

Title 13

PUBLIC SERVICES

Chapters:

- 13.04 Water and Sewer Charges**
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Chapter 13.04. WATER AND SEWER CHARGES

13.04.010. Due dates—Interest on unpaid charges.

Pursuant to Massachusetts General Laws, Chapter 40, Section 21E, the Board of Selectmen is authorized to establish due dates for the payment of water and sewer charges and bills, and if such charges remain unpaid after such due dates, interest shall accrue. The rate of interest shall be equal to the rate at which interest may be charged on tax bills under the provisions of Massachusetts General Laws, Chapter 59, Section 57. (ATM 5-15-2002 Art. 47 (part); ATM 5-10-1994 Art. 44; prior code Ch. 133)

13.04.020. Meter reading fee.

There will be a fee of \$35.00 for each water meter reading performed by the Town at the request of the customer for any reason, including, but not limited to meter inspections, sump pump inspection and so called final readings for real estate transactions, said fee incorporated on the final water and sewer invoice. (STM 10-5-2004 Art 20)

13.04.030. Water shutoff for failure to pay charges.

The Town may shut off the flow of water from its mains or pipes to the premises of any customer who has failed or refused to pay the lawful charges of the Town for water previously consumed. The officers, employees or agents of the Town may, upon any business day between the hours of 8:00 a.m. and 4:00 p.m., enter upon the premises of a customer whose payments are in arrears and close a valve, remove or disconnect a meter pipe or fitting, if necessary, for the purpose of shutting off the flow of water as above authorized, provided that the customer has been given thirty-six hours' notice in person or by registered or certified mail directed to his last address furnished to the Town. If such address is different from the address of the premises affected a copy of such notice shall also be so mailed to the address thereof. Upon entering the premises to shut off water, the Town representative shall, before shut-off, state to an occupant, if present, that service is to be shut off. (STM 10-5-2004 Art. 21)

13.04.040. Water shutoff for certain residents restricted.

The Town shall not intentionally shut off the water service to any domicile occupied by a person who is seriously ill if the Town receives written notice from the Town Health Department or a registered physician verifying the fact of such illness. Such certificates must be renewed monthly during the course of such illness. The Town shall not intentionally shut off service to any domicile occupied by a child under the age 12 months if the Town receives certification from the Town Health Department, Clergy, Registered Physician, Hospital or Government Official, or Birth Certificate. The Town shall not intentionally shut off service to any domicile in which all occupants are age 65 or older. (STM 10-5-2004 Art. 21)

13.04.050. Notice of shutoff.

The Town shall not shut off the flow of water to any residential building in which the occupant thereof is not the customer of record of the Town, without first complying with the notice provision of Section 13.04.030, and also providing notice to each affected dwelling unit in the manner prescribed by the Water and Sewer Department regulations. Such notice shall contain the following information:

A.

The amount then due and payable for such water service;

B.

The date on or after which such service will be shut off, such date to be not less than fifteen nor more than thirty days after the day on which such notice is first given;

C.

The date on which said notice is given; and

D.

The right of the occupants of such building to pay the amount due or portion thereof as is prescribed by regulation and thereby avoid a cessation of service. Any employee of the Town may at any reasonable time enter the common hallways of such building to post or deliver said notice. (STM 10-5-2004 Art. 21)

13.04.060. Procedure for termination of service.

Service may be terminated only if:

A.

A bill is not paid within 60 days from receipt; and

B.

The Town, not earlier than 45 days after the rendering of the bill (i.e., first request for payment) renders a second request for payment, stating its intention to terminate on a date not earlier than 60 days after the receipt of the original bill; and

C.

The Town renders a final notice of termination not earlier than 60 days after receipt of the bill.

D.

The bill remains unpaid on the termination date indicated on the notice.

In no event shall service to a customer be terminated for failure to pay a portion of any bill which is subject of a dispute which has been made with the Town in accordance with any applicable regulations. However, a customer shall be responsible for and accordingly shall be subject to termination for non-payment of any portion of any bill which is not the subject of a dispute. All second requests and termination notices shall be accompanied by a brief explanation of customer rights. (STM 10-5-2004 Art. 21; STM 10-3-2006 Art. 13)

13.04.070. Additional regulations for termination of service.

The Board of Selectmen acting as the Water and Sewer Commissioners may enact regulations under this bylaw further regulating procedures for the termination of service. (STM 10-5-2004 Art. 21)

13.04.080. Fee for restoration of service.

There shall be a fee of \$50.00 for the restoration of Water Service after service has been terminated pursuant to this bylaw. Said \$50.00 and unpaid Water and Sewer bill to be paid prior to the reconnection of water service. (STM 10-5-2004 Art. 21)

Chapter 13.05

CONDOMINIUM CONVERSIONS

Sections:

13.05.010 Responsibilities of property owner

13.05.010 Responsibilities of property owner.

Prior to converting any property to a condominium, the property owner shall notify the Building Department and the Water and Sewer Department in writing, and the property owner shall make, at his expense, any modifications to the water system as may be required by the Director of Public Works or his designee to accommodate the Water and Sewer Department's billing requirements. (STM 11-14-2007 Art. 22)

Chapter 13.06
CELLAR DRAINS

Sections:

13.06.010 Cellar drains prohibited; violations and penalties.

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No person shall install a ground water gravity connection from the interior of any building to the Town storm water drainage system. This does not prohibit the connection of exterior foundation drains to the Town storm water drainage system provided the foundation drain is above the elevation of the cellar floor. Violations shall be punishable by a fine of one hundred dollars (\$100.00). (ATM 5-7-2003 Art 34. (part))

Chapter 13.07

GREASE TREATMENT

Sections:

13.07.010 Treatment required; violations and penalties.

13.07.010 Treatment required; violations and penalties.

All food establishments shall install and maintain in good working order a device which complies with the regulations of the Water and Sewer Department for the treatment of grease. Failure to comply with the Water and Sewer Department regulations for treatment of grease shall be punishable by a fine of \$100 for each offense. Each day that noncompliance continues shall be deemed a separate offense. This bylaw may also be enforced, through noncriminal dispositions under Chapter 1.08. (ATM 5-2-2006 Art. 32 (part))

Chapter 13.08

WATER EMERGENCIES AND CONSERVATION

Sections:

- 13.08.010 Purpose.**
- 13.08.020 Promulgation authority.**
- 13.08.030 Administration.**
- 13.08.040 Violation—Penalty.**

13.08.010 Purpose.

This bylaw is intended to preserve, maintain and increase the water supply of the town. (STM 5-2-89 Art. 18 (part); prior code § 131-1)

13.08.020 Promulgation authority.

Whenever a declaration of a state of water supply emergency or resulting order is legally declared and imposed on the town by an appropriate state or federal agency, or a water conservation restriction emergency declared by the tri-town board of water commissioners, the Braintree Board of Selectmen is authorized to promulgate such reasonable rules and regulations as are necessary to implement such declaration and order. (ATM 5-15-2002 Art. 47 (part); ATM 5-10-1994 Art. 46; STM 5-2-89 Art. 18 (part); prior code § 131-2)

13.08.030 Administration.

A. The Board of Selectmen through the Department of Public Works, shall be the exclusive administrator for processing receipted violations to the water usage restriction order.

B. There shall be one warning issued and recorded on an approved water/sewer department administrative form. Such warning shall be sent by certified mail to the site of the violation. Subsequent violations recorded shall be punished by civil penalties as stipulated in Section 13.08.040 of this bylaw. Subsequent violations shall be recorded on an approved department administrative form which stipulates that a violation has been found and a civil penalty has been applied with mandatory payment of such civil penalty to be receipted by the water and sewer department. ((ATM 5-15-2002 Art. 47 (part); STM 5-2-89 Art. 18 (part); prior code § 131-4)

13.08.040 Violation-Penalty.

Any person who is found after a hearing before the Public Works Permitting and Advisory Board to have violated any of the rules and regulations as promulgated by the Board of Selectmen

Chapter 13.12

CROSS-CONNECTION CONTROL

Sections:

- 13.12.010 Purpose.**
- 13.12.020 Authority.**
- 13.12.030 Definitions.**
- 13.12.040 Exemptions.**
- 13.12.050 Cross-connection control program.**
- 13.12.060 Installation of approved backflow prevention devices required when.**
- 13.12.070 Procedure.**
- 13.12.080 Owner responsibilities.**
- 13.12.090 Containment devices required when.**
- 13.12.100 Existing in-use backflow prevention.**
- 13.12.110 Residential dual check device required.**
- 13.12.120 Periodic testing and inspection.**
- 13.12.130 Fees for testing and inspection.**
- 13.12.140 Records and reports.**
- 13.12.150 Enforcement.**

13.12.010 Purpose.

The purpose of this chapter is:

A. To protect the public potable water supply served by the Braintree Department of Public Works from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water system;

B. To promote the elimination or control of existing cross-connections, actual or potential, between its customers in-plant potable water system and nonpotable systems;

C. To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection. (ATM 5-15-2002 Art. 47 (part); STM 10-7-91 Art. 11 (part); prior code § 45-1)

13.12.020 Authority.

As provided in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system. (STM 10-7-91 Art. 11 (part): prior code § 45-2)

13.12.030 Definitions.

As used in this chapter:

“Air gap separation” means the method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

“Approved” means accepted by the reviewing authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

“Approved backflow prevention device or devices” means a method to prevent backflow approved by the Department for use in Massachusetts.

“Atmospheric vacuum breaker” means an approved backflow device used to prevent back siphonage which is not designed for use under static line pressure.

“Auxiliary water supply” means any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.

“Back pressure” means pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

“Back siphonage” means a form of backflow due to reduced or subatmospheric pressure within a water system.

“Backflow” means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source.

“Backflow preventer with intermediate atmospheric vent” means a device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are force-loaded to a normally closed position and the venting means is force-loaded to a normally open position.

“Barometric loop” means a loop of pipe rising at least thirty-five (35) feet, at its topmost point, above the highest fixture it supplies.

“Contaminant” means any physical, chemical, biological or radiological substance or matter in water.

“Cross-connection” means any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain or other unapproved source.

“Cross-connection violation form” means a violation form designated by the Department, which is being sent to the owner by the water supplier with copies sent to the Department, plumbing inspectors and board of health delineating cross-connection violations found on the owner’s premises and a procedure for corrective action.

“Delegated representative” means any individual approved by the director who holds a current certificate as a backflow prevention device tester from the commonwealth of Massachusetts.

“Department” means the Massachusetts Department of Environmental Protection.

“Director” means the Director of the Department of Public Works, appointed by the Selectmen is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of this bylaw.

“Double check valve assembly” means a backflow prevention device which incorporates an assembly of check valves, with shutoff valves at each end and appurtenances for testing.

“In-plant protection” means the location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.

“Owner” means any person maintaining a cross-connection installation or owning or occupying premises on which cross-connections can or do exist.

“Permit” means a document issued by the Department which allows a cross-connection installation.

“Person” means any individual, corporation, company, association, trust, partnership, the commonwealth, a municipality, district, or other subdivision or instrumentality of the United States, except that nothing herein shall be construed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian Lands.

“Pressure vacuum breaker” means an approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.

“Reduced pressure backflow preventer” means an approved backflow prevention device incorporating (1) two more check valves; (2) an automatically operating differential relief valve located between the two checks; (3) two shut-off valves; and (4) necessary appurtenances for testing.

“Residential dual check” means an assembly of two spring-loaded, independently operating check valves without tightly closing shutoff valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

“Reviewing authority” means the Department, its designee, or the local plumbing inspector, authorized by MGL Chapter 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-4)

13.12.040 Exemptions.

Existing homes used solely for residential purposes shall be exempt from the provisions of this bylaw. However, all residential sprinkler systems shall require a backflow prevention device. (STM 10-7-1991 Art. 11 (part); prior code § 45-14)

13.12.050 Cross-connection control program.

A. The director will operate an active cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the state Department of Environmental Protection's Cross Connection Regulations and is approved by the Department.

B. The owner shall allow his property to be inspected for possible cross-connections and shall follow the provision of the town's program and the Department regulations. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-5)

13.12.060 Installation of approved backflow prevention devices required when.

The director shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the director or his delegated representative determines that an approved backflow prevention device is required at the town's water service connection or as in-plant protection on any customer's premises, the director or his delegated representative shall issue cross-connection violation form to such customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the director, install such approved device or devices his own expense, and failure or refusal or inability on the part of the customer to install such device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-3)

13.12.070 Procedure.

A. On new installations, the director or his delegated representative will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.

B. For premises existing prior to the start of this program, the director or his delegated representative will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.

C. The director will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.

D. If the director determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

E. The director shall have on his staff a delegated representative, who is a backflow prevention device tester certified by the commonwealth of Massachusetts.

F. The director or his delegated representative will begin initial premises inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department, during calendar year 1991. Initial focus will be on high hazard industries and commercial premises.

G. The director strongly recommends that all new and retrofit installations of reduced pressure backflow preventers and double check valve assemblies include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may stir up debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-6(A))

13.12.080 Owner responsibilities.

A. The owner shall be responsible for the elimination or protection of all cross-connections on his premises, including any all costs for the installation of needed devices.

B. The owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross-connections and installation of backflow prevention devices, and applying annually for the renewal of each permit.

C. The owner shall have any device that fails an inspection or test repaired by a licensed plumber.

D. The owner shall inform the director of any proposed or modified cross-connection and also any existing cross-connections of which the owner is aware but has not been found by the director or his delegated representative.

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

F. The owner shall install backflow preventers in a manner approved by the Department and by the director.

G. The owner shall install only reduced pressure backflow preventers and double check valve assemblies approved by the state Department of Environmental Protection.

H. Any owner of industrial, commercial or institutional premises having a private well or other private water source must have a permit if the well or source is cross-connected to the Braintree water system. Permission to cross connect may be denied by the director. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross-connected to the Braintree water system.

I. The owner of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water supply system.

J. The owner shall be responsible for the payment of all fees for permits, device testings, retestings in the case that the device fails to operate correctly, and second reinspections for noncompliance with requirements of the director or the Department.

K. The owner shall be responsible for providing labor on the premises as necessary to allow inspections and testing of devices by the director or his delegated representative.

L. The owner shall be responsible for having spare parts and repair tools for the backflow devices on the premises at all times. If the backflow device is not able to be repaired the owner is responsible for supplying a replacement device. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-6(B))

13.12.090 Containment devices required when.

The director recognizes the threat to the public water system arising from cross-connections. As such, the director, whereas he is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer, who, as a result of unprotected cross-connections, could contaminate the public water supply system. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-7)

13.12.100 Existing in-use backflow prevention.

Any existing backflow preventer shall be allowed by the director to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-8)

13.12.110 Residential dual check device required.

Effective the date of the acceptance of the cross-connection control program for the town, all new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. This device will be provided by the Department of Public Works at a scheduled cost to the home-owner. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the director. Since the installation of a residential dual check valve results in a potential closed plumbing system within the residence, provisions may have to be made by the owner for thermal expansion within his closed loop system (i.e., the installation of thermal expansion devices and/or pressure relief valves). (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-9)

13.12.120 Periodic testing and inspection.

A. Reduced pressure backflow preventers and double check valve assemblies shall be tested and inspected at least semiannually by the director or his designated representative.

B. Periodic testing shall be performed by the director's certified tester in accordance with state regulations.

C. The testing shall be conducted during the water and sewer department's regular business hours. Exceptions to this, when at the request of the owner, may require additional charges to cover the increased costs to the director or his delegated representative.

D. Reduced pressure backflow preventers and double check valve assemblies must be tested annually by the owner, independent of the semiannual test by the water supplier, and such test must be conducted by a certified tester.

E. Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen (14) days after the test date will be established. Parallel installation of two devices is an effective means of the

owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.

F. Backflow prevention devices will be tested more frequently than specified above in subsection A of this section in cases where there is a history of test failures and the director feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the owner. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-10)

13.12.130 Fees for testing and inspection.

The Public Works Permitting and Advisory Board shall recommend fees for the inspection of facilities or testing of devices to insure implementation of this bylaw to the board of selectmen. The Board of Selectmen shall set such fees. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-13)

13.12.140 Records and reports.

A. Records. The director or his delegated representative will initiate and maintain the following:

1. Master files of customer cross-connection tests and/or inspections;
2. Master files on approved cross-connection installations;
3. Copies of lists and summaries supplied to the Massachusetts Department of Environmental Protection.

B. Reports. The director or his designated representative will submit the following to the Department of Environmental Protection.

1. Initial listing of high hazard cross-connections;
2. Initial listing of low hazard cross-connections;
3. Annually update lists of subdivisions 1 and 2 of this subsection;
4. Annual summary of cross-connection inspections and surveys. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-12)

13.12.150 Enforcement.

A. The director shall not allow a cross-connection to exist with the public water supply system unless it is considered necessary and all approvals and permits have been issued.

B. After any violations of the cross-connection regulations are found, in surveys or otherwise, the supplier must send out a cross-connection violation form detailing the violation(s) and a procedure for corrective action. This shall include a requirement for plan submittal and will indicate the deadline for such submittal and who the reviewing authority will be (either the Department or the Department of Public Works). A period of thirty (30) days will be granted for plan submittal unless a more appropriate schedule is necessary in the judgment of the director.

C. If the owner of any premises does not initiate corrective actions by the prescribed deadline, the director will then issue a follow-up letter indicating that the owner remains in violation and under 310 CMR 22.22 Section 2(b) of the Drinking Water Regulations of the Commonwealth of Massachusetts will have his service terminated unless corrective work is initiated within fifteen (15) days.

D. If the owner of any premises remains in noncompliance after the deadline established in this second letter, the owner will be notified by certified mail that the property has been scheduled for shutoff in seven days. If the owner fails to initiate corrective action within that period the water service will be terminated.

E. If the occasion should arise where termination of the water supply will result in unreasonable risk to the public health of the community, the Department will be notified and another enforcement strategy will be initiated, including but not limited to the assessment of an administrative penalty to any owner in noncompliance with Section 22 of the Drinking Water Regulations of the Commonwealth of Massachusetts. (ATM 5-15-2002 Art. 47 (part); STM 10-7-1991 Art. 11 (part); prior code § 45-11)

