revenue water experienced by the Utility in 2015 is 46.3%. This has been reduced from 51.7% in 2012. In the last rate application, the Board noted that water loss was a significant issue for the Utility. In response to Board IRs, the Utility noted:

... The Utility has replaced a number of water mains in recent years and eliminated several blow offs. The Utility is now using auto flushers on hydrants in areas requiring regular flushing to ensure minimal usage for this need. The Utility is continuing to replace old inaccurate meters on a regular basis and any stopped meters found during the reading cycle are replaced in a timely manner. The Utility is planning to undertake an IWA Water Audit for 2015 to compare to the one completed in 2012.

[Exhibit Y-3, IR-5]

[15] This issue was further explored during the hearing. Mr. Ernst explained:

Well, our system is a very linear system. It's an old system. We have a lot of water frontage with – in town, which leaks disappear into and you never find them, the same without [sic] in the County. We have a lot of old mains, 12-inch transmission main that was turned into a distribution main, and that's very linear with a very low number of users on it; comparatively, I mean.

So it's difficult to narrow down where exactly leaks are. I mean, there are probably a lot of little leaks. There's nothing major that shows up readily. And, I mean, we've been working at it. I mean, you can say it's only 3 percent but, I mean, 3 percent is like 75 million gallons from 2012 to 2015, and prior to that it was a 90 million gallon reduction that we achieved.

[Transcript, p.43]

[16] The response to Board IR-10 explained why some of the projected 2015/16 operating expenses vary significantly from the previous year's actual expenses: water treatment expense increased by \$89,987, (20%), due to lagoon cleaning completed in 2016; transmission and distribution expense increased by \$111,640, (39%), due to increased maintenance budgeted in 2016 based on the age of the system; and administration and general expense increased by \$49,887, (13%), due to a staff vacancy in 2015 that was budgeted to be filled in 2016.

[17] The projected operating expenses for the Test Years are generally based upon the Utility's budget for 2015/16 plus an annual increase of 3% for inflation. Exceptions to this are the power and pumping – maintenance of pumping equipment, and transmission and distribution – maintenance of meters. The maintenance of pumping equipment expense is higher because of recent failures in the high and low lift pumps which are at an age where they require significant maintenance. The maintenance of

meters expense is higher to fund the purchase of radio-read “acu-stream couplers” that are to be installed over the existing outside readers, which will enable the Utility to do drive-by readings with a hand-held unit. These items are not being capitalized.

[18] The Applicant stated that the budget is prepared by the Director of Finance in consultation with the Town Engineer and Treatment Plant Manager based on the prior year’s historical information and planned projects for the upcoming year. The costs that are allocated between the Town and the Utility consist of staff salaries. Staff that work at the water treatment plant are allocated 100% to the Utility while the remaining staff are allocated based on time sheets.

[19] The Town Engineer will be retiring within the test period and this has been considered in the budget. Mr. Isenor stated that the salary of a replacement has been budgeted to overlap and allow for a smooth succession and adequate training before Mr. Ernst retires.

[20] The projected depreciation expense in each of the Test Years is based upon the planned infrastructure additions included in the Utility’s capital budget. The expected depreciation is based on rates as set out in the Water Utility Accounting and Reporting Handbook (“*Accounting Handbook*”), or, in several cases where they differ or no specific guidance is given, the rates are based upon the asset’s expected useful life.

### **Findings**

[21] The Utility is projecting to be in a deficit position by the end of the Test Years, without an amendment to its rates.

[22] The Board finds the general 3% annual increase in operating expenses over the Test Years to be reasonable, and, where it is more, the budget has been adjusted

appropriately. The Board accepts the allocation of costs between the Town and the Utility. The Board reminds the Utility to review these allocations on a periodic basis to ensure accuracy.

[23] The Board accepts the revised Rate Study which resulted in a minor increase to the revenue requirement that is subsequently allocated to customers.

**(B) Capital Budget and Funding**

[24] The Rate Study included the Utility's capital budgets in each of the three Test Years, totaling \$910,000, \$885,000, and \$505,000 respectively. The Utility has budgeted \$750,000, \$450,000 and \$465,000 for distribution mains in each of the Test Years, respectively. The first Test Year also has budgeted \$75,000 related to the water treatment plant and \$85,000 for Lake George ERP and a Sludge Report. The third Test Year includes \$40,000 for transportation equipment.

[25] The capital budget in the second Test Year has \$400,000 in funds for sludge dewatering. Mr. Ernst and Mr. Isenor explained that the Utility is trying to find a better way to deal with the sludge disposal at the treatment plant: one that will reduce the annual operating costs.

[26] The proposed funding for the capital budget is as follows:

	2016/17	2017/18	2018/19
Depreciation Fund	\$ 820,000	\$ 375,000	\$ 370,000
Long Term Debt	\$ 65,000	\$ 465,000	\$ 50,000
Capital out of revenue	\$ 25,000	\$ 45,000	\$ 85,000
Total	<b>\$ 910,000</b>	<b>\$ 885,000</b>	<b>\$ 505,000</b>

[27] The Rate Study projects that, with the proposed funding as set out above, the depreciation fund balance will be \$103,597 at the end of the Test Years.

[28] The Utility explained its philosophy related to the level of borrowing, in particular, with respect to the older mains and the high level of non-revenue water. As much as possible the preference was to pay from Utility funds rather than borrow. Mr. Rooney noted:

Those type of infrastructure, they were put in over time, they should be replaced over time, and if you ever got them all replaced it would be time to start again. So it's kind of an ongoing capital revolving need every year as opposed to a treatment plant or a large project or a reservoir that's – once it's done it's good for 25 or 30 or 40 years.

[Transcript, p. 42]

### **Findings**

[29] The Utility is primarily focusing on replacing ageing infrastructure over the Test Years. This work should aid in reducing the level of non-revenue water. The Board expects the Utility to continue its efforts to reduce the non-revenue water in the system.

[30] The Board finds the proposed capital budget and funding for each of the three Test Years to be reasonable. However, the Utility is reminded that the inclusion of the proposed capital projects in the Rate Study does not constitute Board approval of these projects. Separate Board approval is required for projects in excess of \$250,000 as set out in s. 35 of the *Act*.

### **(C) Non-Operating/Other Revenues and Expenditures**

[31] The total annual amount for other operating revenues in each of the Test Years is \$12,000. The only non-operating revenue is \$750 for interest in each year.

[32] The non-operating expenses include the current and future debt payment in the each of the Test Years, and the corresponding interest expense. The new debt payments are being incurred to service the long term debt portion of the capital program for the Test Years.



[33] Also included is the capital out of revenue needed for each of the Test Years.

[34] The Utility is proposing a dividend of \$100,000 in each of the Test Years. The dividend to the Town is a continuation of a practice established in the past. The dividend goes into the general revenues of the Town and is not earmarked for any specific expenditure.

[35] The rates of return, which are calculated using the total non-operating expense revenue requirement, are 1.59%, 1.87% and 1.87%, respectively, in each of the Test Years.

### **Findings**

[36] The Board finds the Utility's other and non-operating revenues and expenditures to be reasonable and accepts them as presented.

[37] The Board notes that the interest rate of 6% is included in the Rate Study on new debt over the Test Years which is consistent with other rate applications recently approved by the Board, and only applies to new debt. The Board finds it reasonable to use 6% interest for the purposes of the Rate Study.

[38] The Utility is not in a deficit position and can pay a dividend. The calculated rates of return are within what the Board accepts as reasonable. The Board finds the projected non-operating expense revenue requirement to be reasonable.

### **(D) Allocations of Revenue Requirement**

#### **1. Public Fire Protection**

[39] The methodology used in the Rate Study for the determination of the public fire protection charge is in accordance with the *Accounting Handbook*. The percentage

allocation of utility plant in service to public fire protection is calculated in the Rate Study to be within a range of 29.5% to 30.2% over the Test Years.

[40] In the original submission, the Utility was requesting to maintain the fire protection charge at \$508,503 in the first two Test Years. During the hearing, the Board questioned the derivation of this figure. In response to Undertaking U-3, the Utility responded that there had been an error in this calculation for the last three years, and that the Municipality and the Town would be refunded the overcharge. In light of this error, a revised Rate Study was submitted to the Board requesting a fire protection charge of \$465,964 in the first Test Year and \$498,128 in the second Test Year. The third Test Year remained unchanged from the original Rate Study at \$517,563.

[41] The fire protection charge is allocated between the Town and the Municipality in proportion to the number of hydrants in each, consistent with the last rate application.

### **Findings**

[42] The Board accepts the Utility's determination of the fire protection charges, as presented in the revised Rate Study, and approves them. The Board further accepts the allocation of the total public fire protection charge between the Town and the Municipality based upon the number of hydrants in each jurisdiction, which is consistent with the methodology used in other jurisdictions.

### **2. Utility Customers**

[43] The remaining revenue requirement, after the allocation to the fire protection charges, is to be recovered from the customers of the Utility. The allocations

used for the base charge, customer charge, delivery and production are consistent with the methodology as set out in the *Accounting Handbook*.

[44] The Utility currently has 2,936 service connections, which is projected to remain the same throughout the Test Years. The consumption volume, based upon the Utility's current total annual consumption, is estimated to be 227,551,100 gallons in the first Test Year, and decline by 2% annually.

[45] The Utility currently has a two block consumption rate structure based upon 1,000,000 gallons per year per customer for the first block. The Utility is proposing to change the first block to 1,400,000 gallons per year per customer in 2016/17; 2,400,000 gallons per year per customer in 2017/18; and 4,000,000 gallons per year per customer in 2018/19.

[46] The Applicant proposes an amendment to the Bulk Water Rates in each of the Test Years, using the same methodology as is used by other Utilities throughout the Province.

### **Findings**

[47] The Board accepts the methodology used by the Utility in the calculation of base and consumption rates for each of the Test Years as proposed.

[48] The Board further accepts the amendment to the consumption volume used to determine the first block, and the calculation of the rates for bulk water sales. The proposed rates are approved as calculated in the revised Rate Study.

### **(E) Schedule of Rates and Charges**

[48] In addition to the rates for water supply to its customers, the Application included a number of proposed changes to its Schedule of Rates and Charges. These

changes, as outlined in IR-28, are for: a rate for sprinkler service, new account creation fee, system connection fee, and charge for non-negotiable cheques.

[49] The Utility bills its customers for quarterly consumption on a rotating monthly schedule. As such, the rates can be effective at the beginning of any month. If there has been a change in rates over a quarterly billing period, the bills are pro-rated. The Application was for an effective date of July 1, 2016, which, depending on the date of the Board's decision, could change to the beginning of a month.

### **Findings**

[50] The Board has reviewed the proposed amendments included in the Schedule of Rates and Charges, and finds them to be reasonable.

[51] The Schedule of Rates and Charges for the Test Years are approved as calculated in the revised Rate Study.

### **(F) Schedule of Rules and Regulations**

[52] There were also several changes to the Schedule of Rules and Regulations. The Utility outlined the changes and reasons for them in IR-29.

### **Findings**

[53] The proposed Schedule of Rules and Regulations is consistent with most other water utilities in the Province which have had recent rate applications.

[54] The Board approves the Schedule of Rules and Regulations as requested.

## **IV SUBMISSIONS**

[55] There were no formal intervenors to the Application. There was one letter of comment received prior to the hearing from Charles Jess. In his letter, Mr. Jess

expressed concern regarding the non-revenue water of the Utility as well as the level of contracted out work.

[56] During the hearing the Chair questioned whether the Utility had considered Mr. Jess' comments. Mr. Isenor and Mr. Ernst explained that Mr. Ernst's time is spread very thin, and the Utility does not have the staff to be able to do all the work in-house. As a consequence, a substantial portion is contracted out.


## **V CONCLUSION**

[57] In response to Undertaking U-3, the Utility refiled the Schedule of Rates and Charges for Water and Water Services and amended the effective date to November 1, 2016. Accordingly, the Board approves the Schedule of Rates and Charges for Water and Water Services, effective November 1, 2016, April 1, 2017, and April 1, 2018, as amended.

[58] The Board approves the Schedule of Rules and Regulations as proposed, effective November 1, 2016.

[59] An Order will issue accordingly.

**DATED** at Halifax, Nova Scotia, this 26<sup>th</sup> day of October, 2016.

  
Murray E. Doehler

ORDER

I CERTIFY THAT THE WITHIN IS A TRUE  
AND CORRECT COPY OF THE ORIGINAL.  
DATED THIS 26<sup>th</sup> DAY OF Oct., 2016.  
Karen Lillis

M07463

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**IN THE MATTER OF THE PUBLIC UTILITIES ACT**

- and -

**IN THE MATTER OF AN APPLICATION** of the **TOWN OF YARMOUTH**, on behalf of its **WATER UTILITY**, for Approval of Amendments to its Schedule of Rates and Charges for Water and Water Services and its Schedule of Rules and Regulations

**BEFORE:**



Murray E. Doehler, CPA, CA, P.Eng., Member

**ORDER**

**WHEREAS** the Town of Yarmouth, on behalf of its Water Utility, made an Application to the Nova Scotia Utility and Review Board ("Board") for approval of amendments to its Schedule of Rates and Charges for Water and Water services and its Schedule of Rules and Regulations;

**AND WHEREAS** after due public notice, a hearing was held on the 23<sup>rd</sup> day of August, 2016, and the Board issued its Decision on the 26<sup>th</sup> day of October, 2016;

**IT IS HEREBY ORDERED** that the Schedule of Rates and Charges, attached hereto as Schedules "A", "B", and "C", be approved, for water and water services supplied on and after November 1, 2016; April 1, 2017, and April 1, 2018, respectively;

**AND IT IS FURTHER ORDERED** that the Schedule of Rules and Regulations, attached hereto as Schedule "D", be approved effective November 1, 2016.

**DATED** at Halifax, Nova Scotia, this 26<sup>th</sup> day of October, 2016.

Karen Lillis  
Clerk of the Board



**SCHEDULE "A"**  
**TOWN OF YARMOUTH WATER UTILITY**  
**SCHEDULE OF RATES FOR WATER AND WATER SERVICES**

(Effective for water supplied on and after 1 November, 2016)

**RATES**

The rates set out below are the rates approved by the Board for water and water services when payment is made within 30 days from the date rendered as shown on the bill.

When payment is made after 30 days from the date rendered as shown on the bill, the rates will include interest charges of 1.5 % per month, or part thereof.

Each bill shall show the amount payable within 30 days from the date rendered as shown on the bill.

In this Schedule, the word "Utility" means the Water Utility of the Town of Yarmouth.

1. RATES:

<u>(a) Base Charges</u>	<u>Quarterly</u>
Size of Meter	
5/8"	50.53
3/4"	74.08
1"	121.18
1.5"	238.92
2"	380.21
3"	756.98
4"	1,180.84
6"	2,358.25
8"	4,242.10

(b) Consumption Rate (per 1000 Imp. Gallons)

1st Block	(0 to 1,400,000 imp gal per customer per year)
	\$ 5.97 per 1000 Imp. Gallons
2nd Block	(> 1,400,000 imp gal per customer per year)
	\$ 4.01 per 1000 Imp. Gallons

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(c) Minimum Bill

The minimum bill shall be the Base Charge.

2. PUBLIC FIRE PROTECTION RATE

The Town of Yarmouth and the Municipality of the County of Yarmouth shall pay annually in proportion to the number of hydrants serving each municipality to the water utility for fire protection on or before September 30, 2016 the sum of \$465,964.

3. RATES FOR SPRINKLER SERVICE

Each building having a sprinkler system installed shall pay annually for the service as follows:

Each building serviced by a sprinkler service pipe of 6" or less in diameter	\$200.00
Each building serviced by a sprinkler service pipe of 8" or more in diameter	\$250.00

4. WATER FOR BUILDINGS OR WORKS UNDER CONSTRUCTION

The Utility may furnish water to any person requiring a supply thereof for the construction of a building or other works. This person shall deposit with the Utility such sum as may be determined by the Utility as is sufficient to defray the cost of making the necessary connection to any water service or main together with the cost of the meter to be installed to measure the water consumed. Upon completion of the work and the return of the meter to the Utility, a refund will be made after deducting the cost, if any, of repairing the meter and of testing the same and payment of the base and connection charges and the consumption rates in respect to such installation.

5. PRIVATE HYDRANT RATES

Per hydrant per year \$200.00.

6. RATES FOR WATER SUPPLIED FROM FIRE HYDRANTS

Whenever the use of any fire hydrant is desired for supplying water for any purpose, excepting those of the Fire Department for fire use, the Utility may grant a permit containing such terms and conditions as it may provide, including arrangements regarding supervision of the opening and closing of the hydrant, and a service charge for commercial consumers of \$70.00 for connection and disconnection and a consumption



charge for the amount of water used, as estimated by the water utility, at meter consumption rates.

7. CHARGES FOR RE-ESTABLISHING WATER SERVICE

When water service has been suspended for any violation of the Rules and Regulations of the Utility, such water service shall not be re-established until a reconnection charge of \$50.00 has been paid to the Utility. If reconnection is outside of regular working hours, the charge is \$150.00.

8. NEW ACCOUNT CREATION FEE

The Utility shall charge a \$50.00 fee for the creation of a water account, notwithstanding the fact that no physical disconnection of the system may have occurred. The New Account Creation Fee is solely for the creation of a new account and does not include the System Connection Fee as noted in Item 9 below.

9. SYSTEM CONNECTION FEE

Whenever a customer requests the water be turned on except as noted in Item 10 below, a charge of \$50.00 shall be made for turning on the water unless such request is after regular working hours of the Utility when a fee of \$150.00 shall apply.

10. SYSTEM DISCONNECTION FEE

Whenever a customer requests the water be turned off from any premises, a charge of \$50.00 shall be made for turning off the water, and no additional charge shall be made for turning it on again when this is requested unless such request is after regular working hours of the Utility when a fee of \$150.00 shall apply.

11. SPECIAL SERVICE CHARGE:

A special service charge of \$50.00 (\$150.00 if such work is performed after regular working hours) shall be made to each customer receiving a necessary or requested service, such as the shutting off or turning on of water service or other special services not provided for elsewhere in the schedules or the rules and regulations. In the case where the shutting off is requested because there is no operable shut off valve serving the dwelling, an isolation valve must be installed.

12. CHARGE FOR NON-NEGOTIABLE CHEQUES

The Utility may charge a \$25.00 administration fee plus any additional charges levied by the bank for cheques that, due to non-negotiability, have been rejected by the Utility's bank.

13. CHARGE FOR MISSED APPOINTMENT BY CUSTOMERS

Where an appointment has been made by a customer to have a water service hooked up or a meter inspected, or water turned on to a property, or other visits to the property for the inception or maintenance of water service to the property, and the customer fails to keep the appointment or the plumbing is not completed to allow for installation of a water meter and the Utility's staff have to return to the property, there may be a charge of \$25.00 for each visit if, in the judgment of the Utility, it is required.

14. RATES TO BOATS AND SHIPS

The water for boats, ships, dredges and other water craft when supplied by an outlet installed by the Town of Yarmouth Water Utility for the purpose shall be metered and the rate shall be \$14.42 per 1,000 gallons (\$3.18 per cubic meter) with a minimum charge of \$50.00. Such charge shall be rendered for each loading.



**SCHEDULE "B"**  
**TOWN OF YARMOUTH WATER UTILITY**  
**SCHEDULE OF RATES FOR WATER AND WATER SERVICES**

(Effective for water supplied on and after 1 April, 2017)

**RATES**

The rates set out below are the rates approved by the Board for water and water services when payment is made within 30 days from the date rendered as shown on the bill.

When payment is made after 30 days from the date rendered as shown on the bill, the rates will include interest charges of 1.5 % per month, or part thereof.

Each bill shall show the amount payable within 30 days from the date rendered as shown on the bill.

In this Schedule, the word "Utility" means the Water Utility of the Town of Yarmouth.

1. RATES:

(a) <u>Base Charges</u>	<u>Quarterly</u>
Size of Meter	
5/8"	53.71
3/4"	78.80
1"	128.97
1.5"	254.39
2"	404.91
3"	806.27
4"	1,257.80
6"	2,512.06
8"	4,518.88

(b)	
Consumption Rate (per 1000 Imp. Gallons)	
1st Block	(0 to 2,400,000 imp gal per customer per year)
	\$6.16 per 1000 Imp. Gallons
2nd Block	(> 2,400,000 imp gal per customer per year)
	\$4.13 per 1000 Imp. Gallons

(c) Minimum Bill

The minimum bill shall be the Base Charge.

2. PUBLIC FIRE PROTECTION RATE

The Town of Yarmouth and the Municipality of the County of Yarmouth shall pay annually in proportion to the number of hydrants serving each municipality to the water utility for fire protection on or before September 30, 2017 the sum of \$498,128.

3. RATES FOR SPRINKLER SERVICE

Each building having a sprinkler system installed shall pay annually for the service as follows:

Each building serviced by a sprinkler service pipe of 6" or less in diameter	\$200.00
Each building serviced by a sprinkler service pipe of 8" or more in diameter	\$250.00

4. WATER FOR BUILDINGS OR WORKS UNDER CONSTRUCTION

The Utility may furnish water to any person requiring a supply thereof for the construction of a building or other works. This person shall deposit with the Utility such sum as may be determined by the Utility as is sufficient to defray the cost of making the necessary connection to any water service or main together with the cost of the meter to be installed to measure the water consumed. Upon completion of the work and the return of the meter to the Utility, a refund will be made after deducting the cost, if any, of repairing the meter and of testing the same and payment of the base and connection charges and the consumption rates in respect to such installation.

5. PRIVATE HYDRANT RATES

Per hydrant per year \$200.00.

6. RATES FOR WATER SUPPLIED FROM FIRE HYDRANTS

Whenever the use of any fire hydrant is desired for supplying water for any purpose, excepting those of the Fire Department for fire use, the Utility may grant a permit containing such terms and conditions as it may provide, including arrangements regarding supervision of the opening and closing of the hydrant, and a service charge for commercial

consumers of \$70.00 for connection and disconnection and a consumption charge for the amount of water used, as estimated by the water utility, at meter consumption rates.

7. CHARGES FOR RE-ESTABLISHING WATER SERVICE

When water service has been suspended for any violation of the Rules and Regulations of the Utility, such water service shall not be re-established until a reconnection charge of \$50.00 has been paid to the Utility. If reconnection is outside of regular working hours, the charge is \$150.00.

8. NEW ACCOUNT CREATION FEE

The Utility shall charge a \$50.00 fee for the creation of a water account, notwithstanding the fact that no physical disconnection of the system may have occurred. The New Account Creation Fee is solely for the creation of a new account and does not include the System Connection Fee as noted in Item 9 below.

9. SYSTEM CONNECTION FEE

Whenever a customer requests the water be turned on except as noted in Item 10 below, a charge of \$50.00 shall be made for turning on the water unless such request is after regular working hours of the Utility when a fee of \$150.00 shall apply.

10. SYSTEM DISCONNECTION FEE

Whenever a customer requests the water be turned off from any premises, a charge of \$50.00 shall be made for turning off the water, and no additional charge shall be made for turning it on again when this is requested unless such request is after regular working hours of the Utility when a fee of \$150.00 shall apply.

11. SPECIAL SERVICE CHARGE:

A special service charge of \$50.00 (\$150.00 if such work is performed after regular working hours) shall be made to each customer receiving a necessary or requested service, such as the shutting off or turning on of water service or other special services not provided for elsewhere in the schedules or the rules and regulations. In the case where the shutting off is requested because there is no operable shut off valve serving the dwelling, an isolation valve must be installed.

12. CHARGE FOR NON-NEGOTIABLE CHEQUES

The Utility may charge a \$25.00 administration fee plus any additional charges levied by the bank for cheques that, due to non-negotiability, have been rejected by the Utility's bank.

13. CHARGE FOR MISSED APPOINTMENT BY CUSTOMERS

Where an appointment has been made by a customer to have a water service hooked up or a meter inspected, or water turned on to a property, or other visits to the property for the inception or maintenance of water service to the property, and the customer fails to keep the appointment or the plumbing is not completed to allow for installation of a water meter and the Utility's staff have to return to the property, there may be a charge of \$25.00 for each visit if, in the judgment of the Utility, it is required.

14. RATES TO BOATS AND SHIPS

The water for boats, ships, dredges and other water craft when supplied by an outlet installed by the Town of Yarmouth Water Utility for the purpose shall be metered and the rate shall be \$15.26 per 1000 gallons (\$3.36 per cubic meter) with a minimum charge of \$50.00. Such charge shall be rendered for each loading.



**SCHEDULE "C"**  
**TOWN OF YARMOUTH WATER UTILITY**  
**SCHEDULE OF RATES FOR WATER AND WATER SERVICES**

(Effective for water supplied on and after 1 April, 2018)

**RATES**

The rates set out below are the rates approved by the Board for water and water services when payment is made within 30 days from the date rendered as shown on the bill.

When payment is made after 30 days from the date rendered as shown on the bill, the rates will include interest charges of 1.5 % per month, or part thereof.

Each bill shall show the amount payable within 30 days from the date rendered as shown on the bill.

In this Schedule, the word "Utility" means the Water Utility of the Town of Yarmouth.

1. **RATES:**

(a) Base Charges

Quarterly

Size of Meter

5/8"	54.87
3/4"	80.48
1"	131.71
1.5"	159.76
2"	413.43
3"	823.22
4"	1,284.23
6"	2,564.80
8"	4,613.73

(b)

Consumption Rate (per 1000 Imp. Gallons)

1st Block	(0 to 4,000,000 imp gal per customer per year)
	\$ 6.27 per 1000 Imp. Gallons
2nd Block	(> 4,000,000 imp gal per customer per year)
	\$ 4.26 per 1000 Imp. Gallons

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(c) Minimum Bill

The minimum bill shall be the Base Charge.

2. PUBLIC FIRE PROTECTION RATE

The Town of Yarmouth and the Municipality of the County of Yarmouth shall pay annually in proportion to the number of hydrants serving each municipality to the water utility for fire protection on or before September 30, 2018 the sum of \$517,563.

For subsequent years, the annual public fire protection rate shall be based on the above or:

(a) the sum of 30.2 % of transmission and distribution, taxes and depreciation expenses of the Utility and return on rate base of the immediately preceding year, plus

(b) 10 % of all other expenses, whichever is the greater.

3. RATES FOR SPRINKLER SERVICE

Each building having a sprinkler system installed shall pay annually for the service as follows:

Each building serviced by a sprinkler service pipe of 6" or less in diameter	\$200.00
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Each building serviced by a sprinkler service pipe of 8" or more in diameter	\$250.00
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4. WATER FOR BUILDINGS OR WORKS UNDER CONSTRUCTION

The Utility may furnish water to any person requiring a supply thereof for the construction of a building or other works. This person shall deposit with the Utility such sum as may be determined by the Utility as is sufficient to defray the cost of making the necessary connection to any water service or main together with the cost of the meter to be installed to measure the water consumed. Upon completion of the work and the return of the meter to the Utility, a refund will be made after deducting the cost, if any, of repairing the meter and of testing the same and payment of the base and connection charges and the consumption rates in respect to such installation.

5. PRIVATE HYDRANT RATES

Per hydrant per year \$200.00.



6. RATES FOR WATER SUPPLIED FROM FIRE HYDRANTS

Whenever the use of any fire hydrant is desired for supplying water for any purpose, excepting those of the Fire Department for fire use, the Utility may grant a permit containing such terms and conditions as it may provide, including arrangements regarding supervision of the opening and closing of the hydrant, and a service charge for commercial consumers of \$70.00 for connection and disconnection and a consumption charge for the amount of water used, as estimated by the water utility, at meter consumption rates.

7. CHARGES FOR RE-ESTABLISHING WATER SERVICE

When water service has been suspended for any violation of the Rules and Regulations of the Utility, such water service shall not be re-established until a reconnection charge of \$50.00 has been paid to the Utility. If reconnection is outside of regular working hours, the charge is \$150.00.

8. NEW ACCOUNT CREATION FEE

The Utility shall charge a \$50.00 fee for the creation of a water account, notwithstanding the fact that no physical disconnection of the system may have occurred. The New Account Creation Fee is solely for the creation of a new account and does not include the System Connection Fee as noted in Item 9 below.

9. SYSTEM CONNECTION FEE

Whenever a customer requests the water be turned on except as noted in Item 10 below, a charge of \$50.00 shall be made for turning on the water unless such request is after regular working hours of the Utility when a fee of \$150.00 shall apply.

10. SYSTEM DISCONNECTION FEE

Whenever a customer requests the water be turned off from any premises, a charge of \$50.00 shall be made for turning off the water, and no additional charge shall be made for turning it on again when this is requested unless such request is after regular working hours of the Utility when a fee of \$150.00 shall apply.

11. SPECIAL SERVICE CHARGE:

A special service charge of \$50.00 (\$150.00 if such work is performed after regular working hours) shall be made to each customer receiving a necessary or requested service, such as the shutting off or turning on of water service or other special services not provided for elsewhere in the schedules or the rules and regulations. In the case where the shutting

off is requested because there is no operable shut off valve serving the dwelling, an isolation valve must be installed.

12. CHARGE FOR NON-NEGOTIABLE CHEQUES

The Utility may charge a \$25.00 administration fee plus any additional charges levied by the bank for cheques that, due to non-negotiability, have been rejected by the Utility's bank.

13. CHARGE FOR MISSED APPOINTMENT BY CUSTOMERS

Where an appointment has been made by a customer to have a water service hooked up or a meter inspected, or water turned on to a property, or other visits to the property for the inception or maintenance of water service to the property, and the customer fails to keep the appointment or the plumbing is not completed to allow for installation of a water meter and the Utility's staff have to return to the property, there may be a charge of \$25.00 for each visit if, in the judgment of the Utility, it is required.

14. RATES TO BOATS AND SHIPS

The water for boats, ships, dredges and other water craft when supplied by an outlet installed by the Town of Yarmouth Water Utility for the purpose shall be metered and the rate shall be \$15.78 per 1000 gallons (\$3.48 per cubic meter) with a minimum charge of \$50.00. Such charge shall be rendered for each loading.



**SCHEDULE "D"**  
**TOWN OF YARMOUTH WATER UTILITY**  
**SCHEDULE OF RULES AND REGULATIONS**

(Effective 1 November 2016)

1. In these Rules and regulations, unless the context otherwise requires, the expression:

**"Town"** means the Town of Yarmouth

**"Utility"** means the Water Utility of the Town of Yarmouth

**"Customer"** means a person, firm or corporation who, or which, contracts to be supplied with water at a specific location or locations.

**"Domestic Service"** means the type of service supplied to the owner or his authorized agent or to the occupant or tenant of any space or area occupied for the distinct purpose of a dwelling house, rooming house, apartment, flat, etc.

**"Metered Rate Service"** means that type of service charged for at metered rates and is supplied to customers other than those supplied by fixture and flat rate service. Metered rate service is required for all new services.

**"Commercial Service"** means any service other than domestic service as herein defined.

2. **LIABILITY FOR PAYMENT OF WATER BILL:** An agreement/contract is deemed to exist between a customer and the Utility for the supply of water service at such rates and in accordance with these Regulations by virtue of:

a) the customer applying for and receiving approval for water service;

b) the customer consuming or paying for water service from the date that the customer who is a party to an agreement pursuant to clause (a) (the customer of record) moves out of the premises, in which case the customer of record shall remain jointly and severally liable for the water service account up to the date the Utility is notified that the customer of record wishes to terminate the supply of water service.

A property owner who rents or leases a property or self contained unit to a tenant or lessee shall be required to open an account for the provision of water at the property rented or leased.

c) Any person, business or corporation that receives water service without the consent of the Utility, shall be liable for the cost of such water service which cost shall be determined in the sole discretion of the Utility based upon its reasonable estimate of the amount of water utilized.

3. **DEPOSITS:** When required, an applicant for service shall deposit with the Utility a sum equal to the estimated charges for such service for a period of six months. The estimated charges will be based on the minimum bill for metered customers. This deposit shall be held by the Utility as collateral security for the payment of the customer's bills, but is not to be considered as a payment on account thereof. When the customer ceases to use the service and discharges all his liability to the utility in respect of such service, the deposit shall be returned to him with interest at the rate of 2% per annum, not compounded.
4. **REFUSAL OF SERVICE:** Service may be refused or suspended to any customer who has failed to discharge all of his liabilities to the Utility.
5. **PAYMENT OF BILLS:** Bills shall be rendered to each customer at intervals of approximately three months and are due and payable when rendered. Bills not paid within 30 days of the date rendered, shall incur an interest charge at the prescribed monthly rate for each month or part thereof.
6. **BILLING:** If a agreement/contract is entered into or terminated at any time other than a regular billing date, the amount to be charged to the customer shall be the pro rata proportion to the next billing date, of the regular service charge for the billing period, plus the consumption charge, if any.

The Utility charges the base rate for the entire year for seasonal customers. The quarterly base rate charge will apply for each quarter regardless of water turn-offs.

7. **ADJUSTMENT OF BILLS:**

- (a) Where meters exist - If the seal of a meter is broken or if a meter does not register correctly, the bill for that water service shall be estimated in accordance with the best data available. Any customer desiring to question a water bill must do so in writing within 30 days of the bill being rendered.
- (b) Customers Under billed - Should it be necessary for the Utility to make a billing adjustment as a result of a customer being under billed for any reason, such adjustment shall be retroactive for a maximum of four billing periods or one year, whichever is the longest. Notwithstanding the above, in the event that a billing adjustment is the result of the customer's illegal connection to the water system or willful interference or damage of metering equipment (where they exist), the billing adjustment in such circumstances will not be limited to one year or four billing periods, but rather the customer shall be responsible for all payments of such accounts from the date such illegal connection or interference to meter equipment took place.
- (c) Customer Over billed - Should it become necessary for the Utility to make a billing adjustment as a result of a customer being over billed for any reason, such adjustment will be estimated by the Utility, and the Utility will be responsible for payment of the over billed amount with interest calculated on the basis of current simple interest paid by the bank.

8. **ESTIMATED READINGS FOR BILLING PURPOSES - METERED CUSTOMERS:** If the Utility is unable to obtain a meter reading for billing purposes, after exercising due diligence in the usual practice of meter reading, the bill for that service shall be estimated in accordance with the best data available, subject, however, to the provision that in no circumstance will an estimated reading be used for more than two (2) consecutive billing periods. If an estimated bill is rendered for two (2) consecutive billing periods, the Utility shall notify the customer by regular mail that arrangements must be made for the Utility to obtain a reading and failing such arrangements, the Utility may suspend service until such arrangements are made. When such meter reading has been obtained the previous estimated bill or bills shall be adjusted accordingly.
9. **SUSPENSION OF SERVICE FOR NON PAYMENT BILLS:** The Utility shall have the right to enter onto customers' premises within reasonable hours to suspend service to customers whose bills remain unpaid for more than forty calendar days after the date rendered.
10. **WATER TO BE SUPPLIED BY METER:** The Utility may at any time install a meter on the premises of any customer. The Utility shall determine the size and type of meter to be installed in each case. All meters shall be the property of the Utility.
11. **INSTALLATION AND REMOVAL OF METERS:** Meters shall be installed and removed only by employees or duly authorized representatives of the Utility and no other person shall install, alter, change or remove a meter without the written permission of the Utility. The plumbing and connections shall be properly prepared to receive the installation of such meters to the approval of and without expense to the Utility.
12. **METER READERS:** Each meter reader shall be provided with an official identification, which he/she shall exhibit on request.
13. **ACCESS TO CUSTOMER'S PREMISES:** Representatives of the Utility shall have right of access to all parts of a customer's property or premises at all reasonable hours for the purpose of inspecting any water pipes or fittings, or appliances, or discontinuing service, or for the purpose of installing, removing, repairing, reading or inspecting meters. The Utility shall have the right to suspend service to any customer who refuses such access.
14. **LOCATION OF METERS:** The Utility shall have the right to refuse service to, or suspend the service of, any customer who does not provide a place which, in the opinion of the Utility, is suitable for the meter. It should be in the building served, at or near the point of entry of the service pipe, in a place where it can be easily read and where it will not be exposed to freezing temperatures.

Where the premises of a customer are of such a nature that a meter cannot be properly installed in a building or if the building is not sufficiently frost-proof as to guarantee the safety of the meter, the Utility may order the construction of a suitable frost-proof box in which the meter can be installed. Service to such premises may be refused or suspended until such a frost-proof box approved by the Utility is installed.

15. **DAMAGE TO WATER METERS:** Each customer shall be responsible for the meter installed on his service and shall protect it. He shall be liable for any damage to the meter resulting from carelessness, hot water or steam, or the action of frost or from any other cause not the fault of the Utility or its employees. The cost to the Utility occasioned by such damage to the meter shall be paid by the customer. If after the rendering of a bill by the Utility to the customer for such cost the same is not paid within 40 days from the date rendered, the supply of water to the customer concerned may be suspended until all charges are paid.
16. **METER TESTING.** On the request to have their meter tested, the Utility will charge the sum of \$50.00 to defray, in part, the cost of making the test for meters up to 1 ½ inch in size. In the case of meters 1-1/2 inches and larger, the actual cost of the test will be paid by the customer. If the test shows that the meter is over registering by more than one and one half percent (1 ½%) for positive displacement meters and three percent (3%) for turbine or compound meters, the sum so deposited will be refunded to the customer.
17. **PLUMBING TO BE SATISFACTORY:** All plumbing, pipes and fittings, fixtures, and other devices for conveying, distributing, controlling, or utilizing water which are used by a customer and are not the property of the Utility, shall be installed in the manner provided by the Regulations of and be approved by the proper official of the Town of Yarmouth as set out in the Town's By-Laws. The water shall not be turned on (except for construction or testing purposes) until the applicant for service has satisfied the Utility that these requirements have been met. The supply of water may be discontinued to any customer at any time if, in the opinion of the proper official of the Town of Yarmouth representing the Utility, the plumbing, pipes, fittings, fixtures, or other devices as hereinbefore mentioned, or any of them, fail to comply with the above requirements, or if any part of the water system of such customer or the meter is in any unsuitable, dirty, unsanitary or inaccessible place. Service shall not be re-established until such condition is corrected to the satisfaction of the Utility.
18. **REMOTE REGISTERING WATER METERS:** When a remote registering water meter is installed on a customer's premises under a general outside register installation program of the Utility, then the cost of the meter and its installation shall be paid by the Utility. The meter shall become the property of the Utility which shall become responsible for its operation, maintenance and replacement. Any damage to the meter caused by the negligence or wrongful acts or omissions by the customer, his agents or members of his family, shall be paid for by the customer, and the failure by the customer to make the payment shall entitle the Utility, after making a forty day written demand for the payment, to disconnect the water service to the customer.
19. **CROSS CONNECTION CONTROL & BACKFLOW PREVENTION:**
  - (a) No owner, consumer, customer or other person hereinafter collectively referred to in this rule and regulation as "person" shall connect, cause to be connected, or allow to remain connected to the water system, or plumbing installation, without the express written consent of the Utility, any piping fixtures, fittings container or appliance in a manner which, under any circumstances, may allow water, wastewater, or any other liquid, chemical or substance, to ingress or egress the water system.

(b) Where, in the opinion of the Utility, there may be a risk of contamination to the potable water system, notwithstanding the provisions of subparagraph (a), the Utility may require the customer, at the customer's sole cost and expense, to install at any point on the customer's water service connection or water service pipe, one or more backflow prevention (BFP) devices, which devices shall be of a quality and type approved by the Utility.

(c) All BFP devices shall be maintained in good working order. Such devices must be inspected and tested by a certified tester, approved by the Utility, at the expense of the customer. Such inspections shall take place upon installation, and thereafter annually, or more often if required by the Utility. The customer shall submit a report in a form approved by the Utility on any or all tests performed on a BFP device within 30 days of a test. A record card shall be displayed on or adjacent to the BFP device on which the tester shall record the name and address of the owner of the device; the location, type, manufacturer, serial number and size of the device; and the test date, the tester's initials, the tester's name, the name of his employer, and the tester's license number.

(d) Installation, maintenance, field-testing and selection of all BFP devices shall fully conform to the latest revision of CSA B64.10 and CSA B64 series.

(e) In the event of any breach, contravention or non-compliance by a person of any of the provision and regulations in a sub-paragraphs (a), (b), (c) or (d) the Utility may:

(i) suspend water service to such person, or

(ii) give notice to the person to correct the breach, contravention or non-compliance within 96 hours, or a specified lesser period. If the person fails to comply with such notice, the Utility may immediately thereafter suspend water service to such person.

20. **DANGEROUS CONNECTIONS**: No connection shall be permitted to any installation; equipment or source in such a manner as may allow any contamination to pass from such installation, equipment or source into the Utility's water supply system. If any such connection exists the Utility may discontinue the supply of water to such customer.

21. **PROHIBITED DEVICES**: Service may be refused or suspended by the Utility to any customer who installs or uses any device or appurtenance, as, for example, booster pumps, quick-opening or quick-closing valves, flushometers, water operated pumps or siphons, standpipes, or large outlets for supplying ships, etc., which may occasion sudden large demands of short or long duration, thereby requiring oversize meters and pipe lines, or affect the stability or regulation of water pressure in the Utility's system. Permission to install or use any such device or appurtenance must be obtained from the Utility, which permission shall specify what special arrangements, such as elevated storage tanks, surge tanks or equalizing tanks, etc., must be provided by the customer.

22. **IMPROPER USE OR WASTE OF WATER**: No customer shall permit the improper use or waste of water, such as providing water to more than one single family dwelling and /or apartment building from a single service, nor shall he sell or give water to any person except upon such conditions and for such purposes as may be approved in writing by the Utility.

23. **SERVICE PIPES:** Upon receipt of an application for service to any premises located on any portion of a street through which portion a main water pipe is laid and which premises are not already provided with water service, the Utility shall install a service pipe which it considers to be of suitable size and capacity from the water main to the street line. No pipe smaller than 3/4" in diameter shall be laid for any service.

The cost of supplying and laying a 3/4" service pipe and fittings between the main pipe and the street line shall be paid for by the Utility. The necessary excavation for the laying of the service pipe, backfilling and replacement of the street and sidewalk surfaces from the water main in the street to the premise shall be the responsibility of the applicant for all water service and all such work shall be performed without cost to the Utility.

The excavation may be the same excavation as is used for the sewer service pipe providing the minimum horizontal and vertical separation between the water and sewer pipes can be obtained. If the separation distances cannot be obtained a separate excavation for the water service pipe shall be provided. In either case, the excavation and backfilling and replacement of the street and sidewalk surfaces is to be provided by the applicant without cost to the Utility.

For services larger than 3/4" the whole cost shall be borne by the customer, less the cost of a 3/4" service from the main to the street line.

Should any person make application for more than one service to his premises, the decision as to the necessity of the additional service shall be made by the Utility, and if the additional service is installed, the total cost thereof from the main to the customer's premises, shall be paid by such applicant.

All services must be installed in accordance with the Rules and Regulations of the Town and to the satisfaction of the Utility.

When a service has been installed without objection from the customer as to the location of the same, no subsequent removal of or alteration to the position of the pipe shall be made except at the expense of the customer requesting such removal or alteration.

24. **REPAIRS TO SERVICES:** If a leak or other trouble occurs it shall be repaired as soon as possible. If the leak or trouble occurs in a service line providing non-fire protection water supplies between the main and the property line it shall be repaired by the Utility at its expense. If the leak or trouble occurs elsewhere in a service line providing non-fire protection water supplies, it shall be repaired by the customer, at his/her expense.

If the leak or trouble occurs in a service line which provides private fire protection services (sprinkler or hydrant) it shall be repaired by the customer at his expense.

The Utility may make such repairs for any customer provided the customer agrees to pay the cost of same. When required, each customer desiring the Utility to do such work shall deposit with the Utility a sum equal to the estimated cost of the work.



If a leak occurs on the customer's portion of his service pipe and, after being notified of same, he refuses or unduly delays to have repairs made, the Utility may discontinue the supply of water to such service pipe if, in its opinion, such action is necessary in order to prevent wastage of water. The Utility shall notify the customer affected of its intention to discontinue such supply.

25. **EXTENSIONS, ADDITIONS OR CONNECTIONS:** No person shall, without the written consent of the Utility, make or cause to be made any connections to any pipe or main or any part of the water system or in any way obtain or use water therefrom in any manner other than as set out in these Regulations.
26. **SEASON FOR LAYING PIPES:** The Utility shall not be required to lay any pipe at any season of the year or at any time which, in its opinion, is not suitable.
27. **PRIVATE FIRE PROTECTION:** Fire protection lines within buildings shall be installed so that all pipes will be open and readily accessible for inspection at any time, and no connection for any purpose other than fire protection shall be made thereto. Unless approved by the Utility in writing, no fire protection line shall be connected in any way to a metered service. Responsibility for the installation and maintenance of all privately owned fire protection systems, including fire protection lines, sprinkler systems and hydrants shall be the responsibility of the owner.
28. **LIABILITY OF UTILITY:** The Utility shall not be deemed to guarantee an uninterrupted supply or a sufficient or uniform pressure and shall not be liable for any damage or injury caused or done by reason of the interruption of supply, variation of pressure or on account of the turning off or turning on of the water for any purpose.
29. **INTERFERENCE WITH UTILITY PROPERTY:** No person, unless authorized by the Utility in writing, shall draw water from, open, close, cut, break, or in any way injure or interfere with any fire hydrant, water main, water pipe, or any property of the Utility or obstruct the free access to any hydrant, stop cock, meter, building, etc., provided, however, that nothing in this paragraph contained shall be deemed to prevent an officer or member of the Fire Department engaged in the work of such Department, from using any hydrant or other source of water supply of the Utility for such purpose.
30. **SUSPENDING SERVICE FOR VIOLATION:** Whenever, in the opinion of the Utility, violation of any of these Rules and Regulations is existing or has occurred, the Utility may cause the water service to be suspended from the premises where such violation has occurred or is existing and may keep the same so suspended until satisfied that the cause for such action has been removed.
31. **RESUMPTION OF SERVICE:** In all cases where water service has been suspended for violation of any of these rules, service shall not be restored until the cause for violation has been removed.
32. **SPRINKLER SERVICE MAINS AND HYDRANT SYSTEM:** The customer shall be responsible for the cost of installing and maintaining a sprinkler service pipe from the main in the street to the building. It shall include a proper size control valve so that the service may be shut off if necessary. If requested by the applicant, a domestic service pipe may be connected to the sprinkler service pipe, but only if it is connected outside the building foundation wall and is provided with an

approved shutoff valve located outside the building to permit control of the domestic service pipe without the necessity to enter the building. Before any domestic service pipe is connected to a sprinkler service pipe, the applicant must obtain approval from the appropriate authority and provide the Utility with a certified copy of such approval. The utility shall supervise the installation of same. When the private fire protection system includes private hydrants, these hydrants must be flushed during the Utility's regular flushing periods, under the supervision of the Utility's personnel. These hydrants shall be maintained in a manner, or on a regular basis as approved by the Utility. Fire protection lines within buildings shall be so installed that all pipes will be open and readily accessible for inspection at any time and no connection other than for fire protection shall be made thereto.

The location and spacing of hydrants in new construction shall be installed in accordance with the Town of Yarmouth's Subdivision Regulations. All hydrants in the water system, including those on transmission mains, are available for fire protection.

33. **DEPOSITS IN ADVANCE:** Whenever a customer requests the Utility to do work for which the customer is required to pay and the Utility agrees to do the work, the customer shall deposit with the Utility, before the work is started, a sum of money equal to the Utility's estimate of the probable cost of said work. When the actual cost is determined an adjustment in the payment shall be made. Water service shall not be established by the Utility until all charges are paid in full.
34. **PRESSURE REDUCING VALVES:** Where, in the opinion of the Utility, it is necessary for proper water service, a customer shall install on the service pipe, between the meter and the shut off valve on the supply side of the meter, a pressure reducing valve of a type satisfactory to the Utility. The customer shall be responsible for the cost of installing and maintaining the pressure reducing valve at all time.
35. **PRESSURE RELIEF VALVES:** Whenever a pressure reducing valve has been installed by a customer in accordance with Regulation 34, the customer shall, for his own safety and protection, install on his hot water boiler and any other hot water heating device connected to the building's plumbing system, a pressure relief valve of an approved type, as well as an approved temperature limiting device. It shall be the customer's responsibility to maintain and keep in service the pressure relief valve at all times.