

Dighton Water District

192 Williams St.
No. Dighton, MA 02764

DIGHTON WATER DISTRICT BY-LAWS

ARTICLE I OFFICERS

SECTION 1

The Officers of the District shall be as specified and directed by Chapter 359 of the Acts of 1950.

ARTICLE II MEETINGS

SECTION 1

As Amended-Special Meeting January 9, 1975: Beginning in 1975 and for each year thereafter, the Annual Meeting shall be held on the fourth Thursday in May.

Section 2

Meetings of the District shall be called by a majority of the Water Commissioners; and must be called by the Water Commissioners when requested in writing by ten or more legal voters of the District. Meetings shall be called by a warrant from the Water Commissioners addressed to a person authorized to post such a warrant. Copies of the warrant shall be posted in two or more public places within the District at least seven days before the time of the meeting. The warrant shall briefly state the purpose of the meeting.

Section 3

As of September,1991, the Board of Water Commissioners shall meet at the District Office on the second Monday of the Month. In the event of a Monday holiday, the meeting shall take place on the following business day.

AMENDED SECTION 3

As of November 18,1999 the Board of Water Commissioners shall meet at the Dighton Water District office on the second Tuesday of the month and such other times, as they deem necessary. In the event of a Tuesday holiday or if it becomes necessary to change the date and time of the meeting, the meeting shall take place on a date and time chosen by the Board of Water Commissioners.

(APPROVED NOVEMBER 18, 1999 BY THE DISTRICT)

ARTICLE III FINANCES

SECTION 1

As Amended – Special Meeting January 9, 1975: The Financial year shall be the fiscal period beginning July 1 and ending the following June 30.

SECTION 2

No money shall be paid from the treasury without written approval or order of a majority of the Water Commissioners.

ARTICLE IV AMENDMENTS

SECTION 1

These By-Laws may be altered, amended, repealed and added to at any meeting of the District, provided notice of such proposal is set forth in the call for the meeting.

ARTICLE V FINANCE AND ADVISORY

(By-Law as adopted at the Annual Meeting, February 28,1967)

SECTION 1

At the Annual Meeting and before the final adjournment thereof, there shall be appointed by the Moderator, a Finance Committee consisting of five (5) members to serve until the final adjournment of the next Annual Meeting, and until their successors have been appointed, none of whom shall be an officer, or member of the District Commissioners. Vacancies shall be filled by the remaining members of the Committee.

SECTION 2

The Chairman of the Board of Commissioners shall call the Finance Committee together for organization within thirty (30) days from the date of their appointment. The Committee shall annually at its first meeting elect a Chairman and a Clerk.

SECTION 3

When the Warrant for a District Meeting contains any article or articles under which an appropriation or expenditure of money, or the disposition of any property of the District may be made, the Finance Committee shall consider such articles, and may if it deems advisable, give a public hearing thereon and shall report in writing its recommendations to the District. (Except as herein noted, these By-Laws were adopted July 19, 1951.)

ARTICLE VI

WATER SUPPLY BY-LAW

SECTION 1: Authority

This By-law is adopted by the Dighton Water District under its home rule powers, its police powers to protect public health and welfare and its specific authorization under M.G.L. c. 40, s.21 and 21D.

SECTION 2: Purpose

The purpose of this By-law is to protect, preserve, and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement of all duly imposed restrictions, requirements, provisions or conditions imposed by the District or by the Department and included in the District's plan approved by the Department of Environmental Protection to abate the emergency.

SECTION 3: Definitions

For the Purpose of this By-law:

Enforcement authority shall mean the Districts Board of Water Commissioners, the Town Police, and special police.

State of water supply emergency shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to G.L.c.21G, s.15 through 17, G.L.c.111, s.160 or by the Governor.

SECTION 4:

The following shall apply to all users of water supplied by the Dighton Water District:

Following notification by the District of the existence of a state of water supply emergency, no person shall violate any provision, condition, requirement or restriction included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency.

Notification of any provision, restriction, requirement, or condition with which users of water supplied by the District are required to comply to abate a situation of water emergency shall be sufficient for purposes of this By-law if it is published in a newspaper of general circulation within the District or by such other notice as is reasonably calculated to reach and inform all users of the District supply.

SECTION 5: Penalty

Any person or entity who violates this By-law, shall be liable to the District in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation which shall inure to the District for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each separate instance of noncompliance following the issuance of Any warning or citation pursuant to this section shall constitute a separate violation.

SECTION 6: Right of Entry

Agents of the enforcement authority may enter any property for the purpose of inspecting or investigating any violation of the By-law or enforcing against the same with a court order.

Section 7: Severability

The invalidity of any portion or provision of the By-law shall not invalidate any other portion, provision or section hereof.

(APPROVED NOVEMBER 18,1999 BY THE DISTRICT)

ARTICLE VII
ILLEGAL USE OF FIRE HYDRANTS

SECTION 1:

Whoever willfully or wantonly opens a fire hydrant for the sole purpose of vandalism or obtaining unmetered water without first obtaining permission from the Dighton Water District, shall forfeit and pay to the District the sum of \$100.00 for each offense or twice the amount of any and all damages, whichever is greater.

This By-law is not intended to restrict the use of fire hydrants by the Fire Department or the Dighton Highway Department in their normal operations.

(APPROVED NOVEMBER 18, 1999 BY THE DISTRICT)

AMENDED

SECTION 1:

As of May 23, 2019 whoever willfully or wantonly corrupts, pollutes or diverts any water obtained or supplied by the Dighton Water District, which shall include without limitation the unauthorized opening of a fire hydrant, or whoever willfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the District, shall forfeit and pay the District three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above willful or wanton acts shall be punished by a fine of not more than one hundred dollars or by imprisonment of not more than six months.

(APPROVED MAY 23, 2019 BY THE DISTRICT)

ARTICLE VIII
WATER MANAGEMENT PROGRAM

SECTION 1: Authority

This By-law is adopted by the Dighton Water District pursuant to its authority to establish a public water supply and regulate the use of water within the District as provided for by Chapter 359 of the Acts of 1950, and all other laws of the Commonwealth of Massachusetts applicable to water districts thereto enabling. This by-law also implements the District's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G, §15-17. This by-law is also intended to implement other water conservation requirements of M.G.L. c. 21G, the "Massachusetts Water Management Act" and its regulations promulgated at 310 CMR 36.00.

SECTION 2: Purpose

The purpose of this by-law is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a "State of Water Supply Conservation" or a "State of Water Supply Emergency" by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Dighton Water District in accordance with this by-law and/or by the Department of Environmental Protection under its state law authorities.

SECTION 3: Applicability

All Dighton Water District residents that are customers of the public water supply system shall be subject to this by-law. This by-law shall be in effect year-round.

SECTION 4: Definitions

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.¹

Automatic irrigation system, including sprinklers, shall mean any system for watering vegetation other than a hand-held hose or a bucket.

Nonessential outdoor water use shall mean those uses that are not required:

1. for health or safety reasons;
2. by regulation;
3. for the production of food and fiber;
4. for the maintenance of livestock; or
5. to meet the core functions of a business.

Nonessential outdoor water uses that are subject to mandatory restrictions include:

¹ This statutory definition includes cultivation of the soil, dairying and the production, cultivation, growing and harvesting of agricultural, aquacultural, floricultural or horticultural commodities as well as forest harvesting, raising livestock inclusive of bees and fur-bearing animals and forestry, lumbering, preparation for market, delivery to storage or market or to carriers to market incidental to an agricultural operation.

- irrigation of lawns via sprinklers or automatic irrigation systems;
- washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose controlled by a nozzle or a drip-irrigation system; and
- irrigation with harvested and stored storm water runoff.

The following outdoor water uses are subject to review and approval by the Dighton Water District, through its Board of Water Commissioners or their designee:

- newly planted lawns (seeded or sodded) may be granted a 14-day waiver by the Board of Commissioners or designee. The waiver must be recorded by the Superintendent with a start and end date.
- filling of privately owned outdoor pools.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

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

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Dighton Water District pursuant to Section 5 of this by-law.

Water Customers shall mean all persons using the public water supply irrespective of that person's responsibility for billing purposes for use of the water.

SECTION 5: Declaration of a State of Water Supply Conservation

The Dighton Water District, through its Board of Water Commissioners or their designee authorized to act as such:

- a) may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands; and
- b) shall declare a State of Water Supply Conservation as necessary to ensure compliance with the Water Management Act.

Upon notification to the public that a State of Water Supply Conservation has been declared, no water user shall violate any provision, restriction, requirement or condition of the declaration. The Water Commissioners may designate the Department Superintendent, to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 8 of this by-law before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

SECTION 6: Declaration of a State of Water Supply Emergency

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no water user shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. Public notice of a State of Water Supply Emergency shall be given under Section 8 of this by-law before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

SECTION 7: Restricted Water Uses

A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers (and water users²) as necessary to control the volume of water pumped each day, except as provided as acceptable in Section 4. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 8.

- a) Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Conservation or a State of Water Supply Emergency and public notice thereof. During a State of Water Supply Conservation, nonessential outdoor water use is restricted as necessary to ensure compliance with the Water Management Act, or for a Town or Water District without a Water Management Act permit, to two days or fewer per week.
- b) Nonessential outdoor water use hours: Nonessential outdoor water use is permitted only during the hourly periods specified in the State of Water Supply Conservation or State of Water Supply Emergency and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.

- c) Nonessential outdoor water use method restriction: Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.
- d) Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- e) Automatic irrigation systems, including sprinklers: The use of automatic irrigation systems is prohibited.

SECTION 8: Public Notification and Notification of DEP

- a) Public Notification of a State of Water Supply Conservation – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Dighton Water District as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation by publication in a newspaper of general circulation within the Town and by signage on major roadways or intersections. Notification may also include email, Web sites, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water customers.
- b) Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department shall be made as soon as possible, but not later than 48 hours after the public water system receives notice of the Department’s declaration of a State of Water Supply Emergency, by publication in a newspaper of general circulation with the Town and by signage on major roadways or intersections. Notification may also include email, Web sites, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water customers of the State of Water Supply Emergency.
- c) Any restriction imposed pursuant to Section 5 or Section 6 or in the Department’s State of Water Supply Emergency or Order shall not be effective until notification to the public is provided.
- d) Notification of DEP: Submittal of MassDEP’s form “Notification of Water Use Restriction” shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

SECTION 9: Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners or by decision of their designee upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist, or in accordance with the Water Management Act permit conditions. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 8a for notice of its imposition.

SECTION 10: Termination of a State of Water Supply Emergency; Notice

Upon notification to the to the Dighton Water Commissioners or their designee or to the Water District] that the declaration of a State of Water Supply Emergency has been terminated by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required in Section 8b for notice of its imposition.

SECTION 11: Penalties

The Dighton Water District through its Water Commissioners or their designee including the water superintendent, as well as any employee designated by the superintendent may enforce this by-law. Any person violating this by-law shall be liable to the Town in the amounts listed below:

- 1) First violation: Warning
- 2) Second violation: \$100
- 3) Third violation: \$200
- 4) Fourth and subsequent violations: \$300 water service termination

Each day of violation shall constitute a separate offense. If a State of Water Supply Emergency has been declared the Water Commissioners may, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop.

SECTION 12: Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

SECTION 13: Standard Outdoor Water Use Restrictions Phases

The District hereby adopts the following standard Phases of mandatory restrictions on nonessential water uses, as defined in section 4 of this Bylaw, to be implemented as directed by the Board of Water Commissioners during declared periods of Water Supply

Conservation and/or Water Supply Emergency. The Board of Water Commissioners retains the authority to modify the Phases set forth herein at its discretion as it deems necessary during any period of Water Supply Conservation or Water Supply Emergency. Based on historical water usage and present supplies, the Phased restrictions are anticipated to be in effect initially between **May 1st - October 30th** annually, but may be ordered at any time during the year as the Board deems necessary to protect the District's water supply.

During Phases, 1, 2 and 3, non-essential water uses will be allowed as follows:

Phase 1:

Odd numbered homes

- Monday and Thursday from 5am - 8am and 6 pm - 9 pm

Even numbered homes

- Tuesday and Friday from 5am - 8 am and 6pm - 9 pm

Phase 2:

Odd numbered homes

- Monday and Thursday from 5am - 8am

Even numbered homes

- Tuesday and Friday from 5am - 8am

Phase 3:

Odd Numbered homes

- Monday from 5am - 8am

even numbered homes

- Tuesday from 5am - 8am

Phase 4:

All users subject to a total non-essential outdoor water use ban: No waivers will be permitted

Unless otherwise ordered, during Phases 1 through 3 the mandatory restrictions on nonessential water use will not include: the irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose controlled by a nozzle or a drip-irrigation system pursuant to section 4 of this bylaw.

During Phases 1 through 3, newly seeded laws may apply to the water District for a 14-day waiver. All waiver recipients must adhere to the hours of irrigation use provided by the superintendent.

SECTION 14: Penalties

The Dighton Water District through its Water Commissioners or their designee including the water superintendent, as well as any employee designated by the superintendent may enforce this by-law. Any person violating this by-law shall be liable to the District in the amounts listed below:

First violation: Warning

Second violation: \$100

Third violation: \$200

Fourth and subsequent violations: \$300 and termination of water service

Each day of violation shall constitute a separate offense. If a State of Water Supply Emergency has been declared the Water Commissioners may, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop for any violation.

SECTION 15: Water Service termination and return to service procedure

When a water service has been shut off for non-compliance with this by-law or any rule, regulation, order, restriction or other directive issues pursuant to this By-law, in order to reinstate water service the property owner or occupant must allow the District to inspect the property's plumbing to verify that the irrigation system has been detached if the basis for the shut-off was the operation of an irrigation system in violation of this By-law.

Additionally, a new meter must be installed if necessary and all fines must have been paid.

(APPROVED NOVEMBER 17, 2020 BY THE DISTRICT, Article VIII in its entirety)

ARTICLE IX

EXTENDING A WATER MAIN

SECTION 1:

Any person who requests and receives approval at any meeting of the District to extend a water main to their property would be required to pay for such an extension and all costs involved.

(APPROVED May 27, 2004 BY THE DISTRICT)