

**TOWN OF WELLESLEY
DEPARTMENT OF PUBLIC WORKS
WATER RULES AND REGULATIONS**

ARTICLE 3700

3701. DEFINITIONS

- (a) Account shall mean the agreement to receive water from the Wellesley Water System. Each account shall be metered and the consumption of water registered thereon shall be billed in accordance with the provisions of the applicable rate schedule.
- (b) Applicant shall mean a person, persons, corporation or association who applies for an Account, as described under these rules and regulations.
- (c) ANSI shall mean the American National Standards Institute, Inc.
- (d) Assessors shall mean the office staff of the Wellesley Board of Assessors.
- (e) AWWA shall mean the American Water Works Association.
- (f) Backflow shall mean the flow of water, other liquids, or the mixture of water with other liquids from a source that is not potable water into a potable water pipe.
- (g) Backflow Prevention Device shall mean a mechanical piping assembly, which provides a method to prevent backflow. Such device shall be approved by the Massachusetts Department of Environmental Protection (DEP). A categorization of the type of such devices is given in DEP regulations 310 CMR 22.22.
- (h) Board shall mean the Town of Wellesley, Board of Public Works. This Board of Public Works is designated as the Water Commissioners of the Town of Wellesley and thereby is empowered by Chapter 166 of the Massachusetts Legislature of 1883 and other Acts of the Massachusetts Legislature to provide and distribute water to the Town and to collect monies for the construction, operation and maintenance of such a water supply and distribution system.
- (i) Customer shall mean the person or party responsible for an Account, as described under these Rules and Regulations.
- (j) Cross-connection shall mean any actual or potential connection between a distribution pipe of potable water from a public water system and any water source, which is not of potable water, or of any pipe or vessel, which is not composed of material approved by the AWWA and / or the NSF for use as a potable water pipe.

- (k) DEP shall mean the Massachusetts Department of Environmental Protection, which is the regulatory agency for the Federal Safe Drinking Water Act.
- (l) Department shall mean the Town of Wellesley, Department of Public Works, which acts under the authority of the Board of Public Works.
- (la) Director shall mean the Director of the Town of Wellesley, Department of Public Works.
- (m) Disconnect/Connect Service shall mean the process of shutting off the curbstop valve and the house shut-off valve and removing the water meter as well as the reverse process. This process can be performed at the request of the customer or as the result of delinquent accounts. Charges for this action shall be stated in the Schedule of Rates.
- (ma) Excavation and Trench Safety Regulations, Massachusetts Department of Public Safety (DPS) Regulations, 520 CMR 14.00. Chapter 82A of the Massachusetts General Laws has authorized the DPS to promulgate rules and regulations relating to trench safety. Trenches for water pipe construction and repair are required to comply with these regulations.
- (n) Meter shall mean a device installed for the measurement, record, and communication of water taken from the Service Connection and be applied to each Account. The meter type and construction shall be approved by the Department.
- (o) Meter, Domestic shall mean the meter installed for the measurement of water taken from the Service Connection that is used within the customer's property. If no Irrigation Meter is installed, the water measured shall be for any use.
- (p) Meter, Irrigation shall mean the meter installed for the measurement of water used only outside of the building and which does not drain into the sanitary sewer.
- (q) Meter Test Accurate shall mean that the results of a meter test conducted by, or for, the Department indicate that the meter measures one hundred and two percent (102%), or less, of the actual volume delivered through the meter during the test.
- (r) MWRA shall mean the Massachusetts Water Resources Authority. This Authority being a regional water supply utility established by Chapter 372 of the Massachusetts Legislature of 1984 and of which the Wellesley Department of Public Works is a member.
- (ra) NSF shall mean the National Sanitation Foundation, International, which is an independent, private, not-for-profit third party certification, testing, and standards-writing organization accredited by the ANSI.

- (s) Plumbing Code shall mean the rules and regulations described in Commonwealth of Massachusetts Regulations (248 CMR) concerning Fuel Gas and Plumbing Codes.
- (t) Potable Water shall mean water from any source, which is approved by the DEP for human consumption.
- (u) Potable Water Pipe shall mean pipe, which is approved to convey potable water. The material composition of such pipe shall be approved by the Department and must conform to the AWWA/ANSI Standards and to the Plumbing Code, as appropriate.
- (v) Service Connection shall mean the pipe, which conveys water from the water main to the customer building.
- (w) Subdivision shall mean the division of a tract of land into two or more lots and shall conform to the Wellesley Planning Board's Rules and Regulations Governing the Subdivision of Land in Wellesley, MA.
- (wa) Submetering shall mean the metering of the water use of individual renters by a landowner according to Massachusetts General Laws Chapter 186, Section 22.
- (x) Water Main shall mean water pipe that is part of the public water distribution system. Such pipe shall be in the ownership of the Department.

3702. SCHEDULE OF RATES

- (a) Schedule of Rates: All charges for water use and for work on services as described herein shall be computed in accordance with the Schedule of Rates on file with the Department. This Schedule of Rates shall be approved by the Board in accordance with the laws of the Commonwealth and shall be revised periodically as appropriate.

3703. CONNECTION TO AND WORK ON THE WATER SYSTEM

- (a) Application for Water Service: Written applications for water service shall be made by the owner or owners of the real estate for which service is being sent to the Department.
- (b) Availability of Service: The acceptance of an application for a water service account will be contingent upon the existence of a water main in the public way, or in the private way or other property upon which the property to be served abuts. Furthermore, the pressure and carrying capacity of the water main shall be sufficient to serve the applicant without adversely impacting the service to existing users. At a minimum the service connection shall have a residual water

pressure at street level of 20 pounds per square inch under all design conditions of flow.

- (c) Installation of Water Service Connections: All service connections shall be installed by the Department, or under its supervision and in accordance with its specifications. Installation, other than by the Department, shall be allowed only with the approval of the Department. Service connections made by the Department shall be installed at the expense of the applicant/customer, and in advance of the construction, in accordance with the Department's current Schedule of Rates.

That portion of a service connection installed within a public way shall be considered the property of the Department upon its construction and the Department shall be responsible for its maintenance. That portion of a service connection not lying in the public way shall be the property of the applicant/customer, who shall be responsible for its maintenance.

One service connection shall be installed per building, multiple building service connections shall be allowed only with the approval of the Department. Submetering of multiple customers within a building shall be in accordance with Section 3701.

The cost of the meter(s) shall be included in the service connection charges to the applicant/customer. However, once in service, the water meter(s) become the property of the Department and the Department shall be responsible for their maintenance.

When the installation is performed by others, under the supervision of the Department, the applicant/customer shall pay for all the construction and shall pay for the cost of the inspection of the construction by the Division. The cost of this inspection shall be in accordance with the current Schedule of Rates.

- (d) Extension of Water Mains: Requests for the extension of water mains must be made in writing to the Board. All water main extensions shall be constructed by the Department or under its supervision and in accordance with its specifications. When the extension is within a subdivision, it must be approved by the Wellesley Planning Board and all work must be completed in compliance with the requirements of such approval.

When the extension is concerned with the installation in a public or private way not in a subdivision, the Board of Public Works may decide to install the water main. In such cases assessments shall be levied and an Order of Construction shall be duly recorded in the Norfolk Registry of Deeds, which shall specify the ways by which water pipes are to be laid and shall describe such land upon which liens, or betterments, are to be imposed.

- (e) Special Assessments: the Board may levy assessments under Massachusetts General Laws Chapter 80, to meet costs hereinafter incurred by laying water pipes in public or private ways, the whole cost of laying such pipes shall be assessed upon the several parcels of land abutting the way in which it is laid in proportion to the number of potential parcels receiving benefit by the laying of water pipe. These assessments shall be levied provided that no such assessments shall be in excess of the benefit to the land assessed, from the laying of the water pipe for which the assessment is levied.

3704. USE OF THE WATER SYSTEM

- (a) Access to Premises: The Department shall have the right to access the customer's premises at all reasonable times under the Massachusetts General Laws Chapter 165, Section 11D, for the purpose of examining or maintaining meters, backflow prevention devices, pipes, fittings, and other work necessary for supplying or regulating the supply of water and of ascertaining the quality and quantity of the water supplied. The Department may terminate water service where an owner or user having received reasonable notice refuses properly identified Department personnel to enter or have access to the premises in accordance with these Water Rules and Regulations.

- (b) Cross-Connection Control: No person shall maintain upon premises served by the Department's water system a cross-connection, unless it is maintained in compliance with the DEP Regulations as per 310 CMR 22.22. Violations of these conditions may result in fines, termination of water service, or both.

Backflow prevention devices shall be approved by the Department and shall be tested by the Department, or its agents, in accordance with DEP Regulations. The cost for testing of such devices by the Department shall be the responsibility of the customer and the cost shall be in accordance with the Schedule of Rates.

- (c) Private Wells: Before any water well is constructed in the Town of Wellesley approval must be obtained from the Board. Following the completion of any well installation, an inspection must be conducted by a staff member designated by the Water and Sewer Division Superintendent to ensure the installation is done in accordance with all Town and State regulations, and does not create any cross-connections or the potential of any cross-connections with the potable water supply. For the purpose of advice to any prospective private well development, attention is directed to the Wellesley Board of Health regulations, which may also regulate the construction of wells, independent of these regulations. Also DEP regulations, particularly 310 CMR 36.00 (Massachusetts Water Resources Management Program), may apply to the construction of wells.

- (d) Water Use Restrictions: The Department reserves the right to impose temporary water use restrictions. The decision to implement such restrictions shall be in the

judgment of the Board as it deems necessary. Enforcement of water use restrictions may be enacted through Town ByLaw Article 49, Police Regulations, Paragraph 12b, Restrictions on the Use of the Town's Water Supply. Violations of these restrictions may result in fines and termination of service.

- (e) Delinquent Accounts: Delinquent accounts will be certified to the Assessors for the perfecting of liens on the real estate where the water service is supplied. The Department reserves the right to shut off its service to premises of any delinquent account. Before such service can be restored, the customer shall make arrangements with the Department for the payment of the delinquent account together with the appropriate disconnect/connect fee as described in the Schedule of Rates.
- (f) Meter Care: The meter and its attendant equipment shall be the property of the Department and the customer shall be held responsible for any damage thereto resulting in any way from negligence on the part of the customer. It is prohibited to damage the meter or to tamper with the meter. The Department has the right to prosecute to the fullest extent under the law any action of the customer to interfere with the proper operation of the meter or to bypass the meter in the consumption of water.
- (g) Meter Location: All meters shall be installed at the nearest point practical to where the service connection pipe enters the building. The location of all meters shall require the approval of the Department. Furthermore, it is the responsibility of the customer to maintain unobstructed access to the meter so that it may be read and maintained. At a minimum, unobstructed access is a space of 36 inch width, 36 inch height, and 16 inch depth around the meter and its appurtenant valves and communication devices.
- (h) Remote Meter Registration: All meters shall be equipped with remote reading capability. This includes communication devices that transmit meter registration information off the premises so that meters may be read remotely by radio receivers. The Department maintains the right of access to the premises in order to verify the consistency of the meter registration with the remote registration.
- (i) Meter Testing: The Department has the right to test meters in order to verify their accuracy. It is the responsibility of the customer to provide access to the meter. For meters larger than two-inch diameter, if the customer is unable to provide an opportunity to test the meter during normal Department working hours, it is the responsibility of the customer to provide an acceptable by-pass in order to conduct in-place testing. The cost of testing all meters shall be the responsibility of the Department, unless the testing is requested by the customer.

The customer can request to have a meter tested. A written report of the meter accuracy test will be provided to the customer. The cost of the meter test shall be borne by the customer when the "meter tests accurate" as defined in these

regulations. When the results of the test do not meet the definition of "meter tests accurate" the cost of the meter test shall be borne by the Department.

- (j) Prohibition of Customers' Apparatus: No customer shall operate apparatus on their water piping or elsewhere on their premises, including its meter(s), that will adversely affect the operating conditions of the Department's system or its ability to serve other customer/s.
- (k) Interruption of Service: The Department reserves the right to temporarily interrupt service in order to make system repairs. Whenever possible, the Department will notify customers of such interruptions in advance of the interruption. However, in cases of emergency, the Department reserves the right to interrupt service without first giving notice of such action if, in its opinion, it is necessary to do so in order to facilitate making of repairs, alterations, or other necessary purposes. In such cases of emergency, no person shall be entitled to receive damages or refunds of payments as a result of any such interruption.
- (l) Requested Service Disconnect/Connect: A customer can request that the Department disconnect and/or connect the water service. Charges for such service shall be in accordance with the Schedule of Rates.
- (m) Air Conditioning Systems: No customer shall use water for air conditioning or cooling systems unless such systems include a means of recycling the water supplied to the system and suitable backflow prevention measures and devices are employed on the system. Air conditioning systems waters shall be subject to the potential of discharge to the sewer and they are not eligible for separate metering.
- (n) Customer's Deposit: The Department has the right to require a deposit of any applicant or customer for a water service account.
- (o) Use of Hydrants: Hydrants may be used: to fight fires; to test the hydraulic conditions of the water distribution system; to test the water quality conditions of the water distribution system; to flush, or clean, the distribution system; and to provide temporary sources of water. Written approval from the Board shall be required for the use of a hydrant by anyone other than the Department or the Fire Department. Charges for such temporary use shall be in accordance with the Schedule of Rates.

3705. CONSEQUENCES OF NONCOMPLIANCE

- (a) Violation, or noncompliance, with these Water Rules and Regulations may result in fines, termination of water service, or both, at the determination of the Director.
- (b) Whenever any person is found to be in violation, or noncompliance, of any provision of these rules and regulations, the Director shall provide that person

with notification of the nature of the violation and specify those actions to be taken to remedy the noncompliance.

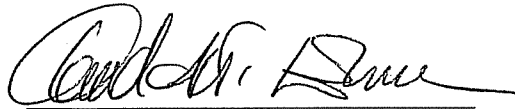
- (c) Verbal notice shall be made by the Director, or his/her designee, in the case of immediate danger to health or welfare of humans. Such verbal notice shall be followed by a written notice.
- (d) Written notice shall be made by the Director, or his/her designee, in the case of no immediate danger to health or welfare of humans, or as stated in 3705(c).
- (e) Any person found in violation, or noncompliance, may appeal enforcement action to the Board of Public Works.

3706. SEVERABILITY

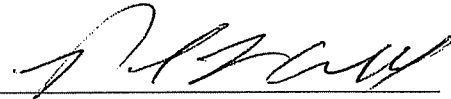
- (a) Severability: If any provision of these Rules and Regulations or their application are held to be invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations, which can be given effect without the invalid provision(s).
- (b) DEP Compatibility: No provision of these Rules and Regulations or their application shall contravene nor render ineffective any lawfully established rule and regulation of the Massachusetts Department of Environmental Protection.
- (c) MWRA Compatibility: No provision of these Rules and Regulations or their application shall contravene nor render ineffective any lawfully established rule and regulation of the Massachusetts Water Resources Authority.
- (d) Authority: The Wellesley Board of Public Works, acting as Water Commissioners created by Chapter 166 of the Special Acts of the Massachusetts Legislature of 1883, has established these Rules and Regulations.

Adopted by vote of the Board of Public Works on May 22, 2012.

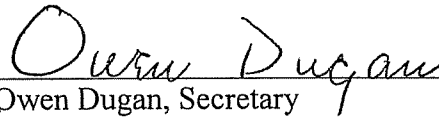
TOWN OF WELLESLEY
BOARD OF PUBLIC WORKS



David Donohue, Chairman



Paul Criswell, Vice Chairman



Owen Dugan, Secretary