

TOWN OF MAYNARD
WATER DEPARTMENT
RULES AND REGULATIONS

Amended July 24, 2007

Pursuant to M.G.L. c.41 s69A, M.G.L. c.40 s41A, and M.G.L. c.40 s39A, and related authority, the Town of Maynard (“Town”), through its Board of Selectmen (“Board”) acting as Water Commissioners, has established the following governing rules and regulations. These regulations amend Rules and Regulations adopted by the Town through its Department of Public Works Commissioners in December 1971.

Definitions: Board shall mean the Board of Selectmen, acting as Water Commissioners of the Department of Public Works where appropriate in the context of these regulations.

DEP shall mean the Massachusetts Department of Environmental Protection.

Department shall mean the Water Department of the Department of Public Works.

Domestic Use shall mean use of water for human consumption, bathing, cleaning, heating of interior living and workspace, sanitary waste removal, and other customary uses of water within residences and businesses, excluding outdoor use and industrial use.

Industrial Use shall mean use of water by businesses within an industrial zone for manufacturing, process cooling, process washing, and other non-domestic uses.

Out-of-Town Use shall mean use of water supplied by the Town of Maynard by a user located in a municipality other than Maynard through a connection to Town water lines approved by the Board.

Outdoor Use shall mean any use of water outside a residence or business, including but not limited to watering lawns, washing cars, filling swimming pools, washing buildings or surfaces, and all other outdoor uses not included within domestic and industrial use.

Outdoor Use Only Meter shall mean a water meter intended to measure water consumed for Outdoor Use. Service connected to an Outdoor Use Only Meter will not be billed for sewer use.

Person shall include, but shall not be limited to, any individual, corporation, trust, partnership, limited liability company or partnership or any other form of association or entity.

Rate Level shall mean the conservation-based water rate paid by Users as defined in Section 12.

Superintendent shall mean the Superintendent of the Department of Public Works or his/her designee.

Town shall mean the Town of Maynard.

User shall mean any public or private user of the Town's public water system, irrespective of the person's responsibility for billing purposes, for water used at any particular facility.

Section 1: Authorization to connect: No person may connect, or cause to be connected, any service line to a Town water main or distribution line except by the order of the Department. All applications for new service or for any alteration to existing service must be made by the owner of the property to be connected, or his/her duly authorized agent, stating purposes for which the water is to be used. All work on any water mains or distribution therefrom may only be done by the Department or its duly authorized agents. Fees to connect to water mains or water distribution lines shall be set by a majority vote of the Board, as reviewed and changed from time to time. New service connection fees shall be effective upon publication in a newspaper of local circulation.

Section 2: Release from liability: The Town shall not in any way or under any circumstances be responsible or liable to any Person for any loss or damage from any excess or deficiency of water pressure, volume, or supply of water for any cause whatsoever.

Section 3: New extensions: Street main extensions to previously unserved portions of the Town shall be made upon determination by the Board that such extension is in the public interest and upon a Board determination that sufficient funds exist for such extension.

Street main extensions also may be made upon application of the property owners, or their duly authorized agents, under the following conditions:

- A. Applicants must deposit with the Town a sum of money or other form of security approved by the Town, equal to not less than fifty percent (50%) of the estimated cost of the extension. Upon completion of the work, applicants will be refunded unused funds or charged the difference between fifty percent (50%) of the actual cost and the amount of the deposit. Additional sums due the Town shall be payable upon demand and must be fully paid prior to the use of water at that location. Applicants may make payment of the installation charges, as stated above, over a period of five (5) years in semi-annual payments provided the applicant requests such five (5) year payment plan in writing and furnishes a bond or other form of security approved by the Town, guaranteeing payment within five (5) years.
- B. Applicants must guarantee by bond or lien on the property, annual minimum interest to the Town of at least ten percent (10% of the cost of the extension for a term of five (5) years.

Under any option, the applicant will not be required to guarantee a sum greater than the total cost of installing a six (6) inch extension.

Section 4: Extensions through private ways: Applications for extensions of mains through private ways or private property shall not be granted unless the owner thereof executes a proper instrument providing the Town with a right-of-way, permanent easement and permanent use and occupation free from any acts of interference that shall affect the safety of the water lines, and providing an irrevocable right of entrance to the Town or its agents for inspection and maintenance. The lines and grades must be established and an easement granted and recorded before pipe can be laid.

Section 5: New service connections: An application for a service connection to the water main shall be made to the Department by the owner of the property or his/her duly authorized agent.

- Section 6: Meters: All water service, with the exception of service for fire sprinklers only, shall be metered. Meters shall be furnished and maintained by the Department, except that costs to repair meters damaged through the negligence or willful act of water users will be borne by the user. All meters on new construction and replacement meters must have devices for outdoor remote reading.
- Section 7: Meter Tampering: Changing, altering, disconnecting, or in any way tampering with a water meter is prohibited. The Town reserves the right to pursue civil or criminal complaints to recover all costs of repair of damaged property and to recover payment for services that were interrupted or terminated through tampering.
- Section 8: Multiple Service Meters For Outdoor Use Only: Persons who wish to have separately metered service for Outdoor Use of water must make separate application to the Department. Effective mm/dd/yy, service for Outdoor Use Only meters will be billed at a separate rate to be set from time to time by the Board.
- Section 9: Work and Installation: All work of installing and maintaining service connections shall be performed only under the supervision of the Department or its duly authorized agent(s). All work on water mains, distribution lines, and service lines and all materials used shall conform to all standards, regulations, rules, and requirements of the Town in effect at the time of the installation or other work. Cost and maintenance of service connections from the street to the cellar are the responsibility of the owner of the property, as are all expenses incurred by the Town to supervise said work.
- Section 10: Temporary Service: Service to temporary structures such as construction trailers, and temporary service at construction sites shall be approved at the discretion of the Department upon application by the owner of the site or his/her agent. All work for and costs of installation are the responsibility of the applicant.
- Section 11: Fire Sprinkler Service: All fire sprinkler service lines shall be laid under the direction of the Department, with the advice of the Maynard Fire Department, and all costs shall be borne by the owner of the property.
- Section 12: Conservation-based Water Rates: Fees for water service shall be set by the Board from time to time based on costs of providing

service as determined by the Department and its agents and consultants. New water service rates shall become effective upon publication in a newspaper of local circulation, following a public hearing and a majority vote of the Board approving such new rates.

Conservation-based rates shall be set for the following rates:

Town Use: All rates for use of water within the Town are based on water usage over the period metered with meters read semi-annually. The rate billed to the customer will be based on the actual water use on the meter reading, and not on average annual or historic use. (Note, this means that some customers may pay different rates in the winter and summer seasons).

Minimum Charge: The minimum water charge for all Rate Levels will be set by the Board from time to time.

Rate Level 1: Domestic and industrial use equal to or less than 1,000 cubic feet of total water consumption during the metering period.

Rate Level 2: Domestic and industrial use greater than 1,000 cubic feet of total water consumption but less than or equal to 2,000 cubic feet during the metering period.

Rate Level 2 shall be set at 1.30 times Rate Level 1.

Rate Level 3: Domestic and industrial use greater than 2,000 cubic feet of total water consumption but less than or equal to 5,000 cubic feet during the metering period.

Rate Level 3 shall be set at 1.40 times Rate Level 1.

Rate Level 4: Domestic and industrial use greater than 5,000 cubic feet of total water consumption during the metering period.

Rate Level 3 shall be set at 1.60 times Rate Level 1.

Outdoor Use of water is metered on an Outdoor Use Only meter installed to a dedicated water line for that purpose only. It is installed and paid for by the user and inspected and activated by the DPW. It is billed at the same rates but no sewer fee is attached.

Out-Of-Town Use: All out-of-town users of Town water will be billed at 1.40 times the applicable Town Use rate.

Section 13: Broken or Malfunctioning Meters: If a meter fails to register, the user shall be charged at average consumption rate recorded by the meter when it was operating.

Section 14: Payment of Water Bills: Water bills shall be due and payable on the first day of May and November at the Office of the Town Collector. Owners of property are responsible for all water use on their property. The Collector, in his or her sole discretion, may make abatements on water bills in appropriate cases.

Section 15: Right of Inspection: The Superintendent of the Department or his agent may, at any reasonable time, inspect any premises to which water is provided by the Town.

Section 16: Service Shut Off For Repairs: The Department reserves the right at any time without notice to shut off water service to a portion of the Town or to individual service connections for the purpose of making alterations, repairs, or for other reasons deemed necessary by the Department for maintenance, inspection, or operation of the public water system.

Section 17: Right To Interrupt Or Terminate Service: The Board, by a majority vote, may terminate service to users for noncompliance with these Rules and Regulations, or for noncompliance with By-laws adopted by the Town for the operation, protection, and management of the public water supply system, or for nonpayment of water service use fees and charges. When water has been shut off for noncompliance with rules, regulations, by-laws, or ordinances, the Board may, at its discretion, restore service upon resolution of the reason for noncompliance. When water has been shut off for nonpayment of fees or charges, service shall be restored upon certification by the Collector that all required payments have been received by the Town. A reconnection fee of \$500 shall be charged.

Section 18: Control Of Water Use: The Board will regulate the use of water in the Town as it deems necessary to protect public health, safety, and welfare, and as it deems necessary to protect the integrity, quality, and quantity of the water supply. The Board, by a majority vote, may declare a State of Water Supply Conservation, or may

establish other emergency restrictions on the use of water if notified by the DEP or other authorized State or Federal Agencies that a water supply emergency exists.

Section 19: Regulation Of Devices: No person may affix any device to any portion of the public water system or to any water service connected thereto unless said device will not be detrimental to the water system. All sprinkler systems, quick-closing valve devices, basement fixtures, etc. must be provided with suitable air chambers to prevent backflow within the water system.

Section 20: Protection Of Water Supply: No person, unless duly authorized by the Superintendent, shall trespass on property controlled by the Town for the purpose of protecting water supply. No Person shall deposit refuse, waste material, vegetation, etc. on any property controlled by the Town for the purpose of protecting water supply. The Town reserves the right to pursue criminal or civil complaints against violators of this Section.

Section 21: Hydrants: No person, other than an employee of the Department or its agents, or an employee of the Maynard Fire Department or its agents, or an employee of the Town with the express permission of the Superintendent shall open, or remove the cap of any fire hydrant within the Town.

Section 22: Authority Of The Board: The Board may adopt additional rules, regulations, requirements, or conditions not addressed by these Rules and Regulations, and may revise these Rules and Regulations from time to time. The Board may waive these Rules and Regulations or portions thereof at its discretion and after majority vote.

Section 23: Revisions: The Board shall revise these Rules and Regulations from time to time when necessary.