

Town of Billerica
Department of Public Works
Water Division

Rules and Regulations

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Summary of Cost and Fees approved July 21, 2010

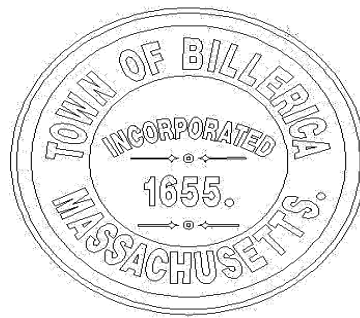


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Article I. Purpose

By virtue of the statutory powers and all other powers, the Board of Selectmen of the Town of Billerica, Massachusetts establishes the following rules and regulations. These rules and regulations shall provide for the conduct of business of the Billerica Department of Public Works Water Division. All customers will be bound thereby and further bound to take water only for purposes stated in the application of the customer and in accordance with these rules and regulations. The Board of Selectmen may from time to time adjust the rates, fee, and penalties contained in these Rules and Regulations

Article II Definitions

1. **Account** shall mean the agreement between any person, firm, corporation, body politic, property owner, or organization of any type and the Town of Billerica for water service/supply. 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.
2. **Approved** shall mean accepted by the Director or his designee as complete and meeting Town specifications or as suitable for the proposed use.
3. **Auxiliary Water Supply** will mean any water supply available to premises other than the water supplied by Town.
4. **Backflow** shall mean the flow of water or other liquids, mixtures or substances into the distribution lines of a potable water supply from any other source or sources other than the intended public water system source.
5. **Backflow Prevention Device** shall mean a mechanical piping assembly, which provides a method to prevent backflow. Such devices shall be approved by the Massachusetts Department of Environmental Protection (DEP) and is listed in DEP regulations 310 CMR 22.22
 - a. **“Air Gap”** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood rim of said vessel. An approved air gap shall be as directed by the Water Superintendent or his designee.
 - b. **“Reduce Pressure Principal Device”** An assembly of two independently operating check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut off valves on either side of the check valves, plus properly located test cock for the testing of the check and relief valves.
 - c. **“Double Check Valve Assembly”** An assembly of two independently operating check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

- d. ***“Pressure Vacuum Breaker”*** A device containing one or two independently operating loaded check valves and an independently operating loaded air inlet valve located on the discharge side of the check or checks.
6. **Back Siphonage** will mean the flow of water or other substances into the potable water plumbing system from any source other than its intended source caused by the reduction of pressure in the potable water system.
7. **Billerica Water Division** shall mean the Water Division of The Billerica Department of Public Works as represented by The Public Works Director.
8. **Containment** is the installation of any approved backflow prevention device at the water service and / or fire line connection to any customer’s premises, or the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer’s water system where there are actual or potential cross connections which can not be effectively eliminated or controlled at the point of cross connection.
9. **Contaminant** means any physical, chemical, biological or radiological substance or matter in water which creates an actual hazard to the public health.
10. **Cross Connection Controlled** A connection between a potable water system and a non-potable system with an registered and approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.
11. **Cross Connection** means any actual or potential physical connection or arrangement between a pipe conveying potable water from a public water system and any non-potable water supply, piping arrangement or equipment including, but not limited to , waste pipe, soil pipe, sewer, drain, or other unapproved sources.
12. **Customer** shall mean the person or party responsible for an account supplied with water by the Town, as described under these rules and regulations.
13. **Director** also Director of Public Works shall mean the Director of Billerica Department of Public Works and/or his designees.
14. **Discontinued Use** shall mean any service line or meter that has not shown a flow for a period of six months or more.
15. A **Fire Line** is a service pipe installed for the sole purpose of supplying water to a fire system. This pipe will normally not have any flow.

16. **Health Hazard** is the term derived from an evaluation of the potential risk to the public health and the adverse effect of the hazard upon the potable water system.
- a. ***Health Hazard (High Hazard)*** Any condition, device, or practice in the customer's water supply system and its operation which could create, or, in the judgment of the Water Superintendent, may create a danger to the health and well being of the consumer.
 - b. ***Plumbing Hazard (High Hazard)*** A plumbing cross connection in the customer's potable water system that has not been properly protected by an air gap or backflow prevention device. Unprotected plumbing cross connections are considered to be a health hazard.
 - c. ***Pollution Hazard (Low Hazard)*** An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
17. **Industrial Fluids System** Any system containing a fluid or gas solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution, or plumbing hazard if introduced into an approved water supply.
18. **Irrigation Systems** shall mean any equipment that conveys water for irrigation purposes and that is permanently connected to the public water supply.
19. **Lien** shall mean the statutory lien of the municipality as defined in the General laws of Massachusetts, Chapter 40, Section 42A
20. **Main or Main Pipe** is the water main so called, from which service connections are made to supply water to customers.
21. **M.G.L.** shall mean Massachusetts General Law.
22. **Meter** shall mean a device installed and approved for the measurement of water quantities to be used as a basis for determining charges for water service.
23. **Meter Pit** shall mean an underground chamber suitable for installation of a water meter and protecting the meter from the effects of weather.
24. **Moisture Sensing Device** shall mean a sensor that automatically shuts off irrigation system controllers in response to rainfall. Also may include devices that will prevent irrigation from occurring if there is sufficient moisture in the soil.
25. **Non-Potable Water** is water which is not safe for human consumption or which is of unknown potability or origin.

26. **Pollution** means the presence of a foreign substance in water, which tends to degrade its quality so as to constitute a hazard to impair the usefulness or quality of the water to a degree which does not create an actual hazard to public health but which does adversely and unreasonably affect such waters for domestic use.
27. **Potable Water** is piped water approved by the Massachusetts Department of Environmental Protection for human consumption.
28. **State of Water Supply Emergency** shall mean a “State of Water Supply Emergency” as declared by the Department of Environmental Protection under M.G.L. c 21G. sec 15-17.
29. **State of Water Supply Conservation** shall mean a state of “Water Supply Conservation” declared by the Billerica Board of Selectmen pursuant to Rule X. sec. 3 of this regulation.
30. **Service Line** shall mean the pipe that conveys water from the water main in the right of way to the customer.
31. **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”.
32. **Tapping** shall mean to make a connection to a water main.
33. **Timing Device** also know as an irrigation controller, or a clock, shall mean a piece of equipment that turns the irrigation system on or off at the desired times or operates the in-ground irrigation system for a period of time.
34. **Town** shall mean the Town of Billerica as represented by the Town Manager, Board of Selectmen *or their designees*.
35. **Used Water** Any water supplied by the Town from the public potable water system to a customer’s water system after it has passed through the point of delivery and is no longer under the sanitary control of the Billerica DPW Water Division.
36. **Water Service** shall mean to provide potable water to a customer at a specific location; this term shall also apply to all lines and equipment from the water main to the customer’s plumbing. The customer’s plumbing shall begin on the discharge side of the meter.
37. **Water Superintendent** shall mean the superintendent of the Town of Billerica’s Water Division or his designee.
38. **Water Users** shall mean any person, firm, corporation, body politic, or organization of any type supplied with water by the Town, irrespective or any user’s responsibility for billing purposes for water used on any particular site. Also see “*Customers*”

39. **Yard Piping** shall mean all mains, valves, hydrants and any other fittings installed on private property and/or not on the public way.

Article III Water System Security

The standpipes and lift station sites are not open to the public. All unauthorized persons on these sites will be considered to be trespassing, and may face criminal charges.

The Water Treatment Plant is open to the public for business only during normal working hours. However the Town may close the Water Treatment Plant to the public if he deems it necessary.

All gates valves and shut-offs which are connected to the Water Distribution System and used to control the flow of water in any supply main or main extension up to and including the service valve shall be operated only by the Town staff. All gate valves, shut-offs, mains, main extensions, and standpipes, which are the property of the Town, are not to be opened or closed, or in any way tampered with by any person other than an authorized agent of the Town.

Article IV. Service lines

Section 1. Application for service

- A) The owner or owners of the real estate for which the public supply of water is sought shall make written application to the Director on forms provided by the Town. An application must be made for each structure that is proposed to be attached to the public water supply. All fees, including water conservation off set 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 there from, without permission of the Town.
- B) Approval of the application by the Town shall constitute a contract between the Town and the Applicant and his heirs and assignees. The applicant and his heirs and assignees agree to comply with the current rules and regulations, which may be revised periodically, and to pay to the Town its water rates and charges. Acceptance of an application shall in no way obligate the Water Division to extend its mains to service any premise, It is the applicant's responsibility to extend the water main and /or service as directed by the Town.
- C) An application shall be filed for each new structure that is to be supplied with water. When a building is demolished and replaced a reapplication for water will be required. If the

demolished building had been supplied with town water prior to demolition the application tapping fee may be waived. For reuse of a service line see Installation, Ownership, and Maintenance of Service Pipe Article IV. Section 3 below.

- D) Approved tapping permits shall be obtained by the owner before work begins Tapping permits for single structures will expire 12 months after being approved. Tapping permits issued for subdivisions will expire 60 months after being approved. (see Article XVI Table of Rates, Fees and Penalties). Fees will not be refunded.
- E) A water off set fee may be charged at the time of approval of the tapping permits to fund the Town's water conservation program. (see XVI Table of Rates, Fees, and Penalties)

Section 2. Requirements

Each structure shall have a separate and independent service line. Each service connection shall be provided with an individual shut off. In the case of buildings to be sold as or used as condominiums each unit will have its own independent service line. In the case of an in-law apartment separate service lines will not be allowed.

Section 3. Installation, Ownership, and Maintenance of Service Pipe

Service lines for new buildings or replacement buildings shall be installed and paid for by the customer. All service lines shall have a minimum cover of five feet. The Town shall determine the size and material of each service line. Fire lines and domestic lines will be tapped separately at the main pipe, these lines may be installed in the same trench. No other utility conduits will be installed in the water service trench. Service lines shall not be placed within 10 feet of pipes carrying wastewater or associated infrastructure, or within 3 feet of any other utilities except under special conditions and with the prior approval of the Director. In such cases, a suitable plan must be submitted to the Town for approval.

The Public Works Director shall maintain specification describing the materials and installation methods to be used.

All service pipes, including the shut-off, within the limits of the public way, shall be owned and maintained by the Town. Note an exception shall exist in cases where a building, foundation wall, retaining wall, cultivated shrubs, or irrigation system extend onto the property line or public way. In such cases the property owner shall retain responsibility for maintenance to a point twenty four inches beyond the items towards the public water main. From the limits of the public way to the building the service lines shall be owned and maintained by the customer.

Curb valves shall not be installed under driveways. Any mains installed by the customer in the public right of way become the property of the Town at the time the customer begins drawing water from the new main. If any defects in workmanship or materials are found, or if the customer's service has not been installed in accordance with the Town specifications and requirements, water service either will not be turned on or will be discontinued if such defects are not remedied.

In the case of a structure being demolished and rebuilt, or any case where a service line is to be reused, if the existing service line all or in part is made of any material other than what is currently specified the owner of the property at his expense will replace the complete service line from the main to the foundation resulting in a service line that meets Town's specifications. The old existing corporation at the main will be cut and capped.

Section 4. Transfer of Water Service

Whenever an owner sells or transfers property for which application for service has been granted or is being supplied with Town water the owner shall notify the Water/Sewer Billing staff giving the name and address of the new owner at least two weeks before the closing. Debts and liens for water continue with the property against subsequent owners of the property. Also see Article VIII section 4. Liens.

Section 5. Alteration of Service Pipes

No customer shall install any additions or alterations of any service pipe or pipes for any purpose not recorded on the customer's application without first giving written notice to the Town. Permanent or temporary connections between building shall be considered an alteration to the service pipe.

Section 6. Work on Customers Premises

In places where the Town undertakes to do work on the customer's premises, application for such work shall be made in writing on forms provided by the Town. A deposit may be required equal to the Town's estimated cost of the work, for which the applicant will be given a receipt. At the completion of the work, a bill will be rendered. Any excess deposit will be returned, and any amount due in excess of the deposit will be payable.

Section 7. Temporary Service

Application of builders, contractors, real estate developers and others for temporary water service will be considered and temporary water service will be approved providing it does not

interfere with use of water for general purposes. The quantity of water taken for such purposes shall be determined either by meter or estimate, and shall be paid for in accordance with the rate schedule applicable to be metered general purposes.

Where temporary metering is provided by the Town, the customer shall be required to deposit a bank check or money order equal to the value of the connection equipment (meter valves and backflow controls) plus the value of the estimated water consumption. When the connection equipment is returned, the deposit less the cost of any damage to the equipment and the water used will be returned or payment of any excess due will be payable.

No Customer may connect his plumbing system to another plumbing system through a hose or by other means without the approval of the Town. If such a connection occurs without prior approval the service to the customer supplying the water may be terminated.

Section 8. Winter Provision

If a customer-owned service pipe or main is frozen, the thawing will only be done by the Town at the expense of the customer. To avoid a reoccurrence the Director may order an examination of the customer's service pipe or main, and if the same is not at a depth of five feet or more, as required, the Town reserves the right to require it to be so relocate to the proper depth before service is resumed. Customer's service lines will be thawed in the order of request. An exception to this will be made for those customers who are being thawed a second or additional times. These additional requests will be the last priority. In cases where the service line is frozen between the curb valve and the foundation the customer will be charged a fee. Bills will be issued for this through the regular billing system. If any service line requires additional thawing during any winter season the customer will be required to pay a fee as given below for this additional work without regard for the location of the ice blockage. Bills will be issued for this through the regular billing system. See Article XVI Table of Rates, Fees, and Penalties. Thawing will be scheduled based on the Town's work load.

Section 9. Joint Use of Service Pipe Trench

Water service pipes and fire lines may be placed in the same trench, however gas pipes, electric conduits, sewers, or similar structures shall not be placed in the trench. Exceptions may be made under special conditions and only with prior approval of the Town.

Section 10. Abandonment

When a water service is to be abandoned the service piping shall be disconnected from the tap at the water main and the tap plugged. If the service line is larger than two inches the tap will be removed and the main pipe repaired. The above shall also apply to yard piping connections and fire lines.

Section 11. Prohibited Water Uses

Any non essential water use may be permanently or temporarily prohibited as a condition of connection or continued connection. Such prohibition may, but is not limited to permanently deny the use of Town water for irrigation.

Article V. Plumbing

Section 1. Cross Connection Control

A) Purpose of this Section

- 1) To protect the public water supply from the possibility of contamination or pollution by isolating within the customers plumbing such contaminants or pollutants which could backflow or back siphon into the public water supply.
- 2) To promote the elimination or control of existing and future cross connections, actual or potential, between the customers in plant potable water system and non-potable systems, plumbing fixtures and industrial piping systems.
- 3) To provide for the maintenance of a continuing program of cross connection control.

B) Responsibilities

- 1) For the purpose of this Rule the water system shall be considered to be made of two parts: The Town's system and the customer's system.
- 2) The Town's water system shall consist of the treatment facilities and the distribution system, and shall include all those facilities from the Intake on the Concord River to the customer's curb box. (see Article IV Service Lines).
- 3) The customer's system shall include all components of the system from and including the pipe connecting the curb box to the building and all internal plumbing and plumbing fixtures. The only exclusion in the building shall be the meter seal, which is the property of the Town.

C) Requirements

- 1) This regulation applies to all commercial, industrial, and institutional facilities. This regulation will apply only to residential premises that, in the opinion of the Town have high hazard cross connections.
- 2) No water service connection will be allowed unless the water supply is protected as required by Massachusetts State Law CMR 310 Section 22.22 and this regulation. Water to any premise may be disconnected by the Town if a backflow prevention

device required by this regulation is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

- 3) The customer must provide the Town with access at all reasonable times to survey the plumbing for cross connections and test meters and backflow control devices. Failure to provide access will result in termination of service.
- 4) Approved backflow prevention shall be required to be installed and maintained on all commercial, industrial, and institutional services and fire lines. This shall be done at the owner's expense. These devices shall be installed in the building after the water meter but before the first branch in the pipe line.
 - a. In the case of premises having an auxiliary water supply which is not acceptable as an additional source by the Town, the public water system shall be protected against backflow from the premises by installing a containment backflow prevention device in the service line appropriate to the degree of hazard.
 - b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in a fashion as to create an actual or potential hazard to the public water system, the public water shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.
 - c. In the case of premises having (1) internal cross connection that can not be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.
- 5) An exemption to the service line containment required by Article V. Sec. 1. C (4) above and Rule V sec.1.G(1) below. may be granted by the Director. This exemption may be granted only when all the following conditions (a through e) are met.
 - a. The only fixtures in the facility will be toilets and sinks.
 - b. The sinks will be used for normal domestic purposes only and have no hose connections or be threaded to accept hose connections.
 - c. The facility will have none of the hazards listed in this section under Rule V Sec. 1C.4 above.

- d. At the discretion of the Town, independent fire sprinkler systems may be waived as a hazard which would prevent an exemption under this section.
- e. This exemption is not available for warehouses or storage facilities.

D) Types of protective devices required

- 1) In cases of any premises where there is an auxiliary water supply or where there is any material dangerous to health which is handled in a fashion as to create an actual or potential hazard to the public water supply; or Where there is any material dangerous to health which is handled in a fashion as to create an actual or potential hazard to the public water system; or where there are “uncontrolled” cross connections, either actual or potential, the public water system shall be protected by an approved air–gap separation or an approved reduced pressure principal back flow prevention device at the service connection.
- 2) In the case of any premises where there is water or substances that would be objectionable but not hazardous to health, if introduced into the Town water supply, the public water system shall be protected by an approved double check valve assembly.
- 3) In the case of any premises where, because of security requirements or other prohibitions or other prohibitions or restrictions it is impossible or impractical to make complete in plant cross connection survey, the public water system shall be protected against backflow or back siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, a maximum protection will be required; that is, an approved air gap separation or an approved reduced pressure principal backflow prevention device shall be installed in each service to the premises.

E) Approved Devices

Any back flow prevention device required herein shall be of a model and size approved by the Town. The term “approved back flow prevention device” shall mean a device that is approved and acceptable to the Massachusetts Department of Environmental Protection.

F) Testing of backflow prevention devices

- 1) The Town, or its authorized representative, will test the backflow prevention devices twice per year (double check valves annually). The owner or the customer will be billed for these tests. All over due fees may become a lien against the property. See Article VII Sec.4
- 2) Where the Town deems the hazard is high or a device has a history of failure he may direct more frequent testing that stated in Article V Sec. 1 F 1 above. The additional tests will be at the expense of the customer.

- 3) The Town will, when requested notify the customer in advance of the planned testing.

G) Containment Policy

- 1) All industrial, commercial, and institutional establishments connected to the Town's water system will be required to install a reduced pressure backflow prevention device immediately downstream of the primary meter.
- 2) All fire sprinkler systems in industrial, commercial, and institutional establishments connected to the Town's water system will have a double check installed before the first branch.

H) Charges

All testing and/or maintenance performed on back flow devices by the Town or its agents will be charged to the customer. (See Article VI. 10. below)

Section 2. Maintenance of Plumbing

All customers shall maintain the plumbing and fixtures within their own premises in good repair and protect them from freezing at their own expense. They shall make any repairs which may be necessary to prevent leaks and damage.
Pressure limiting devices will be installed and maintained by the customer as required by the Massachusetts plumbing code.

Section 3. Safeguarding Use of Hot Water Tanks

All customers having direct pressure hot water tanks and boilers must place proper vacuum and relief valves in the pipe system to prevent any damage to such tanks and boilers should it become necessary to shut off the water on the street mains. The Town will not supply water to premises where direct pressure hot water tanks or appliances are used except at the risk of the customer.

Article VI. Rates, Fees, and Billing

Section 1. Establishment of Rates

Water rates and fees chargeable by the Town for water used and payable by the customer shall be determined by the Board of Selectmen. These rates and fees shall be reviewed annually at the first Selectmen's meeting in March by the Board of Selectmen with recommendations by the Director of Public Works.
(see Article XVI Table of Rates, Fees and Penalties)

Section 2. Billing Cycles

The Town issues water(/sewer) bills tri-annually. This may from time to time be modified by the Board of Selectmen or the Town Manager.

Section 3. Additional Water Bills

There shall be a fee to off set the cost of water bills issued at the request of the customer. This fee shall not be applied to the bills issued under the routine billing cycle. (See Article XVI Table of Rates Fees and Penalties).

Section 4. Flat Rate

Flat rates shall only be used under conditions of extreme hardship. Customers on a flat rate must prevent all unnecessary waste of water. No water may be used out of doors. The customer shall not allow water to run to prevent freezing or longer than necessary for proper use. The Director shall decide what constitutes waste or improper use and shall restrict the same.

Section 5. Customer's Obligations

The failure of the customer or his agent to receive his water(/sewer) bill does not relieve him from the obligation of its payment nor from consequences of its non-payment. Any bill not paid within (30) days of due date shall be considered delinquent. Commercial customers must notify the Water/Sewer Billing Office when there will be a period of discontinued use of water due to vacancy or for other reasons. Failure to do so may result in assessment of fines or penalties. During the period of discontinued use the customer will be required to provide access to the meter (s) and backflow control valve (s). The Customer shall be assessed a fee per billing period when the service is provided and there is no water use. (See Article XVI Table of Rates, Fees, and Penalties)

Section 6. Interest Charges

All charges are due and payable upon receipt of the bill by the customer. Bills are past due thirty-one (31) days after the date of the bill. If payment in full is not made within 31 days after the bill is rendered, interest rates shall be applied to all overdue unpaid balances at the rates established by the authority of the Town Meeting and from time to time modified.

(See XVI Table of Rates, Fees and Penalties).

Section 7. Payment of Charges by a Third Party

It is the responsibility of the property owner to see that all charges, fees, and penalties

owed to the Town are received by the Town. The Town shall not be responsible for the consequences to the property owner due to non payment of charges, fees, and penalties by the owner or a third party.

Section 8. Non-payment

Water service may be terminated for non-payment and penalties may be charged to the Delinquent accounts. See below *Penalties and Discontinuances of Service*.

Section 9. Deposits

When customers' credit is or becomes impaired, the Town may, when it deems it necessary to receive the customer's guarantee payment of current bill, may require a deposit. Such required deposit shall not exceed the amount of an estimated billing period provided, however, that a minimum deposit may be required, such deposit to be refunded when the customer has established credit.

Upon termination of service, the Town will have the right to apply any deposit in payment of any billing in arrears if such billing is unpaid for a period of thirty days beyond the due date. Retention of the deposit by the Town shall not constitute a waiver of its rights to enforce collection of payment in accordance with the terms and conditions hereof.

Section 10. Testing of Backflow Control Devices

Testing of backflow prevention devices will be charged per test. In the case of residential condominiums having devices in each unit, if the testing of the devices are scheduled through the condominium association and tested consecutively as a group there will be a group discounted charge per test for each test in the group. Any device in the condominiums not tested at that time will be charged the full fee per test. This discount will be applied only once per semi-annual round of testing per condominium association. (See

XVI Article Table of Rate, Fees, and Penalties).

Section 11. Off Hour Service Calls

In cases where a customer schedules off hour services or calls for unscheduled services during off hours a fee will be charged to offset the cost. (See XVI Article Table of Rates, Fees and Penalties). Each charge includes services within a four hour block of time from the time the employees reports to work at the water facility. If the employee is required to return after the completion of the fourth hour this will be considered a second call and a second fee will be charged.

Section 12. Repair of Secondary Meters

Secondary meters are used at the customer's request therefore the cost of repair and maintenance of these meters will be at the customer's expense. When secondary meter are repaired there shall be a labor charge to offset the combined cost of scheduling and field work. (See Article XVI Table of Rates, Fees and Penalties). In addition to the labor cost, the customer shall pay for all materials other than the meter seal and sealing wire which are the property of the Town.

In cases where the service technician arrives on site and the customer is not available as scheduled the labor cost as given above will apply.

Section 13. Laboratory Fees

Request by the general public for bacterial analysis will be performed if the laboratory work load allows. This will be charged per analysis. (See Article XVI Table of Rates, Fees and Penalties).

Section 14. Bulk Sales of Water

Bulk sales of water from the Water Treatment Plant or Water System will be charged and billed by the cubic foot usage as provided for by the standard water rates or the fixed bulk charge per load whichever is greater. (See Article XVI Table of Rates, Fees and Penalties).

Contractors drawing water for projects being paid for by the Town may not be charged for the Water with the approval of the Director of Public Works.

Section 15. Billing Disputes

Billing disputes may be arbitrated through the office of the Town Manager

Article VII. Access to Premises

The owners or occupants of any premises served by the Town's water system shall, upon presentation by Town personnel of their credentials, authorize entry to their premises during normal business hours, as provided for under 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 service shall be terminated 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.

Article VIII Penalties and Discontinuance of Service

Section 1. Purpose

The actions allowed under this section may be taken by the Town against a water user by reason of non-payment of water bills or violation of any section of these Rules and Regulations.

Section 2. Fines

Any water user violating any section of the Rules and Regulations or Town By-Laws regarding the conservation or restriction of water use may be liable to the Town in the amount set out in Article XVI Table of Rates Fees and Penalties. These fines shall be recovered by indictment, or complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the Massachusetts General Laws, or by liens against real estate.

Each day of violation shall constitute a separate violation. Other fines and penalties may be established by Board of Selectmen in connection with violation of these rules and regulations other than water conservation. These fines and penalties will be billed through the Water/Sewer Billing system.

Section 3. Discontinuance of Service

This section applies to the actions that may be taken to terminate service for non-payment of bills, and other violations of these regulations that do not create a public health and safety hazard. As applies directly to non payment these procedure will be used when two or more bills are 30 days or more past due.

Termination of service notices will be sent to the customer by certified mail. This notice will give the customer fifteen days from the date of the letter to make payment. Failure of the customer to accept the certified notice will not be a reason to prevent termination of service.

Any account that has been processed to this point will be assessed a fee to offset the

labor cost of the dunning process. (See Article XVI Table of Rates, Fees and Penalties). Termination of services will be scheduled on Mondays, Tuesdays, and Wednesdays only. Shut offs will not be scheduled on the day before a Holiday. Restoration of service will be made only after the payment issue (s) is resolved.

If payment is received at the Treasurer's Office before noon on a regular working day, service will be restored on the day of payment. If payment is made past noon on a regular working day service will be restored after nine o'clock on the morning of the following

working day. Any account that is physically terminated will be assessed a fixed fee to offset the cost of the field crew termination activities. (See Article XVI Table of Rates, Fees and Penalties). This fee may be adjusted by the Board of Selectmen from time to time as labor costs change.

Section 4. Liens

Under the provisions of Massachusetts General Law, Chapter 40, Section 42A, all charges as water and/or sewer rates, fines, or penalties shall become a lien upon the property served. Also see Article IV sec.4 Transfer of Services.

Section 5. Unauthorized Removal of the Water Meter

If a water meter is found to be removed without having been authorized a penalty will be charged to the account. (See Article XVI Table of Rates, Fees and Penalties).

Section 6. Unauthorized Removal of the Town's Meter Seal

No one shall remove or cause to be removed from any water meter the town meter seal. In such cases where the seal has been removed without authorization the customer may be assessed penalty which will be issued through the water billing system. (See Article XVI Table of Rates, Fees and Penalties).

Section 7. Unauthorized Removal or Disconnection of the Remote Reading Device

No one shall remove or disconnect or cause to be removed or be disconnected from any water meter any device used by the town to read or monitor the meter and water use. In such cases where a remote reading or monitoring device has been removed or disconnected without authorization the customer may be assessed a penalty which will be issued through the water billing system. (See Article XVI Table of Rates Fees and Penalties)

Article IX. No Liability for Interrupted or Unsatisfactory Service

If by reason of shortage of supply or for the purpose of making repairs, extensions, or connections or any reason beyond the control of the Town, it becomes necessary to shut off water mains, the Town will not be responsible for any damages occasioned by such shut-off and no refunds of charges will be allowed. The Town will not be liable for interruptions to service caused by Acts of God and natural causes. Notice of shut off will be given when practical, but nothing in the rule shall be construed as requiring the giving of such. The Town will not be responsible for damage caused by dirty water which may be occasioned by cleaning of pipes, standpipes, the treatment works, or opening and closing of any gate

valves or hydrants, or condition of the raw water components when the same is due to no lack of reasonable care on the part of the Town.

The Town shall not be liable for any damages caused by bursting of pipes, collapse, or leakage of the customer's equipment nor for any leakage from any pipes, fixtures or other appliances whenever located between the main pipe and the point of leakage for any cause whatsoever. The Town shall not be liable for damage to fences, walls, shrubberies, walks, lawns, driveways or any other portion of the customers premises affected by work or installations by the Town.

The Town shall not be liable for damage to customer's property caused by water main failure and other acts of God. Any assistance provided to the customer by the Town or it's employees in connection with a water main failure shall not be construed to mean the Town is in any way liable for the damage in whole or part.

Article X. Restriction of Water Use

Section 1. Restriction

Restrictions of water due to emergencies, drought, and regulatory limitations shall be as written in the Town of Billerica's General By-Laws. This General By-Law Article also specifies the manner of public notice and enforcement actions. At this time these restrictions are in the Town General By-Laws Article VIII Section 6. Water Conservation. This section of the Town General By-Law shall be considered part of these Rules and Regulations.

Section 2. Unauthorized Use of Water

A. Service Location

Use of water is confined to the premises named as the location on the billing records. No customer shall supply another premises not entitled to the use of water, nor shall the water be used for any purpose not mentioned in the Water Service application.

B. Hydrants

No person shall connect water service to any hydrant, fountain, or other fixture of the Water System, without prior consent of the Town. All conditions attached to the use of a hydrant shall be followed by the user. This prohibition applies to hydrants located on public and private properties.

C. Prohibited Uses of Water by Customers

The Board of Selectmen may prohibit certain uses of water supplied by the Town.

Article XI Meters

The Director may require meters to be installed whenever deemed necessary. At the discretion of the Director water meters may not be required on service lines whose sole purpose is to supply a fire suppression.

Section 1. Meter Setting and Ownership

The cost of the meter, setting, and valves shall be borne by the customer. The meter shall be owned by the customer, and the meter seal shall be owned by the Town. A broken meter seal will be considered a violation of these regulations and destruction of Town property.

Commercial customers will be required to provide the necessary taps to allow for testing of the meter on site.

All meters shall be set, as near as possible, at the point of entrance of the service pipe into the building, and the customer shall provide and maintain a clean, dry, warm and readily accessible place for the meter. Any obstruction installed after the meter has been set and sealed shall be removed at the customer's sole expense. Meters will have a minimum clearance above the floor of one foot but not more than five feet. Meters once set may be changed with permission of the Town, at the customers expense.

Section 2. Outside or Remote Indicators

Remote meter indicators must be of the type approved by the Town. Such indicators will be installed by the customer at his own expense. The location of the remote indicators shall be approved by the Town and must allow for access. The indicators may be relocated with the permission of the Town at the customer's expense.

Section 3. Repairs

The Town is the only authority allowed to repair the customer's meter. Meter repairs or replacements necessitated by ordinary wear will be paid for by the Town. Damage caused by freezing, hot water, or by other causes will be charged to the customer. If a customer's meter freezes a second or more times in a single season, the additional repairs will be prioritized below other repair work that the Town is undertaking. While there will be no charge for normal meter repairs (other than freezing or vandalism) in cases where the service technician arrives on site for a scheduled activity and the customer is not available as

scheduled a charge will be applied to the account to cover the cost of lost labor. (See Article XVI Table of Rates, Fees and Penalties).

Section 4. Vandalism of Water Meters

Vandalism of water meters shall be considered to be, but not limited to, cutting of the meter seal, disconnection of wiring between the meter and remote reading system, removal of the head, unauthorized removal of the meter from its setting, freezing of the meter, etc. Owners of vandalized meters may have penalties applied to their accounts. Vandalism that results in the destruction of the meter will cause the owner to be billed for the replacement meter at the standard retail cost of the equipment in addition to the penalty. This charge and fine will be issued on a standard billing form by the Billing Office.

Section 5. Auxiliary or Secondary Meters (Sewer Deduct Meters).

If auxiliary or secondary meters (sewer deduct meters) are desired by the customer the customer shall furnish, install, and maintain said meters at his own expense. These meters will not be added to the customers account and no credit will be given until the meter has been sealed and inspected by the Town. The beginning reading to be used to calculate a deduction will be the reading recorded by the Town at the time of sealing and inspection provided the installation is accepted. Only one deduct meter will be allowed against one primary meter.

Section 6. Failure to Register

If a primary meter fails to register, or if it is removed for the purpose of making repairs, the Town will charge for the water used based on an average of the amount registered over similar periods, preceding, or subsequent thereto. This provision does not apply to Auxiliary or Secondary meters. If a secondary meter fails to record or function no credit will be allowed.

Section 7. Testing

The acceptable Town standards for accuracy are plus or minus two (2%) percent. Meters of less than two inches will be tested at the request of the customer provided such request is not made more frequently than once in twenty-four(24) months. If the meter

registers within two percent (2%), plus or minus, the meter will be deemed accurate and the customer will be billed a fee for the tests; this applies to primary meters only. Secondary or auxiliary meter are tested at the owners expense regardless of accuracy of meters of two inches or larger are owned by the customer and will be tested at the customer's expense. The Town may require these meters to be tested at a frequency no greater than annually. The testing of the meters must be done by a tester approved by the Town.

If the meter is found to over register more than two (2%) percent, a percentage of error computation for the duration of the last billing period will be done and a credit will be

applied to the account. If the meter is found to under register a percent of error computation will be done for the duration of the last billing period and the customer will be charged the percentage of the error.

Section 8. Meter seals

Meter seals are the property of the Town. These seals may not be removed by the customer. The customer will be charged for a service call to replace the seal. (See XVI Table of Rates, Fees and Penalties).

Article XII Public Hydrants

Public and private hydrants may not be used for any purpose other than the extinguishment of fires and for such other purposes as may be required for the usual and proper operation of the Water System. In no case shall hydrants be opened by any person other than authorized Town personal.

When water is allowed to be drawn from a hydrant for the purpose of construction it will be done under conditions set by the Town. Failure of the contractor to follow these conditions will be reason to be denied further use of hydrants. In such cases no refund of deposits will be made. Water drawn from a hydrant will be billed under the structure of bulk water. Fire flow testing of any public or private hydrant may only be done with permission of the Town. A fee will be charged for this and will be collected before the test is performed.

Article XIII Private Fire Protection

Customers desiring private fire protection should first consult with the Town, as to the availability of mains and pressure. Fire protection if supplied will be under separate applications and permits. Installation of the fire protection service shall be made by the customer, and at his sole expense. These services shall be installed in accordance to the

Town specifications and shall be inspected by the Town.

No private commercial fire protection system connection will be made on a water main of less than six (6") inches in diameter. Private Fire protection systems will be supplied with valves separate from the domestic supply in such a way that the domestic service may be terminated while the fire system remains on line. No connections other than fire connections will be allowed to be connected to pipes of the fire protection system. All sprinkler pipes and other private fire protection piping shall be placed as to be readily inspected. Fire Protection systems require backflow control (See Article V. above).

Private fire hydrants (yard hydrants) shall be used only for the purpose of fire fighting. Owners of private hydrants shall maintain these hydrants at their own expense. For Fire flow testing of these hydrants see Article XII Public Hydrants above.

Article XIV. General Rules

Section 1. Severability

The provisions of these rules and regulations are declared to be severable and if any provision of these Rule and Regulation is found to be invalid, that shall not affect the other provisions of these rules and regulation.

Section 2. Temporary Termination of Water Service.

A. *Seasonal* - At the customer's request the Town will shut off the service and remove the meter from the setting. The customer will store and be responsible for the meter, the Town will notify the Billing Office of the shut down. When the customer desires to have the water service restored the Town will reinstall the meter and restore the service. The customer will be responsible for any damage that occurred to the meter while off line.

B. *Construction* – where a service is to be shut down for demolition or construction only the Town will shut off the service. The meter will be stored by the Town until such time that the customer is ready to have the service restored.

Section 3. Underground Lawn Sprinklers

A. All in ground lawn watering sprinklers, connected to the Water System, shall be equipped with an automatic timing device so that the system can be programmed to automatically limit operation to prescribed schedules and restrictions, conforming to Town By-Laws.

B. All in ground lawn watering sprinklers shall be equipped with a moisture sensor tied directly into a timing device or controller so that irrigation will automatically be omitted in response to rainfall.

C. All in ground lawn watering sprinklers must be installed with an approved backflow

prevention device. Said device shall be inspected initially by the Plumbing Inspector, and may be inspected periodically by the Town. A fee will be charged if a device is tested. (See XVI Table of Rates, Fees and Penalties).

D. Any water user who now has, or who intends to install an in ground lawn watering sprinkler, must notify the Town 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 current Rules and Regulations.

E. Any system not in conformance with this rule may be liable to the penalties specified Rule VII Penalties and Discontinuances of Service

F. Any in ground lawn sprinkler system may be required by the Town to be independently metered to ascertain the quantity of water being used for irrigation.

Article XV Standards and Specifications.

The Public Works Director shall maintain standards for construction of water system extensions and repairs and/or replacement of any and all components of the water works. Included in these standards will be specifications for any and all materials, methods of construction, and bonding or insurance to be required. The Public Works Director shall maintain procedures to carry out these rules and regulations. The above referenced standards and procedures may be updated from time to time by the Director of Public Works.

Article XVI

Rule	Title	Current Charge
IV	Tapping Permit Charge (By Tap Size)	
	3/4 " - 1 "	\$175
	2 "	\$300
	4"	\$400
	6"	\$600
	8"	\$800
	10"	\$1,000
	12"	\$1,200
	16"	\$1,600
	Water Conservation Fee	Awaiting Legislation
VI	Water Rates	
	Section 3 : Final Bill	\$25
	Bill Copy	\$0
	Section 6 : Interest Charge per annum	14%
	Section 8 : Winter Provisions Thawing	
	Normal Working Hours	\$50
	Off- Hour Charge	\$137
	Section 10 : Testing Backflow Devices	
	Standard	\$75
	Group Condo Charge	\$50
	Section 11 : Service Calls	

	Labor / Call Off Hours	\$137
	Labor/Call during regular hours	\$0
	Section 12 : Off - Repairs of Secondary Meters	
	Labor during regular hours	\$27
	Labor/call Off Hours	\$137
	Materials- Standard retail cost	STD Retail
	Section 13 : Off - Laboratory Fees	
	Bacterial Analysis (for well water)	\$20
	Bacterial Analysis (for town water)	\$0
	Section 14 : Bulk Sale of Water	
	By Volume of Load	See standard rates
	Section 3 : Discontinuance of Service	
	Office Labor	\$0
	Tremination labor Cost	\$0
	Section 5 : Unauthorized Meter Removal	\$300
	Section 6 : Unauthorized Meter Seal Removal	\$50
	Section 7 : Unauthorized Disconnection or	\$50
	Removal of Remote Reader	\$50
XI	Primary Meters	
	Section 3 : Repair of Primary Meters	
	No Access for Appointment	\$27
	Meter Repairs	\$0
XI	Meter Testing	
	Section 7 : Meter Testing at the request of rate payer (Accurate Results)	\$75
	Meter testing at request of rate payer - inaccurate results	\$0
XII	Public Hydrants	
	Fire Flow Testing	\$100
XIV	Underground Lawn Sprinklers	
	Section 7 : Backflow Device Test	\$75
VI	Water Rates	
	Section 1 Billing	
	0 - 2,000 Cubic Feet	\$2.54
	2001 - 10,000 Cubic Feet	\$3.06
	10,001 - Over Cubic Feet	\$3.77
	<i>Existing rates not subject to change at this time.</i>	

VIII	Fines	
	Section 2 : Water Ban	
	<i>Stage II Mandatory Water Ban</i>	
	<u>Residential</u>	
	First violation	Written Citation
	Second violation	\$50
	Subsequent violations	\$100
	<u>Commercial</u>	
	First violation	Written Citation
	Second violation	\$100
	Subsequent violations	\$200
	<i>Stage III Mandatory Water Ban</i>	
	<u>Residential</u>	
	First violation	Written Citation
	Second violation	* Note 1
	Subsequent violations	* Note 1
	<u>Commercial</u>	
	First violation	Written Citation
	Second violation	* Note 1
	Subsequent violations	* Note 1
	<i>Stage IV Mandatory Water Ban</i>	
	<u>Residential</u>	
	First violation	Written Citation
	Second violation	* Note 1
	Subsequent violations	* Note 1
	<u>Commercial</u>	
	First violation	Written Citation
	Second violation	* Note 1
	Subsequent violations	* Note 1
	* Note 1, <i>Termination of service plus the cost of termination and restoration.</i>	