

TOWN OF AMHERST



WATER USE REGULATIONS

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I. Background and Introduction

A. System Overview

1. The Town has seven water sources that contribute to meeting the water demand: Atkins Reservoir, the Pelham Reservoir System, and Wells #1, #2, #3, #4 and #5. The Town has three water treatment facilities: the Atkins Water Treatment Plant, the Centennial Water Treatment Plant (treating the Pelham Reservoir System water), and Baby Carriage Brook Water Treatment Plant (treating the Well #4 water).
2. The Town has approximately 120 miles of distribution system piping to deliver water to Customers. The Town also operates three water storage tanks and one booster pump station.

B. Applicability, Purpose, and Policy

1. Applicability
 - a) This Regulation applies to all Customers served by the Utility. Under authority of the General Laws, Acts of State Legislature of the Commonwealth of Massachusetts, the following rules and regulations shall be part of the contract with every person using water supplied by the Town of Amherst, and every person taking or applying for water agrees to them and is bound by them.
 - b) Currently, the Utility serves Customers located in the town of Amherst, as well as parts of Belchertown, Hadley, Pelham, and Leverett.
2. Purpose – the purpose of these regulations is to:
 - a) Maintain adequate water pressure and volume to Customers.
 - b) Provide high quality, unpolluted, and aesthetically pleasing water to users that meets or exceeds all Safe Drinking Water Act Standards.
 - c) Establish a uniform schedule of charges and rates, and a uniform policy for administration of rates.
 - d) Promote the balance of water conservation while respecting the individual water needs of each user.
 - e) Convey minimum standards of materials, workmanship, and specifications for materials and appurtenances, which would ultimately become part of the Town of Amherst’s water distribution system.
 - f) Set up procedures that all new users must follow to establish a connection with the Town of Amherst water distribution system.

3. Policy – The Town Council, in its role as the Town of Amherst Water Commission, or its duly appointed designee, shall make the final interpretation of these regulations whenever unforeseen situations arise which are not clearly covered or when further interpretation of the intent of the regulations is required.

C. General Definitions

“*Abandonment*” shall mean the condition in which a Water Service Pipe to a Premises has been discontinued at the Owner’s request for more than one year and the Owner has made no commitment as to possible future use.

“*Abatement*” shall mean a Customer or Owner requested adjustment to a water bill based on disputes, hardship, Meter reading, or water use estimating error.

“*Agricultural Use*” shall mean the irrigation of farmland, crops, and orchards; water of livestock; crop processing; and cleaning of farm equipment. Agricultural uses do not include any use that will discharge water to the Town sewer sanitary.

“*Amherst Construction Standards*” shall mean the most current approved Town of Amherst Material and Construction Specifications.

“*As-Built Drawings*” or “*Record Drawings*” shall mean engineering drawings showing the location (horizontal and vertical displacements) and depth of pipe, and the distance from reference points based on construction conditions.

“*Backflow*” shall mean the flow of other liquids, mixtures, or substances into the Utility’s Water Service Pipe or Water Main pipes from any source other than the intended source.

“*Backflow Prevention Device*” shall mean a State of Massachusetts approved device which operates on the Water Service Pipe to prevent any material from being forced or drawn into the Water Main pipe and contaminating the potable water supply.

“*Bypass*” shall mean the pipe extended around the Meter from and to the Water Service Pipe through which the Utility may provide water service to the Customer while the Meter is out of operation.

“*Collector’s Office*” shall mean the Central Services Transaction Counter for the Town of Amherst’s Treasurer/Collector.

“*Cross Connection*” shall mean any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other which contains unacceptable levels of material of unknown or questionable safety, including water containing any physical chemical, biological or radiological substance or matter, as defined by 310 CMR 22.22

“*Cross Connection Survey*” shall mean the review of any potential Cross Connection and/or Backflow Prevention Device for compliance with 310 CMR 22.22

“*Curb Stop*” shall mean the valve, normally located at or adjacent to the Owner’s property line, which the Utility alone may use to turn on or Shut Off water to the Premises.

“*Curb Box*” shall mean the cast iron pipe that extends from the Curb Stop to ground level, and the associated cap.

“*Corporation*” shall mean the Tapped and valved connection to the Water Main.

“*Customer*” shall mean any individual, partnership, firm, association, corporation, college, university, non-profit, municipal government or governmental division who or which in fact uses the water service of the Town of Amherst. The Customer may or may not be the same as the Owner.

“*Lawn Irrigation System*” shall mean irrigation systems for outdoor water uses outside the definition of Agricultural Use. Lawn Irrigation Systems include both installed temporary and permanent systems.

“*Meter*” shall mean a device installed for the measurement, record, and communication of water taken from the Water Service Pipe connection and applied to each account. The Meter type and construction shall be approved by the Utility.

“*Meter, Agricultural*” shall mean the Meter installed for the measurement of water used for agricultural purposes, used only outside of the Premises which does not drain into the Town sanitary sewer.

“*Meter, Domestic*” shall mean the Meter installed for the measurement of water taken from the Water Service Pipe connection that is used within the Owner’s property. If no Agricultural Meter is installed, the water measured shall be for any use.

“*Meter Pit*” shall mean an underground vault enclosing a Meter.

“*Meter Reading Devices*” shall mean device used by the Utility to read usage from a Meter, including either Outside Reader and Radio Read devices.

“*Meter Test, Accurate*” shall mean that the results of a Meter test conducted by, or for, the Utility indicate that the Meter measures between ninety eight percent (98%) and one hundred and two percent (102%), of the actual volume delivered through the Meter during the test.

“*Outside Reader*” shall mean the device placed on the exterior of a Premises by the Utility to obtain a Meter reading without entering the Premises.

“*Owner*” shall mean a person who alone or jointly or severally with others has the legal title to any Premises or has care, charge or control of any Premises as agent, executor, administrator, trustee, lessee or guardian of the estate of the holder of the legal title. The Owner may or may not be the same as the Customer.

“*Premises*” shall mean the building envelope thereon to which Utility water is provided.

“*Private Fire Protection*” shall mean privately owned water system located on the Premises, including fire sprinklers, hose lines and hydrants connected to or served by the Utility system to provide water for extinguishing purposes.

“*Private Meters*” shall mean additional non-Utility owned Meters monitoring water usage to a portion of an Owner’s Premises.

“*Qualified Contractor*” shall mean a contractor that has certified to complete construction outside the building envelope to meet the Amherst Construction Standards. Qualified Contractors must obtain a copy of the most recent Amherst Construction Standards on an annual basis, and sign that they will abide by construction standards therein.

“*Radio Read*” shall mean the radio frequency device placed on the Meter by the Utility to obtain a Meter reading without entering the Premises.

“*Rate and Fee Schedule*” shall mean those rates, fees and charges set by the Town of Amherst Water Commission.

“*Regular Working Hours*” shall mean the hours, Monday through Friday, excluding holidays, during which time the Utility is normally open for business.

“*Shut Off*” shall mean the valves owned and maintained by the Owner, located within the Owner’s Premises or on the Owner’s property, which may be used to turn on or off water to the Premises.

“*Tap*” shall mean the connection between a Water Service Pipe and the Water Main.

“*Tapping Saddle*” shall mean a plumbing device that is used to create an outlet in the body of an installed Water Main for Premises connections to the Water Main.

“*Temporary Abandonment*” shall mean the condition in which water service to a Premises has been discontinued at the Owner’s request for a period of less than one year, or a water service to a Premises that has been discontinued at the Owner’s request for more than a year but the Owner has made a commitment regarding possible future use.

“*Termination*” shall mean the cessation of water service pursuant to the Utility’s billing, Termination and appeal regulations or for violation of these regulations.

“*Utility*” shall mean the Town of Amherst Department of Public Works, Water Division which acts under the authority of the Amherst Water Commission.

“*Water Commission*” shall mean the Amherst Town Council, which serves as the Water Commission of the Town of Amherst under Section 2.14 of the Amherst Home Rule Charter and is thereby empowered to provide and distribute water to the Town and collect monies for the construction, operation and maintenance of such a water supply and distribution system.

“*Water Main*” shall mean the Utility’s supply pipe from which Water Service Pipe connections are made to supply water to Customers.

“*Water Service Pipe*” shall mean the water service line running from the Utility owned Water Main into the Owner’s Premises.

D. Standard Conditions

1. The Utility strives to provide adequate volume of high-quality water, meeting or exceeding the regulatory requirements of the Environmental Protection Agency and the Massachusetts Department of Environmental Protection.
2. The Utility does not guarantee constant pressure nor uninterrupted water service, nor does it assure the Customer either a full volume of water or the required pressure necessary to effectively operate hydraulic elevators, sprinkler systems or other appliances, the same being subject to all variable conditions that may take place in the use of water from the Utility’s Water Mains.
3. The Utility has the right to restrict the use of water during dry seasons or under any other emergency conditions. At times, this may be due to mandatory compliance with applicable Commonwealth of Massachusetts statutes and regulations. Violations of water restrictions may include fines, in accordance with these regulations and shown in Appendix A. The Utility may, after proper notice in accordance with these regulations, shut off water to Customers or Owners who have violated water restrictions three times in any twenty-eight-calendar-day period.
4. No water may be taken or used through Private Fire Protection systems for the purpose of testing, unless the Utility issues written permission. Tests must be conducted under supervision of the Utility and require minimum 48 hours’ notice to the Utility.
5. All water supplied by the Town for any purpose, except for specifically designated stand-by Private Fire Protection , shall be drawn from a Metered Water Service Pipe.

E. Resolution Process

1. Any violation of these regulations will be determined by the Amherst Water Department. They will assess the appropriate action, including if a fee or fine is involved, in accordance with these regulations.
2. Owners and Customers may appeal any decision to the Superintendent of Public Works. Appeals must be made within 21 days of issuance of the violation submit a written appeal to the Superintendent, unless a different timeframe is listed herein.
3. Owners and Customers may appeal the Superintendent of Public Works' decision to the Town Manager. They have 21 days from when the Superintendent's written determination was made to submit a written appeal to the Town Manager. The Town Manager's decision shall be final and binding.

II. Water System Components

A. Water Service Pipe

1. Ownership
 - a) The Owner owns and is responsible for the entire Water Service Pipe starting at the Premises served, and continuing until the connection with the Water Main. This includes ownership of the Water Service Pipe's Corporation, Curb Box, Curb Stop, and Tapping Saddle.
2. Installation and Maintenance
 - a) The Water Service Pipe, including the Corporation, Curb Stop, Curb Box, and Tapping Saddle, from the Water Main to the Premises shall be installed, maintained, and Abandoned by the Owner and at the Owner's expense.
3. Tap
 - a) The Utility shall Tap and provide the Corporation, Curb Box, Curb Stop and Tapping Saddle for all Water Service Pipes less than 2 inches in diameter. This is included in the water connection permit fee.
 - b) Connections of greater than 2 inches in diameter shall be approved by the Utility and installed by a Qualified Contractor at the Owner's expense.
4. Installation Specifications
 - a) The Owner's Water Service Pipe shall be installed in accordance with Amherst Construction Standards.

- b) The Water Service Pipe shall be no less than $\frac{3}{4}$ inch diameter and shall have a minimum ground cover of five (5) feet unless authorized in writing by the Utility.
- c) The Water Service Pipe shall be tested and inspected by the Utility prior to backfilling. Installations backfilled prior to testing and inspections will be required to be re-excavated for inspection at the discretion of the Utility.
- d) All existing Water Service Pipes shall meet these installation requirements. Water Service Pipes that do not currently meet these requirements will be required to modify the Water Service Pipe in order to comply. This will be triggered when an Owner is conducting work on or has submitted a permit for their Water Service Pipe or sewer service line.

5. Installation Period

- a) The Water Service Pipe may only be installed during the period of April 1 to November 15 as frost and weather conditions permit. In an emergency and upon the Customer's or Owner's request, the Utility in its sole discretion may authorize Water Service Pipe installation during winter months.

6. Water Service

- a) Owners shall be provided water service through only one Water Service Pipe and Curb Stop per legally subdivided lot.
- b) Easements are required, with a copy to the Utility, for all Water Service Pipes extended over land owned by others, and not the Owners. This shall be included with any permit application for approval.
- c) When an existing Owner has more than one Water Service Pipe per legally subdivided lot, the Utility reserves the right to reduce the number of Water Service Pipes provided to one, as part of any conversion of use, renovation or other changes in condition requiring a building permit.
- d) Where more than one Owner is currently provided water service through one Water Service Pipe and Curb Stop, any violation of Utility regulations by one or more Owner(s) so serviced shall be deemed a violation by all, and the Utility may take such action against all such Owners as could be taken against a single Owner. The Utility shall make reasonable efforts to advise all Owners served by the common Water Service Pipe and Curb Stop of the violation and where appropriate, provide the opportunity to cure the violation.
- e) When any Water Service is to be no longer utilized, it must be Abandoned at the Water Main at the Owner's expense.

- f) Any Water Service Pipe over 30 years old that is leaking must be replaced - not repaired - from house to Curb Stop and/or Curb Stop to Water Main. The Owner is responsible for cost of this work.

7. Joint Use of Water Service Pipe Trench

- a) Joint use of a Water Service Pipe trench with gas pipe, sanitary sewer pipe or other utility infrastructure shall only be performed in accordance with the Amherst Construction Standards.
- b) All existing Water Service Pipes shall meet these installation requirements. Water Service Pipes that do not currently meet these requirements will be required to modify the Water Service Pipe in order to comply. This will be triggered when an Owner is conducting work on or has submitted a permit for their Water Service Pipe or sewer service line.

8. Shut Off Valves

- a) The Owner shall install and maintain on that portion of the Water Service Pipe located on or within the Premises served, two (2) Shut Off valves, one on either side of the Meter. The Shut Offs shall be in accordance with the Amherst Construction Standards. The Utility may use the Shut Off for water service, maintenance, and other purposes.
- b) The Owner is responsible for any damage, relocation, or adjusting of the Curb Box over the Curb Stop .
- c) The Owner is responsible to ensure that Curb Stop and Curb Box are accessible and unobstructed at all times; the Owner is responsible to ensure that Curb Stop and Curb Box do not get buried due to pavement, tree roots, or any other obstruction that would inhibit the Utility's ability to locate and operate the Curb Stop and Curb Box. The Owner shall incur all costs to expose the Curb Stop and Curb Box.
- d) The Owner is responsible to ensure that the Curb Stop and Curb Box are located at the edge of the Town property. This will be triggered when an Owner is conducting work on or has submitted a permit for their Water Service Pipe or sewer service line.

9. Thawing

- a) The Owner shall be responsible for thawing of the Water Service Pipe.

10. Allocation of Responsibilities

- a) Installation. Installation of a Water Service Pipe including any necessary repairs to the right of way be the responsibility of the Owner and at the

Owner's expense. The Owner is responsible for hiring a Qualified Contractor for this work.

- b) Relocation. Any relocation, repair, or replacement of the Water Service Pipe shall be approved by the Utility and performed at the Owner's expense.
- c) Installation During Winter Months Any Owner requesting emergency water service, installation, or repair during winter months shall pay all extra expenses incurred by the Utility due to frost and weather conditions, including maintenance of the excavation, within and outside the right of way, until final paving is installed.
- d) Leaking Water Service Pipe When the Utility determines that an Owner's Water Service Pipe is leaking, the Owner shall hire a Qualified Contractor, obtain a Water Repair Permit from the Utility and facilitate the repairs within seven working days unless an alternative repair schedule is presented by the Owner and approved by the Utility. All repair costs will be paid by the Owner. Failure to repair the leak within the approved repair schedule will result in discontinuance of water by the Utility.

B. Meters

1. Ownership, Installation and Maintenance

- a) All Water Services Pipes and water uses shall be Metered by the Utility, and the Meter and Outside Reader or Radio Read shall be owned and maintained by the Utility. The Utility shall approve the size, style, and manufacturer of all Meters greater than 2 inches.
- b) The Utility will provide all Meters except as noted below. The Owner is responsible to provide and maintain an appropriate location for the Meter. Meters greater than 2 inches will require special coordination with the Utility.
 - (1) The Utility does not provide Meters for the purposes of sub-Metering.
- c) Water Meters greater than 2 inches shall be installed by the Owner's licensed plumber under Utility supervision.
- d) No Meter shall be removed without written approval of the Superintendent of Public Works or their designee. Any Owner or Customer removing, Bypassing, or tampering with a water Meter, including removal of Meter head, will be charged triple the estimated water usage for the period of the current billing cycle that the Meter was tampered with plus additional applicable fines as described in Mass General Law (MGL) Chapter 165

Section 11. Any unmetered Water Service Pipe or water usage will also be charged triple the estimated water use for the period that this water service or usage was unmetered plus additional applicable fines as allowed in MGL Chapter 165 Section 11.

2. Location and Placement of Meters

- a) The Meter shall be located at the Water Service Pipe's point of entry to the Premises, or within 5 feet of the entry.
- b) The Owner or Customer shall ensure that the location for the installation and placement of the Meter has no standing water and temperatures above freezing at all times. Further, the Owner shall maintain a cleared access path and ensure the Meter is not blocked by items. The Meter shall be placed in accordance with the Utility requirements, either special or general, and in a location that may be safely and easily accessed by a person in an upright, sitting, or kneeling position (located between 1 foot and 3.5 feet off the ground, with a ceiling of at least 6 feet tall) for the purpose of reading, maintaining, and changing the Meter. If a Meter is located in an inaccessible area for maintenance, the Utility will require the Owner to remove and place the Meter in accordance with the requirements of this regulation during the next Meter upgrade.
- c) Any damage to the Meter or Meter Reading Devices shall be reported promptly to the Utility.
- d) The Utility shall have access to all Utility owned water Meters used for billing on public or private property or on public or private Water Mains. From time to time these Utility owned Meters will require service, calibration, repair, or replacement. For this purpose, the Owner shall provide valves located on either side of the Meter for the purpose of shutting down the water inside the house when needed.
- e) Residential Meters located within a Meter Pit are encouraged to relocate the Meter to within the Premises whenever possible. Improvements to a residential Meter Pit or installation of a new residential Meter Pit will not be approved unless no option to move the Meter inside the Premises exists.

3. Meter Specifications

- a) The size of the Meter shall be approved by the Utility after a review of the information submitted by the Owner on the DPW Construction Permit Application form. Meters shall be sized appropriately to register in all water consumption and fire flow ranges.

4. Meter Reading and Meter Reading Devices

- a) All Domestic Meters will be read and billed quarterly. Owners may request to have their Meters read and billed monthly, a monthly reading charge will be assessed in accordance with the fee schedule. The Utility, at its own discretion, may read and bill monthly at high usage accounts.
- b) Meters are equipped with one of two Meter Reading Devices – an Outside Reader or a Radio Reader. The Outside Reader is located on the outside of the Premises, to be read by attaching the Utility’s Meter (note: this technology is being phased out). A Radio Reader is a communication device that transmits Meter registration information via radio signal, to be read remotely by the Utility’s radio receiving device.
- c) All Meters shall be equipped with a Radio Read device by January 1, 2025. Owners who do not want a Radio Read device will be charged a manual Meter read fee on their water bill in accordance with the fee schedule.
- d) In the case of an Outside Reader, any new device shall be installed at a place on the Premises acceptable to the Utility. Unless the Utility authorizes an alternative location, the Outside Reader shall be placed on the Owner’s Premises near or adjacent to the driveway or walkway. In the case of a Radio Reader, any new device shall be installed at a place on the Premises acceptable to the Utility. Unless the Utility authorizes an alternative location, the Radio Read shall be placed on the Owner’s Premises near or adjacent to the Meter.
- e) The Owner shall be responsible for the repair or replacement of a damaged Meter Reading Device, and may be billed by the Utility for labor, material, and equipment costs associated with such repair or replacement.
- f) The Owner and Customer shall maintain access to the Meter Reading Device. In the case of an Outside Reader, any vegetation, structures or other obstructions shall be removed so the Utility has safe access to the Meter Reading Device. In the case of a Radio Read, the Utility maintains the right of access to the Premises to verify the consistency of the Meter registration with the Radio Read; the Owner and Customer shall maintain access to the Meter and Radio Read device.

5. Private Meters

If the Owner desires Private Meters or sub-Meters, these Meters shall be furnished, installed, maintained, and read by the Owner for Owner’s own purposes.

6. Agricultural Meters

- a) Agricultural Meters will only be approved for properties that participate in the MGL Chapter 61A program, or the Agricultural Preservation Program where the Owner has an Agricultural Preservation Restriction placed upon the property.
- b) Water Metered through an Agricultural Meter shall be used for Agricultural Use only and does not include the watering of residential gardens or lawns, filling of pools, or residential vehicle washing.
- c) Agricultural Meters shall be approved using the “Application for Agricultural Use Meter”, available on the Town’s website.
- d) Agricultural Meters shall be protected using an approved Backflow Prevention Device. A Cross Connection Survey must be completed prior to approval.
- e) Agricultural Meters shall be charged the agricultural water rate and will not be charged the sewer rate.
- f) All regulations contained in this section regarding Water Service Pipes, Meters, Backflow Devices, and Meter Reading Devices shall be applicable to Agricultural Meters only.

7. Meter Testing

- a) Meters will be tested at a frequency determined by the Utility.
- b) The Owner can request to have a Meter tested. A written report of the Meter test to determine if compliant with an accurate Meter test (Meter Test, Accurate) will be provided to the Owner.
 - (1) The cost of the test will be borne by the Utility, if the Meter is less than one-inch in diameter and has not been tested within the last eighteen months or if the Meter is one-inch or more in diameter and has not been tested within the last thirty-six months.
 - (2) Under conditions other than these, the cost of the Meter test shall be borne by the Owner when the ‘Meter Test, Accurate’ as defined in these regulations. When the result of the test does not meet the definition of ‘Meter Test, Accurate’ the cost of the Meter test shall be borne by the Utility.
- c) The Utility conducts all Meter testing in-house. Meters can be tested at an independent outside facility, at the Owner’s request. The cost of any outside testing will be the responsibility of the Owner, if the results are compliant with the definition of ‘Meter Test, Accurate’.

8. Meter Repairs

- a) Meter repairs or replacements necessitated by ordinary wear will be performed by the Utility at no expense to Owner; those caused by freezing, negligence, or by any other reason shall be paid by the Owner in accordance with the applicable fee determined by the Utility.
- b) If a Meter is temporarily removed for short-term (i.e. less than 6 months), Owner will continue to receive minimum billing for the duration of that time when the Meter is removed or shutoff. If the Meter is temporarily removed for a longer period (i.e. longer than 6 months), the Owner must schedule with the Utility to have the Meter removed unless otherwise approved by the Utility. The Owner may additionally be subject to Meter removal and Meter installation fees in accordance with the fee schedule.

9. Meter Pits

- a) Single family Meter Pits are to be removed where practical, and construction of new Meter Pits is discouraged when possible. The construction or relocation of a Meter Pit shall be at Owner's expense. Maintenance of the Meter Pit shall be the responsibility of the Owner.
- b) Larger Meter Pits for institutions or industry are allowed if approved by the Utility.

10. Right of Access

- a) The Utility shall have the right to reasonable access to the Premises to set, read, remove, replace, or repair Meters and enforce this regulation, per MGL Chapter 165, Section 11D.
- b) It will be the duty of all Owners to see that Meters and Outside Readers on Water Service Pipe connections, wherever located, are readily accessible at all times to the Utility. Failure to remove any obstruction which prevents access to the Meter, Outside Reader or Radio Read within three days after being notified by the Utility will result in shutoff of water to the Premises, after proper notification. Water will not be turned on until all obstructions are removed, and all regulations complied with, and all charges for shutting off and turning on water are paid.

11. Special Meter Reading Requests

- a) Requests for a special Meter reading will be made in writing, or by calling the Utility, at least 24 hours in advance of the day when the Meter is to be read, except in the case of emergency. A charge set forth in the fee schedule will be made for each such special Meter reading. This charge is in addition to the billing for the water used.

- b) Reading of a Meter for closings, etc., without charge may be requested by the Owner, firm, corporation or its agent and the Meter reading given to the Collector's Office. A calculation of the cost of the water used since the last billing period will be provided by the Collector's Office.
- c) Upon the transfer of any property connected to the Water Main, the existing Water Service Pipe must be upgraded to meet the Town's Specifications, including installation of a Radio Read, all at the Owner's expense.

C. Backflow Prevention

1. Prevention

- a) The Owner shall protect against the possibility of Backflow between the public water supply and any plumbing, fixture, device or appliance by furnishing and installing a Backflow Prevention Device in accordance with the Massachusetts Drinking Water Regulations 310 CMR 22.00, as applicable.
- b) The Superintendent of Public Works shall evaluate the need for and type of Backflow Prevention Device(s) required through a Cross Connection Survey of the water user's Premises.

2. Inspection, Testing and Repair

- a) The Utility or its representative shall, in accordance with 310 CMR 22.22, regularly inspect and test the Backflow Prevention Device. Testing will be required two times a year, unless otherwise noted, at a fee shown in fee schedule.

3. Fees and Expenses

- a) The purchase, installation, maintenance, inspection, and testing of the Backflow Prevention Device shall be at the Owner's expense and in accord with 310 CMR 22.22. All installations of Backflow Prevention Devices require a permit, Cross Connection Survey, and must be approved by the Utility.

D. Hydrants

1. General

- a) All hydrants, whether public or private, connected to the Utility system shall be of a type approved by the Utility.
- b) The Utility shall have the right to enter private property for maintenance or flushing of hydrants.

- c) If a private hydrant is found to be not functioning properly, the Owner shall repair the hydrant at the Owner's expense. If the Owner does not repair the hydrant within a month, unless a mutually agreeable time frame is determined, the Utility will arrange for repair of the hydrant and add all costs to the Owner's normal water bill.
- d) Yard hydrants shall be permitted and protected with an approved Backflow Device.

2. Prohibited Use

- a) Public or Private hydrants shall not be used for any purpose other than to extinguish fires or for such other purposes as may be authorized by the Utility. In no case shall hydrants or any adaptor installed on a hydrant be operated by any person other than the Utility or its duly authorized agent.
- b) The use of hydrants, Utility and private, is restricted to members of the Amherst Fire Department and to employees of the Utility. Other persons may use the hydrants only with the specific permission of the Superintendent of Public Works. Unauthorized use of a hydrant may result in a fine being levied against the perpetrator as shown in Appendix A.

3. Permitted Use

- a) Where use of water from a hydrant is requested for purposes other than to extinguish fires, written permission must be granted by the Utility through the Temporary Hydrant Meter Rental form, available on the Town's website. Temporary hydrant usage will only be granted between April 1st and November 15th.
- b) An adapter and Backflow Device shall be installed on the hydrant by the Utility. The hydrant user shall be charged for the volume of water used, for setting and removal of the adapter, for the Backflow test, and a refundable deposit for the equipment.

E. Private Mains, Private Meters, and Plumbing

1. Private Mains

- a) The Utility recognizes that there exists within its water service area Water Service Pipes servicing multiple Utility Customers that were installed by private parties, are not within the public right of way easement area and are not maintained by the Utility. Owners shall maintain private mains in good repair and cooperate and coordinate with the Utility as may be

necessary to ensure that the requirements of this regulation and the delivery of potable water to Utility's Customers is met.

- b) Owners of private mains and plumbing are obligated to notify the Utility if any additional water usage is anticipated due to construction, new installation, or alteration of private mains or Premises within their private water system. Following the procedure for any permit, the Utility will determine if it does not or will not have sufficient capacity or pressure to provide water and shall not be obligated to provide water service if not capable.

2. Private Meters

Owners may install Private Meters as Owner desires to monitor water usage within their Premises. All such Private Meters shall be installed, owned, operated, read and maintained by the Owner. This practice is called submetering.

3. Maintenance of Plumbing

Maintenance of Water Service Pipes and plumbing is the responsibility of the Owner, whether located on public or private property.

4. Hydrants

Hydrants on private property shall be maintained by the Owner, but the Utility will have unlimited use of the hydrants for firefighting, flushing, or any other appropriate use. All hydrants must meet the Amherst Construction Standards.

5. Fees and Expenses

All fees and expenses associated with private mains, Private Meters and plumbing and fixtures shall be Owner's responsibility. All private mains shall have a Shut Off valve in close proximity to their connection to the Utility's Water Main for emergency shut off.

F. Lawn Irrigation Systems

1. The public system of water treatment, Water Mains, and storage tanks was not designed or intended to provide the added capability of unrestricted irrigation of lawns. Such water withdrawal, particularly during the growing season, has the potential to deplete groundwater levels and reservoir levels within the local watershed.
2. All Lawn Irrigation Systems connected to the municipal water system shall be permitted with the Utility. The Utility will not issue a dedicated Water Service Pipes or Meter for the sole purpose of lawn irrigation.

3. All Lawn Irrigation Systems installed on private property shall be compliant with the below by January 1, 2025:
 - a) Be set back from Town property lines and roadways in order to avoid damage to the Lawn Irrigation System and/or irrigation heads during roadway construction or maintenance of Water Mains or when plowing.
 - b) Include a Backflow Prevention Device and locking Shut Off valve.
 - c) Include a moisture Meter or similar device to automatically shut off the system during wet weather.
 - d) Be designed so that water does not overspray onto public streets and drains.
 - e) Be designed to apply water during cooler parts of the day and when water demands are lower (late evening and early morning).
 - f) Be designed to apply infrequent (no more than twice per week) but heavy applications (approximately one inch, but no more than one inch, per week) of water to encourage deep root growth and drought resistance.
 - g) Be designed to water at increments of 2 hours or less and be able to meet restricted water use requirements instituted by the Utility.

III. **Charges and Rates**

A. **Schedule of Rates**

1. The Water Commission will set the current water usage rates. The water usage rate shall be based on 100 (one hundred) cubic feet of water usage.
2. The Schedule of Rates is included in Appendix A of these Regulations. All users will be charged as shown in the Schedule of Rates for services included in the Schedule.
3. All bills for labor or material for the Utility's repair to Owner's Water Service Pipe and charges for shutting off or turning on water will be subject to the same conditions as bills for water.

B. **Invoicing**

1. The Owner shall receive all bills and be responsible for the payment of all charges for water usage and services furnished to the property. Per State law, all charges for water usage or services are the responsibility of the Owner and will become a lien against the Owner's property.

2. Invoicing for water usage is on a quarterly basis for all Meters under 2 inches, and monthly for Meters 2 inches or larger if requested. The failure of the Owner to receive its bill does not relieve them from the obligation of payment nor from the consequences of its nonpayment as required.
3. When charges for water supplied or for services remain unpaid for more than 30 days, a Demand Notice will be mailed. When charges remain unpaid for more than one year a lien shall be placed against the property.
4. The Utility may discontinue providing water service to a Premises if charges for water supplied or for services remain unpaid per Section IV.A.3.

C. Abatements

1. All claims for adjustments of water bills must be made within 30 days of billing date. Any undisputed portion of a bill must be paid by the due date or a late charge will be assessed.
 - a) The Utility may make Abatements in water charges upon receipt of the Abatement Form, available on the Town's website, from the Owner or Customer. The form shall include information necessary to evaluate its merits including receipts from a licensed plumber.
 - b) Excessive usage caused by Water Service Pipe leaks, plumbing leaks, leaking fixtures, or wasted water on the Owner's property beyond the Meter shall not be considered cause for Abatement.
 - c) There will be no Abatement for any portion of the Owner's water usage that is for irrigation or recreation purposes.

IV. Acquisition or Discontinuance of Water Service

A. Discontinuance of Water Service

1. Discontinuance by the Utility Without Notice: Water service may be discontinued by the Utility without notice for any of the following reasons:
 - a) Misrepresentation by the Owner in the application for water service or other fraudulent procurement of water service.
 - b) Use of water for purposes other than described by the Owner or Customer in the application for water service.
 - c) Willful waste of water including failure to comply with Town issued water use restrictions.
 - d) Fraudulent use of, or tampering with, Utility property.

- e) Abandonment of the Premises by the Owner.
 - f) Cross Connection or unauthorized connection to the Utility's Water Service Pipe or Water Main pipe with any other fixture or supply in violation of this Regulation or Amherst Construction Standards.
 - g) Failure to maintain plumbing and fixtures in good repair that could, in the Utility's judgment, result in contamination of the potable water supply or damage or injury to the Utility's system, persons or property.
 - h) Failure to install, maintain or repair a Backflow Prevention Device within the period specified by the Utility.
 - i) Failure to prevent contamination of potable water.
 - j) Unauthorized use of Private Fire Protection system.
 - k) Any other use of the water or the Utility's system that could cause an imminent danger or loss to the Utility's system or supply or the persons and property of others.
2. Discontinuance by the Utility with Notice: Water service may be discontinued by the Utility with written notice issued at least twelve (12) days in advance of the proposed discontinuation date for any of the following reasons:
- a) Refusal of reasonable access to the Owner's Premises for inspection.
 - b) Any refusal or failure to comply with this regulation or with Amherst Construction Standards.
 - c) Owner's failure to comply with terms of payment arrangement entered into between the Owner and the Utility; and
 - d) For such other reasons as the Utility may designate in writing.
3. Discontinuance for Non-Payment of Utility Bills: Water service may be discontinued by the Utility for non-payment of any Utility bill, including late payment charges, if all of the following conditions are met:
- a) The Owner has not paid the bill in full within 30 days from the date of issuance on the bill and a payment plan has not been agreed upon between the Owner and the Town;
 - b) The Utility had provided the Owner with written notice of its intention to discontinue water service, with a date of issuance at least twelve (12) days in advance of the proposed discontinuation for residential Owners or, in

the case of non-residential Owners, at least five (5) days in advance of the proposed discontinuation date; and

- c) Prior to the date of notice of discontinuance, the Utility has not received payment in full.
4. Conference Prior to Discontinuation: The Owner may request a conference with the Utility prior to the proposed date of water service discontinuation. Such conference shall be held in accordance with the Utility's standard procedure.
5. Restoration of Water Service: If water service has been discontinued, the Utility shall restore water service promptly upon the Owner's request when the cause of discontinuation has been resolved provided that the Owner has paid the shut off and restoration charges required under the rate schedule.

B. Inspections

1. The Utility shall, with adequate notice, have access to inspect Water Service Pipes, private mains, Meters (Utility's and Private), Plumbing and all other equipment and facilities connected to the Utility's system to prevent the possibility of contamination of the Utility's potable water supply, to prevent waste or fraudulent use, and to otherwise ensure compliance with all components of this Regulation.
2. All Water Service Pipes greater than 2 inches will be required to perform a pressure, bacteria and any other tests as directed by the Utility and the Town of Amherst Fire Department at any time. All required testing shall be completed at the Owner's expense.
3. The Owner or their Qualified Contractor shall provide As-Built Drawings to the Utility at the completion of the construction project. The plans shall depict exact distances between gate valves, and ties to gate valves both in the Water Main and on hydrant branches. Curb Box locations shall be referenced to the house or Premises that it serves by distant measurement tie-ins to at least two permanent points.

C. Permit For Water Service

1. Procedure
 - a) All repairs, new installations, alterations, and discontinuances of the Water Service Pipe shall require that a Permit be obtained from the Utility. This includes alterations to existing Water Service Pipes and private mains that will increase the water demand or usage to the property.

- b) All Permits for new Water Service Pipes or service shall be made in person by the Owner or duly authorized agent at the office of the Department of Public Works.
- c) Each application shall be accompanied by an application fee, completed Permit Application form, available on the Town's website, and a sketch of the proposed work and Dig-Safe number. When appropriate, the Utility can request that the Owner, at the Owner's expense, utilize the services of a registered Professional Engineer to design size and layout of the Water Service Pipe.
- d) The Utility shall review the water usage data to determine whether it meets the current Utility's specifications.
- e) The Applicant/Owner is responsible for proper sizing of the Water Service Pipe for its intended use.
- f) The Owner is responsible for the cost of the installation in accordance with Section II.A and required repairs to the Utility's right of way.
- g) The Owner is responsible for any changes needed to increase or decrease the available water pressure at the Water Main. All pressure reduction devices or booster pumps are the Owner's responsibility.

2. Determination

- a) If the Utility determines that it does not or will not have sufficient capacity or pressure to serve a new Premises, development or addition, it shall not be obligated to provide the water service or approve alterations. The Utility may at its option and discretion enter into such agreements with applicants to make readiness to serve improvements at the Owner's expense.
- b) If the Utility determines that it has sufficient capacity and pressure to provide adequate water service, the Utility will approve the permit and assess a connection fee. These fees will be outlined on the Permit Application.
- c) If the Utility determines that it does not have sufficient capacity, it may be possible to work with the Utility on an alternative plan to include a water usage off-set to meet the increased demand.
- d) Water service shall not be provided to the Owner until all required payments, inspections and tests have been completed.

3. Change of Ownership in a Commercial or Industrial Owner Unit

Upon the change of ownership in a commercial or industrial Owner unit, the Owner must reapply for a Permit and submit revised water usage data to the Utility, and comply with all Utility regulations governing new installations.

4. Qualified Contractors

In order to be a Qualified Contractor to complete work within these Regulations, the Contractor must be on the Utility's approved contractor list and be in good standing.

5. Other Permits

Depending on the scope of work, other Town permits, e.g., Building Permit, Fire Permit, etc., may be required. Owner or its Qualified Contractor should review the Town's regulations to determine other permits that are applicable.

V. Liability

A. Standard Liability

1. No liability for interruption of water service. No Owner or Customer will be entitled to damages, or to have payment refunded, for any interruption of supply occasioned either by accident to any portion of the Utility's water system, or by shutting off for the purpose of additions or repairs to the Water Mains, or by the stoppage or shortage of supply due to causes beyond the control of the Utility, such as excessive drought, excessive use of and waste of water by other Customers, or by leaks or defects in the Water Service Pipe, plumbing, or appliances owned by Customer or other Customers, or any other cause.
2. No liability for dirty water. The Utility will not be responsible for damages caused by dirty water resulting from the opening or closing of any gate, the use of any hydrant, or the breaking of any Water Service Pipe, plumbing, or fixtures due to Water Main flushing or any other cause.
3. No liability for Owner's Water Service Pipes or Plumbing. The Utility assumes no liability for conditions which exist in Owner's Water Service Pipes and plumbing and cause damage coincident to or following the repairs or flushing of any Water Main, Water Service Pipe, Meter, or other appliance belonging to the Utility or any other cause.
4. No liability for shutting off water without notice. The Utility reserves the right at any time, without notice, to shut off the water in the Water Mains for purposes of making emergency repairs, extensions or for other necessary purposes. When it becomes necessary to shut off the water into any section of the Utility because of an accident or for the purpose of making changes or repairs, the Utility will, so far as practicable, use its best efforts to notify

Customers and prevent inconvenience and/or damage arising from such cause. However, the Utility assumes no liability for failure to notify Customers of water service interruptions.

5. No liability for collapsed boilers. The Utility reserves the right at any time, without notice, to shut off the water in the Water Mains for purposes of making repairs, extensions or for other necessary purposes. Persons having boilers or other appliances on their Premises, depending on the pressure in the Water Main and plumbing 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 damage. In any event, it is expressly stipulated that the Utility will not be liable for any damage resulting from water service being interrupted, either through accident or necessity or any other cause.
6. No liability for damage during construction. In the event that the Utility's work necessitates the cutting of roots of trees, bushes, shrubs, hedges, etc. the Utility will not be responsible for their continued life.

B. Liability During Inspection

1. While performing the necessary work on private properties referred to in these Regulations, the Utility shall observe all current and applicable safety rules. The Owner and its agents shall be held harmless for injury or death to the Utility employee's and against any liability claims and demands for personal injury or property damage asserted against the Owner and its agents and growing out of the Utility's work, except as such may be caused by negligence or failure of the Owner and its agents to maintain safe conditions of the property.

C. Prohibited Use

1. Fraudulent Use

- a) Evidence of the existence of an unsealed Bypass, the Bypassing of water around Meters, or the unauthorized piping or selling of water, or any other use of un-Metered water except for fire extinguishing purposes shall be deemed fraudulent use, unless prior written permission has been granted by the Utility.
- b) Upon discovery by the Utility of fraudulent use by an Owner or Customer, the Owner shall be charged not less than triple rates for such quantities of water as the Utility shall estimate to have been fraudulently used. The Owner may be subject to applicable fines as set forth in MGL Chapter 165 Section 11.

2. Tampering

- a) All Curb Stop, valves, hydrants, Meters, or other property of the Utility shall not be opened, closed or tampered with in any way by any person not authorized to do so by the Utility.
- b) Any damage to the Curb Stop, valves, hydrants, Meters, or other property of the Utility which the Utility determines is caused by tampering caused by the Owner (or the Owner's employees, contractors or agents) shall be repaired by the Utility at the Owner's expense. The Owner may be subject to applicable fines as defined in Appendix A.

3. Cross Connections

No Cross Connection shall be permitted between the public water supply and any other water supply, or between the public water supply and any plumbing fixture, device or appliance capable of contaminating the public supply unless the connection is protected at the Metering point by a Backflow Prevention Device as required pursuant to 310 CMR 22.00.

4. Water Use Restrictions

The Utility reserves the right to impose temporary water use restrictions. The decision to implement such restrictions shall be the judgment of the Utility as it deems necessary and as directed by the Utility's Water Management Act restrictions. Insomuch as possible, the Utility will consult with the Town Manager and Town Council prior to issuance.

5. Air Conditioning Systems

No Owner or Customer shall use water for air conditioning or cooling systems unless such systems include a means of recycling the water supplied to the system and suitable Backflow prevention measures and devices are employed on the system.

6. Civil Penalty

Any person who violates this Regulation shall be subject to a civil penalty not to exceed the amount allowed by Massachusetts General Law.

Appendices

Appendix A: Rate and Fee Schedule

Appendix A
Rate and Fee Schedule
Effective Date _____

Water Rates:

Domestic Water Rate	\$4.75 per 100 cubic feet
Agricultural Water Rate	\$4.75 per 100 cubic feet

Minimum Billing Rates:

Domestic Minimum Bill	\$14.25 (usage of 300 cubic feet)
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Meter Rental Rates (by Meter size):

5/8 inch	\$3.00 per quarter
3/4 inch	\$3.00 per quarter
1 inch	\$4.00 per quarter
1-1/2 inch	\$8.00 per quarter
2 inch	\$10.00 per quarter
3 inch	\$115.00 per quarter
4 inch	\$125.00 per quarter
6 inch	\$175.00 per quarter
8 inch	\$205.00 per quarter

Standard Water Fees:

Water Shut-off Fee	\$50
Water Turn-on Fee	\$50
Meter Installation Fee	\$50
Meter Removal Fee	\$50
Meter Repair/Replacement Fee	As necessary to cover time and materials for such repair/replacement, up to the cost for a new Meter
Water System Connection Fee	As stipulated on the application
Water System Application Fee	As stipulated on the application

Specialty Water Fees:

“Specials” Meter Read Fee	\$50 per reading
Monthly Meter Read Fee	\$50 per reading above quarterly
Manual Meter Read Fee	\$50 per reading
Meter Testing Fee	\$50 per test
Temporary Hydrant Use Fee	As stipulated on the application

Cross Connection Program Fees:

Backflow Testing Fee	\$50 per test for first device at location, \$40 per test for each additional device at location
Cross Connection Survey Fee	Free

Water Fines:

Violation of Water Use Restriction	\$50 for first offense
	\$100 for each subsequent offense
Violation of Water Regulations (if not stipulated otherwise in Appendix A)	
	as allowed in Mass. General Laws

DRAFT 03/15/2023