

Chapter 29

WATER, SEWERS AND DRAINS*

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ARTICLE I. IN GENERAL

Secs. 29-1—29-18. Reserved.

Sec. 29-19. Functions of public works department relative to water distribution and sewerage operations, generally.

(a) The public works department shall provide water distribution. The function of water distribution shall entail all water main construction and repair; all pumping and fluoride station maintenance; all hydraulic inspection and control; all meter reading and maintenance; all water connections to buildings; all stock, requisitioning and control of parts; all operation of construction equipment; all maintenance of water buildings and yards; all recording and charging of customer usage; and any allied function normally associated with water distribution.

(b) The public works department shall undertake all sewerage operations. This function shall include all sewer construction and repair; all sewer connections to buildings; all flushing and rodding; all clearing of stoppages and emergency stoppages; all maintenance of pumps; all the stocking and control of repair parts; all operation of construction equipment; and any other allied functions normally associated with sewer operations. (Rev. Ords. 1973, § 23-2; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81)

Cross reference—Department of public works and duties of commissioner, §§ 25-1 and 25-3

State law references—Public water supplies generally, G.L. c. 40, §§ 38—42;

Sec. 29-20. Records to be kept by commissioner of public works relative to water distribution and sewerage operations.

The commissioner of public works shall keep full complete and detailed records of all his doings and correspondence relative to the functions of water distribution and sewerage operations. He shall also keep records and accounts of all work done by his department in providing for said functions, showing the kind of work done, the location and cost thereof and the account to which it is charged. He shall keep a full record of the name of each

***Cross references**—Recycling and trash, Ch. 11; health and human services, Ch. 12

water taker, the location and description of the building in which the water is used, the character of its use, the kind of service, the quantity supplied and the amount charged therefor, all properly arranged for convenient reference. He shall keep a full record of the amount of water pumped daily, consumed and in store, and generally of all facts pertaining to the condition and use of the works which may be desirable for reference. (Rev. Ords. 1973, § 23-3; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81)

Sec. 29-21. Inspection of records of public works department relative to water distribution and sewerage operations.

All books of accounts and records in the public works department relative to water distribution and sewerage operations shall at all times be open to the inspection of any committee of the board of aldermen designated to examine them. (Rev. Ords. 1973, § 23-4; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81)

ARTICLE II. WATER

Sec. 29-22. Master plan of city water system.

The city engineer shall keep a master plan of the entire water system of the city which shall be amended from time to time to show any additions to or changes in such system. (Rev. Ords. 1973, § 23.5, Ord. No. 190, 12-20-76)

Sec. 29-23. Duty of commissioner of public works to attach meters.

The commissioner of public works shall attach a meter to all services supplying other fixtures than faucets and also to services supplying only faucets where more than three (3) are used. The commissioner of public works shall also furnish meters to all water takers who desire to use them regardless of the fixtures supplied. (Rev. Ords. 1973, § 23-4; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81)

Sec. 29-24. Cost of, and responsibilities for, meters.

(a) All meters of two (2) inches or less hereafter set shall be furnished, maintained and renewed at the cost of the city; provided that any meter damaged as a result of the negligence of a water taker or damaged as a result of freezing, shall be repaired at the expense of the water taker.

(b) The initial purchase of all meters larger than two (2) inches hereafter set shall be the responsibility and at the sole expense of the water taker. All such meters shall conform to the specifications of the commissioner of public works, and shall be installed under the supervision of the commissioner or his designee. Upon installation all such meters shall become subject to the sole control of the city and except as authorized by the commissioner of public works, no person shall thereafter remove, move or re-set such a meter. Upon installation the commissioner of public works shall assume responsibility for maintenance and renewal of such meters; provided that any such meter damaged as a result of negligence of a water taker or damaged as a result of freezing, shall be repaired at the expense of the water taker. (Rev. Ords. 1973, § 23-7; Ord. No. 190, 12-20-76; Ord. No. T-42, 8-14-89)

Sec. 29-25. Failure to keep pipes in good order, protect meter.

The owner and the occupant of the premises in which water is used who fails to protect his meter from frost or fails to keep the service pipes and fixtures in good order and neglects to repair them in three (3) days after they have become defective, or neglects to shut off the water to prevent waste, shall be liable to a forfeiture of two dollars (\$2.00). If such forfeiture is not paid within two (2) days after notice, the water shall be cut off and shall not be cut on until the waste is stopped and the forfeiture paid, together with two dollars (\$2.00) for shutting off and cutting on the water. In case of a second offense within one year the water shall be shut off and shall not be cut on until the payment of such forfeiture, not exceeding ten dollars (\$10.00), as the commissioner of public works shall impose. (Rev. Ords. 1973, § 23-8, Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81)

Sec. 29-26. Inspection of water taker's premises.

All premises where water is taken may at any reasonable time be inspected by a properly authorized officer of the public works department. Full authority is given to the commissioner of public works to order such inspection whenever he shall deem it for the interests of the public works department. (Rev. Ords. 1973, § 23-9; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81)

Sec. 29-27. Service pipes generally.

(a) Service pipes are those water pipes which connect water mains to the water meter serving the premises. All service pipes shall be supplied and laid by the commissioner of public works at the expense of the applicant. Applications for such pipes shall be made upon blank forms furnished at the office of the commissioner of public works. No service pipes shall be furnished or laid until the applicant has deposited the cost of the same, as estimated by the commissioner of public works. When the pipes have been laid and connection made, any cost in excess of the estimated cost shall be paid before the water is turned on and any excess of the estimated cost over the actual cost shall be returned to the applicant.

(b) All service pipes within the street lines shall be maintained and kept in repair, including replacement where necessary, by the public works department.

(c) Unless permission otherwise shall have been granted by the commissioner of public works in accordance with section 29-27(d), all repairs, including replacements, of service pipes outside the street line shall be made by the commissioner of public works at the expense of the owner or occupant. No replacement service pipes shall be furnished or laid until the applicant has deposited the cost of same, as estimated by the commissioner of public works. When the replacement pipes have been laid and connection made, any excess of the estimated cost over the actual cost shall be returned to the applicant. Any cost in excess of the estimated cost of replacement and all other repairs of service pipes shall be promptly billed to the owner or occupant of the premises, and if not paid within thirty (30) days of written demand, the water shall be turned off and not turned on again, except as provided in section 29-33.

(d) Notwithstanding the provisions of subsection (c), when a contractor is engaged in street construction or reconstruction on behalf of the city, the commissioner of public works may grant a license to such contractor to replace existing service pipes outside of the street line for those buildings which are served by a main water pipe located in the street in construction. All such service pipe replacements shall be undertaken pursuant to voluntary private arrangements between the contractor and the owner or occupant of such buildings, and at the expense of the owner or occupant.

Applications for such licenses shall state the estimated cost of the work for each service pipe proposed to be replaced and shall be accompanied by signed statements from all owners or occupants of each of the premises for which a license is sought authorizing the contractor to apply for such license. Applications shall be accompanied by payment of a fee of one hundred dollars (\$100.00) for each street construction or reconstruction project in which the contractor is engaged.

The terms of such licenses shall require that the contractor will cause the excavations to be properly closed up as soon as is reasonably possible; that he will maintain adequate lighting and barriers conspicuously placed over the obstructions from sunset to sunrise; that he will use materials of a quality approved by the commissioner of public works; that he will perform all work in a thorough and workmanlike manner under inspection of the water superintendent; that he will guarantee the same and make good any defects in materials and workmanship and keep and maintain the trenches in repair for a one year period from the completion of the work; and that he will indemnify and hold harmless the city from any damages or cost to which it may be put by reason of damages incurred or injuries sustained by any person resulting from neglect or carelessness in replacing such service pipes, or in not properly fencing or lighting any excavation or obstruction, or in performing any work connected therewith.

Every contractor so licensed, before performing any work by virtue of such license, shall execute a bond to the city in the amount of the estimated total cost of service pipe replacements, and in no case less than five thousand dollars (\$5,000) with good and sufficient sureties licensed to do business in Massachusetts and as approved by the mayor, the condition of which shall be that the licensee shall comply with the terms of the license under which the work is performed and shall furnish the city with a certificate that insurance coverage in an amount satisfactory to the commissioner of public works has been obtained. The contractor shall agree to maintain such insurance until such time that the service pipe replacements have been completed. (Rev. Ords. 1973, § 23-10; Ord. No. 74, 6-2-75; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81; Ord. No. S-141, 10-21-85; Ord. No. V-289, 3-20-00; Ord. No. X-55, 6-16-03)

Sec. 29-28. Extensions of pipes—Notice of proposed extensions; plan.

The city engineer shall establish the lines and grades and locations for all proposed extensions of water mains, service pipes and their appurtenances and shall retain plans showing the same in the files of the engineering division of the department of public works. (Rev. Ords. 1973, § 23-11; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81; Ord. No. V-289, 3-20-00)

Sec. 29-29. Same—Main pipes.

(a) Extensions of main pipes shall only be made when authorized by the board of aldermen. Applications therefor shall be made upon the blanks furnished by the commissioner of public works, upon which shall be endorsed the estimate by the commissioner of public works of the probable cost of the extension desired.

(b) Before any application shall be acted upon, the applicant shall deposit that portion of the estimated probable cost of the extension that is allocable to the property of the applicant in accordance with the provisions of this section. When the extension is laid, any excess of that portion of the actual cost of the extension that is so allocable to the property of the applicant over the amount so deposited shall be paid by the applicant before the water is turned on and any excess of the amount so deposited over that portion of the actual cost of the extension that is so allocable to the property of the applicant shall be returned to the applicant. No property with respect to which the charge imposed by this section shall not have been paid shall be connected to such extension until such charge shall be paid by the owner thereof as though he were an original applicant for such extension. The cost of the extension shall include the cost of the pipes and other materials and of the labor employed in laying them, and other expenses incidental thereto, but shall in no case be greater than the cost of an eight-inch main, which cost and the allocation thereof shall be ascertained and certified by the commissioner of public works.

(c) The portion of the cost of a water main extension allocable to properties served thereby (which the applicant is to pay in accordance with paragraph (b)) shall be:

- (1) In the case of property included in a subdivision approved by the planning board under the provisions of the subdivision control law, the entire cost of such extension, including such extensions as may be necessary to bring the water to such subdivision; or
- (2) In the case of any other property, that portion of the entire cost of the extension which the frontage of such property upon the streets or ways in which the extension is laid is of the total frontage of all the properties on such streets or ways, except other streets or ways or parks and other public grounds not actually connected to such extension.

For the purposes of subparagraph (2) above the word "ways" shall include rights-of-way in private land; contiguous lots in common ownership shall be deemed to be a single property and frontages on streets or ways shall be measured only along that portion of such streets or ways in which the extension is laid, but the commissioner of public works or the board of aldermen shall have the right to require that an extension shall be laid along the entire frontage of any property to be served by it.

(d) The board of aldermen may by order modify the application of any of the preceding provisions of this section in any case in which it determines that a literal application of them would be inequitable or would result in a charge on any particular property greater than the benefit to such property resulting from the extension.

(e) Same - Main pipes.

Applications for extensions of mains through private ways or grounds shall in no case be granted unless the owner thereof executes a proper instrument securing to the city the right of permanent occupation, free from any acts of interference that would affect the safety of the pipe, and securing to the water department free right of entrance for the purposes of inspection and maintenance. For purposes of this paragraph, any owner or owners of real estate abutting on a private way who have by deed existing rights of ingress and egress upon such private way shall be deemed an owner of such private way.

(f) Nothing in this section shall be construed as affecting the right of the board of aldermen to authorize the extension of the water main without guaranty if, upon a vote taken by yeas and nays, two-thirds (2/3) of the members present and voting shall vote to do so. (Rev. Ords. 1973, § 23-12; Ord. No. 190, 12-20-76; Ord. No. S-142, 9-17-85; Ord. No. V-289, 3-20-00)

Sec. 29-30. Bills-City may be divided; how divisions to be billed.

The public works department shall issue bills for each water taker four times per year at intervals of three (3) months. Every alternate bill shall be based on a meter reading in accordance with the rate schedule set out at section 29-36. The commissioner of public works shall issue the remaining bills on the basis of an estimated meter reading and in accordance with such rate schedule, such that each water taker receives actual and estimated bills on an alternating basis. In issuing the estimated bills, the commissioner of public works shall use each water taker's previous meter readings as the basis for estimating the meter reading. (Rev. Ords. 1973, § 23-13; Ord. No. 190, 12-20-76; Ord. No. T-78, 3-5-90)

Sec. 29-31. Same—When due and payable.

All bills shall be due and payable to the city collector-treasurer thirty (30) days from their issuance, for water taken, or estimated by the commissioner of public works to have been taken, during the prior three (3) months; and for rendering service or furnishing materials in connection therewith. If in the opinion of the commissioner of public works circumstances so require, charges for water taken, services or materials may be billed at other times, and if so, bills shall be payable thirty days from their issuance. (Rev. Ords. 1973, § 23-14; Ord. No. 190, 12-20-76; Ord. No. S-164, 4-7-86; Ord. No. T-78, 3-5-90)

State law reference—Authority to establish due dates, G.L. c. 40, § 42A

Sec. 29-32. Same—Where bills and notices to be made out; procedure when made out.

All bills under this chapter and notices thereon properly numbered for identification, shall be made out in the office of the commissioner of public works. Such bills and notices, together with a warrant for their collection, shall be delivered to the comptroller of accounts for forwarding to the city collector-treasurer as soon as made out, and the city collector-treasurer shall thereupon send out the notices and retain the bills until paid. (Rev. Ords. 1973, § 23-15; Ord. No. 190, 12-20-76)

Sec. 29-33. Same—Nonpayment.

In every case of the nonpayment of bills for water, services or materials for thirty (30) days after the same are due, the city collector-treasurer shall cause a written demand to be left at the premises where the water is taken or mailed to the owner or occupant thereof, and unless the bill is paid within thirty (30) days thereafter, together with two dollars (\$2.00) for demand, the city collector-treasurer shall give written notice thereof to the commissioner of public works. Thereupon, the commissioner of public works may cut off the water supply unless such bill is due and

unpaid from another and previous owner or occupant of such building or premises. The water shall not be turned on again until the amount due, together with such fee and two dollars (\$2.00) for turning off and on is paid. (Rev. Ords.1973, § 23-14; Ord. No. 190, 12-20-76; Ord. No. R-54, 2-19-80; Ord. No. R-174, 10-5-81)

Sec. 29-34. Same—Interest when such becomes lien.

If a bill for water charges becomes a lien, it shall bear interest at the rate provided by law from the date it becomes due until it is committed as a part of a tax as provided in chapter 40, section 42D of the General Laws. (Rev. Ords. 1973, § 23-15; Ord. No. 190, 12-20-76)

Sec. 29-35. Liability of occupants, owners of tenements for water rent.

The tenant of any rental unit shall be liable for the payment of the bill for the use of water in such rental unit and the owner shall also be liable. (Rev. Ords. 1973, § 23-16; Ord. No. 190, 12-20-76)

Sec. 29-36. Rates, schedule.

(a) Water rates

- (1) Water takers shall pay a price or rate for water for each quarterly billing period in accordance with the following schedule:

Four dollars and fourteen cents (\$4.14) per hundred cubic feet for consumption from 0 to 20 hundred cubic feet;

Four dollars and ninety-seven cents (\$4.97) per hundred cubic feet for consumption from 21 to 70 hundred cubic feet;

Five dollars and ninety-six cents (\$5.96) per hundred cubic feet for consumption above 70 hundred cubic feet

(2) Multi-dwelling properties

a) For purposes of this subsection, the term *Single Meter/Multi-Residence* shall have the following meaning: A building, buildings, or part of a building which i) is used for residential use only, ii) contains more than one dwelling unit, and iii) receives water delivered through a single service pipe and meter. The term dwelling unit shall have the meaning set out in the definition that appears in section 30-1.

b) For a Single Meter/Multi Residence property, the applicable price or rate shall be determined by dividing the consumption by the number of dwelling units within such property.

- (3) Where water is supplied by the city through a meter that is not in good working order, the commissioner shall use any reasonable, fair, and appropriate method to determine the quantity of water consumed and shall issue the bill on that basis.

(b) Discount program.

- (1) The rates shall be reduced by a discount of thirty percent (30%) for water supplied to dwellings owned and inhabited by any person who is certified by the board of assessors as qualifying under one or more of the tax exemption and deferral programs set out in General Laws chapter 59, section 5, clauses 17D, 18, 41A, and 41C, provided however that said discount shall apply only to:

- a) those bills issued in the name of such person, and
- b) those bills issued during the term of such certification by the board of assessors.

In the event that a person certified hereunder sells the dwelling to which water is supplied, such certification shall terminate as of the date of such sale. The board of assessors shall carry out determinations of eligibility for the water discount program based on qualification for the 41A tax deferral program in accordance with provisions of the General Laws, and not ordinance section 27-10.

- (2) Water users who own and inhabit dwellings and who were approved, on or prior to the effective date of this subsection, for one or more of such tax exemption and deferral programs shall be certified by the board of assessors as eligible for this water discount program as of the effective date of this subsection. Such certification shall continue until the date which is the statutory deadline for application for such tax exemption and deferral programs for the next successive tax year.
- (3) Water users who own and inhabit dwellings and who choose to apply for one or more of such tax exemption and deferral programs and who receive the approval of the board of assessors for such program(s) shall be certified by the board of assessors as eligible for this water discount program as of the date of such approval. Such certification shall continue until the date which is the statutory deadline for application for such tax exemption and deferral programs for the next successive tax year.
- (4) Water users who own and inhabit dwellings and who qualify under one or more of such tax exemption and deferral programs, but for whatever reason, choose not to apply for such program(s) may apply to the board of assessors for certification of eligibility for this water discount program. The board of assessors shall provide forms for such applications and shall within thirty days (30) of receipt of any such application, determine whether such applicant is eligible. The effective date of certification shall be the date of approval by said board, and such certification shall continue for a period of up to one year; provided, however, that all such certifications shall terminate on June 30 of each year.
- (5) Whenever the board of assessors certify that a water user is eligible for this water discount program, said board shall forthwith so notify the water and sewer division. Upon receipt of such notice the water and sewer division shall take the steps necessary to so reduce the bills issued to such water user. (Rev. Ords. 1973, § 23-17; Ord. No. 632, 3-4-74; Ord. No. 75, 6-2-75; Ord. No. 190, 12-20-76; Ord. No. R-74, 7-14-80; Ord. No. R-174, 10-5-81; Ord. No. S-162, 4-7-86; Ord. No. S-162A, 11-16-87; Ord. No. T-27, 6-5-89; Ord. No. T-77, 3-5-90; Ord. No. T-78, 3-5-90; Ord. No. U-5, 4-26-94; Ord. No. V-124, 7-14-97; Ord. No. V-180, 6-15-98; Ord. No. V-123, 5-17-99; Ord. No. V-308, 6-19-00; Ord. No. W-47, 6-20-01; Ord. No. X-22, 7-8-02; Ord. No. X-56, 6-18-03; Ord. No. X-95, 06-21-04; Ord. No. X-98, 07-12-04; Ord. No. X-149, 05-02-05; Ord. No. X-220, 6-19-06; Ord. No. Y-22, 6-4-07; Ord. No. Z-29, 06-02-08; Ord. No. Z-49, 05-18-09; Ord. No. Z-56, 12-07-09)

Sec. 29-37. Charge to be figured independently for each meter; exception.

Except where the properties served are owned, occupied and operated by one owner and not sublet to various tenants, the rates for each meter shall be figured independently of all other meters. (Rev. Ords. 1973, § 23-21; Ord. No. 190, 12-20-76)

Sec. 29-38. Abatements and rebates of charges.

The commissioner of public works is authorized to make abatements and rebates of charges in all proper cases, subject to the right of the comptroller of accounts to disapprove the same on the ground that they are illegal, excessive or fraudulent. He shall certify to the comptroller of accounts the amounts of abatements and rebates for forwarding to the collector-treasurer. (Rev. Ords. 1973, § 23-20; Ord. No. 190, 12-20-76)

State law reference—Abatement of water charges, G.L. c. 40, § 42E

Sec. 29-39. Unmetered service to buildings under construction; fee for same.

The commissioner of public works may furnish unmetered service to one faucet at a building under construction upon the payment in advance of a fee of twenty-five dollars (\$25.00). (Rev. Ords. 1973, § 23-23; Ord. No. 190, 12-20-76; Ord. No. S-163, 4-7-86)

Sec. 29-40. Fee for turning water on or off generally.

Except as otherwise provided in this chapter, the fee for turning on or turning off water shall be twenty-five dollars (\$25.00) in each case. (Rev. Ords. 1973, § 23-24; Ord. No. 190, 12-20-76; Ord. No. S-165, 4-7-86)

Sec. 29-41. Reserved.

Sec. 29-42. Cross-connection control program.

(a) *Purpose*: A cross-connection control program is hereby adopted in the interest of protecting the public potable water supply from the possibility of contamination.

(b) *Responsibility*: The commissioner of public works, or his designee, shall carry out all responsibilities required of a supplier of public water pursuant to the regulations of the Massachusetts Department of Environmental Protection relative to cross-connections, as may be amended from time to time. Such responsibilities shall include, but not be limited to, survey, inspection, testing, reporting, notification and enforcement pursuant to the provisions of such regulations. All such testing of backflow prevention devices shall be conducted by a person who is a certified backflow prevention device tester consistent with the requirements of such regulations.

(c) *Test fee*: A fee of ninety dollars (\$90.00) shall be charged to the owner of the property for each test, as required by regulation, of reduced pressure backflow preventers or double check valve assemblies in use of such property. (Ord. No. T-49, 9-18-89)

State law references—DEP role generally and in cross connections, G.L. c. 111, §§ 160, 160A and 310 Code of Massachusetts Regulations § 22.22

Secs. 29-43—29-57. Reserved.

ARTICLE III. SEWERS

DIVISION I. GENERALLY

Sec. 29-58. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

A.S.T.M.: American Society for Testing Materials.

BOD (denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter.

Building Drain: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning

five (5) feet (1.5 meters) outside the inner face of the building wall.

Building Sewer: The extension from the building drain to the public sewer; also called "house connection" or "private sewer."

City: The City of Newton, Massachusetts.

Commissioner: The commissioner of public works of the City of Newton or his authorized deputy, agent or representative.

Connection: The joining or fastening together of pipes so that substances can be transferred from one pipe to another.

Domestic Waste: Spent water from building water supply to which has been added the waste materials of bathroom, kitchen and/or laundry.

Discharge: The flow of sewage to a point of treatment or otherwise from a sewerage or storm drain system.

Excessive Levels: More than the limits stated within this ordinance, established by the commissioner and/or stated in the M.W.R.A. Rules and Regulations, or levels of such magnitude that, in the judgment of the commission, may:

- (1) cause damage to any facility, be harmful to the wastewater treatment process or reduce its efficiency,
- (2) not be removed in the waste water treatment plant to the degree required to meet the Federal Water Pollution Control Act of 1972, Public Law 92-500,
- (3) create any hazard in the receiving waters,
- (4) exceed the capacity of the M.W.R.A. Sewerage System, or
- (5) otherwise endanger life, limb or public property or constitute a public nuisance.

Garbage: Wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial Wastes: Any solid, liquid or gaseous wastes resulting from industrial, manufacturing, trade, or business operations or processes, exclusive of garbage and domestic waste.

M.W.R.A.: The Massachusetts Water Resources Authority

Owner: A person, as defined below, who holds title jointly, in common, or by the entirety, or who holds the entire fee.

Person: Any individual, firm, company, association, society, trust, trustee, corporation, partnership, municipality or other governmental unit.

pH: The logarithm of the reciprocal of the hydrogen ion concentration expressed in moles per liter. (Neutral water for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7}). Measurement is to be made by the electrometric method unless substitution of the colorimetric method has been approved by the M.W.R.A.

Properly Shredded Garbage: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in

public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Public Sewer: Every sewer laid in any land, easement, street or way, public or private, to which all owners of abutting properties have equal rights, and which is controlled by the city. No building sewer shall be deemed to be a public sewer even if such sewer is located in any land, street or way, public or private.

Receiving Waters: Any water course, river, pond, ditch, lake, aquifer, ocean or other body of surface or groundwater receiving discharge of wastewater or effluent.

Sanitary Sewage: Liquids or water carrying human and domestic wastes from residences, commercial buildings, industrial plants, and institutions, exclusive of ground, storm and surface water and exclusive of industrial wastes.

Septage: The liquid and solid wastes of sanitary sewage origin that are removed from a cesspool, septic tank or similar receptacle.

Sewage: A combination of the liquid and water carried wastes from residences, businesses and commercial buildings, institutions and industrial establishments, together with minor quantities of ground, surface and stormwaters that are not admitted intentionally.

Sewage Treatment Plant: Any arrangement of devices and structures used for treating sewage.

Sewage Works: All facilities for collecting, pumping, treating and disposing of sewage.

Sewer: A pipe or conduit for carrying sewage; may be called a "sanitary sewer."

Sludge: Waste containing varying amounts of solid contaminants removed from water, sanitary sewage waste water or industrial wastes by physical, chemical or biological treatment.

Slug: Any discharge of water or sewage which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation, and which may adversely affect the sewerage system.

Suspended Solids: Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids and which are removable by laboratory filtering procedure as described in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association.

Toxic Wastes: Wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to (1) injure or interfere with any sewage treatment process, (2) constitute a hazard to humans or animals, (3) create a public nuisance or (4) create any hazard in the receiving waters of the sewage treatment plants, and those wastes so specified in the Rules and Regulations of the M.W.R.A. and in the Water Pollution Control Act of 1972, Public Law 92-500.

Unpolluted Water: Water of quality equal to or better than the effluent criteria established by state and federal agencies, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and sewage works provided.

W.P.C.F.: Water Pollution Control Federation.

Where terms have not been defined, they shall have their ordinarily accepted meanings or such as the context may imply. (Rev. Ords. 1973, § 18-2; Rev. Ords. 1979, § 29-58; Ord. No. R-153, 6-17-81)

State law references—Betterments generally, G.L. c. 80; sewers generally, G.L. c. 83; authority to regulate use of sewers, G.L. c. 40,

§ 21(5); G.L. c. 83, § 10; G.L. c. 111, § 127; sewer use regulations, 360 Code of Massachusetts Regulations Chapter 10.000

DIVISION 2. BUILDING SEWERS AND CONNECTIONS

Sec. 29-59. Building sewers—When to be provided.

A separate and independent building sewer shall be provided for every building on which construction begins after July 17, 1981. If such a building sewer cannot be constructed with a length of 200 feet or less from the building drain to the public sewer without encroaching on the privately owned property of another, the owner must, at his own expense (1) obtain any necessary easements over the privately owned property of another which would allow the extension of the sewer through such property and/or (2) provide one manhole for every two hundred (200) feet of the building sewer. All building sewers shall be built in straight lines between manholes. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, to the extent allowed by law. (Rev. Ords. 1973, § 18-25; Ord. No. 90, 10-6-75; Rev. Ords. 1975, § 29-85; Ord. No. R-153, 6-17-81)

Sec. 29-60. Installation of building sewers.

(a) Unless permission otherwise shall have been granted by the commissioner in accordance with section 29-61, all work related to the installation of building sewers or sewer connections shall ordinarily be performed by employees of the city.

(b) In cases in which the city is engaged, except in exigent circumstances as described in (c), the commissioner shall require the applicant to produce a certificate from the city collector-treasurer that the amount of cost of installing the building sewer, as estimated by the commissioner, has been deposited with the city collector-treasurer, before such building sewer is laid. Except in exigent circumstances, the commissioner shall, before beginning work on any building sewer, require execution of an agreement providing that the final cost of such work, even though in excess of the estimated amount deposited, will be paid within thirty (30) days after the rendering of the bill.

(c) Notwithstanding the ordinary prepayment procedure described in (b), the commissioner shall perform work related to the installation of building sewers or sewer connections on existing residential buildings upon notification by the board of aldermen of the board's determination that exigent circumstances exist and that betterments are to be assessed. The board may make a determination of exigent circumstances on the basis of an existing health hazard or the applicant's financial hardship. In making such determinations, the board shall consult with the health and human services commissioner and shall consult as a guideline relative to financial hardship the lower income schedule annually issued by the U.S. Department of Housing and Urban Development for use in the Section 8 housing program.

Where the board determines exigent circumstances to exist, assessments shall be made upon the owners of estates for the final cost of all work related to the installation of building sewers or sewer connections. The amount assessed and certified by the mayor and aldermen shall be entered upon the plan proposed for assessment and shall form a lien against the estate until the same is paid. The city clerk shall furnish the city collector-treasurer and the comptroller of accounts with a certified copy of such schedule with the order of the board of aldermen thereon, as approved by the mayor. (Rev. Ords. 1973, §§ 18-26, 18-28; Ord. No. 90, 10-6-75; Rev. Ords. 1979, §§ 29-86, 29-88; Ord. No. R-153, 6-17-81; Ord. No. S-84, 9-17-84; Ord. No. X-175, 05-26-05)

Sec. 29-61. Same—Requirements for private installation.

In exceptional cases, as determined by the commissioner upon receipt of an application and payment of a fee of one hundred dollars (\$100.00), the commissioner may license contractors or individuals of established reputation to

perform the work, as described in section 29-60 above. Every person so licensed, before performing any work by virtue of such license, shall execute a bond to the city in the sum of not less than five thousand dollars (\$5,000.00), with good and sufficient sureties licensed to do business in Massachusetts and as approved by the mayor, conditioned that the licensee shall comply with the terms of the license under which the work is performed; that he will cause the excavations to be properly fenced along the street line; that he will maintain adequate lighting and barriers conspicuously placed over the obstructions from sunset to sunrise; that he will properly make all connections and joints in every building sewer constructed by him and will leave no obstructions of any description in such building sewer; that he will properly close up the excavation; that he will use materials of a quality approved by the commissioner of public works; that he will perform all work in a thorough and workmanlike manner under inspection of the commissioner of public works; that he will guarantee the same and make good any defects in materials and workmanship and keep and maintain the trenches in repair for a period of six (6) months from the completion of the work; and that he will indemnify and hold harmless the city from any damages or cost to which it may be put by reason of damages or injuries sustained by any person resulting from neglect or carelessness in making or repairing such sewer, or in not properly fencing or lighting any excavation or obstruction, or in performing any work connected therewith. (Rev. Ords. 1973, §§ 18-10, 18-11, 18-12; Rev. Ords. 1979, §§ 29-66, 29-67, 29-68; Ord. No. R-153, 6-17-81; Ord. No. V-289, 3-20-00; Ord. No. X-55, 6-16-03)

Sec. 29-62. Existing building sewers—When they may be used.

Existing building sewers may be used in connection with newly constructed buildings only when, upon examination and test by the commissioner, they are found to meet all requirements of this chapter. (Ord. No. R-153, 6-17-81)

Sec. 29-63. Construction to conform to codes.

The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the State Building and Plumbing Codes and any other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Rev. Ords. 1979, §§ 29-89, 29-91, 29-92; Ord. No. R-153, 6-17-81)

Sec. 29-64. Elevation of building sewer at building; exception.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such building drain shall be lifted by a means approved by the commissioner as being sufficient to lift the volume of sewage anticipated and to assure that a nuisance condition will not result from the operation thereof and be discharged to the building sewer. (Ord. No. R-153, 6-17-81)

Sec. 29-65. Connection of sources of ground and surface waters to public sewer forbidden.

No person shall connect or maintain connections of roof drains, roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer. (Rev. Ord. 1973, § 18-12; Rev. Ords. 1979, § 29-68; Ord. No. R-153, 6-17-81)

Sec. 29-66. Connection to public sewer to conform to codes.

The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Codes, any other applicable rules and regulations of the city, and the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be

made gastight and watertight. When conformance thereto is not possible, the commissioner may grant exceptions to the prescribed procedures and materials, provided such exceptions do not conflict with applicable statutes, ordinances, or state codes, and will not, in the opinion of the commissioner, contribute to a nuisance condition. (Ord. No. R-153, 6-17-81)

Sec. 29-67. Connections involving gasoline-using establishments.

Garages and other establishments where gasoline is used or where wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients can be discharged and are connected with public sewers, shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the commissioner and shall be located so as to be readily and easily accessible for cleaning and inspection. (Ord. No. R-153, 6-17-81)

Sec. 29-67A. Sewer cleaning fees.

Whenever the city is engaged to rod-out, unclog or otherwise clean a building sewer, a fee shall be charged. Except in those cases involving excavation, such fees shall be as follows:

\$25.00 flat rate for a service call during normal hours;

\$75.00 flat rate for a service call during overtime hours.

(b) All charges for services under this section shall be billed and collected in the same manner as is provided for sewer use charges pursuant to section 29-80 subsections (d) through (i). (Ord. No. V-93, 10-21-96)

DIVISION 3. PUBLIC SEWERS

Sec. 29-68. Restrictions on entry, etc., into public sewers.

No person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the commissioner. The acquisition of such permission shall not relieve the holder thereof of the responsibility of obtaining any permits from any other city department and/or the M.W.R.A. required by ordinance, statute, code, or regulation. Any person proposing a new connection into the system or a change in the volume or character of pollutants that are being discharged into the system which may result in a change in the characteristics of discharge which (1) constitutes fifteen (15) percent or more of the limitations specified in section 29-76(c); (2) exceed any limit specified in section 29-76(c); or (3) result in the discharge of water or waste specified in section 29-76(b), shall notify the commissioner at least forty-five (45) days prior to the proposed change or connection. (Rev. Ords. 1973, § 18-25; Ord. No. 90, 10-6-75; Rev. Ords. 1979, § 29-85; Ord. No. R-153, 6-17-81)

Sec. 29-69. Public sewers, order required to lay, connect.

(a) No public sewer shall be laid or connected with any existing public sewer until both of the following conditions have occurred: (1) the board of aldermen has ordered the extension of such sewer and (2) the commissioner of public works has received prepayment for installation of at least one building sewer which will be served by such public sewer; provided, however, that the commissioner's issuance of a license for installation of building sewer by private contractor pursuant to section 29-61 shall be deemed to satisfy this prepayment condition.

(b) The board of aldermen shall not make an order for the extension of a public sewer until said board has held a public hearing and determined that the petitioner(s) for such sewer extension has received estimates of all costs associated with connecting to the proposed public sewer.

(c) The board of aldermen shall schedule such public hearings so as to minimize the length of time between the public hearings and the anticipated construction date, taking into consideration the availability of funding and, where applicable, the existence of any public health emergency as determined by the health and human services commissioner. (Rev. Ords. 1973, § 18-3; Rev. Ords. 1979, § 29-60; Ord. No. R-153, 6-17-81; Ord. No. T-231, 7-13-92; Ord. No. X-175, 05-26-05)

Sec. 29-70. Duty of city engineer as to construction of common sewers; plans and profiles thereof.

The city engineer shall make and prepare all needed specifications describing and governing the work of construction, and shall make plans and profiles of all common sewers showing their locations with reference to other sewers and the street lines. Such plans and profiles shall be filed in the office of the city clerk, and after being so filed, shall be deposited in the office of the engineering division of the department of public works, which shall be deemed a part of the office of the city clerk for the keeping of such plans. The city engineer shall keep an accurate account of the cost and expenses of each common sewer. (Rev. Ords. 1973, § 18-2; Rev. Ords. 1979, § 29-59; Ord. No. 153, 6-17-81; Ord. No. V-289, 3-20-00)

State law reference—Provision authorized, G.L. c. 40, § 21(5)

Sec. 29-71. Installation cost of new public sewers—City to pay fifty percent.

A minimum of fifty per cent (50%) of the cost of installation of new public sewers shall be paid by the city. (Rev. Ords. 1973, § 18-6; Rev. Ords. 1979, § 29-62; Ord. No. R-153, 6-17-81)

Sec. 29-72. Same—Assessments upon owners of estates passed by new sewers.

(a) Assessments of that part of the cost of installation of new public sewers not borne by the city shall be made upon owners of estates the frontage of which is passed in any part by said new sewer. The assessment shall be at a fixed uniform rate based upon the estimated average cost of such sewers, both according to the frontage of such estates which is passed by the sewer and according to the area of such estates within a fixed depth of one hundred twenty-five (125) feet from such street or way, but no assessment in respect to any such estate which by reason of its grade or level or for any other cause cannot be drained into such sewer shall be made, certified or notified until such incapacity is removed. Where such estates abut upon more than one street or way, such assessments shall be assessed upon one such street or way, and upon so much of such other street as is not exempted by the board of aldermen. The board may exempt from assessment so much of the frontage on such other street as it deems just and equitable.

(b) The fixed uniform rate to be assessed upon estates is established at one dollar (\$1.00) upon each foot of frontage on any street or way where a sewer is constructed, and twenty-five cents (\$.25) upon each square foot of area within a fixed depth of one hundred twenty-five (125) feet from such street or way, the same having been so found and determined.

(c) No such assessments shall be made upon owners of lots having frontage on any street or way in which a sewer shall have been constructed under bond by the developer of a subdivision pursuant to rules and regulations of the planning board. (Rev. Ords. 1973, § 18-7; Ord. No. 50, 1-20-75; Rev. Ords. 1979, § 29-63; Ord. No. R-153, 6-17-81; Ord. No. T-231, 7-13-92)

State law reference—sewer betterments, G.L. c. 83 § 15

Sec. 29-73. Same—Owners of estates not liable to assessments.

Owners of estates or parts of estates not liable to assessments as set forth in section 29-72, or not in fact assessed, shall pay for the use of public sewers for the disposal of their sewage from such estates or parts of estates such reasonable sum as the board of aldermen shall determine. (Rev. Ords. 1973, § 18-8; Rev. Ords. 1979, § 29-64; Ord. No. R-153, 6-17-81)

Sec. 29-74. Same—Plan of estates to be assessed therefor; entry of assessments thereon; assessments to be lien until paid.

Upon notification by the board of aldermen of the board's intent to lay out or construct a public sewer, the city engineer shall prepare and submit to the board of aldermen plans of the estates to be assessed pursuant to this chapter showing the owners' names, frontages and areas, together with a schedule showing the assessments on the estates abutting and benefited. The amount ascertained, assessed and certified by the mayor and aldermen shall be entered upon the plan prepared for assessment and shall form a lien against the estate until the same is paid. The city clerk shall furnish the city collector-treasurer, the comptroller of accounts and the engineering division of the department of public works with a certified copy of such schedule with the order of the board of aldermen thereon, as approved by the mayor. (Rev. Ords. 1973, § 18-9; Rev. Ords. 1979, § 29-65; Ord. No. R-153, 6-17-81; Ord. No. V-289, 3-20-00)

Sec. 29-75. Same—Collection of assessments therefor; apportionment of assessments.

The city collector-treasurer, upon receipt of the certified copy of the schedule of assessments pursuant to section 29-74 with the order thereon, shall send notices to the parties named therein with demand of payment of the amount assessed, and such amount shall be due and payable thirty (30) days after the assessment list has been committed to the collector-treasurer, after which time interest shall be charged thereon at the highest rate allowed by law, provided that if at any time before demand for payment by the collector-treasurer under the provisions of Chapter 60 of the General Laws, the owner of land assessed gives notice to the board of assessors to apportion such assessment, or if the board in its discretion makes such apportionment at any time before the proceedings for the enforcement of the collection without such notice to the board, such assessment shall be due and payable as provided by law and the first part of such apportionment, with interest thereon at the highest rate allowed by law, shall be added to the next annual tax bill thereafter. The board of assessors shall furnish to the city collector-treasurer and the comptroller of accounts a certificate of all assessments apportioned as above. (Rev. Ords. 1973, § 18-10; Rev. Ords. 1979, § 29-66; Ord. No. R-153, 6-17-81)

Sec. 29-76. Discharge of certain waters or substances forbidden.

(a) No person shall discharge or cause to be discharged into any public sewer any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, unpolluted industrial process waters or any other substances, waters or wastes which the commissioner or the M.W.R.A. has identified as likely, either singly or by interaction with other substances, to:

- (1) harm either the sewerage system or the water treatment process,
- (2) be otherwise incompatible with the treatment process,
- (3) cause a violation of the federal or state discharge permits issued to the commission,
- (4) adversely affect receiving waters,
- (5) endanger life, limb, or public property, or
- (6) constitute a nuisance.

(b) Specifically, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.

- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the sewage works or the receiving waters of the sewage treatment plant.
- (3) Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to: ash, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc.

(c) Substances or materials with any or all of the following characteristics shall not be discharged into the public sewers without the approval of the commissioner and/or the M.W.R.A.

- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65° C).
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) F (0° and 65° C) in excess of one hundred (100) mg/l.
- (3) Any garbage that has not been properly shredded as defined in section 29-58.
- (4) Any waters or wastes containing strong acid iron-pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic metals, or a toxic pollutant in toxic amounts as defined in standards or guidelines issued pursuant to section 307 (a) of Public Law 92-500 or as established by the commissioner and/or the M.W.R.A.
- (6) Any waters or wastes containing phenols, or other taste-producing or odor-producing substances, in such concentrations as to exceed limits which may be established by the commissioner and/or the M.W.R.A. as necessary to meet the requirements of state, federal or other public agencies.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the commissioner and/or the M.W.R.A. to comply with applicable state or federal regulations.
- (8) Materials which exert or cause:
 - a) Unusual concentrations of inert suspended solids (such as, but not limited to, sand, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant, or as to cause wastes received at the sewage treatment plant to exceed limits established by the M.W.R.A.

d) Unusual volume of flow or concentration of wastes constituting slugs.

(9) Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of state, federal or other public agencies.

(10) Any waters or wastes which, by interaction with other water or wastes in the public sewers, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to the sewage works.

(11) No municipality shall discharge or cause to be discharged or allow to be discharged into any metropolitan sewer or any sewer tributary thereto any septic tank or cesspool cleanings or any sewage or industrial wastes which originate in any territory outside the limits of the Metropolitan Sewerage District.

(d) The commissioner and/or the M.W.R.A. may allow the discharge of substances in concentrations greater than those set forth in paragraph (c), on a case-by-case basis, when the user demonstrates that the discharge will not contribute to nuisance conditions. In giving such approval, the commissioner and/or the M.W.R.A. shall limit discharges of the above-described substances and materials to concentrations and quantities which, in his opinion, will avoid the following adverse effects: deterioration in quality of the receiving waters; damage to life, limb or public property; damage to, or impairment of the operation of, the sewage works; or creation of a nuisance. Such approval shall be made in accordance with the provisions set forth by Public Law 92-500, and shall consider all relevant factors, such as the quantity of subject waste in relation to flows and velocities in the sewers, the sewage treatment process employed, capacity of the sewage works, and degree of treatability of the sewage. Limitations more restrictive than those in paragraph (c), subparagraphs (1) through (11) above may be prescribed, if necessary, to avoid the adverse effects described herein.

(e) Before accepting into the public sewers any sewage containing materials which have any of the characteristics listed in paragraph (c), subparagraphs (1) through (11) above, the commissioner may, in exercise of his authority to limit discharges as provided above, require any or all of the following:

(1) Pretreatment of the sewage to an acceptable condition.

(2) Restriction of rates and quantities of discharge.

(3) Payment of a surcharge for handling and treating the sewage, to cover any resulting additional cost not covered by other charges imposed under this chapter.

If the commissioner and/or the M.W.R.A. permits the pretreatment or equalization of waste flows, to bring a discharge into compliance with this section, the design and installation of the plants or equipment used shall be subject to review and approval of the commissioner and the M.W.R.A. consistent with the standards of all applicable federal, state, and city codes, ordinances and laws. All such plants or equipment shall be maintained continuously in satisfactory and effective operation by the owner at his expense. In maintaining such plants and equipment the owner shall be responsible for the proper removal and disposal by appropriate means of any residue and shall maintain records of the dates and means of disposal, which are subject to review by the commissioner and the M.W.R.A. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by licensed waste disposal firms.

(f) The commissioner and/or the M.W.R.A. may refuse to accept into the public sewers any sewage which contains materials having any of the characteristics listed in paragraph (c), subparagraphs (1) through (11), above, when necessary to avoid the adverse effects described in paragraph (d) herein. (Rev. Ords. 1973, § 8-4; Rev. Ords. 1979, § 29-41; Ord. No. R-153, 6-17-81)

Editor's note—Paragraph (c)(11) originally provided for municipal discharge for non-MDC originating sewage, etc., by permission until 12-31-79.

Cross reference—360 Code of Massachusetts Regulations Chapter 10.000

Sec. 29-77. Control manholes, etc.

The owner of any property serviced by a building sewer carrying industrial wastes shall within a reasonable time, but in no event to exceed six (6) months, install a suitable control manhole or other structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole or other structure shall be accessibly and safely located. Construction shall not begin on such manhole or other structure until the plans for the same are approved by the commissioner, who shall grant such approval if the plans appear adequate, under accepted engineering practices, to accomplish the purposes and requirements of this section. The manhole or other structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Ord. No. R-153, 6-17-81)

Sec. 29-78. Information to be given to commissioner upon request.

The commissioner may require any person discharging industrial wastes to provide information needed to determine compliance with this ordinance. These requirements may include but are not limited to:

- (1) Sewage discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of sewage conducted by an approved wastewater testing laboratory.
- (3) Information on raw materials, processes and products affecting sewage volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of sewage pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer. (Ord. No. R-153, 6-17-81)

Sec. 29-79. Standards for waste analysis.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be conducted in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be conducted at the control manhole or other structure provided, or upon suitable samples taken at said structure. In the event that no special manhole or other structure has been required, the control manhole shall be a sampling point, determined by the commissioner or, should none be established, shall be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to determine the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property and to determine the existence of damage or impairment to the operation of the sewerage works. (Ord. No. R-153, 6-17-81)

Sec. 29-80. Sewer /Stormwater use charge.

- (a) Every estate whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a

charge for the use of main drains, stormwater facilities and sewage works.

(b) Sewer/Stormwater rates

(1) Such sewer/stormwater use bills shall be issued on a quarterly basis. Each sewer/stormwater use bill shall consist of two components as follows:

a) A charge for use of main drains and stormwater facilities:

for properties the principal use of which is residential: \$6.25 per quarter

for all other properties: \$37.50 per quarter

b) a charge for use of sewer, which charge shall be made in proportion to water consumption, based on the water meter reading, or estimate water meter reading, for the same property, for the prior quarterly billing period at the following schedule of rates or prices:

Eight dollars and twenty-eight cents (\$8.28) per hundred cubic feet for consumption from 0 to 20 hundred cubic feet;

Nine dollars and ninety-four cents (\$9.94) per hundred cubic feet for consumption from 21 to 70 hundred cubic feet;

Eleven dollars and ninety-three cents (\$11.93) per hundred cubic feet for consumption above 70 hundred cubic feet;

(2) Multi-dwelling properties

a) For purposes of this subsection, the term *Single Meter/Multi-Residence* shall have the following meaning: A building, buildings, or part of a building which i) is used for residential use only, ii) contains more than one dwelling unit, and iii) receives water delivered through a single service pipe and meter. The term *dwelling unit* shall have the meaning set out in the definition that appears in section 30-1.

b) For a Single Meter/Multi-Residence property, the applicable price or rate for use of sewer shall be determined by dividing the consumption by the number of dwelling units within such property.

(3) Where water is supplied by the city through a meter that is not in good working order, the commissioner shall use any reasonable, fair, and appropriate method to determine the quantity of water consumed and shall issue the sewer use bill on that basis.

(c) Such charges shall be reduced by a discount of thirty percent (30%) for those dwellings which are owned and inhabited by any person who is certified as eligible for the water discount program described in section 29-36(b). Whenever the board of assessors determines that a person is eligible for such water discount program, such board shall also determine said person to be eligible for a discount from the sewer/stormwater use charges pursuant to this section, which certification shall continue for the same term as such person's certification for the water discount program; and said board shall forthwith so notify the Water and Sewer Division. Upon receipt of such notice, the Water and Sewer Division shall take the steps necessary to so reduce the bills issued for the use of sewer/stormwater use.

(d) All bills issued under this section, properly numbered for identification, shall be made out in the office of the commissioner. Such bills, together with a warrant for their collection, shall be delivered to the comptroller of accounts for forwarding to the city collector-treasurer as soon as made out, and the city collector-treasurer shall

thereupon assume responsibility for such collection. Bills shall be due and payable thirty (30) days from their issuance.

(e) All charges shall constitute a lien upon the land connected with the public sewer from the time of assessment and shall continue for the same period and under the same conditions as a lien established under General Laws, Chapter 80.

(f) If a bill for sewer use becomes a lien, it shall bear interest at the rate provided by law from thirty (30) days after the date of billing until it is committed as part of a tax.

(g) The occupant of any building shall be liable for the payment of the sewer use charge for such building, and the owner shall also be liable.

(h) Except where the properties served are owned, occupied and operated by one owner and not sublet to various tenants, the rates for each meter shall be figured independently of all other meters. In multiple tenant properties served by one meter, the rates shall be based upon water usage recorded from said meter billed to the owner accordingly.

(i) The commissioner is authorized to make abatements and rebates of charges when disproportionate to the service rendered. The commissioner shall certify to the comptroller of accounts the amounts of abatements and rebates for forwarding to the city collector-treasurer. (Rev. Ords. 1973, § 18-18; Rev. Ords. 1979, § 29-64; Ord. No. R-153, 6-17-81; Ord. No. T-28, 6-5-89; Ord. No. T-77, 3-5-90; Ord. No. T-78, 3-5-90; Ord. No. U-5, 4-26-94; Ord. No. V-76, 5-1-96; Ord. No. V-124, 7-14-97; Ord. No. v-180, 6-15-98; Ord. No. V-123, 5-17-99; Ord. No. V-308, 6-19-00, Ord. No. W-47, 6-20-01; Ord. No. X-22, 7-8-02; Ord. No. X-56, 6-18-03; Ord. No. X-95, 06-21-04; Ord. No. X-98, 07-12-04; Ord. No. X-212, 05-24-06; Ord. X-220, 6-19-06; Ord. Y-22, 06-04-07; Ord. No. Z-29' 06-02-08; Ord. No. Z-49, 05-18-09; Ord. No. Z-56, 12-07-09)

Historical note—Ord. Nos. T-77 and T-78 permitted certain estates with garden sprinkler meters to be billed on a water use basis only for water consumed prior to 12-30-90.

DIVISION 4. PROTECTION FROM DAMAGE

Sec. 29-81. Damage, etc., to sewage works forbidden.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. (Ord. No. R-153, 6-17-81)

Sec. 29-82. Laying of other pipes, etc., not to obstruct; removal.

Whenever any street is opened for laying or repairing any utilities or for any other purpose, the work shall be executed so as not to obstruct the course, capacity or construction of a public sewer. When any pipe or conduit shall be found to exist in such location as to interfere with the building of any public sewer, the person having charge of or maintaining the same shall, on notice, at once remove, change or alter such pipe or conduit, in such a manner as the commissioner shall direct; and if said person neglects or refuses to do so, the commissioner may make such removal, change or alteration at the expense of the party so notified. In instances involving conflicts with other municipal utilities the city engineer shall provide the necessary revisions in locations and grade which must be followed to resolve such conflicts. (Rev. Ords. 1973, § 18-4; Ord. No. 90, 10-6-75; Rev. Ords. 1979, § 29-61; Ord. No. R-153, 6-17-81)

Sec. 29-83. Duty to maintain building sewers in proper working order; failure to maintain after notice.

Whenever any building sewer connecting with any public sewer shall become clogged, broken, obstructed, out of order or detrimental to the use of a public sewer, or unfit for carrying sewage, the owner, agent, occupant or person having charge of any building or lot of land or premises in which such building sewer is located shall, upon written notification by the commissioner, remove, reconstruct, alter, clean or repair such building sewer as the condition thereof may require. In case of neglect or refusal to comply with such notice within five (5) days after the same is given, the commissioner may cause the building sewer to be removed, reconstructed, repaired, altered or cleaned, as he may deem expedient, at the expense of such owner, agent, occupant or other person so notified, who shall also be liable to a penalty of not more than twenty dollars (\$20.00) for such neglect or refusal. (Rev. Ords. 1973, § 18-30; Ord. No. 90, 10-6-75; Rev. Ords. 1979, § 29-90; Ord. No. R-153, 6-17-81)

DIVISION 5. POWERS AND AUTHORITY OF INSPECTORS

Sec. 29-84. Recourse of commissioner when entry is denied.

No owner, occupant, or other person shall refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to properties by the commissioner where inspection is sought in order to assure compliance with applicable ordinances, statutes, codes and/or regulations. (Ord. No. R-153, 6-17-81)

Sec. 29-85. Occupant to be held harmless for damages; exceptions.

While performing the necessary work on private properties referred to in section 29-84 above, the commissioner or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the occupant and the city shall indemnify the occupant against loss or damage to its property by city employees, except as such may be caused by negligence or failure of the occupant to maintain safe conditions. (Ord. No. R-153, 6-17-81)

Sec. 29-86. Commissioner permitted to enter properties with easement.

The commissioner and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds any sewer easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry, and any subsequent work on said easements, shall be done in full accordance with the terms, if any, of the easement pertaining to the private property involved. (Ord. No. R-153, 6-17-81)

DIVISION 6. PENALTIES

Sec. 29-87. Violators to be served with notice.

Any person found to be violating any provision of this chapter except Article IV shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. No. R-153, 6-17-81)

Sec. 29-88. Fine for continued violation.

Any person who shall continue any violation beyond the time limit provided for in a notice, shall be subject to a fine not to exceed two hundred dollars (\$200.00). Each day in which any such violation continues shall be deemed a separate offense. (Ord. No. R-153, 6-17-81)

Sec. 29-89. Liability of violators.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Ord. No. R-153, 6-17-81)

DIVISION 7. VALIDITY

Sec. 29-90. Conflicting ordinances repealed.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. No. R-153, 6-17-81)

Sec. 29-91. Invalidity of one part not to affect other parts.

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts. (Ord. No. R-153, 6-17-81)

Sec. 29-92. Compliance with M.W.R.A. regulations.

No provision in this sewer use ordinance shall contravene nor render ineffective any lawfully established rules and regulations of the Massachusetts Water Resources Authority. (Ord. No. R-153, 6-15-81; Ord. No. R-180, 11-2-81)

Secs. 29-93—29-111. Reserved.

ARTICLE IV. DRAINS

DIVISION 1. GENERALLY

Sec. 29-112. Definitions.

For the purposes of this article the following words shall have the meanings respectively ascribed to them in this section:

Drain: A pipe or conduit for the conveyance of storm or surface water.

Cross reference—Rules of construction and definitions generally, § 1-3

Sec. 29-113. Duty of city engineer as to construction of main drains; plans and profiles thereof.

The city engineer shall make and prepare all needed specifications describing and governing the work of construction, and shall make plans and profiles of all main drains showing their locations with reference to other drains and the street lines, and showing the locations of all private drains entering them. Such plans and profiles shall be filed in the office of the city clerk, and after being so filed, shall be deposited in the office of the engineering division of the department of public works, which shall be deemed a part of the office of the city clerk for the keeping of such plans. He shall keep an accurate account of the cost and expenses of each main drain. (Rev. Ords. 1973, § 18-2; Ord. No. V-289, 3-20-00)

State law references—Betterments generally, G.L. c. 80; drains generally, G.L. c. 83

Sec. 29-114. Main drain described; order required to lay, connect.

Every drain laid in any land, street or way, public or private, opened or proposed to be opened for public travel and accommodation shall be deemed to be a main drain, and no such drain shall be laid or connected with any existing main drain except by an order of the board of aldermen. (Rev. Ords. 1973, § 18-3)

State law reference—Provision authorized, G.L. c. 40, § 21(5)

Sec. 29-115. Laying of other pipes not to obstruct; removal.

Whenever any street shall be opened for laying or repairing water or gas pipes, or for any other purposes, the work shall be executed so as not to obstruct the course, capacity or construction of a main drain and whenever pipes for that purpose, or any work of construction, shall be found to exist in such location as to interfere with the main drain, the persons having charge of or maintaining the same shall, upon notice, at once remove, change or alter such pipe in such manner as the commissioner of public works shall direct. If they neglect or refuse to do so, the commissioner of public works may make or cause to be made such removal, change or alterations, and the cost of the same shall be paid by such persons. (Rev. Ords. 1973, § 18-4)

Sec. 29-116. Obstruction of drainage system.

Whoever by himself, his agent or servant deposits in or along any ditch, brook or drain constituting part of the public drainage system of the city, or within the limits of any easement of the city through which such ditch, brook or drain runs, or within the limits of any sidewalk or street, any material in such manner that the same may fall or slide or be blown or washed or may otherwise enter into any public drain and obstruct the free flow of water therein shall be punished as provided in section 1-6. (Rev. Ords. 1973, § 18-5)

Sec. 29-117. Grade for drainage.

The crown of each sewer laid out by the board of aldermen shall be established as the grade for drainage for the territory for which such sewer is laid out. (Rev. Ords. 1973, § 18-11)

Sec. 29-118. Steam exhaust, not to be connected.

No exhaust from steam engines and no blowoff from steam boilers shall be connected with any main drain or any private drain connected therewith. (Rev. Ords. 1973, § 18-12)

Sec. 29-119. Construction of new buildings or structures; substantial removal of existing buildings or structures with replacement or reconstruction; topographic plan required.

All instances of construction of new buildings and structures, excepting utility sheds and detached garages no greater than 700 square feet in gross floor area, or instances where there is the removal of a building or structure on more than thirty (30) percent of the footprint of said building or structure and its subsequent replacement or reconstruction, whether residential or commercial, shall require the prior filing with and the written approval of the city engineer and the commissioner of inspection services of a topographic plan prepared by a certified land surveyor, showing existing and proposed final contours and grade of the land, regardless of whether or not it is anticipated that such construction, or removal with subsequent replacement or reconstruction will result in any alteration of the existing contours or grade of the land, as defined in section 30-1, "grade." (Ord. No. V-148, 11-17-97)

Secs. 29-120—29-129. Reserved.

DIVISION 2. PRIVATE DRAINS

Sec. 29-130. Prerequisites to entering private drains into main drains; application.

All applications for entering private drains into any main drain shall be in such form as the commissioner of public works shall prescribe and shall be filed with him. No person shall enter a private drain into a main drain without a permit from the commissioner of public works, nor without first paying such sum as the board of aldermen shall determine for the privilege. (Rev. Ords. 1973, § 18-24)

Sec. 29-131. Duty to maintain private drains in proper working order; failure to maintain after notice.

Whenever any private drain connecting with any main drain shall become clogged, obstructed, broken, out of order or detrimental to the use of such main drain, or unfit for the purpose of drainage, the owner or other person having charge of any building, yard, lot of land or other premises which are drained by such private drain, within five (5) days after notice in writing from the commissioner of public works, shall remove, reconstruct, alter, cleanse or repair such private drain as the condition thereof may require. In case of neglect or refusal to remove, reconstruct, repair, alter or cleanse such private drain within the five (5) days, the commissioner of public works shall cause the same to be removed, reconstructed, repaired, altered, or cleansed, as he may deem expedient, at the expense of the owner or persons having charge of same, who shall also be liable to a penalty of not more than twenty dollars (\$20.00) for such neglect or refusal. (Rev. Ords. 1973, § 18-30)

Sec. 29-132. Cleanouts required; removal of cleanout.

All private drains connecting with any main drain shall have a main cleanout, which shall have a heavy brass threaded cover with an inverted nut approximately one inch square. After the installation of such cleanout and cover, no person shall remove, or suffer or permit the removal of the cleanout cover for any purpose, except the commissioner of public works or any department employee authorized by the commissioner of public works. (Rev. Ords. 1973, § 18-31)

Sec. 29-133. Fall required from bottom of cellars; failure to construct cellars with proper fall.

The bottom of the cellar or basement cellar of every building hereafter constructed shall be at such an elevation that the private drain from such cellar or basement cellar shall have a fall of at least one in fifty (50) to the crown of the main drain, unless the board of aldermen shall otherwise permit. If any person constructs or attempts to construct or use any cellar or basement cellar in violation of this section, the board of aldermen may order the owner or occupant of such cellar or basement cellar to so alter and construct the same as to conform to the requirements of this section. If such owner or occupant fails to comply with such order within ten (10) days after service thereof according to law, the board of aldermen may cause the required alterations to be made therein, the expense of which shall constitute a lien upon the land wherein such cellar or basement cellar shall be constructed, and upon the building thereon erected, and may be collected in the manner provided by law for the collection of taxes upon real estate. (Rev. Ords. 1973, § 18-32)