

Chelmsford Water District
20 Watershed Lane
Chelmsford, MA 01824
978-256-2381
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Established 1913

BY-LAWS
RULES & REGULATIONS

TAKEN FROM THE ACTS AND RESOLVES OF MASSACHUSETTS 1913

CHAPTER 641

An act to establish the Chelmsford Water District.
Be it enacted, etc., as follows:

SECTION 1

CHELMSFORD WATER DISTRICT ESTABLISHED

The inhabitants of the town of Chelmsford, liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit: - Beginning at the stone bound at the northeasterly corner of the said district, said bound being on the boundary line between the town of Chelmsford and the city of Lowell: thence running southwesterly in a straight line about eighty-one hundred and sixty-eight feet to a stone bound on Horn Beam Hill, so-called; thence southeasterly about forty-seven hundred and sixty-eight feet to a stone bound at the end of a well on the easterly side of the Boston Road, so-called; thence still southeasterly along the line of said well to River Meadow brook; thence in a northerly and easterly direction along said brook to its intersection with the Old Middlesex canal; then northwesterly along the line of said canal about three thousand and thirty-one feet to a stone bound on the boundary line between Chelmsford and Lowell; thence still northwesterly on said boundary line about three hundred and twenty-nine feet to a stone bound; thence northwesterly still on said boundary line between Chelmsford and Lowell about two thousand and seventy-three feet to the point of beginning, - shall constitute a water district, and are hereby made a body corporate by the name of the Chelmsford Water District. For the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefore, and to take, or acquire by lease, purchase or otherwise, and to hold property, lands, rights of way and other easements for the purposes mentioned in this act, and to prosecute and defend all actions relating to the property and affairs of the district.

SECTION 2.

MAY TAKE, ETC, LANDS, WATER SOURCES, ETC.

Said water district, for the purposes aforesaid, may take, or acquire by purchase or otherwise and hold the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the town of Chelmsford, and the water rights connected with any such water sources. Said District may also take, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the quality of the water, shall be taken or used without first obtaining the advice and approval of the state board of health, and that the situation of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to approval of said board.

MAY ERECT STRUCTURES, LAY PIPES, ETC.

Said district may construct on the lands acquired and held under the provisions of this act proper dams, reservoirs, stand pipes, tanks, building, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in Chelmsford, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel; and all things done upon any such way shall be subject to the direction of the selectmen of the town of Chelmsford. The district shall not enter

upon, construct or lay and conduits, pipes or other works within the location of any railroad corporation except at such times and such manner as it may agree upon with such corporation or, in case of failure so to agree as may be approved by the board of railroad commissioners.

SECTION 3.

DESCRIPTION OF LAND, ETC., TAKEN, TO BE RECORDED ETC.

Said water supply district shall, within ninety days after taking of any lands, water rights, water sources, rights of way, or other easements under the provisions of this act, file and cause to be recorded in the registry of deeds for the county or district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose of which the same were taken signed by the water commissioners hereinafter provided for. The title to all land take, purchased or acquired in any way under the provisions of this act shall best in said Chelmsford Water District, and the land so acquired may be managed, improved and controlled by the board of water commissioners thereinafter provided for, in such manner as they shall deem for the best interest of said district.

SECTION 4.

DAMAGES

Said district shall pay damages to property sustained by any person or corporation by the taking of any land, water, water source, water right, right of way or other easement, or by any other thing done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the district as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said two years; and no assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by the district under authority of this act. Said district may by vote, from time to time, determine what amount or quantity of water it proposes to take under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in that event said district shall be liable further only for the additional damage caused by such additional taking.

SECTION 5.

CHELMSFORD WATER DISTRICT LOAN, ACT OF 1913

Said district, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds or notes to an amount not exceeding seventy-five thousand dollars. Such bonds or notes shall bear on their face the words, Chelmsford Water District Loan, Act of 1913; shall be payable by such annual payments, beginning not more than one year after their respective dates, as will extinguish each loan within thirty years from its date; and the amount of such annual payment of any loan in any year shall not be less than the amount of the principal of said loan payable in any subsequent year. Each authorized issue of bonds or notes shall constitute a separate loan. Said bonds or notes shall bear interest at a rate not exceeding five percent per annum, payable semi-annually, and shall be signed by the treasurer of the town and countersigned by a majority of the water commissioners thereinafter provided for. The district may sell the said securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value, and the proceeds shall be used only for the purposes therein specified. The town of Chelmsford may, at its annual town meeting or at any legal meeting called for the purpose, guaranty the payment of such bonds or notes.

SECTION 6.

PAYMENT OF LOAN

The said district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provision of section five of this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under the provision of this act, shall annually thereafter, without further vote, be assessed by the assessors of the town, in the same manner in which other taxes are assessed, until debt incurred by said loan or loans is extinguished.

SECTION 7.

ASSESSMENT AND COLLECTION OF TAX

Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Chelmsford, who shall proceed within thirty days thereafter to assess the same in the same manner in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes; provided, that the district at the time of voting to raise the tax shall so determine, and shall also fix a time for payment thereof.

SECTION 8.

FIRST MEETING

The first meeting of said district shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Chelmsford, or from a justice of the peace, directed to one of the petitioners, or requiring him to give notice of the meeting by posing copies of the warrant in two or more public places in the district seven days at least, before the time of the meeting. The said justice of the peace, or one of the selectmen, shall preside at the meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting, the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting therein it shall take effect, and the meeting may then proceed to act on the other articles contained in the warrant.

SECTION 9.

WATER COMMISSIONERS, ELECTION, TERMS, ETC.

The Chelmsford Water District shall, after the acceptance of this act as aforesaid, elect by ballot five persons to hold office, one until the expiration of three years, one until the expiration for two years, and three until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years, thereby reducing the number of the commissioners to three. All the authority granted to said district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however, to such instructions, rules and regulations as the district may by vote impose. Said commissioners shall appoint a treasurer of said district, who may be one of their number, who shall give bonds to the district in such an amount and with such sureties as may be approved by the commissioners.

QUORUM VACANCY

Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said water district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of water works except upon written order of said commissioners or a majority of them.

SECTION 10.

WATER RATES, ETC.

Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except the net surplus aforesaid, unless the district appropriate and provides money therefore. Said commissioners shall annually and as often as the district may require, render a report of the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11.

RULES AND REGULATIONS, ETC.

Said district may adopt by-laws prescribed by whom and how meetings may be called, notified and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. Said district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with the laws of the commonwealth, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 12.

PENALTY FOR POLLUTION, ETC. OF WATER ETC.

Whoever willfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or willfully or wantonly injures any reservoir, stand pipe, aqueduct, pipe or other property owned or used by said district for the purpose of the act, shall forfeit and pay to the district three times the amount of damages assessed therefore, to be recovered in an act of tort, and upon conviction of

any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months.

SECTION 13.

CERTAIN PROPERTY MAY BE INCLUDED WITHIN THE DISTRICT UPON PETITION, ETC.

Upon petition in writing addressed to the water commissioners by any owner of real estate in Chelmsford abutting on the district described in section one, or as subsequently enlarged under the provisions of this section, setting forth that the petitioner desires to have certain accurately described parts of his real estate included in the district, the water commissioners shall cause a duly warned meeting of the district to be called, at which meeting a majority of the voters present and voting may vote to include in the said district such petitioner's real estate as described in his petition. If it be so voted the clerk of the district shall, within ten days, file with the town clerk of Chelmsford an attested copy of said petition and vote, describing precisely the real estate as described in his petition, shall be a part of said district and shall be holden under the provisions of this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14.

TIME OF TAKING EFFECT

This act shall take effect upon its acceptance by a majority vote of the voters of said district described in section one, present and voting thereon at a district meeting called in accordance with the provisions of section eight, within two years after the passage of this act; but this act shall become void unless the said district shall begin to distribute water to consumers within two years after the date of the acceptance of the act as aforesaid.

APPROVED MAY 12, 1913

SECTION 15.

EXTENSION OF WATER MAINS

Extensions of water mains in ways, public and private, shall be made only upon written petition addressed to the Commissioners upon forms provided for that purpose, specifying the location and limits of the proposed extension, names and addresses of prospective takers, and estimated annual revenue therefrom, with a draft of the article to be inserted in the warrant for a district meeting.

Section 1. Upon the filing of the petition, the commissioners shall make an investigation of the facts set forth in the petition, and shall make and file a written report with the records of the District, setting forth the number of prospective water takers, the estimated annual revenue from the proposed extension and all other information in connection therewith, together with the commissioners' recommendation of approval or disapproval of the extension.

Section 2. The commissioners shall cause the Article set forth in the petition to be inserted in a warrant for a district meeting. At this meeting the clerk of the district shall read the report at the time the article is called for consideration. If the written report of the commissioners recommends the extension, an affirmative vote of two-thirds of the voters present and voting in favor of the extension shall be required for its passage. If the written report of the commissioners disapproves the extension, the affirmative vote of three-fourths of the voters present and voting in favor of the extension shall be required for its passage.

Section 3. If the estimated annual income from the proposed extension, is in excess of ten percent of the estimated cost of the extension, as computed and reported in writing by the commissioners

under Section 2, the commissioners shall require all owners of real estate listed in the report of the commissioners as prospective water takers, upon which the estimated annual income is based, to file with the commissioners before meeting of the district, their individual agreements to take water upon the terms and conditions set forth in the agreement to be furnished by the commissioners; upon the affirmative vote of the district as required by Section 2, the construction of the proposed extension may be commenced at such time as the commissioner shall determine.

SECTION 16.

EXTENSION OF WATER MAINS

If the estimated annual revenue from the proposed extension, as computed by the commissioners under Section 2 of Paragraph 15, is less than 10% of the estimated cost of the extension, and affirmative action is voted by the district as required by Section 3 of said paragraph, the commissioners shall not make the extension nor incur expense on account thereof until indemnity bond is filed and hereinafter provided; and upon the filing of such bond, the construction of the proposed extension maybe commenced at such time as the commissioners shall determine.

BOND

The bond required shall be the joint and several obligation of the water takers to be served by the proposed extension, or such number thereof as the commissioners shall accept and approve; shall be in a penal sum of not less than double the amount of the estimated cost of the proposed extension; shall be secured by collateral of savings bank deposit, or equivalent, in an amount equal to the estimated cost of the extension, and shall contain the following conditions;

- (A) That the collection of water revenue at the regular established rates from takers on the extension shall be equal to at least 10% of the actual cost of the extension in each year for a period not exceeding ten years from the time water is made available in the main.
- (B) That the principal or principals of the bond shall pay, within thirty (30) days from date of demand by the district, the difference between the water revenue collected in each year and 10% of the amount of the cost of the extension, provided, however, that the amount due under this provision for the first year shall be proportionate to that part of the year during which water is made available in the mains.
- (C) That the failure to make payment of any amount due to the district hereunder by anyone of he principals of the bond shall constitute a breach and default thereof, authorizing and empowering the commissioner, acting and in behalf of the district, to collect and apply the security to meet such default and to take any and all steps necessary and advisable therefore, including legal action.
- (D) That, upon the water revenue received by the district for one year being in excess of an amount equal to 10% of the cost of the extension and all other obligations of the principals having been fully performed, the bond shall become null and void and the collateral deposited as security therefore shall be surrendered to the owners thereof.

SECTION 17.

These Rules and Regulations may be amended by a two-thirds vote of the district at the annual or special meeting of the district, provided a petition signed by a least ten (10) voters, shall be filed with the commissioners, setting forth the proposed amendment, at least sixty (60) days before the date of such meeting or upon the joint written recommendation of all commissioners filed with the clerk of the district before the warrant for such meeting is issued.

C. Copy 6-15-54

CHELMSFORD WATER DISTRICT

DESCRIPTION OF LOCATION OF BOUNDS

1 of 2 Pages

Beginning at a stake on the base line of survey (365 feet) east of the centre line of the traveled way of the Boston Road and about (20 feet) East of Pole #417 of the Middlesex Essex Power Line; thence on a line bearing (N1 degrees 54' E) distance of (16.0 feet) to a cement bound located on the North line of the Tower company easement, thence continuing along this same bearing a distance of (807.45 feet) to an Iron Pipe painted white and red in the Meadow, thence at the angle of (78 degrees 13') to a line bearing (S.76 degrees 19' E) across the Meadow, thence at an angle of (78 degrees 13') to a line bearing (S.76 degrees 19' E) across the Meadow to another Iron Pipe a distance of (235.38 feet), thence at an angle of (183 degrees 09') to a line bearing (S 79 degrees 28'E) a distance of (86.98 feet) to a cement bound near the edge of the Meadow, thence along this same line a distance of (684.44 feet) to a cement bound, at the bottom of the sharp slope, at the intersection of the following line, thence at an angle of (98 degrees 36') to a line bearing (S.1 degree 56;W) a distance of (663.16 feet) to a cement bound on the North Line of the Power Company easement thence continuing along this same line a distance of (16'0) feet to an Iron Pipe, driven flush, on the line of survey (dimension of this pipe (D=1/2" L-30')) thence at an angle of (181 degrees 18') to a line bearing (S.00 degrees 38'W) a distance of (262.12 feet) to a cement bound, at the junction of land of C.J. Harvey and John s. Chase, thence at an angle of (136 degrees 24; 40") to a line bearing (S.44 degrees 13' 20"W) along the West side of Cranberry Bog a distance of (331.28 feet) to a drilled hole at the end of a stone wall, thence at an angle of (177 degrees 45' 20") along and beyond the wall on a line bearing (S.46 degrees 28;W) a distance of (438.91 feet) to a cement bound in the field, beyond the Old Cellar Hole, thence at an angle of (89 degrees 15; 30") to a line bearing (N42 degrees 47' 30"W) a distance of (250.0 feet) to another cement bound in the same field near the new Pump House, thence at an angle of (194 degrees 09') to a line bearing (N56 degrees 56' 30" W) a distance of (325.69 feet) to an Iron Pipe in the centre of a small brook thence at an angle of (123 degrees 06' 30") to a line bearing (N00 degrees 03' W) a distance of (383.08) to the point of beginning. Angle at intersection of first and last line (178 degrees 03') Dimension of iron pipes (2-1 ¼ inches by 10 feet) (1-1 ¼ X 8 ½ feet) (1-1/2 inches X 3 feet). Perimeter 4390.66 feet.

CHELMSFORD WATER DISTRICT

DESCRIPTION OF LOCATION OF BOUNDS

2 of 2 Pages

Beginning at a Stone bound located on the North easement line of the New England Power Company about (38 feet) West of Pole #423, thence on a line bearing (S1 degrees 56' W) a distance of (16 feet) to a (1/2 X 3) iron pipe on the line of survey thence at an angle of (178 degrees 42') to a line bearing (so degrees 38' W) a distance of (262.12 feet) to a stone bound at the intersection of the Chase and Harvey Properties near Chase cranberry bog, thence at an angle of (116 degree 05' 30") to a line bearing (S63 degrees 16' 30"E) a distance of (875.0 feet) to an iron pipe painted white and red in the Meadow off the road to Well 3, thence at an angle of (269 degrees 54') to another pipe at the edge of River Meadow Brook a distance of (210 feet) thence at an angle of (65 degrees 46' 30") to another pipe in the Meadow on a line bearing (S87 degrees 36'E) a distance of (263.12 feet) thence at an angle of (200 degrees 06') to a line bearing (S67 degrees 30' E) a distance of (600.00 feet) more or less to a stone bound at the east end of the Meadow, thence at an angle of (42 degrees 51' 27") to a line bearing (N24 degrees 38' 33"W) a distance of (44.48 feet) to a stake placed by East Coast Builders, thence at an angle of (213 degrees 32' 40") to a line bearing (N8 degrees 54' 07"E) a distance of (1159.13 feet) to a stake set by East Coast Builders located on the North line of the easement of the Power Company which is distant Southwesterly from a drilled hole at the end of a stone wall, thence at an angle of (56 degrees 28' 20") to a line bearing (S 65 degrees 22; 27: W) a distance of (532.87 feet) on line of former Woodhead property to a drilled hole in a flat rock, thence at an angle of (262 degrees 50' 33") to a line bearing (N31 degrees 47'W) a distance of (224.78 feet) to a point on the North line easement of the Power Company, thence at an angle of (118 degrees 53') to a line bearing (S87 degrees 06'W) a distance of (1063.26 feet) to the point of beginning. Perimeter 5250.76

Herbert M. Sturteyant, Surveyor

Chelmsford Water District

Rules and Regulations

The following rules and regulations shall be considered a part of the contract with every person using water.

1. All applications for use of water are available at the Chelmsford Water District (herein referred to as CWD), 20 Watershed LN.
2. All demand charges are payable prior to service connection. The Water Commissioner or their agents will determine pipe size and type of any installation. Costs of installation service will be charged to the applicant separate of the demand charge. Estimated costs will be paid before the water service is installed.
3. The owner or applicant will pay for costs of new service installations from the water main into the house, including meter, before water will be turned on.
4. No person will connect, or cause to be connected, any service pipe with the main or any distributing pipes except by order of the Water Commissioners made on such application for new service. No permanent outside sprinkler system shall be allowed unless approved by the CWD.
5. The Water District personnel may make periodic inspection of the pipes to the meter. When equipment, including piping and connections, is found defective, the property owner/water taker shall be responsible for undertaking the necessary repairs between the property line and the meter and payment for all work and materials necessary for these repairs. Unless contractors previously approved by the District are used in undertaking such repairs, water district personnel must be present for and perform all testing and inspections of such repairs, and costs for such district personnel shall be assessed and paid by the property owner or water taker. Persons allowing their meter to be damaged by frost or otherwise will be responsible therefore, and be charged and assessed by the District for any repairs or replacement. The District will keep meters in repair from ordinary wear and tear or damage not caused by the property owner or water taker.
6. All apparatus and all places supplied with water must be accessible, at all reasonable times, for inspection by the Commissioners or their agents.
7. No alterations will be made to the service installed by the District except by authorized agents of the District.
8. The District will not in any way nor under any circumstances, be held liable or responsible to any person or persons for any loss or damage from any excess or deficiency in the pressure, volume of supply of water, due to any cause whatsoever. The District will undertake to use all reasonable care and diligence to avoid interruption and fluctuations in the service, but cannot and does not guarantee that such will not occur.

9. The District will not be responsible for damages caused by dirty water resulting from the opening or closing of any gates for repairs or any other reasons, the use of hydrants, or breaking of any supply lines.
10. The District will endeavor to give due notice to as many of the consumers affected as time and character of the work permits whenever it may be necessary to shut off the supply from any section of the District to make repairs or changes or because of broken mains. Consumers will not involve the District in any responsibility or liability for damage arising from the shutting off of any supply or subsequent conditions arising there from.
11. The District reserves the right at any time, without notice, to shut off the water supply for purpose of making repairs, extensions, or other reasons, and all consumers having boilers or other appliances on their premises are hereby warned against danger of collapse from these sources and are urged to provide safety devices for their own protection. In any event the District expressly stipulated that there should be no liability for damages resulting there from.
12. The District will not assume liability for conditions in the consumer's plumbing or appliances, which may be the cause of trouble, coincident with the following repairs made to any part for the supply system by the District.
13. Service pipes or fixtures of any description that are connected with the mains of the District will not under any circumstances be connected with any other sources of water supply.
14. The Water Commissioners reserve the right to shut off water for the purpose of making alterations or repairs. A water service may be shut off from any taker for non-compliance with the rules and regulations for non-payment of the water rates and violation of Massachusetts General Laws relating to water supply. When water has been shut off because of disregard of rules or non-payment of rates it will be turned on again when the Commissioners are satisfied that there will be no further cause of complaint and or the reconnection fee has been paid. (see schedule of fees for current amount) With the approval of the Department of Environmental Protection (Chapter 40, Section 41A of the MA General Laws), the commissioners reserve the right to restrict the use of water if necessary in any manner deemed appropriate.
15. The fire department will have control of the hydrants in the case of fires and for necessary practice. In no other case will any persons be allowed to handle hydrants or other waste apparatus without permission of the Water Commissioners or their agents.
16. No water taker will be allowed to supply water to others except by special permit from the Water Commissioners or their agents and if found doing so without a permit; the supply will be shut off.
17. Owners should notify the CWD to shut off water if the building becomes vacant. Water will be turned on again with the owner notifies the District, and upon payment of the turn on fee. *See schedule of fees for current amount.*

18. Water bills and repairs of existing services must be paid in full within 30 days of the billing date. All bills for new installations, including supplies and labor must be paid in full prior to the water service installation.
19. The water may be turned off without notice when bills for water remain unpaid for fifteen days after they become due, which is thirty days from the date of issue. Owners of premises will be held responsible for the water bills for their tenants. Unpaid water bills are now lien of real estate and collections may be made upon the sale of property: Massachusetts Legislature, Acts of 1923, Chapter 391.
20. Any persons who shall remove, change, alter or willfully damage or injure any meter will be liable for all damages, as stated in the Bylaws and under MGL Chapter 165, Section 11. Shall be punishable by a fine of triple the damages or sustained thereby or by \$1000, whichever is greater or by imprisonment for not more than one year, or both. The Damages shall include the value of the water and cost of labor and equipment repair and replacement. Any change in meter location will be done under the direction of a District agent.
21. On all dwelling houses, apartments, condominiums, business and professional buildings, a minimum charge will be made for water for each water service for which the owner or owners will be liable, if it is desired that all water flow through one meter.

The minimum payment will be applied toward charge for water at the rates established under the rules and regulations for the Water Board, but if less quantity of water is used than the quantity for which the minimum charge would pay, no deduction from the minimum charge will be made.
22. Any persons violating any order restricting water use imposed by vote of the Commissioners will be fined not more than \$200.00 for each offense, which will inure to the District for such uses as the Commissioners may direct. Fines will be recovered by indictment or on a complaint before the District Court, or by non-criminal disposition in accordance with Section 21-D of Chapter 10 of the General Laws. Every day that such violation continues constitutes a separate offense.
23. Water users will be billed every three months for water used according to the current schedule of fees. There is a minimum charge for which water is furnished including the use of the water meter and no refund or abatement will be given for the amount of water less than 7,000 gallons. A minimum charge applies to each water service unit in multiple dwellings. *See schedule of fees for current amount.*
24. There is a charge for closing costs on property transfers. Unpaid charges will be remitted at the time of the closing. *See schedule of fees for current amount.*
25. The owner of property supplied will be charged for all water furnished to the premises during ownership of the premises. When ownership changes, the name and mailing address of the new owner will be given to the District, at once, so that bills may be properly rendered.

The property owner must keep the water meter on the premises easily accessible for reading at all times and will not tamper with the meter in any way. Each unit must be

separately serviced and metered so that each water user can be denied water service without disrupting service to other owners.

26. The District authorizes the Commissioners to establish quarterly due dates for payment of water charges and bills, and authorizes the Commissioners to fix a rate of interest which shall accrue if such charges or bills remain unpaid after such due dates, provided, however, such rate of interest shall not exceed the rate of interest which may be charged on tax bills under the provision of Section 57 of Chapter 59, Massachusetts General Laws, or 18%, whichever is higher, as amended.
27. If a meter is out of order and fails to register, the consumer will be charged at the average quarterly consumption as shown by the meter when in order. An average will be taken of the last three corresponding readings.
28. Any and all penalties for violations of these regulations or arrearages for non-payment of water rates or charges may be collected, as authorized by law, in a civil action.
29. The Commissioners will regulate the use of water in such manner as they deem for the best interest of the District, fix and collect prices and rates for the use thereof and prescribe the time and manner of the payment of such prices and rates. The Commissioners will have exclusive charge and control of the water district and water system, subject to all lawful by-laws, and subject to such instructions as the District may from time to time impose by its vote.
30. The District will have any inspector on sites where new water main and necessary fittings are installed in new developments, private roads, business and commercial sites. The District will charge an hourly fee, which will be paid to the District by the owner, contactor or developer. All material used will meet the specifications of the CWD.
31. No person will turn on or tamper with water main or hydrant or other device used for water supply, or install a bypass around a water meter without first producing a written permit to do so from the Superintendent of the District. Any person violating said section will be fined triple the damages or sustained thereby or by \$1000, whichever is greater or by imprisonment for not more than one year for each offense, which will insure to the District for recovered by indictment or on complaint before the District Court or by non-criminal disposition in accordance with Section 21-D of Chapter 10 of the General Laws. Every day that such violation continues constitutes a separate offense. This section will not curtail the fire department or Water District in the normal course of providing fire protection or water supply.
32. Any person taking application for water use having a design demand in excess of 5,000 gallons per day, will submit a concept plan with sufficient information so that the District can generate a Water Impact Report. This report will: 1) define the plans impact on the District's current / future water demand and existing water supply system, and 2) stipulate conditions what the applicant will meet to mitigate the effects of this impact. The Water Impact Report will be reviewed and approved by the Water Commissioners. Costs associated with generating the Water Impact Report will be borne by the applicant. All new construction will require separate service lines and meters.

33. All new industrial and commercial establishments attached to CWD will be required to install, at the service entrance and immediately downstream of the meter, a backflow device. The device must be approved by the CWD and the owner and or the person/s to which the bills are so assigned will pay all costs. ***See Regulations for Control of Backflow and Cross Connections.***
34. The Board of Commissioners may vote to place a moratorium on allowing any underground lawn sprinkler system to be tapped off public water mains or service. ***See Regulation of Underground Water Sprinklers.***
35. Any new water service or fire line from the water main to a dwelling, building or structure will be in a separate underground trench. No other utility (i.e. gas, electric, telephone, cable TV) will be in the same trench unless the District Superintendent determines that the ground conditions prevent a separate trench. In such cases, a suitable plan prepared by a registered professional engineer will be submitted to the District Superintendent and Dig Safe for approval to insure safety and accessibility for repair, replacement or inspection of the lines located in the same trench.
36. Insufficient fund checks will be charged as provided by Section 44 of Chapter 69 MGL. The District does not re-deposit returned checks. Bank check or cash is required thereafter.

**GENERAL LAWS, CHAPTER 40,
SECTION 42A, 42B, 42C, 42D, 42E, 42F
Chelmsford Water District**

I, Winthrop A. Parkhurst, Clerk of the Chelmsford Water District, a duly established water district in said Chelmsford, Middlesex County, Massachusetts, hereby certify that at the annual meeting of said District duly called and held on February 19, 1940 it was voted to accept Sections 42A, 42B, 42C, 42D, 42E and 42F of Chapter 40 of the General Laws, as amended, whereby, as therein specified, water supplied, or service rendered, or material finished in connection therewith shall be in lieu upon the real estate.

Clerk Chelmsford Water District
May 29, 1940

**Chelmsford Water District
Vote
Annual Meeting
Friday, February 19, 1968**

The Annual Meeting of the Chelmsford Water District was held at the High School Auditorium, Chelmsford, Middlesex County, Massachusetts on Friday, February 19, 1968. A quorum was present.

Upon motions duly made and seconded, it was unanimously voted as follows:

VOTED: That the Chelmsford Water District accepts Chapter 40 Sections 42A, 42B, 42C, 42D, 42E and 42F of the Massachusetts General Laws (terEd.) as amended and that the Clerk of Chelmsford Water District record a certified copy of such acceptance with the Registrar of Middlesex North District Registry of Deeds.

Claude A. Harvey,
Clerk of the CWD

A True Copy. Attest:

Claude A. Harvey,
Clerk of the CWD

REC April 15, 1968 9:10 AM #4949

By-Law – 1958

The Special Meeting of the Chelmsford Water District was held at the Town Hall, Chelmsford Center, September 29, 1958 at eight o'clock PM.

ARTICLE 1

Ralph Johnson was elected Moderator, Raymond Harmon cast one ballot and Charles Harrington nominated Mr. Ralph Johnson.

ARTICLE 2

Dr. Benjamin Bleckman moved that the CWD accept the following amended by-law:

“Notwithstanding any previous by-law or regulation to the contrary, henceforth no further extensions of water mains be made, wither in accepted or unaccepted streets, unless there shall first have been paid to the treasurer of the water district, the cost as estimated by the Commissioners of the water district, of the proposed extension; that in making estimates of proposed water extensions, the Commissioners shall base these estimates on the supplying and laying of six-inch or eight-inch pipe unless in their opinion a larger size pipe is required for the proper servicing of the properties to be served thereby, or unless in the opinion of the Commissioners a larger size pipe is needed for other purposes; that if in the opinion of the Commissioners a water pipe larger than eight-inches is needed for the purposes of the properties to be served thereby, the applicant for extension shall pay to the treasurer of the water district the cost of laying the larger size pipe, but not otherwise; that the water district shall after the laying of any such water extension be responsible for the maintenance of the same in any accepted street, and that the rates charged those persons connection their properties with water extension shall be the same as the general rates for such users prevailing from time to time. The money so deposited shall be set up on the books of the district and expended without further appropriation by the CWD for the purposes for which the money was deposited. Any monies left over from deposit after the extension has been installed and paid for shall be returned to the depositor.”

September 29, 1958

LAW OFFICE
OF
JOHN D. ARENSTAM

Attorney and Counselor

TELEPHONE (617) 256-0713

CHELMSFORD CENTER PROFESSIONAL BUILDING
18 NORTH ROAD
CHELMSFORD, MASSACHUSETTS 01824

January 8, 1973

Chelmsford Water District
Town Hall - North Road
Chelmsford, Massachusetts

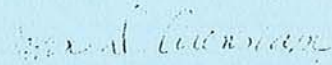
Attn: Mr. Raymond Harmon

Dear Mr. Harmon:

Enclosed please find copy of Vote of the Chelmsford Water District relative to the acceptance of Chapter 40, Sections 42A, 42B, 42C, 42D, 42E and 42F of the General Laws.

Said Vote is recorded at the Registry of Deeds in Book 1839, Page 277. If you have any further questions, please do not hesitate to contact me.

Very truly yours,



John D. Arenstam

JDA:pl

Enclosure

MERGER OF CENTER AND SOUTH WATER DISTRICTS

Chapter 128

An Act merging the South Chelmsford Water District of Chelmsford with the Chelmsford Water District.

Be enacted, etc., as follows:

Section 1 Chapter 641 of the acts of 1913 is hereby amended by striking out section 1 and inserting in place thereof the following section:

Section 1 The inhabitants of the Town of Chelmsford, liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit:

Beginning at the southwesterly corner of the Chelmsford Water District at the Chelmsford, Carlisle, Westford town corner; thence northerly by the Town of Westford line to a point 600 feet more or less southerly from Groton Rd; thence easterly 1950 feet more or less to a point on the northwesterly side of Main St; thence southeasterly 8500 feet more or less to a point; thence in a more easterly direction 2025 feet to a point thence in a general easterly direction parallel to and 200 feet northerly therefrom Davis Rd, Parkhurst Rd and Smith St and continuing to the Lowell city line; thence by said city line 5500 feet more or less southeasterly to the Chelmsford, Lowell town corner #3; thence by said Lowell city line 329 feet to the Chelmsford, Lowell town corner #2; thence still southeasterly 3031 feet more or less to a point at the old River Meadow Brook; thence southwesterly by said old Brook and existing brook to a point 600 feet southwesterly of Billerica Rd, Rout 129; thence southeasterly parallel to and 600 feet southwesterly therefrom Billerica Rd to the Billerica town line; thence southwesterly by said Billerica town line to the Billerica, Chelmsford, Carlisle town corner; thence westerly by the Carlisle town line to the Chelmsford, Carlisle town corner #2; thence still by said Carlisle town line to the point of beginning, shall constitute a water district, and are hereby made a body corporate by the name of the Chelmsford Water District for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take, or acquire by lease, purchase or otherwise and hold property, lands, rights of way and other easements for the purposes of this act, and to prosecute and defend all actions relating to the property and affairs of the CWD.

Section 2 Said Chapter 641 is further amended by inserting after section 13 the following section:

Section 13A The South Chelmsford Water District of Chelmsford, established under the provisions of chapter two hundred and thirty of the acts of nineteen hundred and thirty-five, is hereby dissolved and, without further conveyance or other action, all the assets, liabilities, obligations and

indebtedness as well as the powers and duties of said South Chelmsford Water District of Chelmsford are hereby merged and transferred to the Chelmsford Water District: and provided, further, that the Board of Water Commissioners of said south Chelmsford Water District of Chelmsford is hereby abolished and the tenure of the incumbent members of said Board shall terminate on the effective date of this act.

Section 3

This act shall take effect on June thirteenth, nineteen hundred and eighty four.

Approved July 2, 1984

Massachusetts General Laws, Chapter 165, Section 11, as follows:

METER TAMPERING

“Intentional injury to or interference with meter; penalty, Whoever unlawfully and intentionally injures, or suffers to be injured, a water meter belonging to a city, town, district, or company engaged in supplying water, 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 pipe belonging to a city, town, or district or water company, or otherwise uses or causes to be used the water supplied by a city, town, district or company without consent of the same, unless it passes through a meter set by such city, town, district or company, shall be punished by a fine of triple the damages or sustained thereby or by \$1000, whichever is greater or by imprisonment for not more than one year, or both.” Damages shall include the value of the water and the cost of labor and equipment repair and replacement.

CHAPTER 40 – SECTION 41A OF THE GENERAL LAWS

RESTRAINT OF USE OF WATER DURING EMERGENCY

A Board of Water Commissioners or a Board of Public works with the duties of Water Commissioners of a Municipality, Water Supply, Fire and Water District or Water Company having control of water supplies may, on behalf of their respective bodies politic or corporate, upon notification to the water takers, restrain the use of water on public and private premises by shutting off the water at the meter or at the curb cock or any other means as the case may be, during a drought, hurricane, conflagration or other disaster when in the opinion of the Department of Public Health an emergency exists. (1949, 793)

ADVISORY RULING

STATE SANITARY CODE 105 CMR 410.180

RESPONSIBILITY OF PROPERTY OWNERS TO PAY FOR WATER/SEWER CHARGES

FROM: Howard S. Wensley, Director
Division of Community Sanitation
Commonwealth of Massachusetts
Department of Public Health
150 Tremont St.
Boston, MA 02111

DATE: July 19, 1995

The Department of Public Health has updated its advisory ruling regarding property owner's responsibility to pay for water and sewer charges as provided for in 105 CMR 410.180. This ruling which updates the one issued in May 1988 concludes that:

1. Under the State Sanitary code, Chapter II, the property owner is responsible for providing and paying for water and sewer services furnished to rental units.
2. The State Sanitary code, Chapter II, prohibits agreements between property owners and tenants under which tenants are required to pay separately for water and sewer service.

For questions, call the Director's office at 617-727-2660.

**REGULATIONS
FOR THE
CONTROL OF BACKFLOW AND CROSS-CONNECITONS**

Section 1

Cross-Connection Control Authority

As provided in the Federal Safe Drinking Water Act of 1974(Public Law 93-523): and under the provisions of **Massachusetts General Laws, Chapter 41, Section 69B: Massachusetts Drinking Water Regulation, 310 C.M.R., Section 22.22** and section 13, of the By-Laws of the Chelmsford Water District, the water purveyor, has the primary control and responsibility for preventing water form unapproved sources, or any substances, from entering the public potable water system. The Chelmsford Water District, upon written request to the Department of Environmental Protection, is acting as the Department's designee as provided in **310 C.M.R., Section 22.22.**

Section 2

Cross-connection Control – General Policy

- 2.1 Purpose The purpose of this regulation is:
- 2.1.1 To Protect the public potable water supply of the area served by the Chelmsford Water District (hereinafter referred to as CWD) from the possibility of contamination or pollution by isolating within its customer's internal distribution system (s) or its customer's private water system (s) such contaminants or pollutants which could backflow or back siphon into the public water supply system: and
 - 2.1.2 To promote the elimination or control of existing cross-connections, actual and potential, between its customer's in-plant potable water system (s) and nonpotable systems, plumbing fixtures and industrial piping systems; and
 - 2.1.3 To Provide for maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of al potable water systems by cross-connection.
- 2.2 Responsibility The superintendent of the CWD will be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants through the water service connection, If, in the judgment of said superintendent and approved backflow prevention device is required, at the District's water service connection to any customers promises, for the safety of the water system, the Superintendent or his designated agent will give notice in writing to said customer to install such an approved backflow prevention device at each service connection to his promises. The customer will,, within 30 days, install such approved device or devices at his won expense, and failure, refusal or inability on the part of the customer to install said device or devices

within 30 days constitutes grounds for discontinuing water service to the premises until such device or devices have been installed.

Section 3 **Definitions**

- 3.1 Superintendent or his/her designated agent, in charge of the Water District is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.
- 3.2 Approved Accepted by the District Superintendent as meeting an applicable specification stated or cited in the regulation, or as suitable for the proposed use.
- 3.3 Auxiliary Water Supply Any water supply on or available to the premises other than the purveyor's approved public potable water supply.
- 3.4 Backflow The flow of water or other liquids, mixtures, or substances under pressure into the distributing pipes of a potable water supply system from any source or sources other than its intended source.
- 3.5 Back-siphonage The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.
- 3.6 Backflow Preventer A device or means designated to prevent backflow or siphonage.
 - 3.6.1 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 or said vessel. Approved air-gap shall be as required by Water District standards.
 - 3.6.2 Reduced Pressure Principle Device An assembly or two independently operating approved 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 cocks for the testing of the check and relief valves.
 - 3.6.3 Double Check Valve Assembly An assembly of two independently operating approved 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.
 - 3.6.4 Pressure Vacuum Breaker A device containing one or two independently leaded check valves and an independently operating loaded air inlet valve located on the discharge side of the check or checks.
- 3.7 Contamination impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or other serious health effects or otherwise be hazardous to the health and safety, or through the spread of disease.

- 3.8 Cross-Connection Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non potable water, or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage ay occur into the potable water system.
- 3.9 Cross-Connections – Controlled A connection between a potable water system and non-potable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.
- 3.10 Cross-Connection Control by Containment The installation of any approved backflow prevention device at the water service 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 cannot be effectively eliminated or controlled a t the point of cross-connection.
- 3.11 Hazard, Degree of The term derived from an evaluation of the potential risk t public health and the adverse effect of the hazard upon the potable water system.
- 3.11.1 Hazard - Health (High Hazard) Any condition, device, or practice in the water supply system and its operation which could create, or, in the judgment of the Superintendent, may create a danger to the health and well being of the water consumer.
- 3.11.2 Hazard - Plumbing (high Hazard) A plumbing type cross-connection in a consumer’s potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.
- 3.11.3 Hazard - Pollution (Low Hazard) An actual or potential threat to physical properties of the water system or to the potability of the public or the consumer’s potable water system, but which would constitute a nuisance or be aesthetically objectionable, or could cause damage to the system or its appurtenances, but wouldn’t be dangerous to health.
- 3.12 Industrial Fluids System Any system containing a fluid or 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.
- 3.13 Pollution Means the presence of any foreign substance (organic, inorganic, or biological) in the water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the 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.
- 3.14 Water-Potable Water from a source which has been approved by the Massachusetts Water Supply and Pollution Control Commission for human consumption.
- 3.15 Water - Non-Potable water which is not safe for human consumption, or which is of questionable potability.
- 3.16 Water – Service Connections The terminal end of a service connection from the public potable water system; i.e. where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer’s water system. If a meter is installed at the end of the service connection, then the

service connection will mean the downstream end of the water. Service connection shall also include water service connection from fire hydrant and all other temporary or emergency water service connections from the public potable water system.

- 3.17 Water – Used Any water supplied by a water purveyor from a public potable water system to a consumer’s water system after it has passed through the point of delivery, and is no longer under the sanitary control of the water purveyor.

Section 4 Requirements

4.1 Water System

- 4.1.1 The water system will be considered as made up of two parts; the utility system and the customer system.
- 4.1.2 Utility system shall consist of the source facilities and the distribution system; and will include all those facilities of the water system under the complete control of the utility, up to the point where the customer’s system begins.
- 4.1.3 The source will include all components of the facilities utilized in the production treatment, storage, and delivery of water to the distribution system.
- 4.1.4 The distribution system will include the network of conduits used for the delivery of water from the source to the customer’s system.
- 4.1.5 The customer’s system will include those parts of the distribution system which provide domestic drinking water to all internal areas of the customer’s facilities. The customer’s system begins at the end of the Water District’s distribution providing potable water.

4.2 Policy

- 4.2.1 No Water service connection to any premises will be installed or maintained by the Water District unless the water supply is protected as required by Massachusetts State Law, and this regulation. Service of water to any premises will be discontinued by the Water District 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.
- 4.2.2 The customer’s system should be open for inspection at all reasonable times to authorized representatives of the CWD to determine whether cross-connections or other structural or sanitary hazards, including violations of this regulation exist. When such a condition becomes known, the CWD Superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition (s) in conformance with the state and local statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto. All expenses relating to the disconnection and reconnection will be at the customer’s expense.
- 4.2.3 An approved backflow prevention device where required in accordance with **Section 2.2** above, will be installed on each

service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist.

- 4.2.3.1 In the case of premises having an auxiliary water supply which is not or may be of safe bacteriological or chemical quality and which is not acceptable as a additional source by the CWD or Department of Environmental Protection, or the Board of Health, the Public water system will be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.
- 4.2.3.2 In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system will be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.
- 4.2.3.3 In the case of premises having (1) internal cross-connection that can't be permanently corrected and controlled or (2) intricate plumbing and piping arrangements, or where entry to all portions or 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 will be protected against backflow from the premises by installing a backflow device in the service line.
- 4.2.4 The type or protective device required under subsections 4.2.3.1,2,3 will depend upon the degree of hazard which exists as follows:
 - 4.2.4.1 In the case of any premises where there is an auxiliary water supply as stated in subsection 4.2.3.1 of this section; or
 - 4.2.4.2 Where there is any material dangerous to health which is handled in a fashion as to create an actual or potential hazard to the water system; or
 - 4.2.4.3 Where there are "uncontrolled" cross-connections, either actual or potential, the public water system will be protected by an approved air-gap separation or an approved reducer pressure principal backflow prevention device connector.
 - 4.2.4.4 In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system will be

protected by an approved double check valve assembly.

4.2.4.5 In the case of any premises where, because of security requirements of other prohibitions or restrictions, it is impossible to make a complete implant cross-connection survey, the public water system will 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, maximum protection will be required; that is; an approved air-gap separation or an approved reduced pressure principle backflow prevention device will be installed in each service to the premises.

4.2.5 Any backflow prevention device required herein will be of a mode and size approved by the CWD Superintendent. The term "approved backflow prevention device" will mean a device which is on the "approved list of backflow preventors and double check valves" as described in the **Drinking Water Regulations of Mass (310 C.M.R., 22.22)** Department of Environmental Protection, as the same may be amended from time to time. Said approval lists have been adopted by the CWD Superintendent.

4.2.6 It will be the duty of the customer-user at any promise where backflow prevention devices are installed to have certified inspection and operational tests made at least once per year as required under Mass. Regulations and this regulation. The CWD will conduct testing on these devices twice a year. The owner of the device will be charged for these tests. The CWD may have these tests performed by a designated representative. In those instances where the CWD Superintendent deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests will be at the expense of the water user and will be performed by CWD Personnel., or by a certified tester approved by the CWD Superintendent, and approved by the State of Massachusetts. It will be the duty of the CWD Superintendent to see that these timely tests are made. The CWD Superintendent will notify the customer-user in advance when the tests are to be undertaken so that he/she or his/her representatives may witness the test if so desired. These devices will be repaired, overhauled, or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests shall be kept by the CWD Superintendent.

4.2.7 All presently installed backflow prevention devices which do not meet the requirements of this section, but were approved devices for the purpose described herein at the time of installation and which have been properly maintained, will, except for the inspection and maintenance requirements under subsection 4.2.6 be excluded from the requirements of these rules, so long as the CWD Superintendent is assured that they will satisfactorily protect the utility system Whenever the existing device is moved from the

present location or requires more than the maintenance, or when the CWD Superintendent finds that the maintenance constitutes a hazard to health, the unit will be replaced by a backflow prevention device meeting the requirements of this section.

- 4.2.8 All industrial and commercial establishments attached to the CWD are required to install, at the service entrance immediately downstream of the meter, a backflow device.
- 4.2.9 All decisions relating to determination of backflow devices will be made by the CWD Commissioners or CWD Superintendent. Failure to comply with any directive from this office will result in termination of service.

Section 5

- 5.1 All testing and or maintenance performed on backflow devices by the CWD or its agent will be charged to the owners of the device.
- 5.2 Any person violating any order restricting water use imposed by vote of the CWD Commissioners will be fined not more than \$220.00 for each offense, which shall inure to the District for such uses as the CWD Commissioners may direct. Fines shall be recovered by indictment or on a complaint before a District court, or by non-criminal disposition in accordance with Section 21-D of Chapter 40 of the General Laws. Every day that such violation continues shall constitute a separate offense.
- 5.3 No person will turn on or tamper with a water main or hydrant or other devices used for water supply or install a by=as around a water meter without first procuring a written permit to do so from the Superintendent of the CWD. Any person violating said section will be fined not more than \$200.00 for each offense, which shall inure to the CWD for such uses as the commissioners may direct. Fines will be recovered by the indictment of the complaint before the District Court or by non-criminal disposition in accordance with **Section 21D of Chapter 40 of the General Laws**. Every day that such violation continues will constitute a separate offense; this section will not curtail the fire department of the CWD in the normal course of providing for protection of water supply.
- 5.4 No person shall maintain upon premises which the own of occupy, a physical cross-connection between the distribution system of a public water supply, the water of which is being used for drinking, domestic, of culinary purposes, and the distribution system of any unapproved water supply, unless the installation has been reviewed and approved by the CWD and permits have been issued in accordance with the Drinking Water Regulations of the Department of Environmental Quality Engineering.
- 5.5 CWD shall have the authority to terminate any water source to any facility where cross-connections are maintained without required backflow prevention devices which have been approved by the CWD.
- 5.6 The CWD Commissioners shall enact such Cross Connection Control Program and Regulations as are necessary to protect the public potable water supply served by the CWD from the possibility of contamination or pollution by isolating within its

customer's internal distribution system, such contaminants or pollutants which could backflow or back-siphon into the public water system; and to promote the elimination or control of existing cross-connections between its customers; in-plant potable water system, and non-potable water system; and to provide maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or polluting of all potable water systems by cross-connection.

**FEE SCHEDULE FOR BACKFLOW AND
CROSS-CONNECTIONS
_____, 1999**

- A. Survey Fees
\$_____ first hour or part thereof (minimum)
\$_____ each additional hour – chargeable in one-quarter hour installments

- B. Testing Fees (during normal work hours)
1st device - \$60.00 per device or unit
2nd device and all additional devices \$60.00 per device or unit.

- C. If testing cannot be conducted during regular work hours (Monday – Friday), a fee of one and one-half the above will be charges.

Adopted by the Commissioners of the Chelmsford Water District on _____, 1999 at a regular meeting of said Commissioners.

Roger C. Mann
Ronald W. Wetmore
John G. Harrington

ATTACHMENT TO WARRANT, APRIL 12, 1999, ARTICLE 15

**BYLAW
CONCERNING
RESTRICTION OF WATER USE (WATER BANS)**

SECTION 1 – AUTHORITY:

This By-Law is adopted by the District under Chapter 641 of the Acts of 1913, its police powers to protect public health and welfare and its specific authorization under Massachusetts General Laws Ch. 41, Section 69B, and Ch.40 Section 41A or as otherwise provided by law.

SECTION 2 – PURPOSE:

The purpose of this By-Law is to protect, preserve, and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duty imposed restrictions, requirements, provisions or conditions imposed by the District or by the Department and included in the District's plan approved by the Department of Environmental Protection to abate the emergency.

SECTION 3 – DEFINITION:

For the purpose of the By-Law enforcement authority will mean the District's Board of Water Commissioners having the responsibility for the operation and maintenance of the water supply; the town police, special police, and any other locally designated body having police powers.

State of water supply emergency shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to G.L.21G, Section 15,16,17;G.L.c111, Section 160 or by the Governor.

SECTION 4 – NOTIFICATION

The following will apply to all users of water supplied by the District; following notification by the District of the existence of a state of water restriction included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency.

Notification of any provision, restriction, requirement, or condition with which users of water supplied by the District are required to comply to abate a situation of water emergency shall be sufficient for purposes of this By-law if it is published in a newspaper of general circulation within the Town of Chelmsford or by such users of the District supply.

SECTION 5 – PENALTY:

Any person or entity that violates this By-law shall be liable to the District in the amount of \$50.00 for the first offense, \$100 for the second offense and \$300 for the third and each subsequent offense which shall insure to the District for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by indictment or on complaint before the District court or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws, as amended, which provision are hereby incorporated by reference. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

Section 6-

By Laws to reduce the local daily and seasonal peak water use.

Section 7

The purpose of this By-Law is to implement a number of water efficiency and conservation measures and by so doing provide reductions in overall demand in the District's service area. The goal is to achieve maximum water efficiency in the local public water system; domestic and non-domestic users. The overall objectives are:

- a) To make water conservation a priority in all water related decision making at the local level.
- b) To reduce or eliminate the waste of water through appropriate water supply management practices.
- c) To promote conservation of all water resources by all consumers through the introduction of technology, methods and procedures designed to increase the efficient use of water.
- d) To encourage innovations in technology, policy and management.
- e) To maximize the efficient use of existing supplies prior to allocating additional resources.
- f) To promote public awareness of the long term economic environmental benefits of conserving water by implementing practical measures within the District's service area.
- g) To monitor consumption and facilitate accurate annual billing of users and collection of water rates.

Section 8

Definition:

For the purpose of the By-Law: Enforcement authority will mean the District's Board of Water Commissioners or District manager, having the responsibility for the operation and maintenance of the water supply; the town police, special police and other locally designated bodies having police powers.

Section 9

- a) The following will apply to all users of water supplied by the District. Following appropriate notification of the District of the necessity to impose water restriction, including but not limited to, regulating the outside use of water for any purpose, the Commissioners may impose restrictions by a majority vote of the Commissions at a regular or special meeting of the Board. Notification of any restriction, requirement or condition to conserve water will be sufficient for the purpose of the By-law if it is published in a newspaper of general circulation within the Chelmsford Water District, or by such other notice as is reasonably calculated to reach and inform users of the district's supply.
- b) Notification of any restriction, requirement or condition to conserve water will be sufficient for the purpose of this By-law if it is published in a newspaper of general circulation within the Chelmsford Water District, or by such other notice as is reasonably calculated to reach and inform users of the District's supply. Upon notification to the water takers, violators shall be subject to lawful order of the Commissioners, including but not limited to; shutting off the water meter or at the curb cock, or by other means as the case may be, during drought, hurricane, conflagration or other disaster which in the opinion of the Commissioner's may exist.

Attached to Warrant, April 12, 1999, Article 16

**BYLAW
Concerning
Regulation of Underground Water Sprinklers**

These bylaws are adopted pursuant to Chapter 641 of the Acts of 1913 and as otherwise provided by law.

Section 1

- a) No person shall install, repair, replace, or alter a permanent outdoor underground water sprinkler connection to the public water supply except as provided by this By-Law.
- b) Applications to the District for the installation and use of permanent outdoor underground lawn sprinklers will be signed by the owner(s) of the premises where it is desired, or by a duly authorized agent, and shall be made in writing. The application will contain such information as shall be prescribed by the Commissioners.
- c) All Systems must have rain gauges installed to prevent use when raining.
- d) If system is on automatic timers, it must be equipped to accommodate odd and even water restrictions.
- e) All present systems must install backflow valves, Watts 1800 or equal.
- f) All backflow valves must be inspected by the District once a year, to insure they are working properly. All costs will be the owner's responsibility.
- g) The property owner must have approval from the CWD and a plan submitted to them showing the system location and approval from the local plumbing inspector, and must also follow state laws.
- h) Any lawn sprinkler system not meeting the above criteria will be disconnected from the public water supply system.
- i) Systems installed prior to 1979 that became defective must be required to meet current standards.
- j) The Commissioners will make such rules and regulations relating to the installation, repair, maintenance, replacement or alteration of permanent outdoor underground lawn sprinklers, which rules and regulations may specifically prohibit the installation of same, or may regulate such installation, repair, maintenance, replacement or alteration; and may provide for design criteria which includes, but are not limited to, rain gauges, automatic timers, backflow devices, shut-off devices, electric controls, and the like, and will include fees to be paid to the District by the applicant or owner.

- k) The Commissioners will have the authority and the duty to adopt issue and administrative rules and regulations for the administration and operation of permanent outdoor underground lawn sprinklers connected to the public water supply.
- l) No permit granted prior to the effective date of this By-Law will be deemed invalid because of having been granted either by the Board of Health of the Town of Chelmsford, or the District Manager, or both; provided, however, it will be the responsibility of the owner(s) to produce written evidence of the same. Any permanent underground water sprinkler legally installed prior to the effective date of this By-law which becomes defective or requires replacement or repair will be subject to this By-Law and the rules and regulations adopted by the Commissioners from time to time.
- m) If the Commissioners shall find that any provisions of this By-Law is being violated, the Commissioners will notify in writing the person(s) deemed responsible for such violation, indicating the nature of the violation and ordering the necessary action to correct it.
- n) Any person violating this By-Law will be fined not more than \$300.00 for each offense, which shall inure to the District for such uses as the Commissioners may direct. Fines will be recovered by indictment or on complaint before the District court or by non-criminal disposition in accordance with **Section 21D of Chapter 40 of the General Laws**, as amended, which provisions are hereby incorporated by reference. Every day that such violation continues will constitute a separate offense. This section will not curtail the Board of Health or Plumbing Inspector, Town of Chelmsford from seeking enforcement under other applicable provisions of law.
- o) The provisions of this By-Law, as amended from time to time, are separable, if any provisions of the By-Law will not be affected thereby. If the applicant of such provision, or any amendment thereto, is held invalid the applications of such provision to other person and circumstance will be affected thereby.

Section 2

Penalty:

Any person or entity that violates this By-Law, or order or notification, will be liable to the District in the amount of \$50.00 for the first offense, \$100.00 for the second offense and \$300.00 for the third and each subsequent repeated offense, which shall inure to the District for such use as the Commissioners may direct. Fines shall be recovered by indictment or upon complaint before the District Court or by non-criminal disposition in accordance with **Section 21D of Chapter 40 of the General Laws** as amended. Each separate instance of non-compliance following issuance of a warning or citation pursuant to this section will constitute a separate violation.

Section 3

Permanent Orders of the Commissioners:

Unless discontinued, or modified, in whole or part, the following orders will be considered in effect as of the effective date of adoption of those By-Laws by the District.

- (a) Outside use of water will be restricted between May 1st and October 15th each year on such terms as the Commissioners may determine.

Section 4

Right of Entry:

Agents of the enforcement authority may enter any property, except the interior of a domicile, for the purpose of inspection or investigating any violation of the By-Law or enforcing against the same.

Section 5

Severability:

The invalidity of any portion or provision of the By-Law shall not invalidate any other portion, provision or section thereof.

ATTACHMENT TO WARRANT, APRIL 12, 1999, ARTICLE 17

**BY-LAW for the
Regulation for the Removal and Sale
Of
Sand and Gravel from Lands in District Use**

This By-Law is adopted pursuant to the Chapter 641 of the Acts of 1913, or as otherwise provided by law.

Section 1 The purpose to this By-Law is to regulate the removal of sand and gravel on lands owned or leased by the district so as to promote safe and sound economic development, improvement and management of said land; and protect and preserve the purity of the water supply, wells and aquifers.

Section 2 The Commissioners will fix a reasonable time for a public hearing on any proposal for removal and sale of sand and gravel from land in District use. Notice of the public hearing will be given at least two weeks prior to the hearing in a local newspaper and by mailing a copy of said notice to the owners of all property within five hundred (500) feet of the property line of the District land as they appear on the most recent applicable tax list. Included in the list of owners shall be abutters, owners of land directly opposite a public or private street, and abutters to abutters within the five hundred (500) feet aforesaid.

The public hearing shall be held no later than 21 days prior to the business meeting of the District which includes an appropriate warrant article for action by voters of the District. Action by voters of the District on any article permitting the Commissioners to enter into a written contract for removal and/or sale of earth materials from lands of the district shall require a two-thirds vote, at the public hearing the Commissioners will present evidence of the need for excavation: a site specific map of wetlands, limits of 100 year flood plain, vegetation, surface waters, topography (before and after), property lines and adjacent land uses and estimation of high water table on the land.

Section 3 In entering into a written contract not to exceed one year, the Commissioners will impose conditions and specifications including but not limited to the following:

- A. A detailed plan showing limits and phases of excavation.
- B. Specific and reasonable hours of operation, including truck arrival and departure.
- C. Required stockpiling of topsoil for use in restoration.
- D. Prohibition of excavation with 10 feet of the annual high water table.
- E. Prohibition of removal within 100 feet of property lines and existing public ways.
- F. Limitation of work faces to 10 vertical feet and requirement that all faces will be broken down to their natural angle of repose at the end of each working day. Any existing non-complying faces will be reduced as fast as safety and practice engineering permit.

- G. Maintenance of natural vegetation on undisturbed land for screening and noise reduction purposes, and provision for dust suppression on the sit.
- H. A requirement that restoration be carried on simultaneously with excavation, so that when any three acres operation area has been excavated, at least two acres will be resorted before work commences on the next contiguous three acres, so that at o time will more than four acres be unrestored.
- I. Provisions to grade slopes safely loam and revegetate all disturbed areas.
- J. Removal of debris, stumps, boulders, etc., from the site and dispose of in an approved location or in the case
- K. A requirement that all retained subsoil be spread over the disturbed area and seeded. Trees or shrubs of prescribed species will be plated to provide screening and reduce erosion during the establishment period.
- L. A requirement that final restorations word be completed within 60 days, weather permitting, after completions of excavation operations.
- M. A requirement of posting surety bond, performance and payment bond or other adequate security to insure compliance with terms of the contract.
- N. Regular inspection by the Commissioners or their agent at reasonable hour to insure that contract provisions are being adhered to, and provision for halting operation for any violation.
- O. Other appropriate conditions, limitations and safeguards as the Commissioners deem necessary for the protection of the public health, safety, convenience and welfare, and for protection and preservation of the purity of the water.

ATTACHMENT TO WARRANT, APRIL 12, 1999, ARTICLE 18

**By-Laws to Regulate the Nomination and
Election of Officers of the District**

- I. The purpose of the By-Laws hereinafter set forth are to regulate the nomination and election of officers for the District so that the voters of the District may have knowledge of the candidate prior to an election.
- II. All elections to any office in the District shall be by means of a printed ballot. This ballot shall be caused to be printed by the Commissioners acting as election officers from information furnished to them by the Clerk of the District as provided hereinafter.
- III. No person's name shall be printed on the ballot unless he or someone on his behalf has submitted nomination papers signed by ten registered voters of the District, setting forth the office for which he is a candidate and containing a statement signed by the candidate that he will accept the office, if elected. Nomination papers of a candidate for office of the District shall be filed with the Clerk of the District in accordance with **Chapter 53, Section 10 of General Laws**, submission to the Registrar of Voters shall be in accordance with **Chapter 41, Section 115 of the General Laws**.
- IV. Nothing therein shall be construed as preventing a vote by stickers or writing in the name of a candidate, all as provided in the General Laws, except that not such sticker or write-in candidate shall be deemed to be elected unless he has received valid votes equivalent to 1% of the total of the number of registered voters in the District, as hereinafter determined.
- V. The Commissioners, acting as election officers, shall prepare as of twenty (20) days prior to the annual election, a list of eligible voters from the official voting list of the Chelmsford Water District of that time. This list shall remain closed until after the Annual Meeting of the District. The list will then be reviewed and revised for all subsequent Special meetings, up to the day of the Special Meeting. These lists will be used to determine the right of any person to vote at any election or any meeting of the District.
- VI. All candidates elected to offices in the District shall be sworn to the performance of their duties by the Clerk of the District, except in the case of the Clerk, who shall be sworn in by any of the Commissioners. The Clerk shall make a record of the facts in the minutes of the meeting.
- VII. Elections and Nominations of District officers will be conducted in accordance with **Chapter 56, inclusive, of the General Laws** as far as applicable, except as otherwise provided in **sections 114 to 117 of Chapter 41 of the General Laws, inclusive**, and except as otherwise provided by the District By-Law.

ATTACHMENT TO WARRANT APRIL 12, 1999, ARTICLE 19

**BYLAW
TO REGULATE
ANNUAL MEETING**

- I. The Annual Meeting of the Chelmsford Water District will be held on the 2nd Monday in April, of each year for the transaction of the necessary business connected with the District, and election of Officers will be held on the 2nd Monday in April. The time and place of holding such election and vote shall be stated in the warrant for the Annual meeting and such election and vote shall be deemed part of the Annual District Meeting.
- II. All meetings may be called by a majority of the Board of Water Commissioners, directed to the Clerk of the District, as specified in **Chapter 641 of the Acts of 1913, sections 8, 9 and 11** or as otherwise provided by law.
- III. All warrants shall be posted at least fourteen (14) days before the time of the meeting.
- IV. The Clerk shall preside at each meeting until a Moderator is chosen.
- V. If a vacancy should occur for any cause in the office of Clerk, Treasurer, or any other officer of the District, except the Board of Commissioners, it may be filled for any such unexpired term by the Water Commissioners.
- VI. The Board of Commissioners will annually in the report of the District, give an estimated budget for the ensuing year.
- VII. The Commissioners will appoint annually a Treasurer-Collector which office will have all the powers and duties conferred by law upon a collector of taxes and District Treasurer.

**Chelmsford Water District
Vote to Change Day of Annual Meeting
Annual Meeting
April 12, 2004**

UNDER ARTICLE 6.

John G. Harrington moved that the District vote to authorize the Commissioners to submit to the Massachusetts Legislature a special act to amend Chapter 641, of the acts of 1913 to change the date of the annual meeting from the second Monday in April to the fourth Monday in April, while keeping the election of District officers on the second Monday in April in order to separate the annual meeting date from the elections. Mr. Wetmore seconded. Mr. Harrington amended the motion to change the fourth Monday to the fourth Wednesday. Mr. Harrington explained that the purpose is to eliminate the confusion resulting from the close of the election being so close to the time of the start of the Annual Meeting. Sometimes the votes may not be tallied in time. The change to Wednesday from Monday is due to the Town's Annual Meeting day, which is Monday. Motion as amended was seconded and carried unanimously. Motion on main motion as amended carried unanimously.

POLICY
ASSESSMENT FOR DEAD END MAINS IN SUBDIVISIONS

At the meeting of December 5, 2001 the Board of Water Commissioners adopted the following policy.

Upon approval of the Board of Commissioners and the Superintendent, the following fees will be assessed to the developers of sub-divisions who have exhausted all means of looping a water main to service a sub-division, creating a dead-ended main.

- \$ 70.00 per foot for the water main
- \$10,000.00 for legal expenses associated with procuring easements, etc.
- \$ 5,000.00 if looping water main easement exceeds 500' in length
- \$ 5,000.00 for future maintenance costs

BY-LAW
AS ADOPTED AT THE ANNUAL MEETING, APRIL 8, 2002.

The CWD voted to amend the by-laws adopted pursuant to Article 18 at the April 12, 1999 Annual Meeting, so as to provide for a term of three (3) years for the Moderator and Clerk of the CWD, by adding new third and fourth sentences to the existing Section II of said by-laws, so that Section II, as amended, shall read in its entirety as follows:

"II. All elections to any office in the District shall be by means of a printed ballot. This ballot shall be caused to be printed by the Commissioners acting as election officers from information furnished to them by the Clerk of the District as provided hereinafter. Election of the Clerk of the District and the Moderator shall be for terms of three (3) years, each commencing on election and qualification and continuing until a successor is elected and qualified, or otherwise appointed in accordance with law. The Commissioners may appoint such other officers as they deem necessary and appropriate to serve at the will of the commissioners."

**BY-LAW
AS ADOPTED AT THE ANNUAL MEETING, APRIL 12, 2004**

DAY OF ANNUAL MEETING AND ELECTIONS

UNDER ARTICLE 6.

The Chelmsford Water District voted to amend Chapter 641, of the acts of 1913 to change the date of the annual meeting from the second Monday in April to the fourth Wednesday in April, while keeping the election of District officers on the second Monday in April in order to separate the annual meeting date from the elections.

Chelmsford Water District Automated Sprinkler Rules and Regulations:

All Automated Underground Sprinkler Systems connected to the Chelmsford Water District Water Supply and Distribution System must be permitted with and inspected by personnel of the Chelmsford Water District in accordance with the following provisions:

1. **Definition:** For the purposes of these rules and regulations, an Automated Underground Sprinkler System is defined as any irrigation system comprised of one or more irrigation outlets or sprinkler heads connected to a subterranean network of hoses or pipes, and capable of unsupervised, automatic or cycling operation, whether or not such system is activated manually or by operation of a timing devices.

2. **Permitting:** There are three forms of District accepted permitting.
 - a. Any resident owning an Automated Irrigation System currently connected to the District must have on record with the District office either a copy of the Irrigation Permit or a copy of the Irrigation Inspection Form.
 - b. Any resident installing a system to be connected to the District Water Supply and Distribution System must apply for an Irrigation Permit with the District at the Operations Office and then have the system inspected by District personnel within 30 days of installation.
 - c. Any resident owning or installing a private well for the purposes of operating an Automated Underground Irrigation System must apply for or have on record the same documents with the District so as to prove no cross connection exists between the water takers private well and the District's Water Supply and Distribution System.

At the time of permitting each applicant will be given:

- i. Written information regarding minimum system requirements for system permitting
- ii. A Permit Form (or have an Irrigation Inspection performed)
- iii. Written information and guidelines concerning water efficient landscaping and efficient operation of the Automated System.
- iv. A copy of the Chelmsford Water District Rules and Regulations

3. **Minimum System requirements:** Backflow Prevention: All Systems must be properly connected to the District Water System via an independent plumbing connection incorporating a Massachusetts State Plumbing Code approved backflow prevention device. See 310 CMR 22.22, Table 22-1.
 - a. System Control: All Systems must be operated by a device that allows operation whether manually or automated.
 - b. Rain Sensor: all Systems must incorporate a fully functioning rain sensor, sufficient to automatically shut down the System in the event of rain.

4. **Inspection by the Water District:** Pursuant to the Rules and Regulations, authorized agents of the Water District shall have the right to inspect, for cause or at random, any Permitted Automatic System, to confirm the proper operation and installation of said System.
5. **Right to Reject:** The Chelmsford Water District reserves the right to reject any Permit Form, for cause to be specifically stated at the time of such rejection, and/or to require an additional or alternate Inspection by District personnel or by an alternate District designated Inspector.
6. **Installation Violations/Penalties:** As of May 1st, 2009, any resident discovered to be using an Automated Irrigation System not properly permitted according to Paragraph 2 of these Rules and Regulations shall be:
 - a. On the initial violation: advised of the requirements of Paragraph 2, provided a copy thereof, and given a thirty day period to comply with its provisions.
 - b. On second violation (following expiration of the thirty day compliance period): **fined \$200**
 - c. On subsequent violations or failure to remit the \$200 fine: subject to increasing fines in \$100 increments, and/or disconnection from the District's Distribution System, at the sole discretion of the Chelmsford Water District. Fines shall be recovered

Upon discovery of an illicit connection of an Automated Irrigation System: the District will try within reasonable limits to find and hold the plumber and/or installer responsible for:

- a. All plumbing repairs
- b. A surcharge for lost water to be calculated from the average District irrigation usage from the time of installation to the time of discovery and charged at the current rate schedule at the time of discovery using best engineering practices. **If a responsible party can not be found the water taker of said property then becomes liable for all repairs, surcharges and/or fines.**

7. **Operational Violations/Penalties:** This section refers to the usage of an automated sprinkler system in violation of the District's Summer Water Management Policy. Any person violating this By-Law will be fined not more than \$300.00 for each offense, which shall inure to the District for such uses as the Commissioners may direct. Fines will be recovered by indictment or on complaint before the District court or by non-criminal disposition in accordance with **Section 21D of Chapter 40 of the General Laws**, as amended, which provisions are hereby incorporated by reference.

- a) Upon the initial violation a warning notice shall be mailed using regular and certified mail, with a copy of the District's Summer Water Management Plan.
- b) Upon continued daily violations the water taker shall be liable for fines incrementally increasing in the amounts of
 - a. First Offense **\$50.00**
 - b. Second Offense **\$100.00**
 - c. Third Offense **\$300.00**
 - d. Everyday there after the violation continues the amount shall be \$300.00, unabated.

8. **Temporary restrictions or Bans:** Any and all temporary restrictions of or bans on irrigation as may from time to time be implemented by the Chelmsford Water District shall apply equally and with the same force to users of Automated Sprinkler Systems as to users of any and all other means of residential irrigation.

PROCEDURE FOR DISPOSAL OF SURPLUS SUPPLIES

This policy applies to the disposition of surplus supplies valued at less than \$5,000, and is adopted in accordance with MGL c. 30B, §15(f), as amended.

- (1) Determination of Surplus Property.** Surplus shall be defined as any tangible property which is obsolete and no longer useful to the Chelmsford Water District, but has resale or salvage value. A determination of "surplus" shall be made by a vote of the Board of Water Commissioners ("Commissioners").
- (2) Valuation of Surplus Property.** In order to dispose of surplus property pursuant to this policy, the estimated net value shall amount to less than (\$5,000) five thousand dollars. Value of surplus property shall be determined through procedures customarily accepted by the appraising profession, at the discretion of the Commissioners.
- (3) Sale of Surplus.** The Commissioners, or the Superintendent, may transfer title to surplus property by a bill of sale, upon such terms and conditions as approved by the Commissioners. Surplus property may be sold by either utilizing sound business practices, obtaining three (3) or more quotes from potential purchasers, or via public auction.
- (4) Public Advertisement.** Once property is declared surplus and available for sale, at least one (1) public advertisement of the available property must be placed in either a newspaper of general circulation, or on the primary website for the District, no less than two (2) weeks prior to the estimated sale date.

Water Use Regulation for the Expeditious Repair of Failed Backflow Devices

- I. **Summary:** This regulation is for the District to adequately comply with the State Cross Connection Protection requirements as defined in **310 CMR 22.22**. This specific portion of the CMR is design to protect the public from the contamination of the drinking water in distribution until the last free flowing customer tap. It will state the timeframe for repairs, District procedures and penalties.

- II. **Defining a Cross Connection:** A Cross Connection is defined as any connection where water is being used for drinking domestic or culinary purposes and any water being used for any purpose not approved by MA DEP as being safe or sanitary in quality. All Cross Connection protection devices are the sole responsibility of that specific property owner.

- III. **Notification:** Upon detection of a Cross Connection Device failure by a certified inspector, the Owner shall be informed by written notification from the Chelmsford Water District. The Notification shall consist of a copy of the failed test from the inspector, a written notice from the Chelmsford Water District and a copy of the regulation.

- IV. **The Time Frame for Repair:**
 - a. The owner identified with a failed cross connection device shall be given two weeks (14 days) to repair/replace said device by a licensed plumber.
 - i. For the District to have considered the failed device repaired/replaced and the work completed within the terms of this regulation, the owner and the Contractor must have the device re-tested and signed off by a District staff member or representative.
 - ii. All scheduling of work and inspections, is the sole responsibility of the specific owner.

Chelmsford Water District
Water Use Regulation for the
Expeditious Repair of Service Leaks

- I. **Summary:** This regulation is for the District to adequately comply with Water Withdrawal Permit requirements concerning water loss. It will state the timeframe for repairs, District procedures and penalties.
- II. **Defining a Service Leak:** A Service leak is defined as a leakage of water in the service line leaving the distribution main and entering an owner's property, after the specific curb stop but before the service meter. All services leaks are the sole responsibility of that specific owner.
- III. **Notification:** Upon detection of a service leak, the owner shall be notified in person by a District staff member. The Notification shall consist of a Chelmsford Water District Service Leak Form Letter with a list of Licensed Contractors.
- IV. **The Time Frame for Repair:**
 - a. The owner identified with a service leak shall be given upon notification by a District representative of the leak, two weeks to obtain the services of a licensed contractor.
 - i. District shall supply a list of licensed contractors but shall not recommend one specific contractor.
 - ii. For the District to have considered this requirement fulfilled, the owner must have submitted to the District office a copy of the signed contract before the expiration of the two weeks.
 - b. The contracted work shall be completed no later than four weeks from the time of District notification of the service leak to the owner.
 - i. For the District to have considered the service leak repaired and completed within the terms of this regulation, the owner and the Contractor must have the work inspected by a District staff member.
 - ii. All scheduling of work and inspections, is the sole responsibility of the specific owner.
- V. **Penalties:** An owner who does not comply with the given times of this regulation shall be subject to the following penalties:

Chelmsford Water District

Antenna and/or Appurtenance Policy

- I. Purpose:** The stated purpose of the antenna policy of the Chelmsford Water District is for the District to comply with the Massachusetts Department of Environmental Protection policy regarding the installation, operation and inspection of antennas directly on a water storage tank or on the water storage tank ground. This Policy, in conjunction with the stated MA DEP policy DWP98-01, is meant to ensure the safety and longevity of the distribution system of the District.
- II. Applicability:** This policy pertains to any and all District personnel or installers and/or proponent of the installation of antenna or other appurtenances to the public drinking water storage tanks or on District water supply land. This shall also cover any additions to existing appurtenances.
- III. Procedures:** The purpose of this section is to outline the requirements under which the District can accept the installation of any antenna and/or appurtenance on public drinking water storage tanks or on District water supply land.
- A. Application:** This section defines the responsible parties and conditions for the District to consider relative to an application by an installer or proponent of an installation completed.
1. The installer must complete the following standards:
 - a. A map or drawing showing the location of the storage tank and the proposed installation.
 - b. A written specification of where the antenna or appurtenance is to be installed with a description of the method of attachment.
 - c. The installer must submit documentation from the tank manufacturer or tank construction contractor indicating that the method of attachment or construction will not affect or interfere with the provision of safe water and will not result in or cause structural damage.
 - d. Any operator of the said antenna and/or appurtenance must submit in writing a maintenance and access schedule and agree to follow the District's stated procedure for such access.
 2. The Chelmsford Water District will review and determine its acceptability and will use best efforts to approve or disapprove the application in writing within seven calendar (7) days based upon the following criteria:
 - a. That the project will have no adverse impact on the safety of the water supply.
 - b. That the project and its proponent have complied with the specifications laid out by the tank manufacturer or tank construction contractor.
 - c. That project will not in way interfere with future operations or present any sanitary, safety or personnel hazards due to the size and/or location of any supporting attachments or mounting devices.
- B. Operation:** The Chelmsford Water District upon completion of the project shall perform or have performed a final inspection to ensure that the construction complies with all plans specifications. Additionally, the District shall perform routine inspections to ensure that the water storage tank and the installation continue to present no impact to the safety of the drinking water supply or distribution.
- IV. Access:** To comply with the Massachusetts Department of Environmental requirements under Policy DWP98-01, the Chelmsford Water District sets these requirements for access to District property for maintenance and inspection by the operator and/or proponents of any antenna or appurtenance. Further these requirements should be considered the District's access procedure.

