

CHAPTER 40. WATER DEPARTMENT (#1)

ARTICLE 1. THE WATER DEPARTMENT

SECTION 101. ESTABLISHMENT. This Chapter is adopted pursuant to the Home Rule Powers as provided in Article VIII, Part 2, of the Maine Constitution and the Home Rule provisions of Title 30-A M.R.S.A. § 3001, the Brewer City Charter, and other applicable laws.

ARTICLE 2. SUPERINTENDENT OF THE WATER DEPARTMENT

SECTION 201. SUPERINTENDENT OF THE WATER DEPARTMENT. There is hereby authorized and established the position of the Superintendent of the Water Department, who shall be appointed by the City Manager.

SECTION 202. DUTIES AND RESPONSIBILITIES. The Superintendent of the Water Department shall have the general oversight authority of the operation and dissemination of water within the area served pursuant to Chapter 66 of the Private and Special Laws (2001) of the Second Regular Session of the One Hundred and Twentieth Legislature.

SECTION 203. OTHER DUTIES.

Section 203.1. The Superintendent shall supervise all Water Department employees.

Section 203.2. He or she shall annually prepare a budget for the Water Department and submit it to the City Manager at least annually.

Section 203.3. Discretionary decisions listed in the approved Terms and Conditions shall be the duty of the Superintendent.

Section 203.4. The Superintendent shall carry out all lawful directives of the City Manager or the Assistant City Manager.

SECTION 204. ANNUAL EVALUATION. At least once annually the City Manager shall evaluate the Superintendent of the Water Department.

ARTICLE 3. TERMS AND CONDITIONS

SECTION 301. CONTRACT BETWEEN THE CUSTOMER AND THE UTILITY.

Terms and conditions made by the City of Brewer Water Department and filed with the Maine Public Utilities Commission constitute a contract between the customer and the utility. The customer agrees to adhere to these terms and conditions and to take water only for purposes stated in the application and at the established rates. The word "customer" means any person, firm, corporation or governmental division who has applied for and is granted service or who is responsible for payment of the service.

SECTION 302. TERMS AND CONDITONS.

The terms and conditions made by City of Brewer Water Department, approved by the Brewer City Council, and filed with and approved by the Maine Public Utilities Commission ~~that shall~~ constitute a contract between the customer and the Brewer Water Department. At least three (3) copies of these terms and conditions are on file in the office of the Brewer City Clerk and the Brewer Water Department.

SECTION 303. CLEAR SPACE AROUND HYDRANTS. (#2)

A clear space of not less than ten feet (10') each side and ten feet (10') behind each hydrant shall be maintained, the spacing each side of the hydrant will extend to the roadway. The clear space will extend from the base of the hydrant to twenty-five feet (25') in the air. (i.e.-rock walls, trees, shrubs, lights, poles, structures, mailboxes, etc.)

All current encumbrances shall be removed at the owner's expense. Existing encumbrances will not be allowed to remain. Owners will have no more than thirty (30) days from the date of mailing of a letter using Certified Mail to remove existing encumbrances.

Failure to remove these encumbrances will result in them being removed by the Water Department and the owner of the encumbrance charged. The utility will charge the owner at the following rates: \$50.00 per hour during normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday plus the cost of equipment rental/use, disposal fees if applicable.

SECTION 304. SNOW PLACED ON OR AROUND HYDRANTS (#2)

No person or party shall deposit or cause to be deposited any large body of ice or heap of snow around or on a fire hydrant or in such a manner as to limit the accessibility of a hydrant. The prohibited zone will be not less than ten feet (10') each side, ten feet (10') behind the hydrant and will extend to the roadway.

Owners will have no more than twenty-four (24) hours from the time of notification to remove the ice and/or snow.

Failure to remove the ice and/or snow will result in the property owner being charged for its removal around or on a hydrant to ensure sufficient clear space. Ice and/or snow removed will be placed on property or proximate properties where the hydrant is located. The utility will charge the owner at the following rates: \$50.00 per hour during normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday plus the cost of equipment rental, if applicable.

END OF CHAPTER NOTATIONS

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| (1) | Enacted October 8, 2013, | Effective October 13, 2013 | (2013-C010) |
| (2) | Enacted May 10, 2022 | Effective May 15, 2022 | (2022-C004) |