

DEFINITIONS

- Taker: The word “taker” where used herein shall mean the record owner of the premises supplied with water, without regard to use or occupation of the premises by him or it.
- Consumer: The word “consumer” where used herein shall mean the person or entity actually using the water, whether owner, tenant, lessee, or assignee or other.
- Equipment: The word “equipment” where used herein shall mean any and all property, supplies and materials owned by the Lunenburg Water District.
- District: The word “District” shall mean the Lunenburg Water District, body politic and corporate, the geographical area and extent thereof, or any of its duly authorized Commissioners or officers acting in behalf of the Lunenburg Water District, as may be appropriate to the context.

ARTICLE I

APPLICATIONS

SECTION 1

APPLICATIONS FOR INDIVIDUAL HOUSE SERVICES

Any person or entity owning property within the geographic confines of the Lunenburg Water District, and desiring that the property be serviced with water, shall make in writing an application for same, in a form provided by the District, and file said application with the Clerk of the District. Such a application shall contain name and address of applicant, the location and a description of the premises involved, the main purpose or use of the premises, the amount of water needed and the various particular kinds of water applications required (i.e., number of bathrooms, sprinkler system, agricultural purposes, etc).

Properties requesting service must meet the requirements of Article X Section 1.

All applications will be reviewed on a first come, first serve basis. All applications must be received with appropriate fees before they are considered.

The Board of Water Commissioners may at their discretion defer action on any application which is filed prior to April 1st or after November 1st in any one calendar year.

Upon acceptance of said application prepared in full, a written estimate of materials and

labor to be supplied by the District shall be prepared by the Superintendent and given to the applicant.

SECTION 2

CONNECTION FEE

This fee is a one time charge for connection to the Lunenburg Water District water supply. It does not cover the actual cost of tapping into the water system.

<u>PIPE SIZE</u>	<u>FEE CHARGE</u>
1" or less	\$4,000.00
2"	\$15,000.00
4"	\$30,000.00
6"	\$45,000.00
8"	\$60,000.00

The foregoing connection fee charges may be varied only after a hearing before the Commissioners and a clear showing by the applicant that the actual use of water to be made in respect to the connection will be substantially less than what, is implied by the pipe size to be used. In all events, the discretion of the Commissioners in regard to such variance shall be final, and in no event shall any fee be reduced below the minimum fee described in the schedule.

SECTION 3

MATERIAL FEE

The material fee is the actual cost of materials and labor, furnished by the Lunenburg Water District, to connect the water main to the premises to be served.

All services provided by the Lunenburg Water District will be billed as follows:

Labor will be charged at the hourly rate of \$60.00 per hour per employee

Materials will be billed at cost plus twenty (20%) percent.

All work performed by outside contractors must be inspected and approved by the Lunenburg Water District personnel.

Connection fee and Tapping fee must be prepaid.

All service locations and meter locations are the decision of the Lunenburg Water

District.

All materials making up the water service, up to and including the meter, become the property of the Lunenburg Water District, immediately upon the water being turned on at the point of service to the new line.

The material and labor fees will be calculated by the Superintendent and final adjustments will be made once the water is turned on.

ARTICLE II

SERVICE CONNECTIONS

SECTION 1

All service connections shall be made by, or under the direction of Water District personnel. No dwelling, house, or other building or structure shall be connected by any service or distribution pipe, nor shall any person otherwise use water supplied by the District except with consent of the Board of Water Commissioners or the Superintendent. Any person violating this section shall be subject to prosecution under the provisions of Chapter 165, Section 11 of the Massachusetts General Laws, or such other statute as may be applicable.

SECTION 2

Upon application of any taker therefore to the District, and in the event of the furnishing of service pipe, metering equipment and appurtenances, such furnishings shall be at the expense of the taker.

SECTION 3

Prior to installation of service connections, the District Superintendent or other Water District personnel authorized by him shall estimate the cost of the installation and said cost shall be paid at the office of the Clerk of the District before installations are begun. Upon completion of the work, the actual cost shall be computed by the Treasurer of the District, who shall refund to the taker so much of the estimated cost as is in excess of the actual cost, if any, and the taker shall pay to the Clerk of the District the balance, if any, over and above the estimated cost, before the water in the connection is turned on.

SECTION 4

No alteration shall be made to any service or equipment installed by the Water District, except by authorized agents of the District. No Plumber, taker, consumer or other person not authorized by the District shall attempt to shut off the supply of water at any location under the jurisdiction of the District without the express consent of the Commissioners or the Superintendent.

SECTION 5

All equipment or apparatus used in connection with the supply of water, and any premises so supplied, shall at all times be subject and accessible to inspection by the Commissioners, the Superintendent or other duly authorized Water District personnel.

SECTION 6

Application for or the taking of water from the District by any person or entity shall constitute an agreement on the part of such person or entity to hold the District, its agents, servants or employees harmless from any and all liability arising out of any excess or deficiency in the pressure, volume, supply or quality of water, due to any cause what so ever, whether accidental or by intention for the purpose of effecting alterations, repairs or improvements; such application or taking shall constitute a release by any such person or entity of such liability, insofar as permitted by applicable law. The Water District will undertake to use all reasonable care and diligence to avoid interruptions and fluctuations in the service, but cannot and does not guarantee that such will not occur.

SECTION 7

Any excavation of other work, which may place connections, service pipes or other District equipment at risk, shall be commenced only upon reasonable notice to the District when reasonably possible. Any and all damage to service pipes, mains or other equipment caused by careless or negligent work or improper digging or filling of excavations shall be chargeable to the taker on whose premises or under whose direction the work occurred, and expenses of repairing the service pipes, street mains or other equipment shall be recovered from such taker.

ARTICLE III

METERS

SECTION 1

All water must be metered. Said meter will be paid for by the taker. Type and size of meter will be determined by the Superintendent.

SECTION 2

Meter readings shall be made on or about the tenth day of March, June,

September and December. The water year will end with the December reading.

SECTION 3

Meters shall be kept clear of obstacles at all times in order to allow the reading, inspection or repair of such meters. Those meters normally read from the outside shall be open and accessible to be read on the inside at the discretion of the Superintendent. In the event of discrepancy between the two readings, the inside reading will be considered correct. No meter or outside reader shall be changed, altered or disconnected, or in any manner disturbed without the written consent of the Superintendent or the Commissioners, and any such change or alteration shall only be carried out in the manner prescribed in such consent. Any meter seal or outside reader seal found to be broken shall be replaced by the District personnel, and a fee of twenty-five (\$250.00) dollars shall be assessed therefore to the taker; provided that nothing in this section shall be construed to be a release, waiver or defense to any action prosecuted under laws referred to in Article II, Section 1 of these Articles.

SECTION 4

All meters found in need of repair, by reason of failure to function properly due to reasonable wear and tear, will be repaired or replaced by the District at the expense of the District; provided that, the cost of repair or replacement occasioned by damage to the meter apparently caused by external injury or casualty may in the discretion of the Commissioners be assessed to the taker.

SECTION 5

Any person using water supplied by the District and measured by a meter shall be entitled to an examination and test of such meter to determine the accuracy of it. The charge for said test will be as follows (references are to pipe size):

5/8"-3/4"	Cost plus 20%
1"-2"	Cost plus 20% and one hour labor
2" or larger	Cost plus 20% and one hour labor

SECTION 6

In all dwelling houses, apartments, cooperative, condominiums or other residential structure or structures designed or used for multi-family occupancy, or portions thereof, to the extent that service is arranged so that all water flows through one meter to more than one family unit or living unit therein a minimum charge shall be made for water for each such family or living unit, which the taker or takers shall be obliged to pay.

On all business, professional, commercial, or industrial buildings or installations used for the purpose other than residential dwelling purposes there shall be a charge for each occupant and/or tenant maintaining at least one toilet and/or lavatory facility, for which the taker shall be liable.

The Superintendent of the District or his authorized agent may be empowered by the Commissioners to confer with any Owner or his agent, from time to time, to establish the number of facilities for which the minimum service charge shall be made in accordance with these provisions. Notwithstanding the foregoing, the minimum payment will be applied for each such facility toward the charge for water at the rates established under the rules and regulations of the Water Board, and in the event a lesser quantity of water is used than the quantity for which the minimum charge would be payable, no deduction from said minimum charge per facility will be made.

Nothing herein shall be construed to limit the authority of the Commissioners or the Superintendent authorized by them to revise, from time to time, upward or downward, the number of separate facilities in any premises, as the circumstances in fact shall require.

SECTION 7

If a meter is out of order and fails to register, the taker will be charged at the average daily consumption as shown by the meter when in order. An average will be taken of the last four (4) pertinent readings.

ARTICLE IV

PAYMENT OF BILLS

SECTION 1

All bills due to the District for water and services are payable at the Office of the Treasurer of the District, and checks or money orders shall be made payable to the Lunenburg Water District, P.O. Box 375, Lunenburg, Massachusetts 01462.

SECTION 2

Water bills are due and payable quarterly on January 1, April 1, July 1, and October 1, of each year. A second notice of payment due shall be sent by the Clerk to any taker whose bill remains unpaid for a period of thirty (30) days after the first bill is rendered, and there shall be added to the amount due an interest charge of 1.5% and a

demand fee of \$3.00. If said bill remains unpaid for a period of thirty (30) days following the rendition of the second notice of payment due, the Clerk shall send the delinquent taker written notice that unless the whole amount due, plus a two (\$2.00) dollar service charge is paid within five (5) working days, the Water Commissioners shall, in accordance with the provisions of applicable law, have the right to shut off the supply of water to the premises, subject to the provisions of applicable law, and the same shall remain shut off until the payment of the whole amount due is made, including a charge for turning the water supply back on fifty (\$50.00) dollars for lines less than two (2") inches in diameter; fifty (\$100.00) dollars for lines equal to or greater than two (2") inches in diameter.

SECTION 3

All bills incurred for the supply of water and services shall be rendered to the record owner of the premises supplied, or to his duly authorized agent, subject to the provisions of Article IV, Section 4, of these Rules and Regulations. In the latter instance, the owner shall cause written notice of the appointment of the agent to be filed with the Clerk of the District. Unpaid bills are a lien on real estate, and collection may be made by the enforcement of such liens, including the sale of the premises, under the authority of Chapter 391 of the Acts of 1923, Commonwealth of Massachusetts, as amended, the same being incorporated in Massachusetts General laws, Chapter 40, Section 40A through 40E.

SECTION 4

In the event of transfer of ownership of premises being supplied with water, the seller shall notify the Clerk of the District of such transfer, forthwith; otherwise, the seller shall remain obligated to the Lunenburg Water District for the charges incurred by the premises, until such time as the Lunenburg Water District received actual notice of such transfer of ownership.

ARTICLE V

SHUTTING OFF THE WATER SUPPLY

SECTION 1

The Water Commissioners and/or the Superintendent reserve the right to shut off water for the purpose of making alterations or repairs. Water Service may be shut off from any taker or consumer for non-compliance with the Rules and Regulations, for non-payment of water bills or for violations of Massachusetts General Laws relating to water supply, or for misrepresentations upon application.

SECTION 2

In the event that it becomes necessary for any reason to shut off the supply of water from any section of the District, the Water District will endeavor to give due notice to as many of the takers affected at the time and character of the work permit, and will as far as practicable use every effort to prevent damage and inconvenience.

Notwithstanding the foregoing, nothing herein shall be construed to impose on the District the legal obligation to give such notice, nor shall a failure to give such notice for any reason, give rise to legal liability in respect to the District, or otherwise alter provisions in these Rules and Regulations in regard to liability set forth in Article II, Section 6.

SECTION 3

Without limiting the generality of other provisions of these Rules and Regulations in regard to liability, it is hereby expressly provided that the Water District will not be liable for injury or damage arising out of conditions in the plumbing system or appliances of takers or consumers, coincident with or following repairs to any part of the supply system by the District.

SECTION 4

Service pipes or fixtures of any description that are connected with the mains of the Water District shall not, under any circumstances, be connected with any other source of water.

SECTION 5

The Commissioners reserve the right to restrict the use of water by takers, in their sole discretion or any other authority, insofar as permissible by applicable law.

SECTION 6

Any taker desiring to discontinue water service shall give the Clerk of the District three (3) days notice in writing to turn off the supply of water. Such taker shall pay a service charge of fifty (\$50.00) dollars for lines less than two (2") inches in diameter or fifty (\$100.00) dollars for lines equal to or greater than two (2") inches in diameter, before the supply of water is turned on again.

ARTICLE VI

HYDRANTS AND EQUIPMENT

SECTION 1

The Lunenburg Fire Department shall have control of hydrants in the event of fire. At all other times, the hydrants and other equipment shall be in the complete charge of the Water Commissioners, except when such authority is delegated to others by the Water Commissioners for good cause.

ARTICLE VII

WATER RATES

SECTION 1

The Commissioners shall regulate the use of water in such a manner as they deem for the best interest of the District, fix and collect prices and rates for the use thereof, prescribe the time and the manner of payment of such prices and rates. The Commissioners shall have the exclusive charge and control of the Water District and Water System, subject to all applicable laws and by-laws, and subject to such restrictions as the District may from time to time impose by its vote.

Until changed by the Commissioners, the rates are as follows:

Minimum Charge	\$69.00 (750 cu. Ft.) per quarter
Overage Charge	\$4.80 per 100 cu. Ft. up to 3000
Over charge over 3000	\$5.40
Hydrant Rental	\$40.00 per hydrant per quarter
Sprinkler Charge	\$50.00 per quarter

THE RULES, REGULATIONS AND RATES MAY BE CHANGED AT ANY TIME BY THE DISTRICT COMMISSIONERS. NO AGENT OR EMPLOYEE OF THE DISTRICT SHALL HAVE AUTHORITY TO BIND THE DISTRICT BY ANY PROMISE, AGREEMENT OR REPRESENTATION IN VIOLATION OF THESE RULES AND REGULATIONS

ARTICLE VIII

SPRINKLER LINES

All applications for Sprinkler Line connections shall be made at the Lunenburg Water District Office and shall be approved by the Commissioners prior to actual construction. Along with completed application, the owner, or someone acting on his behalf, shall be required to provide an engineered drawing of the proposed installation from the main in the street up to and including the O.S. & Y. valve. All material to be laid underground must conform to A.W.W.A. specifications and must be approved by the Superintendent prior to installation. When required by law, an approved backflow prevention device must be incorporated into the design.

The Lunenburg Water Districts responsibility for maintenance of said system shall stop at the tapping sleeve and valve, and any operation of that valve shall be carried out by L.W.D. personnel.

All material and labor costs for said installations are to be born by the owner. Lunenburg Water District personnel will be supplied for inspection purposes only.

All connection fees for sprinkler systems shall be determined according to the following schedule and said fee shall be paid to the Clerk prior to installation.

Building Size	Connection Fee
0 – 7500 sq. ft.	No Fee
7500 – 20,000 sq. ft.	\$2,000.00
20,000 – 40,000 sq. ft.	\$4,000.00
40,000 – 60,000 sq. ft.	\$6,000.00
60,000 – 80,000 sq. ft.	\$8,000.00
Over 80,000 sq. ft.	\$10,000.00

The Lunenburg Water District makes no guarantee as the pressure or volume of water to be supplied. It is the owner’s responsibility to see that sufficient investigation is done to determine if the distribution system is adequate to supply the water necessary to service the design of the system in question.

In general, when a building is to be serviced with both a sprinkler line and a domestic line, the domestic service connection will be independent of the sprinkler line connection. However, the Board of Water Commissioners reserves the right to consider each application separately.

ARTICLE VIII – A

DOMESTIC SPRINKLER LINES

All applications for domestic sprinkler line connections shall be made at the Lunenburg Water District Office and shall be approved in writing by the Commissioners prior to actual construction. The complete application shall contain adequate drawings or descriptions of the installation showing that the design will preclude the use of this line for any purpose other than as a Domestic Sprinkler Line. The connection fee shall be a one-time charge of \$50.00 and a \$5.00 per quarter charge equaling \$20.00 per year. Domestic sprinklers installed after the meter shall be no additional charge to the homeowner.

The Lunenburg Water Districts responsibility for maintenance of said system shall end at the curb stop and operation of that valve shall be carried out by the Lunenburg Water District personnel.

The Lunenburg Water District makes no guarantee as to pressure or volume or quantity of water being supplied. It is the owner's responsibility to determine that sufficient investigation is carried out to determine that the distribution system is adequate to supply the water necessary to service the design of the system in question.

All material and labor cost for said installation shall be born by the owner. Lunenburg Water District personnel will be available for inspection purposes only.

A fine of \$250.00 for tampering with such valve for the purpose of evading water use charges shall be levied on the owner plus a bill based on estimated usage.

ARTICLE X

WATER MAIN EXTENSIONS

SECTION 1

DESCRIPTION

For purposes of these regulations a water main will be defined as any pipe approved for use by the Lunenburg Water District for the purpose of conveying water from one place to another which is in excess of 2" in diameter.

Said water main installation will normally be necessary when requests for service are made by applicant/taker to have water service extended to a point or points where there is no existing water main on at least 50% of the public way which fronts the property in question.

In any event any decision on the type and size of pipe to be installed in any particular situation shall be made by the Commissioners and their decision shall be final.

SECTION 2

Any installation that requires the use of pipe in excess of 2” in diameter will not be considered until the applicant/taker has presented an engineered plan to the Commissioners for their approval.

This plan is to include all the information necessary for a contractor to prepare a competitive bid for the work in question. A list of materials and installation specifications is available at the Water District Office.

Upon final approval of said plan by the Commissioners the applicant/taker may seek bids for the work from contractors of his choice.

Lunenburg Water District personnel shall provide inspection services only. Any decision regarding the contractor compliance with approved plan will be solely those of the District Inspector.

SECTION 3

The Board of Water Commissioners reserves the right to reject the use of certain contractors if in the opinion of the Board they are unable to carry out the plan as approved because of a lack of technical or practical expertise.

SECTION 4

Payment for all work associated with a water main installation will be the sole responsibility of the applicant/taker. They shall supply all the materials and labor necessary to complete the job as per the approved plan.

In addition, the Water District will supply a full time resident inspector and will be compensated by the applicant/taker at the rate of \$60.00 per hour.

SECTION 5

Upon completion of the water main installation, the pipe will be tested and chlorinated as per the Water District specifications sheet. Final approval for the installation will be given by the Superintendent, or his designee, and at the time the water will be turned on, by the Water District personnel. Once the water is turned on, all the materials in question immediately become the property of the Lunenburg Water District.

SECTION 6

The Board of Water Commissioners reserves the right to consider each water main extension individually. If, in the opinion of the Board, the impact of a water main extension on the existing system is such that additional changes to the existing system are required before such an extension can be approved, said changes are to be done at the expense of the applicant/taker. In any event, any decision regarding the extension of a water main is one which is made solely by the Board of Water Commissioners, on behalf of the Lunenburg Water District.

ARTICLE XI

WATER USE RESTRICTION

SECTION 1

Restriction of Water Use

The Commissioners, acting under the authority granted to them under the enabling act (Chapter 17 of the Acts of 1939, as amended), as well as any authority arising under the Massachusetts General Laws, reserve the right to restrict or regulate water use upon Declaration of Water Supply emergency issued by the Department of Environmental Protection under M.G.L. c.40, §41A, as amended.

SECTION 2

Declaration of a State of Water Supply Conservation

The Water District, through its Board of Water Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to protect the water supply and to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given as provided below before it may be enforced.

SECTION 3

Restricted Water Uses

A declaration of a State of Water Supply conservation may 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 in Section 4.

- a) 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. In the event any metered premises bear both odd and even number, watering shall be restricted to odd numbered days.
- b) Outdoor Watering Ban. Outdoor watering is prohibited.
- c) Outdoor Watering Hours. Outdoor watering permitted only during daily periods Of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- d) Filling of Swimming Pools. Filling of swimming pools is prohibited.
- e) Automatic Sprinkler Use. The use of automatic sprinkler systems is prohibited.

SECTION 4

Public Notification of a State of Water Supply conservation: Notification

Notification of any provision, restriction, requirement or condition imposed by the Water District as part of a State of Water Supply conservation shall be published in a newspaper of general circulation within the District, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply conservation. Any restriction imposed under section 3 shall not be effective until such notification is provided. In addition, such Notification shall be posed at the District headquarters in an area accessible to the public. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

SECTION 5

Termination of a State of Water Supply

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners upon determination that the water supply shortage no longer exists. Public notification of such termination shall be given in a manner provided in the preceding section.

SECTION 6

Compliance with DEP Orders

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement or condition of any order approved or issued by the DEP pursuant to such declaration or intended to alleviate or bring about the end of such State of Emergency.

SECTION 7

Not in Limitation

The purpose of this Article XI is to describe and identify two specific regulatory or restrictive programs that may be necessitated within the District. Nothing herein shall be construed to limit the general authority of the Commissioner to regulate water use within the Lunenburg Water District.

THE RULES, REGULATIONS AND RATES MAY BE CHANGED AT ANY TIME BY THE DISTRICT COMMISSIONERS. NO AGENT OR EMPLOYEE OF THE DISTRICT SHALL HAVE AUTHORITY TO BIND THE DISTRICT BY ANY PROMISE, AGREEMENT OR REPRESENTATION IN VIOLATION OF THESE RULES AND REGULATIONS.