



Current Rules & Regulations

SECTION I: Definitions

SECTION: I

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

1.2 **District** "District" shall mean the Oak Bluffs Water District.

1.3 **Oak Bluffs Water District** Oak Bluffs Water District shall mean the total system infrastructure, including but not limited to the wells, tanks, treatment, distribution and all appurtenant fixtures of the water system

1.4 **Superintendent** "Superintendent" shall mean the Superintendent of the Water District or the Superintendent designee.

1.6 **Water Main** A "water main" shall mean the water supply pipe laid in the street.

1.7 **Water Service line** A "water service line" shall mean the water supply pipe connecting from the water main to the User's Property line.

Additional Definitions: For terms which are not defined in these regulations, the applicable definition in the Massachusetts Department of Environmental Protection Rules and Regulations and AWWA Standards Supplement and in the Massachusetts Fire Prevention Regulations, 527 CMR will be accepted.

SECTION II: General Provisions

2.1 Compliance

Acceptance of service shall bind the User to the laws, rules, regulations and policies of the Commonwealth of Massachusetts, the Oak Bluffs Water District.

2.2 Application for Water Service

All applications for any new installations, alterations, replacements or change of ownership of a water service shall be submitted for approval by the Water District Superintendent or his designee, to the Oak Bluffs Water District office by the owner of the property or his/her authorized agent in writing.

2.3 Ownership Responsibilities and Liability

All pipes, valves, and taps between the municipal water main and the curb stop valve up to the property line are the responsibility of the Oak Bluffs Water District. All piping, valves, equipment and any other appurtenances from the curb stop and including the curb box and cover are the property and responsibility of the property owner although such items are required to meet the standards and specifications of the Oak Bluffs Water District. An exception to the above is the water meter, which will always be the property of the Oak Bluffs Water District.

2.4 Responsibility for Charges

Property owners are responsible for all water fees and charges until such time as the Oak Bluffs Water District is notified in writing that they no longer desire the use of water and their service to be disconnected, abandoned and capped. In the case of the sale of the property, notice shall be given as to the name and billing address of the new owner. The new owners of the property shall have no right to the use of water until an application has been submitted, accepted and received final approval, and until all outstanding charges against the property have been paid. There is a five (5) business day notice required for all transfers of ownership except for causes set forth in writing and subsequently approved by the Oak Bluffs Water District.

2.5 Location, Plans and Specifications

The Oak Bluffs Water District has the exclusive right to determine the location of any and all water mains and services, fire suppression water supply pipes and water meters in the distribution system. Plans for said construction shall be submitted with an application showing the curb box connection, the water line to the structure and the water meter location. If more than one meter is attached to a water line, a manifold shall be used to provide a separate water meter hookup for each designation. The location and design of

the manifold and water meter area must be shown on the water utility plan to obtain approval.

2.6 Construction —

The owner of property desiring construction, alterations or attachments to be connected to the water supply system shall submit plans and specifications for the proposed work to the Oak Bluffs Water District for review. The Water Supply Superintendent shall determine the terms, charges and conditions under which the proposed use shall be permitted.

2.7 Construction Inspections

The applicant or applicant's authorized agent shall notify the Oak Bluffs Water District a minimum of 3 business days prior to commencing work for which plans and specifications have been approved and a permit has been issued. Approval by the Superintendent or his designee is required as designated by the Oak Bluffs Water District based on the complexity of the installation. No work shall be covered or enclosed until inspected and approved. Oak Bluffs Water District inspections will be scheduled during normal working hours. If by mutual agreement inspections are scheduled for other than normal working hours, the applicant will be responsible for paying any and all extra costs.

2.8 Right of Entry

Property owners shall permit after reasonable notice Oak Bluffs Water District personnel entry to their premises for the purpose of inspecting and surveying their water system for new installation, cross connection, leak detection or to remove, repair, read or replace any water meter at anytime the Oak Bluffs Water District deems necessary. When such access is repeatedly refused unreasonably, the Oak Bluffs Water District reserves the right to take appropriate enforcement action, including the termination of water service.

2.9 Fires

Whenever a major fire emergency occurs in the service area of the Oak Bluffs Water District, it is the duty of User to discontinue, as far as practicable, the use of water to allow the Oak Bluffs Fire Department maximum firefighting capacity relative to water pressure and flow.

2.10 Conditions Under Which Service is Furnished

The Oak Bluffs Water District does not guarantee constant pressure or uninterrupted 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 the variable conditions that occur in the supply of water from the Oak Bluffs Water District's distribution system.

2.11 No Liability for Interruption of Service

No User shall be entitled to damages or to have payment refunded for any interruption of supply, occasioned by accident to any portion of the works, by shutting off for the purpose of additions or repairs to the Oak Bluffs Water District or by the stoppage or shortage of supply due to causes beyond the control of the Oak Bluffs Water District, such as excessive drought, excessive use of and loss of water by other Users or by leaks or defects in the pipes or appliances owned by the User or other Users.

2.12 No Liability for Discolored Water

The Oak Bluffs Water District shall not be responsible for damages caused by discolored water resulting from opening or closing of any gate, use of any hydrant, the breaking of any pipe, or maintenance of the water system.

2.13 No Liability for User's Pipes

The Oak Bluffs Water District assumes no liability for conditions which exist relative to the User's pipes and appurtenances causing loss or damage to any user or premises with or following the repairs of any water main, water line, water meter or other appliances belonging to the Oak Bluffs Water District.

2.14 No Liability for Collapsed Boilers, Etc.

The Oak Bluffs Water District reserves the right after reasonable notice except in emergencies to shut off the water in mains for the purposes of making repairs, extensions or for other necessary purposes. Users having boilers or other water pressure dependent appliances on their premises are required to provide, at their own expense, suitable safety devices for protecting against pressure changes as per Massachusetts Drinking Water Regulations 310CMR 22.22. In any event, the Oak Bluffs Water District will not be liable for any damage resulting from water having been shut off either through accident or necessity.

2.15 No Liability for Shutting Off Water without Notice

When it becomes necessary to shut off the water pursuant to these regulations in any part of the Oak Bluffs Water District's distribution system because of an accident or for the purpose of making changes or repairs, the Oak Bluffs Water District shall endeavor to give timely notice to as many Users affected thereby as time and the character of the repairs or the accident will permit and shall, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such cause. However, inability to give such notice shall not render the Oak Bluffs Water District responsible or liable for any damages that may result from the shutting off of the water or coincident conditions.

2.16 Restriction of Water Use / Conservation

The Oak Bluffs Water District reserves the right in periods of declared drought or emergencies, or when, by Declaration of a State of Water Emergency under Massachusetts General Laws Chapter 21G, are deemed essential to the protection of the public health, safety and welfare, to restrict water supply for secondary or non-essential purposes such as watering of lawns and gardens (either by hand or sprinkler) and vehicle washing (EXCEPT for sanitary purposes such as rubbish trucks). The Oak Bluffs Water District shall have the right to fix the hours and periods when water may be used for such purposes. Any such restrictions will be promulgated by means of Special Water Regulations or rules and regulations recommended by the Oak Bluffs Water District Commissioners and adopted by the Town. During this time the filling of swimming pools, hydro seeding, soaker hoses and powerwashing are strictly prohibited.

2.17 Liability for Freeze Ups

It is the responsibility of all water service users to ensure that all plumbing, fixtures, meters and appliances are protected from freezing. The user shall make any repairs, which may be necessary to prevent leaks and damage. Neither the Town nor the Oak Bluffs Water District shall be held responsible for the loss of use of water, loss or damage to any plumbing, fixtures, meters or appliances due to freezing and any repairs to same made by the Oak Bluffs Water District shall be paid for by the User.

2.18 Claims for Adjustments on Bills Related to Freeze Ups

Adjustments will not be considered for water use charges and fees related to freeze ups.

SECTION III: Charges

3.1 Establishment of Rates

Rates and fees chargeable for water service and related work and payable by the User shall be approved by the Oak Bluffs Water District Commissioners.

3.2 Bills Payable

Bills for water service and related charges are due and payable in 30 days. The failure of the User or his/her agent to receive notice of their water bill or other related charges does not relieve them from the obligation for payment or from the consequences of nonpayment. All charges are due and payable THIRTY (30) CALENDAR DAYS after the date of the billing. The records of water supplied and related charges located in the Oak Bluffs Water District Office shall be sufficient basis for billing and to commence action for payment against the property owner.

3.3 Overdue Charges

Any overdue charge including interest charges set pursuant to 3.1 may be collected by any

legal means, including a lien on the property, water service termination, collection agency or as otherwise provided under the provisions of the Oak Bluffs Water District or these regulations.

3.4 Date of Customer's Liability to Pay

Rates and charges set pursuant to 3.1 shall be assessed monthly from the date water service are available. The fact that a premise may be vacant or the water line is shut off during a portion of the year does not nullify this requirement. The minimum charge is in addition to the consumption charge, which is based on all metered water consumption. Turn off of water does not relieve the user from the liability of the minimum charge.

3.5 A Charge for Turning Water On and Off

A charge set pursuant to 3.1 shall be made for turning on or turning off water.

3.6 Collection of Miscellaneous Water Charges and Fees

Billing and collection of all invoices for labor and materials made pursuant to schedules published from time to time are subject to the provisions of the Oak Bluffs Water District and these regulations.

3.7 No Business with Delinquent Users

No person, business, or government entity who owes an overdue invoice for water charges or fees shall be entitled to establish new accounts or receive new Oak Bluffs Water District services at the same or any other premises until such water charges are paid in full, together with delinquent charges. Such charges shall include accrued interest.

3.8 Claims for Adjustments on Bills

Adjustments will be made for clerical errors, misreads or failure of Oak Bluffs Water District equipment. Abatements will not be considered for water leaks. Claims for adjustments of water use charges and fees shall be made within ninety (90) days of the billing date. The filing of the abatement application does not stay the collection of the charges, which should be paid as assessed. An adjustment or refund will follow if the abatement is allowed.

3.9 When Meter is out of Order

If a water meter fails to register, the User shall be charged based on the best available information concerning water use.

3.10 Leaks

The Oak Bluffs Water District shall have the right to terminate water service to any property in accordance with these regulations where a leak is detected. Any such leaks must be repaired and must pass inspection by the Oak Bluffs Water District before water service will be restored. In addition, each User shall be responsible for the cost of any repairs to

the water line as well as the cost of water used or lost due to the leak and all related charges.

3.11 Right to Furnish Water to Others

A User shall not be permitted to supply the premises of another person with water.

3.12 Unauthorized Use of Water

Use of Oak Bluffs Water District water is confined to the premises named and set forth in the application as approved.

3.13 New Water Service Tap / System Development Charge

In the event a new water line tap is required or requested it shall be considered a new water line. The user will be required to pay for each new water line tap a system development charge to help defray the cost of capital upgrades like water storage tanks, wells, pumps, treatment systems and distribution system upgrades to add or improve capacity to the Oak Bluffs Water District at a cost determined according to 3.1.

3.14 Water Line Tap Replacements

In the event that a water line tap replacement of the same size is required or requested, it shall be considered a relay of service.

3.15 Upgraded Water Line

In the event that a water line tap of a greater size than the existing water line tap is required or requested, an incremental System Development Charge will be assessed.

SECTION IV: Meters

4.1 Meter Installation

A shut-off valve at the meter inlet shall be the first fitting inside a building and shall be approved by the Oak Bluffs Water District. The Customer at their expense shall install stop valves on both sides of the meter. There must also be a residential backflow preventer installed to permit removal of the meter without backflow from the internal water system. The meter shall be located in a clean, dry, warm and accessible location. Upon completion of the construction of the water piping by a state certified plumber, the Oak Bluffs Water District shall be notified to inspect the water line construction and install the water meter and a remote reader box before the water is turned on. Any water line over 100' measured from the property line to the building must have a meter pit close to the curb stop and property line before their meter installation is approved.

4.2 Water meter cost responsibility

4.2.1 Existing water meter

4.2.1.1 No fault of the user

All water meters installed to measure the amount of water used from the Oak Bluffs Water District are the property of the water system and have to be tested regularly. If the water meter needs to be replaced due to regular wear, the Oak Bluffs Water District takes full cost responsibility for this replacement and repair.

4.2.1.2 Fault of the user

All repairs of injuries to water meters from freezing, hot water, or external causes shall be charged to the User.

4.2.2 New water meters

Property owners who have water meters installed on a newly constructed water service line or relative to the addition of a new user on an existing water service line will be charged for the meter, supplies and labor.

4.3 Meters Purchased from the Oak Bluffs Water District

All water remote readers will be installed by the Oak Bluffs Water System. Only these meters may be used on its water system. Billing will start when the water is turned on. The request for meter installation is the direct responsibility of the owner and their applicant. A diagram and location of meter must be brought into the Oak Bluffs Water District Office at time of application. Once the construction of the water piping is complete it must be inspected by a representative and an as-built drawing must be furnished and signed off before water is turned on.

4.4 Meter not to be removed

No meters shall be removed from the water system before notifying Oak Bluffs Water District personnel.

4.5 Meter Pits and Remote Reader Boxes

Any water line over 100' measured from the property line to the building must have a meter pit close to the curb stop and property line before their meter installation is approved. Installation of meter pits shall be at the User's expense. When it is necessary or expedient to locate the meter in an underground box or vault approved by the Oak Bluffs Water District, the User shall bear the expense of same and shall bear the responsibility of reasonable care and maintenance of said box or vault, such as keeping it clean and dry. All remote reader boxes located on the premises shall be the responsibility of the Oak Bluffs Water District. In the event that they must be moved or removed, the owner shall notify the Oak Bluffs Water District who will do so for them. In the event that the Oak Bluffs Water District is not notified and must replace a missing or damaged remote reader box, the User

will be billed for all costs. The User shall not be permitted to cover the water meter pit or in any way hinder access to the water meter. Water meter pit covers must remain exposed at all times.

4.6 Meter Tampering

The fine established in 7.4 will be assessed for each incident of tampering, installation alteration, or removal of a water meter by anyone not authorized by the Oak Bluffs Water District, or vandalism. In addition, the Oak Bluffs Water District reserves the right to pursue further prosecution in accordance with Massachusetts General Law.

4.7 Right to Change Meters

If, in the opinion of the Superintendent, a water meter does not fit the conditions of the water line installation, the Oak Bluffs Water District has the right to change such meter. Such a change shall be made in accordance with current regulations.

4.8 Repairing Meters

The Oak Bluffs Water District shall have the right to remove, repair or replace any water meter at anytime it so determines according 4.2. All water meter installations on water lines, which cannot be shut off for meter repairs, shall be equipped with a meter by-pass and locking valves, supplied by the Oak Bluffs Water District.

4.9 Access to the Meter

It shall be the duty of all Users to ensure that meters on water line connections be readily accessible at all times to Oak Bluffs Water District personnel.

4.10 Testing Meters by Request

The User shall pay a fee in advance to cover the cost of testing the meter pursuant to DEP regulations or upon request. When the testing is requested by the User and as a result of the test the meter is found to register a variance of two (2%) percent more water than actually passes through it, the meter shall be replaced, the fee shall be refunded to the User and a credit will be calculated and the User's account adjusted accordingly. The bill will also be adjusted in accordance with the result of this test. However, if it appears that the User was charged or has paid for less water than they should have been charged or should have paid, they shall, forthwith, be charged with the proper additional amount and shall pay the same to the Oak Bluffs Water District. For all such testing, the User or his representative may be present.

SECTION V: Water Pipes & Fixtures

5.1 Water Pipes

Users shall prevent any unreasonable loss of water by keeping their water pipes and

fixtures in good repair as well as protected from frost at their own expense. They shall be held responsible for any damage resulting from their failure to do so.

5.2 All Water Pipes to be inspected

All new water pipes must be inspected by the Oak Bluffs Water District before covering the trench. All pipes and trenches shall meet the approval of the Oak Bluffs Water District. All non-ferrous piping must have locator wire/ tape applied directly to pipe or 1 foot from finish grade directly above pipe.

5.3 Joint Use of Pipe Trenches

Water pipes will NOT, under any circumstances, be placed in the same trench with other pipes, conduits or similar structures such as gas lines, electrical conduit, sewer pipe, etc. to avoid contamination and damage during future repairs.

5.4 Water Pipe

New water mains and service lines shall be constructed by an approved contractor and inspected by OBWD personnel. The User shall be responsible for all charges.

5.5 Charges for Repairs

The pipe from the property line to the building (or all pipe beyond the curb stop) including meter pits and curb-boxes is the property of the User and all the repairs to the same shall be made at the user's expense.

5.6 . Materials on Private Premises

All materials and labor supplied by the Oak Bluffs Water District to the User shall be billed to the User.

5.7 One Water line to Each Building

Only one (1) water line connection shall be made to each residential, commercial or industrial building relative to domestic water supply, effective with the adoption of these rules and regulations.

5.8 Requests for Turning on or Shutting Off Water

Requests for turning on or shutting off water shall be made 2 work days in advance, except in case of an emergency. Users shall be charged for each such service activity. Only Oak Bluffs Water District personnel shall open or close curb stops. Requests for turning on or shutting off water, other than at normal working hours, shall be billed at the overtime rate. Water will be turned on or shut off between the hours of 7:00 a.m. and 3:30 p.m. Monday through Friday except for emergencies. The owner of the property or his representative must be present for turn on. They will be required to sign a release. All prior bills, charges, fees must be paid in full prior to water being turned on.

5.9 No Existing Water Main

Installation of a water service line beyond the end of an existing water main shall not be allowed. The main must be extended (including necessary hydrants and appurtenances) to the furthest limit of the User's property at their expense. Water mains shall be looped to the maximum extent possible and when required by the Water District Superintendent.

5.10 Water Pipe Trenches

Water pipes shall not be placed within 10 feet of any other utilities, except under special conditions and with the approval of the Water District Superintendent. The Oak Bluffs Water District shall not be responsible for damage to other utilities laid within 10 feet of a water service or water main.

5.11 Standby Fire Protection

Users desiring standby fire protection must submit a water service application to the Oak Bluffs Water District. The Oak Bluffs Water District shall furnish water for standby fire protection service in accordance with the rates. All equipment for this purpose shall be installed entirely at the expense of the User and with the approval of the Water Supply Division Supervisor. Whenever it is considered necessary for the protection of the water supply and in the interest of the Oak Bluffs Water District, the Water District Superintendent shall have the right to require the installation of backflow prevention devices, alarms or other accessories. The installation and upkeep of such equipment shall be at the User's expense. Such standby fire protection pipes shall not be used for supplying water for any other purposes and the backflow prevention equipment must be so arranged that it is readily accessible for inspection. The installation must be completed in accordance with Massachusetts statutes, ordinances, rules and regulations.

5.12 Water Supply Availability

The Oak Bluffs Water District shall make the sole determination as to the availability of adequate water supply for water services. The Oak Bluffs Water District shall not bear responsibility to extend existing water mains in order to provide adequate water supply for water service. No fire service connection shall be used for anything other than fire protection. No water shall be taken or use through private fire systems for the purpose of testing unless the Oak Bluffs Water District is notified and issues written permission. Such testing must be conducted under the supervision of Oak Bluffs Water District personnel.

5.13 Fire Hydrant Access:

No person shall obstruct access to a fire hydrant. Fire hydrants shall in all directions have a three-foot clear radius measured from the center of the stem of the top of the hydrant. No foliage, fencing parking space, or other object shall obstruct the clear area. No person may

landscape to change the grade around the base of the hydrant to prevent the use of the four-inch steamer cap.

5.14 Private Hydrant Service

The Oak Bluffs Water District shall furnish water for private fire hydrant protection service in accordance with the rates. Fire hydrants will be tested, inspected and serviced by the Oak Bluffs Water District. Any repairs necessary for proper operation of hydrants shall be the responsibility of the property owner and shall be billed to the property owner.

5.15 Use of Fire Hydrants

The use of all fire hydrants is restricted to employees of the Oak Bluffs Water District. During emergencies, employees of the Oak Bluffs Fire Department or other fire departments lending mutual aid are authorized to operate fire hydrants.

5.16 Cross Connection Control

If, in the opinion of the Oak Bluffs Water District, the installation of an approved backflow preventer(s) on the building side of a meter is considered necessary for the safety of the water system, such approved device(s) shall be immediately installed at the expense of the User after due notice in writing has been given to the User by the Oak Bluffs Water District. Said device(s) shall be installed and tested in accordance with the drinking water regulations of Massachusetts, 310 CMR 22.22. All tests performed by the Oak Bluffs Water District shall be charged pursuant to 3.1. All fire sprinkler systems will have a double check detector with 5/8 Neptune meter attached.

SECTION VI: Requirements & Specifications for Water Works Construction

6.1 Materials and Installations

All materials to be used in conjunction with all water mains and installations of the same shall be in strict accordance with “Requirements & Specifications for Water Works Construction” published by the Oak Bluffs Water District. All water mains and appurtenances if not installed by Oak Bluffs Water District shall be installed by a Contractor who has been approved by the Oak Bluffs Water District.

6.2 Cost of Water Mains:

In all areas not serviced by the Oak Bluffs Water District on the date of adoption of these regulations, the developer or owner of a property shall be responsible for all costs with regard to water main design, approval, installation(s) and connection(s) to the existing system. Upon connection to the Oak Bluffs Water District title and ownership of the water main will be transferred to the Oak Bluffs Water District by easement and the Oak Bluffs Water District will service, maintain and repair the water main and appurtenances.

6.3 Need for Water Mains:

Industrial, commercial, or multi-family residential condominiums and like building development proposals shall be reviewed by the Water Supply District Superintendent and the Oak Bluffs Fire Chief or his representative on an individual basis. These development proposals will be required to install or improve water mains and fire hydrants with full cost responsibility for the property owner or developer. The developer will also assume the cost of a hydraulic study of development to ensure there will be proper water supply delivered to development and surrounding neighborhood.

6.4 Application for Water Main Installation:

An application for water main installation shall be completed by the developer or owner and submitted to the Oak Bluffs Water District for review and approval before any construction can proceed. All applications must contain the complete information requested and an engineered construction plan prepared by a Massachusetts Registered Professional Engineer with an appropriate scale. Payment of all required review fees, including the System Development Charge and any other fees established shall be made before construction can commence.

6.5 Inspections

The Oak Bluffs Water District must inspect each water main and service installation prior to being backfilled. The Oak Bluffs Water District will not turn water on to any property that has not been inspected.

6.6 Water Main Extensions

All water main extensions shall be run to the farthest point of the property line, except as otherwise authorized.

SECTION VII: Violations

7.1 Treatment

No treatment of the public water supply by any unauthorized personnel shall be permitted.

7.2 Mandatory Water Use Restrictions

Any Customer found in violation of an officially declared water ban shall be charged as follows:

First Offense – written warning

Second Offense – \$100.00

Third and any subsequent offense – \$300.00

7.3 Unauthorized Water Use

Whoever unlawfully and intentionally tampers with a water meter or prevents such meter

from registering the quantity of water supplied through it or uses or causes to be used water without consent of the Oak Bluffs Water District may be fined no more than \$300.00 dollars for each offense except as otherwise provided by Oak Bluffs Water District.

7.4 Defacing and Littering upon Oak Bluffs Water District Owned Property

Any person or persons willfully trespassing, defacing and/or littering upon Oak Bluffs Water District owned property located within its watershed may be fined no more than \$300.00 dollars.

7.5 No Tampering with Oak Bluffs Water District Property

All gates, valves, shutoffs, water meters and standpipes and any other portion of the municipal system, which are the property of the Oak Bluffs Water District, are not to be opened or closed or in any way tampered with by any person other than those authorized by the Water Supply Division Superintendent. Violators will be subject to charges or penalties as stated herein.

7.6 Alterations

No User shall install any addition to or make any alterations to water service or main lines “upstream” of the water meter for any purpose without submitting an application for the change, submitted with plans and specification to the Oak Bluffs Water District and obtaining approval.

7.7 Any unauthorized Use of Fire Hydrants.

Any unauthorized use of fire hydrants may result in a fine up to \$300.00 per occurrence.