

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.

Editor's Note—See Water and Sewer Connection Fees for residential and commercial construction on filed with the Department of Public Works and the Town Administrator's office.

Section

- 14-1. Assessments for extension of system.
- 14-2. Restrictions of water use.
- 14-3. Reserved.
- 14-4. Reserved.
- 14-5. Private Water Systems & Appurtenances.

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)

Sec. 14-3 Reserved.

Sec. 14-4 Reserved.

Sec. 14-5 Private Water Systems & Appurtenances

Sec. 14-5.1 Purpose

The purpose of the bylaw is to:

(a) Ensure the safety and availability of water from privately owned water systems, fire hydrants and other appurtenances for consumption, fire suppression or other emergency uses within private residential and commercial developments.

- (b) Protect the public potable water supply of Stoneham from the possibility of Contamination or Pollution by isolating within the Customer's internal distribution system or the Customer's private water system such contaminants or pollutants that could backflow into the public water system;
- (c) Promote the elimination or control of existing cross-connections, actual or potential, between the Customer's in-plant potable water system and Non-potable water systems, plumbing fixtures and industrial piping systems; and
- (d) Provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the Contamination or Pollution of all potable water systems.

This is accomplished by setting requirements for the testing, inspection, and maintenance of privately owned fire hydrants and all internal, external, underground and exposed piping. It is the responsibility of the property Owner to have all the hydrants, appurtenances and piping located on his/her property maintained, inspected, and tested in accordance with this bylaw. The Town of Stoneham's Town Administrator, Director of the Department of Public Works ("Director") and the Fire Chief shall promulgate such regulations as may be necessary to implement this bylaw.

Sec. 14-5.2 Authority

As provided for in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the Town has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.

This bylaw and all subsequent Rules &/or Regulations are In accordance with M.G.L Chapter 40N Section 1, as amended, be it enacted by the Town Administrator of the Town of Stoneham, Commonwealth of Massachusetts (hereinafter "Town").

Sec. 14-5.3 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in these Rules and Regulations shall be as follows:

Act or Federal Act shall mean The Federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Applicant shall mean any Person, Owner, User or duly authorized agent requesting a Permit from the Town of Stoneham.

Authorized Enforcer refers to the Town, its employees or agents designated to enforce these Rules and Regulations.

Auxiliary Water Supply refers to any water supply on or available to the premises other than the approved public potable water supply overseen by the Town. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source, such as a well, spring, river, stream, harbor, and so forth, used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow refers to either of the following conditions:

(a) The reversal of the normal flow of water or other liquids caused by Back Pressure or Back Siphon.

(b) The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source, other than an approved supply source, caused by the sudden reduction of pressure in the potable water system.

Backflow Preventer shall mean a device or means to prevent backflow.

(a) Air Gap

The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one inch (25 millimeters).

(b) Reduced-Pressure Backflow-Prevention Assembly

The approved reduced-pressure-principle backflow-prevention assembly consists of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.

(c) Double Check Valve Assembly

The approved double check valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health-hazard (that is, a pollutant).

Back Pressure refers to a pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler or any other means that may cause backflow.

Back Siphon refers to a Backflow caused by negative or reduced pressure in the supply piping.

Combined Service shall mean any existing service pipe that is used to provide both Water Service and private fire protection service. New installation of Combined Service is not permitted.

Commission shall mean the Massachusetts Water Resources Authority, or its duly authorized representative(s).

Commonwealth shall mean the Commonwealth of Massachusetts.

Consumer shall mean any Person or their agent which in fact uses the Water System of the Town. Water Services will be recorded by the Department in the name of the party requesting the service unless otherwise requested in writing.

Consumption shall mean the amount of water used, as measured by a meter or as estimated by the Department in accord with its billing.

Contamination shall mean an impairment of the quality of potable water to a degree which creates an actual hazard to the public health through poisoning or the spread of disease.

Cross Connection refers to either of the following conditions:

(a) Any physical or potential connection or arrangement of piping or fixtures between two separate piping systems, one of which contains potable water and the other of unknown or questionable safety, including but not limited to steam, gas or chemicals, allowing flow from one system to the other.

(b) Any physical or potential connection or arrangement of piping or fixtures between two separate piping systems, one of which contains potable water and the other of unknown or questionable safety, through which, or because of which, Backflow or Back Siphon may occur into the potable water system.

Daily shall mean every calendar day.

DEP shall mean the Massachusetts Department of Environmental Protection.

Department or DPW shall mean Stoneham Department of Public Works.

Director shall mean the Director of Stoneham Department of Public Works, or his or her duly authorized representative(s).

Drain Layer shall mean any Person constructing, installing or repairing water, sewer or drainage pipe or appurtenances on Town or private property that is licensed to perform such work by the Director.

Easement shall mean an acquired legal right for the specific use of land owned by others.

EPA shall mean the United States Environmental Protection Agency.

Facility shall mean any pipe, pipeline, tub, main, service, trap, vent, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, or any other material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public or private place.

Fire Flow Test shall mean the measurement of flow from a hydrant performed by the Department or by a licensed testing company in accordance with generally accepted engineering practices.

Fire Hydrant refers to the above ground appliance (as defined by the NFPA) used to provide a water supply to fire apparatus in the event of a fire or other emergency.

Fire Pipe shall mean the private water piping, control valve and appurtenances installed solely to furnish water for extinguishing fires.

Fire Protection shall mean Water Mains, Fire Hydrants and other appurtenances (including but not limited to sprinkler pipes, heads, manifolds, valves and Standpipe systems) installed for the purpose of fire protection at a particular premises.

Fire Pump Test shall mean a means for contractors to conduct a test to determine whether a fire pump system is functioning properly as required by 310 CMR 22.22:13.08.

Hazard shall mean an actual or potential threat to the water supply system and its operation which could create or, in the judgment of the Director, may create a danger to the health and well-being of the Consumer.

Hazard, Degree of The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

(a) Hazard, Health

A cross-connection or potential cross-connection involving any substance that could, if introduced in the potable water supply, cause death or illness, spread disease or have a high probability of causing such effects.

(b) Hazard, Plumbing

A plumbing-type cross-connection in a Consumer's potable water system that has not been properly protected by an approved air gap or an approved backflow-prevention assembly.

(c) Hazard, Non-Health

A cross-connection or potential cross-connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into a potable water supply.

(d) Hazard, System

An actual or potential threat of severe damage to the physical properties of the public potable water system or the Consumer's potable water system or of a Pollution or Contamination that would have a protracted effect on the quality of the potable water in the system.

Hydrant Owner refers to the person(s) or entity (or their designee) according to Town records, that is responsible for tax payments (or other payments to the Town) for the property on which the hydrant is installed.

Hydrant Maintenance refers to the process of regular maintenance of a Fire Hydrant to determine its capability to provide the desired water supply for which it was designed; and to exercise all valves, caps, etc.; and to lubricate and paint as needed.

Industrial Fluids System shall mean any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, Pollution or plumbing hazard if introduced into an approved water supply. This may include, but shall not be limited to, polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulating cooling waters biologically treated or stabilized with toxic substances; contaminated natural waters such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems and so forth; oils, gases, glycerin, paraffin and caustic and acid solutions; and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes

Industrial User shall mean any user identified in the Standard Industrial Classification Manual of the U.S Office of Management and Budget, as amended and supplemented, under the following divisions:

- (a) Division A – Agriculture, Forestry, and Fishing
- (b) Division B – Mining
- (c) Division D – Manufacturing
- (d) Division E – Transportation, Communication, Electric, Gas, and Sanitary Service
- (e) Division I – Services

Insurance Certificate shall mean a document issued by an insurance company/broker that is used to verify the existence of insurance coverage under specific conditions granted to listed individuals.

Massachusetts Water Resources Authority or MWRA shall mean the Massachusetts public authority established by an act of the Legislature in 1984 to provide wholesale water and sewer services various metropolitan Boston communities or its duly authorized representative(s).

Municipality shall mean a city, town, village, or borough possessing its own local government under the Commonwealth.

Non-potable Water shall mean water which is not safe for human consumption or which is of questionable quality.

Owner shall refer to any Person, or entity, who individually, or jointly or severally with others holds legal title to any land or premises, or has been legally assigned the care, charge, or control of any premises as agent, manager, executor, administrator, trustee, lessee, or guardian of the estate of, or by, the holder of legal title.

Person shall mean any individual, firm, company, association, society, corporation or government entity.

Plumbing shall mean piping falling under the jurisdiction of the Plumbing Code, generally piping within a building and extending outside the building ten feet from the building wall.

Plumbing Code shall mean the existing rules and regulations enforced through the Stoneham plumbing inspector. Such rules and regulations shall conform to the Commonwealth of Massachusetts Regulations (248 CMR) concerning Fuel Gas and Plumbing Codes.

Pollution shall mean the presence of pollutants in the environment in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas as may be affected thereby.

Potable Water shall mean water fit for human consumption in conformance with the regulations of the Massachusetts Department of Environmental Protection.

Private Hydrant System shall mean a system of Fire Hydrants within a private residential or commercial development, whose water is provided by the Town, but the underground piping in which the water moves and the hydrants are maintained by the property Owner.

Public Place or Public Way shall mean any public street, way, place, alley, sidewalk, park, square, plaza, or any other similar public property owned or controlled by the Town and dedicated to public use.

Recoverable Charges shall mean all cost directly or indirectly incurred by the Town.

Rules &/or Regulations shall mean these or all Rules and Regulations of the Town.

Right-of-Way Permit shall mean Permit authorizing worked within the public right of way issued by the Department.

Schedule of Rates / Permit Fees shall mean the fixed prices or rates established by the Town and on file with the Department, in accordance with which all charges for special services or Permits is listed.

Shall is mandatory; May is permissive.

Shut Off shall mean the closing of a control valve to temporarily stop Water Service or to terminate Water Service.

Significant Industrial Consumer or Significant Consumer shall mean any industrial, commercial or residential Consumer that meets any of the following criteria:

- (a) The Consumer is regulated by National Categorical Pretreatment Standards.
- (b) The Consumer uses an average of ten thousand (10,000) gallons or more per operational day.
- (c) The Consumer has a reasonable potential for upsetting the operational process at pump stations or violating any sewer discharge standards.
- (d) The Consumer uses seventy eight (78) gallons or one hundred twenty percent of the latest Massachusetts Water Conservation Standards recommendation for gallons per capita per day.

Standpipe shall mean a rigid pipe which is built in multi-story buildings in a vertical and/or horizontal position to which fire hoses can be connected to allow manual application of water to a fire. Standpipes serve the purpose of an interior Fire Hydrant

Termination shall mean the cessation of Water Service pursuant to the Department's billing, termination and appeal regulations or for violation of these regulations.

Town shall mean the Town of Stoneham, Massachusetts and all its duly authorized representatives and agents.

Utility shall mean any private company, corporation, or quasi-municipal corporation which supplies services such as but not limited to, water, sewer, electric, gas, communication or cable.

Water Main shall mean the piping and associated valves, Fire Hydrants and appurtenances installed in a public way, Town-owned easement, or private way open to public travel for the purpose of supplying water to one or more Customers or for public fire protection.

Water Service shall mean the pipe running from the main in the street to include a curb stop and curb box at or near the property line, a shutoff valve, meter and meter connection, inside a building or Meter Pit.

Water System shall be made up of two parts, the utility system and the private system:

(a) The utility system shall consist of the source facilities and the distribution system; it shall include all those components of the water system under the complete control of the Department or MWRA up to the curb stop where the private system begins.

(b) The private system shall include those parts of the facilities where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the Customer's water system.

Weekly shall mean any seven (7) consecutive calendar days.

Yard Hydrant shall mean any Fire Hydrant where the Hydrant Owner is not the Town and whose ownership may be split among multiple Consumers if not located on a Public Way.

Sec. 14-5.4 Town Authority & Rights

Sec. 14-5.4.1 Rules & Regulations

(a) No representative of the Department of Public Works or Fire Department has the authority to change or modify Town bylaws, Rules &/or Regulations unless specifically noted. The Town will not recognize or be bound by any claimed change or modification hereof.

(b) Town Rules &/or Regulations may be altered or amended at the discretion of the Town Administrator and shall be included as part of the contract with every Consumer. All persons taking water from the Town shall be deemed to accede to and be bound thereby.

(c) The Town Administrator reserves the right to change or amend the Rules &/or Regulations, and make additions thereto or exceptions therefrom, at any time without advance notice, and to establish and assess penalties for violations, including the right to suspend or terminate Water Service.

Sec. 14-5.4.2 Rights of Access

(a) Agents or representatives of the Town may enter the property of a Consumer at all reasonable times for the purpose of reading meters, inspecting or examining pipes, fixtures

or attachments used by the Consumer. The Town shall comply with M.G.L. 165, Section 11D prior to entering the property of a Consumer.

(b) Duly authorized representatives of the Town may inspect the property or the facilities of any Consumers (including facilities under construction) to ascertain compliance with bylaws, Rules &/or Regulations. Consumers of premises where Water Service pipes or fire pipes are located shall allow properly identified Town representatives ready access, at all reasonable times during normal business hours and at such other times as the Town reasonably suspect that a violation may be occurring, to such parts of the premises as would enable Town personnel to inspect observe, measure, sample and test:

- (1) Water use;
- (2) Buildings;
- (3) Water quality;
- (4) Meters;
- (5) Underground and Exposed Pipes;
- (6) Fire Protection;
- (7) Internal plumbing;
- (8) Cross connections and backflow preventers; and
- (9) Any facilities the Town reasonably believes may be contributing to a violation.

(c) Where a Consumer has security measures in force that would require clearance before entry to the premises, the Consumer shall make necessary arrangements to permit Town personnel to enter without undue delay for the purpose of carrying out their specific responsibilities.

Sec. 14-5.4.3 Intentionally Omitted

Sec. 14-5.4.4 Liability

(a) The Town does not guarantee constant pressure nor uninterrupted service, nor does it assure the Consumer either a full volume of water or the required pressure per square inch necessary to effectively operate hydraulic elevators, sprinkler systems or other appliances, the

same being subject to all the variable conditions that may take place in the use of water from the Town mains.

(b) No Consumer shall be entitled to damages, or to have payment refunded, for any interruption of supply occasioned either by accident to any portion of the works, or by shutting off for the purpose of additions or repairs to the works, or by the stoppage or shortage of supply due to causes beyond the control of the Town, such as excessive drought, excessive use of and waste of water by other Consumers, fire, or by leaks or defects in the pipes or appliances owned by him/her or other Consumers.

(c) The Town will not be responsible for damages caused by dirty water resulting from the opening or closing of any gate for repairs or system maintenance, the use of any Fire Hydrant, or the breaking of any pipe.

(d) The Town assumes no liability for conditions, which exist in Consumer's pipes or fixtures and causes trouble coincident to or following the installation and/or repairs of any main pipe, service pipe, meter or other appliance belonging to the Town.

(e) The Town reserves the right at any time without notice to shut off the water in the mains for purposes of making repairs, extension or for other necessary purposes. Consumers having boilers or other appliances on their premises depending on the pressure in the pipes to keep them supplied with water are hereby CAUTIONED against danger from these sources, and are required to provide, at their own expense, suitable safety appliances to protect themselves against such danger. In any event, it is expressly stipulated that the Department will not be liable for any damage resulting from water having been shut off, either through accident or necessity.

(f) The Town is not responsible for leaks on the Consumer's property. The Owner will be ultimately responsible for all water whether caused by use, leaks or waste. The Town is not responsible for making repairs to any Water Service either, The Town has the authority to deem a leak an emergency and order or take immediate action. Pipes not owned by the Town will be kept in good repair.

Sec. 14-5.5 Responsibilities of Private Fire Protection System Owners

Sec 14-5.5.1 Fire Lines

(a) The entire line extending from the public water main to the premises and including the control valve at the main shall be owned and maintained by the Owner.

(b) Private Fire Protection systems shall be constructed in accordance with the Department specifications and latest versions of the Massachusetts Building code, Massachusetts Fire Code, and National Fire Prevention Association.

(c) Fire Pipes shall be a separate connection to the water main. The fire service pipe shall be independent of any other Water Service pipes that enter the Facility. Domestic Water Services tapped off of fire services shall not be allowed.

(d) The Owner or the Owner's agent shall be responsible, at its expense, for installing the fire pipe and appurtenances, tapping and making connection to the public water main, and cutting and capping any Water Service pipe to be abandoned. The Owner or Owner's agent shall arrange with at least 24 hours advance notice for any inspection by the Department.

(e) All Fire Pipes are subject to a one-time connection fee, which is based on the square footage of protected area. Fire lines are also subject to an annual charge based on the size of the fire line and number of yard Fire Hydrants and will be billed quarterly.

From time to time hereafter the Town, after public notice and hearing, may amend the one-time connection fees, annual charges or any other amounts due under this Bylaw. The Schedule of Rates shall be maintained by the Fire Department.

Such annual charges shall not include or be used for maintenance or repair costs to the fire service pipe or Fire Hydrant(s). Maintenance and repair costs are to be borne by the Owner of the premises.

Sec 14-5.5.2 Fire Hydrants

(a) Unless the Director expressly determines otherwise, with respect to specific locations, all Fire Hydrants located in the Public Way, Town-owned easements or private ways open to public travel shall be owned and maintained by the Town. A list of Hydrant Owners shall be maintained by the Town.

(b) Fire Hydrants shall be placed at locations designated by the Director, in conjunction with the Fire Chief, to facilitate public fire protection. As a condition of new or extended water

service, the Town may require an Owner, at his/her expense, to install Fire Hydrant(s) and/or Yard Hydrant(s) , if the Director or Fire Chief determines that such new or extended water service creates additional fire protection requirements or water quality concerns.

(c) All Persons are forbidden to shut off or turn on water from ANY pipe, gate valve, curb stop, Town Fire Hydrant, Yard Hydrant or other fixture intended for potable water or fire protection without the approval of the Director, except firefighters in the performance of their duties. Persons found in violation shall be punished in accordance with this bylaw, M.G.L. 165, Section 11 and M.G.L. 148 Section 27A.

(d) No object, material, debris or structure of any kind shall be placed on or around any Fire Hydrant or gate box connected with the water system so as to prevent easy access to the Fire Hydrant or gate box at all times.

In no case shall snow be piled against or otherwise be allowed to accumulate on any Fire Hydrant. After a snowstorm, all Fire Hydrants shall be cleared of snow within twelve (12) hours of the end of the snowfall. The Fire Chief shall have final authority to determine if the Hydrant Owner has complied with this provision.

All Fire Hydrants shall be free from plantings and other landscape features in order to ensure full access and use of the Fire Hydrant. The Fire Chief shall have final authority to determine if the Hydrant Owner has complied with this provision.

(e) Any person causing damage to a Fire Hydrant will be held responsible for all costs related to the repair or replacement of said hydrant.

Sec. 14-5.5.3 Town Maintenance & Testing Procedures

The Owner of a Private Fire Protection System shall maintain such Fire Protection by a qualified Town licensed Drain Layer, licensed Commonwealth of Massachusetts sprinkler contractor and/or licensed plumber as needed and conduct the required inspections, maintenance and testing annually between April 1 and November 1.

The Town shall, by regulation, establish a list of inspection, maintenance and testing procedures for bylaw compliance with associated fees. The results of any inspection, maintenance or testing shall be forwarded to the Department and Fire Chief within fourteen (14) days of completion. The Department and/or Fire Chief shall be notified at least 24 hours prior to conducting any work.

The Owner shall procure all the necessary permits and approvals and be responsible that all work is in accordance with Town, Industry and NFPA standards.

Sec. 14-5.5.4 Insurance Maintenance & Testing Procedures

The purpose of maintenance is to ensure the Fire Protection's capability to furnish the volume of water available from the Town's water supply to the necessary Fire Hydrant / sprinkler to be used in the event of fire. Such maintenance may be in addition to any maintenance or tests, including water flow tests that may be required by the Owner's insurer or other entities. Owner shall provide the Department an Insurance Certificate within thirty (30) days of coverage renewal or new coverage.

Sec. 14-5.5.5 Fire Hydrant Out Of Service "OOS"

If any Fire Hydrant does not successfully pass the testing procedures required by this bylaw and any regulations promulgated hereunder, the Hydrant Owner shall be notified in writing by Stoneham Fire Department ("SFD") and/or Department of such failure. The SFD shall then immediately mark the hydrant as being "out of service" ("OOS"), using a system of marking the "Out of Service" hydrant in a way that is acceptable to Department.

The Fire Hydrant Owner shall furnish the Department with a written plan for repair of any Fire Hydrant marked OOS; including the reason the Fire Hydrant is OOS and a timetable for needed repairs to be made. All repairs and/or replacements shall be made within a thirty (30) day period of such notification unless Department extends that period due to cold weather considerations or for other good cause. Upon completion of repairs, the Fire Hydrant Owner shall notify the Department and SFD in writing of such repair. The Department shall then inspect the Fire Hydrant and if the repairs are completed, shall remove the OOS marking.

Sec. 14-5.5.6 Fire Hydrant Marking System

All Fire Hydrants shall have marking systems attached (flag-style similar to those used on Town maintained Fire Hydrants) in order to identify the Fire Hydrant at night and in the event of snow blowing or otherwise covering the Fire Hydrant. Such marking system shall not interfere with the expedient use of the Fire Hydrant during an emergency. Specifications for marking systems shall be maintained by the Fire Chief who shall have authority to determine if the Fire Hydrant Owner has complied with this provision. All installations, repairs and/or replacements shall be made within a thirty (30) day period following written notification by the SFD.

Sec. 14-5.5.7 Fire Hydrant Accessibility

All Fire Hydrants shall be kept accessible for emergency use at all times. The Director and Fire Chief shall immediately be notified of any Fire Hydrants that are un-accessible or unusable for any reason.

Sec 14-5.5.8 Fire Hydrant Initial Inspection

The first round of inspection and maintenance procedures, which shall include flow tests of the Hydrants (as specified by the Department), shall be completed within the time period April 1, 2018 — November 1, 2018. All testing will be done in cooperation with, and conducted following procedures outlined by, the Department. The records of the inspection, maintenance, and testing shall be filed with the Fire Chief at the SFD by December 1, 2018.

Sec 14-5.5.9 Fire Hydrant Annual Inspection

All subsequent yearly procedures shall take place in the time period between April 1 and November 1 of each year and will be done in cooperation with the Department and SFD. Reports of the procedures shall be filed with the Fire Chief at the SFD by December 1 each year.

Sec. 14-5.6 Intentionally Omitted**Sec 14-5.7 Backflow prevention****Sec 14-5.7.1 Installation of Backflow prevention assembly**

As required by the Commonwealth of Massachusetts, Department of Environmental Protection, and the appropriate state regulations, the Town will require certain Customers to place on their services approved backflow prevention devices. An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served, but in all cases before the first branch line leading off the service line. The following customers will be required to install these devices; however, the Department also may require any other customer to add the device if the possibility of water system Contamination may exist:

(a) In the case of premises having an Auxiliary Water Supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Director, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the Degree of Hazard.

(b) In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.

(c) In the case of premises having internal cross-connections that cannot be permanently corrected and controlled or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against Backflow from the premises by installing an approved backflow-prevention assembly in the service line.

Sec 14-5.7.2 Types of protective assembly

(a) The type of protective assembly required under Section 14-5.7.1 shall depend upon the Degree of Hazard that exists as follows:

(1) In the case of any premises where there is an auxiliary water supply as stated in Section 14-5.7.1(a) of this chapter and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure-principle backflow-prevention assembly.

(2) In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

(3) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure-principle backflow-prevention assembly. Examples of premises

where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

(4) In the case of any premises where there are uncontrolled cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure-principle backflow-prevention assembly at the service connection.

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure-principle backflow-prevention assembly on each service to the premises.

(6) In the case of any premises where, in the opinion of the Director, an undue health threat is posed because of the presence of an extremely toxic substance, the Director may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Director and is dependent on the Degree of Hazard.

(b) Any backflow-prevention assembly required herein shall be a model and size approved by the Director.

(1) The term "approved backflow-prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA), titled "AWWA C510-89, Standard for Double Check Valve Backflow-Prevention Assembly" and "AWWA C511-89, Standard for Reduced-Pressure-Principle Backflow-Prevention Assembly," and has met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCHR) of the University of Southern California established by the Specification of Backflow-Prevention Assemblies, Section 10 of the most current issue of the Manual of Cross-Connection Control.

(2) Said AWWA and FCCHR standards and specifications have been adopted by the Town. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCHR specifications. In addition, backflow prevention devices must be approved for use by the Massachusetts Department of Environmental Protection (DEP).

(3) The following testing laboratory has been qualified by the Town to test and certify backflow preventers:

Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California

University Park
Los Angeles, CA 90089

(4) Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the Director.

(5) Backflow preventers that may be subjected to Back Pressure or Back Siphon that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow-prevention assemblies may be used without further testing or qualification.

Sec 14-5.7.3 Inspection, testing and overhauling of devices

(a) Beginning on January 2, 2018, all testing of backflow-prevention devices conducted in accordance with these regulations must be conducted by a person who is a certified backflow-prevention device tester.

(b) Within 14 days after the installation of devices in accordance with plans reviewed and approved by the Town, the Owner or Owner's agent shall notify the reviewing authority to arrange inspection of the installation by the Director.

(c) Reduced-pressure backflow preventers, double check-valve assemblies, pressure-type vacuum breakers and air-gap separations may be inspected and tested by the Town at any item.

(d) The Town shall test each reduced-pressure backflow preventer and double check-valve assembly and shall inspect air-gap separations with tank and pump arrangements semiannually. If the supply is used less than six (6) months of the year, these devices shall be inspected and tested by the Town once each year. The test shall be conducted by a certified backflow-prevention device tester and recorded on standardized inspection and maintenance report forms. Copies of the inspection forms shall be submitted to the Owner.

(e) Devices failing a test or found defective shall be overhauled, repaired or replaced by a plumber licensed by the Commonwealth of Massachusetts to the extent required by 248 CMR 2.04(3). These devices must be repaired and re-inspected within ninety (90) days of the initial inspection date.

(f) No two (2) routine tests required by this section shall be conducted within three months of each other without the written approval of the Department.

(g) The Owner or Owner's agent must maintain on the premises a spare parts kit and any special tools required for removal and reassembly of devices which are to be tested. The presence of these materials must be recorded on the inspection and maintenance report form.

(h) The Owner or Owner's agent must provide labor on the premises as necessary to allow inspection and testing of devices by the Town's certified backflow-prevention device tester(s).

(i) The Owner or Owner's agent shall notify the Department, in writing, no later than thirty (30) days prior to the removal from service of any permitted device, and such notification shall include the reason for removal and must indicate if the cross-connection has been eliminated.

Sec 14-5.7.4 Discontinuance of Water Service

The Owner of a Facility found in violation shall be notified in writing of the need for compliant backflow protection. The Owner shall have thirty (30) days from the survey date to submit a compliance plan. The Town may take up to fourteen (14) days to accept / reject plan. The Owner has a thirty (30) day corrective action period following the Town's fourteen (14) day period regardless of acceptance or rejection of the original submittal. The Owner shall then have fourteen (14) days to schedule inspection with the Town after the expiration of the corrective action period. The total process shall not exceed 90 days total. Failure to comply within ninety (90) days will result in discontinuance of Water Service. Notifications will be sent to the DEP, Town Plumbing Inspector and Board of Health.

If the Town determines at any time that a serious threat to the public health exists the Director may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with

state-provincial and town statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

Sec 14-5.7.5 Owner Responsibility

(a) The Owner shall be responsible for the elimination or protection of all cross-connections on their premises.

(b) The Owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and installation of backflow prevention devices.

(c) The Owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.

(d) The Owner shall inform the Town of any proposed or modified cross connections and also any existing cross connections of which the Owner is aware but has not been found by the Town.

(e) The Owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

(f) The Owner shall install backflow preventers in a manner approved by the Commission.

(g) The Owner shall install only backflow preventers approved by DEP.

(h) Any Owner of industrial, commercial, or institutional premises having a private well or other private water source must have a permit if the well or source is cross connected to the Town's system. Permission to cross connect may be denied by the Town. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross connected to the Town's system.

(i) The Owner of a private well or individual water source serving residential dwellings used for potable or non-potable purposes will not be allowed a physical connection with the Town system.

(j) The Owner shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, retesting in the case that the device fails to operate correctly, and second re-inspections for non-compliance with DEP or Town requirements.

(k) All Backflow Preventers are subject to a one-time connection fee, which is based on the size of the Water Service. Backflow Preventers are also subject to an inspection fee.

From time to time hereafter the Town, after public notice and hearing, may amend the one-time connection fees, inspection fee or any other amounts due under this Bylaw. The Schedule of Rates shall be maintained by the Department of Public Works.

Such charges shall not include or be used for maintenance or repair costs to the Backflow Preventer. Maintenance and repair costs are to be borne by the Owner of the premises.

Sec. 14-5.8 Penalties and Fines

Enforcement of this bylaw may be made pursuant to the General Laws, c. 40, sec. 21D and the Town's General Bylaws, Chapter 1, Section 1-4A, and any other applicable enforcement authority. This bylaw shall be enforceable by the Authorized Enforcer, who shall be either the Director, Fire Chief or Town Administrator, or to act in any other manner in relation thereto.

Prior to commencing enforcement action for a violation of this bylaw, the Authorized Enforcer shall give the Owner written notice to comply with the bylaw. Each Facility in violation shall be a considered separate offense. Each day in which such violation shall continue shall be deemed a separate offense. All penalties and fines shall be payable to "Town of Stoneham" within thirty (30) days of notification.

\$100: First Offense, for each violation. This applies to each Facility. For instance, a premise with three (3) Fire Hydrants in noncompliance with this bylaw would be assessed a fine of \$300 for the first offense.

\$200: Second Offense, for each violation. This applies to each Facility. For instance, a premise with three (3) Fire Hydrants in noncompliance with this bylaw would be assessed a fine of \$600 for the second offense.

\$300: Third and subsequent offenses, for each violation. This applies to each Facility. For instance, a premise with three (3) Fire Hydrants in noncompliance with this bylaw would be assessed a fine of \$900 for the third and subsequent offenses.

Triple damages or \$1,000, whichever is greater or imprisonment for not more than one (1) year: Violations of M.G.L. 165, Section 11. The Town shall not be required to give written notice to comply with the bylaw for violations of M.G.L. 165, Section 11.

Failure to pay the fine within the prescribed time period will result in court action for violation of a Town bylaw or a municipal charges lien being placed on the subject real property pursuant to M.G.L. 40, Section 58, in the Middlesex County Registry of Deeds, South Middlesex District, until the fine is paid.

As an alternative to the assessment of fines through criminal process, violations of this bylaw may be enforced through civil disposition in the manner provided in M.G.L. 40, Section 21.

Sec. 14-5.9 Severability

Sec 14-5.9.1 This bylaw shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec 14-5.9.2 If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Sec 14-5.9.3 This bylaw shall not contravene nor render ineffective any of the lawfully established laws, codes, rules and regulations of the Commonwealth.