

**RULES AND REGULATIONS**

**Updated April 11, 2023**

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**PREAMBLE**

By virtue of statutory and other authority, and powers as described by General Laws, Chapter 40, Section 39A through Section 39G inclusive, and adopted by the April 1987 Town Meeting in Articles 8 through 13; and finally the Town Charter, Section 8-8, the Board of Water Commissioners (hereinafter called BWC) of Wellfleet, Massachusetts (hereinafter called Town) establishes the following rules and regulations, fees and charges related to providing potable water from the Wellfleet Municipal Water System (hereinafter called Water System).

The Water System as defined in Paragraph 2.21 will be operated and maintained by the Town of Wellfleet, through the Water System Operator under the direction of the BWC.

The Water System’s approval of an application for service binds the Consumer to present and future rules and regulations and to present and future payment of all applicable fees, rates and charges.

The BWC may enact changes to the Policy, Rules, Regulations and Fees contained herein only after a Public Hearing.

## **POLICY & PURPOSE**

The BWC will guide and direct the future and present development and operation of the Water System with the following goals and vision:

- **NEED:** Provide potable drinking water to Wellfleet properties that do not have a potable water source, if possible. Also, to allow property owners a choice to connect to the Water System if water capacity exists and the water mains are accessible. Ensure equitable use of the water resource.
- **SELF SUSTAINING:** Establish and maintain a financially sound and self-sustaining management structure for the Water System under the WMWS Enterprise Fund.
- **RESOURCE PRESERVATION:** Encourage conservation. Maintain and improve water resource protections.
- **INFRASTRUCTURE:** Provide a Water System infrastructure such that the “seaside village” character will be preserved as well to encourage a vital local economy; of which current and future municipal, commercial, residential uses of properties in Wellfleet will benefit.
- **VISION:** Prepare and maintain a Master Plan for the future with the expectation to expand the Water System to all areas of Wellfleet, where possible. Also, to consider all possibilities that will increase and improve service, reduce costs, and increase revenue. Such possibilities could encompass (but are not limited to), collaboration with other towns, sharing of water sources, and cooperative interfaces with privately-owned water sources defined as Public Water Supplies (PWS).
- **REGULATION:** Comply with the requirements of the Massachusetts Water Management Act, Town of Wellfleet Charter Section 8-8, MGL Chapter 40, Sections 39 through Section 39G and all other laws and regulations governing a municipal Public Water Supply (PWS).

## **SECTION 1 -RESPONSIBILITY AND OWNERSHIP**

- The BWC shall be responsible for overseeing the repairs, maintenance, construction, and reconstruction of the existing Town-owned capital facilities. For the purposes of this regulation, “capital facilities”  
  
shall mean water storage tanks, pump stations and appurtenances, water mains, gates, hydrants and appurtenances in public ways and private ways where system components are located.
- The water service lines from the curb stop to the individual buildings are the responsibility of the property owners for new and existing water service installations including repairs, alterations, and maintenance. (See Appendix B).
- All Town-owned water mains that are in public or private streets are the responsibility of the Town.
- All Consumers and users of the Water System will be charged for water consumption, according to one and the same fee schedule. (See Appendix A).
- The BWC may declare a STATE OF WATER EMERGENCY if it finds there exists a water shortage or an impending water shortage; and/or a Declaration of Water Emergency has been made under Massachusetts General Laws, Chapter 21G as it is deemed essential to the protection of the public health, safety, and welfare. In so doing, the BWC may establish priorities for the distribution of water or water use by a specified amount or to share water with other water systems. The BWC may also choose to develop a drought management or contingency plan and institute a conservation program for public and private use.

## SECTION 2 - DEFINITIONS AND ABBREVIATIONS

- **BACK FLOW PREVENTER:** The Back Flow Preventer prevents the flow of water from the building into the Water System. See Appendix B.
- **BASE SERVICE FEE:** The fee is assessed on every Water Use bill regardless of amount of water used or the use of the property. Fees are used to help offset costs of Water System operation.
- **BOARD OF WATER COMMISSIONERS (BWC):** As defined in General Laws, Chapter 40, Section 39A through Section 39G inclusive, and adopted by the April 1987 Town Meeting in Articles 8 through 13; and finally, the Town Charter, Section 8-8, the Board of Water Commissioners is a group of five Wellfleet citizens appointed by the Selectmen, charged with overseeing the repairs, maintenance, construction, and reconstruction of the Wellfleet Municipal Water System.
- **CONSUMER:** The word "Consumer" shall mean any person, partnership, firm, corporation, or organization of any type in which the owner(s) property is supplied with water by the System. The Consumer shall customarily be the OWNER(S) of record, or the duly authorized representative of the property being supplied with water.
- **CORPORATION STOP:** A water service shutoff valve located at a street water main. This valve cannot be operated from the ground surface because it is buried and there is no valve box. See Appendix B.
- **CURB BOX:** See **CURB STOP**.
- **CURB STOP:** The curb stop is inside an in-ground structure called a CURB BOX located at (or near) the property line, which contains a service valve. The service valve is the connecting point between the service line (from the water main) and the service line into the building receiving the water. The curb stop and service valve are the property of and maintenance responsibility of the Town. See Appendix B.
- **DWELLING UNIT:** Any house or building, or portion thereof, that is occupied, designed to be occupied, or is rented, leased, or hired out to be occupied, as a home or residence of one or more person. Per MGL Chapter 182, Section 22.
- **FULL FLOW CONTROL VALVE:** The Full Flow Control Valve is a water flow control valve after the water meter for the Consumer to have the ability to shut off water to the home.
- **LIEN:** The word lien shall mean the statutory claim a municipality may impose as defined in Massachusetts General Laws, Chapter 40 Section 42(A).
- **METER PIT, READER BOX:** If meters must be stored 4 feet below ground to prevent freezing; a pit or reader box must be constructed to house the meter for buildings without basements or over 150' from curb stop.
- **OPERATOR:** See Water System Operator.
- **PUBLIC OR PRIVATE WAY:** A public or private way is the Town-owned or privately-owned road or street improved and open to the public as a throughway.
- **SERVICE LINE:** The service line is a pipe that connects the water supply main through the curb stop to inside the building receiving the water. The service line between the water main and the curb stop is

the property and responsibility of the Town. The service line into the building from the curb stop is the responsibility of the Consumer. See Appendix B.

- **SERVICE PIPE:** See **SERVICE LINE**.
- **SERVICE VALVE:** Water flow control valve located inside the Curb Stop.
- **SITE PLAN:** When applying for a new service connection or alteration, a drawing is required to show a) location of existing drinking water source, b) building's location, c) septic location d) location of underground utility lines (electric, gas, etc.), e) proposed location of the water service pipes, water meter, valves, anti-backflow device and any other required components between the curb stop and into the building. The **SITE PLAN** must be included with an application for a new connection and approved by the Water System Operator. Sometimes it is called an **INSTALLATION PLAN**. In most instances, a Plot Plan or the Septic Plan (on file at the Board of Health) is acceptable if modified to show all the required site plan items.
- **TIE SHEET:** A drawing showing the locations of the pipes, meter, meter pit (if applicable), with respect to the septic system, buildings, underground utilities, and any other aspect of the water service going into a building from the water main. The tie sheet is usually prepared by the contractor who installs the new water service between the curb stop and the building. Sometimes it is called an "**AS BUILT**" drawing.
- **WATER METER:** The water meter is a device for measuring and recording the flow of water from the municipal water supply to the Consumer's building. In some cases, the meter is located within the Consumer's building or structure and in other cases, in a box or vault elsewhere on the Consumer's property. Regardless of the location, the meter charged at providing cost to the owner and owned by the Water System. It may be repaired, tested, calibrated, improved, or replaced by the Water System Operator, for which purpose the Consumer must permit entry with reasonable advance notice. The Consumer is responsible for the cost of the meter and reasonable care and use of the meter.
- **WATER SUPPLY MAIN:** The water supply main is the municipal water pipe (usually located in the street), to which a service line or pipe is connected to supply water to buildings. See Appendix B.
- **WATER SYSTEM OPERATOR** (otherwise known as **OPERATOR**): The Operator is responsible for the day-to-day operation of the Water System, and reports to the Wellfleet BWC and Town Administration.
- **WELLFLEET MUNICIPAL WATER SYSTEM** (otherwise known as **Water System** or **WMWS**) consists of capital facilities and is a piped water distribution system drawing water from Town-owned wells located in Wellfleet. The Water System also includes water tower(s) to facilitate distribution and hydrants to provide fire protection for all properties in the service area.  
**Additional definitions** as applicable are adopted as set forth in Massachusetts Plumbing Code, 248 CMR and in the Massachusetts Fire Prevention Regulations, 527 CMR.
- **ABBREVIATIONS**
  - CMR:** Code of Massachusetts Regulations
  - EPA:** Environmental Protection Agency
  - GPD:** Gallons per day
  - WMWS:** Wellfleet Municipal Water System (otherwise called Water System)

### SECTION 3 - RESPONSIBILITIES AND LIABILITIES OF THE CONSUMER

- **DAMAGE TO THE WATER METER:** Consumers will be held responsible for damage to the Water Meter because of freezing, hot water, or other external causes. When damage occurs, the Operator will furnish and set another Meter or repair the damaged one. The cost of such replacement or repairs shall be charged to the Consumer based on cost of materials plus 10%, labor, and current sales tax law.
- **TAMPERING WITH THE WATER METER:** It is illegal to tamper with a Water Meter. Written authorization must be obtained from the Operator to install, alter, or remove a Meter. Violations are subject to a fine as set forth in the General Laws of the Commonwealth of Massachusetts (See Ch. 165, § 11 which specifies a maximum imprisonment of 1 year and a fine. See the Rate Schedule in Appendix A for the fine.)
- **OWNERSHIP OF PIPES, VALVES AND TAPS:** All pipes, valves, taps and other appurtenances between the Municipal Water Main and the outlet of the Curb Stop inclusive, are the property and responsibility of the Town. All piping, valves, equipment, and any other appurtenances between the Curb Stop and the Consumer's building, are the property and responsibility of the Consumer, although such items are required to meet standards and specifications of the Water System. An EXCEPTION to the above is the water meter, which will always be the property of the Water System.
- **REQUIREMENT FOR CONTROL VALVES:** Requirements established by the BWC for "Consumer" owned portions of the system include (but are not limited to) one (1) Full Flow Control Valve located near the point of entry of the service pipe through the building or structure wall.
- **MASSACHUSETTS REGULATIONS:** Valves and other appurtenances shall conform to Massachusetts Plumbing Code Regulations and Water System specifications. All plumbing installations shall be performed by a licensed plumber in accordance with Massachusetts Plumbing Code and any other applicable regulations and to the satisfaction of the Operator. If any defects in workmanship or materials are found or if the Consumer's service has not been installed in accordance with the requirements defined in the Rule and Regulations and other Water System specifications, the water service will either not be turned on or will be discontinued if such defects are not remedied within a specific time set by the Operator and ratified by BWC. The Town will not be held liable for any defects in such workmanship or material. Consumer must apply to Office of BWC to alter in any way a previously installed and approved water service connection.
- **MAINTENANCE OF CONSUMER'S PLUMBING:** All Consumers shall maintain the plumbing and fixtures within their own building(s) in good repair and protected from freezing at their own expense. Consumers shall make any repairs that shall be necessary to prevent damage or leaking. All plumbing must conform to Massachusetts Plumbing Code and any other applicable regulations.
- **ANTI-BACKFLOW PREVENTION DEVICES:** As part of connecting the Consumer's property to the Water System and pursuant to Massachusetts Regulations 310 CMR 22.22, all water service Consumers are financially and legally responsible for the installation of an approved back-flow prevention device immediately "downstream" of the water meter or as specified by the Operator. See Appendix B. This device prevents water in the building from flowing back into the Water System.
- **LEAKS:** The Operator shall have the right to shut off water supplied to any property where a leak EXISTS or is BELIEVED TO EXIST. The Operator will make a reasonable attempt to contact the property owner or authorized representative as soon as a leak is discovered. Any such leaks must be repaired and pass inspection by the Operator before water service will be restored. Operator will report any leaks in Operator's monthly report to the BWC. Consumer shall be responsible for the cost of any repairs from the curb stop into the building.
- **SAFEGUARDING OF HOT WATER TANKS:** All Consumers having direct pressure hot water tanks are responsible for the installation of appropriate vacuum breakers and relief valves in the piping system. This is necessary to prevent any damage to such tanks and to protect against damage from other

sources, if it becomes necessary to shut off the water at the water main in the street. The Water System will not supply water to buildings where direct pressure hot water tanks or appliances are used without these protective devices in accordance with Massachusetts Drinking Water Regulations 310 CMR 22.22.

- **LIABILITY FOR INTERRUPTION OF WATER:** Neither the Town, nor the BWC, including contractors and employees shall be held liable or responsible to Consumers for loss or damage from any excess or deficiency in water pressure and any circumstances beyond the control of the Water System. Prior to the interruption of service to allow repairs, modifications or maintenance to the water distribution system, the Operator will endeavor to notify affected water service Consumers, whenever practical. HOWEVER, nothing in this section shall be construed that such notice is required.
- **LIABILITY FOR WATER RUST:** Neither the Town, nor the BWC, including contractors and employees shall be held liable or responsible for loss or damage from dirty water resulting from repairs, modifications, hydrant flushing or maintenance to the water distribution system, or any other reason.
- **LIABILITY FOR FROZEN WATER SERVICE COMPONENTS:** It is the responsibility of all water service Consumers to ensure that all plumbing, fixtures, water meters and appliances are protected from freezing. Neither the Town, nor the BWC, including contractors and employees shall be held liable or responsible for loss or damage to any plumbing, fixtures, water meters or appliances due to freezing. The Consumer is financially responsible for any repairs that may be necessary to prevent leaks and damage.

#### SECTION 4 - GENERAL RESPONSIBILITIES

- **CURB BOX:** The curb box shall contain a service valve which must be readily available to the Operator should it be necessary to turn off the water supply.
- **SALE OR USE OF WATER:** The Consumer will not be permitted to supply or directly offer the water for sale or use to the property or parcel of another person, except in special emergencies and then only with the approval of the BWC; which approval, if given, will be for a specified and limited time.
- **METERS:** The meter is provided at prevailing cost paid by the Consumer and owned by the Water System. It may be repaired, tested, calibrated, improved, or replaced by the Water System Operator, for which purpose the Consumer must permit entry with reasonable advance notice. In some cases, the meter is located within the Consumer's building or structure and in other cases, in a box or vault elsewhere on the Consumer's property. Regardless of the location, the Consumer is responsible for reasonable care and use of the meter. No meter shall be moved or disturbed without permission of the Operator.
- **METER REPAIR:** The Water System Operator will have the right to remove, repair or replace any meter. The cost of meter repairs or replacements due to defects will be paid by the Town. The costs of repairs, maintenance and/or replacement caused by tampering, freezing, hot water, or unknown causes, whether internal or external, will be charged to the Consumer.
- **SHUT-OFF OR TURN ON SERVICE:** Except in the case of emergencies, all water shut-offs and start-ups require two weeks advance notice and billed according to fee schedule in Appendix A.

## **SECTION 5 - WATER SYSTEM DISCLAIMER OF LIABILITIES**

- **GUARANTEES:** Constant water pressure and uninterrupted service are not guaranteed. Further, the Consumer is not assured a full volume of water or the required pressure per square inch necessary to effectively operate any appliances and/or fixture. The same rule holds true of all variable conditions that may take place in the use of water from the water supply mains. The Operator will use all reasonable care and diligence to avoid interruptions and fluctuations in the service, but neither the Town, nor the BWC, including contractors and employees shall be held liable or responsible to Consumers for any loss or damage from any excess or deficiency in the pressure or volume or supply of water.
- **REPAIRS:** The Town, BWC, as well as water system contractors and employees will not assume any liability for conditions in the Consumer's plumbing or appliances associated with or following installation, repairs or flushing to any part of the system and shall not be responsible for damages caused by dirty water resulting from the opening or closing of any gates for repairs or any other reasons, or the breaking of any supply lines.
- **DUE NOTICE:** The Operator will endeavor to give due notice to as many of the Consumers affected whenever it may become necessary to shut off the water supply to any section of the system, to make repairs or changes or because of a broken main or service, and will, as far as practical, use every effort to prevent damage or inconvenience. Failure to give such notice will not involve the Town, the BWC, nor water system contractors and employees in any responsibility or liability for damage arising from the shutting off the water supply.
- **SHUT OFFS:** The Operator reserves the right at any time, without notice, to shut off the water supply for the purpose of making repairs, extensions, or other reasons. Consumers having boilers or other appliances on their premises are hereby warned against the danger of collapse or damage from the shutoff and are urged to provide safety devices as described in the Massachusetts Plumbing code, for their protection. The Town, the BWC, water system contractors and employees shall not be liable for damages resulting from the shutoff.

## **SECTION 6 - PROCEDURES FOR SERVICE INSTALLATION AND USE**

- **CONTRACTUAL AGREEMENT:** Acceptance of service shall bind the Consumer to the laws, rules, regulations and policies of the Commonwealth of Massachusetts, the Town of Wellfleet, and the Rules and Regulations as written by the BWC. Acceptance of service shall form a part of the contract with every Water System Consumer and shall govern their relations.
- **APPLICATIONS FOR WATER SERVICE:** All applications for any new installations, alterations, replacements or change of ownership of a water service shall be submitted to the Office of BWC by the owner of the property or duly authorized representative. When applying for a new service connection or alteration, a drawing is required to show a) location of existing drinking water source, b) building's location, c) septic location d) location of underground utility lines (electric, gas, etc.), e) proposed location of the water service pipes, water meter, valves, anti-backflow device and any other required components between the curb stop and into the building. The application and drawing (sometimes called SITE PLAN or INSTALLATION PLAN) must be approved by the Water System Operator Building Inspector as well as the Plumbing Inspector. In most instances, a Plot Plan or the Septic Plan (on file at the Board of Health) is acceptable if modified to show all the required items.
- **RESPONSIBILITY FOR CHARGES:** Consumers of water shall be charged with and held responsible for all water passing through their water meter. Exceptions may be granted only by the BOC.

- **EXTENDING MAINS:** If a second curb stop is required the Consumer will be responsible for paying the costs associated with the connection. Contractor will bill the Consumer Applications for new service will be accepted for review subject to the existence of a municipal water main in a street or right-of-way abutting the property to be served AND the existence of sufficient water capacity. Approval of an application shall in no way obligate the BWC or the Town to extend water mains.
- **CONSTRUCTION:** Owner of a property that is already connected with the Water System, Building and Plumbing inspector and desiring construction, alterations or attachments shall submit plans and specifications for the proposed work to the office of the BWC for inspection, approval and for a determination as to whether the same is permissible. The BWC or its designated representatives shall determine the terms, charges, and conditions under which the proposed water use shall be permitted.
- **WATER SERVICE INSPECTIONS:** The Consumer or Consumer's authorized representative shall notify the Operator prior to commencing work once plans and specifications have been approved. Upon said notification, the Operator will designate the requirements for inspections during construction as approval is required at different stages of work. No work shall be covered or enclosed until inspected and approved. Water System inspections will be scheduled during normal working hours. If by mutual agreement inspections are scheduled for other than normal working hours, the Consumer will be responsible for paying all extra costs. (Usually, the Contractor, hired by the Consumer, will handle all inspections as well as provide a "TIE SHEET" or "AS BUILT" diagram).
- **PRIVATE WELL:** The Operator has the responsibility to control all cross connections for the safety of the Water System. Except where denied by Wellfleet Health Regulations, a property that is connected to the Water System may retain a private well for non-potable uses, under the following conditions:
  - Private wells must meet all the requirements and Massachusetts regulations of 310 CMR
  - Cross connections between a public water system (PWS) and a private well or individual water source serving residential dwellings used for potable or non-potable purposes are prohibited.
  - The BWC has the authority to terminate any water service connection to any facility or structure in which cross connections are found to be in non-compliance with 310 CMR 22.22. If necessary, water service shall be disconnected for failure to test or maintain backflow prevention devices as determined by the Operator.
  - If backflow prevention device has been removed, by-passed, or otherwise rendered ineffective, water service shall be discontinued unless corrections are made immediately.
  - All expense is the responsibility of the Consumer.
  - All backflow prevention devices must be installed and repaired by a Massachusetts licensed plumber.
  - A thorough cross connection inspection must be made by the System Operator (at an additional cost at prevailing inspection rates to the Consumer) to prevent any possible cross contamination between the private well and the Water System.
  - Continuing use of a private well on the same property that is serviced by the Water System must be approved by the Wellfleet Health Officer. Inspections can be made without notice. Violations are subject to fines as set forth in Section 9.1 and possibly other consequences such as shut off the water service.
  - The Operator or BWC will keep a record of all private wells that are being used for non-potable uses on file. Operator or BWC must be notified of any private wells in use.
- **RIGHT OF ENTRY:** Owner or occupants of any premises served by the Water System shall, upon presentation by Water System personnel of their credentials, authorize entry to their building (s) without a warrant for the purpose of inspecting and surveying their water system for new installation, cross connection, leak detection or to remove, repair, read or replace any water meter at any time the Operator deems necessary.



When such access is refused, the water may be shut off and may not be turned on until such access has been allowed and fees have been paid for shutting off and turning on the water.

- **FULL FLOW CONTROL VALVE AND ANTI-BACKFLOW PREVENTION DEVICES:** Full Flow Control Valve at the meter inlet shall be the first fitting inside of a serviced building and shall be inspected and approved by the Operator. There must also be an Anti-backflow prevention device installed to permit removal of the meter without backflow from the internal water systems. (SEE APPENDIX B.) The meter shall be in a clean, dry, warm and accessible location. Upon completion of the installation of a water meter, the Operator shall be notified to inspect the installation and install a remote reader before the service is activated. The Operator, in cooperation with a licensed plumber, must complete the meter installation and it must be approved.
- **METER PITS AND REMOTE READER BOXES:** When it is necessary or expedient to locate the meter in an underground box or vault, it must be approved by the Operator and the Consumer shall bear the expense of same and shall bear the responsibility of reasonable care and maintenance of said box or vault such as keeping it clean and dry. In those instances where the service line from the curb stop to the dwelling or structure is more than 150 feet, a Meter Pit is required. All remote reader boxes located on the property shall be the responsibility of the Consumer. If they must be moved or removed or if the remote reader is damaged or missing, the Consumer shall notify the Office of BWC. If the Consumer does not notify the Office of BWC, any costs associated with the replacement of a missing or damaged remote reader will be billed to the Consumer. The Consumer shall not cover the pit or hinder access to the water meter in any way. Covers must always remain exposed. Pits shall be furnished with inlet and outlet connections.
- **RIGHT TO CHANGE METERS:** If, in the opinion of the Operator, a meter does not fit the conditions of the service installation, the Operator has the right to change such meter. Such a change shall be made in accordance with current regulations and costs are the responsibility of the Consumer. There is no charge to the Consumer if the Water System Operator replaces a meter (with no change in size) as part of maintenance or improvements to the Water System.
- **REPAIRING OR REPLACING OR REMOVING METERS:** The Water System Operator shall have the right to remove, repair or replace any meter at any time it so determines. No meters shall be removed by the Consumer or their Plumber without written permission from the Operator.

## SECTION 7 - BILLING FOR SERVICES

- **METER READING & BASE SERVICE FEE:** Meters will be read semi-annually. Water use charges will be billed in accordance with the current fee schedule (Appendix A). In addition to any water use charges, a Base Service Fee (BSF) will be added to each bill after the initial application for connection to the Water System is received. The BSF Fee ceases only when a house or building is demolished, removed from its site, is declared uninhabitable by a legal authority, or the Consumer elects to “disconnect” from the Water System according to Section 7.9.
- **BILLS PAYABLE:** Bills are payable to the “Town of Wellfleet” and will be sent to the Consumer of Record (or duly appointed representative), to the address provided on the Application for Service or provided by the Consumer. Tenants will not be billed. Consumer shall notify the office of the BWC promptly of any change of mailing address. If a bill is not paid in full within 90 days of the billing date, the account will be considered delinquent.
- **FAILURE TO RECEIVE A BILL:** Failure of the Consumer (or duly appointed representative), to receive a bill does not relieve the Consumer of the obligation of payment, nor from the consequences of non- payment.
- **DELINQUENCY NOTICE:** When bills are not paid in full on or before the due date specified on the Consumer’s invoice, reminder notices shall be sent. Notices shall be sent to the Consumer after

30, 60 and 90 days have elapsed from the due date and full payment has not been received. Failure to pay the delinquent amount specified, after a final notice has been sent to the Consumer via certified mail, will subject the property to municipal water lien processing. The delinquent amount shall be certified by the BWC and delivered to the Assessors for commitment to the Collector to be added to the property tax to which it relates, as provided under Mass. General Laws Chapter 40, Sections 42A – 42F. For bills which are already delinquent beyond these time periods, certification proceedings shall begin immediately with or without such notice. The Turn off for non-payment fee and Turn on for non-payment fee will be \$150 per incident. There is also a Demand shut off notice fee of \$35.

- **SALE OR TRANSFER OF PROPERTY:** The Office of the BWC must be notified prior to the sale, transfer or any change in ownership of property currently serviced by the Water System. A final meter reading and a water service turn off must be scheduled with the Operator, coincident with the transfer. The Office of BWC will provide to the previous owner (or legal representative) the resulting water usage in gallons within the current billing cycle. The new owner must complete an Application for Water Service and follow the process of transferring the ownership of the connection to the new owner and the reinstatement of service. Any outstanding water use or any other charges, and the pro-rating of the Base Service Fee must be adjusted between the buyer and the seller at the time of property transfer. Changes in owner address & billing will become effective at the next regular billing date following the date of notice. Failure of the seller to notify the Office of the BWC of a change of ownership does not alleviate the buyer of any charges due. All charges for any billing period are against the property and whoever the new owner is at the end of the billing period is liable. If owner, prior to transfer, has an outstanding connection fee balance under a WMWS Deferred Payment Agreement, the balance of the connection fee is payable in full before or as a result of the transfer according to the terms of the Agreement.

- **METER MALFUNCTION:** All water passing through a Meter must be paid for. If a Meter malfunctions or fails to register, the Consumer will be charged at the average daily consumption as shown by the Meter when it was in working order, for the corresponding period of two years preceding (or for whatever the preceding service time is, if less).

- **WATER METER:** Any parcel connected to the Water System, must obtain a water meter at the consumer's expense. This Water Meter is the property of the Town of Wellfleet. It provides the water use in gallons for billing the Consumer (or duly appointed representative) and may be tested or inspected at any time for any reason with or without notice. If a Consumer with multiple units wants water meters for each dwelling unit, the additional water meters (and any additional plumbing charges) are the sole responsibility of the parcel owner and must be installed by a licensed plumber according to a plan that must be approved by the Water System Operator. This rate option provided that the semi-annual "service charge" is multiplied by the number of dwelling units. In addition, the "billing block" is also multiplied by the number of units. In a simple 2 dwelling example, the service charge would be multiplied by 2 and the first and subsequent usage blocks would be multiplied by 2. Any usage in excess of the extended block would be billed at the next block rate and so on until the total usage is billed. Separate parcels must be individually metered.

- **ABATEMENT & ADJUSTMENTS:** Abatements will be made for clerical errors, misreads or failure of Water System equipment. Abatements will not be issued for water leaks, or frozen meters unless otherwise allowed by the BOC. The Abatement Procedure for Water Bills is:

- All claims for adjustments of water bills shall be made within thirty (30) days of the billing date.
- The BWC shall, upon written request, consider an abatement of a previously paid water bill.
- The BWC shall hold a hearing with Consumer within forty-five (45) days of receipt of a request for abatement and shall render a decision within forty-five (45) days of the hearing.

- **DISCONNECT FROM WATER SYSTEM:** Any Consumer currently connected to the Water System, that wishes to disconnect, must do so at their own expense. A written request must be submitted to the Office of the BWC. Upon review & approval of this request by BWC and the Board

of Health, the Consumer must hire an approved contractor to disconnect their water service at the water main, as witnessed by the Operator. This work is subject to approval and inspection of the Operator. Once inspected and approved, the water meter must be returned to the Office of the BWC or Operator. A final bill for water use must be paid before the account will be closed. The Consumer is not entitled to a refund of the connection fee. If property owner wishes to connect later, costs, terms and procedures in effect at that future time, will apply.

### **SECTION 8 - PENALTIES**

- Penalties are hereby established for violations not already defined in the Rate Schedule (Appendix A) of these Rules and Regulations as follows:
- First Violation: Penalty applicable upon written notice of violation to Consumer: \$50.00
- Subsequent Violations: Penalty applicable upon and after the eleventh day following written notice of first violation. If a violation remains uncorrected after the tenth day following the original notice, each day after the tenth day shall constitute a separate violation. \$100.00 each violation.

### **SECTION 9 - PRIVATE ROADS**

- Pursuant to the “POLICY & PURPOSE” of the Water System and based upon reasonable engineering, economic, and water need considerations the BWC in its reasonable discretion may cause water supply mains to be installed on private roads as defined in Section 2.12. In addition to said Policy and Purpose, the further policy and purposes applicable to the installation of water mains on private roads includes ensuring the equitable use of the water resources and establishing and maintaining a financially sound and self-sustaining management structure. The decision on whether to cause such water supply mains to be installed will be based on whether the introduction of a water supply main on a private way will address specific water quality issues or address water system design considerations such as closing water main loops.
- Sections 1 through 8 of the Wellfleet Municipal Water System Rules and Regulations and all Amendments thereto are specifically applicable to water supply mains installed on such private roads and service lines, valves and meters connected thereto.
- Appropriate water easements, granting the right to install, inspect, operate, maintain, repair and replace water supply mains and appurtenances, must be granted to the Town, acting by and through the BWC, or waivers of appraisal and damages obtained for the taking of such easements by the BWC, from all property owners who abut the portion of the private way on which the work is to be done or who otherwise have an ownership interest in each such portion.
- The installation of a water supply main on a private road shall not cause or render the Town of Wellfleet or the BWC to be responsible for or liable for the maintenance, repair, or plowing of any such private road on which a water main is installed. The private road after water supply main construction will be returned to a condition equivalent to its pre- construction state.
- Any decision to introduce water supply mains in private roads is limited to private roads in existence as of January 1, 2013. Anyone creating a new private way must bear the burden of introducing all necessary utilities pursuant to the current or future requirements of the Wellfleet Planning Board’s subdivision rules and regulations and the rules and regulations of the Wellfleet Board of Health where applicable.

**SECTION 10 – COLLECTION POLICY**

On August 13, 2013, the Board of Water Commissioners held a Public Hearing to adopt an Effective Collection Policy as follows:

Bills are due and payable when rendered. Unpaid water bills over 90 days are a lien on real estate and will accrue interest at the rate of 14% per annum. A Demand Shut-off Notice of **\$35.00** will be issued on unpaid balances of more than **\$150** and more than 180 days due.

On August 13, 2022, the Board of Water Commissioners held a Public Hearing to adopt new Water Rate Structure and Charges, System Development Charges, and additional fees which were finalized on August 30, 2022.

Connection fees (System Development Charge) and “other service fees” effective starting August 30, 2022. Water usage rates and semi-annual maintenance charges effective November 1, 2022.

**SECTION 11 - AUTHENTICATION**

**Upon due notice and hearing, we the undersigned, Water Commissioners of the Town of Wellfleet, Massachusetts, do this 30<sup>th</sup> Day of August 2022, adopt the foregoing “Rules and Regulations” of the Wellfleet Municipal Water System.**

TOWN OF WELLFLEET  
BOARD OF WATER COMMISSIONERS:

James Hood, Chair Date

Neil Gadwa Date

Curt Felix Date

Catharie Nass Date

Tom Flynn Date

**APPENDIX A**  
**WATER USE RATES AND FEE SCHEDULE**

As adopted by the Board of Water Commissioners,  
As amended February 27, 2023.

Pursuant to the authority given by MGL c. 41, §69B, the Wellfleet Board of Water Commissioners has established the following schedule of prices and rates which must be paid by every consumer as follows:

**WATER USE RATES: SEMI-ANNUAL BILLING PERIOD**

On September 18, 2012, the Board of Water Commissioners held a Public Hearing and adopted a 2.5% annual increase of water usage rates and service fee effective on November 1, 2012, and each consecutive year thereafter.

November 1, 2022, and institute the new connection fees starting August 30, 2022.

On August 30, 2022, the Board of Water Commissioners adopted new rates, and service fees effective on [ Connection fees (System development charge) and “other service fees” effective starting August 30, 2022. Water usage rates and semi-annual maintenance charges effective Nov. 1, 2022]

**SEMI-ANNUAL WATER USE BILLING PERIODS: November through April; May through**

**October:** October and April: Water meters read November and May: Bills mailed to Consumers  
November and May: Payment due upon receipt.

Semi-Annual Charge connected to system will be \$125 per Meter. Paid connection fee for Consumers not tied in will be \$0.00 only if account is current and up to date.

**New Rates as approved on August 30, 2022: Semi-Annual Three Step Rate Meter Method**  
**Semi Annual Minimum Charge: \$125 per dwelling unit**

|  |
|--|
| <b>\$1.40 per thousand gallons from 1 gallon to 20,000 gallons</b> |
| <b>\$9.42 per thousand gallons from 20,001 gallons to 60,000</b>   |
| <b>\$14.40 per thousand gallons from 60,001 and over</b>           |

**METER, FITTING and INSTALLTION FEES and CHARGES (Subject to Market Pricing)**

|   |                                    |
|---|------------------------------------|
| 5/8” Meter & Transponder  | \$350 currently (or Cost Plus 10%) |
| Larger Meters and Transponder                                   | Cost Plus 10%                      |
| Meter related fittings  | Cost Plus 10%                      |
| Inspection fee, per inspection – Trench, and Meter installation | \$150 per inspection minimum 2     |

Note: Most potential connections will have Service sizes less than or equal to 2”. Exceptions are large multi- unit residential & commercial uses.

**OTHER SERVICE FEES:**

|  |  |
|--|--|
| Service Call   | \$150                                      |
| Cross Connection per test (Back Flow) up to twice a year | \$150                                      |
| Service Turn on Visit – Regular working hours            | \$75                                       |
| Service Turn off Visit – Regular working hours           | \$75                                       |
| Frozen Meter (each occurrence)                           | Meter cost & 10% plus inspection fee \$150 |
| Turn off for Non-Payment                                 | \$150                                      |
| Turn on for Non-Payment                                  | \$150                                      |

|  |  |
|--|--|
| Demand Shut off Notice   | \$35   |
| After hours service call (3 hours minimum)                     | \$450  |
| Interest on Overdue Bills                                      | 14% annum .0003836/day                       |
| Return Check Fee (Collected by Town Treasurer)                 | \$35   |
| Late payment fee or Delinquent Account Interest                | See Section 10.                              |
| Final Meter read   | \$50   |
| Research Request   | \$50/hour (no charge first ½ hr.)            |
| Unauthorized use of fire hydrant (each occurrence)             | \$1000                                       |
| Hydrant Use Setup (large volume purchase directly from System) | \$80 & includes 1000 gallons                 |
| Hydrant Use Consumption  | \$20 / 1000 gal after 1 <sup>st</sup> 1000   |
| Meter Tampering charge-(each occurrence) –See Section 3.2      | \$500  |
| Upgrade/Downgrade in meter size                                | Meter cost +10% plus inspection fee of \$150 |

**SYSTEM DEVELOPMENT CHARGE:**

|                               |               |
|-------------------------------|---------------|
| <b>Residential Connection</b> | <b>\$750</b>  |
| <b>Commercial Connection</b>  | <b>\$1500</b> |

\*\*\*Single Dwelling Unit” is defined as any property with a State Description Code of “SINGLE FAMILY” on the most up-to-date version of the Wellfleet Assessor’s Database at the time of the application.

**CONSUMER COST COMPONENTS:**

The total cost to a consumer to connect to the Water System is the SUM of the following:

|    | What  | Make Payment to  | Payment  |
|----|---|--|--|
| 1. | System Development Charge   | Town of Wellfleet  | Due with Application Submission See Appendix A for charge  |
| 2. | Meter & Fitting Costs   | Town of Wellfleet  | Due with Application Submission See Appendix A for costs   |
| 3. | Inspection Charges  | Town of Wellfleet  | First two inspections due with application submission. (Trench inspection and meter installation inspection) Each additional inspections at time of inspection.            |
| 4. | PIPE INSTALLATION FROM curb stop (shut off close to property line) TO YOUR BUILDING.                                  | Contractor who is “approved” by the System for service installations. (Meets competency & licensing requirements as established by System). (List available) | Contractor is hired by and works directly for Consumer. Cost includes all associated expense items such as parts & permits and inspection fees.                            |
| 5. | INTERNAL PLUMBING WORK to connect to the Water System and disconnect your building’s old water source, if applicable. | MA Licensed Plumber  | Plumber is hired by and works directly for Consumer. This cost includes all associated parts such as expansion tanks, connection to water meter, permit & inspection fees. |

**OTHER TERMS:**

- Meter size and Service Size determination: Final decision rests with the Water System Operator, who will consider consumer’s current use of property and any expectations of the property owner.
- Water Meter is the property of Town of Wellfleet.
- Service installation from Curb Stop to within Consumer’s building: Must use a Water System approved contractor (List available from Office of BWC).
- Plumber for internal plumbing work: Must be Massachusetts licensed plumber.
- These rates & charges apply to all parcels within the service area.
- Fire protection taps (Residential & Commercial) require approval of Wellfleet Fire Dept.
- All connections must be inspected by System Operator prior to first-time water turn-on.
- Connection Application can be withdrawn, and all monies refunded 1) if Office of BWC is notified in writing within 90 days of connection application approval notice and the water meter has not yet been installed.
- If Connection Application is denied, all monies received will be refunded within 30 days of denial notification.
- “First billing period” starts upon approval of Consumer’s application and ends when the current billing period ends. This means that the first billing period is at the very least, 1 month in duration and at the greatest, it is 6 months in duration.

**APPENDIX B**  
**Amendment Dates**

**As adopted by the Board of Water Commissioners,  
November 26, 1990, As amended May 7, 1991  
As amended September 24, 2001  
As amended December 6, 2004  
As amended April 19, 2005  
As amended May 10, 2005  
As amended April 5, 2010  
As amended November 30, 2010  
As amended January 18, 2011  
As amended September 18, 2012  
As amended November 6, 2012  
As amended June 25, 2013  
As amended August 13, 2013  
As amended July 21, 2015  
As amended August 30, 2022  
As amended February 27, 2023**

**APPENDIX C**  
**Wellfleet Municipal Water System**  
**Typical Water Supply Installation**