

RULES AND REGULATIONS OF THE BOURNE WATER DISTRICT

REVISED AND ADOPTED BY THE BOARD OF WATER COMMISSIONERS ON APRIL 24, 2017:

THE RULES AND REGULATIONS OF THE BOURNE WATER DISTRICT AS SET FORTH IN THIS PAMPHLET OR AS THEY MAY BE HEREAFTER ALTERED OR AMENDED, SHALL BE A PART OF THE CONTRACT WITH EVERY CONSUMER AND SHALL GOVERN THE RELATIONS BETWEEN THE CONSUMER AND THIS DISTRICT, AND EVERY CONSUMER WHO USES WATER IS IN FACT, BOUND THEREBY.

GENERAL REGULATIONS

FREE ACCESS TO PROPERTY

AGENTS FOR THE WATER DISTRICT SHALL HAVE READY ACCESS TO THE PROPERTY SERVED FOR THE PURPOSE OF METER READING, INSPECTION OF THE SERVICE CONNECTIONS AND REPAIRS IF NECESSARY.

DISTRICT NOT LIABLE FOR INTERRUPTIONS

THE DISTRICT DOES NOT, IN ANY WAY, OR UNDER ANY CIRCUMSTANCES, ACCEPT LIABILITY OR RESPONSIBILITY FOR DAMAGE OR INCONVENIENCE RESULTING FROM AN EXCESS OR DEFICIENCY IN THE WATER PRESSURE OR VOLUME OF SUPPLY OF WATER, DUE TO ANY CAUSE WHATSOEVER. ALL REASONABLE CARE AND DILIGENCE TO AVOID INCONVENIENCE, DAMAGE, INTERRUPTIONS AND FLUCTUATIONS WILL BE TAKEN.

DISTRICT NOT LIABLE FOR DIRTY WATER

THE DISTRICT WILL NOT BE RESPONSIBLE FOR DAMAGE RESULTING FROM DIRTY WATER BEING SUPPLIED WHEN CAUSED BY THE BREAKING OF A SUPPLY LINE, LINE REPAIRS, HYDRANT USE OR OTHER SIMILAR REASONS.

DISTRICT NOT LIABLE FOR SHUTTING OFF SUPPLY

THE DISTRICT WILL ENDEAVOR TO GIVE DUE NOTICE TO RESIDENTS THAT MAY BE AFFECTED BY THE SHUTTING OFF THE WATER SUPPLY SHOULD THE SUPPLY NEED TO BE TURNED OFF TO REPAIR OR MAKE CHANGES TO THE WATER MAIN. EVERY EFFORT WILL BE MADE TO AVOID DAMAGE TO PROPERTY OR INCONVENIENCE TO RESIDENTS. IF AN EMERGENCY SITUATION ARISES, NOTIFICATION MAY NOT BE POSSIBLE. THE DISTRICT SHALL NOT BE LIABLE FOR ANY DAMAGE OR INCONVENIENCE RESULTING THERE FROM.

WATER CONNECTIONS

NO CONSUMER SHALL FURNISH WATER TO OTHER PREMISES WITHOUT NOTIFYING THE DISTRICT OFFICE, EXCEPT IN THE CASE OF FIRE.

SERVICE PIPES OR FIXTURES OF ANY DESCRIPTION THAT ARE CONNECTED WITH THE WATER MAINS OF THE DISTRICT SHALL NOT, UNDER ANY CIRCUMSTANCES, BE CONNECTED WITH ANY OTHER SOURCE OF SUPPLY. TO DO SO IS A VIOLATION OF A PUBLIC HEALTH ORDINANCE

IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN AND PROTECT FROM FROST OR OTHER DAMAGE, THE WATER FIXTURES ON HIS PROPERTY.

APPLICATION FOR SERVICE

ALL APPLICATIONS FOR WATER SERVICE SHALL BE MADE AT THE OFFICE OF THE BOURNE WATER DISTRICT, BY THE OWNER OF THE PROPERTY OR HIS AUTHORIZED AGENT, ON A FORM PROVIDED FOR THAT PURPOSE, ACCOMPANIED BY PAYMENT FOR FEES AND CHARGES.

INSTALLATION OF WATER SERVICE

AFTER ACCEPTANCE OF THE APPLICATION AND REQUIRED FEES, THE WATER DISTRICT WILL SCHEDULE THE INSTALLATION OF A CURB STOP ,IF NOT ALREADY AVAILABLE AT THE PROPERTY. A METER PIT WILL BE INSTALLED IF DEEMED NECESSARY AT THE CUSTOMER'S EXPENSE.

THE CUSTOMER SHALL INSTALL THAT PORTION OF THE SERVICE ON HIS OWN PROPERTY FROM THE CURB STOP TO THE METER ACCORDING TO DISTRICT SPECIFICATIONS. A MINIMUM OF 12 GAUGE TRACER WIRE WILL BE INSTALLED.

THE DISTRICT WILL INSTALL THE WATER METER WITH VALVE AND FITTINGS.

NEW WATER MAIN INSTALLATION

OWNERS DESIRING A PUBLIC WATER SUPPLY FOR A NEW SUB-DIVISION OR DEVELOPMENT NOT PRESENTLY SERVICED BY WATER MAINS, SHALL APPLY AT THE DISTRICT OFFICE FOR THE WATER MAIN EXTENSION RULES, REGULATIONS AND FEES.

HYDRANT USE

HYDRANT USE OR TEMPORARY SERVICE MAY BE SUPPLIED UPON REQUEST AT THE DISTRICT OFFICE. RATES FOR USE WILL BE SUPPLIED UPON APPLICATION. NO UNAUTHORIZED PERSON MAY USE OR OPERATE A HYDRANT.

BILLING

THE DISTRICT READS EACH METER AND BILLS THE OWNER OF THE PROPERTY TWICE IN A TWELVE MONTH PERIOD. ALL ACCOUNTS ARE BILLED AT THE CURRENT RATE PER THOUSAND GALLONS OF USE AND A CUSTOMER CHARGE OF \$5.33 PER MONTH. (\$32.00 BI-ANNUALLY)

ALL BILLS ARE DUE AND PAYABLE WHEN RENDERED. A FINANCE CHARGE OF 1% PER MONTH IS LEVIED THIRTY DAYS AFTER THE ISSUE DATE OF THE BILL.

NON PAYMENT OF BILLS SIXTY DAYS AFTER ISSUE DATE MAY CONSTITUTE DISCONTINUANCE OF WATER SERVICE TO ANY PROPERTY. IN ADDITION, THE DISTRICT, IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, MAY PLACE A WATER LIEN ON THE PROPERTY, AND THAT LIEN SHALL BE ADDED TO THE REAL ESTATE TAXES BY THE ASSESSORS OF THE TOWN OF BOURNE.

ALL SERVICE CALLS WILL BE BILLED AT THE REGULAR RATE UNLESS PERFORMED AFTER HOURS AT WHICH TIME THE OVERTIME AFTER HOURS RATE WILL BE CHARGED.

A \$25.00 FEE WILL BE CHARGED FOR ANY RETURNED CHECK DUE TO INSUFFICIENT FUNDS.

RESPONSIBILITY FOR PAYMENT

THE PROPERTY OWNERS OF RECORD SHALL BE RESPONSIBLE FOR ALL CHARGES BY THE DISTRICT CONNECTED WITH THE INSTALLATION OF THE WATER SERVICE AND ALL SUBSEQUENT REPAIRS OR REPLACEMENTS. THE DISTRICT DOES NOT GET INVOLVED WITH A TENANT/LANDLORD RELATIONSHIP.

FAILURE TO RECEIVE A WATER BILL AT THE LAST KNOWN ADDRESS DOES NOT IN ANY WAY RELIEVE THE OWNER FROM LIABILITY OF PAYMENT.

ALL WATER PASSING THROUGH A METER IS CHARGED TO THE CUSTOMER WHETHER IT IS USED FOR NORMAL PURPOSES OR WASTED THROUGH LEAKAGE.

IN THE CASE OF A SALE OF PROPERTY, IMMEDIATE NOTIFICATION SHOULD BE GIVEN TO THE DISTRICT, INCLUDING THE NAME AND ADDRESS OF THE NEW OWNER. ALL UNPAID WATER BILLS AGAINST THE PROPERTY CONSTITUTE AN AUTOMATIC LIEN AGAINST THE PROPERTY AND BECOME THE OBLIGATION OF THE NEW OWNER. THERE WILL BE A CHARGE OF \$35.00 TO READ THE METER AND PREPARE A PROPERTY TRANSFER STATEMENT FOR THE CLOSING.

CHECKS SHOULD BE MADE PAYABLE TO THE BOURNE WATER DISTRICT AND MAILED OR PRESENTED TO THE DISTRICT OFFICE, 211 BARLOWS LANDING ROAD, P.O. BOX 1447 POCASSET MA. 02559-1447.

METERS

ALL WATER SERVICES ARE TO BE METERED.

NO METER SHALL BE DISTURBED EXCEPT BY AN EMPLOYEE OF THE DISTRICT OR A PERSON AUTHORIZED BY THE DISTRICT. MASSACHUSETTS GENERAL LAW CHAPTER 165, SECTION 11 PROVIDES FOR A FINE OF NOT MORE THAN \$100.00 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH, FOR TAMPERING WITH A WATER METER.

THE DISTRICT SHALL HAVE ACCESS TO ALL METERS DURING THE REGULAR WORKING HOURS OF THE DISTRICT. FAILURE TO PROVIDE ACCESS TO THE METER WITHIN SEVEN (7) DAYS OF A WRITTEN REQUEST SHALL RESULT IN TURNING OFF THE WATER SUPPLY TO THAT PROPERTY AT THE STREET SHUT OFF VALVE (CURB STOP). IF THE HOMEOWNER IS UNABLE TO GRANT ACCESS DURING REGULAR WORKING HOURS HE/SHE WILL BE RESPONSIBLE FOR THE OVERTIME RATE OF PAY FOR A CREWPERSON TO DO THE REPAIR OR REPLACEMENT AFTER HOURS.

SEASONAL METER SERVICES REQUIRING ANNUAL INSTALLATION AND REMOVAL OF METERS WILL BE DONE AT DISTRICT CONVENIENCE FOR A FEE. NOTICE BY TELEPHON E-MAIL, OR IN WRITING SEVEN (7) DAYS IN ADVANCE IS REQUIRED FOR BOTH REMOVAL AND INSTALLATION EACH SEASON. ANY INSTALLATION OR REMOVAL OF THE METER REQUIRING AN APPOINTMENT FOR A SPECIFIC DAY AND TIME, OR REQUIRING THE DISTRICT PERSONNEL TO MEET WITH SOMEONE, OR TO ACQUIRE A KEY FROM A THIRD PARTY WILL BE CHARGED THE REGULAR FEE PLUS A SERVICE CHARGE.

NEW METERS AND HEADS ARE PAID FOR AT THE TIME OF APPLICATION FOR A WATER SERVICE, ALONG WITH ANY OTHER APPROPRIATE FEES. PROPERTY OWNER'S REQUESTING METERS 1" X 1", 1 1/2" X 1 1/2", OR 2" X 2" AT THE TIME OF APPLICATION WILL PAY ALL APPROPRIATE FEES AND THE ESTIMATED COST OF THE METER REQUESTED. THE FINAL BALANCE WILL BE BILLED TO THE OWNER'S ACCOUNT UPON COMPLETED INSTALLATION. THAT WILL INCLUDE CURRENT COST OF METER AND ANY NEEDED PARTS TO INSTALL METER.

IT IS THE PROPERTY OWNERS RESPONSIBILITY TO PROTECT THE METER AND HEAD. ANY DAMAGE DUE TO FREEZING, NEGLIGENCE, OR ACCIDENT WILL BE REPAIRED OR REPLACED AT THE OWNER'S EXPENSE.

ALL METER HEADS AND BASES 5/8" X 3/4" TO 2" X 2" ARE THE PROPERTY OF THE BOURNE WATER DISTRICT AND WILL BE CHANGED AT THE EXPENSE OF THE DISTRICT.

ALL METER BASES 5/8" X 3/4" AND 3/4" X 3/4" WILL BE CHANGED APPROXIMATELY EVERY SEVEN (7) YEARS AT NO COST TO THE PROPERTY OWNER.

ALL METER BASES 1" X 1", 1 1/2" X 1 1/2", AND 2" X 2" WILL BE CHANGED APPROXIMATELY EVERY FIVE (5) YEARS AT NO COST TO THE PROPERTY OWNER.

METERS 5/8" X 3/4", 3/4" X 3/4", OR 1" X 1" THAT ARE BEHIND PARTITIONS, WALLS, OR ANY COVERINGS THAT ENCLOSE THE METER MUST HAVE AN OPENING 24" X 24" TO ALLOW THE TECHNICIANS CLEAR AND UNOBSTRUCTED ACCESS TO THE HOUSE STREET SIDE VALVE, METER COUPLINGS, AND HOUSE SIDE VALVE.

METERS 1 1/2" X 1 1/2" OR 2" X 2" THAT ARE BEHIND PARTITIONS, WALLS, OR ANY COVERINGS THAT ENCLOSE THE METER MUST HAVE AN OPENING 36" X 36" TO ALLOW THE TECHNICIAN CLEAR AND UNOBSTRUCTED ACCESS TO THE HOUSE STREET SIDE VALVE, METER COUPLINGS, AND HOUSE SIDE VALVE.

ANY NEW CONSTRUCTION, PLUMBING REMODELING, OR UPDATES MUST HAVE A WORKING HOUSE SIDE VALVE IN PLACE TO PREVENT BACK SIPHONING OF THE HOUSE PLUMBING, FIXTURES AND APPLIANCES WHEN THE METER IS REMOVED OR INSTALLED.

ANY METER LARGER THAN 2" IS OWNED BY THE PROPERTY OWNER. ANY LARGE METER GREATER THAN 2" MUST BE TESTED IN PLACE APPROXIMATELY EVERY 3 YEARS BY A METER TESTING COMPANY SUPPLIED AND APPROVED BY THE BOURNE WATER DISTRICT. THE PROPERTY OWNER WILL BE BILLED FOR THE TEST AND ANY PARTS OR LABOR REQUIRED TO MAKE THE METER REGISTER ACCURATELY. ANY LARGE METER GREATER THAN 2" MUST HAVE A LOW FLOW METER BUILT IN OR HAVE A LOW FLOW METER WORKING IN CONJUNCTION WITH THE LARGE METER.

1 1/2" X 1 1/2" AND 2" X 2" METERS THAT HAVE NO FLANGE FITTINGS OR BALL VALVES ON BOTH SIDES OF THE METER MUST BE UPDATED TO THIS STANDARD. THE OWNER WILL BEAR THE COST OF PARTS, AND THE BOURNE WATER DISTRICT WILL BEAR THE COST OF LABOR OF THE UPGRADE. CURRENT PLUMBING CODE REQUIRES VALVES BEFORE AND AFTER THE METER.

WHEN 1" X 1", 1 1/2" X 1 1/2", OR 2" X 2" METERS ARE CHANGED, THEY ARE SUBJECT TO A CROSS CONNECTION SURVEY. IF THE BOURNE WATER DISTRICT DETERMINES THAT THE SERVICE DOES NOT WARRANT A LARGE METER, THE OWNER WILL BE NOTIFIED. THE DOWNSIZING WILL BE DONE AT THE EXPENSE OF THE BOURNE WATER DISTRICT FOR BOTH PARTS AND LABOR. IF IN THE FUTURE, THE LARGER METER IS NEEDED, THE DISTRICT WILL CONVERT BACK TO THE LARGER METER AT THE BOURNE WATER DISTRICTS EXPENSE FOR PARTS AND LABOR.

METER PITS

PROPERTIES THAT REQUIRE A METER PIT:

1. ANY PROPERTY WITH A DISTANCE OF 100' OR GREATER FROM THE FOUNDATION TO THE PROPERTY LINE.
2. ANY HOUSE WITH NO CELLAR OR ONLY A CRAWLSPACE.
3. ANY RAISED HOUSE WITHOUT FOUNDATION, OR HOUSE ON STILTS.
4. ANY HOUSE REQUIRING A SERVICE TO A PROPERTY THAT DOES NOT HAVE FRONTAGE ON A ROAD WITH A WATER MAIN.
5. PROPERTIES USED BETWEEN OCTOBER 1ST – MAY 1ST WITH A SEASONAL SET-UP (WHERE METER IS UNPROTECTED AND VULNERABLE TO FREEZING).

METER PITS MAY BE INSTALLED AT THE PROPERTY OWNER'S REQUEST AND EXPENSE TO ALLOW THE CUSTOMER TO CONTROL THE WATER SERVICE FROM THE HOUSE SIDE SERVICE VALVE (CURBSTOP) TO THE HOUSE AT ANYTIME.

THE BOURNE WATER DISTRICT WILL INSTALL METER PITS AT THE OWNER'S EXPENSE. IF A PROPERTY OWNER PREFERS TO INSTALL HIS/HER OWN METER PIT IT MUST BE DONE ACCORDING TO BOURNE WATER DISTRICT SPECIFICATIONS AND INSPECTED BY THE BWD. THE PROPERTY OWNER WILL BE BILLED AT THE CURRENT INSPECTION RATE.

ANY METER PIT DEEMED TO BE SUB-STANDARD TO THE CURRENT SPECIFICATIONS IN PLACE REGARDING METER PITS, SHALL BE REPLACED, EITHER BY BWD OR THE PROPERTY OWNER'S CONTRACTOR, AT THE HOMEOWNERS EXPENSE.

ANY METER PIT DEEMED SUBSTANDARD DUE TO A STAR DRIVE METER WILL BE REPLACED AT THE OWNERS EXPENSE.

METER TESTING

METERS ARE CHECKED ROUTINELY ABOUT EVERY EIGHT YEARS. UPON WRITTEN APPLICATION TO THE WATER DISTRICT OFFICE BY THE PROPERTY OWNER OR AUTHORIZED AGENT CLAIMING AN ERROR IN METER REGISTRATION, THE METER SHALL BE REMOVED AND TESTED. IF THE TEST PROVES THE METER TO BE CORRECT OR UNDER REGISTERING, THE OWNER SHALL BE CHARGED A FEE OF \$3.00 ACCORDING TO MASSACHUSETTS GENERAL LAWS CHAPTER 40, SECTION 391, PLUS A FEE FOR A SERVICE CALL. IF THE TEST

PROVES THE METER TO BE OVER REGISTERING, THE METER SHALL BE ADJUSTED AT NO COST TO THE PROPERTY OWNER AND AN ABATEMENT MADE FOR ANY OVERCHARGE WITHIN THE CURRENT YEAR. A TOLERANCE OF 2% +/- IS ACCEPTABLE ACCORDING TO MASSACHUSETTS GENERAL LAWS CHAPTER 40, SECTION 391.

SERVICE LINE REPAIRS OR REPLACEMENTS

THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR THEIR COMPLETE WATER SERVICE LINE FROM THE HOUSE TO THE STREET INCLUDING THE CURB STOP. THE OWNER WILL BE RESPONSIBLE FOR ALL REPAIRS OR REPLACEMENTS.

THAT PORTION OF THE SERVICE LINE WITHIN THE PROPERTY IN NEED OF REPAIR SHALL BE REPAIRED BY THE PROPERTY OWNER OR A PRIVATE CONTRACTOR AT THE PROPERTY OWNER'S EXPENSE. A TRACER WIRE WILL BE INSTALLED ON ALL SERVICE LINES. IF A SERVICE LINE IS LEAKING BETWEEN THE WATER MAIN AND THE METER, THE PROPERTY OWNER SHALL HAVE A REPAIR OR REPLACEMENT DONE WITHIN A REASONABLE TIME OR THE DISTRICT MAY DISCONTINUE SERVICE BY SHUT OFF OF WATER TO THE PROPERTY UNTIL SUCH REPAIR IS MADE.

SPRINKLER SYSTEMS

OWNERS WITH EXISTING SPRINKLER SYSTEMS, AS WELL AS NEWLY INSTALLED SPRINKLER SYSTEMS ARE REQUIRED TO INSTALL AND MAINTAIN RAIN SHUT-OFF DEVICES AND/OR SOIL MOISTURE MONITORING DEVICES ON THEIR SPRINKLER SYSTEMS. ANY OWNER WITH AN AUTOMATIC SPRINKLER SYSTEM FOUND WATERING IN THE RAIN WILL RECEIVE A WRITTEN WARNING FOR THE FIRST OFFENSE, BE FINED \$300.00 FOR THE SECOND OFFENSE AND BE FINED \$500.00 FOR THE THIRD OFFENSE. AT THE TIME OF THE THIRD OFFENSE THE WATER WILL BE SHUT OFF AND WATER SERVICE WILL NOT BE RESTORED UNTIL ALL FINES HAVE BEEN PAID AND A WORKING RAIN SHUT-OFF DEVICE AND/OR SOIL MOISTURE MONITORING DEVICE IS INSPECTED BY DISTRICT PERSONNEL .

ADOPTED MARCH 27, 2006

ALL FUTURE CONNECTIONS TO THE BOURNE WATER DISTRICT DISTRIBUTION SYSTEM, WHETHER RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR MUNICIPAL, WILL BE RESTRICTED FROM CONNECTION AUTOMATIC SPRINKLERS TO THE DISTRICT SUPPLY.

CUSTOMERS THAT HAVE APPLIED FOR SERVICE AFTER MARCH 27, 2006 WHO ARE FOUND TO HAVE CONNECTED OUTSIDE AUTOMATIC IRRIGATION TO THE DISTRICT SUPPLY ARE SUBJECT TO IMMEDIATE TERMINATION OF THEIR ENTIRE WATER SERVICE. WATER WILL NOT BE RESTORED UNTIL A FINE OF ONE HUNDRED DOLLARS (\$100.00) IS PAID AND THE IRRIGATION SYSTEM IS DISCONNECTED.

CROSS CONNECTION CONTROL

PURPOSE

A. TO PROTECT THE PUBLIC POTABLE WATER SUPPLY SERVED BY THE BOURNE WATER DISTRICT FROM THE POSSIBILITY OF CONTAMINATION OR POLLUTION BY ISOLATING SUCH CONTAMINANTS OR POLLUTANTS WHICH COULD BACKFLOW OR BACK SIPHON INTO THE PUBLIC WATER SUPPLY.

B. TO PROMOTE THE ELIMINATION OR CONTROL OF EXISTING CROSS CONNECTIONS, ACTUAL OR POTENTIAL, BETWEEN IT'S CUSTOMERS IN-PLANT POTABLE WATER SYSTEM AND NON POTABLE SYSTEMS.

C. TO PROVIDE FOR THE MAINTENANCE OF A CONTINUING PROGRAM OF CROSS CONNECTION CONTROL WHICH WILL EFFECTIVELY PREVENT THE CONTAMINATION OR POLLUTION OF ALL POTABLE WATER SYSTEMS BY CROSS CONNECTION.

AUTHORITY

A. AS PROVIDED IN THE FEDERAL SAFE DRINKING WATER ACT OF 1974 (PUBLIC LAW 93-523) AND THE COMMONWEALTH OF MASSACHUSETTS DRINKING WATER REGULATION, 310CMR 22.22, THE WATER PURVEYOR HAS THE PRIMARY RESPONSIBILITY FOR PREVENTING WATER FROM UNAPPROVED SOURCES OR ANY OTHER SUBSTANCES FROM ENTERING THE PUBLIC POTABLE WATER SYSTEM.

B. THE BOURNE WATER DISTRICT RULES AND REGULATIONS. THE BOURNE WATER DISTRICT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC POTABLE WATER DISTRIBUTION SYSTEM FROM CONTAMINATION OR POLLUTION DUE TO THE BACKFLOW OR BACK SIPHONAGE OF CONTAMINANTS AND POLLUTANTS. IF, AS A RESULT OF A SURVEY OF THE PREMISES, THE WATER DISTRICT DETERMINES THAT AN APPROVED BACKFLOW PREVENTION DEVICE IS REQUIRED AT THE DISTRICT'S WATER SERVICE CONNECTION OR AN IN-PLANT PROTECTION ON ANY CUSTOMER'S PREMISES, THE DISTRICT OR IT'S DELEGATED AGENT SHALL ISSUE A CROSS CONNECTION VIOLATION FORM TO SAID CUSTOMER WITH INSTRUCTIONS TO INSTALL APPROVED BACKFLOW PREVENTION DEVICES. THE CUSTOMER SHALL, WITHIN A TIME FRAME DETERMINED BY THE WATER DISTRICT, INSTALL SUCH APPROVED DEVICES AT HIS OWN EXPENSE. FAILURE OR REFUSAL OR INABILITY ON THE PART OF THE CUSTOMER TO INSTALL SAID DEVICE WITHIN THE SPECIFIED TIME FRAME SHALL CONSTITUTE A GROUND FOR DISCONTINUING WATER SERVICE TO THE PREMISES UNTIL SUCH DEVICE OR DEVICES HAVE BEEN PROPERLY INSTALLED.

C. ANY CROSS CONNECTION CONTROL DEVICE THAT FAILS TESTING SHALL BE REPAIRED WITHIN TWO WEEKS BY A LICENSED PLUMBER OR THE WATER SERVICE WILL BE DISCONTINUED. (Adopted December 12, 2006)

WATER SUPPLY EMERGENCY

THE BOURNE WATER DISTRICT VOTED TO ADOPT A BY-LAW UNDER IT'S ENABLING ACT AND, AS AUTHORIZED UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 40 SECTIONS 21 AND 21D, TO PROTECT, PRESERVE AND MAINTAIN THE PUBLIC HEALTH SAFETY AND WELFARE WHENEVER THERE IS IN FORCE A WATER SUPPLY EMERGENCY, BY PROVIDING FOR ENFORCEMENT OF ANY DULY IMPOSED RESTRICTION, REQUIREMENTS, PROVISIONS OR CONDITIONS IMPOSED BY THE DISTRICT OR BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND INCLUDED IN THE DISTRICT'S PLAN AS APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ABATE THE EMERGENCY; THE ENFORCING AUTHORITY SHALL MEAN THE DISTRICT'S BOARD OF WATER COMMISSIONERS OR SUCH AGENTS AS THE BOARD MAY DESIGNATE AS HAVING RESPONSIBILITY FOR THE

OPERATION AND MAINTENANCE OF THE WATER SUPPLY; A STATE OF WATER SUPPLY EMERGENCY SHALL BE AS DECLARED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO GENERAL LAWS CHAPTER 21G, SECTION CHAPTER 111 SECTION 160, OR BY THE GOVERNOR; THE FOLLOWING SHALL APPLY TO ALL USERS OF WATER SUPPLIED BY THE BOURNE WATER DISTRICT:

FOLLOWING NOTIFICATION BY THE BOURNE WATER DISTRICT OF THE EXISTENCE OF A STATE OF WATER SUPPLY EMERGENCY, NO PERSON SHALL VIOLATE ANY PROVISION, CONDITION, REQUIREMENT OR RESTRICTION INCLUDED IN A PLAN APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION WHICH HAS ITS PURPOSE THE ABATEMENT OF A WATER SUPPLY EMERGENCY.

NOTIFICATION OF ANY PROVISION, RESTRICTION, REQUIREMENT, OR CONDITION WITH WHICH THE USERS OF WATER SUPPLIED BY THE BOURNE WATER DISTRICT ARE REQUIRED TO COMPLY TO ABATE A SITUATION OF WATER EMERGENCY SHALL BE SUFFICIENT FOR PURPOSES OF THIS BY LAW IF IT IS PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE DISTRICT OR BY SUCH OTHER NOTICE AS IT IS REASONABLY CIRCULATED TO REACH AND INFORM ALL USERS OF THE BOURNE WATER DISTRICT SUPPLY.

PENALTY

ANY PERSON OR ENTITY WHO VIOLATES THIS BY-LAW SHALL BE LIABLE TO THE BOURNE WATER DISTRICT IN THE AMOUNT OF \$50.00 FOR THE FIRST VIOLATION AND \$100.00 FOR EACH SUBSEQUENT VIOLATION WHICH SHALL INURE TO THE BOURNE WATER DISTRICT FOR SUCH USES AS THE BOARD OF WATER COMMISSIONERS MAY DIRECT. FINES SHALL BE RECOVERED BY INDICTMENT OR ON COMPLAINT BEFORE THE DISTRICT COURT OR BY NON-CRIMINAL DISPOSITION IN ACCORDANCE WITH SECTION 21D OF CHAPTER 40 OF THE MASSACHUSETTS GENERAL LAWS. EACH SEPARATE INSTANCE OF NONCOMPLIANCE FOLLOWING THE ISSUANCE OF ANY WARNING OR CITATION PURSUANT TO THIS SECTION SHALL CONSTITUTE A SEPARATE VIOLATION.

RIGHT OF ENTRY

AGENTS OF THE ENFORCEMENT AUTHORITY MAY ENTER ANY PROPERTY FOR THE PURPOSE OF INSPECTING OR INVESTIGATING ANY VIOLATION OF THIS BY-LAW OR ENFORCING AGAINST THE SAME.

SEVERABILITY

THE INVALIDITY OF ANY PORTION OR PROVISIONS OF THIS BY LAW SHALL NOT INVALIDATE ANY OTHER PORTION, PROVISION OR SECTION THEREOF.

ADOPTED DECEMBER 12, 2006

USE OF VEHICLES (INCLUDING PERSONAL MOTORIZED VEHICLES) ON BOURNE WATER DISTRICT PROPERTY

NO PERSON, WITHOUT PERMISSION OR LAWFUL AUTHORITY, SHALL ENTER UPON LAND OF THE BOURNE WATER DISTRICT, WHETHER OR NOT SUCH LAND IS POSTED AGAINST TRESPASS, IF IN SO ENTERING SAID PROPERTY SUCH PERSON MAKES USE OF OR HAS IN THEIR IMMEDIATE POSSESSION OR CONTROL ANY VEHICLE, INCLUDING PERSONAL MOTORIZED VEHICLES.

PERSONAL MOTORIZED VEHICLES SHALL MEAN ANY DEVICE THAT IS USED PRIMARILY FOR HUMAN TRANSPORTATION, AND SHALL INCLUDE ANY DEVICE

THAT HAS HANDLEBARS, IS DESIGNED TO BE STOOD OR SAT UPON BY THE OPERATOR AND IS POWERED BY AN ELECTRIC, GASOLINE (OR OTHER PETROLEUM BASED PRODUCT) ENGINE.

EXEMPT FROM THE PROVISIONS OF THIS POLICY:

NON MOTORIZED BICYCLES

DEVICES USED BY HANDICAPPED INDIVIDUALS.

DEVICES USED BY LAW ENFORCEMENT PERSONAL.

DEVICES USED BY ANY STATE OR FEDERAL AGENCIES.

DEFINITIONS

A. AIR GAP SEPARATIONS: THE METHOD OF PREVENTING BACKFLOW THROUGH THE USE OF AN UNOBSTRUCTED VERTICAL DISTANCE THROUGH THE FREE ATMOSPHERE BETWEEN THE LOWEST OPENING FROM ANY PIPE OR FAUCET SUPPLYING WATER TO A TANK, PLUMBING FIXTURE OR OTHER DEVICE AND THE FLOOD LEVEL RIM OF THE RECEPTACLE.

B. APPROVED: ACCEPTED BY THE REVIEWING AUTHORITY AS MEETING AN APPLICABLE SPECIFICATION STATE CITED IN THIS REGULATION OR AS SUITABLE FOR THE PROPOSED USE.

C. APPROVED BACKFLOW PREVENTION DEVICE OR DEVICES: A METHOD TO PREVENT BACKFLOW APPROVED BY THE DEPARTMENT FOR USE IN MASSACHUSETTS.

D. ATMOSPHERIC VACUUM BREAKER: AN APPROVED BACKFLOW DEVICE USED TO PREVENT BACK SIPHONAGE WHICH IS NOT DESIGNED FOR USE UNDER STATIC LINE PRESSURE.

E. AUXILIARY WATER SUPPLY: ANY WATER SUPPLY OF UNKNOWN OR QUESTIONABLE QUALITY ON, OR AVAILABLE TO, THE PREMISES OTHER THAN THE SUPPLIER'S APPROVED PUBLIC POTABLE WATER SUPPLY.

F. BACK PRESSURE: PRESSURE CREATED BY MECHANICAL MEANS OR OTHER MEANS WHICH CAUSES WATER OR OTHER LIQUIDS OR SUBSTANCES TO FLOW OR MOVE IN A DIRECTION OPPOSITE TO THAT WHICH IS INTENDED.

G. BACK SIPHONAGE: A FORM OF BACKFLOW DUE TO REDUCED OR SUB-ATMOSPHERIC PRESSURE WITHIN THE WATER SYSTEM.

H. BACKFLOW: THE FLOW OF WATER OR OTHER LIQUIDS, MIXTURES OR SUBSTANCES INTO THE DISTRIBUTION PIPES OF A POTABLE WATER SUPPLY FROM ANY SOURCE OTHER THAN THE INTENDED SOURCE.

I. BACKFLOW PREVENTER WITH INTERMEDIATE ATMOSPHERIC VENT: A DEVICE HAVING TWO INDEPENDENTLY OPERATING CHECK VALVES SEPARATED BY AN INTERMEDIATE CHAMBER WITH A MEANS FOR AUTOMATICALLY VENTING IT TO THE ATMOSPHERE, IN WHICH THE CHECK VALVES ARE FORCE LOADED TO A NORMALLY CLOSED POSITION AND THE VENTING MEANS IS FORCE LOADED TO A NORMALLY OPEN POSITION.

J. BAROMETRIC LOOP: A LOOP OF PIPE RISING AT LEAST 35 FEET, AT ITS TOPMOST POINT, ABOVE THE HIGHEST FIXTURE IT SUPPLIES.

K. COMMISSION: THE BOURNE WATER DISTRICT, OWNER AND OPERATOR OF THE PUBLIC WATER SUPPLY SYSTEM.

L. CONTAMINATION: ANY PHYSICAL, CHEMICAL, BIOLOGICAL OR RADIOLOGICAL SUBSTANCE OR MATTER IN THE WATER.

M. CROSS CONNECTION: ANY ACTUAL OR POTENTIAL CONNECTION BETWEEN A DISTRIBUTION PIPE OF POTABLE WATER FROM A PUBLIC WATER SYSTEM AND ANY WASTE PIPE, SOIL PIPE, SEWER, DRAIN, OR OTHER UNAPPROVED SOURCE.

N. CROSS CONNECTION VIOLATION FORM: A VIOLATION FORM DESIGNATED BY THE DISTRICT, WHICH IS SENT TO THE OWNER OF THE PROPERTY WITH COPIES SENT TO THE DEPARTMENT, PLUMBING INSPECTORS AND BOARD OF HEALTH DELINEATING CROSS CONNECTION VIOLATIONS FOUND ON THE OWNER'S PREMISES AND A PROCEDURE FOR CORRECTIVE ACTION.

O. DEPARTMENT; THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION.

P. DOUBLE CHECK VALVE ASSEMBLY: A BACKFLOW PREVENTION DEVICE WHICH INCORPORATES AN ASSEMBLY OF CHECK VALVES, WITH SHUT OFF VALVES AT EACH END AND APPURTENANCES FOR TESTING.

Q. IN-PLANT PROTECTION: THE LOCATION OF APPROVED BACKFLOW PREVENTION DEVICES IN A MANNER WHICH PROVIDES SIMULTANEOUS PROTECTION OF THE PUBLIC WATER SYSTEM AND THE POTABLE WATER SYSTEM WITHIN THE PREMISES.

R. OWNER: ANY PERSON MAINTAINING A CROSS CONNECTION INSTALLATION OR OWNING OR OCCUPYING PREMISES ON WHICH CROSS CONNECTIONS CAN OR DO EXIST.

S. PERMIT: A DOCUMENT ISSUED BY THE DEPARTMENT WHICH ALLOWS A CROSS CONNECTION INSTALLATION.

T. PERSON: ANY INDIVIDUAL, CORPORATION, COMPANY, ASSOCIATION, TRUST, PARTNERSHIP, THE COMMONWEALTH, A MUNICIPALITY, DISTRICT OR OTHER SUBDIVISION OR INSTRUMENTALITY OF THE UNITED STATES, EXCEPT THAT NOTHING HEREIN SHALL BE CONSTRUCTED TO REFER TO OR TO INCLUDE ANY AMERICAN INDIAN TRIBE OR THE UNITED STATES SECRETARY OF THE INTERIOR IN HIS CAPACITY AS TRUSTEE OF INDIAN LANDS.

U. PRESSURE VACUUM BREAKER: AN APPROVED BACKFLOW PREVENTION DEVICE DESIGNED TO PREVENT ONLY BACK SIPHONAGE AND WHICH IS DESIGNED FOR USE UNDER STATIC PRESSURE AND WHICH HAS NECESSARY APPURTENANCES FOR TESTING.

V. REDUCED PRESSURE BACKFLOW PREVENTER: AN APPROVED BACKFLOW PREVENTION DEVICE INCORPORATING; (1) TWO MORE CHECK VALVES, (2) AN

AUTOMATICALLY OPERATING DIFFERENTIAL RELIEF VALVE LOCATED BETWEEN THE TWO CHECKS, (3) TWO SHUT OFF VALVES AND (4) NECESSARY APPURTENANCES FOR TESTING.

W. RESIDENTIAL DUAL CHECK: AN ASSEMBLY OF TWO SPRING LOADED, INDEPENDENTLY OPERATING CHECK VALVES WITHOUT TIGHTLY CLOSING SHUT-OFF VALVES AND TEST COCKS GENERALLY EMPLOYED IMMEDIATELY DOWNSTREAM OF THE WATER METER TO ACT AS A CONTAINMENT DEVICE.

X. REVIEWING AUTHORITY: THE DEPARTMENT, ITS DESIGNEE, OR THE LOCAL PLUMBING INSPECTOR, AUTHORIZED BY M.G.L. C. 142 AND LICENSED BY THE BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS, WHICHEVER IS RESPONSIBLE FOR THE REVIEW AND APPROVAL OF THE INSTALLATION OF AN APPROVED BACKFLOW PREVENTION DEVICE.

**VOTED APRIL 24, 2017 AT ANNUAL DISTRICT MEETING
BOURNE WATER DISTRICT WATER USE RESTRICTION BYLAW ORDINANCE**

Section 1 Authority

This Bylaw is adopted by the Bourne Water District under its police powers to protect public health and welfare and its powers under M.G.L. c.40, §21 et seq. and implements the Bourne Water District’s authority to regulate water use pursuant to M.G.L. c.41, §69B. This bylaw also implements the Bourne Water District’s authority under M.G.L. c. 40, §41 A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection. This by-law is also intended to implement other water conservation requirements of M.G.L. c.21G, of the “Massachusetts Water Management Act” and its regulations promulgated at 310 CMR 36.00.

Section 2

Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a “State of Water Supply Conservation” or “State of Water Supply Emergency” by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly imposed restrictions, requirements, provisions or conditions on water use imposed by the Bourne Water District in accordance with this by-law and/or by the Department of Environmental Protection under its state law authority.

Section 3

Applicability

All Bourne residents that are customers of the Bourne Water District shall be subject to this by-law. This by-law shall be in effect year-round.

Section 4

Definitions

Agriculture shall mean farming in all its branches as defined at M.G.J. c. 128, § 1A.

Automatic Sprinkler System shall mean any system for watering vegetation other than a hand-held hose or bucket.

Essential Outdoor Water Use shall mean those uses that are 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 (for example, irrigation by golf courses as necessary to maintain tees and greens, and limited fairway watering, or irrigation by plant nurseries or agricultural operations as necessary to maintain stock or establish new plantings, wash equipment to prevent damage and /or maintain performance, pest management and plant cooling).

Exceptions to Nonessential Outdoor Water Uses shall include;

1. Irrigation of public parks and recreation fields outside the hours of 9AM to 5PM and;
2. irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose outside the hours of 9AM to 5PM;
3. irrigation outside the hours of 9AM to 5PM with harvested and stored stormwater runoff.

Nonessential Outdoor Water Uses shall include;

1. Irrigation of lawns via sprinklers or automatic irrigation systems;
2. washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agriculture or construction vehicles or equipment; and
3. washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

Seasonal Limits on Nonessential Outdoor Water Use shall mean groundwater levels have fallen to the monthly 25th percentile in USGS monitoring well 41412907070361401 (BHW-198) in Bourne, MA. and a “Drought Advisory” or greater is declared for the Cape and Islands Region by the Massachusetts Drought Management Task Force. The groundwater trigger occurs when groundwater level in the abovementioned USGS well, declines to or below the 25th percentile groundwater trigger for sixty (60) consecutive days and the trigger is

removed when the water level recovers above the 25th percentile trigger for thirty (30) days.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental protection under M.G.L. c.21G, §15-17

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Bourne Water District pursuant to Section 5 of this bylaw.

Water Users or Water Consumers shall mean all public and private users of the Bourne Water District's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Section 5 Declaration of a State of Water Supply Conservation

The Bourne Water District, through its Board of Water Commissioners, has the authority to 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 ensure an adequate supply of water to all water consumers or the Water Management Act permit condition for "Seasonal Limits" has been triggered. Public notice of a State of Water Conservation shall be given under Section 7 of this bylaw before it may be enforced.

Section 6 Restricted Water Uses

A declaration of State of Water Supply Conservation and/or a State of Water Supply Emergency includes one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers (and water users) as necessary to control the volume of water pumped each day and protect the water supply, except as provided as acceptable in Section 4. The Bourne Water District Water Management Permit includes a "Seasonal Limit" restriction on nonessential outdoor water use condition. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 7.

- a) **Nonessential outdoor water use days:** Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. During a State of Water Supply emergency or State of Water Supply Conservation, nonessential outdoor water use is restricted to two days or fewer per week.
 - a. The following outdoor water uses are subject to review and approval by the Bourne Water District Commissioners or their designee during a State of Water Supply Emergency or State of Water Supply Conservation;
 - i. Irrigation to establish replanted or resodded lawn or plantings during the months of May and September;

- ii. Irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months;
 - iii. filling of privately owned outdoor pools.
- b) Nonessential Outdoor Watering Hours: Nonessential outdoor watering is permitted only during the hourly periods to be specified in the declaration of a State of Water Supply Conservation and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.
- c) Outdoor Watering Ban: All outdoor watering is prohibited.
- d) Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- e) Nonessential outdoor water use method restriction: nonessential outdoor water use is restricted to a bucket or hand held-hose controlled by a nozzle.
- f) Filling Swimming Pools Filling swimming pools is prohibited.
- g) Automatic Sprinkler Use The use of automatic sprinkler systems is prohibited.

Section 7

Public Notification of a State of Water Supply Conservation: Notification of DEP

Notification of any provision, restriction, requirement or condition imposed by the Bourne Water District as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Bourne Water 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 6 shall not be effective until such notification is provided.

Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 8 Termination of a State of Water Supply Conservation: Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists, provided the Water Management Act "Seasonal Limits" permit condition is not in effect. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 7.

Section 9 State of Water Supply Emergency: 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, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 10 Penalties

Any person violating this bylaw shall be liable to the Bourne Water District in the amount of \$50.00 for the first violation and \$100 for each subsequent violation which shall inure to the Bourne Water District for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the general laws. Each day of violation shall constitute a separate offense.

Section 11 Severability

The individual of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

REVISED AND ADOPTED APRIL ,2017

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