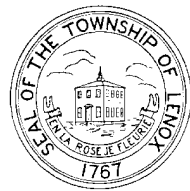


TOWN OF LENOX
REGULATION OF WATER USE

Lenox, Massachusetts



January 1, 1951
(Revised November 20, 2013)

General Information:

Always keep the private stop (curb stop) valve identifiable, accessible and in good working order, so that if a pipe bursts the water can be shut off at once by the occupants of the house. When the house is closed for any length of time, turn the water off at the private stop, thus preventing leaks while the house is vacant.

To avoid explosion of your hot water heater, always open a hot water faucet, when the water is shut off from the property for repairs or other reasons, and do not close until the water is again turned on. To prevent collapse of the hot water tank make sure it is equipped with vacuum valve. The valve protects the tank when water is shut off.

Meters are placed on services to determine the amount of water passing through the service line, so that each consumer shall pay his just proportion of the costs of the Water Department. The meter measures accurately all of the water, whether used or wasted, passing through the line and the consumer should carefully watch for leaks and waste. A considerable portion of the part of the bill chargeable to waste is due to leaks in the flush toilet. Examine toilets frequently.

Rules and Regulations Part of Contract:

The rules and regulations, made by the Town of Lenox as set forth hereinafter, or as they be hereafter altered or amended, shall form part of the contract with every consumer and shall be adhered to, and govern the relations between the Water Department and the consumer, and every consumer who uses the water in fact, is bound thereby.

Responsibility for Payment:

The owner of the property shall be responsible at all times for any and all charges.

Liens:

Liens, interest, and penalties for unpaid charges will be placed on the property in accordance with the General Laws of Massachusetts.

Free Access to Property:

Agents of the Water Department shall have free access to the property served, at all reasonable times, to read and examine meters, to ascertain the amount of water passing through the services, the manner of its use or the possibility of waste, and to shut off water for non-payment, or violation of these rules.

Department Not Liable for Interruptions:

The Department shall not in any way, nor under any circumstances be held liable or responsible, to any person or persons, for any loss or damage from any excess or deficiency in the pressure, volume or supply of water, due to any cause whatsoever. The Department will undertake to use all reasonable care and diligence, to avoid interruptions and fluctuations in service, but cannot and does not guarantee that such will not occur.

Not Liable for Dirty Water:

The Water Department will not be responsible for damages caused by dirty water resulting from the opening or closing of any gates, for repairs, or any other reason, such as the use of hydrants or the breaking of any supply lines.

Not Liable for Shutting of Supply:

The Department will endeavor to give due notice to as many of the consumers affected, as time and character of the work permit, whenever it may become necessary to shut off the supply from any section of the Town, to make repairs or changes or because of a broken main, and will as far as practicable, use every effort of prevent damage or inconvenience; but failure to give notice will not involve the Department in any responsibility, or liability for damage arising from the shutting off of the supply or any subsequent conditions arising there from.

Not Liable for Collapsed Boilers:

The Department reserves the right at any time without notice, to shut off the water supply for the purpose of making repairs, extensions, or other reasons, and all consumers having boilers or other appliances on their premises are hereby warned against danger of collapse from these sources, and are urged to provide check or vacuum valves or other safety devices for their own protection. In any event, the Department expressly stipulates that there shall be no liability for damages resulting there from.

Not Liable for Consumers Plumbing:

The Department will not assume any liability for conditions in the consumer's plumbing or appliances, which may be the cause of trouble, coincident with or following repairs made to any part of the supply system by the Department.

Service Connections:

No persons other than an authorized employee of the Department shall make any tap or connection with any main or distributing pipe of the Town without the Town's permission. All the expense in connection with the introduction and maintenance of service pipes from the street main into any premises must be paid for by the owner of property. The owner must provide a curb stop valve near the curb lines. The property owner will be charged an impact fee prior to making the water connection according to prices in force at the time of the installation. When leaks on the privately owned service line are identified the property owner will make the necessary repairs in the most expeditious manner possible. The Town will attempt to assist the owner's contractor with identifying the location of the leak. The owner shall, in all cases, be liable for charges incurred for repairs to the service pipes and all fixtures installed from the street main to the structure. All work shall be to Town specifications. The owner's contractor shall contact the Lenox Water Department and obtain all required permits prior to performing repair work. The Town does not warranty any Town supplied material that the owner's contractor acquires from the Town. Any Town performed work has a one year warranty from the date of installation. Consumers must keep their water pipes and fixtures in good repair and protected from frost at their own expense. When service lines are renewed, no new service will be allowed until the old service is disconnected at the street main.

Hydrants:

No water shall be used from a fire hydrant except for fire purposes, without a written permit from the Superintendent of Public Works.

Cross Connections:

Service pipes or fixtures of any description, that are connected with the mains of the Water Department, shall not, under any circumstances, be connected with any other source of water supply. All connections shall meet Massachusetts Drinking Water Regulation 310 CMR 22.22.

Meters:

One meter to be located within the building, up to 1" in size, will be provided by the Water Department upon payment of an impact fee and meter fee by the owner or by order of the Superintendent of Public Works. The owner shall be responsible for all costs of installing the meter inside the building. Meters larger than 1" are the owner's responsibility to purchase, but must meet Town specifications. Service pipes greater than 300 feet in length from the town main to the point at which the pipe enters the building shall require a pit meter to be installed, at the owner's expense, as close to the town water main connection as possible but outside of the town right of way. Outside meter installations (pits) are the owner's responsibility to purchase, but must meet Town specifications. If the owner of any premises desires separate meters for multiple tenants he/she must furnish the additional meters at their own expense. Maintenance, including ordinary repairs and replacements of the first 1" or smaller meter only, will be assumed by the Water Department. The size of the meter is to be approved by the Water Department. If water pressure exceeds 80 psi, a pressure reducer shall be installed before the meter at the owner's expense. No faucets or connections of any sort are allowed before the meter. No plastic tubing is allowed before the meter. Services feeding multiple buildings owned by one property owner or association shall be metered by a master main meter. Services feeding fire hydrants shall be metered by a master main meter.

Repairs Chargeable:

Repairs to meters, due to freezing, hot water, or external causes shall be charged to the consumer. The replacement meter will be a radio read style meter.

Meters Must Not Be Removed:

All meters shall be approved by the Water Department and shall not be moved or disturbed except by an employee of the Department. If, in the opinion of the Superintendent of Public Works, the meter installation should be changed, the right is reserved to do so.

Access to Meters:

The property owner must keep the meter within his premises easily accessible for reading and inspection at all times.

Estimating Consumption:

If the meter of any water taker becomes out of order and fails to register the amount used for any billing period, the quantity used shall be determined by the Water Department with reasonable reference to the quantity used in the corresponding billing period of the prior year, or the average daily consumption as shown when the meter was in order.

Meter Testing:

The accuracy of the meter on any premises will be tested by the Department upon request of the consumer. If on such test the meter shall be found to register more water than actually passes through it, the meter will be repaired, and the water bill will be adjusted in accordance with the result of the test.

Right to Prohibit:

The Superintendent of Public Works reserves the right, to restrict the use of water whenever public exigency so requires.

Adjustments:

The Superintendent of Public Works may make abatements or rebates for non-use of water service or other reasons in proper cases. Request for abatements must be submitted with a letter to the Superintendent of Public Works for approval.

When Rates Are Due and Payable:

Bills for water service will be rendered semi-annually on or about May 1, and November 1, and must be paid within thirty days of their postmark date. In the event water rates or other charges remain unpaid after the due date, interest will accrue at 12% per annum, a 10% penalty charge will be assessed after a ten business day grace period, the water may be shut off, and a lien may be placed on the property in accordance with the General Laws of Massachusetts. If water is shut off for non-payment, it will not be turned on again until all charges are paid including the then current charges for shutting off and turning on water. All water passing through the meter must be paid for, whether used or wasted. Minimum bills will be issued until such time as the service is physically removed from the water main, even if there is no usage.

Impact Fees

Impact fees will be calculated based on gallons of estimated Title V sewer flows assessed at the rate in effect at the time of application for connection. Impact fees calculated on all new residential and commercial connections will be assessed at the full rate. Impact fees calculated on residential property additions will be assessed at one half the full rate in effect at that time. The adaptive re-use of existing commercial buildings, within four years of cessation of previous occupancy, plus any addition to that existing building, the total of which does not result in a new estimated flow that exceeds 120% of the previous estimated flow for the original building, will be assessed for the net increase in gallons of estimated flow at one half the full rate in effect at that time. Impact fee for restaurant outdoor seating will be assessed at \$100 per seat and payment may be divided evenly over a five year period.