

Water Use Rules and Regulations

TOWN OF DANVERS

DEPARTMENT OF PUBLIC WORKS

WATER RULES AND REGULATIONS

I AUTHORITY AND PURPOSE

A. Authority

The following regulations are hereby adopted under the authority of the Danvers Water Act Chapter 191 Acts of 1874 as amended, Chapter XXXIV of the Town Bylaws, Danvers Town Manager Act as amended, Massachusetts General Laws Chapter 41, Section 69B, Massachusetts General Laws Chapter 40 Section 41A, Massachusetts General Laws Chapter 21.G - the Water Management Act, Massachusetts Water Management Act Regulations 310 CMR 36.00, Massachusetts Water Supply Regulations - 310 CMR 22.00, Towns of Danvers and Middleton Modified Water Withdrawal Permit 9P-3-17-071.01, any and all laws and regulations pursuant thereto.

B. Purpose

The purpose of these Regulations is to set forth the requirements to ensure a safe supply of water to the Towns of Middleton and Danvers, and to protect the public health and welfare as the Owner and Operator of a municipal water system.

C. Adoption and Amendment

These regulations, fee schedules and water usage rates may be periodically amended in accordance with the procedures outlined in Chapter 191 Acts of 1874 as amended, the Danvers Town Manager Act as amended, and Chapter XXXIV of the Town Bylaws.

D. Effective Date

The Town Manager, in accordance with Chapter XXXIV of the Town Bylaws; and, after a Public Hearing and approval by the Board of Selectman shall adopt Water Regulations that become effective upon signature by the Town Manager and filing with the Town Clerk.

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II DEFINITIONS

Terms that are not defined herein shall be interpreted as defined in the most recent edition of the American Water Works Association Standards, Glossary – Water and Wastewater Control Engineering, published by the Water Pollution Control Federation (WPCF) now called the Water Environment Federation (WEF), Washington, DC. Throughout these Regulations, *shall* is mandatory and *may* is permissive. Unless the content specifically indicates otherwise, the meaning of the terms used in these Regulations shall be as follows:

Applicant shall mean any property owner of duly authorized owner's agent applying for water service or for a water main extension, alteration, replacement or relocation.

Automated Meter Reading Device – (AMI) shall mean a device(s) used for reading a water meter without having to enter a premise.

Backflow shall mean the flow of water or other fluids, mixtures or substances into the distribution pipes of a potable supply of water from any source or sources other than its intended source.

Backflow Prevention Device shall mean an approved mechanical device designed to prevent backflow.

Board of Health shall mean the Town of Danvers Board of Health.

Building shall mean any structure used for human occupancy, employment, recreation or other purposes.

Bonded Contractor shall mean a contractor having the appropriate bonding insurance and drain layers license necessary to perform work on the Town of Danvers distribution system and/or connections to the Danvers water distribution system.

Combined Service shall mean a service pipe that is used to provide both water service and private fire protection service.

Condominium shall mean an independently owned unit of a residential or commercial building.

Consumption shall mean the amount of water used, as measured by a meter or as estimated by the Danvers Water Division in accordance with Billing, Practices and Policies.

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Cross Connection shall mean any actual or potential connection between a distribution pipe of potable water supplied by the public water system and any waste pipe, soil pipe, sewer, drain or any other unapproved source. Without limiting the generality of the foregoing, the term “cross connection” shall also include any bypass arrangement, jumper connection, removal section, swivel or changeover connection and any other temporary or permanent connection through which backflow can or may occur.

Customer shall mean the legal title holder of the property responsible for payment of bills for charges for water and sewer service to a property whether or not the premises are occupied by the customer or the customer’s authorized representative.

Danvers shall mean the Town of Danvers.

Decorative Fountain shall mean an indoor or outdoor fountain that is designed and constructed for aesthetic purposes and is not intended for human contact, recreation or for providing drinking water.

Design Criteria shall mean standards for design used by the Danvers Water Division for construction and rehabilitation of public water mains, water service pipes, and fire pipes.

Dig Safe shall mean the “One Call” Notification System for member utilities to locate and mark out the location of underground utilities in accordance with M.G.L. Chapter 82, Section 40 and Massachusetts Code of Regulations 220 CMR 99.00.

Discontinuance shall mean a temporary or permanent cessation of water service at the premise at the request of an owner or customer for reasons other than ordinary repair or maintenance.

Easement shall mean an acquired legal right for the specific use of land owned and maintained by others, whether recorded or by prescription or otherwise.

Fire Protection/ Fire Sprinkler (Service)/Suppression System Supply Line shall mean the private water piping, control valve, back flow device and appurtenances installed solely to furnish water for extinguishing fires.

Fire Flow Test shall mean the measurement of flow from a hydrant performed under the direct supervision or by the Danvers Water Division and Danvers Fire Department in accordance with generally accepted engineering practices.

Hydrant shall mean a device connected to a public water main for the purpose of extinguishing fires or other authorized purpose.

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Hydrant Permit shall mean a written permit granted by the Danvers Water Division for the temporary use of a Town of Danvers owned hydrant or a private hydrant that is not master metered. Said permit shall include the requirement for the payment of use charges whether metered or unmetered as determined by the Danvers Water Division Superintendent.

Irrigation Meter shall mean a second meter installed on a water service for the purpose of measuring water used for lawn watering and other irrigation purposes to measure the volume of water not discharged into the Town's Wastewater Collection System.

Licensed Drain Layer shall mean a person authorized in writing by the Town of Danvers to install, maintain and repair water mains and water services within the Town of Danvers. A licensed Drain Layer is also authorized to install maintain and repair sanitary sewers, storm drains, building sewers and building storm drains.

Master Meter shall mean a water meter used for billing purposes service a building or group of buildings.

MADEP shall mean Massachusetts Department of Environmental Protection.

Meter shall mean an instrument or device, including any appurtenances thereto, for measuring the flow of water.

Meter Pit shall mean an underground vault enclosing a meter.

Middleton shall mean the Town of Middleton.

Notice shall mean the Town of Danvers written notification to an owner or customer that a violation of these regulations has occurred; or, a leak exists in the water service pipe on the owner's property, and that the owner is responsible for repairing the leak.

Owner shall mean a person who alone or jointly or severally with others, has the legal title to any premises or has care, charge, custody or control of any premises as agent, executor, administrator, trustee, lessee or guardian of the estate of the holder of legal title.

Person shall mean any agency of the federal government, the Town of Danvers, any agency or political subdivision of the Commonwealth, any state, public or private corporation or authority, individual, firm, joint stock company, partnership, association, or other entity, or any group thereof, and any officer, employee, or agent of such person, and any group of persons.

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Plumber shall mean a person licensed as a plumber by the Commonwealth of Massachusetts Board of Plumbing Examiners.

Point-of-Entry Treatment Device shall mean a device installed to treat water entering any building or portion of such building for the purpose of reducing contaminants in the water distributed through that building or portion of such building.

Potable Water shall mean water fit for human consumption in conformance with the regulations of the Massachusetts Department of Environmental Protection.

Premise / Property shall mean a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the Town of Danvers to be a single use for purposes of receiving, using and paying for water service.

Private Fire Protection shall mean private water mains, fire pipes and other appurtenances installed for the purpose of fire protection/suppression at a particular premise.

Private Hydrant shall mean a hydrant installed by an owner for the purpose of private fire protection/suppression at a particular premise.

Private Water Main shall mean a water main that is not owned by the Town of Danvers or another city or town.

Public Fire Protection shall mean the piping and associated valves, hydrants and appurtenances owned by the Town of Danvers installed in a public way, publicly-owned easements whether recorded or by prescription, or private way open to public travel, for the purpose of supplying water to one or more customers or for public fire protection.

Public Water Main shall mean the piping and associated valves, hydrants and appurtenances owned by the Town of Danvers, installed in a public way, publicly-owned easements whether recorded or by prescription, or private way open to public travel, for the purpose of supplying water to one or more customers or for public fire protection.

Public Water System shall mean a system for the provision to the public of piped water for human consumption. The Town of Danvers is a Public Water System.

Recreational Spray or Sprinkler Pool shall mean an indoor or outdoor spray or sprinkler pool that is designed and constructed for the purpose of human contact recreation.

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Release Agreement shall mean a form prescribed by the Town that transfers ownership of water facilities to the Town and/or grants to the Town an easement with respect to such facilities. The form shall be duly completed, accepted and signed by the Town of Danvers and filed with the Essex South Registry of Deeds.

Requirements for Site Plans shall mean the document that describes the information that must be included in site plans submitted to the Town. A site plan is required by the Town for review and approval by the Town Engineer (or designee) of a proposed connection or reconstruction, repair or modification of a water service pipe or fire pipe which connects to the Town's water distribution system

Residential Meter shall mean a meter two (2) inches in size or smaller used to measure the flow of water to a predominantly residential property.

Service Application shall mean the form provided by the Danvers Water Division completed by the property owner or by an agent authorized by the owner and submitted to the Town prior to construction, reconstruction, repair or modification of a water service pipe or a fire pipe from a public water main. A completed service application includes verification that the premise address listed therein is correct.

Shut Off shall mean the closing of a control valve to temporarily stop water service or to terminate water service.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Massachusetts Department of Environmental Protection under M.G.L. Chapter 21G, Sections 15-17.

Termination Verification Approval Application aka Demolition Permit Sheet shall mean the form completed and submitted to the Town by the Owner or by the Owner's Agent prior to demolition of any building having water, sewer or storm drainage connections to the Town's water distribution or sewer collection or storm drainage systems. A copy of the completed form must be submitted to the Office of Cade Administration prior to any building demolition.

The Town shall mean the Town of Danvers.

The Town Engineer shall mean the Town Engineer of the Town of Danvers.

Trench Safety Law also known as Jackie's Law shall mean Massachusetts General Law Chapter 82A and Massachusetts Code of Regulations - 520 CMR 14.00.

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User shall mean any person who obtains water service from a public water main or private water main supplied from a public water main.

Water Service shall mean the readiness to supply or actual supplying of water to premises in which a water service pipe or fire pipe has been installed. Water service may also mean a water service pipe.

Water Service Pipe shall mean the connection, piping and associated valves and appurtenances that extend from a public water main to a building or property for the purpose of supplying water, other than for fire protection/suppression systems.

Water shall mean any dug, driven or drilled hole, with a depth greater than its largest surface diameter, developed to supply water intended and/or used for human consumption, irrigation, or industry and not subject to regulation by 310 CMR 22.00.

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III GENERAL PROVISIONS

A. Form of Contract

By signature of the Danvers Water & Sewer Permit Application for service and subsequent approval by the Town of Danvers, the acceptance of service shall bind the Owner to the laws, rules, regulations and policies of the Commonwealth of Massachusetts, the Town of Danvers and the Department of Public Works Water Division.

B. Application for Water Services

No person shall uncover, repair, connect or make any opening into or use, after or disturb in any manor any part of the Danvers Water System without first obtaining a Water & Sewer Connection Permit from the Town of Danvers.

All applicants for water service shall be made at the Engineering Division Office. The Town of Danvers application shall be complete and signed by the Owner of Record of the property or accompanied by written authorization by the Owner assigning authority to act on the Owner's behalf.

Such application and subsequent permit to connect shall constitute a contract between the Danvers Water Division and the Applicant, his heirs and assigns. Said contract requires the full compliance with these rules and regulations and the obligation to pay the Town of Danvers and all charges, fees and penalties established by the Town.

Owner Responsibilities

C. Access

The Applicant, his successors, and assigns. by signature of the permit application form, guarantees properly identified Danvers Water Division employees access to the property including the premises that is supplied with water by Town of Danvers for the purposes of inspections, ascertain the quantity of water used, meter repair and replacement, the manner of water use, backflow inspection and testing, and to determine any waste of water. Failure or refusal to allow access to the property may result on the termination of service in accordance with current State and Local statutes and regulations.

D. Ownership

The property owner shall own and be responsible for the installation, replacement, repair and maintenance of that portion of the water service pipe located on the owners property with the

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exception of the Town owned meter, couplings and AMI Appurtenances where the curb stop is located within the public way, the owner is generally responsible for that portion of the water service line between the curb stop and the building.

The Town of Danvers shall own, operate, repair, replace and maintain that portion of the water service between the public water main up to and including the curb stop.

Water services connected to a private water main shall be owned, operated, repaired, replaced and maintained by the property owner in their entirety.

E. Location, Plans and Specifications

The Danvers Water Division has the exclusive right to determine the location of any and all water mains and services, fire suppression water supply pipes and water meters in the distribution system. Plans for said construction shall be submitted with an application showing the curb box connection, the water line to the structure and the water meter location. In the event that more than one meter is attached to a water line, a manifold shall be used to provide a separate water meter hook up for each designation. The location and design of the manifold and water meter area must be shown on the water utility plan to obtain approval.

F. Construction

The owner of property desiring construction, alterations or attachments to be connected to the water supply system shall submit plans and specifications for the proposed work to the Town of Danvers DPW Water Division Supervisor for review. The Water Division Supervisor shall determine the terms, charges and conditions under which the proposed use shall be permitted.

G. Construction Inspections

The applicant or applicant's authorized agent shall notify the Danvers Water Division a minimum of three business days prior to commencing work for which plans and specifications have been approved and a permit has been issued. Approval by the Supervisor or his designee is required as designated by the Danvers Water Division based on the complexity of the installation. No work shall be covered or enclosed until inspected and approved. Danvers Water Division reserves the right to take appropriate enforcement action, including the termination of water service.

H. Conditions under Which Service is Furnished

The Danvers Water Division does not guarantee constant pressure or uninterrupted service, nor does it assure the Customer either a full volume of water or the required pressure necessary to effectively operate hydraulic elevators, sprinkler systems or other appliances, the same being

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subject to all the variable conditions that occur in the supply of water from the Danvers Water Division.

I. No Liability for Interruption of Service

No User shall be entitled to damages or to have payment refunded for any interruption of supply, occasioned by accident to any portion of the works, by shutting off for the purpose of additions or repairs to the Danvers Water Division or by the stoppage of shortage of supply due to causes beyond the control of the Danvers Water Division such as excessive drought, excessive use of and loss of water by other Users or by leaks or defects in the pipes or appliances owned by the User or Users.

J. No Liability for Discolored Water

The Danvers Water Division shall not be responsible for damages caused by discolored water resulting from opening or closing of any gate, use of any hydrant, the breaking of any pipe, or maintenance of the water system.

K. No Liability for User's Pipes

The Danvers Water Division assumes no liability for conditions which exist relative to the User's pipes and appurtenances causing loss or damage to any user or premises with or following the repairs of any water main, water line, water meter or other appliances belonging to the Danvers Water Division.

L. No Liability for Collapsed Boilers, Etc.

The Danvers Water Division reserves the right after reasonable notice except in emergencies to shut off the water mains for the purposes of making repairs, extensions or for other necessary purposes. Users having boilers or other water pressure dependent appliances on their premises are required to provide, at their own expense, suitable safety devices for protecting against pressure changes as per Massachusetts Drinking Water Regulations 310 CMR 22.22. In any event, the Danvers Water Division will not be liable for any damage resulting from water having been shut off either through accident or necessity.

M. No Liability for Shutting Off Water Without Notice

When it becomes necessary to shut off water pursuant to these regulations in any part of the Danvers Water Division distribution system because of an accident or for the purpose of making changes or repairs, the Danvers Water Division shall endeavor to give timely notice to as many Users affected thereby as time and the character of the repairs or the accident will permit and shall, so far as practical, use its best efforts to prevent inconvenience and damage arising from

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any such cause. However, inability to give such notice shall not render the Danvers Water Division responsible or liable for any damages that may result from the shutting off of the water or any coincident conditions.

N. Restrictions of Water Use / Conservation

The Danvers Water Division reserves the right to restrict the use of water in accordance with the Town's Operations Plan, Drought Management Plan and Water Management Act Permit, in periods of declared drought or emergencies, or when, by Declaration of a State of Water Emergency under Massachusetts General Laws Chapter 21G, said restrictions are deemed essential to the preservation of the Water Supply for the protection of the public health, safety, and welfare. The Town reserves the right to further restrict water supply for secondary or non-essential purposes such as watering of lawns and gardens (either by hand or sprinkler) and vehicle washing (EXCEPT for sanitary purposes such as rubbish trucks). The Danvers Water Division reserves the right to fix the hours and periods when water may be used for such purposes in accordance with the Town's Drought Management Plan (June 29, 2000) and Water Withdrawal Permit Requirements. During this time the filling of swimming pools, vehicle washing, hydro seeding, soaker hoses and power washing are strictly prohibited.

O. Liability for Freeze Ups

It is the responsibility of all water service users to ensure that all plumbing, fixtures, meters and appliances are protected from freezing. The User shall make any repairs, which may be necessary to prevent leaks and damage. Neither the Town, nor the Danvers Water Division, shall be held responsible for the loss of use of water, loss or damage to any plumbing, fixtures, meters or appliances due to freezing and any repairs to same made by the Danvers Water Division shall be paid for by the User.

P. Claims for Adjustments on Bills Relate To Freeze Ups

Adjustments will not be considered for water use charges and fees related to freeze ups.

Q. Filling of Swimming Pools

The initial filling of a swimming pool will be billed at the current rate for both Water and Sewer Use charges. Subsequent (re) filling of an existing swimming pool due to a damaged liner or leak may be allowed an abatement the sewer use charge. Documentation of the damage and repair work completed is required and shall be submitted in writing to the Town of Danvers Business Office. The request shall include all receipts and complete description of the repairs completed. The water supplied for the (re) filling of the pool after the repairs have been made will be invoiced at current water rates.

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IV METERS

A. General

All services connected to the Town system shall be metered. The sizes, types and requirements for meter shall be determined by the Water Division. No person, except a duly authorized agent of the Water Division, shall set, take off, test or repair a water meter.

All meters are accurately tested before installation and are subjected to periodic tests. The Town may at any time remove any meter for routine tests, repairs or replacement and may, at its option and expense, test any meter when the Town has reason to believe that the meter is registering inaccurately.

The customer shall supply a dry, easily accessible place so the meter can be worked on, read and inspected. Meters shall be set as nearly as possible, at the point of entrance of the service pipe.

When the customer fails or neglects to furnish a suitable location for a meter inside the building, or where for other reason it is necessary or expedient to locate the meter in an underground box or vault, the customer shall bear the expense of same.

The Water Division will install all water meters up to one inch (1") in diameter. The customer will pay the entire cost for meters and installation over 1" in diameter and their accessories. All meters shall be the property of the Town of Danvers.

Water meters greater than 1" shall be provided by the customer and shall conform and be compatible with the Town's AMI Meter Reading System. Meters greater than 1" shall be right sized in accordance with AWWA Standards for meter sizing.

For Services up to 1" in size, meter repairs or replacements necessitated by ordinary wear will be paid for by the Water Division. Those repairs necessitated by freezing, hot water, wilful damage or other fault of the customer will be charged to the customer.

B. Access to Meters

The customer, upon issuance of a connection permit and connection of service, shall be deemed to have granted permission to enter the premises for the reading, inspection, and installation of meters, including the installation of remote readers for meters. Failure to respond to any meter replacement requests of any nature will result in a notice by certified mail notifying customers of water shut off date in accordance with these regulations.

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C. Meter Seal

All meters shall have a suitable seal affixed thereto by the Danvers Water Division in such a manner that the adjustment of registration of the meter cannot be tampered without breaking the seal. Disruption of seal will be cause for discontinuance of service, subject to any and all limitations set forth in federal and state laws, rules, and/or regulations.

D. Seasonal Meters

Meters will be removed, stored and reinstalled when the customer requires such because of the nature of the business or the likelihood of freezing. Such installations will be subject to the normal turn-on/turn-off fees.

E. Irrigation (Second) Meters

Upon request of a single family, residential customer, second meters are permissible for the purpose of metering irrigation water that will not be discharged to the municipal sewer system in accordance with the following provisions:

1. Customer must make application and make payment of standard "Water Irrigation Service" Installation Fee and Meter.
2. Irrigation meters shall be installed by a MA licensed Master Plumber under the supervision of Danvers Water Division Personnel in accordance with the International Plumbing Code, the MA State Plumbing code manufacturer's instructions, applicable standards, and inspected by the Water Division. All costs including inspection services by the Town shall be borne by the property owner.
3. All meters piping and appurtenances shall conform to the Danvers Water Division material specifications and MA State Plumbing Code.
4. All irrigation systems shall be installed with rain sensors, moisture sensors and preferably evapo-transpiration monitoring systems. No irrigation meters will be installed unless the irrigation is installed with both the rain and moisture sensors.
5. No adjustments will be made for irrigation system leaks or excess water usage.

F. Leaking Meters

Leaking Water Meters shall be repaired by the Town at no cost to the customer. This service is restricted to the meter and its connecting appurtenances. No other connecting pipes, appurtenances or plumbing fixtures will be repaired.

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G. Defective Meters

Upon request of a customer, the Water and Sewer Division shall test a meter to determine its accuracy, removing it, if necessary, from the premises of a customer. If the meter is found to be defective to the extent of a variance of more than two percent (2%), no charge shall be made for the test and an adjustment shall be made on the water bill to the extent of the variance from the period beginning with the last scheduled reading to the date of the discovery of the variance. If the meter is found to be less than two percent variance, the customer shall pay a fee in accordance with the Rate and Service Fee schedule for the test. By request, the customer may be present when the testing is done.

H. Meter Tests

Water Meters shall be tested in accordance with M.G.L Chapter 40, Section 39, upon receipt of a written application request from the Customer to the Danvers Water Division. The Water Division shall test meters up to one inch by a competent person employed by the Town. Meters larger than one (1) inch in diameter will be tested by an outside testing firm. Should the test prove the meter has registered with substantial accuracy (AWWA Standards - 2% plus or minus) the cost of the examination, testing and overhead costs will be borne by the applicant (customer) for the testing. In the event the meter tests shows under reading or over reading in excess of the meter standards for accuracy, the Town will waive the testing fee and make adjustments to any charges or credits due the customer for the current billing period.

I. Meter Tampering

No person shall bypass, tamper, or prevent a meter from registering water consumption. Such acts shall be subject to the penalties stated in Massachusetts General Law Chapter 165. Section 11 and to any and all other laws and regulations thereof.

V BACKFLOW AND CROSS CONNECTIONS

A. Purpose and Regulatory Requirements

The purpose of the Cross Connection Program is to protect the Town's potable water supply from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or back siphon into the Water Distribution System; to promote the elimination or control of cross-connections, actual or potential, between a Customer's potable water system and non-potable water systems, plumbing fixtures and industrial piping systems; and to provide for a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems from cross-connections.

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As provided in the Federal Safe Drinking Water Act of 1974, Public Law 93-523, and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, Cross Connections, the Town has the primary responsibility for preventing water from unapproved sources or any other substance from entering the Water Distribution System.

Failure, refusal or inability to install said device(s) within the specified time shall constitute grounds for shutting off water to the premises until such device(s) has been properly installed and any fines or charges for shutting off and turning on water have been paid; provided, however, that such shut-off is subject to any and all limitations set forth in federal and state laws, rules, and/or regulations.

B. Installation and Testing

No water service connection to any premises shall be installed or maintained by the Water and Sewer Division unless the water supply is protected as required by 310 CMR 22.22 and the Rules and Regulations. Services of water to any premises shall be discontinued by the Water and Sewer Division if a backflow prevention device is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passes, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

In the case of a premises in which any industrial fluids or any other objectionable substance are handled in such a way as to create an actual or potential health hazard to the public water supply, the public water supply shall be protected by a backflow device approved by the Danvers Water Division.

Approved backflow prevention device with respect to the plumbing on the premises and the service connection to the premises shall be based upon the degree of existing or potentially existing health hazard, and shall conform to Water and Sewer Division's requirements and other specific requirements in accordance with 310 CMR 22.22 (4) (a) and (4) (b).

All backflow prevention devices required by Massachusetts 310 CMR 22.22 shall be tested as required in 310 CMR 22.22 (13). In those instances where the Water and Sewer Division deems the hazard to be great enough, the Water Division may require certified inspections at more frequent intervals.

The consumer shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and installation of backflow prevention devices.

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All decisions relating to the determination of backflow prevention devices will be made by the Water and Sewer Division. Failure to comply with any directive from the Water and Sewer Division will result in termination of water service.

All costs for inspections, tests and other Water and Sewer Division activities resulting from implementation and operation of the cross connection program shall be the responsibility of the consumer.

Backflow testing is performed twice a year. All backflow prevention devices will be tested by the Water and Sewer Division or an authorized representative. In the event of a failed device, repair/replacement as well as re-testing must be conducted within ten (10) days of installation or repair. Failure to follow this procedure will result in water termination; provided, however, that any termination is subject to any and all limitations set forth in federal and state laws, rules, and/or regulations.

All fire protection systems, residential and commercial, connected to the Town's water supply must be protected with an approved backflow prevention device; such device(s) will be tested according to Massachusetts Department of Environmental Protection's recommendations.

Irrigation systems must be protected by an approved back flow device.

The Town shall not be responsible for any damage resulting from the shutoff of water or the subsequent use of water in conducting required tests and inspections of an approved backflow prevention device installation.

C. Tampering

It is illegal to improperly tamper with a backflow prevention device. Written authorization must be obtained from the Town to install, alter or remove a backflow prevention device. Violations are subject to a fine as set forth in these Rules and Regulations.

VI FIRE PROTECTION/SPRINKLERS

A. Requirements for Sprinkler Systems

1. The entire cost of installing a private fire service from the main to the property line will be paid for by the Customer.
2. A gate valve controlling the entire supply will be placed on the fire service at the main. Any valve which may be required will be furnished at the expense of the Customer.
3. The private fire service shall be subject to the inspection, test and approval of the Water Division before the service is made effective.

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4. A private fire service connection is furnished for the purpose of supplying water for the extinguishment of fires only, and no use of water from such connection for any other purpose shall be made. Each connection shall be made separately to the distribution main of the District and shall not be combined with any domestic water service connection.
5. The Customer shall notify the Water Division within a period of seventy-two (72) hours after any testing or usage of the sprinkler system.
6. A detector check valve with a by-pass, along with an approved backflow prevention device shall be furnished and installed by the Customer in accordance with the Water Division requirements, just inside the building wall or other convenient location on the Customers' remises as designated by the District. Any meter pit or vault required by the Water Division shall be constructed and maintained at the expense of the Customer. The by-pass meter will be maintained by and at the expense of the Water Division.
7. Hydrants and other fixtures connected with a private fire service connection may be sealed by the Water Division and such seals shall be broken only in case of fire or as specially permitted by the Water Division and the Customer must immediately notify the Water Division of the breaking of any such seal.
8. No pipe or fixture connected with a private fire service connection served by the Water Division shall be connected with pipes or fixtures supplied with water from any other source.
9. The Water Division shall determine the size and location of any connection made to its main for private fire service.
10. Fire pumps and booster pumps of any nature may be connected only after notification to the Water Division and shall be constructed in such a manner to prevent cross connections and vacuum. Owners and operators of such equipment are liable for any and all damages to the Water Division or other Customer's property during such operation. A low pressure cut off device as approved by the Water Division will be installed at the expense and risk of the Customer.
11. The entire private fire service connection and all parts of it which are located outside of the property line of the Customer are and forever remain the property of the Customer and under the complete jurisdiction of the Water Division.
12. No test of Fire Service shall be permitted without approval of the Water Division (who shall have representative present during the test.). Fire Service and Fire Flow tests shall be scheduled to cause the least possible inconvenience to the Town's other customers.

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VII WATER SERVICE RENEWAL OR REPLACEMENT

A. Customer Responsibilities

The Director of Public Works or his authorized agent, in order to prevent the loss of water through and old, deteriorated or broken water service shall direct a customer to replace his/her water service with new pipe, tubing and fixtures.

For water services which tap directly into a water main over which the Town has legal jurisdiction; the Town, at its sole discretion, may supply the excavation and/or materials from the main to the curb stop including the curb stop at Town expense. Otherwise the customer will be responsible for the renewal/ replacement of the water service between the main and up to and including the curb stop.

The customer will be responsible the costs of all other labor materials and equipment required to replace the service from the curb stop to the meter. Said replacement or renewal shall conform to the Town of Danvers Construction Standards.

Any and all work performed by the Town billable to the customer shall include all labor, equipment and materials plus an overhead charge equal to fifty percent (50%) of the total costs incurred.

Any water service replacement or renewal where the Town has no legal jurisdiction, all costs associated with said replacement or renewal shall be borne by the customer. Said replacement or renewal shall conform to the Town of Danvers Construction Standards.

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VIII PAYMENT OF BILLS

A. Billing

Bills for water service shall be rendered quarterly for residential customers and monthly for business customers and shall be payable upon receipt by the customer.

B. Rate Schedule and Charges

All charges shall be billed in accordance with the schedule of rates and charges as adopted by the Board of Water and Sewer Commissioners.

C. Payment

All bills due to the Division for water and services are payable at the Town of Danvers Business Division Office, 2 Burroughs Street, Online, or at Danvers Town Hall office of the Treasurer/Collector. Checks and money orders shall be made payable to the Town of Danvers, Water Division.

D. Inoperative or Unread Meters

When a meter fails register the consumption or it is not read by the Water Division, a quantity shall be estimated based on previous consumption patterns, and a charge shall be so billed.

E. Water Not Used

All water passing through a meter shall be charged for, whether used or wasted.

F. Discontinuance of Service

No allowance shall be made for the non-use of water service, unless official notice is given and the service is shut off by the Division. A service charge shall be billed for shutting off an individual service.

G. Unpaid Bills

Unpaid bills shall become property tax liens per Massachusetts General Laws, Chapter 40, Section 42A, as amended.

Water Use Rules and Regulations

H. Liability for Charges

All bills shall be rendered to the recorded owner or to his authorized agent if the written notice of the appointment of said agent is on file with the Division. Owners of property shall be held liable for the charges to tenants.

I. Transfer of Accounts and Real Estate Transfers / Final Reading

In the event of transfer of ownership of the premises, the seller shall notify the Division of such transfer, otherwise, the seller shall remain liable for charges incurred by the premises until notice is received. The quarterly or monthly bill covering the period in which such notice is received shall be issued to the seller only on water used prior to said notice. The new owner shall notify the Water Division to establish the new property owner for billing and lien purposes.

J. Bills Not Received

Failure of an owner to receive a bill does not relieve him/her from the obligation of its payments, or from the consequences of nonpayment (interest charges and/or termination of service fees).

K. Opt Out AMI Customers

Current Water Customers who choose not to have the installation of the AMI Water Meter Module for meter reading and billing purposes shall be required to pay and additional service fee quarterly for the cost of manually reading the water meter. Said Fee shall be established by the Board of Water & Sewer Commissioners and reviewed annually to insure the expenses and overhead costs are fully covered by said fee.

L. Request for Abatement

A Customer may request an abatement of Water Use Charges when the Customer believes the water bill for the prior billing cycle is excessive. Said request for Abatement shall be in writing detailing the reason for the Abatement request and shall file the request with the Town of Danvers Business Manager, 2 Burroughs Street, Danvers MA 01923. In the event that the request is denied, the Customer may request a hearing before the Board of Water & Sewer Commissioners. In appearing before the Board, the customer must present documentation that will support the Abatement Request. The Board will render a decision on the matter. The decision of the Board is final.

Water Use Rules and Regulations

M. Water Shut Off Policy – Non Payment of Bill or Violation

The Town reserves the right to terminate service for nonpayment of Water Use Charges and violations of these regulations; provided, however, that such shut-off is subject to any and all limitations set forth in federal and state laws, rules, and/or regulations.

For Non Payment the following procedure shall be used for nonpayment:

1. Day 1 – Bill issued by Business Division
2. Day 30 – Payment Due Date
3. Day 40 – First Reminder Sent
4. Day 60 – Registered Mail Notice of Second Reminder and shut off date notification
5. Day 89 – 24 Hour Shut off Notice Hand Delivered to Customer
6. Day 90 – Service Shut Off

Service will be restored upon receipt of all amounts due to the Town of Danvers Water Division including all applicable shut off and turn on fees, interest accrued, and any fines assessed due to any violation of these regulations.

IX ENFORCEMENT

A. Violation, Non-Compliance, or Other Acts Requiring Enforcement

The Town may take action when it has been determined that an owner, customer or user has:

1. violated, is violating or threatened to violate these Regulations;
2. violated, is violating or threatened to violate any permit issued under these Regulations;
3. made a false representation in an application, record or report to the Town or failed to provide relevant information;
4. manipulated, falsified, tampered with, or rendered inaccurate a meter, meter reading device or appurtenance thereof;
5. failed to comply with an order or ruling issued by the Town or a court after having reasonable opportunity to comply;
6. failed to pay a penalty of fee(s) due the Town;
7. caused or threatened damage to the Town's Water Distribution System;

Water Use Rules and Regulations

B. Possible Action Taken By The Town

The Town may take one or more of the following actions in any sequence or simultaneously in response to a violation, non-compliance, or act requiring enforcement:

1. The Town may issue a request or an order to cease and desist any such violation or any actions that cause or threaten to cause a violation, and/or an implementation schedule for undertaking specific actions or practices.
2. The Town may require the owner or user to submit a detailed time schedule setting forth specific actions to be taken and specific dates upon which such actions will be taken in order to prevent or correct a violation. The Town may issue an implementation schedule containing or modifying such specific actions and time schedule, or requiring such other actions within such times as the Town deems appropriate.
3. The Town may issue an order directing the owner or user to pay the Town penalties and costs in accordance with these Regulations.
4. The Town may revoke, modify, deny, suspend or refuse to renew a permit issued under these Regulations.
5. The Town may take direct enforcement action by filing suit in any court of competent jurisdiction pursuant to or any other applicable statute or regulation for civil or criminal fines and reimbursement of costs or damages resulting from the violation or threatened violation.
6. The Town may terminate water service as authorized in these Regulations, subject to any limitation placed upon it by federal or state law, rule, or regulation.
7. The Town may take any other action available to it under any applicable statute or regulation.

Water Use Rules and Regulations

X VIOLATIONS, PENALTIES, SEVERABILITY

A. Written Notice

Any person found to be in violation of any provision of these Regulations shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Within the time period of such notice, the offender shall permanently cease all violations.

B. Violation

Any person who shall continue any violation beyond the time limit provided in Section 1, shall be fined an amount not exceeding three hundred dollars (\$300.00) for each day of violation, or such penalty as prescribed by law.

C. Non-Criminal Disposition

In the alternative, these Regulations may be enforced pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D and the General Bylaws of the Town of Danvers, Non-Criminal Disposition of Certain Violations.

D. Penalties

For purposes of determining the computation of penalties, each day of a continuing violation of these Regulations shall be deemed as a separate violation. If a violation is intermittent, each occurrence shall be deemed as a separate violation.

E. Severability

These Regulations are severable; the invalidity of any section, clause, sentence or part thereof shall not affect the validity of any other part of these Regulations which can be given effect without such invalid part or parts thereof.

XI EFFECTIVE DATE

In accordance with Section XXXIV of the Town Bylaws, the Board of Selectmen on February 3, 2015 has authorized the Town Manager to adopt these regulations.

These regulations are hereby effective May 18, 2015.

_____ Town Manager

Steve Bartha

Water Use Rules and Regulations

ATTACHMENTS

ATTACHMENT A: WATER AND SEWER RATES AND FEES

ATTACHMENT B: WATER USE MITIGATION PROGRAM

ATTACHMENT C: WATER MANAGEMENT ACT PERMIT

ATTACHMENT D: DROUGHT MANAGEMENT PLAN RESTRICTION LEVELS

ATTACHMENT E: 520 CMR 14.00 - EXCAVATION AND TRENCH SAFETY

ATTACHMENT F: M.G.L. CH. 82 s. 40 DIG SAFE STATUTE
220 CMR 99.00 – DIG SAFE REGULATIONS

ATTACHMENT G: M.G.L. CH. 40 s. 39-I METER TESTING

ATTACHMENT H: DANVERS WATER & SEWER APPLICATION FORM

ATTACHMENT I: DANVERS TRENCH SAFETY PERMIT APPLICATION

ATTACHMENT J: CONSTRUCTION STANDARDS / SPECIFICATIONS

ATTACHMENT K: CONSTRUCTION DETAILS

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