

Town of Hinsdale

Berkshire County
P.O. Box 336
Hinsdale, Massachusetts 01235

*10/12 Bruce
for original
1995*

Office of the
Board of Selectmen



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TOWN OF HINSDALE WATER DEPARTMENT RULES AND REGULATIONS

The following listed rules and regulations are formulated in order to protect and preserve the Town of Hinsdale's valuable water resources and facilities, and to better serve its water users and citizens.

The Board of Selectmen, acting in their capacity as Water Commissioners for the Town of Hinsdale; under authority of the General Laws of the Commonwealth of Massachusetts, the Home Rule Amendment to the Massachusetts Constitution and all other enabling authorities, hereby establishes the following Rules and Regulations for the Town of Hinsdale. These rules and regulations formulated by the Town of Hinsdale shall be considered a contract between the town of Hinsdale's Water Commission and person or persons liable for water charges or other charges subject to the Town's jurisdiction. The filing of an application to take water, or the taking of water, shall also be considered express assent to be bound by these rules and regulations and any other changes which may hereinafter be made.

These rules and regulations were unanimously adopted by the Board of Selectmen at their Selectmen's meeting on January 11, 1995.

ORIGINAL BOARD, January 11, 1995

Bruce A. Marshall
Richard J. Marran
John C. Genzabella

Oct 11
REVISED: September 27, 1995 by
BOARD OF SELECTMEN

Bruce A. Marshall, Chairman

John C. Genzabella

David E. Quail

REGULATIONS of the WATER COMMISSION
of the
TOWN OF HINSDALE

The following Regulations are a part of the contract with every person who takes water, and govern the relations between the Water Commission and its consumers and Contractors/Developers who install water systems.

ARTICLE 1
Definitions

1. Consumer:

The term "Consumer" shall mean the individual, firm or corporation whose name the Water Commission has on its books as the party who has applied for water service, or any individual, firm, or corporation, who, in fact, uses the water service of the Town of Hinsdale.

2. Main:

A "main" is the supply pipe laid in the street, from which house connections are made.

3. Service Pipe:

A "service" pipe is the pipe running from the main in the street to include a curb stop and curb box at the property line, a shut-off valve, meter and meter connection usually inside the cellar wall. The portion of the pipe and fittings beyond the curb stop, except the meter, belongs to the customer.

4. Contractors and Developers:

Contractors and Developers shall mean an individual, firm or corporation who installs water mains, water services and their appurtenances.

5. Dwelling Unit:

Any individual house, apartment or living quarters that has been provided with, or is eligible for, Town water service.

6. Structure or Building:

Any house, apartment complex, or other habitable unit that is constructed on a legal building lot.

7. Property:

Any privately or publicly owned land or real estate.

8. Property Owner:

The legal owner on record of a particular parcel of land or real estate.

ARTICLE 2
General Provisions

1. Application for Water Service - New and Renewal:

All applications for introduction of Town water to private premises shall be made at the Office of the Water Commissioners by the owner of the property or by the person to be charged therefore, or by his authorized agent. The fee for connection charges must be paid prior to issuance of a Building Permit in new installations.

2. Responsibility for Charges:

Consumers of water will be held responsible for all charges for water passing through their service pipe until such time as they shall notify the Water Commission at its office in writing that they no longer desire the use of water and in case of the sale of the property, such notice shall give the name of the new owner.

3. Town to Have Free Access to Premises:

No alterations shall be made in any of the pipes or fixtures inserted by the Town except by its agent who shall have access at all reasonable times, after prior notice to the owner and/or tenant, excepting in the case of an emergency, to ascertain the quantity of water used and the manner of its use. When such access has been unreasonably refused, the water may be shut off. No person shall tamper with a water meter or he may be subject to a surcharge as set forth in Article 7.

4. Fires:

Whenever a fire occurs in the Town, after public notice by the Superintendent of Public Works or Fire Chief or Water Commissioners, it is the duty of the consumers to discontinue as far as practicable, all use of water.

5. Conditions Under Which Service is Furnished:

The Town does not guarantee constant pressure nor uninterrupted service, nor does it assure the consumer either a full volume of water or the required pressure per square inch necessary to effectively operate hydraulic elevators, sprinkler systems or other appliances, the same being subject to all the variable conditions that may take place in the use of water from the Town mains.

6. No Liability for Interruption of Service:

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

7. No Liability for Dirty Water:

The Town will not be responsible for damages caused by dirty water resulting from the opening or closing of any gate for repairs, the use of any hydrant, or the breaking of any pipe.

8. No Liability for Consumer's Pipes:

The Town assumes no liability for conditions which exist in consumer's pipes and cause trouble coincident to or following the repairs of any main pipe, service pipe, meter or other appliance belonging to the Town.

9. No Liability for Collapsed Boilers, Etc.:

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

10. No Liability for Shutting Off Water Without Notice:

When it becomes necessary to shut off the water from any section of the Town because of an accident or for the purpose of making changes or repairs, the Town will endeavor to give timely notice to the consumers affected thereby, as time and the character of the repairs or the accident will permit, and will, so far as practicable, use its best efforts to prevent inconvenience and damage arising from any such cause, but failure to give such notice will not render the Town responsible or liable for any damages that may result from the shutting off of the water or any coincident conditions.

11. Violations of Regulations:

Any violations of these regulations may result in the Water Commission ordering the shutting off of the water to the violator's premises. When the water has been shut off for violations of rules, or other offense, it may not be turned on again until the Town is satisfied that there will not be further cause of complaint, and charges shown in Article 7 and any other penalty or charges have been paid to cover the cost of shutting off and turning on the water.

12. No Liability for Frozen Pipes:

The Town shall be held harmless for damages caused by frozen pipes whether they are the property of the consumer or the property of the Town.

ARTICLE 3
Charges**1. Date of Consumer's Liability to Pay:**

A minimum charge will be assessed for water service from the date the water is turned on whether the water is used or not. (See Article 7). All outstanding water bills must be paid in full before any abatements can be made.

2. Bills:

Bills for water service will be rendered periodically in accordance with the "Terms of Payment" specified in the applicable rate schedule, and are due and payable at the office of the Water Commission upon presentation. Water charges may not by lease, contract, agreement or otherwise be transferred by a customer to any person or tenant for the purpose of relieving the Customer of responsibility for payment of water charges.

*added
9/27/95*

3. Collections of Miscellaneous Water Charges:

All bills for labor or material on consumer's property and charges for shutting off or turning on water will be subject to the same conditions as bills for water.

4. Charge for Turning On or Off Water:

A charge will be made for turning on or shutting off water. (See Article 7).

5. No Business With Delinquents:

No person who owes an overdue bill for water charges shall be entitled to the further use of water at the premises subject to the overdue bill, until such water charges are paid in full, together with all costs of enforcing these regulations, including but not limited to costs for shutting off and turning on the water supply.

6. Claims for Adjustments on Bills:

All claims for adjustments of water bills shall be made within thirty days of the date of the mailing by the Water Administrator.

7. All Metered Water to be Paid for:

All water passing through a meter must be paid for whether used or wasted. A minimum charge will be assessed for water service from the date the water was turned on.

8. When Meter is Out of Order:

If a meter is out of order or fails to register, the consumer will be charged at the average daily consumption as shown by the meter when in order, for the corresponding period of two years preceding.

9. No Right to Furnish Water to Other Premises:

A consumer of water by meter may use it for any and all purposes on his own premises, but will not be permitted to supply the premises of another person, except in special emergencies and then only with the approval of the Water Commission.

10. Water From Non-Metered Source:

All water supplied by the Water Commission for any purpose shall be drawn from a metered service.

11. No Water Will Be Turned On By Someone Other Than the Superintendent of Public Works or His Appointee:

In the case that water has been turned on to a premises by someone other than the Superintendent of Public Works, the owner may be subject to a surcharge as outlined in Article 7, and may be subject to future loss of connection privileges with the water system.

*Article 4
added 9/27/05*

**ARTICLE 4
Disconnection of Service by Water Commission**

1. Disconnection with Notice - Residential

- (a) The Water Commission may disconnect service to a residential Customer after appropriate notice if:
 - (1) The Customer has failed to pay within 30 days following the postmarked date of any proper undisputed bill or deposit request.
 - (2) The Customer has failed to abide by the terms of a payment agreement pursuant to section (d) below.
 - (3) The Customer refuses to give reasonable access to his premises for necessary inspection or installation of utility property.
- (b) Notice may be sent not less than thirty (30) days after the postmark date of the original bill. Written notice of the intent of the Water commission to disconnect service shall be postmarked at least twelve (12) days in advance of the date of disconnect.
- (c) Service shall be disconnected only between the hours of 8:00 a.m. and 3:00 p.m. on any regular business day, but not preceding a day on which the Water Commission business office will be closed.
 - (1) Prior to disconnection, the Water Commission employee disconnecting service shall notify an adult occupant of the premises or leave a note if no adult is present. The note shall contain the procedure whereby service may be re-established.
 - (2) The Water Commission employee disconnecting the service shall accept payment in full of the bill tendered prior to his commencing the disconnection to prevent disconnection. In such event, the employee shall give a receipt and leave the service intact.
 - (3) The Water Commission will restore service promptly upon the Customer's request when the cause for disconnection has been removed and the Customer has paid a reconnection fee of an amount equal to the Water Commission's normal service charge.
- (d) When a Customer cannot pay a bill in full, the Water Commission shall continue to serve the Customer if the Customer pays a reasonable portion of the outstanding bill in

reasonable installments and agrees to pay all future bills within 30 days following the postmarked date of the bill.

- (e) **Customer Appeals:** If a Customer disputes a bill, the Customer must request a conference with the Water Commission prior to the date of disconnect.
- (f) **Medical emergency:** No service will be disconnected when the Water Commission is advised that a medical emergency exists at the location, or would result from the disconnection.

2. Disconnection With Notice - Other Than Residential

The same rules shall apply as enumerated in section 1 above with the exception that written notice of disconnection shall be given at least five (5) business days prior to the date of disconnection.

3. Disconnection Without Notice:

Service may be disconnected without notice for any of the following reasons:

- (a) Fraudulent use or procurement of service by the Customer.
- (b) Violation of the restrictions or prohibitions of water use.
- (c) Violation of rules which may endanger life or property.
- (d) Tampering with Water Commission property.
- (e) Abandonment of premises.

ARTICLE 5 Meters

1. Meter Installation:

Meters are to be installed inside the serviced building where physically possible. A valve at the meter inlet shall be the first fitting inside the serviced building. A copper meter setter shall be the next device installed and a valve shall be installed near the outlet of the meter setter to permit removal of the meter without backflow from the house pipes. The consumer is responsible for the expense and installation of the valves before the meter. The consumer is responsible for installation of the copper meter setter which will be provided by the Department of Public Works. The Department of Public Works is responsible for setting and sealing the meter. Meters larger than 5/8" will be billed at actual cost to the Department of Public Works. Meters larger than 2" will be installed by the consumer at his expense and shall be inspected and sealed by the Department of Public Works. The cost of a 5/8" meter for a new service is included in the water connection (entrance) fee.

2. Consumers to Pay for Meter Repairs:

All damage or injuries to meters from freezing, hot water, or external forces under control of the consumer, shall be charged to the consumer. No sale or other transfer of title of property in the

Town of Hinsdale shall operate to bar the Water Commission in the collection of any balance due for meter repairs.

3. Meter Size: Type:

The proper size, type and kind of water meter required for any given service shall be approved by the Water Commission. All meters shall have a remote readout for access by the Department of Public Works.

4. Meter Not to Be Removed:

All meters up to and including 2" in size shall be set by an employee of the Department of Public Works, and shall not be moved or disturbed except by the same. Larger meters shall be installed and maintained by the consumer under DPW supervision. All meters shall be sealed.

5. Meter Pits:

Meter pits will not be allowed except where deemed absolutely necessary by the Water Commission. Installation of meter pits shall be at the consumer's expense.

6. Town's Right to Change Meters:

If, in the opinion of the Water Commissioners, a meter does not fit the conditions of the service installation, the Commission has the right to change such meter. Such change shall be made in accordance with current regulations and paid for by the consumer.

7. Repairing/Installing Meters:

The Water Commission will have the right to install, remove, repair, or replace any meter at any time it sees fit, after reasonable notice except in the case of an emergency. All meter installations on services which cannot be shut off for meter repairs shall be equipped with a metered by-pass at the expense of the consumer.

8. Access to the Meter:

It shall be the duty of all consumers to see that meters on service connections wherever located shall be readily accessible at all times to the DPW. Failure to remove any obstruction which prevents access to the meter within three (3) days of being notified by the DPW may cause the water to be shut off from the premises, and it may not be turned on until all obstructions are removed, and all regulations complied with and all expense for shutting off and turning on the water are paid.

9. Water Turned On:

No water will be turned on for building under construction unless a meter has been installed by the DPW; water charges will not be assessed until the Building Inspector signs the occupancy permit. Once the occupancy permit is signed, billing will be computed for that entire billing cycle.

10. Inability to Change Meter or Obtain Meter Reading:

In the case of homeowner's pipes or valves being in such poor condition that it inhibits the DPW from changing a meter or making any other repairs to the meter, or the DPW is unable to obtain access to the meter to obtain a reading, the Superintendent will inform the owner in writing of the

problem. The owner will have thirty (30) days to correct the situation, and if, after 30 days, the situation still exists, the Water Administrator will continue to bill for average usage with an additional surcharge as outlined in Article 7.

11. Testing Meters by Request:

The accuracy of the meter on any premise will be tested by the DPW upon written request of the owner, who shall pay in advance a fee (see Article 7) to cover the cost of the test. If, in such test, the meter is found to register over two (2) percent more water than actually passes through it, the meter will be repaired and the fee will be refunded and the water bill for the current period will be adjusted in accordance with the result of the test; if, however, it appears that the person was charged or has paid for less water than he should have been charged with or should have paid for, he shall forthwith be charged with the proper additional amount and shall pay the same, together with the expense of the examination and test, to the Town. Test will conform to specifications of the American Water Works Association, and copies of the test procedures can be obtained upon request at the Department of Public Works. Test specifications are approved by the Water Commission and Superintendent of Public Works and will be filed in the Department of Public Works.

ARTICLE 6

Service, Pipes and Fixtures

1. Construction of Building Water Lines:

All building water lines from the property line shall be constructed according to the requirements of the State Plumbing Code, as applicable, and the requirements of the Town of Hinsdale, whichever are more strict.

2. Costs and Expenses for Installation of Building Water Lines:

All costs and expenses for the installation of a building water line shall be born by the applicant. The minimum connection fees for new building water lines are stated in Article 7.

3. Water Waste:

Consumers must keep their water pipes and fixtures in good repair and protected from frost at their own expense, and they will be held responsible for any damage resulting from their failure to do so. They shall prevent any waste of water. In the case of a known leak on the consumer's property, the consumer will repair the leak in a timely fashion. If a consumer takes no action for thirty (30) days from notification by the Superintendent of Public Works to repair the leak, the Water Commission may shut the water off to the premises. No abatements will be given for water passing through the meter.

4. All Service Pipes to be Inspected:

All new service pipes must be inspected by the DPW before covering the trench. All pipe, fittings, trench depth and trench location shall meet the approval of the DPW.

5. Part of Service Pipe Furnished by Town:

On Town accepted roads, new service connections will be made by the Water Department and brought to the consumer's property line. The consumer will be charged the current rate for service charges, as listed in Article 7, Section 3.

6. Right to Repair Service Pipes:

All service pipes between the street line and the cellar wall may be repaired or re-laid by the Water Commission when it deems necessary for the protection of the supply or the giving of satisfactory water service, and the cost of same charged to the consumer.

7. Temporary Service from Adjacent Premises:

When permission to open a permanently paved street is refused by the Department of Public Works, or for any physical reason it is impossible to open a street, and the applicant requests that the water be furnished temporarily from an adjacent service, the same may be done at the expense of the consumer if approved by the Water Commissioners.

8. Extra Large or Special Service Pipe:

Any consumer requiring, because of special conditions in connection with his use of water, a service pipe between the main and the street line, which is of a different type or larger than 3/4 inch, shall be at the expense of the customer.

9. Charges for Repairs:

The pipe from the street to the building (all pipe beyond the Town property line) is the property of the consumer, and all repairs to the same must be made at his/her expense.

10. Material on Private Premises:

All fittings supplied by the DPW to the consumer shall be billed to the consumer.

11. Temporary Service:

Services for other than permanent structures, or which are used only a part of the year may, at the option of the Water Commission, be put in at the expense of the consumer.

12. One Service to Each Premises:

Only one service connection will be made to each residential, commercial or industrial building.

13. Requests for Turning On or Shutting Off Water:

Requests for "turning on" or "shutting off" a water service shall be made in writing 24 hours in advance except in case of emergency. A charge set forth in Article 7 will be made for each such service. DPW personnel only shall open or close curb box. Requests for "turning on" or "shutting off" water during other than normal working hours shall be billed at the overtime rate and hourly minimum, plus the applicable service charges as set forth in Article 7, except in situations which pose an immediate threat to real and personal property, as determined by the Superintendent of Public Works, resulting from a failure of the customer's service pipe, in which case, only the applicable service charges as set forth in Article 7 will be billed.

14. No Pipes Furnished in Winter:

No new service will be granted from November 1 to April 1 except in such cases deemed emergencies. Applications must be received by October 15 to qualify for installation by November 1. Installation of services beyond the end of an existing water main will not be allowed. The main must be extended (including necessary hydrants and appurtenances) to the furthest limit of the applicant's property. Water mains shall be "looped" when required by the Water Commission.

15. Service Pipe Trenches:

Service pipes shall not be placed within 10 feet of other utilities except under special conditions and with the approval of the Superintendent of Public Works. The Town will not be responsible for damage to other utilities laid within 10 feet of a water service pipe.

16. Right to Restrict Use of Water:

The Water Commission has the right to restrict the use of water during dry seasons or under any emergency conditions.

17. Use of Fire Hydrants:

The use of fire hydrants, Town and private, is restricted to members of the Fire Department of the Town of Hinsdale and to employees of the DPW. Other persons may use the fire hydrants only with the specific permission of the Superintendent of Public Works.

18. Grounding of Electrical Service to Water Service:

After July 1, 1991, no new electrical service will be grounded to the water service. In the case that suitable alternate grounding cannot be obtained, grounding to the water pipe will be allowed only after approval of the electrical inspector and Superintendent of Public Works.

ARTICLE 7 Rates and Charges

1. Charges for Water Service:

The charge for water service shall be based upon water consumption. The rate shall be the prevailing rate as established by the Water Commission per 100 cubic feet of water consumption as measured on the water meter. A minimum charge per billing period shall be billed to all users as approved by the Board of Selectmen. Bills are payable within thirty (30) days from date of issue, and are subject to a lien on the property (Ch. 40, Sec.42A - 42I of the General Laws).

2. Schedule of Charges:

Payment of fee and connection charges must be made prior to issuance of a building permit. Receipt of payments must be presented to the Building Inspector.

Entrance Costs:

Minimum water connection (entrance) fee for water main installations for subdivisions on Town approved streets: \$1,000.00

Minimum water connection (entrance) fee for individual water service connections on lots on Town approved streets: \$ 250.00

Additional expenses required for service installation for various fittings, labor, equipment cost and/or installation will be billed after work is completed. The Town will only provide meters up to 2" in size. The system use fee applies to each dwelling unit located in a building and to each commercial and each industrial connection. Multi-family units will require minimum use fee for each unit within the structure.

3. Service Charges:

Additional expenses for labor, materials and equipment costs above the minimum water entrance fee will be assessed at the prevailing labor, materials and equipment rates maintained by the Department of Public Works.

- A. Turn Water On (new dwelling, opening of previously vacated building) \$ 20.00
- B. Turn Water Off (i.e., winter close of building) 20.00
- C. Water Off and On for Owner Repairs 20.00
- D. Meter Test 20.00
- E. Emergency Overtime: 3 1/2 hour minimum charge, per man, at overtime rate.
- F. Materials Retail Cost
- G. Lien Charge, Per Invoice 20.00
- H. Average Usage: In the case that the average daily usage cannot be computed, then the following charges will be applied, per family: 360.00
- I. The Water Commissioners may charge interest on bills for water services, charges, fees or costs sixty (60) days or more overdue, at the rate of 1 1/2% per month on the overdue balance.

ARTICLE 8

Requirements and Specifications for Laying Water Mains in Hinsdale

1. Requirements and specifications will be approved by the Water Commission and the Town Engineer. Specifications and requirements will be filed in the Town Clerk's office and the Department of Public Works.