

Town of Greenfield



Water Use Regulations

Revised: January 2002

ARTICLE I **PURPOSE AND POLICY**

Under authority of the General Laws, Acts of State Legislature of the Commonwealth of Massachusetts, the following rules and regulations, together with the water rates, shall be part of the contract with every person using water supplied by the Town of Greenfield, and every person taking or applying for water agrees to them and to bound thereby.

The purpose of these regulations is to:

1. Provide adequate water pressure and volume to users.
2. Provide high quality, unpolluted, and aesthetically pleasing water to users that meets or exceeds all Safe Drinking Water Act Standards.
3. Provide a uniform schedule of charges and rates and a uniform policy for administration of rates and charges.
4. Promote water conservation.
5. Establish minimum standards of materials, workmanship, and specifications for materials and appurtenances, which would ultimately become part of the Town of Greenfield's Distribution System.
6. Set up procedures which all new users must follow to enter into the Distribution System.

The Board of Public Works, or their duly appointed designee shall make the final interpretation of these Regulations whenever unforeseen situations arise which are not clearly covered or when further interpretation of the intent of the Regulations is required.

ARTICLE II DEFINITIONS

Section 2.1* *Appurtenances

Auxiliary equipment, such as valves and hydrants, attached to the distribution system to enable it to function properly.

Section 2.2* *Backflow

A hydraulic condition caused by a difference in pressures, in which non-potable water or other fluids flow into a POTABLE water system.

Section 2.3* *Back Pressure

A condition in which a pump, elevated tank, boiler, or other means results in a pressure greater than the supply pressure.

Section 2.4* *Backsiphonage

A condition in which the pressure in the distribution system is less than atmospheric pressure.

Section 2.5* *Board of Public Health

Shall mean that duly elected board of the Town of Greenfield charged with enforcing State and Local health and sanitary regulations and the Massachusetts State Plumbing Code. It shall also include the authorized agent or representative of said board.

Section 2.6* *BPW

(Denoting the Board of Public Works of the Town of Greenfield.) Shall mean the duly elected Board of Selectmen whom by vote of the Town on March 2, 1964, also serves as the Board of Public Works.

Section 2.7* *Building Inspector

Shall mean that agent of the Board of Selectmen of the Town of Greenfield who is responsible for enforcing the local and/or State Building Code and Protective Zoning Bylaw.

Section 2.8* *Contaminant

Shall mean any physical, chemical, biological, or radiological substance or matter in water.

Section 2.9 Control Authority

The term “control authority” shall refer to the BPW.

Section 2.10 Cross Connection

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

Section 2.11 DPW

(Denoting the Department of Public Works.) Shall mean that department established by vote of the Town on March 4, 1963, which has jurisdiction over water treatment, supply, and distribution.

Section 2.12 Enforcement Authority

Shall mean the Town of Greenfield Board of Public Works and the Town police, special police, and any other locally designated body having police powers.

Section 2.13 Lateral

Smaller diameter pipe that conveys water from the mains to points of use.

Section 2.14 Owner

Shall mean the person legally and lawfully possessing the land across which a particular water service lays or will lay.

Section 2.15 Person

Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

Section 2.16 Plan and Profile Drawings

Engineering drawings showing depth of pipe, pipe location (both horizontal and vertical displacements) and the distance from a reference point.

Section 2.17 Planning Board

Shall mean that Board fully appointed by the Board of Selectmen of the Town of Greenfield charged with the planning for the Town of Greenfield and with the administration of the Subdivision Control Bylaw.

Section 2.18 Pollution

The man made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

Section 2.19 Potable

The characteristic that describes water that does not contain objectionable pollution, contamination, minerals, or infective agents and is considered satisfactory for domestic consumption.

Section 2.20 Potential cross connection

Any arrangement of pipes, fittings, or devices that indirectly connects a POTABLE water supply to a non-potable source. This connection may not be present at all times, but it is always there potentially. Also known as an indirect cross connection.

Section 2.21 Service Connection

That portion of the SERVICE LINE from the utility's water main to the CURB STOP at or adjacent to the street line or the customer's property line. It includes the curb stop and any other valves, fittings, etc. that the utility may require at or between the main and the curb stop, but does not include the curb box.

Section 2.22 Service Line

The pipe (and all appurtenances) that runs between the utility's water main and the customer's place of use, including fire lines.

Section 2.23 Service Valve

A valve, such as a CORPORATION STOP or CURB STOP, that is used to shut off water to individual customers.

Section 2.24 Shall

"Is" is mandatory; "May" is permissive.

Section 2.25 State

Commonwealth of Massachusetts.

Section 2.26 Superintendent

Shall mean the Superintendent of Public Works of the Town of Greenfield or his authorized deputy, agent, or representative.

Section 2.27 Tapping

The process of connection LATERAL and SERVICE LINES to mains and/or other laterals.

Section 2.28 Town of Greenfield

Shall mean that corporate entity in the County of Franklin, Commonwealth of Massachusetts, acting by and through its Board of Selectmen who are also the Board of Public Works.

ARTICLE III BUILDING CONNECTIONS AND SERVICES

Section 3.0 No Unauthorized Connections

No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public water main or appurtenance thereof without first obtaining a written permit from the Superintendent.

Section 3.1 Application for Water Service

Each applicant for water service connection must be made at the office of the Department of Public Works on forms provided for that purpose.

Section 3.2 Applications Must be Made in Advance

Applications for new water service connections must be obtained from the Department of Public Works at least five (5) working days prior to the proposed connection date.

Section 3.3 Classes of Permit Applications; Fees

There shall be two (2) classes of water permit applications:

- a. **RESIDENTIAL** Living units that use water for domestic purposes. Permit and application fee shall be one hundred dollars (\$100) payable to the Town of Greenfield by check. If both residential water and sewer are applied for at the same time, the fee is \$100 total.
- b. **NON-RESIDENTIAL AND WATER MAIN CONSTRUCTION AND /OR EXTENSION.** Fee shall be two hundred and fifty dollars (\$250) payable to the Town of Greenfield by check.

The application form shall be signed by the owner of the real estate requesting service or by his authorized representative. Fees are non-refundable. Applications may be transferred to a new owner with permission of the Superintendent.

The applications shall state fully, and truly the extent of water service required, and the purpose for which the water is to be used. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

Section 3.4 No Connections Between December and April

No new service shall be connected between December first and April first, and no new water service applications will be accepted by the Department after November 15th.

In general, new water service connections will not be scheduled on Monday, Friday, and days immediately preceding or following holidays. July 4, Nov. 11, or the day following when said holidays occur on Sundays or the day preceding if said holidays occur on Saturday; also the third Monday in April, the last Monday in May, the first Monday in September and the second Monday in October.

Section 3.5 Town May Reject Application

The Superintendent may reject any application for a new service connection if, in the opinion of the Superintendent, the service connection is likely to reduce the distribution system's pressure, reduce fire flows to less than recommended standards or in any way negatively impact the quantity and quality of water within the distribution system.

Section 3.6 Pressure Considerations

No water connections shall be permitted in areas where available pressure in any portion of the building is less than 20 psi, unless the owner at his expense adds internal holding and boosting capability. If pressure exceeds 80 psi the owner must install and maintain a pressure reducing valve at his cost. The valve is to be installed after the water meter, and in accordance with the Massachusetts Plumbing Code.

Section 3.7 New Service Responsibilities

The owner is responsible for the installation of a new water service line from the main to the owner's place of use. This work shall include tapping of the main, installation of the service and associated valves, etc., installation of the water meter, installation of backflow prevention device and site restoration.

Section 3.8 All Work to Conform to Town Requirements

All water services from the main through the meter shall conform to the requirements of the Department in regard to materials used, and manner of installation, and manner of water use.

Section 3.9 All Work to Meet Massachusetts Plumbing Code

All provisions of the Massachusetts Plumbing Code shall be observed by the owner and shall be enforced by the Plumbing Inspector.

Section 3.10 Separate and Independent Services

A separate and independent building water service shall be laid for every primary building. There shall be only one service per building (even if multiple dwelling units exist within the building) and no independent services from the water main shall be provided to accessory buildings (barns, garages, etc.). If an owner desires water service to a barn, garage, etc., the owner may at his own expense extend service from the primary building to the accessory building. Where appropriate, in the opinion of the Superintendent, units within condominiums may be considered separate and independent and thus be connected with their own independent water service. No services shall be provided to empty lots.

Section 3.11 Reuse of Building Services

Old building water services may be used in connection with new buildings only when they are found on examination and test by the Superintendent, to meet all requirements of this regulation, and judged to be of adequate size. The applicant is responsible for necessary work to prove that the service is in good condition.

Section 3.12 Minimum Fill Cover

The minimum fill cover of water pipe shall be five feet below final grade between the water main and outer foundation wall.

Section 3.13 Service Pipe Trenches

Service pipes shall not be placed within 10 feet horizontally of a sanitary sewer service, or within five (5) feet horizontally of other utilities except under special conditions and with the approval of the Superintendent.

Section 3.14 Subsurface Information from the Town

All information derived from the Department of Public Works records relating to subsurface and other conditions, natural phenomena, existing pipes, and other structures is from the best sources at present available. All such information is furnished only for the information and convenience of contractors and is not guaranteed. It is agreed and understood that the Town of Greenfield does not warrant or guarantee that the subsurface or other conditions, natural phenomena, existing pipes, or other structures encountered during construction will be as indicated in the Department of Public Works records.

Section 3.15 No Warranty of Subsurface Conditions

It is agreed further and understood that contractors shall not use or be entitled to use any of the information made available to him or obtained in any examination made by him in any matter as a basis of or grounds for any claim or demand against the Town of Greenfield arising from or by reason of any variance which may exist between the information made available, and the actual subsurface or other conditions, natural phenomena, existing pipes or other structures actually encountered during the construction work.

Section 3.16 Notice of Abandonment of Water Services

The owner of a building that is to be demolished or abandoned shall give the Department of Public Works seven (7) days notice of the date on which the owner wishes to have the water service to the building permanently disconnected at the main. The Town will do this disconnection at no charge to the owner.

ARTICLE IV NEW WATER SERVICES

Section 4.0 New Water Services

All connections off of the main pipes will be treated as “service connections” regardless of size. Service connections shall conform to requirements of the Town in regard to pipe sizes, materials, layout and manner of installation as a minimum.

Section 4.1 Work Done by Owner

The owner is responsible for hiring a qualified contractor(s) for the installation of a new water service line from the main to the owner’s place of use.

This work shall include tapping of the water main, installation of all necessary pipe, valves, curbs and backflow prevention devices. The owner shall provide holes, openings, or conduit necessary for installation of cables for outside meter readers. Work shall include all site restoration, including the roadway, paving, and sidewalk.

All materials such as pipe, fittings, curb box, valves, backflow prevention device, etc. shall be supplied by the owner and must meet Town specifications.

The Town will provide and install the water meter. When new services are installed requiring water meters 1.5 inches or larger the meter must be supplied and installed by the owner. The meter shall meet town specifications and must be inspected and sealed by the Town of Greenfield.

Section 4.2 Service to be in Straight Line

The water service shall be laid in a straight line from and perpendicular to the main to the front (or first) wall with the meter placed immediately inside the wall.

Section 4.3 Curb Box Location

The curb box shall be located seven (7) feet off of the street line within the Public Way, unless, otherwise directed by the Superintendent.

Section 4.4 Contractor to Carry Insurance

The contractor shall furnish a certificate of insurance as required by the Department of Public Works and which the Department of Public Works will retain.

Section 4.5 Contractor to Obtain “Street Opening” Permit

The contractor shall obtain a “Street Opening” Permit when it is necessary to excavate in any public way or easement.

Section 4.6 Location as on Plans

The water service shall be installed as shown on the Utility Plan or Plot Plan of the “License to Erect Building” unless written permission to change the location is obtained from the Department of Public Works.

Section 4.7 Permit to be on Job Site

Permit must be available at the job site.

Section 4.8 Contractor Shall Finish Work

The contractor shall remain on the site until the job is complete.

Section 4.9 Status of Building Being Connected

The Water Division shall not permit the flow of Town water to any new building or structure or any new addition to an existing building or structure unless it is satisfied that the outer walls and roofs are covered with a non-combustible material or that a license as provided herein has been granted by the Selectmen. This shall be interpreted to mean that the water service from main to within the proposed building shall not be installed unless the outer foundation wall and footing is in place; and furthermore, that the meter shall not be installed until it can be protected from theft and frost damage.

Section 4.10 All Services to be Inspected

The Town must inspect all new service pipes before covering the trench. All pipe, trench, and site restoration on work shall meet the approval of the Town.

Section 4.11 Service Activation

No water will be turned on to any new premises until all work is completed to the satisfaction of the Town, and has been formally inspected by the Town. The work shall include trench restoration, paving work, including the driveway apron, raising of the curb box to proper grade, and any other work deemed necessary by the Superintendent at the particular site.

ARTICLE V SERVICE REPLACEMENTS (RENEWALS) AND REPAIRS

Section 5.0 Repair/Replacement Service Lines

All service lines between the water main and the water meter are the property of the owner. However, the Town of Greenfield will make repairs or replacement of water services from the water main to the water meter at no cost to the owner. The Town does not work on private water mains or water services after the water meter in meter boxes.

Section 5.1 Leaking Services

Upon the detection of a leak in the water service line, the Town will repair or replace the service at no cost to the owner.

Section 5.2 Temporary Services

With the permission of the Superintendent temporary service may be permitted where appropriate while repairs are being made.

Section 5.3 Galvanized Lines to be Replaced

If a galvanized line is leaking, the entire stretch (house to curb, or curb to main) must be replaced not repaired. This work will be done by the Town at no cost to the owner.

Section 5.4 Replacements Due to a Change in Use

Any replacement of an existing water service, which is required due to a change, or increase of building usage, will be treated as a new service for the purpose of these policies.

Section 5.5 Thawing of Frozen Service Lines

The Town will thaw a service frozen between the main and the house to the discharge side of the meter. The Town may hire a contractor to perform this work. There is no charge for the first thawing. If the service freezes a second time, the Town charges for labor and equipment.

Section 5.6 Repairs to Damaged Fire Hydrants

The driver or his insurance company is responsible for the costs of hydrant repairs necessitated by vehicle accidents. Town charges for labor, materials and equipment.

Section 5.7 Town Not Responsible for Damage Due to Leaks

The Town is not responsible for any damage caused by a service leak of any water due to any and all causes. The owner's insurance policy should be checked for coverage in these cases

Section 5.8 Right to Discontinue Service

The Town reserves the right to discontinue providing water to any owner who refuses to have repairs made on a damaged or leaking water service or ignores written notification of violation of Article VI Section 6.26 (Water use restrictions) This discontinuance would be done by shutting off the water service valve 72 hours after notice is placed at the building.

ARTICLE VI USE OF TOWN WATER

Section 6.0 General

This article detail regulations regarding the use of Town water and the Town's rights and responsibilities regarding the furnishing of water.

Section 6.1 All Water Must be Metered

All water supplied by the Town for any purpose, except for specifically designated stand-by fire services, shall be drawn from a metered service.

Section 6.2 No Right to Furnish Water to Others

A consumer of water through a metered service may use it for his own purposes, but will not be permitted to supply the premises of another person, except in special emergencies and then only with the approval of the Town.

Section 6.3 No Operation of Fire Hydrants, Gates

Other than authorized employees of the Town, no person whatsoever, without express written consent, shall open, operate, or close any water gate, valve, or corporation attached to water mains, or service pipes. No person, except authorized employees of the Department of Public Works or firemen at a fire, shall open, close, or operate any fire hydrants within the Town. Violations of these sections shall be subject to a minimum fine of \$250 for each incident as set forth in Article IX - Penalties.

Section 6.4 Temporary Water Use

No contractor or any other person shall be allowed to use Town water for building, construction, or private purposes without first obtaining permission from the Town. The connection must be fitted with a suitable backflow prevention device. Any such temporary water service will be subject to the usual charges for installation and operation of the temporary water service. Water usage will be metered and will be charged for at the prevailing water rates.

Section 6.5 No Water Waste, Abatements

All water passing through a meter must be paid for whether used or wasted. Owners must properly maintain their water pipes and plumbing fixtures. No abatements to water bills will be granted for leaked or wasted water.

Section 6.6 Expansion Tank Notification

The owner is hereby CAUTIONED of the need to provide for expansion of heated waters within the interior plumbing system. The owner shall install and maintain an expansion tank or suitable toilet ballcock to provide for expansion as required.

Section 6.7 No Unprotected Cross-Connections Allowed

No cross-connection, either temporary or permanent, between a piping system containing Town of Greenfield water and any other piping system will be permitted unless fitted with a suitable backflow prevention device(s) that has been approved by the Town.

Section 6.8 Backflow Protection Required

All new water service connections, including residential, shall be fitted with proper backflow prevention protection before water is supplied. Protection shall be provided to the last flowing tap on the premises.

Section 6.9 Backflow Prevention Devices

In all cases, the installation, testing, and maintenance of backflow prevention devices shall be in accordance to the Town's Cross Connection Control Program and the Drinking Water Regulations of Massachusetts 310 CMR 22.22.

Section 6.10 Specification and Testing of Backflow Prevention Devices

The Superintendent or his designee shall evaluate the need for and type of backflow prevention device(s) required through survey of the water user's premises. Devices shall be installed by the owner at the owner's expense. Testable devices shall be tested by the Town two times per year at the owner's expense.

Section 6.11 Access to Backflow Prevention Devices

Authorized employees of the Town shall have access to backflow prevention devices for inspection and testing. The property owner shall maintain the area around the device so that it is free from rubbish or other materials, which may obstruct access by Town employees.

Section 6.12 Termination of Unprotected Services

Where, in the opinion of the Superintendent, a cross-connection represents a serious and imminent danger to the public health, the Town reserves the right to immediately terminate and physically sever the water service in question from Town system. In other cases, after serving a 72 hour notice, the Town reserves the right to terminate a water service to any premises if, in the opinion of the Superintendent, a cross-connection into the Town's potable system exists, and the owner fails to install, maintain, test a device, or compensate the Town for testing fees.

Section 6.13 Fire Systems

The Town will furnish water for standby fire protection service at no cost. All lines and associated equipment from the discharge side of the gate valve used for this purpose shall be installed, maintained, and repaired entirely at the owner's expense. Repair or replacement of fire lines from the gate valve to the building is also the responsibility of the owner and shall be performed by the owner at the owner's expense. Installations must be inspected and approved by the Department of Public Works and Fire Department. Fire service lines shall not be used for supplying of water for any other purposes and must be so arranged that easy inspection can be made by the Town.

Section 6.14 No taps on fire lines

No taps shall be made to or drawn from unmetered fire lines except for the purposes of testing the fire system or fighting fire. Use of unmetered water from fire services for purposes other than above shall result in a minimum fine of \$1,000 as set forth in Article IX.

Section 6.15 Backflow Protection on Fire Lines

All new fire service lines shall be fitted with testable backflow prevention devices approved by the Town. The Town may require such devices on existing fire service lines where, in the opinion of the Superintendent, they are necessary to protect the Town's potable water system. The owner shall be responsible for all costs of installation, maintenance, repair, and testing of the devices.

Section 6.16 Notification of work on fire lines

No person shall shut off fire line services supplying automatic sprinkler systems without notifying the Fire Department, and the Department of Public Works. No work may be done on any fire line without permission of the Department of Public Works.

Section 6.17 Notification of fire line testing

No water shall be drawn from fire line services for tests or repairs without notifying the Department of Public Works.

Section 6.18 In-Ground Irrigation systems

In-Ground irrigation systems are allowed on the public water system however no separate services or metering is allowed for these systems.

Section 6.19 Moisture sensing devices required

All automatic lawn watering systems must be equipped with some type of moisture sensing device that will prevent the system from starting automatically when not needed.

Section 6.20 Backflow prevention device required

All automatic lawn watering systems must be installed with a Town approved backflow prevention device. Said device will be inspected initially by the plumbing inspector and may be inspected periodically thereafter by the Town.

Section 6.21 Notification of installation

Any person who now has, or who intends to install an automatic lawn watering system in the future, must notify the Department of Public Works of the existence of said system or of their intention to install a new system prior to the actual installation. All systems, those currently in existence as well as any installed in the future must comply with all Regulations adopted on this date.

Section 6.22 Non-conformance

Any in-ground irrigation system not in conformance with the above criteria may be disconnected from the public water supply system.

Section 6.23 Right to Refuse Water Service

The Town reserves the right to refuse water service to any real estate or location, where, in the opinion of the Superintendent, proper and adequate service cannot be provided under conditions then existing, or where the extension of such water service would be detrimental to the existing water system.

Section 6.24 Right of Entry

Designated employees of the Town may enter the premises of any water consumer to examine all plumbing, pipes, meters, and fixtures; the quantity of water used, the manner of its use; collection of water samples; and to determine compliance with Art VI Section 6.26. Where the right to so examine is denied, the water may be shut off from said premises, and not turned on again until such examination is allowed.

Section 6.25 Right to Restrict Water Use

The Town, through its Board of Selectmen may declare a State of Water Supply Conservation upon a determination of a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of State of Water Conservation shall be given under section 6.27 of these regulations before it may be enforced.

Section 6.26 Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions, or requirements shall be included in the public notice required under section 6.27.

- **Odd/Even Day Outdoor Watering:** Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
- **Outdoor Water Ban A:** Only outdoor watering with a hand held hose or sprinkling pail is allowed.
- **Outdoor Water Ban B:** All outdoor watering and water usage is prohibited.
- **Car Washing Ban:** All car washing except in commercial car washes is prohibited.
- **Filling Swimming Pools:** Filling or “topping off” pools is prohibited.
- **Automatic Sprinkler Use:** The use of automatic sprinkler systems is prohibited.

Section 6.27 Public Notification of a State of Water Supply Conservation

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water. Any restriction imposed under section 6.26 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 6.28 Termination of a State of Water Supply Conservation

A state of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen upon a determination that the water supply shortage no longer exists. Public notification of the termination of the state shall be given in the same manner required by section 6.27.

Section 6.29 Penalties

Any person violating section 6.26 this regulation shall be liable to the Town in the amount of \$50.00 for the first violation and \$100 for each subsequent violation which shall inure to the Town for such uses as the Board of Selectmen 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. Each day of violation shall constitute a separate violation.

Section 6.30 Right to Terminate Water Services

Except in cases of emergencies and serious and imminent public health concerns, a 72-hour notice and posting of the Town's intention to terminate water service will be served. No one shall be entitled to damages, nor to have any portion of any payment refunded due to the termination of water service. Water service may be terminated for the following reasons:

- a. To allow for repairs to any main, service, or associated appendages.
- b. If owner refuses to make repairs to water service or interior plumbing after being served notice by the Town to do so.
- c. Denying entry to Town officials as set forth in Section 6.25 of this Article.
- d. Violation of cross-connection control regulations as set forth in Sec. 6.7 – 6.11
- e. Wasting of water as determined by the Superintendent.
- f. Non-payment of water used or service and repair bills unpaid 90 days after they become due.
- g. Violation of any provisions of these regulations.
- h. Any reason, that in the opinion of the Superintendent, jeopardizes or potentially the quantity or quality of the Town's water system.

Section 6.31 Town not liable

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

Section 6.32 Town not liable for damage due to leaks

Any damage caused by a water leak due to any and all causes.

Section 6.33 Town will not guarantee constant pressure

The Town does not guarantee constant pressure, uninterrupted service, nor does it assure the consumer either a full volume of water or the required pressure per square inch necessary to effectively operate hydraulic elevator, sprinkler systems, appliances, or any other usage, the same being subject to all the variable conditions that may take place in the use of water from the Town mains.

Section 6.34 Town not liable for dirty water

The Town will not be responsible for damages caused by rusty and/or dirty water resulting from the opening or closing of any gate for repairs, the use of any hydrant, the breaking of any pipe, or any circumstances beyond the Town's control.

Section 6.35 Town not liable for problems after work performed

The Town assumes no liability for conditions, which exist in consumer's pipes and cause trouble coincident to or following the repairs of any main pipe, service pipe, or meter.

Section 6.36 Right to shut off water

As set forth in Section 6.30 of this Article, the Town reserves the right at any time, without notice to shut off the water in the mains for purposes of making repairs, extensions, or for other necessary purposes. Persons having boilers or other devices on their premises depending on the pressure in the pipes to keep them supplied with water are hereby CAUTIONED against danger from these sources, and are required to provide, at their own expense, suitable safety devices to protect themselves against such danger. In any event, it is expressly stipulated that the town will not be liable for any damage resulting from water having been cut off, either through accident or necessity.

Section 6.37 Notice not required for shut off

When it becomes necessary to shut off the water from any section of the Town because of an accident or for the purpose of making changes or repairs, the Division will endeavor to give timely notice to as many of the consumers affected thereby, as time and the character of the repairs or the accident will permit, and will, so far as practicable, use its best efforts to prevent inconvenience and damage arising from any such cause, but failure to give such notice will not render the Town responsible or liable for any damages that may result from the shutting off of the water or any coincident conditions.

Section 6.38 Town not responsible for work by others

The Town accepts no responsibility for work done by others on mains, services, plumbing, or associated appurtenances.

ARTICLE VII METERS

Section 7.0 All Water to be Metered

The entire supply of the Town water furnished through each separate service tap and pipe for any and all premises must be furnished through one primary meter. All water passing through such meters will be charged to the owner of the property supplied, whether the water is used or wasted. Specifically designated fire services do not require meters except in specific circumstances determined by the Superintendent.

Section 7.1 Meters Specified by Town

The proper size, type, brand of water meter, and associated plumbing hardware required for any given service shall be specified by the Town. The Town shall standardize on brands of meters and associated equipment to be installed.

Section 7.2 Purchases and Installation of the Meter by Owner

The meter and associated materials shall be supplied and installed by the Town and remain property of the Town. If the service is 1.5 inches or larger the owner shall be responsible for the purchase and installation of the meter and the meter shall become property of the Town at the time the water service is turned on. The owner shall provide a shut off valve at the meter inlet. This shall be the first fitting inside the service building. On the discharge side of the meter the owner will place the appropriate backflow prevention device and then a stop valve in order to facilitate the removal of the meter. There shall be one meter per service and one service per building. Condominium owners see Section 7.13.

Section 7.3 Backflow Protection Required on All Services

All new service connections shall be equipped with a backflow prevention device on the property side of the meter. The Town shall approve the device used. The device shall be purchased and installed by the owner. The device shall remain the property of the owner who is responsible for the cost of its maintenance, repair, replacement, and testing (if required).

Section 7.4 Repair, Replacement of Meters

The Town shall have the right to remove, calibrate, repair, or replace any meter at anytime. The cost of ordinary care and repair of all primary meters is borne by the Town; the cost of unusual repairs (necessitated by freezing, hot water, etc.) due or attributable to any carelessness or neglect on the part of the consumer shall be borne by the owner. No person except authorized employees of the D.P.W. or persons expressly authorized by the Town shall install, remove, bypass, or repair any primary meter.

Section 7.5 Bypasses Required

Where necessary in the opinion of the Superintendent, industrial and commercial meter installations shall be equipped with a bypass line. The cost of the bypass line shall be borne by the owner. The bypass is to be sealed and operated only by employees of the D.P.W. The Town may require the installation of a meter and/or a backflow prevention device on the bypass line.

Section 7.6 Care of Meters

The property owner must execute responsible care to prevent damage to the water metering equipment. All repairs to meters from freezing, hot water, or external causes shall be charged to the owner of the building.

Section 7.7 Access to Meters

Authorized employees of the Town shall have access to primary meters for reading, testing, repairing, and calibrating. The property owner shall maintain the water meter and entrance valve free from rubbish or other materials, which may obstruct access by Town employees.

Section 7.8 Auxiliary Meters

Where a single meter covers the supply of water through a service, the Department will read and maintain this meter. If additional or auxiliary meters are wanted for showing subdivisions of such supply, they may be furnished and installed by the owner, at the expense of the owner, who must assume all responsibility of reading and maintaining the same.

Section 7.9 Testing Meters by Request

The accuracy of the meter on any premise will be tested by the Town upon written request of the owner, who shall pay in advance a fee to cover the cost of the test. If, on such test the meter is found to register over two percent more water than actually passes through it, the meter will be repaired and the fee will be refunded and the water bill for the current period will be adjusted in accordance with the result of the test; if, however, it appears that the person was charged or has paid for less water than he should have been charged with or should have paid for, he shall from this time forward be charged with the proper additional amount and shall pay the same, together with the expense of the examination and test to the Town.

Section 7.10 Town's Right to Change Meters

If, in the opinion of the Superintendent, a meter does not fit the conditions of the service installation, the Town has the right to change such meter. Such changes shall be made in accordance with current regulations and paid for by the owner.

Section 7.11 Tampering with Meters

No person shall open or in any manner tamper with a water meter or associated devices for the purpose of falsifying the meter reading. Penalties for such action are defined in Article XI.

Section 7.12 Reading for Ownership Transactions

When the ownership of a property is to be transferred, the owner must give the Town twenty-four (24) hours notice for the final meter reading. No sale or other transfer of title of property in the Town of Greenfield shall operate to bar the Town in collection of any balance due for meter repairs.

Section 7.13 Condominium Meters

Condominium Associations may choose to accept an exemption from Section 7.0, which calls for “The entire supply of the Town water furnished through each separate service tap and pipe for any and all premises must be furnished through one primary meter.”

If a Condominium Association chooses to have individual meters for each condominium unit then they must apply to the Superintendent of Public Works for an exemption of Section 7.0.

Any Condominium Association who has been granted said exemption must meet the following requirements:

- a.) The owners of each condominium unit for metered water use shall be responsible for the payment of all charges.
- b.) The Condominium Association shall have the full responsibility for all charges to purchase, install, repair, and replace meters, valves, piping, and all related appurtenances from the water main up to and including the meter.
- c.) Each unit must have a meter installed completely within the unit it services equipped with outside reader and separate valving.
- d.) Valving must be installed to allow independent operation of all services and must be contained completely within the unit it services.
- e.) All meters and valves shall conform to the Town of Greenfield requirements in regards to materials used and manner of installation.
- f.) All other provisions of these Water Use Regulations are to be met.

ARTICLE VIII REQUIREMENTS FOR THE CONSTRUCTION AND EXTENSION OF WATER MAINS AND BRANCHES

Section 8.0 Submission of Plans for Approval

Before the construction of any water mains, branch lines, non-residential service connections, and for appurtenances which are to be connected to the public water supply system plans and material specifications shall be submitted for approval by the Department of Public Works. The plans shall show the size and location of proposed pipelines, hydrants, valves, and types of pipe to be used, together with all property subdivision and lot lines. No mains shall be laid nor appurtenances installed until written approval by the Department of Public Works has been obtained.

Plans shall include an overall plot plan of the immediate area of the development at a suitable scale, as well as detailed plans at a scale of 1"=40' and showing contours, house locations, property lines, and street profiles. The overall plot plan shall show the position of the development and its streets, in relation to existing streets and property owners in the area.

Section 8.1 Application Fee

Application fee as set forth in Article III, Section 3.4 shall apply.

Section 8.2 Number of Plans to be Submitted

The Developer shall submit to the Department of Public Works three (3) sets of plans showing the water main installation as proposed. These plans shall be in addition to plans required by other Town Boards and Departments, and shall include a profile of all streets. The profile shall be based on U.S. Coast and Geodetic datum and each drawing shall refer to a local benchmark.

Section 8.3 Specifications for Material and Work

All construction, materials, testing, and disinfection shall be done in accordance to the Department of Public Works "Specifications for the Construction of Water Mains." A copy of these specifications is available at the Department of Public Works Office.

Section 8.4 Town Right to Reject

The Town reserves the right to reject all proposed water main additions if it judges this addition will be detrimental to the existing distribution system, or if adequate quantities of water and pressure can not be provided.

ARTICLE IX RATES AND CHARGES

Section 9.0 Schedule of Rates

The Board of Public Works shall set the current water usage rates. The rate shall be based on 100 (one hundred) cubic feet of water usage, and be uniform for all accounts.

Section 9.1 Schedule of Charges – Labor and Materials

Charges for material and labor shall be set forth in the Department of Public Works “Policy on Water and Sewer Customer Services.”

Section 9.2 Invoicing

The owner of the premises shall be responsible for the payment of all charges for water and service furnished to the property. (By State law all charges for water or service become a lien against the charge.) When ownership changes, the name and address of the new owner must be given to the Department of Public Works at once so bills may be promptly rendered. No sale or other transfers of title of property in the Town of Greenfield shall operate to bar the Town in collection of water service charges.

Section 9.3 Billing for Water Usage Will Be On a Biannual Basis

The Town will undertake to deliver to property owners the original bills for water and other charges against them, as committed by the Department of Public Works and the sending of such original bills may be deemed to constitute a sufficient notification of same and a demand for their prompt payment.

The failure of the property owner to receive his bill does not relieve him from obligation of its payment nor from the consequences of its nonpayment as required.

Section 9.4 Delinquent Payments

When charges for water supplied or for service rendered remain unpaid for more than 30 days, a Demand Notice will be mailed.

When charges remain unpaid for more than one year a lien shall be placed against the property.

Water service may be discontinued if charges for water supplied or for service rendered unpaid 90 days after they become due. When water service has been discontinued for nonpayment of charges, services will not be restored until all bills are paid in full; including charges related to turning the water off, and charges related to turning the water on.

Section 9.5 No Business with Delinquents

No person who owes an overdue bill for water charges shall be entitled to the further use of water at the same or any other premises until such water charges are paid in full, together with any other costs.

Section 9.6 Abatements

All water passing through a meter must be paid for whether used or wasted. A minimum charge will be assessed for water service from the date the water is turned on.

Section 9.7 When Meter is Out of Order

If a meter gets out of order or fails to register, the consumer will be charged at the average daily consumption as shown by the meter when in order, for the corresponding period of two years proceeding.

ARTICLE X PROTECTION FROM DAMAGE

Section 10.0 Violation

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, pollute or tamper with any water source, water supply structure, appurtenance or equipment which is a part of the water works. Additionally, no person shall make threats or claims of tampering with or polluting the public water system and thereby comprise public order and safety. Any person violating this provision shall be subject to appropriate legal action.

ARTICLE XI PENALTIES

Section 11.0 Written Notice

Any person found to be violating any provision of this regulation except Article X (Protection from Damage) 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. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 11.1 Fines

Any person who shall continue any violation beyond the time limit provided for in Article XI Section 11.1 shall be subject to legal action as set forth in Chapter 40 Section 39G of the Massachusetts General Laws. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 11.2 Liability

Any person violating any of the provisions of this regulation shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

Section 11.3 Falsifying Information

Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these regulations, or who falsifies, tampers with, or knowingly renders inaccurate any metering device or method required under these regulations shall subject to legal action as set forth in Chapter 165 Section 11 of the Massachusetts General Laws

ARTICLE XII VALIDITY

***Section 12.0* Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances, bylaws, or regulations or parts of regulations, and bylaws of the Town in conflict with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

***Section 12.1* Invalidation Clause**

Invalidity of any section, clause, sentence, or provision in the ordinance shall not affect the validity of any other section, clause, sentence, or provision of this ordinance which can be given effect without such invalid part or parts.

***Section 12.2* Severability**

If any provision, paragraph, word, section, or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

ARTICLE XIII

REGULATION IN FORCE

Section 1

This regulation shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Section 2

Passed and adopted by the Board of Public Works of the Town of Greenfield, Commonwealth of Massachusetts on the ____ day of _____ 2002 by the following votes:

Ayes _____ : Namely _____

Nays _____ : Namely _____

Approved this _____ day of _____, 2002

(Signed) _____

ATTEST: _____

Town Clerk, Greenfield MA

CERTIFIED AS TO FORM: _____

Town Counsel

