

**WATER REGULATIONS**  
**OF THE**  
**BOARD OF WATER AND SEWER COMMISSIONERS**  
**OF THE**  
**TOWN OF FOXBOROUGH**  
**LAST REVISED MAY 1, 1995**  
**Amended October 20, 2009**

The following water regulations are a part of the contract with every consumer who takes water, and govern the relations between the Water and Sewer Department and its consumers and the contractors and developers who install water systems.

**AUTHORITY**

These Regulations are adopted by the Town of Foxborough under its home rule powers, its police powers to protect public health and welfare and its specific authorization under M.G.L. Chapter 40, Sections 21 and the authority granted by the revised General By-Laws, Article II, Section 2. These regulations also implement the Town's authority under M.G.L.c. 40 § 41A. conditioned upon a declaration of water supply emergency issued by Department of Environmental Protection.

**PURPOSE**

The purpose of these Regulations is to protect, preserve, and maintain the public health, safety and welfare.

## ARTICLE 1

### DEFINITIONS

#### 1. DEFINITIONS

Alteration, To Alter The act or fact of rebuilding, reconstruction, restoration, renovating, remodeling, replication, removal, demolition, and other similar activities

Applicant

Any person seeking either a reclaimed water permit or a certificate of approval from the commission.

Approved Backflow Prevention Device

A method or device to prevent backflow approved by the Massachusetts Department of Environmental Protection and/or the Department.

Appurtenance

Anything other than a painted sign as defined in this section, which is placed on or attached to a water and reuse facility that is not inherent to the structure, operation, function and maintenance of that facility

Backflow

The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable water supply system from any source other than its intended source.

Back-Siphonage

A form of backflow due to reduced or sub-atmospheric pressure within a water system.

Beneficial Use

Beneficial use shall mean uses of treated wastewater such as: toilet and urinal flushing, landscape irrigation, groundwater recharge and other uses as may be allowed by the Massachusetts Department of Environmental Protection pursuant to its regulations.

### Building

A structure enclosed within exterior walls or firewalls, built, erected, or framed of any materials, whether portable or fixed, having a roof to form a structure for the shelter of persons, animals or property or the conduct of a trade or business or for the holding of athletic sporting and other such public events. Buildings shall also include stadiums.

### Certificate of Approval

A certificate issued by the commission authorizing the holder to place an appurtenance or a painted sign upon a water and reuse facility.

### Certificate Holder

Any person as defined in this section, to whom the commission has issued a Certificate of Approval pursuant to Article 8 of these regulations.

### Commission

"Commission" shall mean the Foxborough Board of Water and Sewer Commissioners or its designated agent.

### Commissioners

"Commissioners" shall mean the Foxborough Board of Water and Sewer Commissioners.

### Common Ownership

The right to use and enjoy property, including the right to transfer it to others, held by two or more persons. In assessing whether facilities are in single ownership for the purpose of these regulations, the department shall apply the criteria specified in 310 CMR §15.011(1), as the same may be amended from time to time.

### Construction, To Construct

The act or fact of building, erecting, installing, enlarging, moving and other similar activities.

### Consumer

"Consumer" shall mean the individual, firm, or corporation whose name the Water and Sewer Department has on record 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 Foxborough.

### Contamination

"Contamination" or "contaminant", shall mean an impairment of the quality of the potable water by substances such as sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential to the public health through poisoning or through the spread of disease.

### Contractor and Developer

"Contractor and Developer" shall mean an individual, firm, or corporation who installs water mains, water services, and appurtenances.

### Cross Connection

"Cross Connection" shall mean any actual or potential connection between distributing pipes of potable water from a public water system and any waste pipe, soil pipe, sewer drain, private well system, or other unapproved source. Without limiting the generality of the foregoing, the term "cross connection" shall also include any by-pass arrangements, jumper connections, removal section, swivel or changeover connection and other temporary or permanent connection through which backflow could occur.

### DEP

"DEP" shall mean the Massachusetts Department of Environmental Protection..

### Department

"Department" shall mean the Foxborough Water and Sewer Department, the Superintendent, or its authorized agent.

### Enforcement Authority

"Enforcement Authority" shall mean the Town of Foxborough Board of Water and Sewer Commissioners, or its authorized agent.

### Facility

Something built, installed or established to serve a particular function

### Health Hazard

An actual or potential threat of contamination to the potable water system in a public water system which, in the opinion of the Massachusetts Department of Environmental Protection, the Foxborough Water and Sewer Department or the Foxborough Board of Health, could endanger health.

### In-Plant Protection

The location of an approved backflow prevention device in a manner which provides the protection of the potable water system within the premises.

### Main

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

### Painting, To Paint

The act or fact of applying paint or other chemical coating to the surface of a water and reuse facility.

### Painted Sign

Any sign as defined in this section, placed on the surface of water and reuse facilities solely and exclusively by the application of paint or other chemical coating to said surface.

### Person

Shall mean any individual, trust, corporation, authority, limited liability corporation, joint stock company, partnership, association, organization or any other legal or commercial entity and any officer, employee or agent of such person, and any group of persons.

### Pollution

The presence of any foreign substance, organic, inorganic, or biological, in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

### Potable Water

Water from a source which has been approved by the Massachusetts Water Supply and Pollution Control Commission for human consumption.

### Private Way

An Access Road not Publicly owned.

### Public Water Supply

A system for the provision of potable water for public consumption.

Reclaimed Water

Wastewater that has been treated at a wastewater treatment facility, to a degree that complies with the DEP guidelines and/or regulations in existence and as amended from time to time, suitable for beneficial uses.

Reclaimed Water Permit

A permit issued by the department authorizing a user to connect to the reuse water system.

Reclaimed Water User

Any user to whom the provisions of Article 7 herein apply.

Removal

The act or fact of removing, extracting, taking away and other similar activities.

Repair

The act or fact of restoring to a sound condition after damage or injury, fixing, putting in order and other similar activities.

Reuse Service Connection

Any pipeline used for the purpose of transporting reclaimed water from the property line of the user to the reuse system on the site.

Reuse Service Lateral

Any pipeline used for the purpose of transporting reclaimed water from the transmission main to the property line of the user.

Reuse Storage Facility

Any structure used for the storage of reclaimed water.

Reuse Transmission Main

Any pipes, mains, or conduits owned by the Town which transports reclaimed water from a wastewater treatment facility to or from a water reuse storage facility.

Reuse Water

Shall have the same meaning as reclaimed water.

### Reuse Water System

Shall mean the reuse transmission mains, reuse service laterals and reuse storage facilities used for the conveyance and or storage of reclaimed water. (Such system shall not include any wastewater treatment facility as defined in either 314 CMR § 12.02, or Paragraph II (B)(1) of the Water Supply and Wastewater Infrastructure Agreement between the Town of Foxborough and Foxboro Realty Associates dated August 14, 2000.) and with respect to those portions within a Site shall mean the piping used to carry reuse water within a building, structure or facility up to and including the reuse service connection.

### Reuse Wastewater

Shall have the same meaning as reclaimed water.

### Service

A "service" pipe is the pipe connecting from the main in the street to the building plumbing. It includes a curb stop, curb box, shut off valve, meter and meter connections.

### Shall

"Shall" is mandatory.

### Sign.

Any letter, word, symbol, figure, drawing, picture, design, device, light, painting, message, plaque, poster, billboard, flag, pennant, banner, or other similar thing, article or other object that advertises, or calls attention to, or indicates any premises, person, activity, business, event, goods, product, service, use or other matter including both the supporting structure and the informative contents thereof, whatever the material or manner of composition of construction; provided that each sign face or message shall be considered a separate sign for purposes of the applications and fees submitted and certificates issued in accordance with these regulations.

### Site

Any real property (including any abutting real property) and any buildings thereon, which is served, is proposed to be served, or could in the future be served, by a reclaimed water system

### State of Water Supply Conservation

A State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the town pursuant to section 9 of this bylaw..

### State of Water Supply Emergency

A State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.

### Superintendent

The Superintendent of the Water and Sewer Department of the Town of Foxborough or his or her duly authorized representative.

### Taxable User

Consumers subject to Real Estate Taxation by the Town of Foxborough.

### Town

The term "Town" shall mean the Town of Foxborough, Massachusetts.

### Unapproved Water Supply

The source or distribution system for any water or other liquid or substances which has not been approved by the Massachusetts Water Supply and Pollution Control Commission as being of safe and sanitary quality for human consumption.

### User

Any person who owns a nonresidential site and who is or might be connected to the Town's reuse water system.

### Wastewater Treatment Facility

Shall mean a facility as defined by 314 CMR § 12.02.

### Water and Reuse Facilities

Any real property and any buildings, water towers, above or underground storage tanks or other structures thereon, any device or system including sewers, pipes and other conveyances, either owned by the Town of Foxborough or under the control of the Town of Foxborough or which is under the authority of the Town of Foxborough Board of Water and Sewer Commissioners because of an easement held by the Board or Town or because of any connection to the Town of Foxborough's water or reuse water supply system, which are used in the storage, treatment, delivery, recycling and/or reclamation of potable water or municipal or private sewage or industrial waste of a liquid nature, or which supports any of these uses.

Water Reuse

The activity or system supporting the beneficial use of reclaimed water.

Will

"Will" is discretionary.

## ARTICLE 2

### GENERAL PROVISIONS

#### 1. Application for Water Service

All applications for connection of Town water to private premises, shall be made at the office of the Department by the owner of the property or by the person to be charged therefore, or by his authorized agent. The application must be made by completing the appropriate departmental form. A tapping and installation charge is payable with all applications for normal single dwelling services. (See Appendix A, Rates and Charges) Tapping and installation charges for other service applications will be set by the Commission after reviewing the specifications and layout of the service application.

#### 2. Responsibility for Charges

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

#### 3. Status of New Owners

New owners of buildings shall have no right to the use of water until application has been made for the same.

#### 4. Unusual Construction

Owners of property desiring any unusual construction, alterations, or attachments connected with the water supply must submit plans and specifications for the same to the Commission for their determination as to whether the same are permissible. The Commission will determine the terms, charges, and conditions under which their use will be allowed.

#### 5. Alterations

No alteration shall be made in any of the pipes or fixtures inserted by the Town except by its agents.

## 6. Town to Have Free Access to Premises

Owners or occupants of all premises and private ways served by Town water shall, upon presentation of credentials by Department personnel, or its agents, authorize entry to their premises without a warrant for the purpose of inspecting and surveying their water system and investigating any violation of these regulations or enforcing against same. Inspections shall include, but not be limited to, new installations, illegal or unauthorized connections, testing of backflow prevention devices, or to remove, repair, or replace any water meter and appurtenances at any time the Department deems necessary. Access shall be granted to ascertain the quantity and quality of water, its manner of use, and whether there has been any waste. When such access is refused, the water shall be shut off and shall not be turned on until such access has been allowed and fees have been paid for shutting off and turning on the water.

## 7. Fires

Whenever a fire occurs in the Town, it is the duty of all consumers to discontinue, to the extent feasible, all use of water.

## 8. 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 effectually 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.

## 9. No Liability for Interruption of Service

No consumer shall be entitled to damages, or to have payment refunded, for any interruption of water supply occasioned either by accident to any portion of the water system, or by shutting off for the purpose of additions or repairs of the water system, or by the stoppage or shortage of water supply due to causes beyond the control of the Department, such as excessive drought, wellfield closure, or by leaks or defects in the pipes or appliances owned by any consumer.

## 10. No Liability For Dirty Water

The Town will not be responsible for damages caused by dirty water which may result from actions such as the opening or closing of any gate, the use of any hydrant, the breaking of any pipe, or chemical treatment of the water supply.

## 11. No Liability for Consumer's Pipes

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

12. No Liability for Collapsed Boilers, etc.

The Department 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 purposes. Consumers having boilers or other appliances on their premises depending on the pressure in the mains to keep such equipment supplied with water are hereby CAUTIONED to the danger which may arise, 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 Department will not be liable for any damage resulting from water loss or reduction, either through accident or necessity.

13. No Liability For Limiting Water Without Notice

When it becomes necessary to reduce or shut off the water from any section of the Town because of an accident or for the purpose of making changes or repairs, the Department will endeavor to give timely notice to as many of 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 Department responsible or liable for any damages or inconveniences, that may result from the reduction or shutting off of the water or any coincident conditions.

14. Air Conditioners

All air conditioners, dehumidifiers, and similar equipment shall use air cooled condensers where practicable. If water cooling is necessary, the system shall be closed or use a cooling tower subject to the approval of the Department.

15. Private Wells

All private wells shall be registered with the Foxborough Board of Health. No private well shall be connected to the plumbing system or any other pipe, equipment or appurtenance which connects directly or indirectly with the Town water supply (See Article 10, Section 3).

## ARTICLE 3

### CHARGES

#### 1. Date of Consumer's Liability to Pay

All applicants for a new water service will pay the minimum charge per billing period from the date the water is turned on, whether the water is used or not. The minimum billing is established by Appendix A, Rates and Charges.

#### 2. More Than One Party on a Service

In existing cases where two or more users are supplied with water from the same service pipe, if any one of the parties fails to pay water charges when due, or to comply with any rule of the Department, the Department has the right to turn off the water from the whole service until such charges are paid, or the rules strictly complied with.

#### 3. Collections of Miscellaneous Water Charges

All bills for labor or materials on consumer's property and charges for shutting off or turning on water will be subject to the same conditions as bills for water, and the water will be shut off for failure to pay all such bills under the same procedure as for non-payment of water and/or sewer bills. Unpaid water and/or sewer charges shall be subject to a lien on the property.

#### 4. Charge for Turning On or Off Water

A charge will be made for turning on or shutting off water. See Appendix A.

#### 5. No Business With Delinquents

No person who owes an overdue bill for water and/or sewer charges shall be entitled to the further use of water and/or sewers at the same or any other premises until such water and/or sewer charges are paid in full, together with any associated costs.

#### 6. Rebates for Non-Use of Water

No rebates shall be made for non-use of water service unless a written notice is filed at the office of the Department at the time of discontinuance of use of such service and all rebates which may be authorized will date from the filing of such notice. No rebate will be made for less than one month's non-use of water.

#### 7. Claims for Adjustment on Bills

All claims for adjustments of water bills shall be made within fifteen (15) days in the case of semiannual, quarterly, and monthly water bills.

#### 8. All Metered Water to be Paid For

All water passing through a meter must be paid for whether used or wasted.

#### 9. When Meter is Out of Order

If a meter gets out of order or fails to register accurately, the consumer will be charged at the average daily consumption as shown by the meter when in order, and under similar conditions.

#### 10. 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 Department.

#### 11. Water From Non-Meter Source

All water for any purpose shall be drawn from a metered service if available. If necessary to draw water from a non-metered source, a flat charge, in accordance with Appendix A, Rate and Charges, will be assessed. This charge is payable with a temporary 7-day application to be filed with the Department office subject to the review and approval of the Department.

#### 12. Fire Flow Tests

Fire flow tests must meet the following requirements: a) prior written notification to the Commission, b) acknowledgment and subsequent scheduling of said test by the Department, c) on-site supervision of test by Department personnel and d) results of said fire flow test must be furnished to the Department, in accordance with Article 10. Failure to meet these requirements is subject to a fine in accordance with Article 10.

## ARTICLE 4

### METERS

#### 1. Meter Installation

An approved stop valve shall be installed near the outlet of the meter by the consumer, at their expense, to permit removal of the meter without backflow from the house pipes.

#### 2. Consumers to Pay For Meter Repairs

All repairs or injuries to meters from freezing, hot water, or external causes shall be charged to the consumer. No sale or other transfer of title of property in the Town shall prevent the Department from collections of any balance due for meter repairs.

#### 3. The Size of Meters Specified by Water and Sewer Department

The proper size, type, and kind of water meters, sewer meters or reuse meters required for any given service shall be as specified by the Department.

#### 4. Meter Not to Be Removed

All meters shall be set and sealed by an employee of the Department, and shall not be moved or disturbed except by the same.

#### 5. Payment for Meter Boxes

Installation of meter boxes shall be at the consumer's expense.

#### 6. Town's Right to Change Meters

If, in the opinion of the Commission, a meter does not fit the conditions of the service installation, the Department has the right to change such meter in accordance with current regulations.

#### 7. Backflow Prevention Device (Refer also to Article 6)

If, in the opinion of the Commission, the installation of an approved backflow prevention device on the property side of a meter of any consumer is considered necessary for the safety of the water system, sewer system or reuse system such approved backflow prevention device shall be immediately installed, at the expense of the consumer, after due notice in writing has been given to the consumer by said Commission.

## 8. Additional Meters

Where the supply of water through a service is covered by a single meter, the Department will read and maintain but this one meter. If an additional meter(s) is requested by the consumer the meter(s) shall be furnished and installed by the Department, at the expense of the consumer. The request for additional meter(s) must be approved by the Commission.

## 9. Meters for Multiple Units

A separate meter will be required for each unit of a newly constructed condominium. Separate meters will also be required for a newly constructed duplex or multi-family unit. If an apartment building is converted to condominiums or units of an existing duplex or multi-family unit are sold separately, the Commission may require a separate meter for each unit.

## 10. Repairing Meters

The Department will have the right to inspect, remove, repair, or replace any meter at any time it sees fit. All meter installations on services which cannot be shut off for meter repairs shall be equipped with a by-pass at the expense of the consumer.

## 11. Access to Meters and Backflow Prevention Devices

It shall be the duty of all consumers to see that meters or backflow prevention devices on service connections wherever located shall be readily accessible at all times to the Commission. Failure to remove any obstruction which prevents access to the meter or backflow prevention device within three (3) days after being notified by the Department will cause the water to be shut off from the premises. The water will not be turned back on until a) all obstructions are removed, b) all regulations complied with and c) all expenses for shutting off and turning on the water are paid.

## 12. Testing Meters by Request

The accuracy of the meter on any premises will be tested by the Department upon written request of the consumer, who shall pay in advance a fee (Appendix A, Rates and Charges) to cover the cost of the test. If after testing, the meter is found to register over two (2) percent more water than actually passes through it, the meter will be replaced. 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 consumer was charged for less water than actually used, they shall be charged with the proper additional amount together with the expense of the examination and test. The proper additional amount for water use shall be determined in accordance with Article 3, #9.

### 13. Notice of Excessive Use of Water

The Department will endeavor to notify consumers of excessive use of water at time of billing. Failure to send such notification or inability to read the meter from any cause shall form no basis for allowance on an abnormal water bill.

### 14. Definitions

As used herein, the term “meter” shall include as the context so requires, water meters, reuse system meters, or sewer meters.

## ARTICLE 5

### SERVICE, PIPES AND FIXTURES

#### 1. Service Pipes

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.

#### 2. All Service Pipes to be Inspected

All new or replacement service pipes must be inspected by the Department before covering the trench. Materials and methods must be in accordance with the specification on file at the Department. Notification for inspection must be made 48-hours prior to the date of backfilling unless the Commission deems otherwise. All pipe and trench shall meet the approval of the Department.

#### 3. Part of Service Pipe Maintained by The Department

Service pipes from the water or sewer mains to the Town property line shall be maintained by the Department.

#### 4. Right to Repair Service Pipes and Fittings

The pipe from the Town property line to the cellar wall, or all pipe beyond the Town property line including meter pits, is the property of the consumer. All service pipes between the Town property line and the cellar wall, including private ways, may be repaired or re-laid by the Department when it deems it necessary for the protection of the supply or the giving of satisfactory water service. The cost of such work and materials shall be charged to the consumer.

#### 5. Temporary Service From Adjacent Premises

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

#### 6. Extra Large or Special Service Pipe

Any consumer requiring a service pipe between the main and the Town property line which is of a different type or larger size than one (1) inch shall be at the expense of the consumer.

## 7. Irregular Service

Services for other than permanent structures, or which are used only a part of the year, shall be installed at the expense of the consumer.

## 8. One Service to Each Premise

Except by special consent of the Commission, only one service connection shall be made to the same premises, or to each commercial or industrial building. Where standby or emergency services must be installed, the same may be metered. The installation and maintenance of the service pipe shall be at the expense of the consumer.

## 9. No Pipes Furnished in Winter

No new water or sewer installations will be granted during December, January, and February except in such cases as the Commission shall deem emergencies.

## 10. Service Pipe Trenches

Service pipes shall not be placed within three (3) feet of other utilities except under special conditions and with the approval of the Commission. The Department will not be responsible for damage to other utilities laid within three (3) feet of a water main or service pipe. Whenever practicable, water pipes should be separated from sewer pipes ten (10) feet horizontally. When horizontal separation is not possible, then the water pipe shall be separated by 18-inches from the bottom of the water pipe to the top of sewer pipe. In situations where these conditions cannot be met, the sewer pipe shall be totally encased in concrete a minimum distance of ten (10) feet to each side of the water pipe.

## 11. Standby Fire Protection

The Department will furnish standby fire protection service in accordance with Appendix A, Rates and Charges. All equipment for this purpose shall be installed entirely at the expense of the consumer and with the approval of the Department. Such pipes must not be used for supplying of water for any other purpose, and must be so arranged that easy inspection can be made by the Department. Whenever it is considered necessary for the protection of the water supply and in the interest of the Town, the Department shall have the right to require the installation of meters, alarms, backflow prevention devices, or other accessories. The maintenance of such pipes and equipment shall be at the consumer's expense.

## 12. Testing of Fire System

No water shall be taken or used through private fire systems for the purpose of testing, unless the Department issues a special permit. Such test must be conducted under the supervision of the Department.

### 13. Use of Fire Hydrants

The use of fire hydrants, Town and private, is restricted to members of the Fire Department of the Town of Foxborough and to employees of the Department. Other persons may use the fire hydrants only with the specific permission of the Commission.

### 14. Maintenance of Private Hydrant Service

Fire hydrants on private property shall be inspected and serviced once a year by the Department for a fee. Routine maintenance necessary for the proper operation of the hydrant shall be performed by the Department. The consumer shall be charged for any required hydrant parts.

### 15. Installation of New Mains and Appurtenances by Developer or Subdivider

The size and location of all mains and water towers installed by a subdivider or developer at their expense shall be determined by the Commission and installed under the supervision of the Department and in accordance with specifications on file with the Department. The contractor shall reimburse the Department for the cost of the supervision. No work shall be done without the Department being present. Water mains shall be looped when required by the Commission. All mains installed in subdivisions shall be maintained by the subdivider. The main(s) shall become the property of the Department one year after the water is turned on or upon acceptance by the Town of the road in which these municipal services are located, whichever occurs later.

### 16. Flushing, Pressure Testing and Chlorination

This shall be done in accordance with Department specifications and State regulations, on file at the Water Department.

### 17. Furnishing Water to Water Tank Vehicles

In accordance with Article IX, Wetlands & Groundwater Protection By-Law, of the Revised General By-Laws of the Town, the Commission shall designate a public water hydrant or other public water outlet in the Town to furnish water to any water tank vehicle used for the mixing, spraying or application of pesticides, herbicides, or fertilizers. Water furnished by the Department's hydrant/outlet for this purpose shall only be used within the Town's boundaries.

Any consumer in the Town furnishing water to any commercial water tank vehicle for the applications listed above must obtain permission from the Commission, shall not allow any backflow into the public water system, and must comply with Article 6, Cross Connection Program.

Time of operation shall be from April 1 to November 1 unless otherwise noted and shall be between the hours of 7:30 A.M. and 3:30 P.M., Monday through Friday only.

Any person, partnership or corporation utilizing the Department's hydrant/outlet must fill out an application form at the Department's office. The application form shall provide the name and address of the owner(s); the name(s) and address(es) of the operator(s); the license or certificate number(s) of all applicator(s) with expiration date(s) in accordance with the Massachusetts Pesticide Control Act and regulations. In addition to an application form, a Hydrant/Outlet Use form must be filled out and submitted weekly to the Department. An application fee will be charged for the season which is from April 1 through October 31. The costs for furnishing water is provided in Appendix A.

#### 18. Construction Over Service Pipes and/or Water Mains

Buildings, footings, foundations or equipment pads shall not be constructed over or within five (5) feet of a service pipe or ten (10) feet of a water main except under special conditions and with the approval of the Commission. Any person constructing a building, footing, foundation or equipment pad over or within five (5) feet of a service pipe or ten (10) feet of a water main shall at his/her own expense and under the direction of the Commission, relocate any such service pipe or water main to ensure access to said service pipe or water main on the part of the Department.

## ARTICLE 6

### CROSS CONNECTION PROGRAM

#### 1. Purpose

The purpose of the cross connection program is to protect the Town's potable water supply from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water supply system; to promote the elimination or control of cross connections, actual or potential, between a consumer's in-plant potable water system and non-potable water systems, plumbing fixtures and industrial piping systems; and to provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems from cross connections.

#### 2. 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(10), Cross Connections, the Town has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public water system.

#### 3. Responsibility

The Department is responsible for the protection of the public potable water supply from contamination or pollution due to backflow or backsiphonage of contaminants or pollutants through a potable water service connection. If as a result of a survey of the premises, the Department determines that an approved backflow prevention device is required at the Town's water service connection or as inplant protection on any consumer's premises, for the safety of the potable water supply, the Department shall give notice in writing to said consumer to install approved backflow prevention device(s) as required. The consumer, shall within the time frame determined by the Department, install by a licensed plumber such approved backflow prevention device(s) at the consumer's expense.

Failure, refusal, or inability to install said device(s) within the specified time shall constitute grounds for shutting off water to the premises until such device(s) has been properly installed and any fines or charges for shutting off and turning on water have been paid.

#### 4. Policy

No water service connection to any premises shall be installed or maintained by the Department unless the water supply is protected as required by Massachusetts 310 CMR 22.22 and this Regulation. Service of water to any premises shall be discontinued by the Department if a backflow prevention device required by this Regulation is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

#### 5. Determination of Hazards to Water Supply

In the case of a premises on which any industrial fluids or any other objectionable substances are handled, in the opinion of the Department, in such a fashion as to create an actual or potential health hazard to the public water supply, the public water supply shall be protected against backflow from the premises by requiring the consumer to install approved backflow prevention devices(s) in the service line as to provide containment protection.

#### 6. Location of Backflow Protection Device(s)

The location of each approved backflow prevention device with respect to the plumbing on the premises and the service connection to the premises shall be based upon the degree of existing or potentially existing health hazard, and shall conform to Department requirements and other specific requirements in accordance with Massachusetts 310 CMR 22.22 (4) (a) and (4) (b).

#### 7. Testing of Backflow Prevention Devices

All backflow prevention devices required by Massachusetts 310 CMR 22.22 shall be tested as required in 310 CMR 22.22 (9) (d). In those instances where the Department deems the hazard to be great enough, the Department may require certified inspections at more frequent intervals.

#### 8. Permits

The Consumer 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 to Massachusetts Department of Environmental Protection for the renewal of each permit.

#### 9. Determination of Backflow Devices

All decisions relating to the determination of backflow devices with regards to the Cross Connection Program will be made by the Department. Failure to comply with any directive from the Department will result in termination of water service.

## 10. Cost and Fees

All costs for inspections, tests and other Department activities resulting from the implementation and operation of the Cross Connection Program shall be the responsibility of the consumer. (See Appendix A)

## ARTICLE 7

### REUSE WATER REGULATIONS

The following water reuse regulations govern the relationship between the Water and Sewer Commission and users of reclaimed water and persons, contractors and developers who design, build, own, operate or maintain water reuse systems. Nothing in these regulations is intended to diminish the applicability of the State Building Code 780 CMR et seq. or the Uniform Plumbing Code.

#### 1. Purpose

The purpose of these regulations is to conserve and protect the Town's limited potable water supply through the development and expansion of systems for the reuse of treated wastewater, or reclaimed water, within the Town of Foxborough in a manner that protects, preserves and maintains the public health, safety and welfare.

#### 2. Applicability

The provisions of these regulations shall apply to all persons who construct new buildings, facilities and other structures after the effective date of these regulations and to persons whose buildings, facilities or other structures were in existence as of the effective date of these regulations, and where such buildings, facilities or other structures are to be reconstructed, renovated or expanded, if the reconstruction or expansion results in a building, facility or other structure which, including the portion which is to be reconstructed, renovated or expanded meets the criteria set forth in subsection 2(a) below.

- (a) No persons shall design, build, reconstruct, renovate or expand a site without installing, operating and maintaining a water reuse system and connecting such system through a reuse service connection, to be provided by the owner of such site to the Town's reuse transmission main for the beneficial use of reclaimed wastewater when the site is capable of using and/or consuming at least an average of an 1,000 gallons per day ("gpd") of water for any beneficial use; and any one of the following apply:
  - (1) A water reuse transmission main is within 1,000 feet of any property line of the site
  - (2) The Town has made or will make provisions to construct a water reuse transmission main within a 1,000 feet of any property line of the site and so advises the user. (The user will be required to connect to such system through a reuse service connection upon the Town's construction of such reuse transmission main.)

- (b) If the user builds its own on-site wastewater treatment facility, it shall be capable of providing reuse quality water in accordance with DEP standards.
- (c) Any persons to whom the provisions of subsection 2(a)(1)-(2) as set forth above, apply must submit to the department a Preliminary Design Report which shall include the following :
  - (1) A description of the site to be designed, built, reconstructed, renovated, or expanded and a description of proposed water uses.
  - (2) Projected water use on proposed site, including the average daily and peak hourly usage amounts.
  - (3) The projected water use shall be broken down by type of use (i.e. potable, toilet and urinal flushing, landscape irrigation, groundwater recharge).
  - (4) Water conservation measures to be employed and an estimate of the amount of water to be saved.
  - (5) A layout plan of the site showing the location of each fixture and system (i.e irrigation, fire protection), which will use water. Each system shall be labeled as to whether it will use potable or reclaimed water.
  - (6) Plans detailing the location, layout, size and materials to be used to connect the users fixture(s) to the Town's potable water transmission or water reuse transmission main.
  - (7) An explanation as to why any fixture, not required for potable water consumption purposes, is not connected to the water reuse system.
  - (8) If an on-site wastewater treatment facility is proposed to be constructed, provide information on the flow, level of treatment, and water reuse capabilities to be provided.

### 3. Plans and Specifications.

Plans and specifications for a reuse water system shall be approved by the commissioners and shall meet the following criteria:

- (a) Every system shall be designed by a Massachusetts Registered Professional Engineer;
- (b) Every plan shall be submitted to the department for approval and must be dated and bear the stamp and signature of the designer;

- (c) Every plan for a reclaimed water system shall be of suitable scale (one inch = 20 feet for site) and shall include depiction of:
- (1) a locus plan to show the location of the site including the nearest existing public or private way or right of way;
  - (2) the street number and lot number, if any, of the site;
  - (3) the legal boundaries of the site to be served;
  - (4) the holder and location of any easements appurtenant to or which could impact the reuse water system;
  - (5) the location of the all building(s) or structure(s) existing and proposed on the site and identification of those to be served by the reuse water system;
  - (6) the location, dimensions and specifications of the piping and fixtures used within the site;
  - (7) water reuse system design calculations, including design average daily and hourly peak flow, storage facility capacity and layout of the system in a Preliminary Design Report;
  - (8) North arrow;
  - (9) location of all reuse and potable water lines and all other subsurface utilities on the site;
  - (10) a note on the plan listing all variances to the provisions of these regulations sought in conjunction with the plan; and
  - (11) the materials of construction and the specifications of the system.
- (d) When an on-site wastewater treatment facility is being utilized or proposed, complete plans and specifications for the treatment facility, and identification of any reuse considerations, shall be included.

#### 4. Reuse Design Standards

All sites that are required to install a reuse water system in accordance with these regulations must design and install such system in conformance with the following minimum standards:

- (a) If required by the department, the user must install reuse service piping, connections and fixtures of sufficient size for the use and conveyance of reclaimed water between the reuse service lateral and the fixtures.

- (b) If required by the department, the user must install emergency cross-connection and backflow prevention devices in accordance with department's standards.
- (c) The user must ensure that all reclaimed water plumbing or hidden fixtures be color coded purple.
- (d) Piping within ten feet of a building, structure or facility and within a building structure or facility shall meet the requirements of the Uniform State Plumbing Code, 248 CMR 2.00 § seq.

#### 5. Costs

Any costs incurred by the Town in reviewing any plans, specifications or report required from an applicant under this Article 7, including the costs of any consultants retained by the Town, shall be paid by the applicant.

#### 6. Public Awareness.

Reclaimed water users must:

- (a) Publish and have available at their buildings, structures or other facilities brochures or facts sheets explaining the process used to treat and deliver reclaimed water to the site, the benefits to the community and the safeguards employed to make the use of reclaimed water safe for reclaimed water users and abutters.
- (b) Post signs that portray symbolically where public access to reclaimed water is possible, clearly communicating that it is not safe for potable uses. Signs and symbols should utilize black letters with a purple background and should be sized and located so that they are readily apparent to the public.

#### 7. Beneficial Uses.

A reclaimed water user shall use reclaimed water to satisfy 100% of its need for each of the following or other DEP approved beneficial uses: (1) toilet flushing; (2) drip and/or spray irrigation; and (3) aquifer recharge. Requests for exemptions from this paragraph shall be contained in the Preliminary Design Report and may be granted at the reasonable discretion of the commissioners where an applicant demonstrates that: (1) the cost of designing, building and/or operating a reclaimed water system at the site is disproportional to the anticipated benefits to the Town's potable water system; and, (2) the applicant can achieve the same or similar degree of potable water conservation by an alternative method(s).

#### 8. Inspection and Testing

Users are required to test all components of the reuse water system within the site, as determined by the superintendent including but not limited to, the cross-connection/back flow prevention

devices in accordance with 310 CMR 22.22, Cross Connection Distribution System Protection. The department shall have the authority to inspect the site of any user to ascertain whether the purpose and requirements of these regulations are being met. Users shall allow the department ready access at all reasonable times to all parts of a site for purposes of inspection, sampling, records examination and copying or the performance of any of its duties. The department and the DEP shall have the right to set up on the user's site/property such devices as are necessary to conduct sampling, inspection, compliance monitoring and or metering operations.

## 9. Permits and Waivers

As a precondition for receiving a potable water connection permit from the commission, an applicant must obtain either a reclaimed water permit or a reclaimed water waiver.

- (a) A reclaimed water waiver shall be granted as a matter of right to applicants whose facilities do not comply with the applicability requirements specified in Subsection 2 above.
- (b) A reclaimed water waiver may also be granted, at the reasonable discretion of the commissioners, where:
  - (1) the applicant demonstrates that the cost of designing, building and/or operating a reclaimed water system at the site is disproportional to the anticipated benefits to the Town's potable water system; and,
  - (2) the applicant can achieve the same or similar degree of potable water conservation by an alternative method(s).
- (c) A reclaimed water permit shall be granted by the commissioners where the applicant has demonstrated compliance with the applicable provisions of these regulations and has received approval from the commissioners for its system design, installation and operation.
- (d) Any person who proposes to sell, transfer or assign ownership of a site for which a reclaimed water permit has been issued; or who proposes a change in the use, nature, characteristics or constituents of its water use which is subject to the provisions of this Article 7, or who proposes to increase its discharge so that the daily volume, strength, or rate of discharge is at least ten percent greater than its existing and/or currently permitted discharge; shall no less than thirty (30) days prior to the proposed sale, transfer, change or increase, apply on a form prescribed by the department for issuance of a reclaimed water permit or, if applicable, modification of its existing reclaimed water permit.
- (e) All users required to obtain a reclaimed water permit shall complete and file with the department an application in the form prescribed by the department. The application must be filed with the department at least 90 days prior to the proposed connection to the reuse water system and shall be accompanied by the

appropriate fee as indicated on the fee schedule set forth in the Schedule of Charges.

#### 10. Installations and Connections

The Town may install reuse transmission mains either within the Town's public ways or on the property of the reclaimed water user at the locations which the commissioners deem suitable for reclaimed water use. The commissioners may, as they deem necessary, take, impose a betterment or otherwise obtain such easements necessary for the installation and maintenance of reuse transmission mains and reuse service laterals.

- (a) The reclaimed water users shall be responsible for the cost and installation of all necessary reuse service connections, pipes and tie-ins on its property and also for connections to the Town's reuse service laterals.
- (b) In the case of a reclaimed water user maintaining a private, on-site wastewater treatment facility, the reclaimed water user shall be solely responsible for all costs associated with installation of connections, tie-ins and for emergency connections.
- (c) In the case of a reclaimed water user maintaining a private, on-site wastewater treatment facility capable of producing reuse water, the reclaimed water user shall be solely responsible for meeting the applicable water quality requirements and for performing the necessary water quality testing. Furthermore, the reclaimed water user will be solely responsible for obtaining any necessary permits from the department, the Foxborough Board of Health and DEP.
- (d) All reuse service connections from the reclaimed water user's site to the department's reuse service lateral at the reclaimed water user's property line shall be built, repaired and maintained under the direction of the superintendent, and shall be paid for by the user of the site. The portion of the reuse service connection between the property line and the reuse transmission main on public ways shall be repaired and maintained by the department.
- (e) All reuse service connections between the user's property line and the building foundation, including those which are located within private ways, may be repaired or re-laid by the department when it deems necessary for the protection of the reclaimed water supply or the provision of satisfactory reclaimed water service. The cost of such work and materials shall be charged to the user.
- (f) All reuse service connections shall be installed under the supervision of the superintendent or his or her representative. The user or his or her authorized representative shall so arrange his work to require the service of the superintendent or his or her representative for as short a time as practicable. No trench shall be filled in until the pipe installed therein has been inspected and approved by the superintendent or his or her representative. A minimum notice of

forty-eight hours prior to commencement of construction is required to schedule a department inspector.

## 11. General Provisions

To the extent not expressly contradicted herein, all reclaimed water service is subject to the commission's water and sewer regulations.

- (a) The reclaimed water user shall comply with all other applicable state and federal regulations, including those policies set forth in the DEP's Interim Policy Guidelines on Reclaimed Water Use, as the same may be amended from time to time.
- (b) The commission shall have the right to enforce compliance with the terms and conditions of all permits, these regulations, or any federal, state or local laws applicable to the reuse water system.
- (c) Owners and/or occupants of all property and private ways served by reclaimed water shall, upon presentation of credentials by department personnel, or its agents, authorize entry to their property without a warrant for the purpose of inspecting and surveying their reclaimed water system and investigating any violation of these regulations or enforcing the same. Inspections shall include, but not be limited to, new installations, connections, testing of backflow prevention devices. The department may remove, repair, or replace any meter and appurtenances at any time the department deems necessary. Access shall be granted to ascertain the quantity and quality of reclaimed water, its manner of use, and whether water conservation methods are being employed. When such access is refused, all reuse water service to the site may, as determined by the commissioners, be shut off and shall not be turned on until such access has been allowed and fees have been paid for shutting off and turning on the reuse service connection.
- (d) The commissioners reserve the right to set rates, fees and charges for the provision of reclaimed water to the user, and for installation and inspection of meters for the measurement of use of reclaimed water. Users of reclaimed water will be held responsible for paying fees for all reclaimed water passing through their service pipe(s) until such time as the user has obtained a reclaimed water waiver.
- (e) The commission shall not be liable to any reclaimed water users for failure to deliver reclaimed water regardless of the cause.
- (f) The commission shall not be liable for damages caused by the quality of the reclaimed water, whether or not the reclaimed water meets the standards contained herein.

- (g) The commission assumes no liability for conditions that exist in reclaimed water users' pipes and that cause trouble coincident or following the repairs of any main pipe, service pipe, or department appurtenances.
- (h) A reclaimed water user which is required by these regulations to use reclaimed water for irrigation purposes may apply to the commissioners for permission to use water from a private well or other non-municipal source for said irrigation purposes, rather than reclaimed or potable water.
- (i) Should it become necessary to reduce or shut off the reuse water to any user from any department reclaimed water source or because of an accident or for the purpose of making changes or repairs, the department will endeavor to give timely notice to as many of the users affected thereby as the time and character of the repairs or the accident permit; provided however, that failure to give such notice will not render the department responsible or liable for any damage or inconvenience that may result from the reduction or interruption of service from reclaimed water source or for any coincident conditions.
- (j) The operator of a wastewater treatment facility, whether a municipal or private on-site facility, which is required or chooses to incorporate a reclaimed water system, shall be responsible for obtaining all necessary permits from all federal, state and local agencies for the operation of a reclaimed water system.

## 12. Violations

It shall be a violation of these regulations for any person to:

- (a) construct , reconstruct , expand or use a reclaimed water system in any manner that is not in compliance with an applicable reclaimed water permit and or these regulations;
- (b) divide or subdivide a site or into separate lots, buildings or facilities for the purpose of circumventing these regulations;
- (c) construct, upgrade, or expand a reclaimed water system without the prior approval of the department in the form of a reclaimed water permit or approval of an emergency repair;
- (d) fail to take necessary corrective actions as directed by the department;
- (e) fail to obtain an inspection in accordance with these regulations above, when and as required; or
- (f) violate any other provision of these regulations.

## ARTICLE 8

### WATER AND REUSE FACILITY SIGNAGE AND APPURTENANCES

The following water and reuse facilities signage and appurtenance regulations govern the construction, alteration, painting, maintenance, repair or removal of any painted signs or appurtenances upon any Water and Reuse Facilities as defined herein.

#### 1. Purpose

The purpose of these regulations is to protect and preserve the structural integrity, safety and operations of all of the Town of Foxborough's water and reuse facilities, in a manner that protects, preserves and maintains water quality as well as the public health, safety and welfare.

#### 2. Applicability

These regulations shall apply to all Water and Reuse Facilities as defined herein.

- (a) No painted sign or appurtenance shall be constructed, altered, removed, repaired or painted upon any water and reuse facilities unless the Commission shall first have issued a certificate of approval with respect to such construction, alteration or painting.
- (b) No building permit for construction, alteration, removal or repair or painting of any painted sign or appurtenance upon any water and reuse facilities shall be issued by the Town or any Department thereof, until a certificate of approval as required by these regulations has been issued by the Commission.
- (c) The construction, painting, alteration, removal or repair of any painted sign or appurtenance upon water and reuse facilities by the commission or any agent thereof, for purposes of information, identification, direction or instruction or for reasons of health or safety shall be exempt from these regulations.

#### 3. Certificates of Approval

Any applicant who desires to obtain a certificate of approval from the Commission shall file with the Commission an application for such certificate together with an application fee of one hundred dollars. Upon the filing of any such application, the Commission shall promptly confirm receipt of the same to the applicant and provide a written notice of hearing on said application within seven (7) days. The Commission shall make its final determination relative to the issuance of any certificate of approval within sixty (60) days after the submission of a complete application. The Commission may upon notice to the applicant, extend its final determination as to any application for any reasonable period of time needed to complete its review of that application and supporting materials.

(a) Any applicant seeking a certificate of approval for the construction, alteration, removal or repair of an appurtenance shall in addition to the application required under this section, submit the following:

(1) five copies of a suitably scaled plan (one inch = 20 feet on site) showing the particular water and reuse facilities and location of any proposed appurtenance on that facility or its supporting structure or property (e.g., proposed ancillary structures, underground foundations, buried anchors, wiring or other utilities);

(2) a description of the method by which the proposed appurtenance will be attached to the water and reuse facilities (e.g., bolting, welding, adhesion, etc.);

(3) engineering and other appropriate data demonstrating that high winds, ice loading, seismic activity, electrical storms or other similar occurrences will not cause the installation of the proposed appurtenance to fail or to damage the water and reuse facilities or surrounding supporting structures or to endanger public health or safety;

(4) engineering and other appropriate data demonstrating that any surface preparation and/or touch up painting of impacted areas in or outside of the water and reuse facilities will comply with that facility's manufacturer or construction contractor's specifications, the American Water Works Association's Standards and other pertinent industry standards, and will not void any manufacturer's warranty or guarantee relative to such facility;

(5) a proposed maintenance, inspection and access schedule and procedure;

(6) all of the information, data and other materials required to be filed by an applicant under Section 3 (a)(1)-(4) must be prepared and stamped by a Licensed Professional Engineer.

(b) Any applicant seeking a certificate of approval involving only a painted sign shall in addition to the application required under this section submit the following:

(1) five copies of a suitably scaled plan (one inch = 20 feet on site) showing the particular water and reuse facilities and location of any proposed painting of that facility or its supporting structure or property;

(2) engineering and other appropriate data demonstrating that any surface preparation and/or touch up painting of impacted areas in or outside of the water and reuse facility will comply with the facility's manufacturer or construction contractor's specifications, the American Water Works Association's Standards and other pertinent industry standards, and will not void any manufacturer's warranty or guarantee relative to such facility;

(3) a proposed maintenance, inspection and access schedule and procedure;

(4) all of the information, data and other materials required to be filed by an applicant under Section 3(b)(1)-(2) must be prepared and stamped by a Licensed Professional Engineer.

(c) The Commission will conduct an engineering evaluation of all the information, data and other materials required under Sections 3(a) and (b) to certify that:

(1) the construction, alteration, removal, repair or painting of the proposed sign or appurtenance will not present any danger to public health or safety;

(2) the construction, alteration, removal, repair or painting of the proposed sign or appurtenance will not interfere with the operations of the particular water and reuse facilities or cause interior or exterior corrosion or any other structural damage;

(3) the construction, alteration, removal, repair or painting of the proposed sign or appurtenance will not interfere with future maintenance or expansion of the water and reuse facilities;

(4) the construction, alteration, removal, repair or painting of the proposed sign or appurtenance will not void any warranty or guaranty for the water and reuse facility.

(d) The engineering evaluation conducted by the Commission under this section may at the Commission's discretion, include verification of

any of the above criteria by the water and reuse facility's manufacturer or construction contractor.

(e) The applicant shall be responsible for all costs incurred by the Commission in reviewing an application including but not limited to, the engineering and legal cost associated with the Commission's review.

(f) Upon review of an application and any additional information, material and certifications required under this section, the Commission shall issue an approval or disapproval of the application in accordance with these regulations and with the current version of the Massachusetts Department of Environmental Protection's *Guidance for Public Water Systems for Use Policy DWSP98-01: Antennae and/or Other Appurtenances Attached to Public Drinking Water Storage Tanks or Constructed on Water Supply Land*. In making its determination relative to approval or disapproval of any application, the Commission shall not review or consider the subject matter, content or lay out of the proposed painted sign, sign or appurtenance.

(g) The concurring vote of a majority of the Commissioners present shall be required to issue an approval or disapproval of an application.

(h) In the case of a disapproval of an application, the Commission shall set forth in writing the reasons for such disapproval. The Commission may include in its disapproval specific recommendations for changes in an applicant's proposal which if made and filed with the Commission in a subsequent application, would make the application acceptable to the Commission. The Commission shall make a final determination relative to any application re-filed pursuant to this subsection within 45 days of any such re-filing.

(i) The Commission shall send a copy of any disapproval of an application to the applicant and the Town of Foxborough Board of Selectmen and shall also file a copy with the Office of the Town Clerk and the Building Commissioner. The date of disapproval shall be the date of the filing of a said copy with the Town Clerk.

(j) Upon approval of an application the Commission shall issue a certificate of approval. In issuing a certificate, the Commission may impose any conditions and limitations relative to any painted signs appurtenances approved pursuant to that certificate, including but not limited to, the obligations and costs that will be incurred by the certificate holder relative to the regular maintenance and repair of the water and reuse facilities for which the certificate has been issued. The Commission may also require design, structural and other modifications consistent with the intent and purpose of these regulations.

(k) Upon issuance, the Commission shall send a copy of the certificate to the applicant and the Town of Foxborough Board of Selectmen and shall file a copy of the certificate with the Office of the Town Clerk and the Building Commissioner. The date of issuance of such certificate shall be the date of the filing of said copy with the Town Clerk.

#### 4. Enforcement

The Commission or its designated agent shall enforce the provisions of these regulations.

(a) Upon a determination by Commission or its designated agent that any painted sign or appurtenance for which a certificate has been issued, may endanger the structural integrity, safety and operations of any water and reuse facilities, the Commission shall so notify the certificate holder and the Foxborough Board of Selectmen and shall upon seven (7) days notice conduct a public hearing at which said certificate holder may address any such determination by the Commission. The Commission may, following such public hearing, order that the certificate holder immediately repair or remove said painted sign or appurtenance.

(b) If the Commission or its designated agent determines that any painted sign or appurtenance for which a certificate has been issued, constitutes an immediate threat to the structural integrity, safety and operations of any water and reuse facilities or to public health or safety, the Commission may order the removal or repair of the painted sign or appurtenance at the cost of the certificate holder. The Commission further reserves the sole discretion and authority to remove or repair at the cost of the certificate holder, any painted sign or appurtenance which constitutes an immediate threat to the structural integrity, safety and operations of any water and reuse facility or to public health or safety.

## ARTICLE 9

### LAWN IRRIGATION/SPRINKLER SYSTEMS

#### 1. Registration

All new lawn irrigation/sprinkler systems on the Town water supply shall be registered with the Water Department and shall be permitted and inspected by the appropriate town departments.

#### 2. Backflow Device

All lawn irrigation/sprinkler systems shall be installed with the proper backflow device by a Massachusetts licensed plumber.

#### 3. Metering

All new lawn irrigation/sprinkler systems shall be plumbed for the installation of a future water meter.

#### 4. Installation of New or Expanded Lawn Irrigation/Sprinkler Systems

Any new or expanded lawn irrigation or automatic sprinkler system for

- Business
- Commercial
- Recreational or
- Apartment/Condominium Complexes or Projects

That exceed a gross irrigated area of greater than 15,000 square feet shall not be permitted to connect to the public water supply system.

#### 5. Violations

Refer to Article 10, Paragraph 10 for penalty for violation of Paragraph 4.

## ARTICLE 10

### VIOLATIONS

All consumers of the Town water supply shall comply with the provisions of this section.

#### 1. State of Water Supply Emergency; Compliance with DEP Orders

- (a) Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection (DEP), no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the DEP intended to bring about an end to the State of Emergency.
- (b) Notification of any provision, restriction, requirement, or condition with which users of water supplied by the Town are required to comply to abate a situation of water emergency shall be sufficient for purposes of this regulation if it is published in a newspaper of general circulation within the Town or by such other notice as is reasonably calculated to reach and inform all users of the Town water supply.
- (c) Any consumer or entity who violates a plan to abate a water supply emergency shall be liable to the Department as follows: First Offense-\$50.00, Second Offense-\$100.00, Third Offense and any Subsequent Offenses-\$200.00 and turn off of water until paid. If the water is turned off, charges to turn off and turn on water must also be paid.

#### 2. State of Water Supply Conservation

- (a) The Commissioners may declare 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.

- (b) 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 means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under this section shall not be effective until such notification is provided. Notification shall also be simultaneously provided to DEP.
  
- (c) 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..

- i. Odd - Even Day Outdoor Watering

Effective between April 1 and September 30, unless modified by the Commissioners, based upon the street address number and the day of the month. Outdoor watering by water users with odd numbered addresses is restricted to Mondays and Wednesdays 6:00 A.M. to 9:00 A.M. and 6:00 P.M. to 9:00 P.M. Outdoor watering by water users with even numbered addresses is restricted to Tuesdays and Thursdays 6:00 A.M. to 9:00 A.M. and 6:00 P.M. to 9:00 P.M.

- ii. Outdoor Watering Ban

Outdoor watering is prohibited.

- iii. 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.

- iv. Filling Swimming Pools

Filling of swimming pools is prohibited.

- v. Automatic Sprinkler Use

The use of automatic sprinkler systems is prohibited.

- (d) Any consumer or entity who violates a plan to conserve water shall be liable to the Department as follows: First Offense-Written Warning, Second Offense-\$50.00, Third Offense and any Subsequent Offenses-\$100.00 and turn off of water until paid. If water is turned off, charges to turn off and turn on water must also be paid.

Violations will carry forward for three years. All violations prior to 1999 are void.

- (e) A State of Water Supply Conservation may be terminated by a majority Vote of the Board of Water and Sewer Commissioners, upon determination that the water supply shortage no longer exists. Publication of the termination of a State of Water Supply Conservation shall be given in the same manner as indicated above.

### 3. Private Wells

There shall not be any connection between a private water system and the Town water system. No other source of water shall be connected to any pipe supplied by the Town. Violations of Article 2 #15 shall be subject to a fine of not more than \$500.00.

### 4. Cross Connections

Whoever maintains a cross connection without installing the appropriate backflow prevention device required by these regulations shall be subject to a fine of not more than \$500.

### 5. Unauthorized Water Use

Whoever unlawfully and intentionally tampers with a water meter or prevents such meter from registering the actual quantity of water supplied through it or uses or causes to be used water without consent of the Department shall be fined up to \$250.00 for each offense.

### 6. Fire Flow

Failure to meet the requirements of Fire Flow testing, Article 3, Section 12, is subject to a fine not to exceed \$500.

## 7. Defacing and Littering Upon Town Owned Property

Any person or persons willfully defacing, littering, or disposing of harmful materials upon Town owned property located within its water resource protection district, as defined in Section 9.09(d) Water Resource Protection District, of the Town's zoning bylaws, shall be subject to a fine established by the Commission for individual offenses and prosecuted to the fullest extent of the Law.

## 8. Suspension of Water Service

Any violation of these regulations may result in the Commission ordering the shutting off of the water to the consumer's premises. When the water has been shut off for violations of regulations, nonpayment of charges or other offense(s), it will not be turned on again until the Commission is satisfied that there will be no further cause of complaint or violation and all outstanding charges and penalties have been paid.

## 9. Penalty

Any consumer or entity that violates these regulations shall also be liable to the Town. All such fines levied by the Enforcement Authority shall inure to the Water Department Enterprise Fund for such uses as the Commissioners may direct.

Fines shall be recovered by indictment or on complaint before the District court or by noncriminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

Any user or person who violates the provisions of Article 7, Reuse Regulations is subject to a fine of not to exceed \$500.00 dollars.

## 10. Lawn Irrigation/Sprinkler Systems

Any consumer or entity that violates the provision of Article 9 – Lawn Irrigation/Sprinkler Systems, Paragraph 4 shall be subject to a fine not to exceed \$250.00 per day for each day that the violation continues until corrected.

## ARTICLE 11

### SEVERABILITY

The invalidity of any portion or provisions of these articles therein shall not invalidate any other portion, provision, or section hereof.

**SECTION 12.-EFFECTIVE DATE**

These regulations shall be in full force and effect from October 20, 2009.

Approved this 27<sup>th</sup> day of October, 2009.

\_\_\_\_\_ Date \_\_\_\_\_  
Chairperson, Town of Foxborough  
Board of Water and Sewer Commissioners

ATTEST: \_\_\_\_\_ (Seal)

August 4, 2003	Rates Changed
April 26, 2003	Article 9 Subsection 4 and 5 Article 10 Subsection 10
September 27, 2004	Rates Changed
July 1, 2005	Rate Changed Article 5 Subsection 17 Schedule of Charges
April 1, 2007	Rate Changed Schedule of Charges 1. H; 1I; P.
February 6, 2009	Rate Changed 5%
October 20, 2009	Water Rate Change 25%

**APPENDIX A  
RATES AND CHARGES**

**WATER CONSUMPTION RATES**

**(Effective Date-October 20, 2009)**

	Usage Range		Initial Cost	Additional charge per 1,000 Cu. Ft.
Quarterly	0	750	\$47.79	(Minimum )
	750	3000	\$47.79	\$50.18
	3000	7500	\$160.68	\$52.69
	Over	7500	\$397.68	\$55.33
Monthly	0	250	\$15.93	(Minimum)
	250	1000	\$15.93	\$50.18
	1000	2500	\$53.56	\$52.69
	Over	2500	\$132.56	\$55.33

## RATES AND CHARGES

### WATER REUSE CONSUMPTION RATES

(Effective Date-October 20, 2009)

	Usage Range		Initial Cost	Additional charge per 1,000 Cu. Ft.
Quarterly	0	750	\$35.85	(Minimum )
	750	3000	\$35.85	\$37.64
	3000	7500	\$120.54	\$39.51
	Over	7500	\$298.29	\$41.50
Monthly	0	250	\$11.95	(Minimum)
	250	1000	\$11.95	\$37.64
	1000	2500	\$40.18	\$39.51
	Over	2500	\$99.43	\$41.50

## SCHEDULE OF CHARGES

### 1. Schedule of Water Charges for Taxable Users

A. Turning Water On	\$25.00
B. Turning Water Off	\$25.00
C. Meter Test (5/8" to 1")	\$50.00
D. Meter Reading for Property Transfer	
Meter Read by Owner	\$10.00
Meter Read by Water Dept.	\$25.00
E. Additional Meter-5/8"	\$250.00
F. Hydrant Service, maintenance and inspection check only	
	\$40.00 each per year
G. Sprinkler Service	
	\$40.00 per diametral inch of sprinkler pipe, per year
H. New Service Installation* (From main in street to property line)	
3/4-inch service	\$2,300.00
1-inch service	\$2,400.00
1 1/2-inch service**	\$2,450.00
2-inch service**	\$2,500.00
Services larger than 2-inch**	\$3,000.00
Relocation of Existing Service - 50% of Installation Cost for new service as described above.	

\*The property owner or contractor shall obtain a Street Cut Permit from the Town Highway Department and a Massachusetts Highway Department Permit to Access State Highway, if required, and shall be responsible for cutting the Pavement, excavating and backfilling the trench, patching and maintaining the pavement trench for one year after final paving and for paying for a police detail, if required. The Water Department shall tap the main, provide the service pipe and fittings up to 1-inch and install the service pipe from the main to the property line. The Contractor also cuts and caps existing service at main for relocation of existing service.

\*\*All material shall be supplied and installed by the property owner or contractor and the Water Department shall inspect the service installation.

I. Subdivisions\*\*\*

3/4-inch service	\$2,000.00
1-inch service	\$2,100.00
1 1/2-inch service	\$2,150.00
2-inch service	\$2,200.00
6-inch to 8-inch Main	\$3,500.00
10-inch to 12-inch Main	\$4,000.00
Over 12-inch Main	\$5,000.00
Relocation of Existing Service – 50% of Installation Cost for new service as described above.	

\*\*\*Contractor does all the excavation and backfill from main to the property line. Contractor taps main, furnishes materials and installs all pipes and fittings over 1-inch to property line. Water Department taps main, supplies, and installs all fittings required up to 1-inch to the property line. Contractor also cuts and caps existing service at main for relocation of existing service.

J. Water testing for subdivisions (Bacteria)	\$60.00 per test per Sample
K. Fire Flow Test (night)	\$125.00
L. Inspection of Repair or Renewal of Water Service, Homeowners Property	\$25.00
M. Remove and Replace Seasonal Meter	\$35.00
N. Meter Replacement (Broken or Frozen)	
5/8-inch	\$100.00
3/4-inch and above	\$25.00 plus cost of meter
O. Off Hour Call Out (Contractor)	
Nights and Saturday (4hr. Minimum)	\$31.25/hr.
Sundays and Holidays (4hr. Minimum)	\$43.75/hr
P. Change Cellar Valve	
3/4-inch	\$55.00 plus applicable on/off charges
1-inch	\$75.00 plus applicable on/off charges

Q. Use of Hydrant Meter	
Up to 1500 cu.ft.	\$125.00
Over 1500 cu.ft.	\$125.00 plus
	Applicable Water Rate Charge
R. Upgrade existing Water Service, Main to Curb Box	
¾-inch to 1-inch	\$800.00 plus
	Detail Officer if required
S. Additional Large Meter Testing, Owner Request	
1 ½-inch	\$110.00
2-inch	\$120.00
3-inch	\$155.00
4-inch	\$170.00
6-inch	\$185.00
Over 6-inch	\$200.00

## 2. Schedule of Charges for Non-Taxable Users

A. Hydrant Services, maintenance check included, no material	
\$75.00 each per year	
B. Sprinkler Service	\$65.00 per diametral inch of sprinkler pipe, per year
C. Water from Non-metered Source (In Accordance with Article 3, Item 11)	\$100.00

## 3. Cross Connection Program

A. Non-Residential Building Survey	\$70.00
B. *Testing per Backflow Device (Initial and each Re-test)	\$80.00

\* Each device must be tested in accordance with Article 6, item 7.

## 4. Furnishing Water to Water Tank Vehicle

A. Annual Application Fee	\$300.00
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5. Overdue Charges

A 12% interest rate will begin accruing on all water bills and other charges as listed above that are not paid within 42 days of the billing date, plus a \$5.00 demand fee.

6. Reuse Water

The rate for Reuse Water shall be seventy-five (75) percent of the applicable block water rate.