



## Mendon Water Department Rules and Regulations

**Effective date May 30<sup>th</sup>, 2019 by vote of the Mendon Water Commission.**

*Amended 12/5/19 to add fire connection fees*

*Amended 5/26/20 to clarify rate page*

*Amended DATE*

The Mendon Water Department was established pursuant to its authority under MGL Chapter 41, 69B and the provisions of Chapter 528 of the Acts of 1946. The Mendon Water Department hereby promulgates the following Rules and Regulations. These Rules and Regulations and all subsequent changes in same or amendments and additions thereto shall constitute a part of the contract with every person, corporation and owner of property supplied with town water, and every such person, corporation and property owner using such supply shall be considered as having expressed consent to be bound thereby.

Failure to enforce or to have knowledge of violations in whole or part of these rules and regulations does not relieve property owners from liability or penalties for failing to abide by same.

Should any provision of these Rules and Regulations be found by a court of competent jurisdiction to be invalid or unenforceable, then the validity of other provisions of these Rules and Regulations shall not be affected or impaired thereby.

### **Definitions**

**DEPARTMENT:** Water Department of the Town of Mendon, aka: Mendon Board of Water Commissioners

**CONSUMER:** The term “consumer” shall mean the individual, corporation, or firm whose name is currently on record as the party who has applied for a water service or any individual, firm or corporation who, in fact, uses the public water supply of the Town of Mendon connections are made.

**MAIN:** A main is a supply pipe usually laid in the street from which service connections are tied into.

**SERVICE:** A service line is the line (pipe) that comes from the water main to the lot line. (approx.)

**CONSUMER SERVICE LINE:** The consumer service line starts at the curb stop.

**CURB STOP:** Point on the consumer’s lot line where the Department can turn off the water.

**CUSTOMER:** Property Owner and/or current resident(s) and/or water consumer. In accordance with MGL Ch186 §22 (k), In the case of a rental property, the property owner shall be the customer of record for billing purposes.

**CROSS CONNECTION:** Cross connection is any physical connection or arrangement of piping or fixture between two otherwise separate-piping systems one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, back flow or siphonage may occur into the potable water system.

**POTABLE:** Water from a source which has been approved by the Department of Environmental protection as being safe for human consumption.

**PRIVATE WAY:** A street or road that has not been accepted by the Town.

**ENFORCING PERSON:** Shall mean the Town’s Board of Water Commission, its duly appointed agents, employees and members, the Board of Health, the Town Police, Special Police, and any other person designated by the Town as having police powers.

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: sec 15-17.

STATE OF WATER SUPPLY CONSERVATION: Shall mean a State of Water Supply Conservation declared by the Water Commissioners.

### **Application for Service**

1. All applications for water service must be made in writing on a form provided by the Department. The application for service must be made by the property owner. All applications shall be from the property owner
2. No agreement will be entered into by the Water Department until the following conditions are met:
  - a. Any charges for water due at any premises owned by the same person are paid in full.
  - b. In accordance with Chapter 19 of the Mendon General By-Laws, the Treasurer's Office shall provide the Department a certificate showing the applicant is in good standing with regards to any taxes, fees, assessments, betterments, or any other municipal charges.
3. The accepted application by the Water Department shall constitute a contract between the Water Department and the applicant, obligating the applicant to pay to the Department its rates as established periodically and to comply with its Rules and Regulations.
4. Applications for service installations will be subject to the availability of water at the source and subject to there being an existing main in a street or right-of-way abutting the premises to be served. These Rules and Regulations in no way obligate the Department to extend its mains to service the premises under consideration. No connections that result in the system exceeding the safe yield of its sources or the hydraulic capacity of its distribution system shall be allowed.
5. When a prospective customer has made application for a new service or has applied for reinstatement of an existing service, it is assumed that the piping and fixtures on the outlet side of the curb stop both to and in the premises to be supplied are in order to receive same. The Department will not be liable in any case for an accident, breaks or leakage on the outlet side of the curb stop
6. Any customer with an existing well may be required to decommission said well as a condition of their application for water service. (See section on irrigation systems)

### **Discontinuation of Service**

1. Property owners wishing to discontinue water service must notify the Water Department in writing. Any discontinuation shall be permitted only at the Water Department's discretion.
2. Before the Department approves a disconnection, the property owner must provide proof of an alternate source of water as well. This shall include a copy of the well permit issued by the Mendon Board of Health as well as copies of water quality test results shall be required. The Department shall require copies of all water tests as required by the Mendon Board of Health Well Regulations showing the water provided is suitable as a potable water supply.
3. The Department shall inspect the facility at the time of disconnection to ensure service has been physically disconnected. The customer will be required to return their water meter to the Department. Failure to do so will result in charge for the cost of the meter and continuation of billing.
4. Property owners are warned that once their service has been terminated, the service address may be removed from our contract with Hopedale and they may be PROHIBITED from future re-connection. If a re-connection is approved the customer will be assessed a connection fee as outlined in the fee schedule.

## Property Access

1. As defined in Massachusetts General Laws, Ch. 165, and CMR 22.22 any authorized agent of the Mendon Water Department shall have the right of access at all reasonable hours to the premises supplied by water for the purpose listed below. If entry is not granted with-in 30 days of first notice water will be shut off at curb stop until entry is granted. Turn off and turn on fees will be applied plus administrative fees.
  - a. Reading meters
  - b. Downloading data exports from electronic meter registers
  - c. Examining fixtures and pipes
  - d. Observing the manner of using water
  - e. To repair, test or replace meters and the connecting features
  - f. To inspect cross connections connected to the water system
  - g. To test devices installed for the purpose of preventing cross connections or backflow
2. No person shall be deemed to be an authorized agent of the Department entitled to access unless he or she displays on an outer garment, a picture identification, the agent's name, and the name of the Department.

## Service Connections & Curb Stops

1. Original mains, hydrants and service connections from the main to the curb line shall be installed under the direction of a licensed contractor approved by the Department. Materials and methods of construction shall be approved by the Department. These mains, hydrants and service connections from the main to the curb line remain, at all times, the sole property of the Town, and shall not be trespassed upon or interfered with in any respect. No person shall make any attachments or connections to the pipes of the water system, nor make any repairs, additions to, or alterations to the water pipes beginning at the house side of the meter and running to the water main. This property shall be maintained by the Department and may be removed or changed at any time.
2. Curb stops shall not be used or operated by the owner, customer or their agent for turning on or shutting off the water supply. The control of the water supply by the customer shall be by means of a separate stop, located in general just inside the building wall. Curb stops are for the exclusive use of the Department.
  - a. The Department (or their designee) will shut off the supply of water for maintenance at the request of the property owner. The shut-off fee shall apply once per request.
3. The Water Commissioners shall determine specifications for any and all work to be performed on the water distribution system. It shall be the responsibility of the property owner and/or contractor to request this information before performing any work.
4. All service pipes shall have a minimum cover of five feet. All service pipes shall not be less in size than one inch inside diameter. All service pipes shall be of Type-K Copper.
5. No service pipe shall be laid in the same trench with gas pipe, sewer pipe, or any other facility of a public service company, nor within three feet of any excavation or vault.
6. The entire cost of installation from the curb line to the premises shall be the responsibility of the owner of the premises. The minimum size and cover shall be the same as that used from the main to the property line. If the service has not been installed in accordance with the Mendon Water Department's requirements, water service will not be turned on until such defects have been remedied. The service pipe between the curb line and the premises and all piping and fixtures on or in the premises of the

**Comment [DNB1]:** Keep this? Or maybe in accordance with MA plumbing code?

customer shall be maintained by the customer and the work performed by a licensed plumber in a manner satisfactory to the Department.

7. The property owner will be solely liable and responsible for any damage to the curb stop, service line, and/or shut off valve on their premises, even if such damage is caused by a private contractor, and said property owner shall be solely responsible for the entire costs of repair or replacement.
  - a. Any damage caused by a private contractor on premises owned by the customer shall be billed to the customer. It shall be the customer's responsibility to pursue any claim for damages against said contractor.
8. The Department shall in no event be responsible for maintenance of, or for damage done by water escaping from the service pipe or another pipe and fixture on the outlet side of the curb cock. The customer shall, at all times, comply with State and Municipal regulations in reference thereto and shall make any changes thereon required on account of change of grade, relocation of mains or otherwise.
9. The Department reserves the right, in times of emergency, to shut off the water temporarily without notice for necessary repairs, extensions, alteration, or other necessary work connected with the distribution system. The Department will not be held responsible for the water supplied at a time of power or mechanical failure or for any interruption of service beyond its control.
10. Any new connection or substantial alteration of a service line will require the installation of an approved backflow preventer. The cost shall be the responsibility of the property owner.
11. The Department reserves the right to require any condominium or duplex facility to install multiple meters with shut-offs for each unit, accessible in a common area, or install completely separate service lines for each unit.
12. Where more than one premises is now supplied through one service pipe, and under the control of one curb cock, any violation of the rules of the Department by either or any of the customers so supplied shall be deemed a violation by all and the Department may take such actions as could be taken against a single customer. Such action shall not be taken until the innocent customer who is not in violation of the Department's rules, has been given a reasonable opportunity to attach their pipe to a separate controlled service connection.
13. The Mendon Water Department is a member of Dig Safe. All requests for mark-outs should be submitted through the Dig Safe system (Call 811). Mark out of water mains, services and other appurtenances will be provided with 72 hour minimum notice, unless it is an emergency. Mark-outs on private property will be done as courtesy and the Department shall not be responsible for incorrect markings.

### **New Development**

1. The developer shall pay for all materials, labor, tools, equipment, main line valves, supervision and inspection, together with the necessary overhead items in connection with the installation of water main cut-ins to existing Water Department mains. All work of connecting new mains shall be done by a contractor approved by the Department. Inspection shall be performed by an independent, qualified engineer. This rule also applies to any increase in diameter of existing water mains that is engineers deem necessary to adequately serve the development.
2. Before any water mains and appurtenances which are to be connected to the public water supply system are laid or materials acquired, plans shall be submitted for approval by the Board of Water

Commissioners, showing size and location or proposed pipelines, hydrants, valves, type of pipe used, together with all property sub-division and lot lines, and no mains shall be laid nor appurtenances installed until written approval of the Board of Water Commissioners has been obtained.

3. The Department shall not be responsible for maintenance of pipe on any private way.
4. If the size of water mains must be increased in diameter to serve the development, the developer shall pay the cost.

### **Cross Connections**

The Mendon Water Department accepts the Department of Environmental Protection Rules and Regulations as set forth in 310 CMR 22.22 on Cross Connection System Protection. A copy is available at the Water Department.

1. There shall be no connection between a public water supply and any non-potable water source unless the public water system is protected by a method meeting the requirements of the Department of Environmental Protection (D.E.P.), Mendon Water Dept. Rules and Regulations, and local Building Codes relative to cross connections between public water supplies and fire and industrial water supplies. An independent source of supply shall be permitted subject to approval by the Manager.
2. Properties with testable devices will need to be inspected and tested on an annual basis by a licensed cross connection surveyor.
3. The Department will coordinate such testing and the property owner shall be responsible for the cost [in accordance with the fee schedule.](#)
4. Any modification or change in ownership may require a cross connection survey of the premises at the discretion of the Department. This survey shall be performed by a licensed cross connection surveyor and the property owner shall be responsible for the cost.

### **Fire Service - Hydrants**

1. Hydrant Location: All hydrants shall be located at no greater distance than 800 feet apart. In general, hydrant spacing shall conform to approximately 800 feet between hydrants. Hydrants shall be located where they shall not interfere with driveways. Where possible, they should be located near street corners.
2. Hydrants shall be of the dry barrel type and shall conform in the design and manufacturing to the latest issue of AWWA standard C502 "Standard for Fire Hydrants." Hydrants shall be of the best quality and design.
3. Bury length shall be 5 feet 6 inches.
4. All hydrants shall be gated and flagged. All gates shall open in the same direction.
5. No person shall operate any hydrant of the water works system without written permission from the manager except for the Chief of the Fire Department, or persons acting under his stead, in case of fire or practice.
6. Water from fire hydrants or other fire protection systems shall be used only for fire protection purposes; except that water from public fire hydrants may be used in a reasonable amount and at such times as the Department may permit, for the purposes of testing hydrants and firefighting apparatus and for the training of Mendon Fire Department personnel. This permission may not be granted during times of a Declaration by the Mendon Water Department of a State of Water Supply Conservation or a Declaration

by the Department of Environmental Protection of a State of Water Supply Emergency. Such tests shall be conducted only by properly authorized agents of the Mendon Fire Department.

7. Any unauthorized use of water from a fire hydrant or other fire protection system shall be punishable by a fine as outlined in the schedule of fees of not less than \$300.

8. The Department shall be notified, on the forms designated for that purpose, the metered or best estimate of the amount of water used from any hydrant for any reason within 30 days of such use.

8.

### **Fire Service – Private Connections**

1. Private fire service connections for fire sprinklers shall be permitted in accordance with the contract for supply of water from Hopedale.

2. Any new connections or extensions of the water system shall be in accordance with the “New Development” guidelines above.

3. No service line for potable service will be connected to a sprinkler line. All potable water service connections shall be connected directly to the water main with a separate corporation and curb stop.

4. A quarterly fee will be charged in accordance with the fee schedule.

5. Any unauthorized use of water or use of water from a fire connection shall be strictly prohibited and subject to fines as outlined in the fee schedule as well as the requirement to install a meter.

6. The Department reserves the right to require any fire service connection to be metered at the property owner’s expense.

7. Any required testing of backflow preventers shall be done at the property owner’s expense in accordance with the schedule of fees. All testing shall be conducted by the Mendon Water Department or their designee.

### **Supply and Use of Water**

1. In accordance with the terms of Mendon’s contracts with Hopedale for the supply of water, the following uses of water are PROHIBITED
  - a. Using water for non-residential purposes except business uses permitted in a single-family residence under the terms of the zoning by-laws of the Town of Mendon as those zoning by-laws existed on January 1, 2005 and except business and religious uses as those business and religious uses existed on January 1, 2005.
  - b. Using hydrants for recreational sprinklers
  - c. Transporting or transmitting water in any manner for use outside the residential parcel to which it is supplied in a quantity greater than 100 gallons in any one week, without accumulation of unused quantities from week to week.
  - d. Connecting the water system to any other lot or to any other building on the same lot.
2. The Department shall not be held responsible or liable to any person or persons for any loss or damage from water service interruptions, or from any excess or deficiency in the pressure, volume or supply of water due to any causes whatsoever. Massachusetts General Law states that a minimum pressure of 20 psi be maintained under all operating conditions.

3. The Department shall not be held liable to any person or persons for any damage caused by contaminated water resulting from the opening or closing of valves, hydrants, the breaking of any pipe or fixture, heavy demand or any other cause whatsoever. Backflow prevention shall be utilized that satisfies Massachusetts D.E.P. and Mendon's requirements.
4. All consumers taking water must keep water pipes and fixtures in good repair and protected from frost at their expense. Consumers shall be held liable for any damages resulting from failure to do so.
5. The Department reserves the right to restrict, limit or shut off water in all cases when it becomes necessary to do so for repairs, non-payment of water bills, and violation of the regulations, town by-law or whenever they deem expedient.
6. When unnecessary waste of water occurs, the occupant of any premises shall be notified in writing. If said waste is not prevented within two days of said notice, the water shall be shut off. The occupant shall be subject to all costs as determined under the billing section of these rules and regulations. Second offenders shall not have water turned on again until approved by the Department.
7. The property owner is responsible to guard against leaks occurring whenever a house is closed for any length of time. The property owner is responsible for prevention and correction of any leakage from the curb stop onward within the property. Failure to correct leakage within 10 days notification by Department will result in the water service being shut off. Service will not be restored until leakage has been repaired to the satisfaction of the Department.

### Water Meters

1. All water services, except for fire ~~connections and~~ hydrants, shall be metered. An individual meter shall be required for each separately owned premises and for each separate service connection.
2. Meters shall be the property of the Department. Any replacement meter shall be purchased and supplied by the Department at the customer's expense.
  - a. In 2015-~~2019-2021~~ the Department began the process of installing updated, radio read meters in all service locations. These meters and registers are paid for by the Department at no cost to the customer.
  - b. All current ~~and active connections customers~~ as of 201~~89~~ will receive a new, 5/8" radio read register and meter base at no charge.
  - c. Any future repair or replacement of these meters will be at the customer's expense.
  - d. Any future new connections (in excess of those in existence as of 1/1/2019) shall require a meter to be paid for by the customer and supplied by the Department.
3. The meter shall be of such size and design as is reasonably necessary to serve the customer involved.
  - a. Per the terms of our contracts with Hopedale no new customer shall have a meter size greater than 1". All larger meters installed as of 2005 ~~may remain -are grandfathered in.~~
4. Ownership of the meter and remote reader shall be, at all times, with the Department.

5. If the meter or remote reader is damaged by the willful act or negligence of the customer, the customer shall be responsible for all costs of repair or replacement. This includes damage as a result of freezing or improper thawing.
6. The Department reserves the right to remove and to test any meter at any time and to substitute another meter in its place.
  - a. In the case of a customer whose meter registers in excess of 15,000 cubic feet during any quarterly billing cycle, it is recommended by the Department of Environmental Protection that such meters be calibrated annually. The Water Department shall be responsible for the calibration of the meter and the customer shall be responsible for all costs. This annual calibration shall be performed at the discretion of the Department.
7. The quantity of water recorded by the meter shall be accepted as conclusive by both the customer and the Department.
8. In the case of a meter failure, the Department reserves the right to estimate the customers water usage based on the average usage or comparable use period.
  - a. A customer refusing access to inspect, replace, or repair a water meter shall have no grounds to contest an estimated water reading.
9. In the case of a disputed account involving a question as to the accuracy of the meter, such meter will be tested by the Department upon the request of the applicant in writing in accordance with MGL Ch 40 §39I. If the meter is found to have an error to the detriment of the customer, the current bill based on the last reading of such meter shall be corrected accordingly. If, however, no error is found, the applicant shall pay the cost of the testing.
10. In the case of a disputed reading, leak, or other meter issue, the Water Commission will request access to download a data export from the meter register. This data shall be used to in the resolution of the dispute.
11. No one, other than an agent of the Department, shall remove, inspect, change location, or tamper with the meter. As soon as it comes to the customer's knowledge, that customer shall notify the Department of any injury to, or malfunction of the meter. Unauthorized tampering is punishable under Massachusetts laws and could result in revocation of water service.
12. If a meter is frozen, no fire or torch or water above 125 degrees F can be used to thaw the meter safely. If the meter is injured by freezing or overheating, the property owner must notify the Department. The cost of repairs to the meter shall be paid by the property owner. All meters shall be maintained in an environment to prevent freezing.
13. Any unmetered water under emergency (fire) or unusual circumstances (by town department) requires the permission of a board member or its operator, when feasible, and will be billed on an estimated rate.
14. Any private contractor removing water from hydrants, pipes or mains or other components without the permission of the board or its operator will be fined in accordance with the fee schedule \$500.00 plus estimated cost of water at the highest rate.
  - a. A customer found using water from a fire line for any unauthorized purpose may be required to install a fire flow rated meter at their own expense.
15. All water passing through a customer's meter is charged for whether it is used or wasted through leakage.



## Water Billing and Payments

1. Water Bills will be mailed quarterly and are payable upon receipt.

### Billing Dates:

Quarter	Service Dates	Meter Reading <i>(on or about)</i>	Bill Mailed <i>(on or about)</i>	Bill Due <i>(on or about)</i>
First Quarter	Apr-Jun	<i>7/1 July</i>	<i>7/15 July</i>	<i>8/15 August</i>
Second Quarter	July-Sept	<i>10/1 October</i>	<i>10/15 October</i>	<i>11/15 November</i>
Third Quarter	Oct-Dec	<i>1/1 January</i>	<i>1/15 January</i>	<i>2/15 February</i>
Fourth Quarter	Jan-Mar	<i>4/1 April</i>	<i>4/15 April</i>	<i>5/15 May</i>

2. ~~Water accounts are considered attached to properties, not owners. It shall be the responsibility of any potential buyer to ensure past due water accounts are settled at closing. In the absence of a municipal lien certificate or other statement from the Town showing the account in good standing, the new owner shall be liable for any past balances due on the account.~~

Formatted: Font: Italic

3. ~~When ownership changes, the name and address of the new owner must be given to the Water Department in writing upon transfer.~~

Formatted: Indent: Left: 0.5", No bullets or numbering

4. ~~All accounts will be assessed the capital impact fees per quarter. Capital Impact fees will not be pro-rated in the case of final water readings.~~

5. ~~Properties with multiple meters will be assessed the minimum use charge/meter charge for each meter on the account.~~

6. ~~Final readings for property transfers (or other reasons) will be issued upon request. Final bills will include only charges for water use. Capital Impact fees will not be pro-rated and it is the responsibility of the seller/buyer to come to an agreement regarding the payment of these fees. A minimum use charge for water may be assessed on all bills including final bills in accordance with the fee schedule. Capital Fees maybe pro-rated at the department's discretion.~~

7. ~~All bills and official notices shall be mailed to the property owner as listed with the Mendon Assessor's Office. Property owners may request their bills be sent to a different mailing address by notifying the department in writing.~~

8. ~~In accordance with MGL Ch186 §22 (k), In the case of a rental property, the property owner shall be the customer of record and responsible for payment of all bills. Therefore, all accounts will be in the owner's name and mailed to the owner.~~

9. ~~Water bills shall be due no less than 30 days from the date of postmark.~~

10. ~~If the due date occurs on a Saturday, Sunday or legal holiday, or on a day on which a municipal office is closed as authorized by charter, by-law, ordinance or otherwise for a weather-related or public safety emergency, the payment may be made on the next day on which a municipal office is open, without penalty or interest.~~

11. ~~Failure to receive a bill shall not remove the obligation to pay.~~

12. ~~Upon the completion of the 2015-2019 meter replacement project, all meters will be read electronically.~~

a. ~~At the completion of this project and after final notice is given to all customers, a manual reading \$25 fee will be charged for manual meter readings of old meters in accordance with the fee schedule or more than 1 estimated reading.~~

~~a-b.~~ In the case of a new radio read meter malfunction, the reading shall be estimated and notice shall be sent to the customer. Following 2 billing cycles after notice is sent, if the customer has not contacted the department to schedule repair or replacement, the customer shall be charged a manual reading fee for subsequent billings until the issue is corrected.

~~13.~~ Past due accounts will be assessed a late fee (\$25) and charged interest (14%) in accordance with the fee schedule.

- a. At their discretion, the Water Commission may allow for up to 1 week grace period following the due date for a bill before assessing late fees
- b. No penalty fees shall be assessed for any account less than \$5 past due

~~12-14.~~ A late notice will be mailed to all past due customers. Customers will be given an additional 15 days (from the postmark date of the late notice) to pay. Failure to pay the account in full at this time will result in a further administrative charge in accordance with the fee schedule(\$50).

~~13-15.~~ Accounts more than 90 days past due shall be subject to shut-off.

- a. A shut-off notice in the form of a certified letter will be sent rendering a forty-eight hour notice of water termination. A notice will also be posted on the door of the premises.
- ~~b.~~ There will be no termination of service between November 1<sup>st</sup> and April 1<sup>st</sup>.
- ~~e-b.~~ Any payment on a shut off notice must be in the form of cash or certified check.
- ~~d-c.~~ An additional shut-off fee will be assessed and must be paid in addition to any past due balances.

11. In accordance with MGL Ch 60 §3E, partial payments shall be applied to any interest due, then penalty charges, and finally the underlying water and capital impact charges.

### Abatement Policy – Water Leaks

1. A customer may challenge billed usage resulting from a leak by submitting a written request to the Department (email is acceptable)

- a. This request shall include all supporting documents including evidence of repair by a licensed plumber or certified lawn irrigation technician. Self-repair (DIY) is subject to the discretion of the commission.

2. At their next regularly scheduled meeting the Water Commission shall consider the request using the following guidelines

- a. Questionable useage must be at least 100% higher than the average of the previous 3 same-quarterly billing periods.
- b. The applicant has presented supporting documentation including but not limited to the cause and location of the leak together with proof of repair. Household plumbing repairs require a Massachusetts licensed plumber, underground lawn-irrigation repairs require a certified lawn irrigation surveyor unless self-repair (DIY) is approved by the Executive Director.
- c. Meter and Billing history confirming no mistakes were made in the processing of the bill.

3. If approved, water usage shall be recalculated as follows:

- a. Average use (average of previous same three quarters) shall be calculated at the current rate.
- b. Usage above the average use shall abated in whole or in part at the discretion of the commission.
- c. Any fees charged shall be abated if they are directly resulting from delays in reviewing the customer's request for abatement.
- d. Any abatement for amounts already paid will be processed as a credit on the account towards future bills. No refunds shall be given.

Formatted

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Indent: Left: 0.5", No bullets or numbering

4. Any request for abatement due to leak under this policy will only be considered once per owner within a 5 year billing period.

### Abatement Policy – Billing Issues

1. A customer may challenge a late fee, penalty, or interest in accordance with the following policy by submitting a written request to the Department (email is acceptable)
  - a. This request shall include all supporting documents including copies of cancelled checks, receipts, proof of payment, postmarks, etc.
2. At their next regularly scheduled meeting the Water Commission shall consider the request using the following guidelines
  - a. Customer has paid on time in the preceding 5 year period
  - b. Failure to receive a bill does not excuse payment.
  - c. Payment shall be decided by the date the Town received payment not the date on the check or date an online transaction was initiated.
  - d. Proof of attempt to pay bill in a timely manner.
    - i. **Customers are advised to allow up to 2 weeks for all “bill-pay” transactions through their bank. These services send a paper check to the Town and there are frequently delays in processing before payment even arrives.**
3. The Water Commission does not have jurisdiction to waive fees for bounced checks as these fees are charged by the Treasurer/Collector’s Office and set by state law.
4. Water Liens, once filed, shall be considered final and the Commission shall not consider any further appeal. Any further appeal of water liens will fall under the jurisdiction of the Assessor’s Office and Appellate Tax Board in accordance with relevant statutes.
5. If approved, abatements will be processed as follows:
  - a. Late Fees and/or Admin Fees will be abated.
  - b. Interest shall not be abated if the bill was not paid by the due date except in cases of mistake by the Town.
  - c. Any abatement for amounts already paid will be processed as a credit on the account towards future bills. No refunds shall be given.

### Water Liens

1. On 3/10 1961 Mendon accepted Mass General Law Chapter 40: Section 42A-42F. In accordance with this statute, all charges for water or service become a lien against the property immediately following the due date for such charge.
  - a. In ~~the fall -September~~, the Department shall send a final certified notice of lien due within 30 days (~~Due on Nov. 1<sup>st</sup>~~) to all customers with past due accounts from the previous fiscal year.
  - b. Any balances remaining unpaid after this final notice due date ~~as of 11/1~~ shall be submitted to the Assessors office as become liens against the property in accordance with MGL Ch 40 § 42A-42F.
  - c. Water liens shall be included assessed on the January actual real estate tax bills.
- ~~e-2.~~ Once a Lien has been processed any further appeal shall fall under the jurisdiction of the Assessor’s Office and the Appellate Tax Board in accordance with the relevant statutes.

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted

## Water Use Restrictions

The Board of Water Commissioners may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers.

A declaration of a water use restriction by the Hopedale Water Department shall automatically go into effect for all Mendon Water customers supplied by Hopedale Water without any further vote of the Mendon Water Commission in accordance with the terms of the contracts for the supply of water from Hopedale to Mendon.

Notice to Mendon customers shall be given in accordance with the following provisions.

1. A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting use of water as necessary to protect the water supply.
  - a. Odd/Even Day Outdoor Watering Outdoor watering by water users with odd-numbered address is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
  - b. Outdoor Watering Ban Outdoor watering is prohibited.
  - c. Outdoor Watering Hours Outdoor watering is permitted only for a period not to exceed two hours per user or consumer per day and only during the period from 7:00 P.M. to 7:00 A.M.
  - d. Filling Swimming Pools Filling of swimming pools is prohibited.
  - e. Automatic Sprinkler Use The use of automatic, non-fire, sprinkler systems is prohibited.
2. Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published on the water department website ([www.mendonma.gov/water](http://www.mendonma.gov/water)), sent out via email, and ~~notice shall be~~ mailed to all customers (separately or as an insert in a subsequent billing), or by such other means reasonably calculated to reach and inform all users of water of the State of Water Conservation. Any restriction imposed shall not be effective until such notification is posted to the town's website, provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.
3. A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the condition or condition (s) no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required as the declaration.
4. Upon notification to the public that the Department of Environmental Protection has issued a declaration of a State of Water Supply Emergency, 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.
5. The enforcing persons, as defined, may enforce the provisions of this regulation. Any person violating this regulation as an alternative to criminal prosecution, the enforcing person may enforce this regulation pursuant to the non-criminal disposition statute, G.L. c.40, S.21D, and the Town's non-criminal disposition Bylaw of the General Bylaws. The non-criminal penalty for violation of provision of this regulation shall be:

First Offense: \$50.00

Second Offense: \$100.00  
Third and subsequent Offenses: \$200.00

6. ~~Any additional reasonable restriction imposed on the Mendon Water Department by its contracted water suppliers.~~
7. The invalidity of any portion or provision of this regulation shall not invalidate any other portion or provision thereof.

### Irrigation Systems and Wells

1. Any property owner who wishes to install a private well for the sole purpose of irrigation and/or watering of lawns must provide the Department with a copy of an approved permit from the Mendon Board of Health.
2. If a private well is used for irrigation and/or watering of lawns, the property owner shall place a sign, clearly visible from the road in front of the premises, to indicate that a well is the source of the water.
3. An approved backflow preventer shall be installed in accordance with 310 CMR 22.22
- ~~4. At their discretion, the Department may require inspection of any irrigation systems to ensure compliance with this section.~~
- ~~5. If an irrigation system is supplied by the municipal water system the Department may require annual testing of any backflow preventers at the customer's expense in accordance with the schedule of fees.~~
- ~~6. No irrigation well shall be used for potable water without first following the process outlined in the "Discontinuation of Service" section.~~
- ~~4-7. No cross connection between an irrigation well and the municipal water system shall be permitted without the permission of the Department and the installation of a backflow preventer.~~

← **Formatted:** List Paragraph, No bullets or numbering

← **Formatted:** List Paragraph, No bullets or numbering

← **Formatted:** List Paragraph, No bullets or numbering

### Procedure to Amend Rates and/or Regulations

1. The Department may amend these regulations as well as the rates for service as outlined above.
2. The Department shall follow the following procedure to amend the regulations or rates.
  - ~~a. A public hearing shall be scheduled and announced in a local newspaper at least 2 weeks prior to the date of the hearing.~~
  - ~~b-a.~~ A notice shall be mailed to all current water customers either separately or enclosed in a quarterly water bill with ~~30-14~~ days-notice of the proposed hearing.
  - ~~e-b.~~ A copy of the proposed amendments shall be made available on the Department's website (mendonna.gov/water) and mailed to any customer upon request.
  - ~~d-c.~~ All residents shall be permitted to comment on the proposed changes in accordance with the open meeting laws. Written comments may be accepted by the Department
  - ~~e-d.~~ At the conclusion of the hearing, the Water Commission shall vote to amend the regulations or rates.
  - ~~f-e.~~ Notice of the updated regulations or rates shall be included in the next quarterly water bill.
3. The Department's current contract for the supply of water obligates Mendon to pay 125% of the top water rate if Hopedale has to purchase water from an outside source in an emergency. If this situation

arises, the Department shall have the authority to increase water rates by 125% for the affected billing cycle without following the formal hearing process above. Notice shall be included in any affected water bills and Any emergency rate increase shall be reversed as soon as the corresponding increase in supply costs is reversed.

- In the case of a decrease in water rates or fees, the Department may by-pass the above hearing procedure as long as written notice is enclosed in the next set of bills.

### Schedule of Fees and Charges

Last Update: ~~10/7/2021~~ ~~5/26/20~~

Water Rate	\$ <del>350</del> flat charge for the first 0-50 cubic feet used <u>10.129.2¢</u> per cubic foot for water usage greater than 50 cu ft. Billed quarterly
Hopedale Capital Impact Fee	\$51.82/quarter
Local Capital Impact Fee	\$12.50/quarter
Late <del>Payment</del> Fee	\$25
<del>Administrative Penalty</del> Fee ( <u>late payments</u> )	\$50
Interest	14% calculated daily <i>in accordance with MGL Ch 59 §57C</i>
Manual Reading Fee/Estimated Reading Fee	\$25
Returned Check	\$25 ( <i>per MGL Ch 60 §59A</i> )
Shut-off/Turn-On Fees	\$25
Final Reading for Property Transfers	\$25, \$50 if less than 7 days' notice
<del>Department Staff – Call Out Rate</del>	<del>9am-5pm M-F - \$50/hr</del>
<del>Certified Water Operator – Call Out Rate</del>	<del>After hours, holidays, weekends - \$100/hr (3 hr minimum)</del>
<del>Certified Water Operator – Call Out Rate</del>	<del>7am 3:30pm M-F – \$87.50/hr</del> <del>After Hours – \$117.50/hr</del> <del>will be billed at cost, prices reflect current contracted rates.</del> <del>Contracted Certified Operator rates will be billed at cost,</del> <del>prices reflect current contracted rates. (Current rates are</del> <del>\$125/hr during business hours and \$175/hr with a 3 hour minimum</del> <del>for after hours)</del>
Water Testing	Cost + 20% <u>markup</u>
Installation and/or testing of backflow devices	Cost + 20% <u>markup</u>
Fire Connection Fee (Quarterly Charge)	\$ <del>110</del> /quarter for connections under 6” \$ <del>165</del> /quarter for 6” and larger connections
Charge for Unauthorized Use of Water	\$500 + cost of water used at highest billing rate

Formatted Table

Formatted: Strikethrough

Formatted Table

Violations of Water Use Restrictions	<u>Written Warning - \$0</u> First Offence - \$50 Second Offence - \$100 Third and subsequent offenses - \$200
Meter Calibration and Testing	<del>\$105-150</del> for 1" or less ( <i>\$0 if meter is found to be defective</i> ) Cost + 20% for meters greater than 1"
New Connection Fees:	
Existing Connection – Reactivation	\$100/year since date of last payment to Department <i>Min Fee = \$100</i> <i>Maximum Fee = \$1,000</i> <i>Residential = \$1,000</i> <i>Commercial = \$1 × Approved Title V Flow Rate</i>
New Service – Residential	Cost to install service + Cost of new meter <i>Minimum Fee = \$1,000</i>
New Service – Commercial	<u>Connection Fee</u> + Cost to install service + Cost of new meter <i>Connection Fee = \$1 × Approved Title V Flow Rate</i> <i>Minimum Connection Fee = \$1,000 × Approved Title V Flow Rate</i>

*Effective date May 30, 2019 by vote of the Mendon Water Commission.*

*Amended 12/5/19 to add fire connection fees*

*Amended 5/26/20 to clarify rate page*

\_\_\_\_\_  
Allan Kent, Chairman

\_\_\_\_\_  
Kevin Rudden, Commissioner

\_\_\_\_\_  
Matthew O'Brien, Commissioner