



**TOWN OF CONCORD**  
**CONCORD PUBLIC WORKS**

**RULES AND REGULATIONS**  
**GOVERNING WATER CONNECTIONS AND USE**

October 9, 2002

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## **Article I. Definitions**

Account shall mean the agreement between a property owner and the Water/Sewer Division of the Town of Concord for water service. Each account shall be metered and the consumption of water registered thereon shall be billed in accordance with the provisions of the applicable schedule of rates.

Applicant shall mean a person, persons or corporation who applies for an Account, as described in these Rules and Regulations.

ANSI shall mean the American National Standards Institute, Inc.

AWWA shall mean the American Water Works Association.

Backflow shall mean the flow of water or other liquids, mixtures or substances into the distribution lines of a potable water supply from any source other than the intended public water system source.

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.

Collector shall mean the Treasurer/Collector of the Town of Concord.

Commission shall mean the Town of Concord Public Works Commission. The Public Works Commission acts as the Water Commissioners of the Town of Concord and is empowered by Chapter 188 of the Massachusetts Legislature of 1872 and other Acts of the Massachusetts Legislature and by Town Bylaws 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, to enact these Rules and Regulations and to hear appeals therefrom.

Commonwealth shall mean the Commonwealth of Massachusetts.

Customer shall mean the person or party responsible for an Account, as described under these Rules and Regulations.

Cross-connection shall mean any actual or potential connection between potable water from the public water system and any other source of liquids, mixtures or substances.

DEP shall mean the Massachusetts Department of Environmental Protection, which is the regulatory agency for the Federal Safe Drinking Water Act.

Director shall mean the Director of Concord Public Works or his/her designee.

Division shall mean the Town of Concord, Water/Sewer Division of Concord Public Works.

Disconnect/Connect service shall mean the process of shutting off the curbstop valve and/or the house shut-off valve and removing the water meter as well as the reverse process.

Irrigation systems shall mean any equipment that conveys water for irrigation purposes and that is permanently connected to the public water supply.

Main shall mean the water supply pipe laid in the right of way from which service connections are made.

Meter shall mean a device installed for the measurement of water quantities to be used as a basis for determining charges for water service.

Meter pit shall mean an underground chamber along a service line, suitable for installation of a water meter and for protecting the meter from the effects of weather.

Moisture sensing device shall mean a sensor that automatically shuts off irrigation system controllers in response to rainfall.

Potable water shall mean water from any source, which is approved by the DEP for human consumption.

Pressure Vacuum Breaker (PVB) shall mean an approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure.

Reduced Pressure Backflow Preventer (RPBP) shall mean an approved testable backflow prevention device incorporating: (a) two or more check valves, (b) an automatically operating differential relief valve located between the two checks, (c) two shut-off valves, and (d) necessary appurtenances for testing; as defined in state regulations.

Schedule of rates shall mean all charges for water use and for water services as described herein. Rates and fees shall be computed in accordance with the schedule of rates on file with the Division. This schedule of rates shall be approved by the Commission in accordance with the laws of the Commonwealth and shall be revised periodically as appropriate.

Service connection shall mean all the lines and materials from the water main to the customer's water system and is equivalent to 'water service'.

Service line shall mean the pipe that conveys water from the water main in the right of way to the customer.

Shut off of service shall mean the turning of a valve in the service line so that water no longer flows to the customer.

Superintendent shall mean the Superintendent of the Town of Concord Water/Sewer Division, or his/her designee.

Tapping shall mean to make a connection with or open outlets from a water main.

Timing device, also known as an irrigation controller, or a clock, shall mean a piece of equipment that turns the irrigation system on and off at desired times and operates the in-ground irrigation system for a period of time.

Town shall mean the Town of Concord.

Water service shall mean all the lines and equipment from the water main to the customer's water system, and is equivalent to 'service connection'.

## **Article II. Connections To And Work On The Water System**

### **Section 1. Application For Water Service**

The owner or owners of the real estate for which the public supply of water is sought shall make written application for water service. All fees associated with providing water service shall be assessed and collected before service is provided. No person shall connect, or cause to be connected, any pipes to the water system, or take any water therefrom, without permission of the Division.

Approval of applications shall be valid for six months, unless extended in writing by the Superintendent. If applicants do not make a service connection within six months of the date of approval, then the approval shall be revoked, unless the deadline for making a service connection is extended by the Superintendent in writing.

### **Section 2. Availability Of Service**

#### **2.1. General**

The approval of an application for a water service account will be contingent upon the existence of a water main in the public or private way in front of the property to be served. Furthermore, the pressure and carrying capacity of the water main must be sufficient to serve the applicant without adversely affecting the service to existing users.

#### **2.2. New, Large Water Users**

Any person making application to: a) extend mains or b) create service lines to provide water use having a design demand for water of 30 gallons per minute or more (except for fire protection purposes) shall submit a water use impact report and conservation plan to the Division. This report shall define the proposed water use impact on the Division's

current and future demand for water and set down actions the applicant will take to mitigate the effects of this impact. Approval of an application to provide water service to large users may be conditional, requiring periodic review of measures taken by the customers to mitigate the impact of their demand for water on the public water supply. All reasonable costs associated with reviewing the report will be borne by the applicant.

### **Section 3.** Extensions Of Water Mains

#### 3.1. General

Requests for the extension of water mains must be made in writing to the Town Engineer. Any person making an application for the extension of water mains shall submit a water use impact report and conservation plan in accordance with section 2.2 above. All such water main extensions shall be constructed by applicants at their expense under the supervision of the Division and in accordance with its specifications. The main must be extended (including necessary hydrants and appurtenances) to the furthest limit of the property to be served by water. The applicant shall pay for the cost of inspection by the Division in accordance with the schedule of rates.

#### 3.2. In Private Ways

An applicant requesting extension of water mains in a private right of way must comply with the "Rules for Extension of Water Mains in Existing Private Ways" dated May 17, 1995 as amended, and must convey to the Division any easements necessary to maintain the pipe and appurtenances, along with ownership of the main itself.

#### 3.3. Assessments

The Public Works Commission may levy assessments, under Massachusetts General Laws Chapter 80, to meet costs hereinafter incurred by laying water pipes in public or private ways, and the whole cost of laying such pipes shall be assessed according to the method determined by the Commission.

### **Section 4.** Installation Of Water Service

#### 4.1. General

The Division shall furnish and install the service tap from the water main to the property line, unless the Superintendent has specifically authorized another party to do so. It is the responsibility of customers or their contractors to install, at their expense, the water service from the property line to the building, according to Division specifications. The customer shall be charged fees pertaining to the installation of service lines in accordance with the schedule of rates.

Installation of services extending beyond the end of an existing water main shall not be allowed. The Division shall approve all service materials and installation activities. New service lines must be inspected by the Division before backfilling the associated trench.

The size of the service shall be subject to approval of the Superintendent. In some cases, such as when the service line is greater than 150 feet in length, the Superintendent may require a meter pit at the edge of the right of way. The Superintendent may restrict the maximum length of service lines based on specific, local conditions.

Any request for a service line greater than 1-inch in size must be accompanied by an analysis performed by a registered engineer demonstrating the need for a service connection of the size requested, and stating that there is no other, reasonable method for meeting such need.

That portion of a service connection installed within a public way and terminating at a shut off shall be considered the property of the Division upon its construction and acceptance. The Division shall be responsible for its maintenance. That portion of a service connection not lying within the public way shall remain the property of the customer, who shall be responsible for its maintenance.

No existing service connections shall be altered without the written permission of the Superintendent. The applicant shall pay a fee for the Division to inspect the construction, repair or replacement of the service connection. The fee for this inspection shall be in accordance with the schedule of rates.

The applicant shall be responsible for the cost of a new meter on a service connection including the cost of its installation by the Division. The meter shall remain the property of the Division.

#### 4.2. Proximity To Other Utilities

Service lines shall not be placed within 10 feet of pipes carrying wastewater or associated infrastructure, or within 3 feet of any other utilities except under special conditions and with the prior approval of the Superintendent. In such cases, a suitable plan prepared by a registered engineer must be submitted to the Superintendent for approval.

#### 4.3. Installation During Winter Months

No new water service shall be installed from December 1 to April 1 of the following year except in such cases deemed appropriate by the Director.

#### 4.4. One Service Connection Per Premises

Only one service connection shall be made to each building except for a service intended to provide fire protection (see Section 7 below) or under special conditions and with the prior approval of the Superintendent. Each service connection shall be provided with an individual shut off.

If a property is subdivided, then each of the resulting properties must have its own service connection. This may require replacing an existing service connection with a main.

#### 4.5. Two Family Buildings

In the case of buildings containing two dwelling units, each dwelling unit in the building may be provided with an individual service connection from the main, with a shut off valve. If each dwelling unit has its own service connection, then water use through each service connection shall be separately metered and there shall be no interconnection between the plumbing of the two dwelling units.

#### 4.6. Unusual Construction

Any customer desiring any unusual construction, alterations or attachments connected with the water supply must submit plans and specifications for the same to the Superintendent for his approval. The Superintendent shall determine the terms and conditions under which the same will be allowed.

### **Section 5.** Customer Responsibility For Water Service

Customers must keep their service line and fixtures in good repair and protected from frost at their own expense. They shall be responsible for any damage resulting from their failure to do so.

In case of a leak in the customer's service connection or water system, such leak must be repaired as soon as possible upon discovery by the customer or upon report to the customer by the Division, as a condition of continued service. The customer shall be billed for the estimated water use if repairs are not made within a reasonable period of time.

Service lines or fixtures of any description that are connected with the mains of the Division will not under any circumstances be connected to any other sources of supply.

All service lines between the right of way and the meter may be repaired or re-laid by the Division when the Superintendent deems it necessary for the protection of the water supply. The cost of such work may be charged to the customer.

### **Section 6.** Remote Meter Registration Devices

New services shall be installed with wiring from the location of the water meter to a touch pad outside the building, unless a device is installed to transfer meter registration information off the premises. It is the customer's responsibility to maintain this wiring. If such wiring fails, it is the responsibility of the customer to repair or replace the wiring within a reasonable time, or to pay for installation of a device which transfers meter registration information off the premises.

### **Section 7.** Standby Fire Protection

Written applications for water for fire protection service shall be made by the owner or owners of the real estate for which the public supply of water is sought.

Water services for fire protection shall be separate service connections to the water main, unless the Superintendent specifically authorizes otherwise. Water services and appurtenances that are to be used for fire protection shall have appropriate backflow prevention devices and may not be physically connected to service lines used for domestic and sanitary purposes unless approved by the Superintendent.

All pipes and equipment must be arranged so that Division personnel can easily inspect them. Whenever it is considered necessary for the protection of the water supply and in the interest of the Division, the Superintendent shall have the right to require the installation of meters, flow switches, alarms or other equipment. The installation and upkeep of such equipment shall be at the customer's expense.

## **Article III. Use Of The Water System**

### **Section 1. Conditions of Service**

#### 1.1. General

The 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.

No customers shall operate apparatus on their water lines, water meter or elsewhere on their premises that will adversely affect the operating conditions of the Division's system or its equipment or its ability to serve other customers.

Customers are responsible for notifying the Division if a building becomes vacant and requesting that the water service be shut off.

#### 1.2. Pressure

Variations in water pressure will not be considered a violation of these Rules and Regulations when they arise from unusual or extraordinary conditions, or arise from the operation of the customer's own fixtures or appliances. It is the customer's responsibility to install suitable equipment to protect private piping, equipment and property from variations in water pressure.

#### 1.3. Temporary Interruption Of Service

The Division reserves the right to interrupt service temporarily in order to perform maintenance or repairs on the water system. Whenever possible, the Division will notify customers of scheduled interruptions. However, in case of an emergency, the Division 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 the making of repairs or alterations, or other necessary purposes. In such cases, no person shall be entitled to receive damages or refunds of payments because of any such interruption or any consequent conditions.

#### 1.4. Water Quality

The Division shall not be responsible for property damage attributed to variations in water quality.

Filtering or treating the water may remedy persistent problems. However, the Division and DEP do not recommend filtering or treating customer's water supply. The Division and DEP do not regulate or recommend specific treatment systems for private home use.

If customers decide to use a filtration or treatment device in their building, the Division strongly encourages them to contact the National Sanitation Foundation (NSF) for a list of approved devices. If customers purchase a treatment device for private use, the Division also strongly recommends that it be maintained according to the manufacturer's instructions. Failure to maintain the equipment properly may make treatment ineffective and/or may create the potential for contamination of the customer's own water supply.

### **Section 2.** Right Of Entry

The owners or occupants of any premises served by the Division's water system shall, upon presentation by Division personnel of their credentials, authorize entry to their premises during normal business hours, as provided for under the Massachusetts General Laws Chapter 165, Section 11D, for the purpose of inspecting and surveying their water system for new installations or cross connections, or to remove, repair or replace any water meter, or to conduct water quality sampling and testing. When such access is refused, the water shall be shut off after proper notice has been provided until such access has been allowed and fees have been paid for shutting off and turning on the water.

Duly authorized employees of the Division, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Division holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

### **Section 3.** Supplying Water To Other Premises Prohibited

A customer shall not be permitted to supply another property with water, except in emergencies, and then only with the permission of the Superintendent.

### **Section 4.** Meters

#### 4.1. Location

The location of all meters shall require the approval of the Superintendent. All meters shall be installed at the nearest point practical to where the service connection enters the premises, unless the Superintendent requires the installation of a meter pit. Furthermore,

it is the responsibility of the customer to maintain unobstructed access to the meter so that it may be read and maintained.

A shutoff valve at the meter inlet shall be the first fitting inside a serviced building. A stop valve shall be installed near the outlet of the meter by the customer at his expense to permit removal of the meter without backflow from the premises' internal water system.

All meter installations on services that cannot be shut off for meter repairs shall be equipped with a bypass at the expense of the customer.

#### 4.2. Meter Pits

Installation and repair of meter pits must be approved by the Superintendent and shall be done at the customer's expense.

#### 4.3. Size, Type And Manufacture Of Meter

The Superintendent shall approve the size, type and manufacture of the meter required for any service. If, in the opinion of the Superintendent, a meter does not fit the conditions of the service, the Division has the right to change such meter.

The size of meters will be based on the estimated peak demand for water in gallons per minute as determined by plumbing fixtures in the building, or as required for standby fire protection (if the Superintendent approves using the same service connection for both purposes). If the building contains an irrigation system or non-standard water-using fixtures or appliances, then the owner shall calculate the peak demand for water in gallons per minute and the average daily demand for water to the satisfaction of the Superintendent for the purpose of sizing the meter.

#### 4.4. Access To Meters

It shall be the responsibility of every customer to ensure that meters on service connections are readily accessible to Division personnel, regardless of where the meters are located. Failure to remove obstructions which prevent access to the meter within three days after being notified by the Division shall be cause for the water to be shut off to the premises and it shall not be turned on until all obstructions are removed, all regulations are complied with, and all expenses for shutting off and turning on the water are paid.

#### 4.5. Remote Meter Reading

If a customer requests that a device be installed to transfer meter registration information off the premises for the customer's convenience, it shall require the approval of the Superintendent and shall be installed at the customer's expense.

The Division maintains the right of access to the premises in order to verify the consistency of the meter registration with the remote registration. The meter having actual contact with water shall serve as the primary measuring device and shall govern all billing and billing adjustments.

#### 4.6. Right To Change, Repair Or Test

The Division has the right to replace and repair meters or test meters in order to verify or insure their accuracy. It is the responsibility of the customer to provide access to the meter for these purposes.

The cost of periodically testing and replacing all meters less than one inch in size shall be the responsibility of the Division. The incremental increase in the cost of periodically testing and replacing all meters one-inch in size or larger shall be the responsibility of the customer.

For meters over one-inch in size, if the customer is unable to provide an opportunity to change, repair or test the meter during normal working hours, it is the responsibility of the customer to provide an acceptable bypass of the meter in order to accomplish replacement, make repairs or conduct in-place testing. All bypasses shall be metered unless the Superintendent waives this requirement.

#### 4.7. Care Of Meters

The meter and its appurtenances are the property of the Division and the customer shall be held responsible for any damage thereto resulting in any way from negligence on the part of the customer. All persons are prohibited from damaging the meter or tampering with the meter including breaking any seal on the meter. The Division has the right to prosecute fully under the law any action by the customer or any other person, which has the effect of interfering with the proper operation of the meter or bypassing the meter.

#### 4.8. Meter Testing

Customers may request to have the meter which is currently in place and being used for billing by the Town tested for accuracy. All meters will be tested for accuracy in accordance with industry standards for the type of meter in use as published by the American Water Works Association. A written report of the meter accuracy test will be provided to the customer and a one-time charge will be assessed according to the current schedule of rates.

If the meter is found to be over registering, then the Division will assume the full amount of the charge for testing the meter, and the water user fees based on readings from the meter shall be adjusted in accordance with the result of the test.

## **Section 5.** Rates and Fees

### 5.1. User Fees

Owners of property are responsible for payment of all fees for water service. The Division shall not bill tenants or contractors, although they may receive a copy of bills upon request. Customers shall be charged fees and held responsible for service until the Division is notified in writing that they no longer desire to use the public water supply. The Division is not responsible for leaks on the customer's property. Water passing through a meter shall be considered used by the customer. The rights and obligations of the customer shall be further subject to the schedule of rates and the Rules and

Regulations of the Concord Water/Sewer Division as duly adopted by the Public Works Commission from time to time.

5.2. Minimum Charge

A minimum charge shall be assessed for water service from the date the water is turned on, regardless of the amount of water used, according to the current schedule of rates.

5.3. Turning On Or Shutting Off

A charge shall be made for turning water on or shutting water off.

5.4. Overdue Bills

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

5.5. Claims For Adjustments

All claims for adjustments of water bills shall be made to the Director in writing within 30 days of receipt of the bill.

5.6. Broken Meters

If a meter fails to work, the customer shall be charged a user fee based on the average daily consumption of water as shown by the meter when it was working, for the corresponding billing period of the preceding year.

5.7. Connection Fee

A one-time charge shall be assessed according to the current schedule of rates based on the size of the domestic water service requested by the customer and approved by the Superintendent. This fee shall apply to all new services and to the renewal of an existing service when the size of the service is being increased.

5.8. Tapping Fee

A one-time charge shall be assessed according to the current schedule of rates for the Division to open the outlet from the water main for a service connection to a customer's property.

**Section 6.** Final Readings

In the case of the sale of property, owners of property are responsible for notifying the Division of the date of the sale and the name of the new owner, if the customer knows it. The Division may, at its option, accept such notice verbally. Failure of a seller to notify the Town of a change of ownership does not relieve the responsible party for any charges due to the Division.

**Section 7.** Shut Off Of Service

The Division has the right to shut off the service without notice, for the purpose of making emergency repairs or alterations, or to prevent possible contamination through cross connections or to prevent negligent or willful waste of water by the customer.

Requests by the customer for turning on or shutting off a water service shall be made in writing, signed by the property owner or his agent at least 24 hours in advance, except in the case of an emergency. Only Division personnel shall open or close outlets or gate valves. Charges for such service shall be in accordance with the schedule of rates.

## **Section 8.** Delinquent Accounts

Delinquent accounts for service in Concord will be certified to the Town for the perfecting of liens on the real estate. The Division also reserves the right to shut off its service to the premises of any delinquent account. Before such service can be restored, the customer shall arrange with the Collector for the payment of the delinquent account together with the appropriate turn on or shut off fee as described in the schedule of rates.

## **Section 9.** Use Of Hydrants

The primary use of hydrants is to fight fires and to maintain or improve the distribution system. Written approval of the Superintendent is required in order to use a hydrant as a temporary source of water. Charges for such temporary use shall be assessed in accordance with the schedule of rates.

Fire hydrants and water mains on private property shall be inspected periodically by the Division. Any repairs necessary for proper operation of hydrants or the proper functioning of water mains on private property shall be the responsibility of the property owner. Such repairs shall be completed within 30 days after due notice has been given in writing to the owner by the Division.

## **Section 10.** Testing Private Fire Systems

No water shall be taken or used through private fire systems for testing unless the Superintendent issues written permission. Such test must be conducted in the presence of a representative of the Division.

## **Section 11.** Cross Connection Control

No water service connection to any premises will be installed or maintained by the Division unless the water supply is protected as required by Massachusetts State Law, drinking water regulations 310 CMR 22.22 and this regulation. Where cross connections exist an approved backflow prevention device must be installed at the owner's expense and tested in accordance with the drinking water regulations of Massachusetts and the requirements of this regulation.

The design and installation of backflow prevention devices shall be approved by the Superintendent and, if testable, shall be tested by the method prescribed in DEP Regulations.

The property owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and for installation of the backflow prevention devices. The owner shall inform the Division of any proposed or modified cross connection and any existing cross connection of which the owner is aware.

Any existing backflow preventer shall be allowed by the Division to continue in service unless the degree of hazard is such as to exceed the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where a change in use increases the degree of hazard, any existing backflow preventer must be upgraded.

Backflow prevention devices must be installed on the owner's side of the water meter within any premises where, in the judgment of the Superintendent, the nature of the activities on the premises or the materials used or stored on the premises present a hazard or potential hazard should a cross connection occur, or where it is impractical to determine whether or not dangerous cross connections exist because of intricate piping arrangements, or because entry into all portions of the premises for inspection of piping is not practical.

## **Section 12.**                   Irrigation Systems

### 12.1. Notice.

Any persons who have an irrigation system, or who intend to install one must notify the Division of the existence of said system, or of their intention to install a new system prior to the actual installation. All systems currently in existence as well as any installed in the future must comply with all Rules and Regulations of the Division.

### 12.2. Moisture Sensing Devices.

Irrigation systems shall be equipped with a moisture sensor tied directly into a timing device or controller so that irrigation will be automatically prevented in response to rainfall. All irrigation systems existing as of October 9, 2002 shall include a moisture sensing device capable of complying with this requirement no later than May 1, 2003.

### 12.3. Timing Devices.

Irrigation systems shall be equipped with an automatic timing device acceptable to the Division so that the system can be programmed to automatically limit operation to prescribed schedules and restrictions including irrigation on odd or even numbered days, day-of-the-week scheduling including no watering on Mondays, and time of day scheduling. All irrigation systems existing as of October 9, 2002 shall include a timing device capable of complying with this requirement no later than May 1, 2003.

#### 12.4. Backflow Prevention Devices.

In order to protect the public water supply from contamination from lawn chemicals (pesticides, herbicides and fertilizers) which can be drawn into the distribution system through irrigation pipelines, all property owners installing new irrigation systems or replacing a backflow prevention device on an existing irrigation system are required to have in place a Reduced Pressure Backflow Preventer (RPBP) type backflow prevention device on their irrigation system.

All irrigation systems with Pressure Vacuum Breaker (PVB) type devices installed prior to October 9, 2002, shall be allowed to continue to utilize the (PVB) until it fails, provided that these devices are mounted at a minimum of 1-foot above the highest sprinkler head elevation. In the event that this requirement is not met, or that a PVB device fails, then a new (RPBP) type device will be required to replace it.

For all new irrigation systems, or those where a backflow prevention device is replaced, a Design Data Form and Plumbing Plan must be submitted to the Division for review and approval before the installation of a backflow device. The irrigation system will not be allowed to go into service until approval of the Design Data Sheet And Plumbing Plan has been granted and the initial testing of the backflow device has been completed.

The Division will inspect said device initially and periodically thereafter.

### **Section 13.** Water Use Restrictions

The Public Works Commission or their designee may declare a state of Water Supply Conservation upon determination that a shortage of water exists. The Division has the right to impose temporary water use restrictions as it deems necessary and in accordance with the Town Bylaw.

## **Article IV. Protection Of Public Water System from Damage**

### **Section 1.** Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the water system. Any person violating this provision shall be subject to appropriate criminal proceedings.

### **Section 2.** Siphoning

The siphoning of water from any pond, stream, river, watercourse, or surface water within the Groundwater Conservancy District or on Division-owned land within the Watershed of Nagog Pond into a tank vehicle, or into any tank contained in or on a vehicle, shall be prohibited, except for municipal fire apparatus.

**Section 3.** Safety

While performing the necessary work on private properties referred to in this Article, the duly authorized employees of the Division shall observe all safety rules applicable to the premises established by the customer.

**Article V. Penalties**

**Section 1.** Notice

Any person found to be violating any provision of these Rules and Regulations may be served by the Division with written notice, stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period stated in such notice, permanently cease all violations.

**Section 2.** Shut Off Of Water

Any person served by the Division with a written notice pursuant to Article V, Section 1, who shall continue any violation beyond the time provided for in Article V, Section 1, may result in the Director ordering the shutting off of the water to the violator's premises. When the water has been shut off for violations of rules, it shall not be turned on again until the Director is satisfied that there shall not be further cause for complaint and that charges have been paid to cover the cost of shutting off and turning on the water.

The Division has the right to shut off service providing notice has been given at least thirty-six hours in advance in person or by registered or certified mail to the last address given to the Division by the customer. This shall be done for failure to pay bills when due, or for violation of these Rules and Regulations.

**Section 3.** Fines

Whoever unlawfully and intentionally damages a water meter or prevents such meter from duly registering the quantity of water supplied through it, or hinders or interferes with its proper action or just registration, or attaches a pipe to a main or line belonging to the Division, or otherwise uses or causes water to be used without the consent of the Division, shall be punished by a fine in accordance with M.G.L.Chapter 165: Section 11. [\$100]

Whoever violates the Massachusetts Drinking Water Regulations set forth in 310 CMR 22.20B concerning the use of Reservoirs and the protection of surface water supplies shall be punished by a fine in accordance with M.G.L. Chapter 40 Section 21(8) [\$50]

Each day of violation shall constitute a separate offence.

**Section 4.** Non-Criminal Disposition of Violations

Any person violating the Water Use Restriction Bylaw shall be liable to the Division in the amount specified in the Bylaw for each violation, or on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the Massachusetts General Laws.

Each day of violation shall constitute a separate offence.

**Section 5.** Making Changes Without Approval

In addition to the aforementioned penalties, any person making any connections with or opening into, or substantial change in use of any public water supply or appurtenance thereof, without the approval of the Superintendent, shall pay twice the amount of all required fees, including the Water User Fee. Any unpaid fees shall be subject to the same penalties and fees applicable to unpaid real estate taxes as established by State statute.

**Section 6.** Liability

Any person violating any of the provisions of these Rules And Regulations shall become liable to the Division for any expense, loss, or damage occasioned the Division by reason of such violation.

## **Article VI. Validity.**

Prior Rules and Regulations of this Department or parts thereof in conflict herewith are hereby repealed by the adoption of these Rules and Regulations. Any provision of these Rules and Regulations that is found to be unenforceable in any court of the Commonwealth of Massachusetts shall not effect the validity of any other provision of these Rules and Regulations. These Rules and Regulations and any amendments thereto shall be in full force and effect from and after their passage, approval, and publication as provided by law. These Rules and Regulations, including amendments thereto, are available for inspection at the Concord Public Works building, 133 Keyes Road, Concord Massachusetts during regular business hours.

PASSED AND ADOPTED AT A DULY AUTHORIZED MEETING OF THE PUBLIC WORKS COMMISSION OF THE TOWN OF CONCORD, COMMONWEALTH OF MASSACHUSETTS HELD ON OCTOBER 9, 2002.  
PUBLIC WORKS COMMISSIONERS

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Sharon M. Jones, Chair

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Elissa J. Brown, Vice Chair

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Jeffrey W. Adams

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Eric J. Shapiro

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Judith K. Sprott

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William B. Edgerton, Director of Concord Public Works