

TOWN OF MAYNARD



WATER RULES AND REGULATIONS GOVERNING CONNECTIONS AND USE

Department of Public Works

**Adopted December 1971
Amended July 24, 2007
Amended November 20, 2018**

WATER RULES AND REGULATIONS

The following water rules and regulations are a part of the contract with every consumer who takes water, and govern the relations between the Maynard Department of Public Works and its water customers and the contractors and developers who install water systems.

AUTHORITY

These Regulations are adopted by the Town of Maynard under its home rule powers, its police powers to protect public health and welfare, and its specific authorization under Chapter 407 of the Acts of 1888 establishing the water supply and distribution systems in the Town of Maynard, Massachusetts General Laws (MGL), Chapter 41, Section 69B for the regulation of water supply and distribution systems under the authority of the Board of Selectmen acting as Water Commissioners; MGL, Chapter 40, Section 41A, for implementing the Town's authority conditional upon a declaration of water supply emergency issued by the Department of Environmental Protection; MGL, Chapter 40, Section 39A, by vote at Town Meeting the Town may establish a water supply and/or water distribution system and maintain and operate the same; and related authority, the Town of Maynard ("Town"), through its Board of Selectmen ("Board") acting as Water Commissioners, establish the following governing rules and regulations.

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. The Board shall revise these Rules and Regulations from time to time when necessary.

These Rules and Regulations originally adopted by the Town in December 1971, amended July 24, 2007 and TBD.

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Definitions

Account shall mean the agreement between a property owner and the DPW of the Town of Maynard for water service. Each account shall be metered and the consumption of water registered thereon shall be billed in accordance with the provisions of the applicable schedule of rates.

Alteration, To Alter - The act or fact of rebuilding, reconstruction, restoration, renovating, remodeling, replication, removal, demolition and other similar activities.

Applicant shall mean a person, persons or corporation who applies for an Account, as described in these Rules and Regulations.

Appurtenances are anything other than a painted sign as defined in this section, which is placed on or attached to a water facility that is not inherent to the structure, operation, function and maintenance of that facility.

ANSI shall mean the American National Standards Institute, Inc.

AWWA shall mean the American Water Works Association.

Backflow shall mean the flow of water or other liquids, mixtures or substances into the distribution lines of a potable water supply from any source other than the intended public water system source.

Backflow prevention device shall mean a mechanical piping assembly, which provides a method to prevent backflow. Such device shall be approved by the Massachusetts Department of Environmental Protection (DEP). A categorization of the type of such devices is given in DEP regulations 310 CMR 22.22.

Back-Siphonage is a form of backflow due to reduced or sub-atmospheric pressure within a water system.

BOS or Board shall mean the Town of Maynard Board of Selectmen.

Building shall mean a structure enclosed within exterior walls or firewalls, built, erected, or framed of any materials, whether portable or fixed, having a roof to form a structure for the shelter of persons, animals, property or the conduct of a trade or business or for the holding of athletic sporting and other such public events.

Collector shall mean the Treasurer/Collector of the Town of Maynard.

Commission shall mean the Town of Maynard Board of Selectmen. The Board of Selectmen act as the Water Commissioners of the Town of Maynard and is empowered by Chapter 407 of the Massachusetts Legislature of 1888 and other Acts of the Massachusetts Legislature and by Town Bylaws to provide and distribute water to the Town and to collect monies for the construction, operation and maintenance of such a

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water supply and distribution system, to enact these Rules and Regulations and to hear appeals therefrom.

Common Ownership shall mean the right to use and enjoy property, including the right to transfer it to others, held by two or more persons. In assessing whether facilities are in a single ownership for the purpose of these regulations, the DPW shall apply the criteria specified in 310 Commonwealth of Massachusetts Regulations (CMR), Section 15.01, 1 (1), as the same may be amended from time to time.

Commonwealth shall mean the Commonwealth of Massachusetts.

Construction, To Construct - The act or fact of building, erecting, installing, enlarging, moving and other similar activities.

Contamination or "contaminant" shall mean an impairment of the quality of the potable water by substances such as sewage, industrial fluids, or waste liquids, compounds or other materials to a degree which creates an actual or potential threat to the public health through poisoning or through spread of disease.

Contractor and Developer shall mean an individual, firm, or corporation who installs water mains, water services, and appurtenances.

Customer shall mean the person or party responsible for an Account, as described under these Rules and Regulations.

Cross-connection shall mean any actual or potential connection between potable water from the public water system and any other source of liquids, mixtures or substances.

DEP shall mean the Massachusetts Department of Environmental Protection, which is the regulatory agency for the Federal Safe Drinking Water Act.

Director shall mean the Director of the Town of Maynard Department of Public Works or his/her designee.

Disconnect/Connect service shall mean the process of shutting off the curb stop valve and/or the house shut-off valve and removing the water meter as well as the reverse process.

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.

DPW or Department shall mean the Town of Maynard Department Public Works, the Director, or its authorized agent.

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Dwelling Unit shall mean a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

Enforcement Authority shall mean the Town of Maynard Board of Selectmen, or its authorized agent.

Facility shall mean something built, installed or established to serve a particular function.

Health Hazard shall mean an actual or potential threat of contamination to the potable water system in a public water system which could endanger health, in the opinion of the Massachusetts Department of Environmental Protection, the Town of Maynard Department of Public Works, the Town of Maynard Board of Selectmen, or the Town of Maynard Board of Health.

Industrial Use shall mean use of water by businesses within an industrial zone for manufacturing, process cooling, process washing, and other non-domestic uses of connection to Town water lines approved by the Board.

In-Plant Protection shall mean the location of an approved backflow prevention device in a manner which provides the protection of the potable water system within the premises.

Irrigation systems shall mean any equipment that conveys water for irrigation purposes and that is permanently connected to the public water supply.

Main shall mean the water supply pipe laid in the right of way from which service connections are made.

Meter shall mean a device installed for the measurement of water quantities to be used as a basis for determining charges for water service.

Meter pit shall mean an underground chamber along a service line, suitable for installation of a water meter and for protecting the meter from the effects of weather.

Moisture sensing device shall mean a sensor that automatically shuts off irrigation system controllers in response to rainfall.

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 mean any individual, trust, corporation, authority, limited liability corporation, joint stock company, partnership, association, organization or any other legal

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or commercial entity and any officer, employee or agent of such person, and any group of persons.

Pollution shall mean the presence of any foreign substance, organic, inorganic, or biological, in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

Potable water shall mean water from any source, which is approved by the Mass DEP for human consumption.

Pressure Vacuum Breaker (PVB) shall mean an approved backflow prevention device designed to prevent only back siphon and which is designed for use under static line pressure.

Private Way shall mean an Access Road not publicly owned.

Public Water Supply shall mean a system for the provision of potable water for public consumption.

Rates shall mean the conservation-based water rate paid by Users.

Reduced Pressure Backflow Preventer (RPBP) shall mean an approved testable backflow prevention device incorporating: (a) two or more check valves, (b) an automatically operating differential relief valve located between the two checks, (c) two shut-off valves, and (d) necessary appurtenances for testing; as defined in state regulations.

Removal shall mean the act or fact of removing, extracting, taking away and other similar activities.

Repair shall mean the act or fact of restoring to a sound condition after damage or injury, fixing, putting in order and other similar activities.

Schedule of rates shall mean all charges for water use and for water services as described herein. Rates and fees shall be computed in accordance with the schedule of rates on file with the DPW. This schedule of rates shall be approved by the BOS in accordance with the laws of the Commonwealth and shall be revised periodically as appropriate.

Service Connection shall mean all the lines and materials from the water main to the customer's water system and is equivalent to 'water service'.

Service Line shall mean the pipe that conveys water from the water main in the right of way to the customer.

Shall is mandatory.

Shut off of service shall mean the turning of a valve in the Service Line so that water no

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longer flows to the customer.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the town.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under MGL Chapter 21G, Sections 15 – 17.

Tapping shall mean to make a connection with or open outlets from a water main.

Timing device, also known as an irrigation controller, or a clock, shall mean a piece of equipment that turns the irrigation system on and off at desired times and operates the in- ground irrigation system for a period of time.

Town shall mean the Town of Maynard

Water service shall mean all the lines and equipment from the water main to the customer's water system, and is equivalent to 'service connection'.

Will is discretionary.

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Section 1. Application for Water Service

The owner or owners of the real estate for which the public supply of water is sought shall make written application for water service. All fees associated with providing water service shall be assessed and collected before service is provided. No person shall connect, or cause to be connected, any pipes to the water system, or take any water therefrom, without permission of the DPW.

Approval of applications shall be valid for six months, unless extended in writing by the Director. If applicants do not make a Service Connection within six months of the date of approval, the approval shall be deemed to be revoked, unless the deadline for making a service connection is extended by the Director in writing.

The application must be made by completing the appropriate departmental forms. A Tapping and Installation Charge is payable with all applications for normal single dwelling services. (See Appendix A, Schedule of Rates and Charges) Tapping and Installation Charges for other service applications will be set by the DPW after reviewing the specifications and layout of the service application in accordance with the Schedule of Rates and Charges. Applications for new service or relocation of service shall be accompanied with a general site plan and utility schematic showing the proposed service layout. The Director may require a detailed design plan prepared by a professional engineer registered in the Commonwealth of Massachusetts. In accordance with Town Bylaws and regulations, all persons making excavations or using any portion of any public way are required to obtain a street opening/trench permit from the DPW.

When the application for service involves either new construction or a change in use resulting in an increase in volume demand on the water system greater than 1,000 gallons per day of flow to an existing building, the DPW may require a water system impact assessment prepared at the applicant's expense prior to approval of the application.

An application for service may be denied on the grounds that it is not in the best interest of the Town's water treatment and distribution system, including, but not limited to the reason that the water system does not have the capacity to supply the proposed flow demand.

All applications for out-of-town service connections are subject to the review and approval of the BOS.

Section 2. Availability of Service

- **General**

The approval of an application for a water service account will be contingent upon the existence of a water main in the public or private way in front of the property to be served. Furthermore, the pressure and carrying capacity of the water main must be sufficient to serve the applicant without adversely affecting the service to existing users.

Any person making application to extend mains or create service lines to provide water use having a design demand for water of 30 gallons per minute or more (except for fire protection purposes) shall submit a water use impact report and conservation plan to the

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Director. This report shall define the proposed water use impact on the Department's current and future demand for water and set down actions the applicant will take to mitigate the effects of this impact. Approval of an application to provide water service to large users may be conditional, requiring periodic review of measures taken by the customers to mitigate the impact of their demand for water on the public water supply. All reasonable costs associated with reviewing the report will be borne by the applicant.

Section 3. Extensions of Water Mains

- **General**

Requests for the extension of water mains must be made in writing to the DPW Director. Any person making an application for the extension of water mains shall submit a water use impact report and conservation plan to DPW. All such water main extensions shall be constructed by applicants at their expense under the supervision of DPW and in accordance with its specifications. The main must be extended (including

necessary hydrants and appurtenances) to the furthest limit of the property to be served by water. The applicant shall pay for the cost of inspections by DPW and third party reviews in accordance with the schedule of rates.

- **In 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 permanent, recordable use and maintenance easement free from any acts of interference that may affect the safety of the water lines. The lines and grades must be established and an easement granted and recorded before pipe can be laid.

- **Assessments**

The Board of Selectmen may levy assessments, under Massachusetts General Laws Chapter 80, to meet costs hereinafter incurred by laying water pipes in public or private ways, and the whole cost of laying such pipes shall be assessed according to the method determined by the Board.

Section 4. Installation of Water Service

- **General**

The DPW shall furnish and install the service tap from the water main to the property line, unless the Director has specifically authorized another party to do so. It is the responsibility of customers or their contractors to install, at their expense, the water service from the property line to the building, according to DPW specifications. The customer shall be charged fees pertaining to the installation of service lines in accordance with the schedule of rates. Installation of services extending beyond the end of an existing water main shall not be allowed. The DPW shall approve all service materials and installation activities. New service lines must be inspected by DPW before backfilling the associated trench.

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The size of the service shall be subject to approval of the Director. In some cases, such as when the service line is greater than 120 feet in length, the Director may require a meter pit at the edge of the right of way. The Director may restrict the maximum length of service lines based on specific, local conditions.

Any request for a service line greater than 1-inch in diameter must be accompanied by an analysis performed by a registered engineer demonstrating the need for a service connection of the size requested, and stating that there is no other, reasonable method for meeting such need.

That portion of a service connection installed within a public way and terminating at a shut off shall be considered the property of the DPW upon its construction and acceptance. The DPW shall be responsible for its maintenance. That portion of a service connection not lying within the public way shall remain the property of the customer, who shall be responsible for its maintenance.

No existing service connections shall be altered without the written permission of the Director. The applicant shall pay a fee for the DPW to inspect the construction, repair or replacement of the service connection. The fee for this inspection shall be in accordance with the schedule of rates.

The applicant shall be responsible for the cost of a new meter on a service connection including the cost of its installation by the DPW. The meter shall remain the property of the DPW.

- Proximity to Other Utilities

Service lines shall not be placed within 3 feet of any other utility except under special conditions and with the prior approval of the Director. In such cases, a suitable plan prepared by a registered engineer must be submitted to the Director for approval. The DPW will not be responsible for damage to other utilities laid within three (3) feet of the water main or service pipe.

Whenever practicable, water pipes should be positioned laterally a minimum of ten (10) feet from sewer pipes. When lateral separation is not possible, the bottom of the water pipe shall be positioned at least 18-inches away from the top of sewer pipe. In situations where neither of these conditions cannot be met, the sewer pipe shall be totally encased in concrete a minimum distance of ten (10) feet from either side of the water pipe.

- Installation During Winter Months

No new water services shall be installed from December 1 to April 1 of the following year except in such cases deemed appropriate by the DPW.

- One Service Connection Per Premises

Only one service connection shall be made to each building except for a service intended to provide fire protection (see Section 8) or under special conditions and with the prior approval of the Director. Each service connection shall be provided with an individual shut off.

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If a property is subdivided, then each of the resulting properties must have its own service connection. This may require replacing an existing service connection with a main.

- Multi-Family Buildings

In the case of buildings containing two or more dwelling units, each dwelling unit in the building may be provided with an individual service connection from the main, with a shut off valve, with the prior approval of the DPW. If each dwelling unit has its own service connection, then water use through each service connection shall be separately metered and there shall be no interconnection between the plumbing of the dwelling units.

- Unusual Construction

Any customer desiring any unusual construction, alterations or attachments connected with the water supply must submit plans and specifications for the same to the Director for his approval or for their determination as to whether the same are permissible. The Director shall determine the terms and conditions. The Customer will be responsible for any additional costs to make such connection.

- All Service Pipes to be Inspected

All new or replacement service pipes must be inspected by the DPW before covering the trench. Materials and methods must be in accordance with the specification on file at the DPW. Notification for inspection must be made 48-hours prior to the date of backfilling unless the DPW deems otherwise. All pipe and trench shall meet the approval of the Director.

- Part of Service Pipe Maintained by the Department

Service pipes from the water mains to the town property line shall be maintained by the DPW.

- Right to Repair Service Pipes and Fittings

The pipe from the Town property line to the cellar wall, or all pipe beyond the Town property line including meter pits, is the property of the customer. All service pipes between the Town property line and the cellar wall, including private ways, may be repaired or re-laid by the DPW when it deems necessary for the protection of the supply or the delivery of satisfactory water service. The cost of such work and materials shall be charged to the customer.

- Temporary Service from Adjacent Premises

When permission to open a permanently paved street is refused by the Board of Selectmen or for any physical reason it is impossible to open a street, the DPW may approve the temporary provision of water from an adjacent service, at the Customer's sole expense.

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- Irregular Service

Services for temporary or seasonal structures shall be installed at the expense of the customer with prior approval from the DPW.

- Installation of New Mains and Appurtenances by Developer

The size and location of all mains and water towers installed by a Developer shall be determined by the Board and installed under the supervision of the DPW and in accordance with specifications on file with the DPW and at the expense of the Developer. The contractor shall reimburse the DPW for the cost of the supervision. No work shall be done without the DPW being present. Water mains shall be maintained by the Developer. The main(s) shall become the property of the DPW one year after the water is turned on or upon acceptance by the Town of the road in which these municipal services are located, whichever occurs later.

- Flushing, Pressure Testing and Chlorination

Flushing, pressure testing and chlorination shall be completed in accordance with DPW specifications and DEP regulations, on file at the DPW office.

Section 5. Customer Responsibility for Water Service

Customers must keep their service line and fixtures in good repair and protected from frost at their own expense. They shall be responsible for any damage resulting from their failure to do so and shall prevent any wasting of water

In case of a leak in the customer's service connection or water system, such leak must be repaired as soon as possible upon discovery by the customer or upon report to the customer by the DPW, as a condition of continued service.

Service lines or fixtures of any description that are connected with the mains of the DPW will not under any circumstances be connected to any other sources of supply.

All service lines between the right of way and the meter may be repaired or re-laid by the DPW when the Director deems it necessary for the protection of the water supply. The cost of such work may be charged to the customer.

Section 6 Construction Over Service Pipes and/or Water Mains

Buildings, footings, foundations or equipment pads shall not be constructed over or within five (5) feet of a service pipe or ten (10) feet of a water main except under special conditions and with the approval of the Board. Any person constructing a building, footing, foundation or equipment pad over or within five (5) feet of a service pipe or ten (10) feet of a water main shall at his/her own expense and under the direction of the Board, relocate any such service pipe or water main to ensure access to said service pipe or water main on the part of the DPW.

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Section 7. Remote Meter Registration Devices

New services shall be installed with wiring from the location of the water meter to a touch pad outside the building, unless a device is installed to transfer meter registration information off the premises. It is the customer's responsibility to maintain this wiring. If such wiring fails, it is the responsibility of the customer to repair or replace the wiring within a reasonable time, or to pay for installation of a device which transfers meter registration information off the premises.

Section 8. Standby Fire Protection

Written applications for water for fire protection service shall be made by the owner or owners of the real estate for which the public supply of water is sought.

Water services for fire protection shall be separate service connections to the water main, unless the Director specifically authorizes otherwise. Water services and appurtenances that are to be used for fire protection shall have appropriate backflow prevention devices and may not be physically connected to service lines used for domestic and sanitary purposes unless approved by the Director.

All pipes and equipment must be arranged so that DPW personnel can easily inspect them. Whenever it is considered necessary for the protection of the water supply and in the interest of the DPW, the Director shall have the right to require the installation of meters, flow switches, alarms or other equipment. The installation and upkeep of such equipment shall be at the customer's expense.

Section 9. Conditions of Service

- General

The DPW does not guarantee constant pressure or uninterrupted service, nor does it assure the customer either a full volume of water or the required pressure necessary to effectively operate hydraulic elevators, sprinkler systems or other appliances, the same being subject to all the variable conditions that may take place in the use of water from Town water mains.

No customers shall operate apparatus on their water lines, water meter or elsewhere on their premises that will adversely affect the operating conditions of the DPW system or its equipment or its ability to serve other customers.

Customers are responsible for notifying the DPW if a building becomes vacant and requesting that the water service be shut off.

- Pressure

Variations in water pressure will not be considered a violation of these Rules and Regulations when they arise from unusual or extraordinary conditions, or arise from the operation of the customer's own fixtures or appliances. It is the customer's responsibility

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to install suitable equipment to protect private piping, equipment and property from variations in water pressure.

- Temporary Interruption of Service

The DPW reserves the right to interrupt service temporarily in order to perform maintenance or repairs on the water system. Whenever possible, the DPW will notify customers of scheduled interruptions.

In the case of an emergency, the DPW reserves the right to interrupt service without first giving notice of such action if, in its opinion, it is necessary to do so in order to facilitate the making of repairs or alterations, or other necessary purposes. In such cases, no person shall be entitled to receive damages or refunds of payments because of any such interruption or any consequent conditions.

- Interruption of Water Supply

No customer shall be entitled to damages, or to have payment refunded, for any interruption of water supply occasioned either by accident to any portion of the water system, or by shutting off for the purpose of additions or repairs of the water system, or by the stoppage or shortage of water supply due to causes beyond the control of the DPW, such as excessive drought, wellfield closure, or by leaks or defects in the pipes or appliances owned by any customer.

- Water Quality

The DPW shall not be responsible for property damage attributed to variations in water quality. Filtering or treating the water may remedy persistent problems. However, the DPW and DEP do not recommend filtering or treating customer's water supply. The DPW and DEP do not regulate or recommend specific treatment systems for private home use.

If customers decide to use a filtration or treatment device in their building, the DPW strongly encourages them to contact the National Sanitation Foundation (NSF) for a list of approved devices. If customers purchase a treatment device for private use, the DPW also strongly recommends that it be maintained according to the manufacturer's instructions. Failure to maintain the equipment properly may make treatment ineffective and/or may create the potential for contamination of the customer's own water supply.

- Fires

Whenever a fire occurs in the Town, it is the duty of all customers to discontinue, to the extent feasible, all use of water.

- No Liability of Customer's Pipes

The Town assumes no liability for conditions which exist in customer's pipes and cause

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trouble coincident or following the repairs of any main pipe, service pipe, meter, or other appliance belonging to the DPW.

- No Liability for Collapsed Boilers, etc.

The DPW reserves the right at any time, without notice, to shut off the water in the mains for purposes of making repairs, extensions, or for other purposes. Customers having boilers or other appliances on their premises depending on the pressure in the mains to keep such equipment supplied with water are hereby CAUTIONED to the danger which may arise and are required to provide, at their own expense, suitable safety appliances to protect themselves against such danger. In any event, it is expressly stipulated that the DPW will not be liable for any damage resulting from water loss or reduction, either through accident or necessity.

- No Liability for Limiting Water Without Notice

When it becomes necessary to reduce or shut off the water from any section of the town because of an accident or for the purpose of making changes or repairs, the DPW will endeavor to give timely notice to as many of the customers affected thereby as time and the character of the repairs or the accident will permit, and will, so far as practicable, use its best efforts to prevent inconvenience and damage arising from any such cause but failure to give such notice will not render the DPW responsible or liable for any damages or inconveniences, that may result from the reduction or shutting off of the water or any coincident conditions.

- Air Conditioners

All air conditioners, dehumidifiers, and similar equipment shall use air cooled condensers where practicable. If water cooling is necessary, the system shall be closed or use a cooling tower subject to the approval of the DPW.

- Private Wells

All private wells shall be registered with the Maynard Board of Health. No private well shall be connected to the plumbing system or any other pipe, equipment or appurtenance which connects directly or indirectly with the town water supply.

Section 10. Right of Entry

The owners or occupants of any premises served by the DPW water system shall, upon presentation by DPW personnel of their credentials, authorize entry to their premises during normal business hours, as provided for under the Massachusetts General Laws Chapter 165, Section 11D, for the purpose of inspecting and surveying their water system for new installations or cross connections, or to remove, repair or replace any water meter, or to conduct water quality sampling and testing. When such access is refused, the water shall be shut off after proper notice has been provided until such access has been allowed and fees have been paid for shutting off and turning on the water.

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Duly authorized employees of the DPW, bearing proper credentials and identification, shall be permitted to enter all private properties through which the DPW holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

Section 11. Supplying Water to Other Premises Prohibited

A customer shall not be permitted to supply another property with water, except in emergencies, and then only with the permission of the Director.

Section 12. Meters

- Location

The location of all meters shall require the approval of the Director. All meters shall be installed at the nearest point practical to where the service connection enters the premises, unless the Director requires the installation of a meter pit. The customer must maintain unobstructed access to the meter at all times.

A shutoff valve at the meter inlet shall be the first fitting inside a serviced building. A stop valve shall be installed near the outlet of the meter by the customer at his expense to permit removal of the meter without backflow from the premises' internal water system.

All meter installations on services that cannot be shut off for meter repairs shall be equipped with a bypass at the expense of the customer.

- Meter Pits

Installation and repair of meter pits must be approved by the Director and shall be done at the customer's expense.

- Size, Type and Manufacture Of Meter

The Director shall approve the size, type and manufacture of the meter required for any service. If, in the opinion of the Director, a meter does not fit the conditions of the service, the DPW has the right to change such meter.

- Access to Meters

It shall be the responsibility of every customer to ensure that meters on service connections are readily accessible to DPW personnel, regardless of where the meters are located. Failure to remove obstructions which prevent access to the meter within three days after being notified by the DPW shall be cause for the water to be shut off to the premises and it shall not be turned on until all obstructions are removed, all regulations are complied with, and all expenses for shutting off and turning on the water are paid.

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- Remote Meter Reading

If a customer requests that a device be installed to transfer meter registration information off the premises for the customer's convenience, it shall require the approval of the Director and shall be installed at the customer's expense.

The DPW maintains the right of access to the premises in order to verify the consistency of the meter registration with the remote registration. The meter having actual contact with water shall serve as the primary measuring device and shall govern all billing and billing adjustments.

- Right to Change, Repair or Test

The DPW has the right to replace and repair meters or test meters in order to verify or insure their accuracy. It is the responsibility of the customer to provide access to the meter for these purposes.

The cost of periodically testing and replacing all meters less than one inch in size shall be the responsibility of the DPW. The incremental increase in the cost of periodically testing and replacing all meters one-inch in size or larger shall be the responsibility of the customer.

For meters over one-inch in size, if the customer is unable to provide an opportunity to change, repair or test the meter during normal working hours, it is the responsibility of the customer to provide an acceptable bypass of the meter in order to accomplish replacement, make repairs or conduct in-place testing. All bypasses shall be metered unless the Director waives this requirement.

- Care of Meters

The meter and its appurtenances are the property of the DPW and the customer shall be held responsible for any damage thereto resulting in any way from negligence on the part of the customer. All persons are prohibited from damaging the meter or tampering with the meter including breaking any seal on the meter. The DPW has the right to prosecute fully under the law any action by a customer or any other person that interferes with the proper operation of the meter or bypassing the meter.

- Alterations

No alterations shall be made to any of the pipes, fixtures or meters installed by the Town except by its authorized agents. Any tampering of meters may result in fines and other punishment in accordance with MGL Chapter 165, Section 11.

- Meter Testing

Customers may request to have the meter which is currently in place and being used for

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billing by the Town tested for accuracy. All meters will be tested for accuracy in accordance with industry standards for the type of meter in use as published by the American Water Works Association. A written report of the meter accuracy test will be provided to the customer and a one-time charge will be assessed according to the current schedule of rates.

If the meter is found to be over registering, then the DPW will assume the full amount of the charge for testing the meter, and the water user fees based on readings from the meter shall be adjusted in accordance with the result of the test.

Section 13. Rates and Fees

- **User Fees**

Owners of property are responsible for payment of all fees for water service. The DPW shall not bill tenants or contractors, although they may receive a copy of bills upon request. Customers shall be charged fees and held responsible for service until the DPW is notified in writing that they no longer desire to use the public water supply. The DPW is not responsible for leaks on the customer's property. Water passing through a meter shall be considered used by the customer. The rights and obligations of the customer shall be further subject to the schedule of rates and the Rules and Regulations of the Town of Maynard Department of Public Works as duly adopted by the Board of Selectmen from time to time.

- **Responsibility for Charges**

Customers of water will be charged with and held responsible for all water passing through their service pipe, whether used or wasted, until such time as they notify the DPW at its office in writing that they no longer desire the use of water and in the case of the sale of the property such notice shall provide the name of the new owner.

- **Status of New Owners**

New owners of buildings shall have no right to the use of water until application has been made for the same.

- **Minimum Charge**

A minimum charge shall be assessed for water service from the date the water is turned on, regardless of the amount of water used or not, according to the current schedule of rates.

- **Overdue Bills**

No customer who owes an overdue bill for water charges shall be entitled to the further use of water at the same or any other premises served by the DPW until such water

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charges are paid in full, together with costs, including accrued interest.

- More Than One Party on a Service

In existing cases where two or more users are supplied with water from the same service pipe, if any one of the parties fails to pay water charges when due, or to comply with any rule of the DPW, the DPW has the right to turn off the water from the whole service until such charges are paid, or the rules are strictly complied with.

- Claims for Adjustments

All claims for adjustments of water bills shall be made to the Board of Selectmen in writing within 30 days of receipt of the bill.

- Broken Meters

If a meter fails to work, the customer shall be charged a user fee based on the average daily consumption of water as shown by the meter when it was working, for the corresponding billing period of the preceding year.

- Connection Fee

A one-time charge shall be assessed according to the current schedule of rates based on the size of the domestic water service requested by the customer and approved by the Director. This fee shall apply to all new services and to the renewal of an existing service when the size of the service is being increased.

- Tapping Fee

A one-time charge shall be assessed according to the current schedule of rates for the DPW to open the outlet from the water main for a service connection to a customer's property.

- Collections of Miscellaneous Water Charges

All bills for labor or materials on customers' property and charges for shutting off or turning on water will be subject to the same conditions as bills for water, and the water will be shut off for failure to pay all such bills under the same procedure as for non-payment of water bills. Unpaid water charges shall be subject to a lien on the property.

- Charges for Turning On or Off Water

A charge will be made for turning on or shutting off water. (See Appendix A Schedule of Rates and Charges)

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- Rebates for Non-Use of Water

No rebates shall be made for non-use of water service unless a written notice is filed at the office of the DPW at the time of discontinuance of use of such service and all rebates which may be authorized will date from the filing of such notice. No rebate will be made for less than one month's non-use of water.

- Water From Non-Meter Source

All water for any purpose shall be drawn from the metered service if available. If necessary to draw water from a non-metered source, a flat charge, in accordance with the Schedule of Rates and Charges will be assessed. This charge is payable with a temporary 7-day application to be filed with the DPW office subject to the review and approval of the DPW.

- Fire Flow Tests

Fire flow tests must meet the following requirements: (i) prior written notification to the DPW, (ii) acknowledgement and subsequent scheduling of said test by the DPW, (iii) on-site supervision of test by DPW personnel and (iv) results of said fire flow test must be furnished to the DPW.

Section 14. Final Readings

In the case of the sale of property, owners of property are responsible for notifying the DPW of the date of the sale and the name of the new owner, if the customer knows it. The DPW may, at its option, accept such notice in writing with 48 hours notice. Failure of a seller to notify the Town of a change of ownership does not relieve the responsible party for any charges due to the DPW.

Section 15. Emergency Shut Off Of Service

The DPW has the right to shut off the service without notice, for the purpose of making emergency repairs or alterations, or to prevent possible contamination through cross connections or to prevent negligent or willful waste of water by the customer.

Requests by the customer for turning on or shutting off a water service shall be made in writing, signed by the property owner or his agent at least 24 hours in advance, except in the case of an emergency. Only DPW personnel shall open or close outlets or gate valves. Charges for such service shall be in accordance with the schedule of rates.

Section 16. Delinquent Accounts

Delinquent accounts for service will be certified to the Town for the perfecting of liens on the real estate. The DPW also reserves the right to shut off its service to the premises of

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any delinquent account. Before such service can be restored, the customer shall arrange with the Collector for the payment of the delinquent account together with the appropriate turn on or shut off fee as described in the schedule of rates.

Section 17. Use of Hydrants

The primary use of hydrants is to fight fires and to maintain or improve the distribution system. Written approval of the Director is required in order to use a hydrant as a temporary source of water. Charges for such temporary use shall be assessed in accordance with the schedule of rates.

Fire hydrants and water mains on private property shall be inspected periodically by the DPW. Any repairs necessary for proper operation of hydrants or the proper functioning of water mains on private property shall be the responsibility of the property owner. Such repairs shall be completed within 30 days after due notice has been given in writing to the owner by the DPW.

Section 18. Testing Private Fire Systems

No water shall be taken or used through private fire systems for testing unless the Director issues written permission. Such test must be conducted in the presence of a representative of the DPW.

Fire hydrants on private property shall be inspected and serviced once per year by the DPW for a fee. Routine maintenance necessary for the proper operation of the hydrant shall be performed by the DPW. The customer shall be charged for any required hydrant parts.

Section 19. Cross Connection Control

No water service connection to any premises will be installed or maintained by the DPW unless the water supply is protected as required by Massachusetts State Law, drinking water regulations 310 CMR 22.22 and this regulation. Where cross connections exist an approved backflow prevention device must be installed at the owner's expense and tested in accordance with the drinking water regulations of Massachusetts and the requirements of this regulation.

The design and installation of backflow prevention devices shall be approved by the Director and, if testable, shall be tested by the method prescribed in DEP Regulations.

The property owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and for installation of the backflow prevention devices. The owner shall inform the DPW of any proposed or modified cross connection and any existing cross connection of which the owner is aware.

Any existing backflow preventer shall be allowed by the DPW to continue in service unless the degree of hazard is such as to exceed the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where a change in use increases the degree of hazard, any existing backflow preventer must be upgraded.

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Backflow prevention devices must be installed on the owner's side of the water meter within any premises where, in the judgment of the Director, the nature of the activities on the premises or the materials used or stored on the premises present a hazard or potential hazard should a cross connection occur, or where it is impractical to determine whether or not dangerous cross connections exist because of intricate piping arrangements, or because entry into all portions of the premises for inspection of piping is not practical.

Section 20. Furnishing Water to Water Tank Vehicles

In accordance with the Wetlands Protection Act and Maynard Wetlands Bylaw, the DPW shall designate a public water hydrant or other public water outlet in the Town to furnish water to any water tank vehicle used for the mixing, spraying, or application of pesticides, herbicides, or fertilizers. Water furnished by the DPW's hydrant/outlet for this purposed shall only be used within the Town's boundaries.

Any customer in the Town furnishing water to any commercial water tank vehicle for the applications listed above must obtain permission from the DPW, shall not allow any backflow into the public water system, and must comply with Section 19 Cross Connection Control.

Time of operation shall be from April 1 to November 1 unless otherwise noted and shall be between the hours of 7:30 AM and 3:30 PM, Monday through Friday only.

Any person, partnership or corporation utilizing the DPW's hydrant/outlet must fill out an application form at the DPW's office. The application form shall provide the name and address of the owners(s); the names(s) and address(es) of the operator(s); the license or certificate number(s) of all applicator(s) with expiration date(s) in accordance with the Massachusetts Pesticide Control Act and regulations. In addition to an application form, a Hydrant/Outlet Use Form must be filled out and submitted weekly to the DPW. An application fee will be charged for the season which is from April 1 to November 1. The costs for furnishing water are provided in Appendix A Schedule of Rates and Charges.

Section 21. Irrigation Systems

- **Notice.**

Any persons who have an irrigation system, or who intend to install one must notify the DPW of the existence of said system, or of their intention to install a new system prior to the actual installation. All systems currently in existence as well as any installed in the future must comply with all Rules and Regulations of the DPW.

- **Moisture Sensing Devices.**

Irrigation systems shall be equipped with a moisture sensor tied directly into a timing device or controller so that irrigation will be automatically prevented in response to rainfall.

- **Timing Devices.**

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Irrigation systems shall be equipped with an automatic timing device acceptable to the DPW so that the system can be programmed to automatically limit operation to prescribed schedules and restrictions including irrigation on odd or even numbered days, day-of-the-week scheduling including no watering on Mondays, and time of day scheduling.

- **Backflow Prevention Devices.**

In order to protect the public water supply from contamination from lawn chemicals (pesticides, herbicides and fertilizers) which can be drawn into the distribution system through irrigation pipelines, all property owners installing new irrigation systems or replacing a backflow prevention device on an existing irrigation system are required to have in place a Reduced Pressure Backflow Preventer (RPBP) type backflow prevention device on their irrigation system.

All irrigation systems with Pressure Vacuum Breaker (PVB) type devices installed shall be allowed to continue to utilize the (PVB) until it fails, provided that these devices are mounted at a minimum of 1-foot above the highest sprinkler head elevation. In the event that this requirement is not met, or that a PVB device fails, then a new (RPBP) type device will be required to replace it.

For all new irrigation systems, or those where a backflow prevention device is replaced, a Design Data Form and Plumbing Plan must be submitted to the DPW for review and approval before the installation of a backflow device. The irrigation system will not be allowed to go into service until approval of the Design Data Sheet and Plumbing Plan has been granted and the initial testing of the backflow device has been completed. DPW will inspect said device initially and periodically thereafter.

Section 22. Water Use Restrictions

The Board of Selectmen or their designee may declare a state of Water Supply Conservation upon determination that a shortage of water exists. The DPW has the right to impose temporary water use restrictions as it deems necessary and in accordance with the Town Bylaw.

Section 23. Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the water system. Any person violating this provision shall be subject to appropriate criminal proceedings.

Section 24. Penalties Notice

Any person found to be violating any provision of these Rules and Regulations may be served by the DPW with written notice, stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period stated in such notice, permanently cease all violations.

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Section 25. Shut Off of Water

The DPW has the right to shut off service providing notice has been given at least twenty four hours in advance in person or by registered or certified mail to the last address given to the DPW by the customer. This shall be done for failure to pay bills when due, or for violation of these Rules and Regulations.

Section 26. Fines

Whoever unlawfully and intentionally damages a water meter or prevents such meter from duly registering the quantity of water supplied through it, or hinders or interferes with its proper action or just registration, or attaches a pipe to a main or line belonging to the DPW, or otherwise uses or causes water to be used without the consent of the DPW shall be punished by a fine in accordance with M.G.L. Chapter 165: Section 11.

Section 27. Non-Criminal Disposition of Violations

Any person violating the Water Use Restriction Bylaw shall be liable to the DPW in the amount specified in the Bylaw for each violation, or on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the Massachusetts General Laws. Each day of violation shall constitute a separate offense.

Section 28. Making Changes without Approval

In addition to the aforementioned penalties, any person making any connections with or opening into, or substantial change in use of any public water supply or appurtenance thereof, without the approval of the Director, shall pay twice the amount of all required fees, including the Water User Fee. Any unpaid fees shall be subject to the same penalties and fees applicable to unpaid real estate taxes as established by State statute.

Section 29. Released 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 30. Validity

Prior Rules and Regulations of this Department or parts thereof in conflict herewith are hereby repealed by the adoption of these Rules and Regulations. Any provision of these Rules and Regulations that is found to be unenforceable in any court of the Commonwealth of Massachusetts shall not affect the validity of any other provision of these Rules and Regulations. These Rules and Regulations and any amendments thereto shall be in full force and effect from and after their passage, approval, and publication as provided by law. These Rules and Regulations, including amendments thereto, are available for inspection at the Department of Public Works main office during regular business hours.

WATER RULES AND REGULATIONS

PASSED AND ADOPTED AT A DULY AUTHORIZED MEETING OF THE BOARD OF SELECTMEN OF THE TOWN OF MAYNARD, COMMONWEALTH OF MASSACHUSETTS HELD ON TBD.

BOARD OF SELECTMEN

Chris DiSilva, Chair

David Gavin

Melissa Levine-Pirro

Armand Diarbedirian

Justine St. John

Greg Johnson, Town Administrator

Aaron Miklosko, Director of Public Works

