

Chapter 190

WATER USE

[HISTORY: Adopted by the Town Meeting of the Town of Charlton as Art. XXII of the 2005 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Fire hydrants — See Ch. 140, Art. I.
Sewer use — See Ch. 165.

ARTICLE I

Connections and Rates

§ 190-1. Connection to Town system required.

The owner of any building(s) upon land abutting a public or private way in which there is a common, Town-owned water line or main may, subject to capacity, to the availability of a sufficient volume of potable water and to any applicable rules, regulations, standards and procedures of the Water and Sewer Commissioners, connect such building(s) to such water line or main, provided that such owner disconnects such building(s) from any and all other water sources.

§ 190-2. Responsibility for payment of charges.

Persons connected to Town-owned water lines or mains shall pay for the water provided thereby at rates to be established by the Town's Water and Sewer Commissioners in accordance with applicable law (including, where applicable, regulations of the Massachusetts Department of Telecommunications and Energy), or until such time as Water and Sewer Commissioners are elected, by the Selectmen acting in their capacity of Water and Sewer Commissioners or otherwise.

§ 190-3. Severability.

If any provision of the within bylaw is held invalid by a court of competent jurisdiction or by the Attorney General, the remainder of such bylaw shall take effect and remain in effect to the maximum extent permitted by applicable law.

ARTICLE II

Water Use Restriction

§ 190-4. Authority.

This bylaw is adopted by the Town of Charlton under its police powers to protect public health and welfare and its powers under MGL c. 40, § 21 et seq., as well as under any other, applicable legal authority, including any general or special law, and implements the Town's authority to regulate water use pursuant to MGL c. 41, § 69B. This bylaw also

implements the Town's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

§ 190-5. Purpose.

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

§ 190-6. Definitions.

As used in this bylaw, the following terms shall have the meanings indicated:

PERSON — Any individual, corporation, limited-liability company, trust, partnership or association, or other entity.

STATE OF WATER SUPPLY CONSERVATION — A State of Water Supply Conservation declared by the Town pursuant to § 190-7 of this bylaw.

STATE OF WATER SUPPLY EMERGENCY — A State of Water Supply Emergency declared by the Department of Environmental Protection under MGL c. 21G, §§ 15 through 17.

WATER USERS or WATER CONSUMERS — All public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

§ 190-7. Declaration of State of Water Supply Conservation.

The Town, through its Board of Water and Sewer Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Supply Conservation shall be given under § 190-9 of this bylaw before it may be enforced.

§ 190-8. Restricted water uses.

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 190-9.

- A. Odd/Even day outdoor watering. Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
- B. Outdoor watering ban. Outdoor watering is prohibited.

- C. Outdoor watering hours. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- D. Filling swimming pools. Filling of swimming pools is prohibited.
- E. Automatic sprinkler use. The use of automatic sprinkler systems is prohibited.

§ 190-9. Public notification of State of Water Supply Conservation; notification of DEP.

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under § 190-8 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

§ 190-10. Termination of State of Water Supply Conservation; notice.

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water and Sewer Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by § 190-9.

§ 190-11. State of Water Supply Emergency; compliance with DEP orders.

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the state of emergency.

§ 190-12. Violations and penalties.

Any person violating this bylaw shall be liable to the Town in the amount of fifty dollars (\$50) for the first violation and one hundred dollars (\$100) for each subsequent violation. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each day of violation shall constitute a separate offense.

§ 190-13. Severability.

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

ARTICLE III
Water Charges and Bills

§ 190-14. Due dates; rate of interest on unpaid balances.

All municipal charges and bills payable under this bylaw, with the exception of fees and charges as to which the bylaw requires immediate payment (by way of examples only, filing, inspection and connection fees), shall be due on the thirtieth (30th) day following the date of mailing of the bill or statement reflecting same, unless otherwise specifically provided by statute or other bylaw of the Town or by duly adopted rule or regulation of the Town's Water and Sewer Commissioners. Interest shall accrue and be payable on all amounts remaining unpaid after such due date at the maximum rate then in effect for unpaid assessments, rates and charges pursuant to MGL c. 59, § 57, as same may be amended from time to time, said rate as of the date of the initial adoption of the within section of this bylaw being fourteen percent (14%) per annum. (For the statutory authority for this section of the bylaw, see MGL c. 40, § 21E.)

ARTICLE IV
Mandatory Water Connection
[Added 5-19-2014 ATM by Art. 26]

§ 190-15. Connection required.

If a lot of land abuts a public or private way or easement in which there is a public water supply pipe, any building constructed, reconstructed, substantially enlarged or substantially altered upon such lot, the building permit for which is issued on or after the effective date of this article, must be connected to the water supply pipe prior to occupancy, unless the Water and Sewer Commission determines that doing so would create an undue hardship or determines that the water supply pipe or water system has insufficient capacity to accommodate such building, such connection to be in compliance with all applicable rules, regulations, standards, procedures and fees and assessments of the Water and Sewer Commission.

§ 190-16. Definitions and word usage.

For the purpose of this article, "reconstruction" shall mean demolition of an existing building and construction of a new building upon a lot whether or not within the footprint of the existing foundation; "substantial enlargement" shall mean an increase of gross floor area of a building by fifty percent (50%) or more; and "substantial alteration" shall mean alteration of a building for the purpose of accommodating a new use or expanding an existing use, which new or expanded use is estimated, using the standards set forth in the State Environmental Code or similar regulation by which water consumption or sewage disposal requirements of buildings and uses are calculated, to require fifty percent (50%) more potable drinking water than the existing use of the building. Hardship shall be determined based upon factors set forth in regulations adopted or to be adopted by the Water and Sewer Commission.