

TOWN OF WESTPORT WATER RULES AND REGULATIONS

CHAPTER 1. GENERAL REGULATIONS

1.1 Water Supply and Distribution System

A water supply and distribution system in the Town of Westport is established by the authority of Chapter 235 of the 1985 Acts and Resolves of the Commonwealth of Massachusetts.

1.2 Injury To or Opening of Pipes, Reservoirs, Etc.

It shall be unlawful for any person to injure any public conduit, pipe or reservoir connected with the Town waterworks, or to break and enter the same or to, without license from the Board of Water Commissioners, turn on or off, or cause to be drawn off, the water in any public water pipe, conduit or reservoir, or make any opening or connection with such pipe, conduit or reservoir, or remove the cover of any hydrant, except in the case of fire or by order of the Chief of the Fire Department.

1.3 Shutting Off Water, Etc., for Violation of Chapter

The Board of Water Commissioners may refuse to turn on and may shut off the water from the premises of any person who shall violate or permit any other person to violate the provisions of these Regulations.

1.4 Use of Water Through Hydrants of Standpipes by Manufacturers Restricted to Extinguishing Fires; Inspection of Hydrants, Etc.

The Town water shall not be used through hydrants or standpipes in the yards of persons engaged in manufacturing for any other purpose than that of extinguishing fires, or of being opened by the insurance inspector, to ascertain if the water is on, and the hydrants and pipes are in working order, unless the Board of Water Commissioners allows the water to be otherwise used. All such hydrants and appliances shall be open to the inspection of the agents of the Board of Water Commissioners at all times.

1.5 Work to be Done by Licensed Plumbers

All plumbing work, other than work done by the Board of Water Commissioners, done in the construction and repair of all water pipes and fixtures by means of which water is distributed by the Town, whether such pipes or fixtures belong to the Town or not, shall be done by a plumber licensed by the Commonwealth of Massachusetts.

1.6 Plumber's License

No person shall perform any labor in the nature of plumbing upon or in connection with any water pipes or fixtures by means of which water is furnished or distributed by the Town whether such pipes or fixtures are owned by the Town or not, except under the authority of the license granted by the Commonwealth of Massachusetts.

CHAPTER 2. BOARD OF WATER COMMISSIONERS

2.1 Authority to Construct and Make Repairs

The Board of Water Commissioners may construct and make such repairs of water pipes and fixtures and do such plumbing work as it may deem necessary.

2.2 Appointment of Personnel

An Administrator of Public Utilities may be appointed by the Board of Water Commissioners who, with the clerk thereof, and all such subordinate officers, agents and directors as may be found necessary, and whom such board is hereby authorized to appoint, shall perform such duties, respectively, as the Board shall assign.

2.3 Administrator's Duties Generally

The Administrator of Public Utilities shall have charge of the aqueduct, lands, reservoirs, engines and all other property connected with the waterworks, subject, in all matters in relation thereto, to the control and directions of the Board of Water Commissioners. He or she shall perform all such other services in connection with such works as may, by the Board, be required of him or her.

2.4 Appropriation of Receipts

The monies received in connection with the operation of the Town of Westport municipal water supply and distribution system shall be paid into a Water Department Enterprise Fund. The Town Accountant shall account for Enterprise Fund cash separately and allocate investment income and borrowing costs proportionately. All funds received by the department shall be used to provide for operating expenses. Of these expenses, an amount equal to the current year's depreciation expense shall be appropriated to a fund balance reserved for capital purposes. Any remaining funds shall go to a reserve fund that will fund future year deficits or offset future year user charge increases.

2.5 Authority of Board to Establish Regulations; Enforcement

The Board of Water Commissioners may establish such rules and regulations, not

conflicting with any By-Law of the Town for the introduction and use of water, the measurement thereof and payment thereof, as it may deem expedient, and upon any failure or refusal to comply with such regulations, the Board may shut off or refuse to supply water.

The Board of Water Commissioners reserves the right to change the rules and regulations and water rates, at any time, and to establish special rates.

CHAPTER 3. REGULATIONS

3.1 Regulations Considered Part of Every Contract

The following regulations are hereby established and, together with such regulations as shall be from time to time made by the Board of Water Commissioners, under the authority of Section 2.5, shall be considered a part of the contract with every person who receives water service, and the fact of receiving water service shall be considered as expressing assent to be bound thereby. A copy of the regulation shall be given to all applicants for water service.

3.2 Application for Water Service; Name of Plumber to be Given

All persons desiring Town water service shall make application at the office of the Administrator of Public Utilities in the prescribed form and at the same time give the name of the plumber who is to do the work.

3.3 Applications for Water to be Countersigned by Owner

All applications for water service, by or for tenants, shall be countersigned by the owner of the property.

3.4 Responsibility of Owner for Water Dues and Unnecessary Waste

Both the applicant for water and the owner of the property shall be equally responsible for the water charges and fees as well as for any unnecessary waste of water that may occur.

3.5 Penalty for Unnecessary Waste; Damages

In case of the occurrence of unnecessary waste of water, the sum of twenty-five dollars (\$25.00) shall be paid for the first breach of the agreement, and fifty dollars (\$50.00) for the second breach during the same year, as liquidated damages, and if such waste shall not be prevented and the aforesaid damages paid within two (2) days after notice is given, the water shall be cut off from the premises and shall not be again let on for the same

owner or occupant until the waste be stopped and the damages paid, together with an additional sum of ten dollars (\$10.00) for cutting off and turning on the water. In case of a third or subsequent breach, the water shall be cut off and shall not again be turned on except by a vote of the Board of Water Commissioners and the payment of such damages, not exceeding the sum of one hundred fifty dollars (\$150.00), as the Board may determine.

3.6 Service Pipes to be Kept in Good Repair, Protected From Frost, Etc.

All persons receiving water service shall, at their own expense, keep the service pipes and appurtenances within their premises in good repair, protected from frost, and make all reasonable provisions to prevent excessive usage, and they shall be held liable for all damages, which may result from their failure to do so.

3.7 Alteration of Pipes and Fixtures to be Made by Town; Right of Entry

No alteration shall be made in any of the pipes or fixtures inserted by the Town, except by its agents, who are to be allowed to enter the premises supplied, to examine the apparatus and to ascertain whether there is any unnecessary waste.

3.8 Supplying Parties Not Entitled to Use

No water shall be supplied to parties not entitled to the use of it under any Town By-Law, rule or regulation, unless by special permission of the Board of Water Commissioners.

3.9 Right of Entry

The Administrator of Public Utilities or his agents or directors, may enter the premises to examine the quantity used and the manner of its use, and to cut off the water for nonpayment of charges, fees or fines or for any violations of regulations or for any other necessary purposes connected with the discharge of their duties.

3.10 Service Pipes and Stop Cocks Outside Buildings

All service pipes and stop cocks shall be supplied and put down the street line by the Town.

3.11 Stop and Waste Cock Inside Building

All persons receiving water service shall provide a stop and waste cock, to be properly located inside the building, and have the pipes so arranged that the water can be drawn from them whenever there is danger of its freezing. Whenever the water is turned off in

this way, the faucet in the sink must be opened to admit air to the pipe and allow it to empty.

3.12 Charge for Installation of Water Service; Charge for Turning On or Shutting Off

All work from the main to the meter shall be under direction and approval from the Board of Water Commissioners at the expense of the person receiving water service both for labor and material. There shall be a charge of five dollars (\$5.00) for turning on or shutting off the water at the street, if requested by the consumer.

3.13 Procedure for Violation of Regulations

Whenever any one (1) of the regulations described in this article is violated, although two (2) or more parties may receive the water through the same pipe, the water shall be cut off and shall not be turned on again unless by order of the Board of Water Commissioners, and on payment of ten dollars (\$10.00). In case of any such violation, the Board of Water Commissioners shall have the right to declare any payment made for the water, by the person committing such violation, to be forfeited, and thereupon the same shall be forfeited.

CHAPTER 4. METERS, RATES, BILLING

4.1 Rates for Metered Water

- A. For each meter set, a minimum service charge of two dollars and fifty cents (\$2.50) for each three (3) months will be made and will be payable in advance in January and July:

<u>Size of Service Line</u>	<u>Meter Size</u>	<u>6 Month Service Charge</u>
1"	5/8"	\$ 2.50
1"	3/4"	10.00
1"	1"	15.00
1½"	1½"	30.00
2"	2"	50.00

- B. The charge for water supplied by the Town, as measured by a water meter, currently is \$2.47 per 100 cubic feet.
- C. The minimum charge for water supplied payable in quarterly installments, irrespective of the amount of water used, shall be five dollars (\$5.00) per quarter.
- D. Whenever any water meter in use is changed by direction of the Board of Water Commissioners, it shall be at the expense of the consumer; except when such change is part of a general repair, modification or replacement program affecting

more than twenty-five percent (25%) of all meters in service in a given calendar year, the Board may, at its discretion, assign the total expense incurred by the entire program over its duration to bonded indebtedness or direct capital expense, either of which shall be paid out of general department revenues in accordance with established statutory procedures.

4.2 Determination and Assessment of Water Rates

The Board of Water Commissioners shall determine and assess the water rates according to the tariff of rates adopted by the Board of Selectmen, including the water used by individuals, corporations and by the Town for fire and other purposes.

4.3 Meters – Required; Owner to Furnish and Attach; Exception

All persons having water pipes connected with the Town water mains, directly or indirectly, through which the Town water is or can be used for any other purpose than that of extinguishing fires, shall furnish and have attached to such pipes, meters as approved by the Board through which all the Town water so used must pass, unless the Board of Water Commissioners allows the water to be otherwise used and paid for.

4.4 Same – Approval, Installation

All meters so used shall be of a kind approved by the Board of Water Commissioners, and of sufficient size to measure all the water that may flow through the pipes on which they are placed, and may be located and connected with the pipes in the place and manner satisfactory to the Administrator of Public Utilities.

4.5 Same – Maintenance, Accessibility

All meters shall be kept in condition satisfactory to the Administrator of Public Utilities. Meters and all water piping shall be accessible to the Administrator or the agents of the Board of Water Commissioners.

4.6 Same – Removal

No meter shall be removed for any purpose except by the person authorized by the Board of Water Commissioners.

4.7 Money received by Collector to be Turned Over to Treasurer

The money received by the Town Collector for water rates shall be paid by him or her to the Town Treasurer.

4.8 When Bills are Due and Payable

The annual charges for the use of the water shall be payable in advance, and before the water is turned on, and in all cases where the consumption of water is ascertained by meters, gauge or estimate of the Board of Water Commissioners, the bills shall be rendered quarterly as far as practicable, and shall be due when rendered.

4.9 Penalty for Non-Payment of Bills; Liquidated Damages; Cutting Off Water, Etc.

- A. If water bills remain unpaid thirty (30) days after they are due, the sum of 10 percent (10%) of the total amount of the bill shall be added as liquidated damages. If the bill, with the total ten percent (10%) liquidated damages added, shall not be paid forthwith, the Board of Water Commissioners may shut off the water and refuse to turn it on for the same occupant or owner until the bill, with the additional sum of ten dollars (\$10.00), shall be paid.
- B. In the event that a water bill remains unpaid for one (1) year, and remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committed by them to the Town Collector, the Board of Water Commissioners shall certify such unpaid bills to the Assessors, who shall forthwith add the amount of the unpaid bill, plus a service charge of twelve dollars (\$12.00) for each unpaid water bill to the real estate tax bill of the person to whom the water is charged. In case of specific supplies for fractional parts of the year, when the water has been turned on, it may be cut off immediately after notice given at the place that the charge is not paid, and may be turned on again upon payment of the charge due and damages in the sum of five dollars (\$5.00). Unless the Board of Water Commissioners shall otherwise direct, the foregoing provisions shall apply when two (2) or more parties take the water through the same pipe, although on (1) or more may have paid the proportionate due from him/her or them.
- C. The Administrator of Public Utilities may, in his/her discretion, extend the dates for payment of bills for cases he/she deems hardships under such terms and conditions as he/she deems reasonable.

4.10 Responsibility for Payment Where Several Tenants are Supplied From a Common Pipe

When several tenants are supplied with water by a service or supply pipe in common, the owner of the property and the applicant for water shall be held responsible for the payment for all water that passes through the pipe.

4.11 Damages or Refund Not Allowed for Stoppage of Supply by Accident, Repairs, Etc.

No person shall be entitled to damages or to have any portion of a payment refunded for

any stoppage of supply occasioned by accident to any portion of the works; or for stoppage for purposes of additional work or repairs; or for nonuse occasioned by absence; and the Board of Water Commissioners shall have the right to shut off water to make repairs, or additions of new work.

4.12 Statement of Unpaid Bills to be Filed in Registry of Deeds; Certification to Assessors

The Board of Water Commissioners shall cause to be filed for record in the appropriate registry of deeds within ninety (90) days after the due date of any unpaid bill for water charges such a statement as is required by and described in Massachusetts General Laws, Chapter 40, Section 42 et seq., for the purpose of putting into effect liens upon real estate for such charges, including interest and costs, and within ten (10) days after filing such a statement shall certify the unpaid account to the Assessors as required in Massachusetts General Laws, Chapter 40, Section 42C.

CHAPTER 5. OTHER RULES AND REGULATIONS

5.1 No person shall take or carry away Town water from any public hydrant, watering tank or fountain without the consent of the Board of Water Commissioners, nor after such consent shall have been withdrawn.

5.2 Public fire hydrants shall be installed and maintained for the sole purpose of fire protection, and with the exception of the members of the Fire Department operating the same for the legitimate purpose of extinguishing fires, no other use of such hydrants shall be made without the consent of the Board of Water Commissioners.

5.3 Town water shall not be supplied to any premises where the pipes used to convey or distribute the same are so connected, directly or indirectly, with any supplementary or secondary system as to receive a possible water supply from any source other than that furnished by the Town water system.

5.4 Any private fire protection system using water from wells, streams or any other source other than the Town supply shall be at all times kept entirely separate from any possible connection with the Town system.

5.5 All service pipes for fire supplied from the Town system shall be introduced into the premises entirely independent of any other service except by permission of the Board of Water Commissioners and shall be furnished and installed (upon approved application) by and under the direction of the Board of Water Commissioners and at the expense of the owner of protected premises, for all labor and materials or other expense furnished in connection with the work. Applications for such services must be accompanied by two plans of the piping of the entire system, one of which plans shall be for the Chief of the Fire Department.

5.6 Sprinkler systems, valves and private hydrants shall be sealed by the Chief of the Fire Department or under his direction by his designees.

5.7 Underground Water Main Utilities Separation

- A.** Water mains should be laid on the east shoulder for streets running in a north/south direction and on the south shoulder for streets running in an east/west direction. Minimum depth of cover is five feet.
- B.** Whenever water mains and other underground utility lines (sewer, gas electric, telephone, cable, etc.) occur in proximity with one another, the following relationship will be observed.

1. Horizontal Separation

Whenever possible, water mains should be laid at least ten (10) feet horizontally from any existing or proposed underground utility mains or feeds. Should local conditions prevent a lateral separation of ten (10) feet, a water main may be laid closer than ten (10) feet if:

- a.** It is laid in a separate trench and its location is approved by the Board of Water Commissioners.
- b.** It is laid in the same trench with the utility (only sewer and drainage permitted) located at one side on a bench of undisturbed earth and clearly marked with APWA Uniform Color Coded Underground Utility Marking Tape buried four to six (4 - 6) inches deep, following the direction of the water main.
- c.** In either case, the elevation of the crown of the utility must have at least an eighteen (18) inch differential in elevation and is to be marked with color-coded marking tape as specified above.

2. Vertical Separation

Where the proposed water main meets other utilities (except sewer transmission mains), the water main shall pass under the utility with a minimum clearance of twelve (12) inches. In all cases, utilities are to be protected by encasement (piping, conduit, concrete) and clearly marked with color-coded marking tape as specified above.

- a.** Whenever water mains and sewer mains cross, the water main shall be laid at such an elevation that the top of the sewer main is at least eighteen (18) inches below the bottom of the water main. One full length of water main should be centered over the sewer main so that both joints will be as far from the sewer main as

possible. The sewer pipe should be of ductile iron material for a total of ten (10) feet in each direction at the crossing and have the joints of the sewer main encased in concrete or be of other material specified by the town of Westport Board of Health and Board of Water Commissioners and encased in concrete ten (10) feet each side and encasing the joints of the sewer main.

The Rules and Regulations are hereby voted by the Board of Water Commissioners to take effect from and after April 15, 1991 and said Board hereby reserves the right to revise or amend the same as may be deemed necessary or expedient.

By vote of the Board of Water Commissioners of Westport, Massachusetts on April 22, 1991.

Francois A. Napert, Chairman

Romeo A. Fortin

Thomas Perkins

WESTPORT WATER COMMISSIONERS