

Chelmsford Water District
20 Watershed Lane
Chelmsford, MA 01824
978-256-2381
978-256-2931

Established 1913

BY-LAWS

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 over-due 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

**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
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 or 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

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)

**Bylaw Amended Warrant April 27, 2011, Article 14
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.

ADVISORY RULING

STATE SANITARY CODE 105 CMR 410.180

RESOPONSIBILITY OF PROPERTY OWNERS TO PAY FOR WATER/SEWER CHARGES

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

DATE: July 19, 1995

The Department of Public Health has updated it's 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.

- 5.1 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
Bylaw Amended by Warrant April 8, 2002, Article 12
Bylaw Amended by Warrant April 25, 2007, Article 9
Bylaw Amended by Warrant April 8th, 2015, Article

**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, with the exception of the District Clerk and the District Moderator who both shall be appointed by a majority of the Board of Water Commissioners. 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/her behalf has submitted nomination papers signed by ten registered voters of the District, setting forth the office for which he is he/she is a candidate and containing a statement signed by the candidate that we 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/she 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 Commissioner. 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 Amended by Warrant April 12, 2004, Article 6
Bylaw Amended by Warrant April 25, 2007, Article 10 & 11
Bylaw Amended by Warrant April 8th, 2015

BYLAW
TO REGULATE
ANNUAL MEETING

- I. The Annual Meeting of the Chelmsford Water District will be held on the fourth Wednesday 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.
- VIII. The Board of Water Commissioners will appoint annually a District Clerk and a District Moderator, which offices shall have all the powers and duties conferred upon it by law.

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

Unauthorized Service Connections Bylaw Attachment to Warrant April 12, 2004, Article 7

Section 1-Authority:

This by-law is adopted by the district under its policy powers to protect public health and welfare

And its powers under M.G.L., c.40, sec 21 et. Seq. and implements the districts authority to regulate

Water use pursuant to M.G.L. c.41, sec. 69B.

Section 2- Illegal water connections:

No person shall, without a valid permit issued by the district, install a water hookup or in any manner

Prevent an existing water meter from duly registering the quantity of water supplied through it or in

Any manner attach a pipe to a water main belonging to the district without the consent of the district.

Section 3-Penalty:

Any person who violates this by-law, shall be liable to the district in the amount of \$200.00 per day for

Each offense which shall accrue from the date of the illegal water hookup and each day the violation continues thereafter will constitute a separate offense. Fines assessed hereunder shall be payable 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 noncriminal disposition in accordance with section 21D of Chapter 40 of the General laws. This section shall be in addition to and not curtail the Board of Health or Plumbing Inspector, Town of Chelmsford, from seeking enforcement under other applicable provisions of law.

Section 4-Right of Entry:

District personnel or agents thereof may enter any property, except the interior of a domicile, for the purpose of inspection or investigating any violation of the by-law or for enforcement of the same.

Section 5-Severability:

The provisions of the by-law, as amended from time to time, are separable. If any provision of the by-law or any amendment thereto is held invalid, the other provisions of the by-law will not be affected thereby.