

THE TOWN OF BARNSTABLE

DEPARTMENT OF PUBLIC WORKS

WATER SUPPLY DIVISION

RULES AND REGULATIONS FOR THE

HYANNIS WATER SYSTEM

These rules and regulations are hereby adopted by the Town of Barnstable in the county of Barnstable under the Home Rule Amendment of the Massachusetts Constitution and the home rule statutes, independent of the General Laws and Special Acts of the General Court except the aforesaid home rule statutes or where otherwise specifically included herein.

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INDEX

SECTION AND TITLE

SECTION 1 – DEFINITIONS

1.1	Definitions	6
1.1.1	Automatic Lawn Sprinkler System	6
1.1.2	Nonessential Outdoor Water Use	6
1.1.3	Contractors and Developers	6
1.1.4	Division	6
1.1.5	Hyannis Water System	6
1.1.6	Person	6
1.1.7	State of Water Supply Emergency	6
1.1.8	State of Water Supply Conservation	6
1.1.9	Supervisor	6
1.1.10	User	6
1.1.11	Water Customers	6
1.1.12	Water Main	6
1.1.13	Water Service Line	6
1.2	Additional Definitions	7

SECTION 2 – GENERAL PROVISIONS

2.1	Compliance	8
2.2	Application for Water Service	8
2.3	Ownership Responsibilities & Liability	8
2.4	Responsibility for Charges	8
2.5	Location, Plans and Specifications	8
2.6	Construction	9
2.7	Construction Inspections	9
2.8	Right of Entry	9
2.9	Fires	9
2.10	Conditions Under Which a Service is Furnished	9
2.11	No Liability for Interruption of Service	9
2.12	No Liability for Discolored Water	10
2.13	No Liability for User's Pipes	10
2.14	No Liability for Collapsed Boilers, Etc.	10
2.15	No Liability for Shutting Off Water Without Notice	10
2.16	Restriction of Water Use/Conservation	10
2.16.1	Declaration of a State of Water Supply Emergency	10
2.16.2	Declaration of a State of Water Supply Conservation	11
2.16.3	Restricted Water Uses	11
2.16.4	Public Notification of a State of Water Supply Conservation or State of Water Supply Emergency; Notification of DEP	11
2.16.5	Termination of a State of Water Supply Conservation; Notice	12
2.16.6	Termination of a State of Water Supply Emergency; Notice	12
2.17	Liability for Freeze Ups	12
2.18	Claims for Adjustments of Bills Related to Freeze Ups	12

SECTION 3 – CHARGES

3.1	Establishment of Rates, Charges and Interest	13
3.2	Bills Payable	13
3.3	Overdue Charges	13
3.4	Date of Customer’s Liability to Pay	13
3.5	A Charge for Turning On or Off	13
3.6	Collection of Miscellaneous Water Charges	13
3.7	No Business with Delinquent Users	13
3.8	Claims for Adjustments on Bills	14
3.9	When Meter is Out of Order	14
3.10	Leaks	14
3.11	Right to Furnish Water to Others	14
3.12	Unauthorized Use of Water	14
3.13	New Water line Tap/System Development Charge	14
3.14	Water Line Tap Replacement	14
3.15	Upgraded Water Line	14

SECTION 4 – METERS

4.1	Meter Installation	15
4.2	Water Meter Cost Responsibility	15
4.2.1	No Fault of the User	15
4.2.2	Fault of the User	15
4.2.3	New Water Meters	15
4.3	Meter Purchases From the Hyannis Water System	15
4.4	Meters Not to be Removed	15
4.5	Meter Pits and Remote Reader Boxes	16
4.6	Meter Tampering	16
4.7	Town’s Right to Change Meters	16
4.8	Repairing Meters	16
4.9	Access to the Meter	16
4.10	Testing Meters by Request	16

SECTION 5 – WATER PIPES AND FIXTURES

5.1	Water Pipes	17
5.2	All Water Pipes to be Inspected	17
5.3	Joint Use of Pipe Trenches	17
5.4	New Water Pipes	17
5.5	Charges for Repairs	17
5.6	Material on Private Premises	17
5.7	One Water Line to Each Building	17
5.8	Request for Turning On or Shutting Off Water	17
5.9	Water Main Extension	18
5.10	Water Pipe Trenches	18
5.11	Standby Fire Protection	18
5.12	Water Supply Availability	18
5.13	Fire Hydrant Access	18
5.14	Private Hydrant Service	18
5.15	Use of Fire Hydrants	19
5.16	Cross Connection Control	19

**SECTION 6 – REQUIREMENTS & SPECIFICATIONS FOR WATER WORKS
CONSTRUCTION**

6.1	Materials and Installations	20
6.2	Cost of Water Mains	20
6.3	Need for Water Mains	20
6.4	Application for Water Main Installation	20
6.5	Inspections	20
6.6	Water Main Extension	20

SECTION 7 – COLLECTIONS AND VIOLATIONS

7.1	Collection of Overdue Rates and Charges	21
	7.1.1 Collection from residential users by means of water service shutoff	21
	7.1.2 Mitigating circumstances	22
	7.1.3 Payment Plan Absent Mitigating Circumstances	23
	7.1.4 Collection from commercial users by means of water service shutoff	23
7.2	Treatment	24
7.3	Fines	24
	7.3.1 Mandatory Water Use Restriction	24
	7.3.2 Unauthorized Water Use	24
	7.3.3 Defacing and Littering Upon Hyannis Water System Owned Property	24
	7.3.4 No Tampering with Hyannis Water System Property	24
	7.3.5 Alterations	24
	7.3.6 Any Unauthorized Use of Fire Hydrants	24

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SECTION 1

Definitions

1.1 Definitions:

The terms or phrases identified below and further found in these regulations are defined as follows:

- 1.1.1** Automatic Lawn Sprinkler System: Any system for watering vegetation other than a hand-held hose or a bucket.
- 1.1.2** Nonessential Outdoor Water Use: Those uses that are not required:
1. for health or safety reasons;
 2. by regulation;
 3. for the production of food and fiber;
 4. for the maintenance of livestock; or
 5. to meet the core functions of a business.
- 1.1.3** Contractors and Developers: An individual, firm, corporation or any entity who installs water mains, water services and their appurtenances.
- 1.1.4** Division: The Town of Barnstable Department of Public Works Water Supply Division.
- 1.1.5** Hyannis Water System: The total system infrastructure, including but not limited to the wells, tanks, treatment, distribution and all appurtenant fixtures of the water system.
- 1.1.6** Person: Any individual, corporation, trust, partnership, association, agency or authority, or other entity.
- 1.1.7** State of Water Supply Emergency: A State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.
- 1.1.8** State of Water Supply Conservation: A State of Water Supply Conservation declared by the Town pursuant to Section 5 of these Regulations.
- 1.1.9** Supervisor: The Supervisor of the Water Supply Division or the Supervisor designee.
- 1.1.10** User: The individual, firm, corporation or any entity listed as the owner of the property, or lessee responsible for water service payment.
- 1.1.11** Water Customers: All persons using the Hyannis Water System public water supply irrespective of that person's responsibility for billing purposes for use of the water.
- 1.1.12** Water Main: The water supply pipe laid in the street.
- 1.1.13** Water Service Line: The water supply pipe connecting from the water main to the User's building.

1.2 Additional Definitions

For terms which are not defined in these regulations, the applicable definition in the Massachusetts Department of Environmental Protection Rules and Regulations and AWWA Standards Supplement and in the Massachusetts Fire Prevention Regulations, 527 CMR will be accepted.

SECTION 2

General Provisions

2.1 Compliance

Acceptance of service shall bind the User to the laws, rules, regulations and policies of the Commonwealth of Massachusetts, the Town of Barnstable and the Department of Public Works Water Supply Division.

2.2 Application for Water Service

All applications for any new installations, alterations, replacements or change of ownership of a water service shall be submitted for approval by the Water Supply Division Supervisor or his designee, to the Hyannis Water System office by the owner of the property or his/her authorized agent in writing.

2.3 Ownership Responsibilities and Liability

All pipes, valves, and taps between the municipal water main and the curb stop valve and box at the property line are the responsibility of the Hyannis Water System. All piping, valves, meter pit, equipment and any other appurtenances from the curb stop valve and box on are the property and responsibility of the property owner although such items are required to meet the standards and specifications of the Hyannis Water System. An exception to the above is the water meter, which will always be the property of the Hyannis Water System.

2.4 Responsibility for Charges

Property owners are responsible for all water fees and charges until such time as the Hyannis Water System is notified in writing that they no longer desire the use of water and their service to be disconnected, abandoned and capped at the water main at the property owner's expense. In case of the sale of the property, notice shall be given as to the name and billing address of the new owner. The new owners of the property shall have no right to the use of the water until an application has been submitted, accepted and received final approval, and until all outstanding charges against the property have been paid. There is a five (5) business day notice required for all transfers of ownership except for causes set forth in writing and subsequently approved by the Hyannis Water System.

2.5 Location, Plans and Specifications

The Hyannis Water System has the exclusive right to determine the location of any and all water mains and services, fire suppression water supply pipes and water meters in the distribution system. Plans for said construction shall be submitted with an application showing the curb box connection, the water line to the structure and the water meter location. In the event that more than one meter is attached to a water line, a manifold shall be used to provide a separate water meter hookup for each designation. The location and design of the manifold and water meter area must be shown on the water utility plan to obtain approval.

2.6 Construction

The owner of property desiring construction, alterations or attachments to be connected to or disconnected from the water supply system shall submit plans and specifications for the proposed work to the Town of Barnstable, DPW Water Supply Division Supervisor for review. The Water Supply Division Supervisor shall determine the terms, charges and conditions under which the proposed use shall be permitted. The owner of the property is responsible for all the construction costs associated with the connection or disconnection.

2.7 Construction Inspections

The applicant or applicant's authorized agent shall notify the Hyannis Water System a minimum of 3 business days prior to commencing work for which plans and specifications have been approved and a permit has been issued. Approval by the Supervisor or his designee is required as designated by the Hyannis Water System based on the complexity of the installation. No work shall be covered or enclosed until inspected and approved. Hyannis Water System inspections will be scheduled during normal working hours. If by mutual agreement inspections are scheduled for other than normal working hours, the applicant will be responsible for paying any and all extra costs.

2.8 Right of Entry

Property owners shall permit after reasonable notice Hyannis Water System personnel entry to their premises for the purpose of inspecting and surveying their water system for new installation, cross connection, leak detection or to remove, repair, read or replace any water meter at anytime the Hyannis Water System deems necessary. When such access is repeatedly refused unreasonably, the Hyannis Water System reserves the right to take appropriate enforcement action, including the termination of water service.

2.9 Fires

Whenever a major fire emergency occurs in the service area of the Hyannis Water System, it is the duty of User to discontinue, as far as practicable, the use of water to allow the Hyannis Fire Department maximum fire fighting capacity relative to water pressure and flow.

2.10 Conditions Under Which Service is Furnished

The Hyannis Water System 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, the same being subject to all the variable conditions that occur in the supply of water from the Hyannis Water System's distribution system.

2.11 No Liability for Interruption of Service

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

2.12 No Liability for Discolored Water

The Hyannis Water System shall not be responsible for damages caused by discolored water resulting from opening or closing of any gate, use of any hydrant, the breaking of any pipe, or maintenance of the water system. Adjustments will not be considered for water use charges and fees related to discolored water.

2.13 No Liability for User's Pipes

The Hyannis Water System assumes no liability for conditions which exist relative to the User's pipes and appurtenances causing loss or damage to any user or premises with or following the repairs or maintenance of any water main, water line, water meter or other appliances belonging to the Hyannis Water System.

2.14 No Liability for Collapsed Boilers, Etc.

The Hyannis Water System reserves the right after reasonable notice except in emergencies to shut off the water in mains for the purposes of making repairs, extensions or for other necessary purposes. Users having boilers or other water pressure dependent appliances on their premises are required to provide, at their own expense, suitable safety devices for protecting against pressure changes as per Massachusetts Drinking Water Regulations 310CMR 22.22. In any event, the Hyannis Water System will not be liable for any damage resulting from water having been shut off either through accident or necessity.

2.15 No Liability for Shutting Off Water Without Notice

When it becomes necessary to shut off the water pursuant to these regulations in any part of the Hyannis Water System's distribution system because of an accident or for the purpose of making changes or repairs, the Hyannis Water System shall endeavor to give timely notice to as many Users affected thereby as time and the character of the repairs or the accident will permit and shall, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such cause. However, inability to give such notice shall not render the Hyannis Water System responsible or liable for any damages that may result from the shutting off of the water or any coincident conditions.

2.16 Restriction of Water Use/Conservation

The Hyannis Water System reserves the right under circumstances deemed essential to the protection of the public health, welfare, to restrict water uses.

2.16.1 Declaration of a State of Water Supply Emergency

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, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency.

2.16.2 Declaration of a State of Water Supply Conservation

Absent a declaration of a Water Supply Emergency, the Hyannis Water System, through its appointed Board, may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, and to ensure compliance with the Water Management Act. Upon notification to the public that a declaration of a State of Water Supply Conservation has been declared, no person shall violate any provision, restriction, requirement or condition of the declaration. Public notice of a State of Water Conservation shall be given under Section 2.16.4 of these Regulations before it may be enforced.

2.16.3 Restricted Water Uses

A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency may include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers as necessary to control the volume of water pumped each day:

1. **Odd/Even Day Outdoor Watering** (including automatic lawn sprinklers): 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. Commercial, condominium and other multiple properties held under common ownership or management may, by written request of the property owner, be assigned an odd or even designation by the Water Supply Division.
2. **Outdoor Watering Ban**: Outdoor lawn watering (including automatic lawn sprinklers) and all other forms of nonessential outdoor water use are prohibited.
3. **Outdoor Watering Hours**: Outdoor watering (including automatic lawn sprinklers) is 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.
4. **Filling Swimming Pools**: Filling of swimming pools is prohibited.

The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 2.16.4.

2.16.4 Public Notification of a State of Water Supply Conservation or State of Water Supply Emergency; Notification of DEP

Any restriction imposed pursuant to these regulations shall not be effective until notification to the public is provided as identified below. In accordance with Massachusetts Department of Environmental Protection regulations (310 CMR 22.15(8)), submittal of Department's form "Notification of Water Use Restriction" shall be provided by the Hyannis Water Board to the Department within 14 days of the effective date of the restrictions.

1. **Public Notification of a State of Water Supply Conservation**: Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Hyannis Water System as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation by publication in a newspaper of general circulation within the Town and 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 2.16.3 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.

2. **Public Notification of a State of Water Supply Emergency**: Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Massachusetts Department of Environmental Protection shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Emergency by publication in a newspaper of general circulation within the Town and by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Emergency. Any restriction imposed under Section 2.16.3 shall not be effective until such notification is provided. Notification of the State of Water Supply Emergency shall also be simultaneously provided to the Massachusetts Department of Environmental Protection and the Barnstable Department of Health.

2.16.5 Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Hyannis Water Board upon a determination by the Board that the conditions requiring the State of Water Supply Conservation no longer exist. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 2.16.4 for notice of its imposition.

2.16.6 Termination of a State of Water Supply Emergency; Notice

Upon notification by the Massachusetts Department of Environmental Protection to the Hyannis Water Board that the declaration of a State of Water Supply Emergency has been terminated by the Department, the public will be notified of the termination in the same manner as is required in Section 2.16.4 for notice of its imposition.

2.17 Liability for Freeze Ups

It is the responsibility of all water service users to ensure that all plumbing, fixtures, meters and appliances are protected from freezing. The user shall make any repairs, which may be necessary to prevent leaks and damage. Neither the Town nor the Hyannis Water System shall be held responsible for the loss of use of water, loss or damage to any plumbing, fixtures, meters or appliances due to freezing and any repairs to same made by the Hyannis Water System shall be paid for by the User.

2.18 Claims for Adjustments on Bills Related to Freeze Ups

Adjustments will not be considered for water use charges and fees related to freeze ups.

SECTION 3

Charges

3.1 Establishment of Rates, Charges and Interest

Rates and fees chargeable for water service and related work and payable by the User, and interest accruing on overdue amounts, shall be approved by the Town Manager after all legally advertised public hearings and meetings have been completed.

3.2 Bills Payable

Bills for water service and related charges are due and payable in 30 days. The failure of the User or his/her agent to receive notice of their water bill or other related charges does not relieve them from the obligation for payment or from the consequences of nonpayment. All charges are due and payable THIRTY (30) CALENDAR DAYS after the date of the billing. The records of water supplied and related charges located in the Hyannis Water System Office shall be sufficient basis for billing and to commence action for payment against the property owner.

3.3 Overdue Charges

Any overdue charge including interest charges set pursuant to 3.1 may be collected by any legal means, including a lien on the property, water service termination, collection agency or as otherwise provided under the provisions of the Town of Barnstable ordinances or these regulations.

3.4 Date of Customer's Liability to Pay

Rates and charges set pursuant to 3.1 shall be assessed monthly from the date water service is available. The fact that a premise may be vacant or the water line is shut off during a portion of the year does not nullify this requirement. The monthly service charge and the fire readiness charge is in addition to the consumption charge, which is based on all metered water consumption. Turn off of water does not relieve the user from the liability of the monthly service charge and the fire readiness charge.

3.5 A Charge for Turning Water On or Off

A charge set pursuant to 3.1 shall be made for turning on or turning off water.

3.6 Collection of Miscellaneous Water Charges and Fees

Billing and collection of all invoices for labor and materials made pursuant to schedules published from time to time are subject to the provisions of Town of Barnstable ordinances and these regulations.

3.7 No Business with Delinquent Users

No person, business, or government entity who owes an overdue invoice for water charges or fees shall be entitled to establish new accounts or receive new Hyannis Water System services at the same or any other premises until such water charges are paid in full, together with delinquent charges. Such charges shall include accrued interest.

3.8 Claims for Adjustments on Bills

Adjustments will be made for clerical errors, misreads or failure of Hyannis Water System equipment. Abatements will not be considered for water leaks. Claims for adjustments of water use charges and fees shall be made within ninety (90) days of the billing date. The filing of the abatement application does not stay the collection of the charges, which should be paid as assessed. An adjustment or refund will follow if the abatement is allowed.

3.9 When Meter is Out of Order

If a water meter fails to register, the User shall be charged based on the best available information concerning water use.

3.10 Leaks

The Hyannis Water System shall have the right to terminate water service to any property in accordance with these regulations where a leak is detected. Any such leaks must be repaired and must pass inspection by the Hyannis Water System before water service will be restored. In addition, each User shall be responsible for the cost of any repairs to the water line as well as the cost of water used or lost due to the leak and all related charges.

3.11 Right to Furnish Water to Others

A User shall not be permitted to supply the premises of another person with water.

3.12 Unauthorized Use of Water

Use of Hyannis Water System water is confined to the premises named and set forth in the application as approved.

3.13 New Water Service Tap/System Development Charge

In the event a new water line tap is required or requested it shall be considered a new water line. The user will be required to pay for each new water line tap a system development charge to help defray the cost of capital upgrades like water storage tanks, wells, pumps, treatment systems and distribution system upgrades to add or improve capacity to the Hyannis Water System at a cost determined according 3.1.

3.14 Water Line Tap Replacements

In the event that a water line tap replacement of the same size is required or requested, it shall be considered a relay of service.

3.15 Upgraded Water Line

In the event that a water line tap of a greater size than the existing water line tap is required or requested, an incremental System Development Charge will be assessed.

SECTION 4

Meters

4.1 Meter Installation

A shut-off valve at the meter inlet shall be the first fitting inside a building and shall be approved by the Hyannis Water System. The Customer at their expense shall install stop valves on both sides of the meter. There must also be a residential backflow preventer installed to permit removal of the meter without backflow from the internal water system. The meter shall be located in a clean, dry, warm and accessible location. Upon completion of the construction of the water piping by a state certified plumber, the Hyannis Water System shall be notified to inspect the water line construction and install the water meter and a remote reader box before the water is turned on. Any water line over 100' measured from the property line to the building must have a meter pit close to the curb stop and property line before their meter installation is approved.

4.2 Water Meter Cost Responsibility

4.2.1 No Fault of the User

All water meters installed to measure the amount of water used from the Hyannis Water System are the property of the water system and have to be tested regularly. If the water meter needs to be replaced due to regular wear, the Hyannis Water System takes full cost responsibility for this replacement and repair.

4.2.2 Fault of the User

All repairs of injuries to water meters from freezing, hot water, or external causes shall be charged to the User.

4.2.3 New Water Meters

Property owners who have water meters installed on a newly constructed water service line or relative to the addition of a new user on an existing water service line will be charged for the meter, supplies and labor.

4.3 Meters Purchased From the Hyannis Water System

All water meters and remote readers will be installed by the Hyannis Water System. Only these meters may be used on its water system. Billing will start when the water is turned on. The request for meter installation is the direct responsibility of the owner and their applicant. A diagram and location of meter must be brought into the Hyannis Water System Office at time of application. Once the construction of the water piping is complete it must be inspected by a Hyannis Water System representative and an as-built drawing must be furnished and signed off before water is turned on.

4.4 Meter Not to be Removed

No meters shall be removed from the water system except by Hyannis Water System personnel.

4.5 Meter Pits and Remote Reader Boxes

Any water line over 100' measured from the property line to the building must have a meter pit close to the curb stop and property line before their meter installation is approved. Installation of meter pits shall be at the User's expense. When it is necessary or expedient to locate the meter in an underground box or vault approved by the Hyannis Water System, the User shall bear the expense of same and shall bear the responsibility of reasonable care and maintenance of said box or vault, such as keeping it clean and dry. All remote reader boxes located on the premises shall be the responsibility of the Hyannis Water System. In the event that they must be moved or removed, the owner shall notify the Hyannis Water System who will do so for them. In the event that the Hyannis Water System is not notified and must replace a missing or damaged remote reader box, the User will be billed for all costs. The User shall not be permitted to cover or park over the water meter pit or in any way hinder or obstruct access to the water meter. Water meter pit covers must remain exposed at all times.

4.6 Meter Tampering

The fine established in 7.3.2 will be assessed for each incident of tampering, installation alteration, or removal of a water meter by anyone not authorized by the Hyannis Water System, or vandalism. In addition, the Hyannis Water System reserves the right to pursue further prosecution in accordance with Massachusetts General Law.

4.7 Town's Right to Change Meters

If, in the opinion of the Supervisor, a water meter does not fit the conditions of the water line installation, the Hyannis Water System has the right to change such meter. Such a change shall be made in accordance with current regulations.

4.8 Repairing Meters

The Hyannis Water System shall have the right to remove, repair or replace any water meter at anytime it so determines according 4.2. All water meter installations on water lines, which cannot be shut off for meter repairs or testing, shall be equipped with a meter by-pass and locking valves, approved by the Hyannis Water System.

4.9 Access to the Meter

It shall be the duty of all Users to ensure that meters on water line connections be readily accessible at all times to Hyannis Water System personnel.

4.10 Testing Meters by Request

The User shall pay a fee in advance to cover the cost of testing the meter pursuant to DEP regulations or upon request. When the testing is requested by the User and as a result of the test the meter is found to register a variance of two (2%) percent more water than actually passes through it, the meter shall be replaced, the fee shall be refunded to the User and a credit will be calculated and the User's account adjusted accordingly. The bill will also be adjusted in accordance with the result of this test. However, if it appears that the User was charged or has paid for less water than they should have been charged or should have paid, they shall, forthwith, be charged with the proper additional amount and shall pay the same to the Hyannis Water System. For all such testing, the User or his representative may be present.

SECTION 5

Water Pipes and Fixtures

5.1 Water Pipes

Users shall prevent any unreasonable loss of water by keeping their water pipes and fixtures in good repair as well as protected from frost at their own expense. They shall be held responsible for any damage resulting from their failure to do so.

5.2 All Water Pipes to be Inspected

All new water pipes must be inspected by the Hyannis Water System before covering the trench. All pipes and trenches shall meet the approval of the Hyannis Water System.

5.3 Joint Use of Pipe Trenches

Water pipes will NOT, under any circumstances, be placed in the same trench with other pipes, conduits or similar structures such as gas lines, electrical conduit, sewer pipe, etc. to avoid contamination and damage during future repairs.

5.4 New Water Pipes

New water mains and service lines shall be constructed by an approved contractor. The User shall be responsible for all charges.

5.5 Charges for Repairs

The pipe from the property line to the building (or all pipe beyond the curb stop) including the meter pit is the property of the User and all the repairs to the same shall be made at the users expense.

5.6 Materials on Private Premises

All materials and labor supplied by the Hyannis Water System to the User shall be billed to the User.

5.7 One Water Line to Each Building

Only one (1) water line connection and one (1) fire sprinkler line shall be made to each residential, commercial or industrial building, effective with the adoption of these rules and regulations.

5.8 Requests for Turning On or Shutting Off Water

Requests for turning on or shutting off water shall be made 2 work days in advance, except in case of an emergency. Users shall be charged for each such service activity. Only Hyannis Water System personnel shall open or close curb stops. Requests for turning on or shutting off water, other than at normal working hours, shall be billed at the overtime rate. Water will be turned on or shut off between the hours of 7:00 a.m. and 3:30 p.m. Monday through Friday except for emergencies. The owner of the property or his representative must be present for turn on. They will be required to sign a release. All prior bills, charges, fees must be paid in full prior to water being turned on.

5.9 Water Main Extension

Installation of a water service line beyond the end of an existing water main shall not be allowed. The main must be extended (including necessary hydrants and appurtenances) to the furthest limit of the User's property at their expense. Water mains shall be looped to the maximum extend possible and when required by the Water Supply Division Supervisor.

5.10 Water Pipe Trenches

Water pipes shall not be placed within 10 feet of any other utilities, except under special conditions and with the approval of the Water Supply Division Supervisor. The Hyannis Water System shall not be responsible for damage to other utilities laid within 10 feet of a water service or water main.

5.11 Standby Fire Protection

Users desiring standby fire protection must submit a water service application to the Hyannis Water System. The Hyannis Water System shall furnish water for standby fire protection service in accordance with the rates. All equipment for this purpose shall be installed entirely at the expense of the User and with the approval of the Water Supply Division Supervisor. Whenever it is considered necessary for the protection of the water supply and in the interest of the Hyannis Water System, the Water Supply Division Supervisor shall have the right to require the installation of backflow prevention devices, alarms or other accessories. The installation and upkeep of such equipment shall be at the User's expense. Such standby fire protection pipes shall not be used for supplying water for any other purposes and the backflow prevention equipment must be so arranged that it is readily accessible for inspection. The installation must be completed in accordance with Massachusetts statutes, ordinances, rules and regulations.

5.12 Water Supply Availability

The Hyannis Water System shall make the sole determination as to the availability of adequate water supply for water services. The Hyannis Water System shall not bear responsibility to extend existing water mains in order to provide adequate water supply for water service. No fire service connection shall be used for anything other than fire protection. No water shall be taken or used through private fire systems for the purpose of testing unless the Hyannis Water System is notified and issues written permission. Such testing must be conducted under the supervision of Hyannis Water System personnel.

5.13 Fire Hydrant Access

No person shall obstruct access to a fire hydrant. Fire hydrants shall in all directions have a three foot clear radius measured from the center of the stem of the top of the hydrant. No foliage, fencing, parking space, or other object shall obstruct the clear area. No person may landscape to change the grade around the base of the hydrant so as to prevent the use of the four inch steamer cap.

5.14 Private Hydrant Service

The Hyannis Water System shall furnish water for private fire hydrant protection service in accordance with the rates. Fire hydrants will be tested, inspected and serviced by the Hyannis Water System. Any repairs necessary for proper operation of hydrants shall be the responsibility of the property owner and shall be billed to the property owner.

5.15 Use of Fire Hydrants

The use of all fire hydrants is restricted to employees of the Hyannis Water System. During emergencies, employees of the Hyannis Fire Department or other fire departments lending mutual aid are authorized to operate fire hydrants.

5.16 Cross Connection Control

If, in the opinion of the Hyannis Water System, the installation of an approved backflow preventer(s) on the building side of a meter is considered necessary for the safety of the water system, such approved device(s) shall be immediately installed at the expense of the User after due notice in writing has been given to the User by the Hyannis Water System. Said device(s) shall be installed and tested in accordance with the drinking water regulations of Massachusetts, 310 CMR 22.22. All tests performed by the Hyannis Water System shall be charged pursuant to **3.1**.

SECTION 6

Requirements & Applications for Water Works Construction

6.1 Materials and Installations

All materials to be used in conjunction with any and all water mains and installations of the same shall be in strict accordance with “Requirements & Application for Water Works Construction” available by the Hyannis Water System. All water mains and appurtenances shall be installed by a Contractor who has been approved by the Hyannis Water System.

6.2 Cost of Water Mains

In all areas not serviced by the Hyannis Water System on the date of adoption of these regulations, the developer or owner of a property shall be responsible for all costs with regard to water main design, approval, installation(s) and connection(s) to the existing system. Upon connection to the Hyannis Water System title and ownership of the water main will be transferred to the Hyannis Water System by easement and the Hyannis Water System will service, maintain and repair the water main and appurtenances.

6.3 Need for Water Mains

Industrial, commercial, or multi-family residential condominiums and like building development proposals shall be reviewed by the Water Supply Division Supervisor and the Hyannis Fire District Fire Chief or his representative on an individual basis. These development proposals will be required to install or improve water mains and fire hydrants with full cost responsibility for the property owner or developer.

6.4 Application for Water Main Installation

An application for water main installation shall be completed by the developer or owner and submitted to the Hyannis Water System for review and approval before any construction can proceed. All applications must contain the complete information requested and an engineered construction plan prepared by a Massachusetts Registered Professional Engineer with an appropriate scale. Payment of all required review fees, including the System Development Charge and any other fees established shall be made before construction can commence.

6.5 Inspections

The Hyannis Water System must inspect each water main and service installation prior to being backfilled. The Hyannis Water System will not turn water on to any property that has not been inspected.

6.6 Water Main Extensions

All water main extensions shall be run to the farthest point of the property line, except as otherwise authorized.

SECTION 7

Collections and Violations

7.1 Collection of Overdue Rates and Charges

The Town of Barnstable and the Water Supply Division of its Department of Public Works may jointly and severally pursue any lawful methods to recover unpaid bills for water supplied to users pursuant to rates established from time to time and for charges for other services, including, without limitation, liens, foreclosure of liens, water service shutoff and actions at law. The election of one or more methods of collection shall not preclude the pursuit of any other lawful method or methods.

7.1.1 Collection from residential users by means of water service shutoff for unpaid rates and charges. If the Town or Division elects to terminate water service to a residence on account of unpaid rates and/or charges, the following steps shall be followed except as otherwise provided for mitigating circumstances. This subsection shall apply to any property containing one or more dwellings, whether occupied or unoccupied. In the case of properties with multiple dwellings, the provisions of this subsection shall apply to all common facilities. Water service shall not be shut off on any property prior to determination of a timely abatement application or appeal to the Division Supervisor or his or her designee as further provided herein, nor after three years from the date any rate or charge becomes overdue if the overdue amount was not added or committed as a tax in the next fiscal year following the overdue date if the ownership is different at the time of shutoff than at the time the overdue rate or charge was incurred.¹

(a) At least (15) days from the date a bill remains unpaid following the thirty-day due date provided in section 3.2, a written demand may be sent to the billing address or any other customer address stating the past due amount and any interest which has accrued and that water service could be shut off beginning 38 days from the date of the notice unless within thirty (30) days the arrearage is paid in full, a payment plan acceptable to the Division Supervisor or designee is established, an abatement application is properly filed and subsequently determined in favor of the user, or an appeal is made to the Division Supervisor or designee and subsequently determined in favor of the user if the time for an abatement application has not accrued; provided, however, that a user may apply for determination of mitigating circumstances up to the time Division personnel begin to shut off the water service, henceforth referred to as the “first shutoff notice.”

(b) At least twenty-one (21) days from the first shutoff notice, a further written demand shall be sent to the same address as the first shutoff notice, or any address determined after the first shutoff notice, with the same contents except the shutoff date beginning after days and that nine (9) days remain for abatement or appeal as provided in subsection (a) and any additional accrued interest, and in addition a doorknocker tag will be placed on the door of the residence stating the amount of the

¹ G. L. c. 40 §§ 42A and 42 B accepted by ordinance amendment Code §§ 184-13 and 14. Bill goes out, constitutes date incurred. Bill due 30 days r&r 3.2, 31st day constitutes overdue date, lien commences automatically. If automatic lien doesn't go on tax bill next fiscal year, continues for 2 more years but then can't shut water off after the 3rd year if the ownership has changed in the interim.

arrears, that a water shut-off is pending, the abatement and appeal process remaining deadline and the Division contact information, henceforth collectively referred to as the “second shutoff notice.”

(c) At least ten (10) days from the second shutoff notice, a final written demand shall be sent to the same address as the first shutoff notice, or any address determined after the first shutoff notice, with the same contents except for the abatement and appeal process and any additional accrued interest, and in addition a doorknocker tag will be placed on the door of the residence stating the amount of the arrears, that the water will be shut off on a date at least seven days thereafter and the Division contact information, henceforth collectively referred to as the “final shutoff notice.” If payment in full or a payment plan acceptable to the Division are not established, or mitigating circumstances claimed, before the time scheduled for shutoff, the personnel assigned to shut off water service cannot accept payment but will provide the Division contact information if payment in full or mitigating circumstances are offered and it is then up to the user to immediately contact the Division or shutoff will proceed.

(d) All charges, fees and costs associated with the shutoff are to be borne by the customer and must be paid in full before the water will be turned back on.

(e) Once terminated, the water will stay shut off until the bill is paid in full.

7.1.2 Mitigating circumstances. The following mitigating circumstances may be determined by the Division Supervisor. If mitigating circumstances are asserted at any step, up to and including the time at which water service is shut off, the process shall be suspended until after a determination is made of the presence or absence of one or more mitigating circumstances and the account brought current whether by payment in full or pursuant to a payment plan accounting for the mitigating circumstances if present. If it is determined after application and review that mitigating circumstances are not present, the shutoff process shall resume unless payment in full plus accrued interest or a payment plan is instituted.

(a) Serious illness of an occupant lasting up to thirty (30) days, or up to 90 days for a chronic illness, as certified by a registered physician, hospital or Town of Barnstable health department, subject to extensions certified in the same manner,

(b) The presence of one or more infants under the age of one year certified by an attested copy of a birth certificate, registered physician, hospital, Town of Barnstable health department, other government official or religious institution domiciled in a household meeting the financial hardship standard as determined under subsection (e).

(c) All persons domiciled in a household meeting the financial hardship standard as determined under subsection (e) are age 65 or older.

(d) Household financial hardship consisting of eligibility under the Low Income Home Energy Assistance program with or without the presence of the circumstances described in subsections (b) and (c). Application may be completed on a form requesting a review without the necessity of a specific application for energy

assistance under the LIHEA program and reviewed by the Division Supervisor. Those who successfully demonstrating financial hardship will be given more time to bring their account current.

7.1.3 Payment Plan absent of Mitigating Circumstances. Any customer without any other mitigating circumstances may apply for a payment plan acceptable to the Division Supervisor that will bring the account current. The payment plan will be set-up for the quickest pay-off period possible reflecting the customer's financial situation.

7.1.4 Collection from commercial users by means of water service shutoff for unpaid rates and charges. If the Town or Division elects to terminate water service to a commercial enterprise on account of unpaid rates and/or charges, the following steps shall be followed.

(a) At least (15) days from the date a bill remains unpaid following the thirty-day due date provided in section 3.2, a written demand may be sent to the billing address or any other customer address stating the past due amount and any interest which has accrued and that water service could be shut off beginning 38 days from the date of the notice unless within thirty (30) days the arrears is paid in full, a payment plan acceptable to the Division Supervisor or designee is established, an abatement application is properly filed and subsequently determined in favor of the user, or an appeal is made to the Division Supervisor or designee and subsequently determined in favor of the user if the time for an abatement application has not accrued.

(b) At least twenty-one (21) days from the first shutoff notice, a further written demand shall be sent to the same address as the first shutoff notice, or any address determined after the first shutoff notice, with the same contents except the shutoff date beginning after seventeen (17) days and nine (9) days remain for abatement or appeal as provided in subsection (a) and any additional accrued interest, and in addition a doorknocker tag will be placed on the door stating the amount of the arrearage, that a water shut-off is pending, the abatement and appeal process remaining deadline and the Division contact information, henceforth collectively referred to as the "second shutoff notice."

(c) At least ten (10) days from the second shutoff notice, a final written demand shall be sent to the same address as the first shutoff notice, or any address determined after the first shutoff notice, with the same contents except for the abatement and appeal process and any additional accrued interest, and in addition a doorknocker tag will be placed on the door stating the amount of the arrearage, that the water will be shut off on a date at least seven days thereafter and the Division contact information, henceforth collectively referred to as the "final shutoff notice." If payment in full or a payment plan acceptable to the Division are not established, before the time scheduled for shutoff, the personnel assigned to shut off water service cannot accept payment but will provide the Division contact information if payment in full is offered and it is then up to the user to immediately contact the Division or shutoff will proceed.

(d) All charges, fees and costs associated with the shutoff are to be borne by the customer and must be paid in full before the water will be turned back on.

(e) Once terminated, the water will stay shut off until the bill is paid in full.

(f) A commercial customer can avoid shutoff by setting up a payment plan that will bring the account current. The payment plan will be set-up for the quickest pay-off period possible reflecting the customer's financial situation.

7.2 Treatment

No treatment of the public water supply by any unauthorized personnel shall be permitted.

7.3 Fines. The following fines shall be imposed for the following violations.

7.3.1 Mandatory Water Use Restrictions

Any Customer found in violation of an officially declared water ban shall be charged as follows:

First Offense – written warning

Second Offense - \$100.00

Third and any subsequent offense - \$300.00

7.3.2 Unauthorized Water Use

Whoever unlawfully and intentionally tampers with a water meter or prevents such meter from registering the quantity of water supplied through it or uses or causes to be used water without consent of the Hyannis Water System may be fined no more than \$300.00 dollars for each offense except as otherwise provided by Town of Barnstable ordinance.

7.3.3 Defacing and Littering Upon Hyannis Water System Owned Property

Any person or persons willfully trespassing, defacing and/or littering upon Hyannis Water System owned property located within its watershed may be fined no more than \$300.00 dollars except as otherwise provided by Town of Barnstable ordinance.

7.3.4 No Tampering with Hyannis Water System Property

All gates, valves, shutoffs, water meters and standpipes and any other portion of the municipal system, which are the property of the Town of Barnstable, are not to be opened or closed or in any way tampered with by any person other than those authorized by the Water Supply Division Supervisor. Violators will be subject to charges or penalties as stated herein.

7.3.5 Alterations

No User shall install any addition to or make any alterations to water service or main lines "upstream" of the water meter for any purpose without submitting an application for the change, submitted with plans and specification to the Hyannis Water System and obtaining approval.

7.3.6 Any Unauthorized Use of Fire Hydrants.

Any unauthorized use of fire hydrants may result in a fine up to \$300.00 per occurrence except as otherwise provided by Town of Barnstable ordinance.