

## THE HARVARD WATER DEPARTMENT

The following regulations are a part of the contract with every person who takes, purchases, or consumes water, and governs the relation between the Water Department and its consumers. The Board of Water Commissioners shall set fees for the equitable distribution of costs resulting from the programs established herein under MGL Chapter 40, Sections 42-A to 42-1.

All prior and existing rules and regulations are hereby rescinded and these rules and regulations are substituted in place.

### A. DEFINITIONS

1. ABUTTER - shall mean one whose property abuts, is contiguous to, or joins at the border or boundary of a public right-of-way in which a main pipe is to be or has been installed.
2. BACKFLOW - shall mean the flow of water or other liquids, mixtures, or substances into the municipal water system from any source other than the intended source.
3. BACKFLOW PREVENTION DEVICE - shall mean a Water Department approved device, which operates as a check valve on the service pipe to prevent any material from being forced or drawn into the municipal water system, thereby contaminating the potable water supply.
4. BOARD OF WATER COMMISSIONERS - Appointed officials who have exclusive charge and control of the water department and water system, subject to all lawful bylaws and to such instructions, rules and regulations as the town may from time to time impose by its vote. They regulate the use of the water and fix and collect just and equitable prices and rates for the use thereof. They develop and oversee the budget and finances of the department.
5. CONSUMER - the individual, firm, or corporation whose name the Water Department 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 services of the Town of Harvard.
6. 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 material of unknown or questionable safety, including water containing any physical, chemical, biological, or radiological substance or matter.
7. CORPORATION STOP - shall mean the valve located at the service main which the Water Department alone may use to turn on or shut off service to the premises.

8. CURB STOP - shall mean the valve located at or adjacent to the Consumer's property line, which the Water Department alone may use to turn on or shut off service to the Premises.
9. DEP - Department of Environmental Protection
10. DIRECTOR OF WATER OPERATIONS – The Director of the Town of Harvard's Department of Public Works, unless another person is appointed by the Water Commissioners, will serve as Director of Water Operations and have responsibility for the operation of Harvard's municipal water supply. The Director of Water Operations: (1) Administers and manages the department and water system infrastructure using policies of the Board of Water Commissioners, the municipal water supply laws of the Commonwealth, and the regulations of the Commonwealth's Department of Environmental Protection, Department of Environmental Management, and the Office of the Inspector General (Chapter 30B); (2) Reports to the Board of Water Commissioners every two weeks on average; and (3) At all other times, acts under their own judgment and develops and implements strategy for emergency situations as well as day-to-day operations.
11. MAIN - shall mean the supply pipe lay in the street, from which house connections are made.
12. METER - shall mean a device used to measure the quantity of water supplied to the Consumer.
13. OUTSIDE READER - shall mean the device placed by the Water Department on the outside surface of the Consumer's premises permitting the Water Department to determine water consumption based on a meter reading without entering the premises.
14. PREMISES - shall mean the Consumer's property or building(s) thereon to which service is provided.
15. RIGHT OF WAY - The full strip of land designated as a way, consisting of the roadway and any planting strips and sidewalks. A way so designated shall not be available for any private construction.
16. RECORD DRAWINGS - Drawings which show size and location of water main installation, including mains, service lines, tees, elbows, plugs, caps, stubs and hydrants etc., with triangulation ties noted.
17. SERVICE - shall mean a separate household of one or more people, stores, garages, laundries, manufacturing establishments, or in the opinion of the Board of Water Commissioners, whatever constitutes a service shall pay a minimum charge per quarter.
18. SERVICE PIPE - shall mean 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.

19. UTILITY EASEMENT- a right acquired by a public authority or other person for use or control of property for utility or other designated public purpose.

## B. LIMITATION OF LIABILITY

1. The Harvard Water Department does not guarantee the consumer a full volume of water beyond optimal service levels, 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 municipal water system.
2. 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 municipal water system, or by shutting off for the purpose of additions or repairs to the municipal water system, or by the stoppage or shortage of supply due to causes beyond the control of the Water Department, including without limitation thereof, drought, earthquake, fire or flood.
3. The Harvard Water Department will not be responsible for damages caused by discolored water resulting from the opening or closing of any gate for repairs, the use of any hydrants, or the breaking of any pipe.
4. The Harvard Water Department 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 Water Department.
5. The Harvard Water Department reserves the right at any time without notice to shut off the water in the municipal water system for the purpose of making repairs, extensions, or for other necessary purposes. As far as time permits, the Water Department shall make every reasonable attempt to notify customers. Persons having boilers or other appliances on their premises depending on the pressure in the pipes to keep them supplied with water, are hereby CAUTIONED against danger from these sources, and are required to provide, at their own expense, suitable safety appliances to protect themselves against such danger. In any event, it is expressly stipulated that the Water Department will not be liable for any damage resulting from water having been cut off, either through accident or necessity, but shall only be liable for injury or damage resulting from its failure to use reasonable care during such cut-offs.
6. The Town of Harvard Municipal Water System, the Department and the Town will not be responsible for enhancing the pressure and flow beyond the curb stop.

## C. GENERAL

1. The Board of Water Commissioners has the right to restrict the use of water during dry seasons or under any other emergency conditions. (Mass. General Laws, Chapter 40, Sec. 41A). (Pending approval of the appropriate Town Meeting Warrant Article, the Board of Water Commissioners requires DEP approval to issue a mandatory water ban.)
2. All persons are forbidden to shut off water from any pipe or hydrant of the Water Department without the approval of the Board of Water Commissioners or Director. No person, without the consent of the Director, or other authorized representative, shall open a hydrant, or any other fixture intended only for fire protection, for any purpose other than extinguishing a fire, except a fireman, without PRIOR APPROVAL, for the purpose of practice. ONLY Water Department personnel, or persons authorized by the Water Department, may open hydrants for other approved uses. Where use of water from a hydrant, for a purpose other than extinguishing a fire, has been requested and approved, the usage shall be metered and appropriate rates shall be charged.
3. Any extension of the Town of Harvard Municipal Water System requires a vote of Town Meeting per Article 8 of the March 30, 1974 Harvard Annual Town Meeting. Any eligible person or corporation who desires a water main extension in Harvard must first make a written request to the Water Department to see if there is capacity to supply the water. All Water Department specifications must be followed. Record drawings are required for all main and service installations. All costs, including engineering, are to be the responsibility of the applicant or owner.
4. Specifications will include, but will not be restricted to, the size of the main, services, valves, and meters, hydrants as needed, loops where beneficial, materials, and testing.
5. No representative of the Water Department has the authority to change or modify said rules, and the Water Department will not recognize or be bound by any claimed change or modification hereof. The rules and regulations of the Water Department may be altered or amended at the discretion of the Board of Water Commissioners, and shall form a part of the contract with every water taker and all persons taking water from the Department shall be deemed to accede to and be bound thereby.
6. The Board of Water Commissioners reserves the right to change or amend these rules and regulations, except for rates and fees, and make additions to them or exceptions to them, at any time without advance notice, and to establish and assess penalties for violations, including the right to suspend water service. Any changes are subject to the public

hearing process.

7. The Water Department in no way assumes any responsibility for frozen service lines. Necessary thawing of lines and any repairs are the responsibility of the owner, and bills submitted for these charges are payable upon presentation. No electrical or telephone grounds are allowed on water service lines.
8. The Chairman of the Board of Water Commissioners or in his absence, the Director of Water Operations, may declare voluntary water usage restrictions. Mandatory water usage restrictions or emergencies will be declared in accordance with town bylaws and DEP regulations.

#### D. SERVICE CONNECTIONS

1. Service connections shall be made under the direction of the Director or their representative. No dwelling, house, or other building or structure shall be connected by any service pipe, nor shall any person otherwise use the water supplied by the Water Department, except with the consent of the Director or their representative.
2. Request for water service connections shall be made by in writing by the owner or his agent and must indicate the service required, location of the service and date the service is desired. The estimated cost of such a service may be furnished by the Water Department on request. This cost may include payment for any previously installed curb stops or service connections that are used by the new service. Owner or his agent will be billed for any parts, materials and labor provided.
3. Single---family household connections shall be 1" copper to the meter. In all other cases, owner or his agent (architect, contractor) shall consult with the Director of Water Operations.
4. The Water Department will not allow the water to be turned on to any new service unless all charges due the Water Department have been paid in full.
5. Any required booster pumps and/or reducing valves need prior approval by the Director of Water Operations.
6. Only authorized contractors working under Water Department supervision shall lay any service pipes from the municipal water system to the inside of the basement wall, or such other point on the owner's premises as shall be designated. A suitable place shall be provided for the water meter.
7. All work performed by outside contractors must be approved by the Harvard Water Department. The Department may ask for proof of performance and the Department's decision is final. Inspection will be by the Harvard Water Department or its representative. Contractor will be

charged at the current rate for such services. Record drawings of all services will be prepared and kept by the Water Department.

8. Installation shall be at depth, bedding, and other details as specified by the Water Department. Installation shall be performed by, or under the direction of the Department. The Department shall approve the installation before trenching is backfilled.
9. The Water Department in no way assumes any responsibility for re-seeding of lawns or replacement of shrubs damaged in the performance of this work.
9. The Water Department is responsible for the water main and any service line to the curb stop at the property line. The owner shall maintain in good condition all outside service pipes and fittings from the property line through the meter and shall protect same from freezing. Necessary repairs including but not limited to leaks, defective meters and outside lines, including complete service replacement from the property line are the responsibility of the owner, and bills submitted for these charges are payable upon presentation.
10. A fire service line is entirely the responsibility of the owner from connection at the main to any structure.

#### E. METERS

1. All water services shall be metered, and where there is more than one tenant or occupant on the premises, the meter rates and rules and regulations of the Water Department shall apply to each. In all cases, the deeded owner of the property supplied shall be held responsible for the water rates and all other charges, including that of all tenants or occupants.
2. The Water Department will furnish, install and/or supervise installation, seal and maintain all meters and remote readers. The owner will provide a readily accessible, adequate and proper space or housing, heated if necessary, to protect it from freezing. Original installation of meter and cost of repair or replacement of seals, meters, or remote readers, when damaged by freezing, neglect, tampering or vandalism shall be paid by the property owner. All metering equipment is the property of the Water Department.
3. Meters, readers, and seals may not be removed except by, or under the supervision of Water Department personnel. Only Water Department personnel may remove or replace the seals, which if broken, may indicate the meter has been tampered with.
4. The owner, tenant, or occupant shall not permit unauthorized persons to have access to, or interfere with a water meter, and shall provide for its safekeeping. Failure to comply will result in discontinuance of service.

5. The Water Department is not responsible for leaks on the users' premises. Water passing through a meter is considered to have been consumed.
6. The Water Department will test, remove, repair and/or replace meters up to a one inch service as a part of regular maintenance. If the meter is over one inch, it will be maintained at the customer's expense.
7. All meters are tested to make sure they work and are accurate prior to installation. The accuracy of the meter of any premise will be tested by the Water Department upon written request of the owner, who shall pay in advance a fee to cover the cost of the test. If, on such test, the meter is found to register over two percent more water than actually passes through it, the meter will be repaired, at Water Department expense, the advance 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 meter has been registering less water than actually passed through it, the customer will pay for the test, as well as for the additional water used.
8. Upon request, agents or representatives of the Water Department shall be provided access to the premises of a consumer during Water Department business hours, for the purpose of reading meters, inspecting or examining pipes, fixtures, or attachments or backflow devices used by the owner, tenant or occupant. Water service may be discontinued until such access is provided.
9. Each residentially occupied building shall have a separate meter and a separate account. No person shall attach or cause to be attached, a pipe to a metered service pipe or main for the purpose of furnishing water to an unmetered building, except with the written consent of the Board of Water Commissioners.
10. An owner should notify the Water Department if a building is vacant and the owner desires to shut off the water. The owner will be responsible for a turnoff charge and a turn on charge if and when the service is reactivated. The owner will be charged a minimum water usage bill each billing period during which if the water is not turned off. The Water Department is not responsible for water used if pipes freeze in a vacant, unheated building. Customer may be charged, based upon an estimate, for any water used and not recorded due to damage to the meter or before the meter.
11. For those consumers having outside recorders, the Water Department will periodically read the inside meter to verify the accuracy of the outside recorder. In case of a discrepancy between the two readings, the inside meter reading will be considered the true reading, and the consumer's bill will be adjusted accordingly.

## F. FEES AND RATES

1. The Board of Water Commissioners will establish fees for miscellaneous services provided by the Water Department and rates for water usage. The Commission will hold a public rate hearing before any rate is changed. The Fee and Rate schedule will be published separately.

## G. WATER COMPLAINTLOG

1. All complaints concerning the Water System must be made in writing to either the Director of Water Operations or one of the Water Commissioners. At their individual discretion, the Director of Water Operations or any one of the Water Commissioners may enter a written complaint if any complaint is received verbally.
2. The Director of Water Operations shall keep a copy of all written complaints received and a written record of the resolution.

## H. PROTECTION OF WATER SUPPLY

1. The Water Department will take such action as is necessary to protect the water supply serving the Town of Harvard and to ensure that the rules and regulations of the Department of Environmental Protection relating to Public Water Supplies are complied with.
2. No Septic System may be constructed or expanded within the zone of protection of the Town of Harvard Water Supply unless a determination is made by the Water Commissioners that said construction or expansion will not be detrimental to the Water Supply.