

# Chapter 14

## Water

**State law reference** - Assessments for laying pipes for the conveyance or distribution of water, G.L. c. 40, Secs. 42G-42I (Accepted by Town on April 12, 1956.) Public water supply, generally, G.L. c. 40, Secs. 38-42K.

**Cross references**—Depositing of offensive or injurious substances in bodies of water, Sec. 6-1. Moving heavy machinery or vehicles over sidewalks, Sec. 8-3. Interfering with hydrants, Sec. 9-9. Rules and regulations of the Board of Health with respect to waste water and accumulation of stagnant water, Sec. 20-3. Rules and regulations of the Board with respect to establishment of wells, Sec. 20-5.

### Section

- 14-1. Assessments for extension of system.
- 14-2. **Restrictions** of water use.

#### Sec. 14-1. Assessments for extension of system.

(a) *Levy generally.* The Board of Selectmen, water commissioners or other officers in charge of the town water supply, shall levy special assessments to meet whole or part of the cost, thereafter incurred, of laying pipes in public or private ways for the conveyance or distribution of water to inhabitants of the town; and the owners of land benefitted, by abutting or more remote means, shall pay a proportionate part of the cost not already assessed of extending water supply to their land.

(b) *Amount chargeable.* The amount chargeable against each parcel of land benefitting shall include cost of pipes, material, labor and incidental expenses which amount shall be ascertained, assessed and certified by the Board of Selectmen, water commissioners or other officers in charge of water supply.

(c) *Method.* The assessment may be made by fixed uniform rate based on estimated average cost of all water pipes therein and laying thereof, according to frontage of such land on any way in which a water pipe laid, according to the area of land within a fixed depth from such a way, according to valuation for tax purposes last annual assessment or according to two or all of such measures.

(d) *Recording.* When the Board of Selectmen, water commissioners or other officers in charge of water supply determine to lay pipes in public or private ways and assessments may be made hereunder, they shall forthwith cause to be recorded at the Registry of Deeds for Middlesex County, Cambridge, Massachusetts, a statement of their action, specifying ways in which the

pipes are to be laid and shall describe such land as does not abut upon such way which is to be assessed for such improvement, and which shall designate as the owner of each parcel upon which a lien is to be imposed the person who was liable for assessment therefor on the preceding January first, under the provisions of Chapter 59.

(e) *To constitute a lien.* All assessments imposed under this section on any land abutting or included in the description shall constitute a lien on such land from the time the statement is recorded. General Laws, Chapter 80, providing for apportionment, reassessment, etc., of betterments shall be applicable.

(f) *Abatement of excessive assessment.* The assessment shall not be in excess of benefit to the land assessed and, if found so, shall be abated.

(g) *Extension of payment time.* The Board of Selectmen, water commissioners or other officers in charge of water supply shall, if the order for assessment is on land not built upon, extend the time of payment of assessment, with interest at four percent, until such land is built upon or for a fixed time. The assessment so extended and interest shall be paid within three months after land is built upon or at the expiration of such fixed period. (4-2-56, Art. 85)

#### **Sec. 14-2. Restrictions of water use.**

(a) *Authority.* This Bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G.L. c.40, sections 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c.41, section 69B. This bylaw also implements the Town's authority under M.G.L. c.40, section 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

(b) *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 providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

(c) *Definitions.*

- (1) Person shall mean any individual, corporation, trust, partnership or association, or other entity.
- (2) 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, sections 15-17.
- (3) State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to Paragraph (d) of this bylaw.

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

(d) *Declaration of a State of Water Supply Conservation.* The Town, through its Town Administrator, may declare a State of Water Supply Conservation upon a determination that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under Paragraph (f) of this bylaw before it may be enforced.

(e) *Restricted Water Uses.* A declaration of a State of Water Supply Conservation shall 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 under Paragraph (f).

- (1) 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;
- (2) Outdoor Watering Ban - Outdoor watering is prohibited;
- (3) Outdoor Watering Hours - Outdoor watering 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; and/or
- (5) Automatic Sprinkler Use - The use of automatic sprinkler systems is prohibited.

(f) *Public Notification of a State of Water Supply Conservation: Notification of DEP.* Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, 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 Paragraph (e) 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.

(g) *Termination of a State of Water Supply Conservation: Notice.* A State of Water Supply Conservation may be terminated by the Town Administrator upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Paragraph (f).

(h) *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.

(i) *Penalties.* Any person violating this bylaw shall be subject to a penalty pursuant to Section 1-4 of the Town of Stoneham Bylaws. Violation of this bylaw may also be enforced by non-criminal disposition in the manner provided by General Laws, Chapter 40, Section 21D and Section 1-4A of the Town of Stoneham Bylaws. The specific non-criminal disposition penalty which shall apply to a violation of this bylaw shall be as follows:

First offense within a twelve-month period:	Warning
Second offense within a twelve-month period:	\$50.00
Third offense and subsequent offenses within a Twelve-month period:	\$100.00

Each day of violation shall constitute a separate offense. The enforcement of this bylaw by non-criminal disposition as described herein shall be added to the list of bylaws so designated and enforced in Section 1-4A of these Bylaws.

(j) *Severability.* The invalidity of any portion of provision of this bylaw shall not invalidate any other portion or provision thereof.(5-6-02, Art. 2)