

Chapter 20 WATER*

Section 20-1. Board of public works; Powers, Duties generally.

- (a) The care and management of the water department of the city shall be under the charge and control of the board of Public Works.
- (b) Duties. The board of public works shall distribute and control the use of the water furnished to the city and shall install and maintain water meters in accordance with the M.G.L. The board of public works shall lay and install pipes, hydrants, and other fixtures and appliances necessary or proper for supplying water within the city, and shall keep and maintain the pipes and other waterworks under their charge in good condition and repair. The board of public works shall keep an account of all tools, pipes, and all materials and property belonging to the water department. The board of public works shall enforce such ordinances, rules, or regulations pertaining to the water department as may be adopted by the city council.

(Ord. of 12-28-87, §§ 1, 2) Cross reference(s)--Board of public works, § 2-161 et seq.

Section 20-2. Determination of water rates.

- (a) The board of public works shall establish a water rate as a fixed sum per one hundred (100) cubic feet of water used by every person to whom the city furnishes water. For purposes of this section "person" shall include, but shall not be limited to, a trust, a realty trust, tenants in common, tenants by the entirety, joint tenants, or any other entity or form of ownership by which real property is held.
- (b) The board of public works shall send notice of such water rates as established to the mayor, the clerk of the board of aldermen, the clerk of the common council, the city clerk, and the treasurer-collector, and shall cause notice of such water rates to be published in a newspaper of general circulation within the city. The water rates as established shall be billed to every person subject to the provisions of this chapter.

(Ord. of 12-28-87, § 3)

Section 20-3. Determination and collection of water bills.

- (a) The board of public works or their designated representative is hereby authorized, directed, and empowered to determine and render bills for the water rates against every person subject to the provisions of this chapter, at the rates authorized.
- (b) The revenues collected as a result of water rates shall be reserved exclusively for the purpose of paying the city's water charges assessed by the Massachusetts Water Resources Authority (MWRA), and for other expenses incurred to maintain, repair, and improve the city's water system.
- (c) The city treasurer-collector is hereby authorized, directed, and empowered to collect any sums so determined and billed, enjoying all powers delegated to him by general law, special law, the Charter or ordinance.
- (d) The board of public works may make abatement of water charges for sufficient cause.

(Ord. of 12-28-87, § 4)

Section 20-4. Promulgation of regulations, fees or conditions by the board of public works.

The board of public works is authorized and directed to promulgate such regulations, service fees or conditions as may be required to effect compliance with federal or state requirements, or to otherwise provide adequate funding, management oversight and supervision of the water system of the city. (Ord. of 12-28-87, § 5)

Section 20-5. Records; annual report to mayor.

The Board of Public Works shall keep in suitable books a list of the names of all persons to whom water service is supplied, the name of the street and the number, and shall make an annual report, as requested, to the mayor relative to their activities during the preceding fiscal year. (Rev. Ords. 1976, Pt. 2, Ch. 18, § 6)

Section 20-6. Application for permanent service.

- (a) Generally. Applications for the installation of water service must be made in person by the owner or authorized agent of the premises to be supplied.
- (b) Forms, deposits. If the Board installs such water service they shall furnish the applicant with a statement of the estimated cost of making such connections, which must be paid in advance. Any amounts so paid in excess of the actual cost will be refunded to the applicant, and any amount due by reason of the cost exceeding the estimate must be paid by the applicant before service commences.

(Rev. Ords. 1976, Pt. 2, Ch. 18, §§ 7, 8)

Section 20-7. Water used for temporary purposes.

- (a) Water for temporary purposes shall be furnished only on application of the owner or authorized agent of the location for which water is to be used, and must be paid for in advance and a written permit obtained.
- (b) The water shall be used for no other purpose than that stated in the permit, and upon any violation of this rule, the water service shall be discontinued and shall not be restored except as provided in this chapter.

(Rev. Ords. 1976, Pt. 2, Ch. 18, § 11)

Cross reference(s)--Buildings and building regulations, Ch. 4.

Section 20-8. Forfeiture of deposit.

The board of public works may declare forfeited any deposit made for water by any person committing a violation of the rules and regulations of this chapter.

(Rev. Ords. 1976, Pt. 2, Ch. 18, § 12)

Section 20-9. Notice of termination of service.

Before shutting off water in any section of the city, the board of public works shall, except in case of an emergency, notify the water users to be affected thereby.

(Rev. Ords. 1976, Pt. 2, Ch. 18, § 13)

Section 20-10. Limitations upon opening fire hydrants.

No person, without previous permission in writing from the board of public works or its duly authorized agent, shall unscrew the cap of or open any hydrant attached to the water system;

nor leave a fire hydrant open for a longer time than the board of public works may stipulate; nor use the water for other purposes than that for which such permission is granted.

(Rev. Ords. 1976, Pt. 2, Ch. 18, § 14)

Cross reference(s)--Fire prevention and protection, Ch. 8.

Section 20-11. Requirements for service pipes.

The water service pipe and appurtenances thereto shall be as prescribed by the Board of Public Works and in conformity with the American Water Works Association standards.

(Rev. Ords. 1976, Pt. 2, Ch. 18, § 15)

Section 20-12. Regulations considered part of contract.

The provisions of sections 20-13 to 20-19 shall be considered a part of the water contract with every person to whom water is furnished, and every such person shall be bound thereby. Whenever any such regulation is violated, the water may be shut off, and service shall not be restored except as provided in this chapter. (Rev. Ords. 1976, Pt. 2, Ch. 18, § 16)

Section 20-13. Maintenance of pipes; allowing waste.

The person to whom water service is furnished shall keep the service pipes within his premises, in good order and repair, and protected from frost. The person to whom water service is furnished shall not allow the water to leak away or run to waste.

(Rev. Ords. 1976, Pt. 2, Ch. 18, § 17)

Section 20-14. Changes in pipes and fixtures; concealing purpose for which water used; right of entry.

- (a) The person to whom water service is furnished shall not make any change in the pipes prior to the meter unless such change is approved by the board of public works.
- (b) Such person shall not conceal the purpose for which the water is used. Such person shall allow the board of public works and its authorized agents to enter the premises supplied with water for the purpose of examining the fixtures, ascertaining the quantity of water used, the manner of use, and whether there is any unnecessary waste.

(Rev. Ords. 1976, Pt. 2, Ch. 18, § 18)

Section 20-15. Meters and Meter Testing

- (a) **Furnishing of Meters and Meter Size.** For residential and non-residential buildings, the City Services Commission (Commission) shall furnish at its expense meters and all automatic reading devices, up to and including two inches in size, along with the necessary bushings and couplings to attach to the plumbing. The owner shall furnish at its expense meters three inches in size or larger, except that the replacement of any such meter shall be at the Commission's expense. The size of the meter required shall be subject to the approval of the Commission.
- (b) **Ownership.** All meters, once installed, become the property of the Commission, except that the Commission may refuse to take ownership of a meter which is improperly installed or which is the wrong type or size for the premises in question. Where a meter is improperly installed or is the wrong type or size, the owner shall be

- required to furnish a meter approved by the Commission prior to the commencement or let on of water service. The Commission has the right to change the size of the meter without charge to the owner. However, all costs and expense associated with the installation of a meter outside of normal business hours shall be borne by the owner.
- (c) Installation of Meters. The Commission shall, at its expense, install all meters up to and including two inches in size. Prior to installation of the meter, the owner shall at its expense complete the plumbing so that the premises are ready for meter installation. If plumbing work is necessary to make the premises meter-ready, the Commission will provide plumbing specifications to enable the owner to prepare the premises for meter installation. The plumbing shall be completed in a manner that permits installation of the meter closest to the point of entry of the water service pipe. All meters three inches in size and larger and automatic reading devices shall originally be installed by the owner at its expense and inspected by the Commission. The Commission shall at its expense replace such meters and automatic reading devices. All meters and meter installations shall conform to the Commission's Design Criteria and comply with these Regulations. Meters three inches in size and larger shall be the turbine or compound type as determined by the Commission and shall be installed with a strainer of the same manufacturer and with a 1-inch tap for meter testing by the Commission.
 - (d) Location of Meters. All meters shall be installed within an owner's building as close to the public water supply main as possible in an ample and suitable space free from exposure to freezing unless otherwise directed by the Commission. This space shall at all times be unobstructed and accessible to the Commission for reading, testing, inspection and maintenance purposes.
 - (e) Outside Meter-Reading Devices or Automatic Reading Devices. The Commission may install a device on the inside or outside of a building in a conveniently accessible location to enable routine meter readings without internal access to the owner's building. A device on a two-inch or smaller water supply line shall be installed at the Commission's expense. Devices installed on meters three inches or larger shall be approved by the Commission and installed by the owner at its expense. The Commission shall subsequently maintain and replace such devices at its expense.
 - (f) Right to Enter Premises. In accordance with the Massachusetts General Laws Chapter 165 Section 11 D, the Commission may enter premises to install, examine, calibrate, repair, test or remove meters and automatic reading devices.
 - (g) Meter Testing. The Commission may subject all meters to periodic tests. The Commission may at any time test, repair or replace any meter at its option and expense. An owner may request that the Commission test his or her meter.
 - (h) Meter Tampering. No person shall bypass, tamper with or prevent a meter from registering water consumption, and such acts shall be subject to the penalties stated in Massachusetts General Laws Chapter 165 Section 11 and to such other penalties as the Commission may adopt.
 - (i) Meter Replacement or Repair. The Commission maintains an annual meter installation and maintenance program. Upon notification that a meter is broken or missing, the Commission will install a new meter, provided that the premises are meter-ready. The replacement of a frozen meter or a meter that is lost in service shall

be at the owner's expense. If plumbing work is necessary to make the premises meter-ready, the Commission will provide plumbing specifications to enable the owner to prepare the premises for meter installation. (C0028-11)

Section 20-16. Turning on, shutting off service restricted.

No person, except a duly authorized agent of the board of public works, shall be allowed to turn on or shut off the water service. (Rev. Ords. 1976, Pt. 2, Ch. 18, § 21)

Section 20-17. Water mains in private ways.

Applications for water mains in private ways must be accompanied by a grant of lawful rights and easements therein to the city. (Rev. Ords. 1976, Pt. 2, Ch. 18, § 24)

Section 20-18. Grounds for termination of service.

The water service or water supply of any person who neglects or refuses to comply with the provisions of this chapter shall be discontinued, and in addition thereto such person shall be liable to a fine in accordance with Section 1-7. (Rev. Ords. 1976, Pt. 2, Ch. 18, § 25)

Section 20-19. Water supply emergency.

- (a) Authority. This section is adopted by the City of Everett under its home rule powers, and its police powers to protect public health and welfare.
- (b) Purpose. The purpose of this section is to protect, preserve, and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the City of Everett or by the Department of Environmental Protection and included in the city's plan approved by Department of Environmental Protection to abate the emergency.
- (c) Definitions. For the purpose of this section:
 - (1) Enforcement authority shall mean the city's board of public works, the board of health and the police department.
 - (2) State of water supply emergency shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to General Laws, Chapter 21G and Chapter 111, section 160, or by the Governor.
- (d) Rules. The following shall apply to all users of water supplies supplied by the City of Everett:
 - (1) Following notification by the city of the existence of a state of water emergency, no person shall violate any provision, condition, requirement or restriction included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency.
 - (2) Notification of any provision, restriction, requirement, or condition with which users of water supplied by the city are required to comply to abate a situation of water emergency shall be sufficient for purposes of this section if

it is published in a newspaper of general circulation within the city or by such other notice as is reasonably calculated to reach and inform all users of the city supply.

- (e) Penalty. Any person or entity who violates this section shall be liable to the city in the amount of fifty dollars (\$50.00) for the first violation and one hundred dollars (\$100.00) for each subsequent violation which shall inure to the city.
 - (1) Fines shall be recovered by indictment or complaint before the district court.
 - (2) Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

(Ord. of 2-20-90, §§ 1--6)

Editor's note--An ordinance adopted Feb. 20, 1990, amended Ch. 18 of the Revised Ordinances, 1976, by the addition of § 26, said provisions being included in this volume as § 20-19.