



CITY OF MELROSE
LEGAL & LEGISLATIVE COMMITTEE
AGENDA • SEPTEMBER 20, 2021

Web-based remote meeting
, Melrose, MA 02176

Remote meeting

6:50 PM

The public should take notice that the Melrose City Council may, on certain occasions, have a quorum in attendance due to standing committees of the City Council consisting of both voting and non-voting members. Members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the standing committee.

I. CALL TO ORDER

Jen Grigoraitis	Chair
Leila Migliorelli	Vice Chair
John N. Tramontozzi	Voting
Shawn M. MacMaster	Voting
Jack Eccles	Voting
Christopher Cinella	President, ex officio

Motion: statement of remote meeting information

Pursuant to the suspension of certain provisions of the open meeting law, this meeting of the Legal & Legislative Committee will be conducted via remote participation to the greatest extent possible. We will post a comprehensive record of these proceedings as soon as possible after the meeting on the City of Melrose website and on MMTV/ mmtv3.org. The public can find online access instructions to view this meeting at www.cityofmelrose.org/remote-meetings

II. PUBLIC COMMENT

III. ORDERS

1. **ORDER-2022-16** : Amending Chapter 198 of the Revised Ordinances of the City of Melrose Solid Waste and Recycling Ordinance Update and Schedule of Fees

Offered by: Mayor Paul Brodeur

From: City Council

ASSIGNED TO COMMITTEE

2. **ORDER-2022-21** : Amending Chapter 228 of the Revised Ordinances of the City of Melrose Water, Sewers, and Drains

Offered by: Mayor Paul Brodeur

From: City Council

ASSIGNED TO COMMITTEE

3. **ORDER-2022-25** : Amending Chapter 198, Article II , Section 198-2 of the Revised Ordinances of the City of Melrose Collection and Disposal

Sponsored by: Voting Shawn M. MacMaster, Chair Jen Grigoraitis

From: City Council

ASSIGNED TO COMMITTEE

IV. ADJOURNMENT



CITY OF MELROSE

DEPARTMENT OF PUBLIC WORKS
Administration & Engineering–Water–Sewer–Facilities
Park & Forestry–Highway–Sanitation–Cemetery–Fleet

Elena Proakis Ellis, P.E., BCEE
Director of Public Works

City Hall, 562 Main Street
Melrose, Massachusetts 02176
Telephone – (781) 979-4172
E-mail: eproakis@cityofmelrose.org

MEMORANDUM

To: Mayor Paul Brodeur
 Melrose City Council

From: Elena Proakis Ellis, P.E., Director of Public Works

cc: Patrick Dello Russo, CFO/Auditor
 Kerriann Golden, Assistant Auditor
 Shannon Phillips, City Solicitor
 James Troup, Assistant DPW Director – Administration & Finance
 Lisa Scott, Environmental Outreach Coordinator

Date: August 10, 2021

Re: Solid Waste Ordinance Updates and Schedule of Fees

Solid Waste City Ordinances need updating to align with current practices of the Massachusetts Department of Environmental Protection (MassDEP), the Department of Public Works (DPW), and our contracted trash and recycling hauler: JRM Hauling and Recycling. Specifically, we propose the following changes:

- 1) With the implementation of our Mattress Recycling Program, residents will have the opportunity to schedule curbside pickup of mattresses or drop off at the City Yard on Saturdays. Please see proposed addition of §198-3, Part F.
- 2) Instead of listing individual fees for services within ordinances, we propose adopting a Schedule of Fees to be set by the Director of Public Works, and published on the City website. These fees are designed to recover costs associated with services. Please see proposed changes to §198-3.
- 3) The cost for “Metal Goods Item Pickup” is listed as \$20 in §198-3 part E(2), but the current fee is actually \$25. This fee will be listed in the Schedule of Fees, and removed from the ordinance.
- 4) City Ordinance §198-4 A(3) currently defines what is considered “Acceptable Recyclable Waste” to be put out for curbside collection, but the details of what materials are acceptable are determined by current recycling markets, MassDEP and the city’s contracted Materials Recovery Facility (MRF). We propose removing language from the ordinance that defines “Acceptable Recyclable Waste,” and leaving the determination to the Director of Public Works with guidance from MassDEP and the contracted MRF. Please see proposed changes to §198-4 A(2).
- 5) In practice, the City does not provide residents with recycling containers, so language in Section 198-4 indicating otherwise should be removed. Please see proposed changes to §198-4 A(2), B(2), and B(4).

Schedule of Fees	Unit/Frequency	Current	Proposed
Department of Public Works			
Waste and Recycling			
<u>Curbside pickup services:</u>			
Trash Fee, Curbside pickup trash and recycling	Annual	200.00	same as current
Metal Goods Item pickup*	Per unit	25.00	same as current
Mattress Pickup	Per unit	n/a	25.00
TV - curbside pickup	Per unit	25.00	same as current
<u>City Yard Drop-off items:</u>			
Batteries - Rechargeable		free	same as current
Books		free	same as current
Bulbs - 5 or more	Per unit	1.00	same as current
Bulbs - Fluorescent more than 4 feet	Per unit	3.00	same as current
Computer towers	Per unit	free	5.00
Printer, Fax Machine, Scanner, Stereo Receiver	Per unit	free	5.00
Other household electronic item not specifically covered in the above list	Per unit	free	5.00
Laptops	Per unit	20.00	same as current
Monitors	Per unit	20.00	same as current
TV	Per unit	20.00	same as current
Fire Extinguishers	Per unit		15.00
60-100 lb. Propane Tanks	Per unit		35.00
20 lb. Propane Tanks	Per unit	free	10.00
1-2 lb. Propane Tanks	Per unit	2.00	5.00
Mattress or Box Spring	Per unit	n/a	10.00
Textiles		free	same as current
mercury-containing devices	per pound	free	same as current
Dried Latex paint		free	same as current
Tires - car	Per unit	2.00	3.00
Tires - light truck	Per unit	8.00	3.00
Tires - heavy duty truck	Per unit	8.00	20.00
Yard Waste		free	same as current
Eyeglasses		free	same as current
<u>Special City Yard Events:</u>			
Household Hazardous Waste	1/4 car load	20.00	30.00
Household Hazardous Waste	1/2 car load	30.00	36.00
Household Hazardous Waste	full car load	60.00	same as current
Motor Oil/Gas/Antifreeze Collection	first two gallons free, then per gallon	2.00	same as current
Paper Shredding	first box free then per box	5.00	same as current
Pumpkin Composting		free	same as current
Styrofoam		free	same as current
Rigid Plastics		free	same as current

Chapter 198
SOLID WASTE
AND
RECYCLING

Attachment: Chapter 198 Solid Waste- 8.11.2021 submittal (ORDER-2022-16 : Amending Chapter 198 of the Revised Ordinances of the City of

§ 198-2

SOLID WASTE AND RECYCLING

§ 198-3

ARTICLE II

Collection and Disposal

[Adopted as Rev. Ords. 1976, §§ 13-3, 13-6, 20-5 and 20-6 (Rev. Ords. 1989, §§ 8-1, 15-26 and 15-27)]

§ 198-2. Dumping; obstructing sidewalks; placement of refuse containers. [Amended 6-18-1984 by Ord. No. 785A; 6-18-1984 by Ord. No. 785B; 2-20-2007 by Ord. No. 07-107A]

- A. No person shall put or place, or cause to be put or placed, in any street, lane, alley or any other place, public or private, where it may be offensive or objectionable, any ashes, dirt or refuse, nor shall any piece of metal or wood or any plastic in any form or other material injurious to feet or to tires of vehicles or any other rubbish be put, placed or thrown into or on any street, lane, alley or public place. No person shall throw or place on any vacant land or in any brook or pool rubbish, limbs, brush, barrels, boxes, etc.
- B. No person shall place or cause to be placed on any sidewalk, footwalk or crosswalk any object whatsoever so as to interfere with the convenient use of the same by any person traveling thereon. This shall not apply to building materials so placed by permission of the City Engineer. [Amended 5-21-2012 by Ord. No. 2012-158]
- C. Refuse may not be left on sidewalks for collection except after 5:00 p.m. of the day before scheduled pickup. Refuse containers and receptacles shall be placed at the curb by 7:00 a.m. on the scheduled collection day and shall be removed from the sidewalk within 12 hours after refuse collection.
- D. The Public Health Department enforcing officers shall prosecute violations under the provisions of MGL c. 270, § 16 (disposal of rubbish, etc.). No property owner shall be prosecuted for violation until a written notice of warning is served. [Amended 8-21-2017 by Ord. No. 2018-4]

§ 198-3. Ashes and rubbish; yard waste; metal goods; mattresses; collection fees. [Amended 9-24-1990 by Ord. No. 91-10; 11-1-1990 by Ord. No. 91-33; 1-21-1992 by Ord. No. 92-119; 3-16-1992 by Ord. No. 92-241;

3-7-1994 by Ord. No. 94-176; 7-18-1994 by Ord. No. 94-343;

6-26-2002 by Ord. No. 02-367; 6-26-2002 by Ord. No. 02-368;

6-26-2003 by Ord. No. 03-292; 6-7-2004 by Ord. No. 04-264A;

6-7-2004 by Ord. No. 04-264B; 6-7-2004 by Ord. No. 04-264C;

6-21-2004 by Ord. No. 04-264D; 6-23-2005 by Ord. No. 05-243;

6-5-2006 by Ord. No. 06-172; 2-2-2009 by Ord. No. 09-109;

5-21-2012 by Ord. No. 2012-158; 6-25-2015 by Ord. No. 2015-168; DATE by Ord. No. 2022-###]

The Director of Public Works shall, in addition to the duties prescribed by law and the Charter, have charge of the collection and disposal of ashes and other household rubbish, including garbage, under proper regulations approved by the Mayor and City Council.

A. The Director of Public Works shall maintain and publish a Waste and Recycling Services "Schedule of Fees" on the Department of Public Works website for Curbside Pickup Services, City Yard Drop-off Items, and Special City Yard Events.

~~B.~~ For Solid Waste Collection, residents may use plastic or metal barrels or bags under 45 gallons and 45 pounds. No more than four (4) barrels or bags and one (1) bulky item per week will be picked up from each household.

Commented [SL1]: This is and has been current practice for a number of years, we are just stating the ordinance.

~~B.C.~~ The Director of Public Works shall, for a period beginning on or around April 15 and ending about December 15, collect at curbside, biweekly or monthly as defined in its annual collection calendar, all leaves and grass clippings, provided that such materials do not violate any regulation or rule authorized by this section. Leaves and grass clippings shall be placed at curbside for City pickup in plain brown paper bags or barrels, subject to such reasonable limits as may be set by the Director of Public Works. No loose materials will be collected. The Director of Public Works shall operate a drop-off yard waste collection program in conjunction with this subsection.

~~C.D.~~ There shall be a collection of large metal goods by the Public Works Department either once or twice a week at the Director's discretion and under the following regulations:

- (1) Metal goods include refrigerators, sinks, stoves, bathtubs, toilets, shower stalls, radiators, metal file cabinets, metal desks, dismantled play sets, metal pipes tied together in a bundle weighing not in excess of approximately 30 pounds and any other metal goods requiring special pickup.
- (2) Each metal goods item as defined in Subsection ~~D.C.~~(1) will be picked up at curbside for a fee, ~~of \$20~~ listed in the "Schedule of Fees" as "Metal Goods Item Pickup" and payable to the City of Melrose. The homeowner/resident wishing to dispose of such items will obtain a receipt from the Department of Public Works after payment is made for each item. Any item that has no sticker will not be picked up by the City or its agents.
- (3) The collection of these fees is to be in accordance with Chapter 56, Officers and Employees, § 56-21.
- (4) Moneys collected under this Subsection C shall be set aside in a special fund suggested by the Auditor.

~~D.E.~~ There shall be a collection of mattress(es) and/or box spring(s) made by a vendor at the discretion of the ~~Director~~ of Public Works. This collection shall be made pursuant to the following:-

- (1) Each mattress or box spring will be picked up curbside for a fee, as listed in the "Schedule of Fees" as "Mattress Pickup". This fee shall be paid to the City of Melrose in advance of any curbside pickup.
- (2) The collection of these fees is to be in accordance with Chapter 56, Officers and Employees, § 56-21.

~~E.F.~~ No person, except an authorized employee or agent of the Public Works Department, shall remove any article or material deposited or placed upon a street or sidewalk for the purpose of being collected by the Public Works Department.

~~F.G.~~ No dumpster may be placed on City streets without first obtaining written permission from the Director of Public Works or his ~~or her~~ designee.

~~G.H.~~ Trash tipping fee.

- (1) Residential. A “trash fee,” listed in the “Schedule of Fees” of \$200 per dwelling unit is hereby established effective July 1, 2005, on all residential structures of six units or fewer.
- (2) (Reserved)

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SOLID WASTE AND RECYCLING

§ 198-4

- (3) Discount.
- (a) Effective January 1, 2016, any senior citizen (65 years or older) who owns and occupies a single-family home or condominium with an income of \$65,870 or less for a single person, \$75,280 or less for married couples, will be eligible for a 50% discount for this fee.
 - (b) Effective January 1, 2016 hardship cases. Any citizen who owns and occupies a single-family home or condominium with an income of \$35,000 or less for a single person, \$40,000 or less for married couples, will be eligible for a 100% discount for this fee.
 - (c) Proviso. Eligibility should be determined by using the adjusted gross income number found on the IRS 1040 form.
- (4) (Reserved)
- (5) Billing. The Collector shall issue bills quarterly.
- (6) Exemption. Any person that can demonstrate an alternative lawful disposal method may apply for an exemption.

4.1. Billing period; place of placement; delinquent payments.

- (1) All bills for solid waste and recycling shall be made out and rendered by the Public Works Department to consumers quarterly, and all such bills shall be payable within 30 days at the office of the City Collector.
- (2) Bills not paid within 30 days shall be subject to the following:
 - (a) Demand charge of \$5.
 - (b) Interest penalty of 14% from the due date.
 - (c) Lien fee of \$10, to be applied only on those solid waste and recycling bills that become lien on real estate tax bills.

§ 198-4. Curbside recycling. [Added 1-22-1991 by Ord. No. 91-123; amended 8-15-1994 by Ord. No. 94-344; 2-20-2007 by Ord. No. 07-107B; DATE by Ord. No. 2022-###]

A. General provisions.

- (1) The City of Melrose will provide for the curbside collection of acceptable recyclable waste from residences with six units or fewer in accordance with the provisions of § 198-3 and this section.
- ~~(2) The City of Melrose will supply to each residence, as defined in Subsection A(1), a recycling container or containers to be used by the resident for placement of acceptable recyclable waste for curbside collection.~~

Commented [SL2]: The City does not supply containers, therefore, remove.

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MELROSE CODE

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(2) "Acceptable recyclable waste" is defined by the Director of Public Works, in accordance with Waste Disposal Bans established by the Massachusetts Department of Environmental Protection (MassDEP) and the guidelines of the Materials Recovery Facility (MRF) to which the recyclable waste is hauled, as follows:

- ~~(3) All clear unbroken glass. Containers, clear or colored, are acceptable. Ceramics, light bulbs, plate glass and drinking glasses, etc., are not acceptable.~~
- ~~(4) Clean steel, aluminum, tin, and bimetal cans. No aerosol containers, motor oil or paint cans will be accepted curbside.~~
- ~~(5) Clean newspapers/newsprint, office paper, paper bags, magazines, catalogs, phone books, junk mail, and shredded paper, bagged in brown paper bags, tied in bundles, or placed in a recycling bin separate from containers and secured.~~

~~Clean plastic containers, coded No. 1 through No. 7 on each piece. Plastic containers refer to solid containers such as margarine tubs or juice, water and milk jugs but not to items such as plastic bags and toys. Each item must have a clearly marked recycling code No. 1 through No. 7 on the bottom. Plastic containers for hazardous waste items such as motor oil or paint products shall not be accepted. Plastic items not marked with the proper recyclable code shall not be placed in the recycling container.~~

- ~~(a) To be considered acceptable recyclable waste, all glass, cans and plastic shall be emptied and rinsed.~~
- ~~(b) The City of Melrose is not limited to items in Subsection A(3)(a) through (e) as acceptable recyclable waste and may make changes from time to time.~~

B. Recycling containers; usage, placement, ~~and cost.~~

- (1) The recycling containers must be placed at curbside in accordance with the schedule to be announced by the Department of Public Works and will be collected by a contractor as agent for the City of Melrose. If material placed in the recycling container is not acceptable recyclable waste as defined in Subsection A it will be left in the recycling container, and the resident shall remove the unacceptable recyclable waste before placing the recycling container at curbside for the next collection.
- (2) Residents may use plastic or metal barrels/bins under 45 gallons and 45 pounds for their single stream recycling. Barrels/bins should be clearly labeled as recycling. The first recycling container/containers will be supplied free of charge to the residents and will remain the property of the City of Melrose.
- (3) Source separation of acceptable recyclable waste shall be performed by the residents according to the instructions given by the Department of Public Works.
- (4) Residents shall protect the recycling containers from misuse, loss or damage and return the containers to the Department of Public Works upon request.

Commented [SL3]: The City does not supply container.

Commented [SL4]: The City does not supply container.

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C. Authorized collection of acceptable recyclable waste. No person, except those individuals and companies authorized by the City of Melrose, shall collect or pick up or cause to be collected or picked up any acceptable recyclable waste which has been placed for collection pursuant to the provisions of this section. The individuals or companies so authorized shall supply the City of Melrose with receipts for collected accepted recyclable wastes, and all collections of accepted recyclable wastes shall take place according to the trash pickup schedule determined by the Department of Public Works but no earlier than 7:00 a.m. and no later than 6:00 p.m. of the same day, unless arranged in advance with the Director of Public Works to accommodate special circumstances.

C.D.

§ 198-5. Public dumping areas. [Amended 9-17-2007 by Ord. No. 07-107C¹; 5-21-2012 by Ord. No. 2012-158]

The City Engineer shall have charge of the maintenance and management of all places authorized by the Board of Health to be used as public dumps. The City Engineer shall have authority to regulate by suitable signs or by rules issued by him/her the use of such dumps by employees of the City, contractors and all other persons and to require compliance therewith. The City Engineer shall furnish copies of all rules made under authority of this section to the Chief of the Police Department, and it shall be the duty of the police officers to enforce such rules. Any person who violates any regulation or rule authorized by this section shall be punished by a fine of not more than \$300 for each violation and will be responsible for the cleaning of the area.

State law reference — Assignment by Board of Health of places for public and private dumps, MGL c. 111, § 150A.

1. Editor's Note: This ordinance also repealed former § 198-6, Unlawful deposits, added 6-19-1995 by Ord. No. 95-281.

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SOLID WASTE AND RECYCLING

§ 198-8

198:9

Attachment: Chapter 198 Solid Waste- 8.11.2021 submittal (ORDER-2022-16 : Amending Chapter 198 of the Revised Ordinances of the City of

PROPOSED SOLID WASTE AND RECYCLING ORDINANCE CHANGES

Chapter 198, Article II
September 2021

I. PROPOSED ADOPTION OF A “SCHEDULE OF FEES”

Article II, §198-3, A:

- A. The Director of Public Works shall maintain and publish a Waste and Recycling Services “Schedule of Fees” on the Department of Public Works website for Curbside Pickup Services, City Yard Drop-off Items, and Special City Yard Events.

Remove specific fees from ordinance language, but reference “Schedule of Fees:”

Article II, §198-3, D(2) and H(1): Metal Goods and Trash Tipping Fee

Each metal goods item as defined in Subsection D(1) will be picked up at curbside for a fee, listed in the “Schedule of Fees” as “Metal Goods Item Pickup” and payable to the City of Melrose.

Residential. A “trash fee,” listed in the “Schedule of Fees” per dwelling unit is hereby established effective July 1, 2005, on all residential structures of six units or fewer.

II. MATTRESS RECYCLING

Article II, § 198-3, E:

There shall be a collection of mattress(es) and/or box spring(s) made by a vendor at the discretion of the Director of Public Works. This collection shall be made pursuant to the following:

- 1) Each mattress or box spring will be picked up curbside for a fee, as listed in the “Schedule of Fees” as “Mattress Pickup”. This fee shall be paid to the City of Melrose in advance of any curbside pickup.
- 2) The collection of these fees is to be in accordance with Chapter 56, Officers and Employees, § 56-21.

III. CONTAINERS FOR TRASH AND RECYCLING

We request the addition of Article II, §198-3, B:

For Solid Waste Collection, residents may use plastic or metal barrels or bags under 45 gallons and 45 pounds. No more than four (4) barrels or bags and one (1) bulky item per week will be picked up from each household.

And Article II, §198-4 B(2): Residents may use plastic or metal barrels/bins under 45 gallons and 45 pounds for their single stream recycling. Barrels/bins should be clearly labeled as recycling.

And recommend removal of language: Article II, §198-4, A(2), part of B(2) and all of B(4)

A(2) The City of Melrose will supply to each residence, as defined in Subsection A(1), a recycling container or containers to be used by the resident for placement of acceptable recyclable waste for curbside collection.

B(2) The first recycling container/containers will be supplied free of charge to the residents and will remain the property of the City of Melrose.

B(4) Residents shall protect the recycling containers from misuse, loss or damage and return the containers to the Department of Public Works upon request.

IV. “ACCEPTABLE RECYCLABLE WASTE”

Article II, §198-4, new A(2):

- A.(2) "Acceptable recyclable waste" is defined by the Director of Public Works, in accordance with Waste Disposal Bans established by the Massachusetts Department of Environmental Protection (MassDEP) and the guidelines of the Materials Recovery Facility (MRF) to which the recyclable waste is hauled.



CITY OF MELROSE

DEPARTMENT OF PUBLIC WORKS

Administration–Engineering–Water–Sewer–Facilities
Parks–Forestry–Highway–Sanitation–Cemetery–Fleet

Elena Proakis Ellis, P.E., BCEE
Director of Public Works

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E-mail: eproakis@cityofmelrose.org

MEMORANDUM

To: Mayor Paul Brodeur
Melrose City Council

From: Elena Proakis Ellis, P.E., Director of Public Works

cc: Patrick Dello Russo, CFO/Auditor
Kerriann Golden, Assistant Auditor
Shannon Phillips, City Solicitor
Vonnie Reis, City Engineer
James Troup, Assistant DPW Director – Administration & Finance

Date: September 13, 2021

Re: Water, Sewer, and Drains (Chapter 228) Ordinance Updates

The attached proposed updates to Chapter 228, Articles I through IV of the City of Melrose ordinances reflect changes to the existing ordinances to bring them in line with current practice and industry standards. Please note that Chapter 228, Article V – Stormwater was already approved in spring 2021 by the City Council.

The proposed ordinance changes achieve the following objectives:

- 1) Update terminology to current standards and entities, such as removing old references to the Metropolitan District Commission and replacing them with references to the Massachusetts Water Resources Authority.
- 2) Provide clear direction regarding the permitting processes for water and sewer utility upgrades.
- 3) Clarify the limits of ownership and maintenance responsibilities of utility service lines. Note that none of these responsibilities are proposed to change compared to the past ordinance language; the proposed language just provides added clarity.
- 4) Move references to rates and fees to a separate Schedule of Fees document, allowing City Staff to change items such as permit or inspection fees, water valve operation fees, etc., when deemed appropriate, without council action. Please note that all water and sewer rate setting will continue to require a vote of the Council per the wording of the proposed ordinance, consistent with current practice.
- 5) Update references to MassDEP and other state regulations that pertain to water and sewer systems, water quality, potable water system cross-connection control, sewer extension permits, betterments, etc. In many instances, the details of the referenced state regulations were eliminated from the ordinance language, to ensure that when state regulations are modified, the ordinance language remains current.

- 6) Update definitions in each article to accurately reflect the topics and terminology within that article.
- 7) Remove misplaced references to drainage systems within Article IV – Sewers.
- 8) Eliminate items that are antiquated and do not reflect current practice or industry standards.
- 9) Remove language that specifies detailed system design requirements and replace with a reference to new City of Melrose Design and Construction Standards. These standards, which will specify items such as size, slope, and material of pipelines, materials and installation technical specifications, testing requirements, etc., will not require action of the Council, in order to provide flexibility to the Engineering Division to update such standards as industry practices change.

In general, the intent of the proposed updated language is to modernize our current ordinance language, while working within the framework and format of the prior ordinance. Working with City Engineer Vonnie Reis and Deputy City Engineer Jay Coy, we attempted to maintain as much of the prior format (in terms of subsection location and numbering) as possible, to simplify the references to past revisions. Only where information could not be logically kept in its original location was it moved to a different subsection.

The attached documents include a copy of the prior Chapter 228 ordinance pulled directly from the City website, Word document versions with tracked changes of Articles I through III (general provisions and water) and Article IV (sewer), and a version of the proposed Articles I through IV compiled with all changes accepted, to facilitate review of the proposed language. I would be happy to answer any questions you may have about the proposed ordinance language and look forward to speaking with you at or before the upcoming Legal and Legislative subcommittee meeting.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 228

Water, Sewers, and Drains

[HISTORY: Adopted by the Board of Aldermen of the City of Melrose as Rev. Ords. 1976, §§ 20-46 to 20-65 (Rev. Ords. 1989, §§ 16-1 to 16-4 and 16-16 to 16-32, **Rev. Ords. 2021,**) Amendments noted where applicable.]

GENERAL REFERENCES

Assessments — See Ch. 9.

Sewage disposal — See Ch. 194.

Streets and sidewalks — See Ch. 202.

Article I

General Provisions

§ 228-1 **Applicability, Effective Date, and Severability.** [Amended 6-26-1985 by Ord. No. 1108]

- A. Except as otherwise specifically ordered by the City Council, the provisions set out in this Chapter shall be applicable to every person who uses the City water and sewer services, receives benefits from the public drainage system, and is permitted for the installation and maintenance of private drainage systems. Every person who takes water and uses the sewers and drains in the City of Melrose shall comply with the regulations set forth herein.
- B. This Chapter shall take effect immediately upon passage, approval, and publication as provided by law.
- C. Prior water, sewer, and drainage ordinances of the City of Melrose or parts thereof in conflict with this Chapter are hereby repealed. Any provision of this Chapter that is found to be unenforceable in any court of the Commonwealth of Massachusetts shall not affect the validity of any other provision of this Chapter.

§ 228-2 **Commitment of charges for collection.** [Amended 6-17-1985 by Ord. No. 1046]

All charges for water and sewer service shall be committed forthwith by the Department of Public Works (DPW) to the City Collector for collection, and, whenever charges are so committed, such Department shall file with the City Auditor a report, in writing, of the total amount of the charges in each such commitment. The Department shall forthwith give notice, in writing, to the City Auditor of every correction in and abatement of a charge for water and sewer services.

§ 228-3 **Billing period; place of payment; delinquent payments.** [Amended 6-17-1985 by Ord. No. 1045; 7-21-1986 by Ord. No. 1417; 7-28-1986 by Ord. No. 1455; 12-19-1988 by Ord. No. 2217; 10-19-1992 by Ord. No. 93-50]

- A. All bills for water and sewer shall be made out and rendered by the DPW to consumers quarterly or monthly, at the choice of the customer. All quarterly bills shall be payable within 30 days and monthly bills within 21 days at the office of the City Collector.

B. Bills not paid within the specified timeframes shall be subject to the following:

- (1) Demand charge of \$5.
 - (2) Interest penalty of 14% from the due date.
 - (3) Lien fee of \$10, to be applied only on those water and sewer bills that become lien on real estate tax bills.
- C. Abatement Procedure: A one-time water and/or sewer abatement will be considered during any ten-year period for any given customer address, upon filing of an abatement application meeting all requirements of the DPW for such request. Applications must be submitted within 45 days of the issuance date of the bill in dispute. No leak adjustments will be granted if the property has an active water leak or a known leak has not been repaired. In the event that the owner cannot determine the source or cause of unexplained high consumption, data logs will be gathered from the meter to show when water was being used. Abatement applications will only be accepted for accounts that are current, in good standing, and have a working radio meter installed. No more than two consecutive bills are eligible for an adjustment.

Article II Water

§ 228-4 Definitions

As used in this article and in Article III, the following terms shall have the meanings indicated:

APPLICANT

A person, persons or corporation who applies for an account, a service connection, or the installation of other infrastructure for water, sewer, or drainage.

ANSI

The American National Standards Institute, Inc.

AWWA

The American Water Works Association

APPROVED

Accepted by the City of Melrose Department of Public Works (DPW) as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

BACKFLOW

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

BACKFLOW PREVENTER

A device or means designed to prevent backflow or backsiphonage. Allowable backflow devices in the Commonwealth of Massachusetts are defined in 310 CMR 22.22.

BACKSIPHONAGE

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

pressure in the potable public water supply system.

CERTIFICATION EXAMINATION

An examination approved by the Commonwealth of Massachusetts for the purpose of testing competency in all areas of cross-connection control and backflow prevention device testing.

CERTIFIED BACKFLOW PREVENTION DEVICE TESTER

An individual who holds a valid Massachusetts backflow prevention device tester's certificate issued by the Commonwealth.

CITY

The City of Melrose.

CITY ENGINEER

The City Engineer of the Melrose Department of Public Works or their designee.

COMMONWEALTH

The Commonwealth of Massachusetts.

CONTAMINANT

A physical, chemical, biological or radiological substance or matter in water.

CROSS-CONNECTION

Any actual or potential connection between a distribution pipe of potable water from a public water system and any pipe of nonpotable water.

CUSTOMER

The person or party responsible for a water and/or sewer account.

DIRECTOR

The Director of the Melrose Department of Public Works or their designee.

DPW (a.k.a. DEPARTMENT)

The City of Melrose Department of Public Works.

INSPECTION

The physical examination and testing of an installed backflow prevention device to verify that the backflow prevention device is functioning properly.

INSPECTION AND MAINTENANCE REPORT FORM

A report form, designated by the Commonwealth of Massachusetts, which is to be used by certified testers to record all pertinent testing information.

IRRIGATION SYSTEM

Any equipment that conveys water for irrigation purposes and that is permanently connected to the public water supply.

MASSDEP

The Massachusetts Department of Environmental Protection, which is the regulatory agency for the Federal Safe Drinking Water Act.

METER

A device installed for the measurement of water quantities to be used as a basis for determining charges for water and sewer service.

METER PIT

An underground chamber along a service line, suitable for installation of a water meter and for protecting the meter from the effects of weather.

OWNER

Any person maintaining a cross-connection installation or owning premises on which cross-connections can or do exist.

SCHEDULE OF FEES

The City of Melrose Water, Sewer, and Drainage Schedule of Fees, which includes all charges for water and sewer use, permits, application fees, and all other rates or fees associated with the City of Melrose water, sewer, and drainage systems. This Schedule of Fees shall be revised periodically as appropriate. All water and sewer volumetric rates and base fees as listed in the Schedule of Fees shall be approved in advance by the City Council.

WATER MAIN

The City of Melrose water supply pipe laid in the right of way or easement from which potable water service connections are made.

WATER, NONPOTABLE

Water which is not safe for human consumption or which is of questionable potability, including private wells.

WATER, POTABLE

Water from a public source which has been approved by the Massachusetts Department of Environmental Protection and the United States Environmental Protection Agency for human consumption.

WATER SERVICE CONNECTION

All the lines and materials from the water main to the customer's water system and is equivalent to 'water service'.

§ 228-5 Right of entry.

[Amended 5-21-2012 by Ord. No. 2012-158]

The owners or occupants of any premises served by the City of Melrose water system shall, upon presentation by Department personnel of their credentials, authorize entry to their premises during normal business hours, as provided for under the Massachusetts General Laws Chapter 165, Section 11D, for the purpose of inspecting and surveying their water system for new installations or cross connections, or to remove, repair or replace any water meter, or to conduct water quality sampling and testing. When such access is refused, the water shall be shut off after proper notice has been provided until such access has been allowed and fees have been paid for shutting off and turning on the water.

Duly authorized employees of the Department, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

State law reference — Authority of municipalities to make regulations relative to pipes through which water is supplied, MGL c. 40, § 21, cl. (7).

§ 228-6 Laying of service pipes.

[Amended 5-21-2012 by Ord. No. 2012-158]

- A. Except as otherwise provided by the rules and regulations of the Planning Board governing the subdivision of land, water service pipes will be replaced from the main to the line of the street without charge and from the line of the street to the building at the expense of the applicant, provided that the whole or part of the work from the street line to the building may be done by the property owner or his/her agent, subject to the approval of the City Engineer, if the property owner so elects. All new water service pipes and appurtenances associated with new construction or redevelopment shall be paid for and installed by the private property owner and their agents, following approval by the City Engineer. No work shall be performed on any component of the water system, including both public and private water mains and/or services connected to the City's water system, without a written permit application and approval from the DPW Engineering Division. All pipes and appurtenances shall conform to the Department's standards as described in the City of Melrose Design and Construction Standards.
- B. Approval of applications shall be valid for six months. If applicants do not make a service connection within six months of the date of approval, then the approval shall be revoked, unless extended in writing by the City Engineer.
- C. The approval of an application for a water service account will be contingent upon the existence of a water main in the public or private way in front of the property to be served, unless otherwise allowed by the City Engineer. Furthermore, the pressure and carrying capacity of the water main must be sufficient to serve the applicant without adversely affecting the service to existing users.
- D. The main must be extended (including necessary hydrants and appurtenances) to the furthest limit of the property to be served by water unless otherwise approved by the City Engineer. A waiver can be obtained if hardship is demonstrated at the discretion of the City Engineer. The applicant shall pay for the cost of permits, installation, and inspection in accordance with the Schedule of Fees.
- E. An applicant requesting extension of water mains in a private right of way must comply with the City of Melrose Design and Construction Standards, and must convey to the Division any easements necessary to maintain the pipe and appurtenances, along with ownership of the main itself when applicable.
- F. That portion of a service connection installed within a public way and terminating at a shut off shall be considered the property of the City upon its construction and acceptance unless otherwise specified by the City Engineer. The Department shall be responsible for its maintenance unless otherwise specified by the City Engineer. That portion of a service connection not lying within the public way shall remain the property of the customer, who shall be responsible for its maintenance.
- G. If a property is subdivided, then each of the resulting properties must have its own service connection. This may require replacing an existing service connection with a main.
- H. In case of a leak in the customer's service connection or water system, such leak must be repaired as soon as possible upon discovery by the customer or upon report to the customer by the Department, as a condition of continued service. The customer may be billed for the estimated water use if repairs are not made within two weeks. The City also reserves the right to make repairs to private service lines and bill the customer for the expense if repairs are not made, when the City deems the level of water loss to be unacceptable, regardless of the length of time that has passed since the leak was discovered.

- I. Any contractor performing work on utilities connected to the City of Melrose's water system must provide all bonds and insurance required by the DPW Engineering Division permitting process.

§ 228-7 Size and material of service pipes and meters.
[Amended 5-21-2012 by Ord. No. 2012-158]

No water service pipe less than one inch will be laid or allowed, except upon special consent of the City Engineer. Allowable residential meter sizes are 5/8, 3/4, or 1-inch, unless otherwise approved by the City Engineer. For a water service or meter larger than one inch, the Owner will be responsible for the cost. All pipe laid on private property shall be of such material and size as may be approved by the City Engineer and in accordance with the applicable Water and Sewer Design and Construction Standards.

§ 228-8 Separate service pipes required; protection and maintenance.
[Amended 5-21-2012 by Ord. No. 2012-158]

No two buildings shall be supplied with domestic water through the same service pipe. The service pipe from the street line to the building must include a stop and waste cock, properly located inside the building. The building owner must keep the service pipe, stop and waste cock, and all fixtures connected therewith on their premises in good repair and protected from frost, and they will be held liable for all damage which may result from a failure to do so. Fire service, where required, shall be provided using a separate pipe from the water main.

§ 228-9 Additional service pipes.

Any person desiring or requiring more than one water service pipe for any one building will be required to pay the entire cost of such pipe. Furthermore, the City may require new development projects to assume all costs associated with new or re-laid water services.

§ 228-10 Laying mains in public and private ways; assessments.
[Amended 5-21-2012 by Ord. No. 2012-158]

- A. Applications for the original laying of pipes in public and private ways for the conveyance and distribution of water shall be made, in writing, to the City Engineer in the form of an application for utility installation and shall include all plans and other documentation required by the City Engineer. Such work shall be performed entirely at the expense of the applicant, in accordance with all DPW design and construction standards in place at the time the application is made.
- B. Cases may arise where the City chooses, at the City's option, to lay a new water main and services where one did not previously exist. At the discretion of the City Engineer, a procedure may be used to assess betterments to the bettered properties in accordance with MGL Chapter 40, section 42K.
- C. This section shall not apply to the laying of water pipes for which provision is otherwise made by the rules and regulations of the Planning Board governing the subdivision of land.

§ 228-11 Laying mains in private property.

In the event the City determines that it is necessary to install a water main on private property, a permanent water easement shall be sought.

§ 228-12 Turning on and shutting off water; charges.
[Amended 1-21-1992 by Ord. No. 91-264A]

- A. No person except the Department's licensed primary water distribution system operator, or those authorized by them, shall at any time turn on or let on water to any house or building or in any way

interfere with any gate valve, fire hydrant or standpipe. [Amended 5-21-2012 by Ord. No. 2012-158]

- B. Charges for turning water on or off, testing meters, and conducting other activities related to the provision of water by the City are defined in the Schedule of Fees.
- C. Any person who turns City water service on or off without permission from the DPW Operations Manager or the primary distribution system operator may be subject to fines as described in the Schedule of Fees.

§ 228-13 **Water to be Supplied to Customers**

- A. No customers shall operate apparatus on their water lines, water meter or elsewhere on their premises that will adversely affect the operating conditions of the City's water system or its equipment or ability to serve other customers.
- B. Customers are responsible for notifying the Department if a building becomes vacant and requesting that the water service be shut off.
- C. Variations in water pressure will not be considered a violation of this ordinance when they arise from unusual or extraordinary conditions, or arise from the operation of the customer's own fixtures or appliances. It is the customer's responsibility to install suitable equipment to protect private piping, equipment and property from variations in water pressure.
- D. The Department reserves the right to interrupt service temporarily in order to perform maintenance or repairs on the water system. Whenever possible, the Department will notify customers of scheduled interruptions. However, in case of an emergency, the Department reserves the right to interrupt service without first giving notice of such action if, in its opinion, it is necessary to do so in order to facilitate the making of repairs or alterations, or other necessary purposes. In such cases, no person shall be entitled to receive damages or refunds of payments because of any such interruption or any consequent conditions.
- E. A customer shall not be permitted to supply another property with water, except in emergencies, and then only with the permission of the Department.
- F. No 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 water system. Any person violating this provision shall be subject to appropriate criminal proceedings.

§ 228-14 **Water meters.**

- A. No person except the DPW Operations staff will be allowed to set, take off or repair water meters owned by the City. [Amended 8-21-2017 by Ord. No. 2018-4]
- B. All water meters under 1-inch in size will be furnished, placed and maintained by the City. Any premises requiring a meter over 1-inch is the owner's responsibility to purchase, install, and maintain. Any damage to any meter done or caused by the carelessness or neglect of the owner or occupant will be charged to their next bill. Non-payment will result in fees consistent with non-payment of water bills.
- C. Effective October 1, 2017, a manual read fee as specified in the Schedule of Fees shall be charged to any account that cannot be remotely read by the City of Melrose. [Added 6-19-2017 by Ord. No. 2017-148]

- D. A tampering fee shall be assessed to any customer, contractor, or other individual or company who deliberately and knowingly tampers with a water meter in order to change the meter reading, the value of which is specified in the Schedule of Fees. Assessment of this fee does not preclude the City or other from imposing any applicable criminal or other charge.
- E. Installation and repair of meter pits must be approved by the City Engineer and shall be done at the customer's expense. Meter pits may be required at the discretion of the City Engineer.
- F. All meters installed must meet the City of Melrose standards for both the metering and communications devices.
- G. It shall be the responsibility of every customer to ensure that meters on service connections are readily accessible to Division personnel, regardless of where the meters are located.
- H. If a customer requests that a device be installed to transfer meter registration information off the premises for the customer's convenience, it shall require the approval of the City Engineer and shall be installed at the customer's expense. The Division maintains the right of access to the premises in order to verify the consistency of the meter registration with the remote registration. The meter having actual contact with water shall serve as the primary measuring device and shall govern all billing and billing adjustments.
- I. The Division has the right to replace and repair meters or test meters in order to verify or insure their accuracy. The cost of periodically testing and replacing all meters larger than one-inch in size shall be the responsibility of the customer.
- J. For meters over one-inch in size, if the customer is unable to provide an opportunity to change, repair or test the meter during normal working hours, it is the responsibility of the customer to provide an acceptable bypass of the meter in order to accomplish replacement, make repairs or conduct in-place testing. All bypasses shall be metered unless the Department waives this requirement.
- K. Customers may request to have the meter which is currently in place and being used for billing by the City tested for accuracy. All meters will be tested for accuracy in accordance with industry standards for the type of meter in use as published by the American Water Works Association. A written report of the meter accuracy test will be provided to the customer and a one-time charge will be assessed according to the current Schedule of Fees. If the meter is found to be over registering, then the Division will assume the full amount of the charge for testing the meter, and the water user fees based on readings from the meter shall be adjusted in accordance with the result of the test.
- L. The property owner is responsible for all costs and fees associated with the purchase and installation of a secondary water meter for outdoor water use. All plumbing work and meter installations must be done by a licensed plumber with all applicable permits obtained. Plumbing must effectively isolate all exterior uses from interior uses, and all exterior water uses must have no connection to the sanitary sewer. Second water meters for lawn sprinklers shall be installed after of the primary water meter and so that they measure only exterior water use. Plumbing to exterior uses must be properly isolated by use of both ball valves and a proper backflow prevention device. Both the primary and secondary water meters must be consistent with all current standards of the DPW.

§ 228-15 Rates set by Mayor and Council; Water Rate Review Committee.

[Amended 5-15-1978 by Ord. No. 19837; 6-5-1978 by Ord. No. 19917; 7-17-1978 by Ord. No. 19837A; 9-6-1989 by Ord. No. 90-2; 10-15-1990 by Ord. No. 90-278; 9-9-1991 by Ord. No. 92-22; 1-6-1992 by Ord. No. 92-137; 1-21-1992 by Ord. No. 92-166; 6-6-1994 by Ord. No. 94-221; 7-18-1994 by Ord. No. 94-221A; 6-17-1996 by Ord. No. 96-335; 6-27-2001 by Ord. No. 01-323; 6-26-2002 by Ord. No. 02-358; 12-16-2002 by Ord. No. 02-060A; 6-26-2003 by Ord. No. 03-290; 6-21-2004 by Ord. No. 04-268; 6-30-2005 by Ord. No. 05-248; 6-26-2006 by Ord. No. 06-248; 7-17-2006 by Ord. No. 06-248A; 7-16-2007 by Ord. No. 07-179; 5-19-2008 by Ord. No. 08-225; 10-20-2008 by Ord. No. 08-269; 6-15-2009 by Ord. No. 09-202; 5-17-2010 by Ord. No. 10-160; 6-20-2011 by Ord. No. 11-170; 5-21-2012 by Ord. No. 2012-158; 6-18-2012 by Ord. No. 2012-189; 8-20-2012 by Ord. No. 2013-4; 3-4-2013 by Ord. No. 2013-118; 6-27-2013 by Ord. No. 2013-204; 5-19-2014 by Ord. No. 2014-117; 6-15-2015 by Ord. No. 2015-143; 6-16-2016 by Ord. No. 2016-163; 5-15-2017 by Ord. No. 2017-136; 6-19-2017 by Ord. No. 2017-146]

A. Except as provided by § 228-16, all bills for water furnished by the City shall be rendered at intervals of three months (quarterly) or one month (monthly) at rates established by the Mayor and City Council.

- (1) Tiered water rates per 100 cubic feet, following approval, shall be documented in the Schedule of Fees. [Amended 6-18-2018 by Order No. 2018-178]
 - (2) The water rate shall be applied to all properties in the City of Melrose classified under Commonwealth of Massachusetts Department of Revenue (DOR) Property Classification Code of April 2019, or latest version, as commercial, industrial, or residential. Properties owned and operated by the City of Melrose shall not receive a water bill unless otherwise determined by the City Auditor. Water at said properties will still be metered for the purpose of accounting for water use and promoting conservation.
 - (3) Owners of property are responsible for payment of all fees for water service. The Department shall not bill tenants or contractors, although they may receive a copy of bills upon request. Customers shall be charged fees and held responsible for service until the Department is notified in writing that they no longer desire to use the public water supply. The Department is not responsible for leaks on the customer's property. Water passing through a meter shall be considered used by the customer.
 - (4) A minimum charge shall be assessed for water service from the date the water is turned on, regardless of the amount of water used, according to the current Schedule of Rates. The City reserves the right to charge base fees when the water is turned off.
 - (5) If a meter fails to work, the customer shall be charged a user fee based on the average daily consumption of water as shown by the meter when it was working, for the corresponding billing period of the preceding year. If this methodology is not feasible, a different method of estimating water usage deemed appropriate to the Department shall be used.
- B. There is hereby created a Water and Sewer Rate Review Committee, to consist of the Director of Public Works, City Engineer, Auditor, Treasurer-Collector, a member of the City Council appointed by the President of the City Council, and two citizens of Melrose appointed by the President of the City Council. The Committee shall meet at least quarterly to review the water rate charges established pursuant to this section, the costs of operating and maintaining the water system, and any capital improvements to the system. The Committee shall hold at least one meeting per year after 7:00 p.m. It shall report its findings and any recommendations to the City Council in conjunction with submission of the annual operating budget. [Amended 10-2-2017 by Ord. No. 2018-23]

State law reference — Law of commonwealth making water rates a lien on real estate, MGL c. 40, §§ 42A to 42F.

§ 228-16 Water used for building purposes.

[Amended 6-17-1985 by Ord. No. 1047; 12-16-2002 by Ord. No. 02-060A]

- A. The following rates shall be charged for water used for building purposes except as provided in s. 228 16.B:
 - (1) The minimum charge for construction of new buildings shall be the same as three months' minimum charges (base fees).
 - (2) For extraordinary additions or repairs, the rate shall be assessed by the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- B. The City Engineer shall have the right to require the applicant to pay by meter instead of the foregoing schedule for building purposes. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. The fees for water for building purposes which are to be paid in advance include the charge for turning on and shutting off water; no allowance will be made if water is obtained from other premises. A refundable deposit may also be assessed. Charges for metered use during construction shall be assessed on a schedule as determined by the Department.
- D. Water used for demolition and construction shall be in accordance with Department policies governing such uses.

§ 228-17 Application for use of water or other work; emergencies.

- A. Applications for the use of water for service pipes, for thawing frozen pipes, or for any other work to be done or materials to be furnished in connection with the supplying of water to any premises shall be made to the City Engineering Division.
- B. In cases of extreme emergency, of which the City Engineer shall be the judge, such application shall not be required, provided that as soon as may be after the furnishing of such water or materials or the completion of such work, the City Engineer shall render a bill therefor, in an amount representing the actual cost to the City, to the owner of the premises. Such bill shall be payable on presentation. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. In no case shall water be turned on for specific purposes until all charges are paid or, for fractional parts of the year, until the proportional part of the minimum charge is paid up to the first day of January next following. Fractional parts of a month shall be considered a full month, and the three month base fee shall be the minimum amount charged.

§ 228-18 Minimum charges in case of vacancy.

[Amended 12-16-2002 by Ord. No. 02-060A; 5-21-2012 by Ord. No. 2012-158]

In case of vacancy, base fees may be suspended at the discretion of the Department. No suspension of fees shall be allowed or made unless notice of vacancy is given, in writing, at the office of the City Engineer and the fee paid for shutting off the water, which sum shall include the expense of turning on again. No premises will be considered vacant unless such notice is given in writing and water so shut off.

§ 228-19 Opening or interfering with fire hydrants.
[Amended 5-21-2012 by Ord. No. 2012-158]

No person except the City's primary water distribution system operator or those authorized by them, and the officers of the Fire Department in case of a fire, shall open or otherwise interfere with any fire hydrant, tie or fasten a horse or any other animal to any fire hydrant, or place any obstruction in the way of its free use by the firefighters.

Written approval of the DPW Director or their designee is required in order to use a hydrant as a temporary source of water. Charges for such temporary use shall be assessed in accordance with the Schedule of Fees.

Fire hydrants and water mains on private property may be inspected periodically by the City. Any repairs necessary for proper operation of hydrants or the proper functioning of water mains on private property shall be the responsibility of the property owner. Such repairs shall be completed within 30 days after due notice has been given in writing to the owner by the Department.

No water shall be taken or used through private fire systems for testing unless the DPW issues written permission. Such test must be conducted in the presence of a representative of the Department.

§ 228-20 Elderly discount.
[Added 4-3-1989 by Ord. No. 2324; amended 5-6-1996 by Ord. No. 96-237]

- A. A twenty-percent discount on water bills shall be given upon application to the office of the City Engineer in accordance with the following procedure: **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (1) The applicant must have reached or already been over age 65 in the calendar year prior to that in which they are making application for discount. In the case of joint home ownership, either spouse/owner must have reached age 65 by the prior year.
 - (2) The applicant must be the owner of record of the property for which the discount is requested, their name must appear on the water bill for that property, and they must have lived at the subject property for a minimum of one year.
 - (3) The yearly consumption of water by the applicant's household shall not exceed 6,250 cubic feet.
[Amended 6-16-2016 by Ord. No. 2016-166]
 - (4) The discount shall only apply to owners of one-family or two-family homes who are able to demonstrate their primary residence in said single- or two-family home. **[Amended 6-16-2016 by Ord. No. 2016-166]**
 - (5) Otherwise eligible condominium owners will be entitled to a discount which shall be equal to the average single-family discount provided for in this section for the immediately preceding fiscal year.
[Added 6-16-2016 by Ord. No. 2016-166]
- B. Applicants who have not reached 65 will also qualify for discount if:
- (1) They are in conformity with the other provisions of this section.
 - (2) Their yearly gross income does not exceed \$15,000 for a single person and \$23,000 if filing jointly.
- C. Administration of the discount program set forth in Subsections **A** and **B** above shall be in accordance

with reasonable policies established by the Director, or their designee, and shall be in strict compliance with this section. **[Added 6-16-2016 by Ord. No. 2016-166]**

Article III Backflow and Cross-Connections

[Added 6-2-1997 by Ord. No. 97-323]

§ 228-21 Authority.

In accordance with the Safe Drinking Water Act of 1974 and the Commonwealth of Massachusetts regulations 310 CMR 22.22 of the Massachusetts Drinking Water Supply Regulations, the water purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water supply system.

§ 228-22 Purpose.

The purpose of this article is:

- A. To protect the public potable water supply served by the City of Melrose Water Division from the possibility of contamination or pollution by isolating within its customers' internal distribution system(s) such contaminants or pollutants which could backflow or backsiphon into the public water supply system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' in-house/in-plant potable water system(s) and nonpotable systems.
- C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all public potable water systems by cross-connection.
- D. Backflow prevention shall be required at facilities identified in 310 CMR 22.22 (8) and all work shall comply with the State Plumbing code 248 CMR 10.00.

§ 228-23 Responsibility of Water Division and customers.

The City of Melrose DPW Water Division shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of any premises, the Department determines that an approved backflow prevention device is required at the City's water service connection to any customer's premises for the safety of the public water supply system, the Department or its designated agent shall give notice in writing to said customer to install such an approved backflow prevention device at each service connection to their premises. The customer shall, within 60 days, install such approved device or devices at their own expense. Failure, refusal or inability on the part of the customer to install said device or devices within 60 days may result in a fine, as described in the Schedule of Fees, or the turning off of water to the property.

§ 228-24 Definitions.

[Amended 4-7-2008 by Ord. No. 08-129]

[Amended 8-21-2017 by Ord. No. 2018-4]

§ 228-25 Requirements.

- A. Water Division.

- (1) On new installations, the DPW Water Division or its designated Certified Backflow Prevention Device

Tester will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required and will notify the owner of plan approval requirements by the appropriate reviewing authority. It is the responsibility of the owner to initiate and complete this process prior to building occupancy.

- (2) For premises existing prior to the start of this program, the DPW Water Division will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the method of achieving the correction and the time allowed for the correction to be made. The time period allowed shall depend upon the nature of the potential cross connection.
- (3) The Department will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.
- (4) If the Department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

B. Owner responsibility.

- (1) The owner shall be responsible for the elimination or protection of all cross-connections on their premises.
- (2) The owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross-connections and installation of backflow prevention devices and applying annually for the renewal of each permit.
- (3) The owner shall have any device that fails an inspection or test repaired immediately by a licensed plumber.
- (4) The owner shall inform the Department of any proposed or modified cross-connection and also of any existing cross-connections of which the owner is aware but which have not been found by the DPW.
- (5) No owner or private contractor shall install bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.
- (6) The owner shall install backflow preventers in a manner approved by the Commonwealth of Massachusetts per 310 CMR 22.22 and by the Melrose DPW. The type of backflow preventers installed shall be as prescribed by 310 CMR 22.22 for the applicable use.
- (8) The owner shall be responsible for the payment of all fees for permits, device testings, and retestings in the case that the device fails to operate correctly and second reinspections for noncompliance with state or local requirements.
- (9) Any existing backflow preventer shall be allowed by the Department to continue in service unless the degree of hazard is such as to exceed the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where a change in use increases the degree of hazard, any existing backflow preventer must be upgraded.

C. Testing.

- (1) All approved backflow prevention devices shall be tested in accordance with applicable state and federal laws pertaining to cross-connection control in potable water systems, including 310 CMR 22.22.
- (2) This item intentionally blank.
- (3) Any backflow preventer which fails during a periodic test must be repaired or replaced immediately by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to ensure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date in accordance with state regulations will be established. The owner is responsible for spare parts, repair tools or a replacement device.
- (4) Parallel installation of two devices by the owner is allowed and encouraged to ensure uninterrupted water service during testing or repair of devices.

§ 228-26 Enforcement; violations and penalties.

- A. Right of entry. All owners or operators of commercial, industrial or institutional premises served by a public water supply system shall authorize agents and employees of the City of Melrose DPW and/or the Massachusetts Department of Environmental Protection, upon presentation of their credentials, to enter their premises without a warrant for the purpose of inspecting and surveying their water systems for cross-connections and assuring compliance with these regulations, whether or not evidence exists that their water system is in violation of an applicable legal requirement.
- B. The DPW shall not allow a cross-connection to exist with the public water system unless it is considered necessary and all appropriate approvals and permits have been issued.
- C. Failure of the owner to comply with any applicable section of this article will constitute a violation of 310 CMR 22.22 and will be subject to termination of water service by the City of Melrose DPW Water Division.
- D. Fine. Whoever maintains a cross-connection without a permit or after revocation of the permit to maintain such connection and whoever maintains a cross-connection without installing the appropriate backflow prevention device required by these regulations and by the reviewing authority shall be punished by a fine as determined in 310 CMR 22.22(16) and as listed in the Schedule of Fees.

§ 228-27 Procedure policy.

The procedure for backflow prevention should comply with the latest version of AWWA Manual M14, Backflow Prevention and Cross Connection Control. Where any inconsistency exists with 310 CMR 22.22, the laws of the Commonwealth shall govern.

Article IV Sewer Use

[Added 5-4-1981 by Ord. No. 20841, App. B (Rev. Ords. 1989, §§ 16-51 to 16-70, 16-81 to 16-86, 16-91 to 16-99, 16-111 to 16-117 and 16-131 to 16-145)]

§ 228-28 **Purpose.**

The purpose of this article is to regulate the use of public and private sewers, the installation and connection of sewer services, and the discharge of waters and wastes in the public sewer system in the City.

§ 228-29 **Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACT

The Clean Water Act of 1977, Public Law 95-217, as amended from time to time.

APPROVED

Accepted by the City of Melrose Department of Public Works (DPW) as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

BOD or BIOCHEMICAL OXYGEN DEMAND

The quantity of oxygen utilized in five days at 20° C., expressed in milligrams per liter, in the biochemical oxidation of wastewater as determined by a procedure described in Standard Methods.

CITY

The City of Melrose.

CITY ENGINEER

The City Engineer of the Melrose Department of Public Works or their designee.

[Amended 5-21-2012 by Ord. No. 2012-158]

COOLING WATER

The clean wastewater from air conditioning, industrial cooling, condensing, and similar apparatus and from hydraulically powered equipment. In general, cooling water will include only water that is sufficiently clean and unpolluted to be discharged, without treatment or purification, into any natural area without offense.

COMMONWEALTH

The Commonwealth of Massachusetts.

COMPATIBLE POLLUTANT

A substance that is amenable to removal in substantial amounts by the wastewater treatment plant. Compatible pollutants include, but are not limited to, coliform bacteria, suspended solids and those that exert BOD.

CONNECTION

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

CUSTOMER

The person or party responsible for a water and/or sewer account.

DIRECTOR OF PUBLIC WORKS

The Director of the Melrose Department of Public Works or their designee.
[Added 5-21-2012 by Ord. No. 2012-158]

DPW (a.k.a. DEPARTMENT)

The City of Melrose Department of Public Works.

EXCESSIVE

More than the limits established in these regulations or of such magnitude that, in the judgment of the MWRA, may cause damage to any facility or be harmful to the wastewater treatment process or reduce its efficiency, cannot be removed in the wastewater treatment plant to the degree required to meet the Act, creates any hazard in the receiving waters, exceeds the capacity of the local or MWRA sewerage system, or otherwise endangers life, limb or public property or constitutes a public nuisance.

FOG

Fat, oil, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

GARAGE

Any building wherein are kept or stored one or more motor vehicles, including, among others, a public or private garage, carport, motor vehicle repair shop or paint shop, service station, lubritorium, car wash or any building used for similar purposes.

GARBAGE

For the purposes of this Chapter, garbage refers to wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce. This is also commonly referred to as food waste.

INCOMPATIBLE POLLUTANT

A substance that is not amenable to removal in substantial amounts by the wastewater treatment plant. Incompatible pollutants include, but are not limited to, toxic metals and persistent organics.

INDUSTRIAL USER

Any user identified in 314 CMR as an industrial discharger to the wastewater system, based on their code as established in the Standard Industrial Classification Manual of the United States Office of Management and Budget.

INDUSTRIAL WASTES

Any solid, liquid or gaseous wastes resulting from industrial processes as defined by state regulations including 314 CMR.

INFILTRATION

Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through means which include, but are not limited to, defective pipes pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFILTRATION/INFLOW

Water originating from both infiltration and inflow without distinguishing the source.

INFLOW

Water other than sanitary flow that enters a sewer system (including sewer service connections) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, sump pumps, manhole covers, cross-connections between storm sewers

and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

INTERNAL SEWER SERVICE

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 sewer service, from the inside of the building to 10 feet outside the inner face of the building wall.

MASSDEP

The Commonwealth of Massachusetts Department of Environmental Protection.

MUNICIPAL SEWER

A sewer controlled by the City of Melrose.

MWRA

Massachusetts Water Resources Authority (formerly Metropolitan District Commission).

MWRA RULES AND REGULATIONS

The most recent Rules and Regulations of the MWRA, as defined in 360 CMR or any related or referenced regulation of the MWRA governing sewer use.

MWRA SEWER INTERCEPTOR

A sewer controlled by the MWRA.

MWRA SEWERAGE DISTRICT

All cities, towns and sewer districts served by the MWRA in accordance with legislation.

MWRA SEWERAGE SYSTEM

The sewerage works under the control of the MWRA including conveyance and treatment facilities such as MWRA sewer interceptors, pumping stations, and the Deer Island Wastewater Treatment Facility.

NATURAL OUTLET

Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

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 seven and a hydrogen ion concentration of 10^{-7} .

PLUMBING CODE

The existing rules and regulations enforced through the Melrose Plumbing Inspector. Such rules and regulations shall conform to Commonwealth of Massachusetts Regulations (248 CMR).

PROPERLY SHREDDED GARBAGE

Garbage (a.k.a. food waste) that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in municipal sewers. No particle shall be greater than 1/2 inch or 1.27 centimeters in any dimension.

PUBLIC SEWER

A common sanitary sewer controlled by the City or the MWRA.

SANITARY WASTEWATER

Liquid or water-carried human and domestic wastes from residences, commercial buildings, industrial

plants and institutions, exclusive of groundwater, stormwater and surface water and exclusive of industrial wastes.

SANITARY SEWER

A sewer pipe that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any quantities of groundwater, stormwater and surface water that are not admitted intentionally.

SCHEDULE OF FEES

The City of Melrose Water, Sewer, and Drainage Schedule of Fees, which includes all charges for water and sewer use, permits, application fees, and all other rates or fees associated with the City of Melrose water, sewer, and drainage systems. This Schedule of Fees shall be revised periodically as appropriate. All water and sewer volumetric rates and base fees as listed in the Schedule of Fees shall be approved in advance by the City Council.

SEPTAGE

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

SEWER

A pipe or conduit that carries wastewater. (see Sanitary Sewer)

SEWER SERVICE CONNECTION (also called "house connection" or "sewer lateral")

The wastewater connection from the building to a public sewer.

SEWERAGE SYSTEM

Any device, equipment or works used in the transportation, pumping, storage, recycling and reclamation of wastewater.

SLUDGE

Waste containing varying amounts of solid contaminants removed from sanitary wastewater by physical, chemical and biological treatment.

SLUG

Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty four-hour concentration of flows during normal operation and which may adversely affect the sewerage system.

STANDARD METHODS

The current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, American Water Works Association and Water Environment Federation.

[Amended 8-21-2017 by Ord. No. 2018-4]

STORM DRAIN

A pipe or conduit for conveying stormwater or surface water or relatively unpolluted water from any source, which shall be kept separate from sanitary sewers.

SUSPENDED SOLIDS

Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and

are removable by a laboratory filtering procedure as described in Standard Methods.

TITLE 5 FLOW

The design flow of sanitary wastewater from a building or buildings as defined by the State Environmental Code, Title 5: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

TOXIC WASTES

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 wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant and those wastes so specified in these regulations and in the Act.

USER

Any municipality, governmental agency, public authority, property owner, person or permittee discharging wastewater directly or indirectly into any public sewer.

WASTEWATER (aka Sanitary Wastewater)

The spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES

The structures, equipment and processes required to collect, pump, carry away and treat domestic and industrial wastes and dispose of the effluent.

WATER POLLUTION CONTROL FEDERATION MANUAL OF PRACTICE FD-5 (ASCE MOP 60) – GRAVITY SEWER DESIGN AND CONSTRUCTION

The document prepared by a joint task force of the American Society of Civil Engineers and the Water Environment Federation.

§ 228-30 Sewer service rates; minimum charges.

[Added 6-26-1985 by Ord. No. 1108; amended 3-17-1986 by Ord. No. 1311; 7-21-1986 by Ord. No. 1108A; 8-29-1988 by Ord. No. 2127; 1-3-1989 by Ord. No. 2240; 9-6-1989 by Ord. No. 90-2; 10-15-1990 by Ord. No. 90-279; 6-17-1991 by Ord. No. 91-304; 1-9-1992 by Ord. No. 92-138; 6-6-1994 by Ord. No. 94-222; 7-18-1994 by Ord. No. 94-222A; 6-15-1998 by Ord. No. 98-360; 6-27-2001 by Ord. No. 01-324; 6-26-2002 by Ord. No. 02-359; 12-16-2002 by Ord. No. 02-060A; 6-26-2003 by Ord. No. 03-289; 6-21-2004 by Ord. No. 04-269; 6-30-2005 by Ord. No. 05-247; 6-26-2006 by Ord. No. 06-249; 7-17-2006 by Ord. No. 06-249A; 7-16-2007 by Ord. No. 07-180; 5-19-2008 by Ord. No. 08-226; 6-15-2009 by Ord. No. 09-203; 5-17-2010 by Ord. No. 10-161; 6-20-2011 by Ord. No. 11-171; 5-21-2012 by Ord. No. 2012-158; 6-18-2012 by Ord. No. 2012-188; 8-20-2012 by Ord. No. 2013-3; 6-27-2013 by Ord. No. 2013-205; 5-19-2014 by Ord. No. 2014-118; 6-15-2015 by Ord. No. 2015-144; 6-16-2016 by Ord. No. 2016-164; 6-19-2017 by Ord. No. 2017-147]

- A. All bills for sewer service furnished by the City to City sewer users shall be rendered at intervals of three months (quarterly) or one month (monthly) at tiered rates per 100 cubic feet of wastewater flow as calculated below, as defined in the most recent version of the Schedule of Fees and approved by City Council. **[Amended 6-18-2018 by Order No. 2018-177]**
- B. Wastewater flow shall be based on a percentage of metered water consumption on the following schedule:

- (1) Residential users with one meter contribute 90% of metered water consumption as wastewater flow.
- (2) Residential users with separate lawn and garden service meters contribute 100% of their domestic metered water consumption and 0% of their metered lawn and garden service water consumption as wastewater flow.
- (3) Industrial/commercial users, including hospitals, contribute on a percentage basis up to 90% of metered water consumption. This percentage shall equal 90% except in cases where the City Engineer has determined that product retention of water, cooling tower loss and other evaporative water losses have occurred in the process. The wastewater flow as a percentage of metered water consumption will be set on an individual basis in those cases by the City Engineer.
- (5) Customer accounts with no sewer connection will not be billed sewer fees for any proportion of their metered water use.
- (6) In most cases as determined by the City Auditor, municipal facilities will not be billed for sewer usage. Water will still be metered for the purpose of accounting for water use and promoting conservation.

§ 228-31 Elderly discount.

[Added 2-20-1996 by Ord. No. 96-185; amended 5-6-1996 by Ord. No. 96-238]

- A. A twenty-percent discount on sewer bills shall be given upon approval of application to the office of the City Engineer if applicants meet all the requirements for a discount to water bills, as defined in Article II, Section 228-20. **[Amended 5-21-2012 by Ord. No. 2012-158]**
 - (1) The applicant must have reached or already been over age 65 in the calendar year prior to that in which he/she is making application for discount. In the case of joint ownership, either spouse/owner must have reached age 65 in the prior year.
 - (2) The applicant must be the owner of record of the property for which the discount is requested, their name must appear on the sewer bill for that property, and they must have lived at the subject property for a minimum of one year.
 - (3) The yearly consumption of water by the applicant shall not exceed 6,250 cubic feet.
 - (4) The discount shall only apply to owners of one-family or two-family homes who are able to demonstrate their primary residence in said single- or two-family home. Three-family homes or larger are excluded.
 - (5) Otherwise eligible condominium owners will be entitled to a discount which shall be equal to the average single-family discount provided for in this section for the immediately preceding fiscal year.
- B. Applicants who have not reached 65 will also qualify for discount if:
 - (1) They are in conformity with the other provisions of this section.
 - (2) Their yearly gross income does not exceed \$15,000 for a single person and \$23,000 if filing jointly.
- C. Administration of the discount program set forth in Subsections **A** and **B** above shall be in accordance with reasonable policies established by the Director, or their designee, and shall be in strict compliance with this section.

§ 228-32 **Damaging or tampering with facilities, right of entry.**

- A. No 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 wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or other applicable charge.
- B. Any person who wantonly or maliciously destroys or injures any part of the City's or MWRA sewer system shall be subject to all penalties and other provisions of the MWRA or the Commonwealth of Massachusetts as applicable, in addition to all City fees and criminal penalties as applicable. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- C. The Director, the City Engineer, and other duly authorized employees or agents of the City or the MWRA, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these rules and regulations. This shall include smoke and dye tests, as well as visual inspections inside buildings in order to test for unauthorized or excessive discharges into the sewer system.
- D. The Director of Public Works 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 a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. **[Amended 8-21-2017 by Ord. No. 2018-4]**

§ 228-33 **Connections to be regulated.**

- A. All users which connect to any municipal sewers in the City, either directly or indirectly, shall do so subject to the direction, control and regulation of the MWRA, the City, and Massachusetts General Laws.
- B. Requests for the installation of a new sewer service connection to the public sewers and/or the repair or replacement of an existing sewer service connection must be made in writing to the office of the City Engineer. No work shall commence without a permit issued by the DPW Engineering Division.
- C. At a minimum, the approval of an application for a sewer service connection will be subject to the following requirements:
 - a. No service connection shall be allowed unless a parcel of real property abuts an existing gravity sewer main, or the requested property creates an easement for sewer utility across any applicable parcels, unless otherwise approved by the City Engineer.
 - b. An approved application for sewer service shall constitute a sewer service connection permit, subject to the terms and conditions stated and referred to therein. Such permit shall be valid for a period of six months from the date of issue, unless extended in writing by the City Engineer.
 - c. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without an approved DPW application for sewer service.

d. When applicable, approved permits from MassDEP for Sewer Extension or Connection (314 CMR 7.00) shall be secured.

- D. Requests for the installation of a new sewer main to extend the system of public sewers must be made in writing to the City Engineer. Each new sewer main constructed within the City right-of-way or an accepted easement shall be granted to Melrose as a public sewer, unless otherwise specified by the City Engineer.
- E. Except as specifically provided in writing with reference to a particular sewer connection, sanitary sewers shall be used only for the conveyance and disposal of sanitary wastewater as defined in these regulations and for approved, diluted, water-carried industrial wastes which are not objectionable as provided for herein.
- F. No person or party shall discharge or put into any public sewer or into any sewer or fixture which thereafter discharges into any public sewer or appurtenance thereof any waste or substance other than such kinds or types of water or water-carried wastes for the conveyance of which the particular sewer or appurtenance is intended and designed.

§ 228-34 Separation of surface waters and wastewater required.

[Amended 4-7-2008 by Ord. No. 08-129]

- A. The plumbing of any estate or premises shall be so arranged as to keep any groundwater, stormwater, surface water, or unpolluted waters, including all infiltration and inflow, separate from the sanitary sewer. Such waters shall be connected to a storm drain, watercourse, or subsurface device designed for the discharge of stormwater, or shall discharge to the surface within the subject property.
- B. No person shall maintain or make a connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a sewer service or internal sewer service or waste pipe which in turn is connected directly or indirectly to a public sanitary sewer.

§ 228-35 Unlawful deposit of waste.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or objectionable waste.

§ 228-36 Untreated discharge to natural outlet prohibited.

[Amended 4-7-2008 by Ord. No. 08-129]

- A. Illicit discharges. No person shall dump, discharge, or cause or allow to be discharged any wastewater or pollutant discharge into the municipal separate storm sewer system (MS4), into a receiving water, or into the waters of the Commonwealth.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection for wastewater to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

§ 228-37 Septic tank use restricted.

Except where connection to a public sewer is deemed infeasible by the City Engineer, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

§ 228-38 Connection to public sewer required.
[Amended 5-21-2012 by Ord. No. 2012-158]

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that such public sewer is within 100 feet of the property line. This requirement for connection may be waived when permitted by the City Engineer.

§ 228-39 Contributions by industrial users.

The MWRA may deny or condition new or increased contributions of pollutants to the MWRA sewerage system by industrial users.

§ 228-40 Pretreatment requirements.

Users shall make wastewater acceptable in accordance with these regulations, as well as MassDEP and federal regulations, before discharging to any public sewers. Any facilities required to pretreat wastewater to a level acceptable to the MWRA shall be provided and maintained at the user's expense. A description and detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the MWRA in accordance with the implementation schedule incorporated in the user's permit. The review of plans and operating procedures will in no way relieve such user from the responsibility of modifying the pretreatment facility as may be necessary to produce an effluent acceptable to the MWRA under the provisions of these regulations and requirements of federal and state agencies. Any subsequent changes in a pretreatment facility or method of operation shall be reported to the MWRA before modification of such facility. Pretreatment, including but not limited to parameters considered, limits, and testing, shall conform to all requirements of MassDEP and all other applicable state and federal regulations.

§ 228-41 Time frame for compliance with standards.

Any user to which City, MWRA, federal or state pretreatment standards are applicable shall be in compliance with such standards within the time required by such regulations.

§ 228-42 Traps required for flammable wastes.

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 which are connected with municipal sewers shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the MWRA and the City and shall be located so as to be readily and easily accessible for cleaning and inspection. The City may request proof of proper maintenance of such infrastructure at any time.

§ 228-43 Maintenance of pretreatment equipment.

Where pretreatment or flow-equalizing facilities or traps or separators are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or the user at his/her own expense.

§ 228-44 Meters and measuring devices for industrial wastes.
[Amended 12-16-2002 by Ord. No. 02-060A]

- A. When required by the MWRA or by the City, the owner or user of any property discharging industrial wastes shall install a suitable control or measuring device, together with manholes, chambers, meters and other appurtenances, in the sewer service to facilitate observation, sampling and measurement of the

wastes. Such manholes, chambers or meters shall be accessibly and safely located, shall be constructed in accordance with plans approved by the MWRA and by the City, shall be installed by the owner at their expense, and shall be maintained by the owner in good operating condition at all times. The records from the meters and measuring devices shall be furnished to the MWRA or to the City upon request.

- B. The facilities shall be constructed in accordance with all applicable construction standards and specifications. Construction shall be completed in accordance with a time schedule established by the MWRA and/or MassDEP, as applicable.
- C. The Director of Public Works or other duly authorized City employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold from the City information considered confidential if the industry establishes that the revelation to the public of the information in question might result in an advantage to competitors. While performing necessary work on private properties, the Director of Public Works or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- D. The MWRA or the City may inspect the facilities of any user to ascertain whether these regulations are being met. Persons or occupants of premises where wastewater is generated or discharged shall allow representatives of the MWRA or the City ready access at all reasonable times to all parts of the premises for inspection or sampling or in performance of any of their duties. The MWRA or the City shall be deemed to be performing a governmental function for the benefit of the general public, and neither the MWRA, the City, nor the representatives of either shall be liable for any loss or damage as a result of the performance of such governmental function. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the MWRA or from the City will be permitted to enter without undue delay for the purpose of carrying out their specific responsibilities.
- F. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with Standard Methods and shall be determined at the control manhole or chamber provided or by use of suitable samples taken at the control manhole or chamber. If no special manhole or chamber has been provided, the control point shall be a sampling point acceptable to the MWRA and the City. Sampling shall be carried out by customarily accepted methods. The particular analyses involved will determine whether a composite or grab sample is taken. If there is any question concerning the sampling, the MWRA, the City, or MassDEP will make the final decision.
- G. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available, upon request, to other governmental agencies and to the public without restriction unless the user specifically requests otherwise and is able to demonstrate, to the satisfaction of the MWRA and the City, that the release or communication of such information would divulge methods or processes entitled to protection as trade secrets or would violate applicable provisions of law.

§ 228-45 Protection from discharges; notice of accidental discharge.

Each user shall provide protection from any discharges, including accidental discharges, in violation of these regulations. Users shall notify the MWRA and the City immediately upon discharging wastes in violation of these regulations in order for countermeasures to be taken to minimize the damage to all public sewers and to receiving waters. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement to the City describing the causes for the accidental discharge and the measures being taken to prevent future occurrence. Additionally, any reporting requirements of the MWRA and MassDEP for accidental discharges shall be met. Such notification will not relieve users of liability for any expense, loss or damage to any public sewers or for any fines imposed on the MWRA or on the City.

§ 228-46 Information for employees.

Industrial users shall inform their employees of the existence of these regulations, and at least one copy shall be permanently posted on the user's bulletin board. Each user shall permanently post a notice advising employees as to who in its organization has been designated as the responsible individual for compliance with these regulations and who should be notified of any accidental discharges in violation of these regulations.

§ 228-47 Penalties imposable by City.

- A. Any person who discharges wastes in a manner in violation of this article will be subject to penalties or charges as permissible by law.
- B. When a discharge of wastes causes an obstruction, damage or any other impairment to the sewerage system, the DPW may assess a charge against the discharger for the work required to clean or repair the facility.
- C. Any person who violates the provisions of this Article shall be fined as defined in the Schedule of Fees. Each day of the existence of any such violation shall be deemed a separate offense.
- D. Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the Department or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be punished by a fine as defined in the Schedule of Fees.
- E. Whenever a discharge of wastes is in violation of the provisions of this Article or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City Solicitor may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge. This does not limit the City's ability to pursue all other applicable legal action as deemed appropriate by the City Solicitor.
- F. The penalties included in this section are in addition to any which may be levied by the MWRA or other governmental or regulatory body.

§ 228-48 Penalties imposable by MWRA.

Any user who violates any provision of these regulations or any user who knowingly makes any false statement, representation, record, report, plan or other document filed with the City or the MWRA or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this regulation shall be punished by a fine as specified in the Schedule of Fees and/or as prescribed by the MWRA for each day such violation continues, or shall be subject to a civil penalty per day of such violation, which may be assessed in an action brought on behalf of the Commonwealth in any court of competent jurisdiction.

§ 228-49 Disposal of septage.

Septage shall be disposed of in accordance with the following provisions:

- A. No user shall discharge or cause to be discharged or allow to be discharged into any public sewer any septage from within the City of Melrose.
- B. No user shall discharge or cause to be discharged or allow to be discharged into any public sewer any septage generated outside the City of Melrose.
- C. No user shall discharge septage or other wastes from recreational vehicles (RVs), campers, boats, or other temporary storage tanks into the City's or the MWRA sewer system within the City.

§ 228-50 Precedence of more stringent regulations.

If federal or state agencies or the MWRA enacts or promulgates laws or regulations more stringent than these regulations, the federal, state or MWRA requirements shall take precedence.

§ 228-51 Recourse for violations.

When the MWRA or the City finds that a discharge of wastes has been taking place or threatens to take place in violation of these regulations or the provisions of a permit, the following actions may be taken:

- A. The MWRA or the City may issue an order to cease and desist any such discharge or violation to any user not complying with such prohibitions, limits, requirements or provisions and direct such user as follows:
 - (1) To comply forthwith;
 - (2) To comply in accordance with a time schedule set forth by the MWRA or by the City; or
 - (3) To take appropriate remedial preventive action in the event of a threatened violation.
- B. The MWRA and the City may require the user to submit a detailed time schedule setting forth specific actions to be taken, subject to modifications as the MWRA or the City deems necessary for the user to follow in order to prevent or correct a violation. The MWRA and the City may issue an implementation schedule to the user containing specific actions and time schedules.

§ 228-52 Implementation and enforcement.

[Amended 12-16-2002 by Ord. No. 02-060A]

In the implementation and enforcement of these requirements, the following provisions shall be observed:

- A. Whenever the MWRA issues, denies or modifies a permit, issues an order or assesses charges for damage or other violations occasioned by noncompliance with any permit or other lawful requirement, the user's rights for appeal or reconsideration shall be as prescribed by the MWRA.

- B. Any proposal by the MWRA to revoke a permit shall be executed in the manner specified by MWRA regulations.
- C. The City shall be notified by the MWRA of any permit modifications or revocation.
- D. The MWRA reserves the right to take direct enforcement action through the courts, pursuant to MGL c. 92, App. § 1-24, in any case of violation of these regulations.

§ 228-53 Publication of list of industrial users.

A list of industrial users will be posted on the City of Melrose website every year in the month of January as a form of public participation. Included in the list will be all industrial users which were not in compliance with the applicable pretreatment requirements during the previous 12 months. A summary of the control actions taken by the MWRA or by the City will also be published in conjunction with the list.

§ 228-54 Calculation of sewer cost; collection of assessment.

The actual cost of each public sewer laid and constructed shall be determined as follows:

- D. Applications for the original laying of pipes in public and private ways for the conveyance of wastewater shall be made, in writing, to the City Engineer in the form of an application for utility installation and shall include all plans and other documentation required by the City Engineer. Such work shall be performed entirely at the expense of the applicant and in accordance with all DPW design and construction standards in place at the time the application is made.
- E. Cases may arise where the City chooses, at the City's option, to lay a new sewer main and services where one did not previously exist. At the discretion of the City Engineer, a procedure may be used to assess betterments to the bettered properties in accordance with MGL Chapter 80, Section 1 and Chapter 83.
- F. This section shall not apply to the laying of sewer pipes for which provision is otherwise made by the rules and regulations of the Planning Board governing the subdivision of land.

§ 228-55 Permits for industrial users.

- A. Requirements and conditions. Every user discharging industrial wastes to any public sewer shall obtain a joint permit from the MWRA and from the City. Industrial users proposing new discharges shall obtain such permits prior to constructing a sewer service. The MWRA and the City may change the conditions of a permit from time to time as circumstances, including regulations enacted or promulgated by the state or federal government or its agencies, may require. The MWRA and the City may stipulate special conditions and terms upon which the permit will be issued. No user may increase the daily volume, strength or rate of their permitted discharge without first securing an amendment to their permit.
- B. Applications. It is the responsibility of every industrial user to obtain a permit. Should an industrial user be identified who does not have a permit, they will be notified to apply for a permit. Permit application forms shall be filed within 30 calendar days of notification, or as prescribed by regulations of MassDEP and the MWRA, whichever is sooner.
- C. Evaluation of application; imposition of conditions. The MWRA and the City shall evaluate the adequacy of data furnished in the application form. If insufficient data has been furnished, the MWRA

will notify the industrial user to provide additional data within a specified time. After acceptance of data, the MWRA and the City will issue the permit. The MWRA and the City may stipulate special conditions and terms upon which the permit may be issued.

- D. Permit conditions. Permits may contain the following conditions:
 - (1) Limits on rate, time and characteristics of discharge or requirements for flow regulation and equalization.
 - (2) Installation of inspection, flow measurement and sampling facilities, including access to such facilities.
 - (3) Specifications for monitoring programs which may include flow measurement, sampling, chemical and biological tests, recording of data and reporting schedules.
 - (4) Pretreatment requirements and schedules for implementation, including schedules for reporting progress towards meeting these requirements.
 - (5) Submission of discharge reports.
 - (6) Schedules for the payment of industrial cost recoveries as required under Section 204 of the Act.
 - (7) Special service charges or fees.
 - (8) Other conditions as deemed appropriate by the MWRA or by the City to ensure compliance with these regulations and with applicable requirements of state or federal law, including requirements to meet all local limits for industrial pretreatment for prescribed parameters.
- E. Permit not assignable. A permit shall not be reassigned or transferred.
- F. Revocation and modification of permit. If an industrial user discharges amounts or rates of pollutants in violation of these regulations, the MWRA or the City may revoke the existing permit in accordance with § 228-52. If an industrial user shows that changes in the industrial process have improved the characteristics and volume of its discharge, the permit may be modified upon application by the industrial user to the MWRA.
- G. Enforcement of permit conditions. The conditions of all permits shall be enforced by the MWRA and the City in accordance with the provisions of these regulations.
- H. Reports. When required by the permit, each industrial permittee shall submit a duly signed report to the MWRA and the City containing all information requested by the MWRA or the City and in a form acceptable to the MWRA and the City. The MWRA and the City will evaluate the data furnished. If insufficient data has been furnished, additional information may be required.
- I. Sources of charges and recovery payments information. The MWRA and the City may use the information provided in the permit applications, permits and discharge reports as the basis for determining user charges and industrial recovery payments.

§ 228-56 Minimum discharge requirements.

The City's sanitary sewer system discharges into the MWRA sewerage system. All discharges into the public sanitary sewers shall, as a minimum, conform to the requirements of 310 CMR 10.00: Sewer Use (aka Rules and Regulations of the MWRA).

§ 228-57 Types of substances prohibited from discharge.

No user shall discharge or shall cause or allow to be discharged any substances, water or wastes that the MWRA or the City has identified as likely, either singly or by interaction with other substances, to:

- A. Harm either the sewerage system or the wastewater treatment process;
- B. Be otherwise incompatible with the treatment process;
- C. Cause a violation of federal and state discharge permits issued to the MWRA or to the City;
- D. Adversely affect receiving waters;
- E. Endanger life, limb or public property; or
- F. Constitute a nuisance.

§ 228-58 Enumeration of prohibited substances.

[Amended 12-16-2002 by Ord. No. 02-060A]

No user shall discharge or cause or allow to be discharged any of the following substances:

- A. Gasoline, benzene, naphtha, fuel oil, crude oil, lubricating oils and flammable or explosive liquids, solids or gases or any other oils or greases of hydrocarbon or petroleum origin.
- B. Waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, sewerage systems and personnel.
- C. Solids or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage systems, such as but not limited to sand, metal, glass, wood, plastics, rubber, latex, cloth, non-dispersible wipes, and lime slurries.
- D. Liquids or vapors having a temperature higher than 150° F or 65° C.
- E. Waters or wastes containing fats, wax, grease or oils of vegetable or animal origin in excess of 100 milligrams per liter or containing other substances (not specifically prohibited by Subsection A) which may solidify or become viscous at temperatures between 32° F or 0° C and 150° F or 65° C. Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible oils, fats and greases. The use of chemical or physical means, such as temperature variation, emulsifying agents or mechanical mixers, to bypass or release fats, oils and greases into the municipal sewerage system is prohibited. If the discharge concentration for any fats, oils and greases is in excess of 100 milligrams per liter after treatment, the MWRA may increase the discharge concentration limit on a case-by-case basis when the user demonstrates to the MWRA's satisfaction that its discharge is not contributing to nuisance conditions.

F. Garbage that has not been properly shredded.

G. Metals.

- (1) Waters or wastes containing amounts of toxic or objectionable metals in excess of the concentrations obtainable by acceptable control technology, including but not limited to the following:

Antimony	Chromium	Nickel
Arsenic	Copper	Selenium
Barium	Iron	Silver
Beryllium	Lead	Tin
Boron	Manganese	Zinc
Cadmium	Mercury	

- (2) In general, wastes containing the above metals shall be treated to reduce their concentrations to the minimum levels attainable by chemical precipitation processes or other equally effective methods. In no case, however, shall allowable metal concentrations be higher than those concentrations allowed by applicable state or federal law, including all specifically established local limits.

H. Nonmetals.

- (1) Waters or wastes containing amounts of toxic or objectionable nonmetals in excess of concentrations attainable by acceptable control technology, including but not limited to:

Ammonia	Pesticides	Chlorides
Cyanides	Phenols	Polychlorinated biphenyls (PCBs)
Herbicides	Sulfates	Sulfides

- (2) In no case, however, shall allowable nonmetal concentrations be higher than those concentrations allowed by applicable state or federal law, including all specifically established local limits.

I. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the MWRA in compliance with state or federal regulations.

J. Sludges or deposited solids resulting from an industrial or pretreatment process.

K. Substances causing excessive discoloration or turbidity.

L. Slugs as defined herein.

M. Substances which exert unusual BOD, chemical oxygen demand or chlorine requirements in quantities such that when received in the composite wastewater at the wastewater treatment facility they exceed the limits established for such discharges.

N. Substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or not amenable to treatment as necessary for the wastewater treatment plant effluent to meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- O. Any substances that may attack, damage or alter by either abrasion or chemical action the materials of which the sewer and its appurtenances are composed or built.
- P. Substances causing excessive discoloration (such as, but not limited to, dye wastes or 'vegetable tanning solutions').
- Q. Sticks, stones, rubbish, rags, unground, unshredded, or improperly shredded garbage, refuse or portions of any animal carcass having particles more than one quarter inch in longest dimension.
- R. Wastewater containing considerable quantities of animal guts or tissues, entrails, offal, blood, feathers, hair, hides, scraps, unshredded vegetables, straw or cinders.
- S. Hazardous wastes and/or material as defined by the Commonwealth of Massachusetts Department of Environmental Protection Regulations (310 CMR), or successor regulations as amended.
- T. Based on the composition of wastewater, the Director reserves the right to:
 - a. Reject sanitary wastewater that does not comply with the regulations herein.
 - b. Require pretreatment to an acceptable condition for discharge to public sewers.
 - c. Require control over the quantities and rates of discharge.
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

§ 228-59 Discharge of unpolluted waters.
[Amended 4-7-2008 by Ord. No. 08-129]

- A. No person shall discharge or cause to be discharged any unpolluted waters, such as groundwater, stormwater, surface water, roof runoff, tidewater, subsurface drainage, uncontaminated cooling water or uncontaminated industrial process water, to any sanitary sewer. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water either directly or indirectly into a sanitary sewer system. All connections of infiltration and/or inflow to the public sewer system are illegal according to state plumbing codes.
- B. Stormwater and all other unpolluted drainage shall be discharged to a natural outlet within the owner's property or to drainage pipes when approved in writing in advance by the City Engineer, as specified in Article V. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. Property owners shall allow an employee of the City or a designated representative of the City to inspect the building to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Such inspections may include smoke tests or dye tests on private property. The City may periodically reinspect any building or premises to determine compliance with the requirements of this section.
- D. Any property owner who previously made any connection or installation in violation of this section shall immediately remove such connection or correct such an installation. If not removed or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail

to the owner, the City may impose a surcharge in the amount defined in the latest version of the Schedule of Fees. Such a surcharge may also be imposed upon any property owner, after a thirty-calendar-day notice has been delivered, and if the owner refuses to allow his or her property to be inspected. The owner of a building or premises found to be not in conformance with this section during periodic reinspections may also be subjected to a surcharge as defined in Article V.

§ 228-60 Dilution prohibited.

The attainment of specific levels for discharge to public sewers by dilution in the absence of treatment shall be prohibited.

§ 228-61 Wastes of unusual strength or character.

Notwithstanding the limitations set forth in § 228-58 above, a special temporary permit or amendment to an existing permit between the MWRA and the City and the user may be issued by the MWRA whereby a waste of unusual character or strength may be accepted on an interim basis when, in the opinion of the MWRA, unusual or extraordinary circumstances compel special terms and conditions of temporary duration. Such permit or amendment will be issued only when, in the opinion of the MWRA, it would not cause any interference with or disruption in the treatment works, would not violate the National Pollutant Discharge Elimination System (NPDES) permit or Commonwealth water quality standards, and would not force additional controls on other dischargers to achieve compliance with effluent limitations.

§ 228-62 Permit required for sewer hookup; fee.

[Amended 4-7-2008 by Ord. No. 08-129]

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the DPW. A permit and inspection fee for a residential or commercial sewer service permit shall be paid to the City at the time the application is filed. Fees are defined in the Schedule of Fees.
- B. Except as otherwise provided by the rules and regulations of the City Planning Board governing the subdivision of land, the material required in the construction of sewer services and appurtenances thereof shall be provided and the labor thereon shall be performed by the private property owner.
- C. No person shall be allowed to make any alteration in, or make any connection with, any sewer service other than that intended in the original permit without making another application and obtaining permission to do so from the DPW. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- D. The City Engineer or DPW Operations Division staff shall have the right to inspect sewer services, sewer laterals, private sewers, grease traps, oil traps, particle separators, improperly connected sump pumps, and other facilities tributary to the City's wastewater system, at any reasonable time while such construction is underway. After obtaining a permit, the owner shall notify the City Engineer when such facility is installed and ready for final inspection and before the facility is connected to the City's wastewater systems. More frequent inspections may be required by the City Engineer. Connection to the City's wastewater system shall be made in the presence of an authorized representative of the City. No facility shall be covered over until approval has been given by the City Engineer or DPW Operations Division staff. **[Amended 5-21-2012 by Ord. No. 2012-158]**

§ 228-63 Classes of sewer service permits; application form; supplemental information.

- A. There shall be two classes of sewer service permits:

- (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes.
- B. In either case, the owner shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer and as specified in the DPW Design and Construction Standards. For further information concerning industrial permits, see § 228-55. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. The design, construction, and materials of a sewer main or service connection, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the City of Melrose Public Works Design and Construction Standards, building and plumbing code, and other applicable rules, regulations and ordinances of the City. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the ASTM and WPCF Manual of Practice No. FD-5 shall apply.
- D. All new sewer mains shall remain within public ways for their entire length except where this is not practical. In such cases, easements deemed appropriate by the Division for the operation and maintenance of the sewer shall be conveyed to the City without cost to the City.
- E. Special service fees for administrative, inspection and construction services for each connection shall be assessed according to the Schedule of Fees, the full amount of which shall be paid to the City before work commences.

§ 228-64 This section left blank intentionally

§ 228-65 Installation of private sewer services.

- A. Private sewer service shall be laid to and through the cellar wall and shall be provided with a cleanout in the direct line of the pipe.
- B. All pipes through or under the wall of any building, and for a distance of ten feet outside of the wall or building, shall be of extra-heavy cast iron and are subject to the jurisdiction of the applicable plumbing code.

§ 228-66 Maintenance responsibilities.

Every sewer service shall be under the control of, and shall be maintained and kept clean by the property owner. All costs and expense incident to the installation and connection of sewer services shall be borne by the owner of the premises served by the same. Additionally, all cleaning of, repairs to or renewals of sewers shall be made at the expense of the owner of the premises served by such sewer, provided that any labor on such sewer which may be required as a result of defects or obstructions in the main public sewer shall be paid for by the City.

Whenever any service connection to 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 service connection is located shall, upon notification by the Director and/or the City Engineer, remove, reconstruct, alter, clean or repair such service connection 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 Director and/or the City Engineer may cause the

service connection to be removed, reconstructed, repaired, altered or cleaned, as he or she may deem expedient, at the expense of such owner, agent, occupant or other person so notified, who shall also be liable to a penalty for such neglect or refusal.

§ 228-67 Disposition of assessment for betterment.

Whenever a betterment for a public sewer constructed pursuant to an order of the City Council has been assessed on the premises with respect to which an application for connection has been made, an agreement for payment of such assessment must be entered into by the property owner with the City prior to connection to the public sewer.

§ 228-68 This section left blank intentionally

§ 228-69 Responsibility for plumbing.

All pipes and fixtures outside the building shall be considered part of the sewer service, and shall be regulated by the DPW. The sewer service, from 10-feet outside of the house to the sewer main, including all chimney connections, shall be the property of the owner of the premises that is served, and all maintenance, improvements, and replacement shall be the responsibility of the property owner. All pipes and fixtures within any buildings, and for 10-feet outside the building, shall be considered a part of the plumbing and shall be under the regulatory jurisdiction of the Building Department and State Plumbing Code.

§ 228-70 An individual sewer service is required for every building; exception.

[Amended 12-16-2002 by Ord. No. 02-060A]

- A. A separate and independent sewer service shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. In such case, the sewer service from the front building may be extended to the rear building and the whole considered as one sewer service, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection aforementioned. The City may also require proof of maintenance agreements and/or easements to allow such jointly owned sewer service connections.
- B. Any property which is subdivided into multiple properties must make separate connections to the sewer main for each property; shared services will not be permitted unless a hardship is indicated and approval is given by the City Engineer.
- C. Unless a different determination is made by the City Engineer, each parcel is entitled to one single sewer service, and separate services shall not be connected to the public sewer main from multiple buildings on the same property. Accessory buildings such as a garage or barn or an approved in-law apartment should be connected to the sewer service for the primary use building.
- D. The City Engineer may determine that it is in the best interests of the City to allow more or fewer service connections than described in this Section.

§ 228-71 Use of old sewers.

Old sewer services shall not be used for new building construction or substantial reconstruction. If the City Engineer deems that it is in the best interest of the City to allow reuse of an old connection, and, on examination, the service meets all requirements of this article and DPW standards for integrity, the City Engineer may waive this requirement. All evaluations of the existing service pipe shall be performed at the expense of the owner.

§ 228-72 Establishment of specifications.

The DPW shall, from time to time, establish standard requirements or specifications to regulate the sizes, materials, methods and workmanship to be used in the construction of sewers, house connections and other similar work and appurtenances thereto connected or intended to be connected into or to discharge, directly or indirectly, into any public sewer of the City. These requirements shall be recorded in the DPW Design and Construction Standards and shall not conflict with any requirements of the City Building Commissioner. Such standard requirements shall provide for gastight and watertight connections and minimum requirements as to size, depth, slope or rate of grade for such pipes, shall regulate the kinds of pipe, fittings, methods of laying, jointing, materials used, manner of connecting to existing municipal sewers and general consideration as to location and other pertinent features. When a private service connection is made directly to the MWRA sewerage system, all applicable applications and standards applied by the MWRA must be met and supersede City requirements when they are more stringent. All City requirements that are more stringent than MWRA requirement shall apply to sewer services within the City, whether connected to the City or MWRA sewerage systems.

§ 228-73 Specifications to apply in absence of code provisions.

[Amended 8-21-2017 by Ord. No. 2018-4]

In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply.

§ 228-74 Gravity flow or means of lifting required.

Whenever possible, the sewer service shall be brought to the building at an elevation below the basement floor. The preferred method for discharge of sanitary sewage from an individual building or a group of buildings to the City of Melrose sewer system is by gravity flow. In all buildings in which any internal sewer service is too low to permit gravity flow to the public sewer, sanitary wastewater carried by such internal sewer service shall be lifted by an approved means and discharged to the sewer service. All grinder pump systems shall comply with the DPW's design and construction standards for such systems.

§ 228-75 This section left blank intentionally

§ 228-76 Private sewer services.

All sewer services shall be installed in full accordance with the DPW's Design and Construction standards unless otherwise permitted in writing by the City Engineer following application for installation.

§ 228-77 This section left intentionally blank

§ 228-78 Infiltration and inflow mitigation fees.

[Added 6-16-2016 by Ord. No. 2016-200]

- A. Any person or entity changing, altering, repairing, adding to or improving their property in any way that may or should impact the sewer system within the City of Melrose, or any person or entity proposing to add additional wastewater to an existing sewer connection, or any applicant for a new building permit, shall be required to mitigate infiltration/inflow sources which add extraneous water to the sewer system, thereby reducing its capacity and capability to accommodate new flows, at a rate of one gallon of infiltration/inflow removal for each additional gallon of wastewater that will be discharged to the sewer system as a result of the subject project. In the event a connection is subject to a state sewer connection/extension permit under Code of Massachusetts Regulations Chapter 314, and such permit is conditioned upon the completion of removal of infiltration/inflow prior to connection, said removal of

infiltration/inflow shall be credited toward complying with the requirements of this section.

- B. Title 5 (310 CMR 15) shall be used to determine flow rates, which will be used to calculate the value of the infiltration and inflow mitigation fee. Said fee shall be calculated based on the net change in Title 5 flows resulting from the subject project. The cost per gallon per day (gpd) of flow shall be as defined in the Schedule of Fees and as approved by the City Council. Existing conditions will be established based on records of the Melrose Assessor's office. For example, a project with a net increase of five bedrooms compared to existing conditions per Assessor's records has an associated Title 5 flow increase of 550 gpd. This is a one-time fee required prior to the issuance of a building permit or any other permit, order or permission for any change, alteration, repair, addition or modifications improving the subject property.
- C. The fee assessment, or indication that no fee is required based on a determination of no net increase to sewer flows from the subject project, shall be determined by the Director of Public Works. The Director will not sign off on occupancy for any project for which an outstanding payment is due for any assessed infiltration and inflow mitigation fee, for the subject project or for any other project for which occupancy is sought by the same applicant.

Article V
Stormwater
(previously approved)

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 228

Water, and Sewers, and Drains

[HISTORY: Adopted by the Board of Aldermen of the City of Melrose as Rev. Ords. 1976, §§ 20-46 to 20-65 (Rev. Ords. 1989, §§ 16-1 to 16-4 and 16-16 to 16-32, ~~—~~ (Rev. Ords. 2021, —) Amendments noted where applicable.]

GENERAL REFERENCES

Assessments — See Ch. 9.

Sewage disposal — See Ch. 194.

Streets and sidewalks — See Ch. 202.

Article I General Provisions

§ 228-1 ~~Regulations considered part of contract.~~ Applicability, Effective Date, and Severability.
[Amended 6-26-1985 by Ord. No. 1108]

- A. Except as otherwise specifically ordered by the City Council, the ~~rules and regulations~~ provisions set out in this Chapter shall be applicable to ~~considered as a part of the contract with~~ every person who uses the City water and the City sewer services, receives ~~and every person who benefits from the public drainage system, and is permitted for~~, and the installation and -maintenance of private drainage systems. Every person who takes, and every person who takes the water and uses the sewers and uses the drains in the City of Melrose shall comply with the regulations set forth herein.
- B. ~~assents thereto and agrees to be bound thereby.~~ This Chapter shall take effect immediately upon passage, approval, and publication as provided by law.
- C. Prior water, sewer, and drainage ordinances of the City of Melrose or parts thereof in conflict with this Chapter are hereby repealed. Any provision of this Chapter that is found to be unenforceable in any court of the Commonwealth of Massachusetts shall not affect the validity of any other provision of this Chapter.

§ 228-2 Commitment of charges for collection.
[Amended 6-17-1985 by Ord. No. 1046]

All charges for water and sewer service shall be committed forthwith by the Department of Public Works (DPW) to the City Collector for collection, and, whenever charges are so committed, such Department shall file with the City Auditor a report, in writing, of the total amount of the charges in each such commitment. The Department shall forthwith give notice, in writing, to the City Auditor of every correction in and abatement of a charge for water and sewer services.

~~§ 228-2 This section intentionally blank.~~

~~[Amended 2-1-1993 by Ord. No. 92-318]~~

~~If any person violates any of the rules and regulations set out in this chapter, the water will be shut off and~~

~~will not be turned on again until all charges, including \$25 for shutting off and turning on, have been paid.~~

§ 228-3 Billing period; place of payment; delinquent payments.

[Amended 6-17-1985 by Ord. No. 1045; 7-21-1986 by Ord. No. 1417; 7-28-1986 by Ord. No. 1455; 12-19-1988 by Ord. No. 2217; 10-19-1992 by Ord. No. 93-50]

A. All bills for water and sewer shall be made out and rendered by the ~~Public Works Department of Public Works (DPW)~~ to consumers quarterly ~~or monthly, at the choice of the resident customer, and all such bills shall be payable within 30 days at the office of the City Collector.~~ All quarterly bills shall be payable within 30 days and monthly bills within 21 days at the office of the City Collector.

~~B. All bills for stormwater shall be As defined in the Stormwater Rules and Regulations (SWR&R).~~

Bills not paid within ~~30 days~~ the specified timeframes shall be subject to the following:

- (1) Demand charge of \$5.
- (2) Interest penalty of 14% from the due date.
- (3) Lien fee of \$10, to be applied only on those water and sewer bills that become lien on real estate tax bills.

C. Abatement Procedure: A one-time water and/or sewer abatement will be considered during any ten-year period for any given customer address, upon filing of an abatement application meeting all requirements of the DPW for such request. Applications must be submitted within 45 days of the issuance date of the bill in dispute. No leak adjustments will be granted if the property has an active water leak or a known leak has not been repaired. In the event that the owner cannot determine the source or cause of unexplained high consumption, data logs will be gathered from the meter to show when water was being used. Abatement applications will only be accepted for accounts that are current, in good standing, and have a working radio meter installed. No more than two consecutive bills are eligible for an adjustment.

~~§ 228-4 Commitment of charges for collection.~~

~~[Amended 6-17-1985 by Ord. No. 1046]~~

~~All charges for water and sewer service shall be committed forthwith by the Public Works Department DPW to the City Collector for collection, and, whenever charges are so committed, such Department shall file with the City Auditor a report, in writing, of the total amount of the charges in each such commitment. The Department shall forthwith give notice, in writing, to the City Auditor of every correction in and abatement of a charge for water and sewer services.~~

Article II Water

§ 228-4 Definitions

As used in this article and in Article III, the following terms shall have the meanings indicated:

APPLICANT

A person, persons or corporation who applies for an account, a service connection, or the installation of other infrastructure for water, sewer, or drainage.

ANSI

The American National Standards Institute, Inc.

AWWA

The American Water Works Association

APPROVED

Accepted by the City of Melrose Department of Public Works (DPW) as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

BACKFLOW

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

BACKFLOW PREVENTER

A device or means designed to prevent backflow or backsiphonage. Allowable backflow devices in the Commonwealth of Massachusetts are defined in 310 CMR 22.22.

BACKSIPHONAGE

The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable public water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable public water supply system.

CERTIFICATION EXAMINATION

An examination approved by the Commonwealth of Massachusetts for the purpose of testing competency in all areas of cross-connection control and backflow prevention device testing.

CERTIFIED BACKFLOW PREVENTION DEVICE TESTER

An individual who holds a valid Massachusetts backflow prevention device tester's certificate issued by the Commonwealth.

CITY

The City of Melrose.

CITY ENGINEER

The City Engineer of the Melrose Department of Public Works or their designee.

COMMONWEALTH

The Commonwealth of Massachusetts.

CONTAMINANT

A physical, chemical, biological or radiological substance or matter in water.

CROSS-CONNECTION

Any actual or potential connection between a distribution pipe of potable water from a public water system and any pipe of nonpotable water.

CUSTOMER

The person or party responsible for a water and/or sewer account.

DIRECTOR

The Director of the Melrose Department of Public Works or their designee.

DPW (a.k.a. DEPARTMENT)

The City of Melrose Department of Public Works.

INSPECTION

The physical examination and testing of an installed backflow prevention device to verify that the backflow prevention device is functioning properly.

INSPECTION AND MAINTENANCE REPORT FORM

A report form, designated by the Commonwealth of Massachusetts, which is to be used by certified testers to record all pertinent testing information.

IRRIGATION SYSTEM

Any equipment that conveys water for irrigation purposes and that is permanently connected to the public water supply.

MASSDEP

The Massachusetts Department of Environmental Protection, which is the regulatory agency for the Federal Safe Drinking Water Act.

METER

A device installed for the measurement of water quantities to be used as a basis for determining charges for water and sewer service.

METER PIT

An underground chamber along a service line, suitable for installation of a water meter and for protecting the meter from the effects of weather.

OWNER

Any person maintaining a cross-connection installation or owning premises on which cross-connections can or do exist.

SCHEDULE OF FEES

The City of Melrose Water, Sewer, and Drainage Schedule of Fees, which includes all charges for water and sewer use, permits, application fees, and all other rates or fees associated with the City of Melrose water, sewer, and drainage systems. This Schedule of Fees shall be revised periodically as appropriate. All water and sewer volumetric rates and base fees as listed in the Schedule of Fees shall be approved in advance by the City Council.

WATER MAIN

The City of Melrose water supply pipe laid in the right of way or easement from which potable water service connections are made.

WATER, NONPOTABLE

Water which is not safe for human consumption or which is of questionable potability, including private wells.

WATER, POTABLE

Water from a public source which has been approved by the Massachusetts Department of Environmental Protection and the United States Environmental Protection Agency for human consumption.

WATER SERVICE CONNECTION

All the lines and materials from the water main to the customer's water system and is equivalent to 'water service'.

§ 228-5 Right of entry.

[Amended 5-21-2012 by Ord. No. 2012-158]

The owners or occupants of any premises served by the Division's City of Melrose water system shall, upon presentation by Division department personnel of their credentials, authorize entry to their premises during normal business hours, as provided for under the Massachusetts General Laws Chapter 165, Section 11D, for the purpose of inspecting and surveying their water system for new installations or cross connections, or to remove, repair or replace any water meter, or to conduct water quality sampling and testing. When such access is refused, the water shall be shut off after proper notice has been provided until such access has been allowed and fees have been paid for shutting off and turning on the water.

Duly authorized employees of the Division department, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City Division holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

The City Engineer DPW staff or their his/her agent shall at all reasonable hours have free access to premises supplied with water to examine the condition of the pipes and fixtures and quantity of water used and to inspect any components of the water system for compliance with this ordinance and any referenced City standards or policies.. and to shut off the water for nonpayment or any violation of the rules set out in this article.

State law reference — Authority of municipalities to make regulations relative to pipes through which water is supplied, MGL c. 40, § 21, cl. (7).

§ 228-6 Laying of service pipes.

[Amended 5-21-2012 by Ord. No. 2012-158]

- A. Except as otherwise provided by the rules and regulations of the Planning Board governing the subdivision of land, water service pipes will be ~~replaced~~ laid from the main to the line of the street without charge and from the line of the street to the building at the expense of the applicant, provided that the whole or part of the work from the street line to the building may be done by the property owner or his/her agent, subject to the approval of the City Engineer, if the property owner so elects. All new water service pipes and appurtenances associated with new construction or redevelopment shall be paid for and installed by the private property owner and their agents, following approval by the City Engineer. No work shall be performed on any component of the water system, including both public and private water mains and/or services connected to the City's water system, without a written permit application and approval from the DPW City's Engineering Division. All pipes and appurtenances shall conform to the Department City's standards as described in the City of Melrose Design and Construction Standards.

B. Approval of applications shall be valid for six months. If applicants do not make a service connection within six months of the date of approval, then the approval shall be revoked, unless extended in writing by the City Engineer.

C. The approval of an application for a water service account will be contingent upon the existence of a water main in the public or private way in front of the property to be served, unless otherwise allowed by the City Engineer. Furthermore, the pressure and carrying capacity of the water main must be sufficient to serve the applicant without adversely affecting the service to existing users.

D. The main must be extended (including necessary hydrants and appurtenances) to the furthest limit of the property to be served by water unless otherwise approved by the City Engineer. A waiver can be obtained if hardship is demonstrated at the discretion of the City Engineer. The applicant shall pay for the cost of permits, installation, and inspection by the Division in accordance with the Water, Sewer, and Drainage Schedule of Fees.

E. An applicant requesting extension of water mains in a private right of way must comply with the City of Melrose Design and Construction Standards, and must convey to the Division any easements necessary to maintain the pipe and appurtenances, along with ownership of the main itself when applicable.

—That portion of a service connection installed within a public way and terminating at a shut off shall be considered the property of the ~~Division~~ City upon its construction and acceptance unless otherwise specified by the City Engineer. The ~~Division~~ department shall be responsible for its maintenance unless otherwise specified by the City Engineer. That portion of a service connection not lying within the public way shall remain the property of the customer, who shall be responsible for its maintenance.

~~A. Any contractor performing work on utilities connected to the City of Melrose's water system must provide all bonds and insurance required by the Engineering Division permitting process.~~

~~All fees for permit applications and inspections shall be as documented in the Water, Sewer, and Drainage Schedule of Fees.~~

F.

~~A. That portion of a service connection installed within a public way and terminating at a shut off shall be considered the property of the Division upon its construction and acceptance unless otherwise specified by the City Engineer. The Division shall be responsible for its maintenance unless otherwise specified by the City Engineer. That portion of a service connection not lying within the public way shall remain the property of the customer, who shall be responsible for its maintenance.~~

G. If a property is subdivided, then each of the resulting properties must have its own service connection. This may require replacing an existing service connection with a main.

H. In case of a leak in the customer's service connection or water system, such leak must be repaired as soon as possible upon discovery by the customer or upon report to the customer by the ~~Division~~ department, as a condition of continued service. The customer may be billed for the estimated water use if repairs are not made within two weeks. The City also reserves the right to make repairs to private service lines and bill the customer for the expense if repairs are not made, when if the City deems the level of water loss to be unacceptable, regardless of the length of time that has passed since the leak was discovered.

—Any contractor performing work on utilities connected to the City of Melrose's water system must provide all bonds and insurance required by the ~~DPW~~ Engineering Division permitting process.

I.

§ 228-7 Size and material of service pipes and meters.
[Amended 5-21-2012 by Ord. No. 2012-158]

No water service pipe ~~or meter larger than 3/4 of~~ less than one inch will be laid or allowed, except upon special consent of the City Engineer ~~DPW. Allowable residential meter sizes are 5/8, 3/4, or 1-inch, unless otherwise approved by the City Engineer.~~ For a water service or meter larger than one inch, the Owner will be responsible for ~~and upon the payment of the additional cost to the City. Additional costs for larger services and meters is as defined in the most recent version of the WSR&R Water, Sewer, and Drainage Schedule of Fees~~ Water and Sewer Schedule of Fees. All pipe laid on the abutter's premises between the street line and the meter or cellar wall private property shall be of such material and size as may be approved by the City Engineer and in accordance with the applicable design standards of the Melrose DPW Water and Sewer Design and Construction Standards.

§ 228-8 Separate service pipes required; protection and maintenance.
[Amended 5-21-2012 by Ord. No. 2012-158]

No two buildings shall be supplied with domestic water through the same service pipe. ~~and, so far as possible, each tenement or apartment shall be supplied through a separate service pipe. Any person putting in his/her own~~ The service pipe from the street line to the building must lay it at least 5 1/2 feet deep and must provide include a stop and waste cock, properly located, inside the building. ~~and take such other precautions as may be deemed necessary by the City Engineer. He/she~~ The building owner must keep the service pipe, stop and waste cock, and all fixtures connected therewith on ~~his/her~~ their premises in good repair and protected from frost, and ~~they/he/she~~ will be held liable for all damage which may result from a failure to do so. Fire service, where required, shall be provided using a separate pipe from the water main, where needed.

§ 228-9 Additional service pipes.

~~Any person desiring more than one water service pipe for any one tenant from the main to his/her premises will be required to pay the whole cost of such additional pipe.~~
Any person desiring or requiring more than one water service pipe for any one building will be required to pay the entire cost of such pipe. Furthermore, the City may require new development projects to assume all costs associated with new or re-laid water services.

§ 228-10 Laying mains in public and private ways; assessments.
[Amended 5-21-2012 by Ord. No. 2012-158]

A. A.—Applications for the original laying of pipes in public and private ways for the conveyance and distribution of water shall be made, in writing, to the City Engineer in ~~such form as he/she/they shall prescribe.~~ the form of an application for utility installation and shall include all plans and other documentation required by the City Engineer. Such work shall be performed entirely at the expense of the applicant, in accordance with all DPW design and construction standards in place at the time the application is made. ~~Before laying any such pipe, the City Engineer shall prepare an estimate of the cost thereof and of the assessments to be paid by the owners of the land which will receive benefit therefrom, computed in the manner provided in this section, and shall grant a hearing to each such owner. Notice of the time and place of such hearing shall be given, in writing, not less than seven days prior to the date thereof, and each such owner shall be furnished with a statement of the estimated betterment to be assessed against his/her property.~~

B. Cases may arise where the City chooses, at the City's option, to lay a new water main and services where one did not previously exist. At the discretion of the City Engineer, a procedure may be used to assess betterments to the bettered properties iAssessment for the installation of new water main, service connections shall be in accordance with MGL Chapter 40, section 42K5G.:

Such city, town or district may provide that an owner of land which receives benefit from the laying of water pipes in public and private ways upon which his land abuts or which by more remote means receives benefit through the supply of water to his land or buildings shall pay a proportionate part of the cost not already assessed of extending such water supply to his land.

The amount to be charged against each parcel of land receiving such benefit shall include the cost of the pipes and other material and of the labor in laying them and other expenses incidental thereto and shall be ascertained, assessed and certified by the water commissionMWRAs or the other officers in charge of the supply and distribution of water in such city, town or district.

Section 42K. In a city, town or district which accepts the provisions of this section, the water commissioners may assess betterments in accordance with the provisions of chapter eighty for the construction and connection of water mains and services by a uniform unit method which shall be based upon the common main construction costs divided among the total number of existing and potential water units to be served after having allocated the town contribution, if any, and after having proportioned the cost of special (specific unit) and general benefit facilities. Each water unit shall be equal to a single family residence. Potential water units shall be calculated on the basis of zoning in effect at the date of assessment. Existing and potentially and potentially multi-family, commercial, industrial and semi-public uses shall be converted into water units on the basis of residential equivalents

B. Acting under authority of MGL c. 40, § 42G, the City Engineer shall assess 1/2 of the actual cost of originally laying pipes in public and private ways upon the estates benefited thereby. For the purpose of apportioning the cost among the estates so benefited, 1/3 of such 1/2 of the cost shall be assessed upon the total frontage of the land so benefited on the street or way in which such pipe is laid, and each such estate shall be assessed its proportional part thereof. Two thirds of such 1/2 of the cost shall be assessed upon the total area of the land so benefited within a depth of 100 feet from the street or way in which such pipe is laid, and each such estate shall be assessed its proportional part thereof.

C. In the case of an estate which receives a direct benefit from the laying of such a pipe but which does not abut the street or way in which such pipe is laid and is not wholly located within 100 feet from such street or way, so much of the area of such estate as may be deemed by the City Engineer to be just and reasonable shall be included in the total area, as aforesaid, and assessed its proportion of the cost in the same manner as land within 100 feet of such street or way.

D. Each corner lot abutting upon a street or way in which such a pipe is laid and which receives direct benefit therefrom shall be assessed in accordance with the provisions of this section, including the whole frontage of the lot on the street in which such pipe is first laid. When such a pipe is laid on the other street or way on which such lot abuts, so much of the area of such lot as has been previously assessed and so much of the frontage of such lot on the other street or way as may be deemed by the City Engineer to be just and equitable shall be exempt from assessment.

E. Whenever the City Engineer determines that a pipe for the conveyance and distribution of water shall be originally laid in any public or private way, he/she shall take all such steps as may be required to ensure that effect will be given to all pertinent provisions of MGL c. 40, § 42I.

A.C.F. This section shall not apply to the laying of water pipes for which provision is otherwise made

by the rules and regulations of the Planning Board governing the subdivision of land.

§ 228-11 Laying mains in private property.

~~In the event the City determines that it is necessary to install a water main is installed on private property, a permanent water easement shall be granted to the City. The property owner shall be compensated for the fair value of the land, as determined by an appraisal paid for and conducted by the City sought. No water main shall be laid in any private property, other than a private way, unless the owner thereof gives a release to the City for that purpose, and such owner, when required, shall file a bond for the payment annually of 6% of the cost to the City of such main and connections until such time as the revenue from such main shall be sufficient to pay the interest on the cost of construction.~~

**§ 228-12 Turning on and shutting off water; charges.
[Amended 1-21-1992 by Ord. No. 91-264A]**

- A. No person except the ~~City Engineer~~ DPW Operations staff or those authorized Department City's licensed primary water distribution system operator, or those authorized by him/her them, ized by the Operations Manager by him/her shall at any time turn or let on water to any house or building or in any way interfere with any gate valve, fire hydrant or standpipe. [Amended 5-21-2012 by Ord. No. 2012-158]
- B. Charges for turning water on or off, testing meters, and conducting other activities related to the provision of water by the City are defined in the Water, Sewer, and Drainage Schedule of Fees Water and Sewer Schedule of Fees rate chart included in latest version of the WSR&R and as approved by City Council.
- C. Any person who turns City water service on or off without permission from the DPW Operations Manager or the primary distribution system operator may be subject to fines as described in the - WSR&R Water, Sewer, and Drainage Schedule of Fees Water and Sewer Schedule of Fees.:
 - (1) ~~Water turned off at curb: \$25.-~~
 - (2) ~~Water turned on at curb: \$25.-~~
 - (3) ~~Meter tests: \$25.-~~
 - (4) ~~Special meter reading trip charge: \$25.-~~
 - (5) ~~Final meter reading: \$25.-~~
 - (6) ~~Repair of frozen meters: \$25 plus parts.-~~
 - (7) ~~Fire flow tests (hydrant): \$100.-~~

§ 228-13 This section intentionally blank. Water to be Supplied to Customers

- A. No customers shall operate apparatus on their water lines, water meter or elsewhere on their premises that will adversely affect the operating conditions of the City Division's water system or its equipment or its ability to serve other customers.

- B. Customers are responsible for notifying the Division department if a building becomes vacant and requesting that the water service be shut off.
- C. Variations in water pressure will not be considered a violation of this Ordinance when they arise from unusual or extraordinary conditions, or arise from the operation of the customer's own fixtures or appliances. It is the customer's responsibility to install suitable equipment to protect private piping, equipment and property from variations in water pressure.
- D. The Division department reserves the right to interrupt service temporarily in order to perform maintenance or repairs on the water system. Whenever possible, the Division department will notify customers of scheduled interruptions. However, in case of an emergency, the Division department reserves the right to interrupt service without first giving notice of such action if, in its opinion, it is necessary to do so in order to facilitate the making of repairs or alterations, or other necessary purposes. In such cases, no person shall be entitled to receive damages or refunds of payments because of any such interruption or any consequent conditions.
- E. A customer shall not be permitted to supply another property with water, except in emergencies, and then only with the permission of the City Engineer Department.
- F. No 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 water system. Any person violating this provision shall be subject to appropriate criminal proceedings.

§ 228-14 **Water meters.**

- A. No person except the proper officers DPW Operations staff of the Water Division will be allowed to set take off or repair water meters owned by the City. [Amended 8-21-2017 by Ord. No. 2018-4]
- B. All water meters under 1-inch in size will be furnished, placed and maintained by the City. Any premises requiring a meter over 1-inch is the owner's responsibility to purchase, install, and maintain. Any damage to any meter done or caused by the carelessness or neglect of the owner or occupant will be charged to his/her their next bill. Non-payment will result in fees consistent with non-payment of water bills, and, if not paid as provided for in § 228-3, the water will be shut off and not again turned on until such charge and all others are paid.
- C. Effective October 1, 2017, a manual read fee of \$50 per quarter as specified in the Schedule of Fees Water and Sewer Schedule of Fees shall be charged to any account that cannot be remotely read by the City of Melrose. [Added 6-19-2017 by Ord. No. 2017-148]
- D. A tampering fee shall be assessed to any customer, contractor, or other individual or company who deliberately and knowingly tampers with a water meter in order to change the meter reading, the value of which is specified in the Schedule of Fees Water and Sewer Schedule of Fees. Assessment of this fee does not preclude the City or others from imposing any applicable criminal or other charge.
- E. Installation and repair of meter pits must be approved by the City Engineer and shall be done at the customer's expense. Meter pits may be required at the discretion of the City Engineer.
- F. All meters installed must meet the City of Melrose standards for both the metering and communications

devices.

- G. It shall be the responsibility of every customer to ensure that meters on service connections are readily accessible to Division personnel, regardless of where the meters are located.
- H. If a customer requests that a device be installed to transfer meter registration information off the premises for the customer's convenience, it shall require the approval of the City Engineer and shall be installed at the customer's expense. The Division maintains the right of access to the premises in order to verify the consistency of the meter registration with the remote registration. The meter having actual contact with water shall serve as the primary measuring device and shall govern all billing and billing adjustments.
- I. The Division has the right to replace and repair meters or test meters in order to verify or insure their accuracy. The cost of periodically testing and replacing all meters larger than one-inch in size shall be the responsibility of the customer.
- J. For meters over one-inch in size, if the customer is unable to provide an opportunity to change, repair or test the meter during normal working hours, it is the responsibility of the customer to provide an acceptable bypass of the meter in order to accomplish replacement, make repairs or conduct in-place testing.- All bypasses shall be metered unless the City EngineerDepartment waives this requirement.
- K. Customers may request to have the meter which is currently in place and being used for billing by the City tested for accuracy. All meters will be tested for accuracy in accordance with industry standards for the type of meter in use as published by the American Water Works Association. A written report of the meter accuracy test will be provided to the customer and a one-time charge will be assessed according to the current ~~schedule of rates~~Schedule of Fees. If the meter is found to be over registering, then the Division will assume the full amount of the charge for testing the meter, and the water user fees based on readings from the meter shall be adjusted in accordance with the result of the test.
- L. The property owner is responsible for all costs and fees associated with the purchase and installation of a secondary water meter for outdoor water use. All plumbing work and meter installations must be done by a licensed plumber with all applicable permits obtained. Plumbing must effectively isolate all exterior uses from interior uses, and all exterior water uses must have no connection to the sanitary sewer. Second water meters for lawn sprinklers shall be installed after of the primary water meter and so that they measure only exterior water use. Plumbing to exterior uses must be properly isolated by use of both ball valves and a proper backflow prevention device. Both the primary and secondary water meters must be consistent with all current standards of the DPW.

§ 228-15 Rates set by Mayor and Council; Water Rate Review Committee.

[Amended 5-15-1978 by Ord. No. 19837; 6-5-1978 by Ord. No. 19917; 7-17-1978 by Ord. No. 19837A; 9-6-1989 by Ord. No. 90-2; 10-15-1990 by Ord. No. 90-278; 9-9-1991 by Ord. No. 92-22; 1-6-1992 by Ord. No. 92-137; 1-21-1992 by Ord. No. 92-166; 6-6-1994 by Ord. No. 94-221; 7-18-1994 by Ord. No. 94-221A; 6-17-1996 by Ord. No. 96-335; 6-27-2001 by Ord. No. 01-323; 6-26-2002 by Ord. No. 02-358; 12-16-2002 by Ord. No. 02-060A; 6-26-2003 by Ord. No. 03-290; 6-21-2004 by Ord. No. 04-268; 6-30-2005 by Ord. No. 05-248; 6-26-2006 by Ord. No. 06-248; 7-17-2006 by Ord. No. 06-248A; 7-16-2007 by Ord. No. 07-179; 5-19-2008 by Ord. No. 08-225; 10-20-2008 by Ord. No. 08-269; 6-15-2009 by Ord. No.

09-202; 5-17-2010 by Ord. No. 10-160; 6-20-2011 by Ord. No. 11-170; 5-21-2012 by Ord. No. 2012-158; 6-18-2012 by Ord. No. 2012-189; 8-20-2012 by Ord. No. 2013-4; 3-4-2013 by Ord. No. 2013-118; 6-27-2013 by Ord. No. 2013-204; 5-19-2014 by Ord. No. 2014-117; 6-15-2015 by Ord. No. 2015-143; 6-16-2016 by Ord. No. 2016-163; 5-15-2017 by Ord. No. 2017-136; 6-19-2017 by Ord. No. 2017-146]

- A. Except as provided by § 228-16, all bills for water furnished by the City shall be rendered at intervals of three months (quarterly) or one month (monthly) at rates established by the Mayor and City Council, ~~and defined in the WSR&R from time to time.~~
- (1) ~~Tiered w~~~~Tiered~~ water rates per 100 cubic feet, following approval, shall be documented in the Water, Sewer, and Drainage Schedule of Fees ~~Water and Sewer Schedule of Fees, effective fiscal year 2019.~~ [Amended 6-18-2018 by Order No. 2018-178]

~~(a) Quarterly consumption:~~

Cubic Feet	Rate Per 100 Cubic Feet
1 to 2,000	\$6.44
Over 2,000	\$8.75

~~(b) Quarterly meter base fee:~~

Meter Size (inches)	Fee
Up to 1	\$16.60
1 1/2	\$64.72
2	\$100.81
3	\$185.02
4	\$305.32
6	\$606.07
Manual read fee (for accounts that have not changed primary meter)	\$50/quarter
Second meter fee—meter replaced	\$16.60
Second meter fee—meter not replaced	\$50.00

~~(c) Monthly consumption:~~

Cubic Feet	Consumption Rate
1 to 2,000	\$6.44
Over 2,000	\$8.75

~~(d) Monthly meter base fee:~~

Meter Size (inches)	Fee
Up to 1	\$5.54
1 1/2	\$21.58
2	\$33.61
3	\$61.68

Meter Size**(inches)**

	Fee
4	\$101.78
6	\$202.03
Manual read fee (for accounts that have not changed primary meter)	N/A
Second meter fee — meter replaced	\$5.54
Second meter fee — meter not replaced	\$16.67

- (2) The water rate shall be applied to all properties in the City of Melrose classified under Commonwealth of Massachusetts Department of Revenue (DOR) Property Classification Code of ~~April 1987~~ April 2019 or latest version, as commercial, industrial, or residential. Properties owned and operated by the City of Melrose by governmental or quasi-governmental entities (e.g. MWRA) shall not receive a water bill unless otherwise determined by the City Auditor. Code/Codes 1, 101 through 103, 104 and 105 and all land or structures exclusively in municipal use by the City of Melrose. Water at said properties will still be metered for the purpose of accounting for water use and promoting conservation.
- (3) Owners of property are responsible for payment of all fees for water service. The ~~Division~~ Department shall not bill tenants or contractors, although they may receive a copy of bills upon request. Customers shall be charged fees and held responsible for service until the ~~Division~~ Department is notified in writing that they no longer desire to use the public water supply. The ~~Division~~ Department is not responsible for leaks on the customer's property. Water passing through a meter shall be considered used by the customer.
- (4) A minimum charge shall be assessed for water service from the date the water is turned on, regardless of the amount of water used, according to the current ~~s~~ Schedule of R ~~ates~~. The City reserves the right to charge base fees when the water is turned off.
- (5) If a meter fails to work, the customer shall be charged a user fee based on the average daily consumption of water as shown by the meter when it was working, for the corresponding billing period of the preceding year. If this methodology is not feasible, a different method of estimating water usage deemed appropriate to the Department shall be used.
- B. There is hereby created a Water and Sewer Rate Review Committee, to consist of the Director of Public Works, City Engineer, ~~the~~ Auditor, Treasurer-Collector, ~~and~~ a member of the City Council appointed by the President of the City Council, and two citizens of Melrose appointed by the President of the City Council. The Committee shall meet at least quarterly to review the water rate charges established pursuant to this section, the costs of operating and maintaining the water system, and any capital improvements to the system. The Committee shall hold at least one meeting per year after 7:00 p.m. It shall report its findings and any recommendations to the City Council in conjunction with submission of the annual operating budget. **[Amended 10-2-2017 by Ord. No. 2018-23]**

State law reference — Law of commonwealth making water rates a lien on real estate, MGL c. 40, §§ 42A to 42F.

§ 228-16 **Water used for building purposes.**

[Amended 6-17-1985 by Ord. No. 1047; 12-16-2002 by Ord. No. 02-060A]

- A. The following rates shall be charged for water used for building purposes except as provided in s. 228 16.B:
- (1) The minimum charge for construction of new buildings shall be the same as t-for the three months' minimum charges (base fees).
 - (2) For extraordinary additions or repairs, the rate shall be assessed by the City Engineer. [Amended 5-21-2012 by Ord. No. 2012-158]
- B. The City Engineer shall have the right to require the applicant to pay by meter instead of the foregoing schedule for building purposes. [Amended 5-21-2012 by Ord. No. 2012-158]
- C. The ~~rates-fees~~ for water for building purposes, which are to be paid in advance, include the charge for turning on and shutting off water; ~~and~~ no allowance will be made if water is obtained from other premises. A refundable deposit may also be assessed. Charges for metered use during construction shall be assessed on a schedule as determined by the DPW Water and Sewer Billing-AdministratorDepartment.
- D. Water used for demolition and construction shall be in accordance with Department policies governing such uses.

§ 228-17 **Application for use of water or other work; emergencies.**

- A. Applications for the use of water for service pipes, for thawing frozen pipes, or for any other work to be done or materials to be furnished in connection with the supplying of water to any premises shall be made in accordance with Chapter 202, Streets and Sidewalks, § 202-10, on the City Engineering Division.
- B. In cases of extreme emergency, of which the City Engineer shall be the judge, such application shall not be required, nor shall the provisions of § 202-10 apply, provided that as soon as may be after the furnishing of such water or materials or the completion of such work, the City Engineer shall render a bill therefor, in an amount representing the actual cost to the City, to the owner of the premises. Such bill shall be payable on presentation, and the provisions of Chapter 56, Officers and Employees, § 56-26, relative to commitment, return, correction, abatement and shutting off of water for nonpayment of water bills, shall apply to each such bill. [Amended 5-21-2012 by Ord. No. 2012-158]
- C. In no case shall water be turned on for specific purposes until all charges are paid or, for fractional parts of the year, until the proportional part of the minimum charge is paid up to the first day of January next following. Fractional parts of a month shall be considered a full month, and 1/4 of the minimum rate per annum the three month chargebase fee shall be the least-chargeminimum amount charged-that shall be made.

§ 228-18 **Minimum chargesAbatements** in case of vacancy.

[Amended 12-16-2002 by Ord. No. 02-060A; 5-21-2012 by Ord. No. 2012-158]

In case of vacancy, abatements-base fees may be suspended at the discretion of the Department. may be allowed and made at the rate of \$0.20 per 100 cubic feet described in the WSR&R., provided that noNo abatement-suspension of fees shall be allowed or made unless notice of vacancy is given, in writing, at the

office of the City Engineer and the ~~sum of \$25 fee~~ paid for shutting off the water, which sum shall include the expense of turning on again. No premises will be considered vacant unless such notice is given in writing and water so shut off. ~~No abatement or refund shall be made for water so shut off during the last three months of the year or for fractional parts of 100 cubic feet.~~

§ 228-19 Opening or interfering with fire hydrants.
[Amended 5-21-2012 by Ord. No. 2012-158]

No person except the ~~City Engineer~~ DPW Operations staff, or those persons authorized by him/her ~~the Operations Manager, or City's primary water distribution system operator or those authorized by-~~ them/him/her, and the officers of the Fire Department in case of a fire, shall open or otherwise interfere with any fire hydrant, tie or fasten a horse or any other animal to any fire hydrant, or place any obstruction in the way of its free use by the firefighters.

Written approval of the DPW Director or their designee is required in order to use a hydrant as a temporary source of water. Charges for such temporary use shall be assessed in accordance with the Schedule of Fees.

Fire hydrants and water mains on private property may be inspected periodically by the City. Any repairs necessary for proper operation of hydrants or the proper functioning of water mains on private property shall be the responsibility of the property owner. Such repairs shall be completed within 30 days after due notice has been given in writing to the owner by the Division department.

No water shall be taken or used through private fire systems for testing unless the DPW issues written permission. Such test must be conducted in the presence of a representative of the DPW Water Division Department.

§ 228-20 Elderly discount.

[Added 4-3-1989 by Ord. No. 2324; amended 5-6-1996 by Ord. No. 96-237]

- A. A twenty-percent discount on water bills shall be given upon application to the office of the City Engineer in accordance with the following procedure: **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (1) The applicant must have ~~passed~~ reached or already been over age 65 in the calendar year prior to that in which ~~he/she is~~ they are making application for discount. In the case of joint home ownership, either spouse/owner must have ~~passed~~ reached age 65 ~~by~~ in the prior year.
 - (2) The applicant must be the owner of record of the property for which the discount is requested, ~~and his/her~~ their name must appear on the water bill for that property, and they must have lived at the subject property for a minimum of one year.
 - (3) The yearly consumption of water by the applicant's household shall not exceed 6,250 cubic feet.
[Amended 6-16-2016 by Ord. No. 2016-166]
 - (4) The discount shall only apply to owners of one-family or two-family homes who are able to demonstrate their primary residence in said single- or two-family home. **[Amended 6-16-2016 by Ord. No. 2016-166]**
 - (5) Otherwise eligible ~~condominium~~ condominium owners will be entitled to a discount which shall be equal to the average single-family discount provided for in this section for the immediately preceding fiscal year. **[Added 6-16-2016 by Ord. No. 2016-166]**

B. Applicants who have not reached 65 will also qualify for discount if:

- (1) They are in conformity with the other provisions of this section.
 - (2) Their yearly gross income does not exceed \$~~15,000~~135,000 for a single person and \$~~23,000~~423,000 if filing jointly.
- C. Administration of the discount program set forth in Subsections **A** and **B** above shall be in accordance with reasonable policies established by the Director, ~~of Public Works, or his/her or their~~ designee, and shall be in strict compliance with this section. **[Added 6-16-2016 by Ord. No. 2016-166]**

Article III Backflow and Cross-Connections

[Added 6-2-1997 by Ord. No. 97-323]

§ 228-21 Authority.

In accordance with the Safe Drinking Water Act of 1974 and the Commonwealth of Massachusetts regulations 310 CMR 22.22 of the Massachusetts Drinking Water Supply Regulations, the water purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water supply system.

§ 228-22 Purpose.

The purpose of this article is:

- A. To protect the public potable water supply served by the City of Melrose Water Division from the possibility of contamination or pollution by isolating within its customers' internal distribution system(s) such contaminants or pollutants which could backflow or backsiphon into the public water supply system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' in-house/in-plant potable water system(s) and nonpotable systems.
- C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all public potable water systems by cross-connection.

D.

Backflow prevention shall be required at facilities identified in 310 CMR 22.22 (8) and all work shall comply with the State Plumbing code 248 CMR 10.00.-

§ 228-23 Responsibility of Water Division and customers.

The City of Melrose ~~Public Works Department~~DPW Water Division shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of any premises, the ~~Department~~Division determines that an approved backflow prevention device is required at the City's water service connection to any customer's premises for the safety of the public water supply system, the ~~Division~~Department or its designated agent shall give notice in writing to said customer to install such an approved

backflow prevention device at each service connection to ~~his/her~~their premises. The customer shall, within 60 days, install such approved device or devices at ~~his/her~~their own expense. ~~F, and failure, refusal or inability on the part of the customer to install said device or devices within 60 days shall constitute a ground for disconnecting water service to the premises until such device or devices have been properly installed and inspected may result in a fine, as described in the WSR&R Water, Sewer, and Drainage Schedule of Fees, or the turning off of water to the property~~Water and Sewer Schedule of Fees.

§ 228-24 Definitions.

[Amended 4-7-2008 by Ord. No. 08-129]

~~As used in this article, the following terms shall have the meanings indicated:~~

~~ALTER~~

~~Any activity which will measurably change the ability of a ground surface to absorb water or will change existing surface drainage patterns. "Alter" may be similarly represented as "alteration of drainage characteristics" and "conducting land disturbance activities."~~

~~APPROVED~~

~~Accepted by the City of Melrose Public Works Department DPW Water Division as meeting an applicable specification stated or cited in this regulation or as suitable for this proposed use.~~

~~BACKFLOW~~

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

~~BACKFLOW PREVENTER~~

~~A device or means designed to prevent backflow or backsiphonage. The types allowed by the Division include: Allowable backflow devices in the Commonwealth of Massachusetts are defined in 310 CMR-22.22.~~

~~A. **AIR GAP** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood rim of said vessel.~~

~~B. **REDUCED PRESSURE PRINCIPLE DEVICE** An assembly of two independently operating check valves with an automatically operating differential relief valve between the two check valves, two shutoff valves plus properly located test cocks.~~

~~C. **DOUBLE CHECK VALVE ASSEMBLY** An assembly of two independently operating approved check valves with shutoff valves on each side of the check valves, plus properly located test cocks.~~

~~D. **PRESSURE VACUUM BREAKER** A device designed to prevent backsiphonage only and which is used under static line pressure, plus properly located test cocks.~~

~~BACKSIPHONAGE~~

~~The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable public water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable public water supply system.~~

~~BEST MANAGEMENT PRACTICE (BMP)~~

~~Structural, nonstructural, and managerial techniques that are recognized to be the most effective and~~

practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point-source and nonpoint source pollution, and promote stormwater quality and protection of the environment.

~~CERTIFICATION EXAMINATION~~

An examination approved by the Department Commonwealth of Massachusetts for the purpose of testing competency in all areas of cross-connection control and backflow prevention device testing.

~~CERTIFIED BACKFLOW PREVENTION DEVICE TESTER~~

An individual who holds a valid Massachusetts backflow prevention device tester's certificate issued by the Department Commonwealth.

~~CONTAMINANT~~

A physical, chemical, biological or radiological substance or matter in water.

~~CROSS-CONNECTION~~

Any actual or potential connection between a distribution pipe of potable water from a public water system and any pipe of nonpotable water.

~~DEPARTMENT~~

The Commonwealth of Massachusetts, Department of Environmental Protection.

~~[Amended 8-21-2017 by Ord. No. 2018-4]~~

~~DIVISION~~

The City of Melrose Public Works Department DPW Water Division as the operator of the Melrose Water Distribution System.

~~HAZARD, DEGREE OF~~

The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable public water system.

- ~~A. **HAZARD, HEALTH (high hazard)** Any condition, device or practice in any water supply system and its operation which could create or, in the judgment of the Division, may create a danger to the health and well-being of the public water consumer.~~
- ~~B. **HAZARD, PLUMBING (high hazard)** A plumbing-type cross-connection in a consumer's potable water system that has been properly protected requires protection by a vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing-type cross-connections are considered to be a health hazard.~~
- ~~C. **HAZARD, SYSTEM (low hazard)** All actual or potential threats to the physical properties of the public water system or to the potability of the public or the consumer's potable water system which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.~~

~~INSPECTION~~

The physical examination and testing of an installed backflow prevention device to verify that the backflow prevention device is functioning properly.

~~INSPECTION AND MAINTENANCE REPORT FORM~~

A report form, designated by the Department Commonwealth of Massachusetts, which is to be used by

certified testers to record all pertinent testing information.

~~MASSACHUSETTS STORMWATER MANAGEMENT POLICY~~

~~The policy issued by the Department of Environmental Protection and, as amended, that coordinates the requirements prescribed by state bylaws promulgated under the authority of the Massachusetts Wetland Protection Act, MGL c. 131, § 40, and Massachusetts Clean Waters Act, MGL c. 21, §§ 26 to 56.~~

~~MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM~~

~~The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, public storm drain, public storm sewer, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Melrose.~~

~~OWNER~~

~~Any person maintaining a cross-connection installation or owning premises on which cross-connections can or do exist.~~

~~STORMWATER~~

~~Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.~~

~~WATER, NONPOTABLE~~

~~Water which is not safe for human consumption or which is of questionable potability, including private wells.~~

~~WATER, POTABLE~~

~~Water from a public source which has been approved by the Massachusetts Water Resources Authority Department of Environmental Protection and the United States Environmental Protection Agency for human consumption.~~

WSR&RWATER AND SEWER SCHEDULE OF FEES

The City of Melrose Water, Sewer, and Drainage Schedule of Fees Water and Sewer Rules and Regulations Schedule of Fees.

[Amended 8-21-2017 by Ord. No. 2018-4]

§ 228-25 Requirements.

A. Water Division.

- (1) On new installations, the DPW Water Division or its designated Certified Backflow Prevention Device Tester will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required and will notify the owner of plan approval requirements by the appropriate reviewing authority. It is the responsibility of the owner to initiate and complete this process prior to building occupancy.
- (2) For premises existing prior to the start of this program, the DPW Water Division will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner

detailing any corrective action required, the method of achieving the correction and the time allowed for the correction to be made. The time period allowed shall depend upon the ~~degree of hazard involved (higher health hazard — minimum time)~~ nature of the potential cross connection.

- (3) The ~~DPW Water Division~~Department will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.
- (4) If the ~~Division~~Department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

B. Owner responsibility.

- (1) The owner shall be responsible for the elimination or protection of all cross-connections on ~~his/her~~their premises.
- (2) The owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross-connections and installation of backflow prevention devices and applying annually for the renewal of each permit.
- (3) The owner shall have any device that fails an inspection or test repaired immediately by a licensed plumber.
- (4) The owner shall inform the ~~Division~~Department of any proposed or modified cross-connection and also of any existing cross-connections of which the owner is aware but which have not been found by the ~~DPW Water Division~~.
- (5) ~~The No~~ owner or private contractor shall ~~not~~ install bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

~~No public or private contractor shall install bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.~~

- (6) The owner shall install backflow preventers in a manner approved ~~by the Department and by the Division~~ by the Commonwealth of Massachusetts per 310 CMR 22.22 and by the Melrose DPW Water Division.
- ~~(7) The owner shall install only reduced pressure backflow preventers and double check valve assemblies approved by the Department Division. The type of backflow preventers installed shall be as prescribed by 310 CMR 22.22 for the applicable use.~~
- (8) The owner shall be responsible for the payment of all fees for permits, device testings, and retestings in the case that the device fails to operate correctly and second reinspections for noncompliance with ~~Division or Department~~ state or local requirements.

(9) Any existing backflow preventer shall be allowed by the Division-department to continue in service unless the degree of hazard is such as to exceed the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where a change in use increases the degree of hazard, any existing backflow preventer must be upgraded.

=

C. Testing.

- (1) ~~Reduced pressure backflow preventers and double check valve assemblies shall be tested and inspected at least semiannually by the Division's certified tester, at the expense of the owner. All approved backflow prevention devices shall be tested in accordance with applicable state and federal laws pertaining to cross-connection control in potable water systems, including 310 CMR 22.22.~~
- (2) ~~Reduced pressure backflow preventers and double check valve assemblies must be tested annually by the owner, independent of the semiannual test by the public water supplier, and said test must be conducted by a Department-certified tester. This item intentionally blank.~~
- (3) Any backflow preventer which fails during a periodic test must be repaired or replaced immediately by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to ensure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date in accordance with state regulations~~of not more than 14 days after the test date~~ will be established. The owner is responsible for spare parts, repair tools or a replacement device.
- (4) Parallel installation of two devices by the owner is allowed and encouraged to~~is an effective means of the owner ensuring that~~ uninterrupted water service ~~remains during testings or repair of devices, and is strongly recommended when the owner desires such continuity.~~

§ 228-26 Enforcement; violations and penalties.

- A. Right of entry. All owners or operators of commercial, industrial or institutional premises served by a public water supply system shall authorize agents and employees of the City of Melrose ~~Public Works Department DPW Water Division~~ and/or the Massachusetts Department of Environmental Protection, upon presentation of their credentials, to enter their premises without a warrant for the purpose of inspecting and surveying their water systems for cross-connections and assuring compliance with these regulations, whether or not ~~the Division and/or the Department has~~ evidence exists that their water system is in violation of an applicable legal requirement.
- B. The ~~DPW Water Division~~ shall not allow a cross-connection to exist with the public water system unless it is considered necessary and all appropriate approvals and permits have been issued.
- C. Failure of the owner to comply with any applicable section of this article will constitute a violation of 310 CMR 22.22 and will be subject to termination of water service by the City of Melrose ~~Public Works Department DPW Water Division~~.
- D. Fine. Whoever maintains a cross-connection without a permit or after revocation of the permit to maintain such connection and whoever maintains a cross-connection without installing the appropriate backflow prevention device required by these regulations and by the reviewing authority shall be punished by a fine ~~of not more than \$500. Reference:~~as determined in 310 CMR 22.22(1316)(a) ~~and as~~

listed in the ~~Water, Sewer, and Drainage Schedule of Fees~~ ~~Water and Sewer Schedule of Fees~~. A schedule of fines is provided in the ~~WSR&R~~.

~~E. No 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 water system. Any person violating this provision shall be subject to appropriate criminal proceedings.~~

§ 228-27 Procedure policy.

~~Attached is the~~The procedure for backflow prevention should comply with the latest version of AWWA Manual M14, Backflow Prevention and Cross Connection Control. ~~Where any inconsistency exists with 310 CMR 22.22, the laws of the Commonwealth shall govern.~~policy package.

Article IV Sewer Use

[Added 5-4-1981 by Ord. No. 20841, App. B (Rev. Ords. 1989, §§ 16-51 to 16-70, 16-81 to 16-86, 16-91 to 16-99, 16-111 to 16-117 and 16-131 to 16-145)]

§ 228-28 **Purpose.**

The purpose of this article is to regulate the use of public and private sewers, the installation and connection of ~~building sewer~~sewer services, and the discharge of waters and wastes in the public sewer system in the City.

§ 228-29 **Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACT

The Clean Water Act of 1977, Public Law 95-217, as amended from time to time.

APPROVED

Accepted by the City of Melrose Department of Public Works (DPW) as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

BOD or BIOCHEMICAL OXYGEN DEMAND

The quantity of oxygen utilized in five days at 20° C., expressed in milligrams per liter, in the biochemical oxidation of wastewater as determined by a procedure described in Standard Methods.

CITY

The City of Melrose.

~~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 sewer service, beginning 10 feet outside the inner face of the building wall.~~

~~BUILDING SEWERSEWER SERVICE (also called "house connection")~~

~~The wastewater connection from the building to a public sewer.~~

CITY ENGINEER

The City Engineer of the Melrose Department of Public Works or their designee.~~The Engineer for the City.~~

[Amended 5-21-2012 by Ord. No. 2012-158]

COOLING WATER

The clean wastewater from air conditioning, industrial cooling, condensing, and similar apparatus and from hydraulically powered equipment. In general, cooling water will include only water that is sufficiently clean and unpolluted to be discharged, without treatment or purification, into any natural area without offense.

COMMONWEALTH

The Commonwealth of Massachusetts.

COMMISSIONMWRA

~~The Metropolitan District CommissionMWRA, Commonwealth of Massachusetts, or any other commissionMWRA, board or officers duly authorized to act for the commonwealth in the application of these rules and regulations.~~

COMPATIBLE POLLUTANT

A substance that is amenable to removal in substantial amounts by the wastewater treatment plant. Compatible pollutants include, but are not limited to, coliform bacteria, suspended solids and those that exert BOD.

CONNECTION

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

CUSTOMER

The person or party responsible for a water and/or sewer account.~~DEPARTMENT-
The Public Works Department (DPW) of the City.~~

DIRECTOR OF PUBLIC WORKS

The Director of the Melrose Department of Public Works or their designee.
~~The Director of the Department of Public Works for the City.~~

[Added 5-21-2012 by Ord. No. 2012-158]

DPW (a.k.a. DEPARTMENT)

The City of Melrose Department of Public Works.

EXCESSIVE

More than the limits established in these regulations or of such magnitude that, in the judgment of the ~~CommissionMWRA~~, may cause damage to any facility or be harmful to the wastewater treatment process or reduce its efficiency, cannot be removed in the wastewater treatment plant to the degree required to meet the Act, creates any hazard in the receiving waters, exceeds the capacity of the ~~metropolitan-local or MWRA~~ sewerage system, or otherwise endangers life, limb or public property or constitutes a public nuisance.

FLOATING OIL FOG

~~Fat, o~~Oil, ~~fat~~ or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

GARAGE

Any building wherein are kept or stored one or more motor vehicles, including, among others, a public or private garage, carport, motor vehicle repair shop or paint shop, service station, lubritorium, car wash or any building used for similar purposes.

GARBAGE-

For the purposes of this Chapter, garbage refers to w~~W~~astes from the domestic and commercial

preparation, cooking and dispensing of food, and from the handling, storage and sale of produce. This is also commonly referred to as food waste.

INCOMPATIBLE POLLUTANT

A substance that is not amenable to removal in substantial amounts by the wastewater treatment plant. Incompatible pollutants include, but are not limited to, toxic metals and persistent organics.

INDUSTRIAL USER

Any user identified in 314 CMR as an industrial discharger to the wastewater system, based on their the code as established in the Standard Industrial Classification Manual of the United States Office of Management and Budget, ~~as amended and supplemented, under the following divisions:~~

- ~~A. Division A: Agriculture, Forestry and Fishing.~~
- ~~B. Division B: Mining.~~
- ~~C. Division D: Manufacturing.~~
- ~~D. Division E: Transportation, Communications, Electric, Gas and Sanitary Services.~~
- ~~E. Division I: Services.~~

INDUSTRIAL WASTES

Any solid, liquid or gaseous wastes resulting from industrial processes as defined by state regulations including 314 CMR.

INFILTRATION

Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through means which include, but are not limited to, defective pipes pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFILTRATION/INFLOW

~~W~~The quantity of water originating from both infiltration and inflow without distinguishing the source.

INFLOW

Water other than sanitary flow that enters a sewer system (including sewer service connections) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, sump pumps, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

INTERNAL SEWER SERVICE

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 sewer service, from the inside of the building to 10 feet outside the inner face of the building wall.

MASSDEP

The Commonwealth of Massachusetts Department of Environmental Protection.

MUNICIPAL SEWER

A sewer controlled by the City of Melrose.

MWRA

Massachusetts Water Resources Authority (formerly Metropolitan District Commission).

MWRA**MDC**

The Metropolitan District Commission~~MWRA.~~

MDC RULES AND REGULATIONS

~~The most recent Rules and Regulations Covering Discharge of Sewage, Drainage, Substances or Wastes to Sewerage Works Within the Metropolitan Sewerage District.~~

METROPOLITAN SEWERAGE DISTRICT

~~All cities, towns and sewer districts served by the Commission~~MWRA ~~in accordance with legislation.~~

METROPOLITAN SEWERAGE SYSTEM

~~The sewerage works under the control of the Commission~~MWRA.

MUNICIPAL SEWER

~~A sewer controlled by the City, a governmental agency or a public authority, such as the Metropolitan District Commission~~MWRA.

MWRA

~~Massachusetts Water Resources Authority (formerly Metropolitan District Commission~~MWRA).

MWRA RULES AND REGULATIONS

~~The most recent Rules and Regulations Covering Discharge of Wastewater, Drainage, Substances or Wastes to Sewerage Works Within the MWRA.~~of the MWRA, as defined in 360 CMR or any related or referenced regulation of the MWRA governing sewer use.

MWRA SEWER INTERCEPTOR

A sewer controlled by the MWRA.

MWRA SEWERAGE DISTRICT

All cities, towns and sewer districts served by the MWRA in accordance with legislation.

MWRA SEWERAGE SYSTEM

The sewerage works under the control of the MWRA including conveyance and treatment facilities such as MWRA sewer interceptors, pumping stations, and the Deer Island Wastewater Treatment Facility.

NATURAL OUTLET

Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

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 seven and a hydrogen ion concentration of 10^{-7} . ~~The electrometric method of measurement is preferred. The calorimetric method of measurement may be substituted upon approval by the Commission~~ MWRA.

PLUMBING CODE

~~The existing rules and regulations enforced through the Melrose Plumbing Inspector. Such rules and regulations shall conform to Commonwealth of Massachusetts Regulations (248 CMR).~~

~~PRIVATE DRAIN or PRIVATE STORM DRAIN~~

~~A storm drain not directly controlled by any public agency or government.~~

PROPERLY SHREDDED GARBAGE

Garbage (a.k.a. food waste) that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in municipal sewers. No particle shall be greater than 1/2 inch or 1.27 centimeters in any dimension.

~~PUBLIC DRAIN or PUBLIC STORM DRAIN~~

~~A storm drain controlled by the City or the Metropolitan District Commission~~ MWRA.

PUBLIC SEWER

A common sanitary sewer controlled by the City or the ~~Metropolitan District Commission~~ MWRA.

~~RECEIVING WATERS~~

~~Any watercourse, river, pond, ditch, lake, aquifer, ocean or other body of surface water or groundwater receiving discharge of wastewater or effluent.~~

SANITARY SEWAGE WASTEWATER

Liquid or water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of groundwater, stormwater and surface water and exclusive of industrial wastes.

SANITARY SEWER

A sewer pipe that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with ~~minor~~ any quantities of groundwater, stormwater and surface water that are not admitted intentionally.

SCHEDULE OF FEES

The City of Melrose Water, Sewer, and Drainage Schedule of Fees, which includes all charges for water and sewer use, permits, application fees, and all other rates or fees associated with the City of Melrose water, sewer, and drainage systems. This Schedule of Fees shall be revised periodically as appropriate. All water and sewer volumetric rates and base fees as listed in the Schedule of Fees shall be approved in advance by the City Council.

SEPTAGE

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

~~SEWAGE~~

~~The spent water of a community. The preferred term is "wastewater."~~

~~SEWAGE TREATMENT PLANT~~

~~An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. This term is used as a synonym for waste treatment plant, wastewater treatment plant or water pollution control plant.~~

SERVICE CONNECTION

The wastewater connection from the building to a public sewer.

SEWER

A pipe or conduit that carries wastewater ~~or drainage water~~. (see Sanitary Sewer)

SEWER SERVICE CONNECTION (also called "house connection" or "sewer lateral")

The wastewater connection from the building to a public sewer.

SEWERAGE SYSTEM

Any device, equipment or works used in the transportation, pumping, storage, recycling and reclamation of ~~sewage~~wastewater ~~and industrial wastes~~.

SLUDGE

Waste containing varying amounts of solid contaminants removed from ~~water~~, sanitary ~~sewage~~wastewater, ~~wastewater or industrial wastes~~ by physical, chemical and biological treatment.

SLUG

Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty four-hour concentration of flows during normal operation and which may adversely affect the sewerage system.

STANDARD METHODS

The current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, American Water Works Association and Water Environment Federation.

[Amended 8-21-2017 by Ord. No. 2018-4]

~~STORM DRAIN and STORM SEWER~~

A pipe or conduit for conveying stormwater or surface water or relatively unpolluted water from any source, which shall be kept separate from sanitary sewers.-

SUSPENDED SOLIDS

Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and are removable by a laboratory filtering procedure as described in Standard Methods.

TITLE 5 FLOW

The design flow of sanitary wastewater from a building or buildings as defined by the State Environmental Code, Title 5: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

TOXIC WASTES

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 wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage wastewater treatment plant and those wastes so specified in these regulations and in the Act.

~~TREATMENT SYSTEM~~

~~Any device, equipment or works used in the pumping, storage, treatment, recycling and reclamation of sewage and industrial wastes.~~

USER

Any municipality, governmental agency, public authority, property owner, person or permittee discharging sewage wastewater, ~~inflow or industrial wastes~~ directly or indirectly into any public sewer or ~~public drain~~.

~~WASTES~~

~~Substances in liquid, solid or gaseous form that can be carried in water.~~

WASTEWATER (aka Sanitary Wastewater)

The spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES

The structures, equipment and processes required to collect, pump, carry away and treat domestic and industrial wastes and dispose of the effluent.

WATER POLLUTION CONTROL FEDERATION MANUAL OF PRACTICE FD-5 (ASCE MOP 60) – GRAVITY SEWER DESIGN AND CONSTRUCTION

The document prepared by a joint task force of the American Society of Civil Engineers and the Water Environment Federation.

§ 228-30 Sewer service rates; minimum charges.

[Added 6-26-1985 by Ord. No. 1108; amended 3-17-1986 by Ord. No. 1311; 7-21-1986 by Ord. No. 1108A; 8-29-1988 by Ord. No. 2127; 1-3-1989 by Ord. No. 2240; 9-6-1989 by Ord. No. 90-2; 10-15-1990 by Ord. No. 90-279; 6-17-1991 by Ord. No. 91-304; 1-9-1992 by Ord. No. 92-138; 6-6-1994 by Ord. No. 94-222; 7-18-1994 by Ord. No. 94-222A; 6-15-1998 by Ord. No. 98-360; 6-27-2001 by Ord. No. 01-324; 6-26-2002 by Ord. No. 02-359; 12-16-2002 by Ord. No. 02-060A; 6-26-2003 by Ord. No. 03-289; 6-21-2004 by Ord. No. 04-269; 6-30-2005 by Ord. No. 05-247; 6-26-2006 by Ord. No. 06-249; 7-17-2006 by Ord. No. 06-249A; 7-16-2007 by Ord. No. 07-180; 5-19-2008 by Ord. No. 08-226; 6-15-2009 by Ord. No. 09-203; 5-17-2010 by Ord. No. 10-161; 6-20-2011 by Ord. No. 11-171; 5-21-2012 by Ord. No. 2012-158;

6-18-2012 by Ord. No. 2012-188; 8-20-2012 by Ord. No. 2013-3; 6-27-2013 by Ord. No. 2013-205; 5-19-2014 by Ord. No. 2014-118; 6-15-2015 by Ord. No. 2015-144; 6-16-2016 by Ord. No. 2016-164; 6-19-2017 by Ord. No. 2017-147]

- A. All bills for sewer service furnished by the City to City sewer users shall be rendered at intervals of three months (quarterly) or one month (monthly) ~~at the following~~ tiered rates per 100 cubic feet of ~~sewage wastewater flow~~ as calculated below, ~~on fiscal year 2019 bills, as defined in the most recent version of the Schedule of Fees WSR&R and as approved by City Council.~~ Sewer consumption shall be assessed based on 90% of metered water consumption. This does not apply to homes with second water meters, which will continue to have their sewer usage assessed at 100% of their indoor water usage.
[Amended 6-18-2018 by Order No. 2018-177]

~~(1) Quarterly consumption:~~

Cubic Feet	Rate Per 100 Cubic Feet
1 to 2,000	\$11.62
Over 2,000	\$14.64

~~(2) Quarterly meter base fee: [Amended 6-17-2019 by Order No. 2019-88]~~

Meter Size	Fee
(inches)	
Up to 1	\$24.90
1 1/2 1/2	\$97.80
2	\$152.43
3	\$279.99
4	\$462.18
6	\$917.67

~~(3) Monthly consumption:~~

Cubic Feet	Consumption Rate
1 to 667	\$11.62
668 or more	\$14.64

~~(4) Monthly meter base fee: [Amended 6-17-2019 by Order No. 2019-88]~~

Meter Size	Fee
(inches)	
Up to 1	\$8.30
1 1/2 1/2	\$32.60
2	\$50.81
3	\$93.33

Meter Size-**(inches)-****Fee**

4

\$154.06

6

\$305.89

B. SewageWastewater flow shall be based on a percentage of metered water consumption on the following schedule:

- (1) Residential users with one meter contribute 90% of metered water consumption as sewagewastewater flow.
- (2) Residential users with separate lawn and garden service meters contribute 100% of their domestic metered water consumption and 0% of their metered lawn and garden service water consumption as sewagewastewater flow.
- (3) Industrial/commercial users, including hospitals, contribute on a percentage basis up to 90% of metered water consumption. This percentage shall equals 90% except in cases where the City Engineer has determined ~~wherein that~~ product retention of water, cooling tower loss and other evaporative water losses have occurred in the process. The sewagewastewater flow as a percentage of metered water consumption will be set on an individual basis in those cases by the City Engineer.
- ~~(4) Tax-exempt users contribute 90% of metered water consumption as sewagewastewater flow.~~
- ~~(5) Customer accounts with no sewer connection will not be billed sewer fees for any proportion of their metered water use. Agricultural and cemetery users with one meter contribute only the portion of their metered water consumption which can be allocated to domestic use as sewagewastewater flow, as determined by the DPW.~~
- ~~(6) In most cases as determined by the City Auditor, mMunicipal facilities will not be billed for sewer usage. Water will still be metered for the purpose of accounting for water use and promoting conservation.~~

§ 228-31 **Elderly discount.**

[Added 2-20-1996 by Ord. No. 96-185; amended 5-6-1996 by Ord. No. 96-238]

- A. A twenty-percent discount on sewer bills shall be given upon approval of application to the office of the City Engineer if applicants meet all the requirements for a discount to water bills, as defined in Article II, Section 228-20.~~in accordance with the following procedure:~~ [Amended 5-21-2012 by Ord. No. 2012-158]
- (1) The applicant must have ~~passed-reached or already been over~~ age 65 in the calendar year prior to that in which he/she is making application for discount. In the case of joint ownership, either spouse/owner must have ~~passed-reached~~ age 65 in the prior year.
 - ~~(2) The applicant must be the owner of record of the property for which the discount is requested, their~~

name must appear on the sewer bill for that property, and they must have lived at the subject property for a minimum of one year. The applicant must be the owner of record of the property for which discount is requested and his/her name must appear on the sewer bill for that property.

- (3) The yearly consumption of water by the applicant shall not exceed 6,~~2500~~0 cubic feet.
- (4) The discount shall only apply to owners of one-family or two-family homes who are able to demonstrate their primary residence in said single- or two-family home. Three-family homes or larger are excluded.
- (5) Otherwise eligible condominium owners will be entitled to a discount which shall be equal to the average single-family discount provided for in this section for the immediately preceding fiscal year.

B. Applicants who have not reached 65 will also qualify for discount if:

- (1) They are in conformity with the other provisions of this section.
- (2) Their yearly gross income does not exceed \$15,000 for a single person and \$23,000 if filing jointly.

C. Administration of the discount program set forth in Subsections A and B above shall be in accordance with reasonable policies established by the Director, or their designee, and shall be in strict compliance with this section.

§ 228-32 Damaging or tampering with facilities, right of entry.

- A. No 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 wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or other applicable charge.
- B. Any person who wantonly or maliciously destroys or injures any part of the metropolitan City's or MWRA sewerage system shall ~~forfeit and pay to the City or the MWRA commonwealth three times the amount of the damages assessed therefor and, on conviction thereof, shall be punished by a fine not exceeding \$1,000 and by imprisonment not exceeding one year.~~ be subject to all penalties and other provisions of the MWRA or the Commonwealth of Massachusetts as applicable, in addition to all City fees and criminal penalties as applicable. [Amended 8-21-2017 by Ord. No. 2018-4]
- C. The Director, the City Engineer, and other duly authorized employees or agents of the City or the MWRA, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these rules and regulations. This shall include smoke and dye tests, as well as visual inspections inside buildings in order to test for unauthorized or excessive discharges into the sewer system.
- D. The Director of Public Works 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 a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within

the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. [Amended 8-21-2017 by Ord. No. 2018-4] -

§ 228-33 Connections to be regulated.

- A. All users which connect to any ~~sewage wastewater or drainage pipes with any~~ municipal sewers in the City, either directly or indirectly, shall do so subject to the direction, control and regulation of the ~~Commission~~ MWRA, ~~and~~ the City, and Massachusetts General Laws.
- B. Requests for the installation of a new sewer service connection to the public sewers and/or the repair or replacement of an existing sewer service connection must be made in writing to the office of the City Engineer. No work shall commence without a permit issued by the DPW Engineering Division.
- C. At a minimum, the approval of an application for a sewer service connection will be subject to the following requirements:
 - a. No service connection shall be allowed unless a parcel of real property abuts an existing gravity sewer main, or the requested property creates an easement for sewer utility across any applicable parcels, unless otherwise approved by the City Engineer.
 - b. An approved application for sewer service shall constitute a sewer service connection permit, subject to the terms and conditions stated and referred to therein. Such permit shall be valid for a period of six months from the date of issue, unless extended in writing by the City Engineer.
 - c. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without an approved DPW application for sewer service.
 - d. When applicable, approved permits from MassDEP for Sewer Extension or Connection (314 CMR 7.00) shall be secured.
- D. Requests for the installation of a new sewer main to extend the system of public sewers must be made in writing to the City Engineer. Each new sewer main constructed within the City right-of-way or an accepted easement shall be granted to Melrose as a public sewer, unless otherwise specified by the City Engineer.
- E. Except as specifically provided in writing with reference to a particular sewer connection, sanitary sewers shall be used only for the conveyance and disposal of sanitary wastewater as defined in these regulations and for approved, diluted, water-carried industrial wastes which are not objectionable as provided for herein.
- F. No person or party shall discharge or put into any public sewer or into any sewer or fixture which thereafter discharges into any public sewer or appurtenance thereof any waste or substance other than such kinds or types of water or water-carried wastes for the conveyance of which the particular sewer or appurtenance is intended and designed.

§ 228-34 Separation of surface waters and ~~sewage~~wastewater required.
[Amended 4-7-2008 by Ord. No. 08-129]

- A. The plumbing of any estate or premises shall be so arranged as to keep any groundwater, stormwater ~~or~~, surface water, or unpolluted waters, including all infiltration and inflow, separate from the sanitary ~~sewage~~sewer. Such waters shall be connected to a storm drain, ~~or~~ watercourse, or subsurface device designed for the discharge of stormwater, ~~and such sewage connected to a sanitary sewer or shall discharge to the surface within the subject property.~~
- B. No person shall maintain or make a connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a ~~an building sewer~~sewer service ~~or or building drain~~internal sewer service or waste pipe which in turn is connected directly or indirectly to a public sanitary sewer.

§ 228-35 Unlawful deposit of waste.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or objectionable waste.

§ 228-36 Untreated discharge to natural outlet prohibited.
[Amended 4-7-2008 by Ord. No. 08-129]

~~A.~~ A. Illicit discharges. No person shall dump, discharge, or cause or allow to be discharged any wastewater or pollutant ~~or nonstormwater~~ discharge into the municipal separate storm sewer system (MS4), into a receiving water, or into the waters of the Commonwealth.

~~A.~~ ~~Discharge or flow resulting from fire fighting activities is exempt from this requirement. The following additional nonstormwater discharges or flows are exempt from the prohibition of nonstormwaters, provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:~~

~~B. (1) Waterline flushing;~~

~~C. (2) Flow from potable water sources;~~

~~D. (3) Springs;~~

~~E. (4) Natural flow from riparian habitats and wetlands;~~

~~F. (5) Diverted stream flow;~~

~~G. (6) Rising groundwater;~~

~~H. (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20) or uncontaminated pumped groundwater;~~

~~I. (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;~~

- J. (9) ~~Discharge from landscape irrigation or lawn watering;~~
- K. (10) ~~Water from individual residential car washing;~~
- L. (11) ~~Discharge from dechlorinated swimming pool water (less than one ppm chlorine), provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;~~
- M. (12) ~~Discharge from street sweeping;~~
- N. (13) ~~Dye testing, provided verbal notification is given to the the Board prior to the time of the test;~~
- O. (14) ~~Nonstormwater discharge permitted under an NPDES permit or a surface water discharge permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and~~
- P. (15) ~~Discharge for which advanced written approval is received from the Department as necessary to protect public health, safety, welfare or the environment.~~

~~Q.B.~~ B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection for wastewater to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

~~C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the City Engineer. [Amended 5-21-2012 by Ord. No. 2012-158]~~

§ 228-37 Septic tank use restricted.

Except ~~as hereinafter provided~~ where connection to a public sewer is deemed infeasible by the City Engineer, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

**§ 228-38 Connection to public sewer required.
[Amended 5-21-2012 by Ord. No. 2012-158]**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that such public sewer is within 100 feet of the property line. This requirement for connection may be waived when permitted by the City Engineer.

§ 228-39 Contributions by industrial users.

The ~~Commission~~ MWRA may deny or condition new or increased contributions of pollutants to the ~~metropolitan~~ MWRA sewerage system by industrial users.

§ 228-40 Pretreatment requirements.

Users shall make wastewater acceptable in accordance with these regulations, as well as MassDEP and federal regulations, before discharging to any municipal-public sewers. Any facilities required to pretreat wastewater to a level acceptable to the CommissionMWRA shall be provided and maintained at the user's expense. A description and detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the CommissionMWRA in accordance with the implementation schedule prepared by the user and incorporated in the user's permit. The review of plans and operating procedures will in no way relieve such user from the responsibility of modifying the pretreatment facility as may be necessary to produce an effluent acceptable to the CommissionMWRA under the provisions of these regulations and requirements of federal and state agencies. Any subsequent changes in a pretreatment facility or method of operation shall be reported to the CommissionMWRA before modification of such facility. Pretreatment, including but not limited to parameters considered, limits, and testing, shall conform to all requirements of MassDEP and all other applicable state and federal regulations.

§ 228-41 Time frame for compliance with standards.

Any user to which City, CommissionMWRA, federal or state pretreatment standards are applicable shall be in compliance with such standards within the time required by such regulations~~the CommissionMWRA~~.

§ 228-42 Traps required for flammable wastes.

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 which are connected with municipal sewers shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the CommissionMWRA and the City and shall be located so as to be readily and easily accessible for cleaning and inspection. The City may request proof of proper maintenance of such infrastructure at any time.

§ 228-43 Maintenance of pretreatment equipment.

Where pretreatment or flow-equalizing facilities or traps or separators are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or the user at his/her own expense.

§ 228-44 Meters and measuring devices for industrial wastes.

[Amended 12-16-2002 by Ord. No. 02-060A]

- A. When required by the CommissionMWRA or by the City, the owner or user of any property discharging industrial wastes shall install a suitable control or measuring device, together with manholes, chambers, meters and other appurtenances, in the building-sewersewer service to facilitate observation, sampling and measurement of the wastes. Such manholes, chambers or meters shall be accessibly and safely located, shall be constructed in accordance with plans approved by the CommissionMWRA and by the City, shall be installed by the owner at his/hertheir expense, and shall be maintained by him/herthe owner in good operating condition at all times. The records from the meters and measuring devices shall be furnished to the CommissionMWRA or to the City upon request.
- B. The facilities shall be constructed in accordance with all applicable construction standards and specifications. Construction shall be completed in accordance with a time schedule established by the CommissionMWRA and/or MassDEP, as applicable.

- C. The Director of Public Works or other duly authorized City employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold from the City information considered confidential if the industry establishes that the revelation to the public of the information in question might result in an advantage to competitors. While performing ~~the~~ necessary work on private properties, the Director of Public Works or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- D. The CommissionMWRA or the City may inspect the facilities of any user to ascertain whether these regulations are being met. Persons or occupants of premises where wastewater is generated or discharged shall allow representatives of the CommissionMWRA or the City ready access at all reasonable times to all parts of the premises for inspection or sampling or in performance of any of their duties. The CommissionMWRA or the City shall be deemed to be performing a governmental function for the benefit of the general public, and neither the CommissionMWRA, the City, nor the representatives of either shall be liable for any loss or damage as a result of the performance of such governmental function. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the CommissionMWRA or from the City will be permitted to enter without undue delay for the purpose of carrying out their specific responsibilities.
- ~~E. The Director of Public Works 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 a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. **[Amended 8-21-2017 by Ord. No. 2018-4]**~~
- F. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with Standard Methods and shall be determined at the control manhole or chamber provided or by use of suitable samples taken at the control manhole or chamber. If no special manhole or chamber has been provided, the control point shall be a sampling point acceptable to the CommissionMWRA and the City. Sampling shall be carried out by customarily accepted methods. The particular analyses involved will determine whether a composite or grab sample is taken. If there is any question concerning the sampling, the CommissionMWRA, the or City, or MassDEP will make the final decision.
- G. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available, upon request, to other governmental agencies and to the public without restriction unless the user specifically requests otherwise and is able to demonstrate, to the satisfaction of the CommissionMWRA and the City, that the release or communication of such information would divulge methods or processes entitled to protection

as trade secrets or would violate applicable provisions of law.

§ 228-45 Protection from discharges; notice of accidental discharge.

Each user shall provide protection from any discharges, including accidental discharges, in violation of these regulations. Users shall notify the ~~Commission~~MWRA and the City immediately upon discharging wastes in violation of these regulations in order for countermeasures to be taken to minimize the damage to all ~~municipal~~public sewers and to receiving waters. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement to the ~~Commission~~MWRA and to the City describing the causes for the accidental discharge and the measures being taken to prevent future occurrence. Additionally, any reporting requirements of the MWRA and MassDEP for accidental discharges shall be met. Such notification will not relieve users of liability for any expense, loss or damage to any ~~municipal~~public sewers or for any fines imposed on the ~~Commission~~MWRA or on the City.

§ 228-46 Information for employees.

~~Industrial u~~Users shall inform their employees of the existence of these regulations, and at least one copy shall be permanently posted on the user's bulletin board. Each user shall permanently post a notice advising employees as to who in its organization has been designated as the responsible individual for compliance with these regulations and who should be notified of any accidental discharges in violation of these regulations.

§ 228-47 Penalties imposable by City.

- A. Any person who discharges wastes in a manner in violation of this article ~~is guilty of misdemeanor~~will be subject to penalties or charges as permissible by law.
- B. When a discharge of wastes causes an obstruction, damage or any other impairment to the sewerage system, the ~~Public Works Department~~DPW may assess a charge against the discharger for the work required to clean or repair the facility.
- C. Any person who violates the provisions of this ~~A~~article shall be fined ~~not exceeding \$100 for each offense, such fine to accrue to the City~~as defined in the WSR&R Schedule of Fees and as approved by the City Council. Each day of the existence of any such violation shall be deemed a separate offense.
- D. Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the Department or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be punished by a fine ~~as defined in the WSR&R Schedule of Fees and as approved by the City Council.~~of not more than \$100.
- E. Whenever a discharge of wastes is in violation of the provisions of this ~~A~~article or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City Solicitor may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge. This does not limit the City's ability to pursue all other applicable legal action as deemed appropriate by the City Solicitor.
- F. ~~The Public Works Department DPW may terminate or cause to be terminated wastewater service to any person if a violation of any provision of this article is found to exist or if a discharge of wastes causes or threatens to cause a condition of contamination, pollution or nuisance.~~

~~G.~~—The penalties included in this section are in addition to any which may be levied by the ~~MDC~~ MWRA or other governmental or regulatory body.

§ 228-48 Penalties imposable by CommissionMWRA.

Any user who violates any provision of these regulations or any user who knowingly makes any false statement, representation, record, report, plan or other document filed with the City or the CommissionMWRA or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this regulation shall be punished by a fine as specified in the Schedule of Fees and/or as prescribed by the MWRA ~~of not less than \$1,000 nor more than \$10,000~~ for each day such violation continues, or shall be subject to a civil penalty ~~not to exceed \$10,000~~ per day of such violation, which may be assessed in an action brought on behalf of the Commonwealth in any court of competent jurisdiction.

§ 228-49 Disposal of septage.

Septage shall be disposed of in accordance with the following provisions:

- A. No user shall discharge or cause to be discharged or allow to be discharged into any municipal-public sewer any septage from within the City of Melrose ~~which originates within the limits of the City unless such discharges are in conformance with the permit granted to the user by the City and are also in conformance with the permit granted to the City by the CommissionMWRA. The City shall not grant a permit for septage containing industrial wastes or incompatible wastes.~~
- B. No user shall discharge or cause to be discharged or allow to be discharged into any municipal-public sewer any septage generated outside the City of Melrose ~~which originates in any territory outside the limits of the City.~~
- C. No user shall discharge septage or other wastes from recreational vehicles (RVs), campers, boats, or other temporary storage tanks into the City's or the MWRA sewer system within the City.

§ 228-50 Precedence of more stringent regulations.

If federal or state agencies or the CommissionMWRA enacts or promulgates laws or regulations more stringent than these regulations, the federal, state or CommissionMWRA requirements shall take precedence.

§ 228-51 Recourse for violations.

When the CommissionMWRA or the City finds that a discharge of wastes has been taking place or threatens to take place in violation of these regulations or the provisions of a permit, the following actions may be taken:

- A. The CommissionMWRA or the City may issue an order to cease and desist any such discharge or violation to any user not complying with such prohibitions, limits, requirements or provisions and direct such user as follows:
 - (1) To comply forthwith;
 - (2) To comply in accordance with a time schedule set forth by the CommissionMWRA or by the City; or
 - (3) To take appropriate remedial preventive action in the event of a threatened violation.

- B. The CommissionMWRA and the City may require the user to submit a detailed time schedule setting forth specific actions to be taken, subject to modifications as the CommissionMWRA or the City deems necessary for the user to follow in order to prevent or correct a violation. The CommissionMWRA and the City may issue an implementation schedule to the user containing specific actions and time schedules.

§ 228-52 Implementation and enforcement.
[Amended 12-16-2002 by Ord. No. 02-060A]

In the implementation and enforcement of these requirements, the following provisions shall be observed:

- A. Whenever the CommissionMWRA issues, denies or modifies a permit, issues an order or assesses charges for damage or other violations occasioned by noncompliance with any permit or other lawful requirement, ~~the CommissionMWRA shall inform the user to which such action is addressed of its right to submit, within 10 working days, a written request for reconsideration of that action. The request shall set forth in detail the facts supporting it. The CommissionMWRA shall schedule an informal interview with the user submitting the request, to be held within 15 working days of receiving it, and shall rule in writing. The user's rights for appeal or reconsideration shall be as prescribed by the MWRA.~~
- B. ~~When the CommissionMWRA proposes to revoke a permit, the CommissionMWRA shall notify the user, in writing, of such proposed ruling and of its right to submit, within 10 days, a written request for reconsideration of that ruling. The request shall set forth in detail the facts supporting it. The CommissionMWRA shall schedule an informal conference with the user submitting the request, to be held within 15 working days of receiving it, and shall issue its final ruling in writing within 10 working days of the completion of the conference. Any proposal by the MWRA to revoke a permit shall be executed in the manner specified by MWRA regulations.~~
- C. ~~Every ruling under Subsections A and B shall inform the person to whom it is addressed of his/her right to request, within 30 calendar days, a hearing under the provisions of MGL c. 30A. Within 15 calendar days of receiving such a request, the CommissionMWRA shall schedule a hearing, to be held not sooner than 15 calendar days nor later than 30 calendar days after giving notice of the hearing to the requesting party. The City shall be notified by the MWRA of any permit modifications or revocation.~~
- D. The CommissionMWRA reserves the right to take direct enforcement action through the courts, pursuant to MGL c. 92, App. § 1-24, in any case of violation of these regulations.

§ 228-53 Publication of list of industrial users.

A list of industrial users will be ~~posted on the City of Melrose website published in the Melrose Evening News~~ every year in the month of January as a form of public participation. Included in the list will be all industrial users which were not in compliance with the applicable pretreatment requirements during the previous 12 months. A summary of the control actions taken by the CommissionMWRA or by the City will also be published in conjunction with the list.

§ 228-54 Calculation of ~~drain and~~ sewer cost; collection of assessment.

The actual cost of each ~~public drain or~~ public sewer laid and constructed ~~pursuant to an order of the City Council shall be paid for as detailed in MGL Chapter 80 and Chapter 83.~~ follows:

A. ~~shall be determined as follows:~~

- A. Applications for the original laying of pipes in public and private ways for the conveyance of wastewater shall be made, in writing, to the City Engineer in the form of an application for utility installation and shall include all plans and other documentation required by the City Engineer. Such work shall be performed entirely at the expense of the applicant and in accordance with all DPW design and construction standards in place at the time the application is made.
- B. Cases may arise where the City chooses, at the City's option, to lay a new sewer main and services where one did not previously exist. At the discretion of the City Engineer, a procedure may be used to assess betterments to the bettered properties in accordance with MGL Chapter 80, Section 1 and Chapter 83.
- C. This section shall not apply to the laying of sewer pipes for which provision is otherwise made by the rules and regulations of the Planning Board governing the subdivision of land.

~~One half of the actual cost shall be paid by the City and the remaining 1/2 shall be assessed upon the estates benefited by the drain or sewer. For the purpose of apportioning the charge among the estates so benefited, 1/3 of such 1/2 of the cost shall be assessed upon the total frontage of the land so benefited on the street or way in which the drain or sewer is constructed, and each estate shall be assessed its proportional part thereof. Two-thirds of such 1/2 of the cost shall be assessed upon the total area of the land so benefited within a depth of 100 feet from the street or way in which the drain or sewer is constructed, and each estate shall be assessed its proportional part thereof.~~

~~B. In the case of estates which receive a direct benefit from the construction of a drain or sewer and have no assessable lot frontage and are not wholly located within 100 feet from the street or way in which it is constructed, so much of the area of the estates as may be deemed just and reasonable by the City Council shall be included in the total area as aforesaid and assessed its proportion of the cost in the same manner as land within 100 feet of the street or way.~~

~~C. Each corner lot abutting upon a street or way in which a drain or sewer is constructed and which receives benefit therefrom shall be assessed in accordance with the provisions of Subsections A and B above, including the whole frontage of the lot on the street in which the drain or sewer is first constructed, and, when a drain or sewer is constructed in the other street or way on which such lot abuts so much of the frontage on the other street or way as the Mayor or City Council may deem just and equitable, not exceeding 50 feet thereof, and so much of the area of such corner lot as has been previously assessed shall be exempted from assessment.~~

~~D. The City Engineer shall keep an accurate account of the cost of each public drain and public sewer constructed by virtue of an order of the City Council, and, for the purpose of assisting the Council in assessing the estates benefited thereby, he/she shall furnish the Council with such information as to costs of drains and sewers, owners of abutting estates and other facts as may be necessary. [Amended 5-21-2012 by Ord. No. 2012-158]~~

~~E. The City Council shall cause a list of assessments referred to in this article, with its certification thereof,~~

~~when made, to be delivered to the Assessors, who shall commit the same to the City Collector.~~

~~F. The City Collector shall forthwith, in writing, demand payment of the parties liable to assessments referred to in this article and proceed in the collection thereof in the manner prescribed by law.~~

§ 228-55 Permits for industrial users.

- A. Requirements and conditions. Every user discharging industrial wastes to any ~~municipal~~ public sewer shall obtain a joint permit from the CommissionMWRA and from the City. Industrial users proposing new discharges shall obtain such permits prior to constructing a ~~building sewer~~ sewer service. The CommissionMWRA and the City may change the conditions of a permit from time to time as circumstances, including regulations enacted or promulgated by the state or federal government or its agencies, may require. The CommissionMWRA and the City may stipulate special conditions and terms upon which the permit will be issued. No user may increase the daily volume, strength or rate of ~~his/her~~ their permitted discharge ~~beyond 15%~~ without first securing an amendment to ~~his/her~~ their permit
- B. Applications. ~~It is the responsibility of e~~Every industrial user ~~shall be required to~~ obtain a permit ~~and shall, within 90 calendar days of the promulgation of these regulations, complete and file at its own expense a permit application form with the CommissionMWRA and with the City. Should an industrial user be identified who does not have a permit, Known industrial users which have not filed a permit application will be notified promptly by the CommissionMWRA or the City to apply for a permit. As additional users become identified through industrial waste surveys, they will be notified to apply for a permit. All industrial users are advised to apply for a permit prior to such notification. Permit application forms may be obtained from the Metropolitan Sewerage Division and the City and shall be filed within 30 calendar days of notification, or as prescribed by regulations of MassDEP and the MWRA, whichever is sooner.~~
- C. Evaluation of application; imposition of conditions. The CommissionMWRA and the City shall evaluate the adequacy of data furnished in the application form. If insufficient data has been furnished, the CommissionMWRA will notify the industrial user to provide additional data within a specified time. After acceptance of data, the CommissionMWRA and the City will issue the permit. The CommissionMWRA and the City may stipulate special conditions and terms upon which the permit may be issued.
- D. Permit conditions. Permits may contain the following conditions:
 - (1) Limits on rate, time and characteristics of discharge or requirements for flow regulation and equalization.
 - (2) Installation of inspection, flow measurement and sampling facilities, including access to such facilities.
 - (3) Specifications for monitoring programs which may include flow measurement, sampling, chemical and biological tests, recording of data and reporting schedules.
 - (4) Pretreatment requirements and schedules for implementation, including schedules for reporting progress towards meeting these requirements.

- (5) Submission of discharge reports.
 - (6) Schedules for the payment of industrial cost recoveries as required under Section 204 of the Act.
 - (7) Special service charges or fees.
 - (8) Other conditions as deemed appropriate by the CommissionMWRA or by the City to ensure compliance with these regulations and with applicable requirements of state or federal law, including requirements to meet all local limits for industrial pretreatment for prescribed parameters.
- E. Permit not assignable. A permit shall not be reassigned or transferred.
- F. Revocation and modification of permit. If an industrial user discharges amounts or rates of pollutants in violation of these regulations, the CommissionMWRA or the City may revoke the existing permit in accordance with § 228-52. If an industrial user shows that changes in the industrial process have improved the characteristics and volume of its discharge, the permit may be modified upon application by the industrial user to the CommissionMWRA.
- G. Enforcement of permit conditions. The conditions of all permits shall be enforced by the CommissionMWRA and the City in accordance with the provisions of these regulations.
- H. Reports. When required by the permit, each industrial permittee shall submit a duly signed report to the CommissionMWRA and the City containing all information requested by the CommissionMWRA or the City and in a form acceptable to the CommissionMWRA ~~and~~ the City. The CommissionMWRA and the City will evaluate the data furnished. If insufficient data has been furnished, additional information may be required.
- I. Sources of charges and recovery payments information. The CommissionMWRA and ~~the~~ City may use the information provided in the permit applications, permits and discharge reports as the basis for determining user charges and industrial recovery payments.

§ 228-56 Minimum discharge requirements.

The City's sanitary sewer system discharges into the ~~sewerage works of the Metropolitan Sewerage District (MSD), a division of the Metropolitan District Commission (MDC)~~ MWRA sewerage system. All discharges into the public sanitary sewers shall, as a minimum, conform to the requirements of ~~the most recent 310 CMR 10.00: Sewer Use, (aka Rules and Regulations of the MWRA) Covering Discharge of Sewage Wastewater, Drainage, Substances or Wastes to Sewerage Works Within the Metropolitan Sewerage District MWRA,~~ referred to in this article as the "MDC Rules and Regulations."

A copy of the state regulations detailing the authority and power of the Metropolitan District CommissionMWRA is included in Appendix B-1 of this article for reference.

§ 228-57 Types of substances prohibited from discharge.

No user shall discharge or shall cause or allow to be discharged any substances, water or wastes that the CommissionMWRA or the City has identified as likely, either singly or by interaction with other substances, to:

- A. Harm either the sewerage system or the wastewater treatment process;
- B. Be otherwise incompatible with the treatment process;
- C. Cause a violation of federal and state discharge permits issued to the CommissionMWRA or to the City;
- D. Adversely affect receiving waters;
- E. Endanger life, limb or public property; or
- F. Constitute a nuisance.

§ 228-58 Enumeration of prohibited substances.
[Amended 12-16-2002 by Ord. No. 02-060A]

No user shall discharge or cause or allow to be discharged any of the following substances:

- A. Gasoline, benzene, naphtha, fuel oil, crude oil, lubricating oils and flammable or explosive liquids, solids or gases or any other oils or greases of hydrocarbon or petroleum origin.
- B. Waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, sewerage systems and personnel.
- C. Solids or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage systems, such as but not limited to sand, metal, glass, wood, plastics, rubber, latex, cloth, non-dispersible wipes, and lime slurries.
- D. Liquids or vapors having a temperature higher than 150° F or 65° C.
- E. Waters or wastes containing fats, wax, grease or oils of vegetable or animal origin in excess of 100 milligrams per liter or containing other substances (not specifically prohibited by Subsection A) which may solidify or become viscous at temperatures between 32° F or 0° C and 150° F or 65° C. Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible oils, fats and greases. The use of chemical or physical means, such as temperature variation, emulsifying agents or mechanical mixers, to bypass or release fats, oils and greases into the municipal sewerage system is prohibited. If the discharge concentration for any fats, oils and greases is in excess of 100 milligrams per liter after treatment, the CommissionMWRA may increase the discharge concentration limit on a case-by-case basis when the user demonstrates to the CommissionMWRA's satisfaction that its discharge is not contributing to nuisance conditions.
- F. Garbage that has not been properly shredded. ~~The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the City.~~
- G. Metals.

- (1) Waters or wastes containing amounts of toxic or objectionable metals in excess of the concentrations obtainable by acceptable control technology, including but not limited to the following:

Antimony	Chromium	Nickel
Arsenic	Copper	Selenium
Barium	Iron	Silver
Beryllium	Lead	Tin
Boron	Manganese	Zinc
Cadmium	Mercury	

- (2) In general, wastes containing the above metals shall be treated to reduce their concentrations to the minimum levels attainable by chemical precipitation processes or other equally effective methods. In no case, however, shall allowable metal concentrations be higher than those concentrations allowed by applicable state or federal law, including all specifically established local limits.

H. Nonmetals.

- (1) Waters or wastes containing amounts of toxic or objectionable nonmetals in excess of concentrations attainable by acceptable control technology, including but not limited to:

Ammonia	Pesticides	Chlorides
Cyanides	Phenols	Polychlorinated biphenyls (PCB's)
Herbicides	Sulfates	Sulfides

- (2) In no case, however, shall allowable nonmetal concentrations be higher than those concentrations allowed by applicable state or federal law, including all specifically established local limits.

- I. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the ~~Commission~~ MWRA in compliance with state or federal regulations.
- J. Sludges or deposited solids resulting from an industrial or pretreatment process.
- K. Substances causing excessive discoloration or turbidity.
- L. Slugs as defined herein.
- M. Substances which exert unusual BOD, chemical oxygen demand or chlorine requirements in quantities such that when received in the composite sewage wastewater at the sewage wastewater treatment ~~works~~ facility they exceed the limits established for such discharges.
- N. Substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or not amenable to treatment as necessary for the wastewater treatment plant effluent to meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- O. Any substances that may attack, damage or alter by either abrasion or chemical action the materials of which the sewer and its appurtenances are composed or built.

- P. Substances causing excessive discoloration (such as, but not limited to, dye wastes or ‘vegetable tanning solutions’).
- Q. Sticks, stones, rubbish, rags, unground, unshredded, or improperly shredded garbage, refuse or portions of any animal carcass having particles more than one quarter inch in longest dimension.
- R. Wastewater containing considerable quantities of animal guts or tissues, entrails, offal, blood, feathers, hair, hides, scraps, unshredded vegetables, straw or cinders.
- S. Hazardous wastes and/or material as defined by the Commonwealth of Massachusetts Department of Environmental Protection Regulations (310 CMR), or successor regulations as amended.
- T. Based on the composition of wastewater, the Director reserves the right to:
 - a. Reject sanitary wastewater that does not comply with the regulations herein.
 - b. Require pretreatment to an acceptable condition for discharge to public sewers.
 - c. Require control over the quantities and rates of discharge.
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

§ 228-59 Discharge of unpolluted waters.
[Amended 4-7-2008 by Ord. No. 08-129]

- A. No person shall discharge or cause to be discharged any unpolluted waters, such as groundwater, stormwater, surface water, roof runoff, tidewater, subsurface drainage, uncontaminated cooling water or uncontaminated industrial process water, to any sanitary sewer. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water either directly or indirectly into a sanitary sewer system. All connections of infiltration and/or inflow to the public sewer system are illegal according to state plumbing codes.
- B. Stormwater and all other unpolluted drainage shall be discharged to ~~such sewers as are specifically designated as storm sewers~~ drainage pipes or to a natural outlet within the owner’s property or to drainage pipes when approved in writing in advance by the City Engineer, as specified in Article V.
[Amended 5-21-2012 by Ord. No. 2012-158]
- C. Property owners shall allow an employee of the City or a designated representative of the City to inspect the building to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Such inspections may include smoke tests or dye tests on private property. The City may periodically reinspect any building or premises to determine compliance with the requirements of this section.
- D. Any property owner who previously made any connection or installation in violation of this section shall immediately remove such connection or correct such an installation. If not removed

or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail to the owner, the City may impose a surcharge in the amount ~~provided in Subsection E of this section~~ defined in the latest version of the Schedule of Fees WSR&R. Such a surcharge may also be imposed upon any property owner, after a thirty-calendar-day notice has been delivered, and if the owner refuses to allow his or her property to be inspected. The owner of a building or premises found to be not in conformance with this section during periodic reinspections may also be subjected to a surcharge as defined in Article V the Stormwater Rules and Regulations (SWR&R), ~~as provided in Subsection E of this section.~~

~~E.~~

~~A surcharge of \$300 per quarter is hereby imposed on every sewer bill to property owners for the following conditions:~~

~~(1) Not in compliance with this section.~~

~~(2) Refusal of property inspection.~~

§ 228-60 Dilution prohibited.

The attainment of specific levels for discharge to ~~municipal-public~~ sewers by dilution in the absence of treatment shall be prohibited.

§ 228-61 Wastes of unusual strength or character.

Notwithstanding the limitations set forth in § 228-58 above, a special temporary permit or amendment to an existing permit between the ~~Commission~~ MWRA and the City and the user may be issued by the Commission MWRA whereby a waste of unusual character or strength may be accepted on an interim basis when, in the opinion of the Commission MWRA, unusual or extraordinary circumstances compel special terms and conditions of temporary duration. Such permit or amendment will be issued only when, in the opinion of the Commission MWRA, it would not cause any interference with or disruption in the treatment works, would not violate the National Pollutant Discharge Elimination System (NPDES) permit or Commonwealth water quality standards, and would not force additional controls on other dischargers to achieve compliance with effluent limitations.

§ 228-62 Permit required for sewer hookup; fee; ~~City to provide labor and materials.~~ [Amended 4-7-2008 by Ord. No. 08-129]

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer, ~~public drain~~ or appurtenance thereof without first obtaining a written permit from the Public Works Department DPW. A permit and inspection fee ~~of \$10~~ for a residential or commercial building sewer sewer service permit ~~or private drain permit~~ shall be paid to the City at the time the application is filed. Fees are defined in the WSR&R Schedule of Fees.
- B. Except as otherwise provided by the rules and regulations of the City Planning Board governing the subdivision of land, the material required in the construction of building sewer sewer services, ~~private drains~~ and appurtenances thereof shall be provided and the labor thereon shall be performed by the private property owner ~~City or its duly authorized agents and no other person, provided that the applicant may make all of the excavation and backfill outside the street lines, except so much as will affect the~~

~~proper bedding and securing of the pipe or other structure.~~

- C. No person shall be allowed to make any alteration in, or make any connection with, any ~~private drain or building sewer~~ sewer service ~~service~~ other than that intended in the original permit without making another application and obtaining permission to do so from the DPW City Engineer. [Amended 5-21-2012 by Ord. No. 2012-158]
- D. The City Engineer or DPW Operations Division ~~staff~~ shall have the right to inspect ~~building drain~~ internal sewer services, ~~building sewer~~ sewer services, ~~building storm drains, and other, sewer laterals,~~ private sewers, grease traps, oil traps, particle separators, improperly connected sump pumps, and other facilities tributary to the City's wastewater ~~and storm drainage~~ systems, at any reasonable time while such construction is underway. After obtaining a permit, ~~t~~The owner shall notify the City Engineer when such facility is installed and ready for final inspection and before the facility is connected to the City's wastewater ~~and storm drainage~~ systems. More frequent inspections may be required by the City Engineer. Requests for inspections on new sewer service connections shall be made before 4:00 p.m. on the day preceding the installation or within a reasonable time frame on the day of installation. Connection to the City's wastewater ~~and storm drainage~~ systems shall be made in the presence of an authorized representative of the City. No facility shall be covered over until approval has been given by the City Engineer or DPW Operations Division ~~at staff~~. [Amended 5-21-2012 by Ord. No. 2012-158]

§ 228-63 Classes of building sewer sewer service permits; application form; supplemental information.

- A. There shall be two classes of building sewer sewer service permits:
- (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes.
- B. In either case, the owner shall make application on a special form furnished by the City. ~~For further information concerning industrial permits, see § 228-55.~~ The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer and as specified in the DPW Design and Construction Standards. For further information concerning industrial permits, see § 228-55. [Amended 5-21-2012 by Ord. No. 2012-158]
- C. The design, construction, and materials of a sewer main or service connection, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the City of Melrose Public Works Design and Construction Standards, building and plumbing code, and other applicable rules, regulations and ordinances of the City. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the ASTM and WPCF Manual of Practice No. FD-5 shall apply.
- D. All new sewer mains shall remain within public ways for their entire length except where this is not practical. In such cases, easements deemed appropriate by the Division for the operation and maintenance of the sewer shall be conveyed to the City without cost to the City.
- E. Special service fees for administrative, inspection and construction services for each connection shall be

assessed according to the Schedule of Fees, the full amount of which shall be paid to the City before work commences.

§ 228-64 ~~This section left blank intentionally~~ **Catch basins and traps.**
~~[Amended 5-21-2012 by Ord. No. 2012-158]~~

~~The City Engineer may, at any time, require such catch basins and traps to be introduced along the line of any private drain, or on the discharge of any fixture connecting therewith, as he/she may deem necessary for the proper maintenance of such private drain or of the main drain.~~

§ 228-65 Installation of private ~~drains and building sewer~~ sewer services.

- A. Private ~~drains and building sewer~~ sewer service s shall be laid to and through the cellar wall and shall be provided with a cleanout in the direct line of the pipe.
- B. All pipes through or under the wall of any building, and for a distance of ~~eight~~ ten feet outside of the wall or building, shall be of extra-heavy cast iron and are subject to the jurisdiction of the applicable plumbing code.

§ 228-66 Maintenance responsibilities.

~~Subject to the provisions of § 228-62, e~~ Every ~~private drain or building sewer~~ sewer service shall be under the control of, and shall be maintained and kept clean by ~~the City~~ the property owner. All costs and expense incident to the installation and connection of ~~private drains and building sewer~~ sewer services shall be borne by the owner of the premises served by the same. Additionally, all cleaning of, repairs to or renewals of ~~such drains and~~ sewers shall be made at the expense of the owner of the premises served by such sewer ~~and drain~~, provided that any labor on such ~~a drain or~~ sewer which may be required as a result of defects or obstructions in the main ~~drain or~~ public sewer shall be paid for by the City.

Whenever any service connection to 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 service connection is located shall, upon notification by the Director and/or the City Engineer, remove, reconstruct, alter, clean or repair such service connection 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 Director and/or the City Engineer may cause the service connection to be removed, reconstructed, repaired, altered or cleaned, as he or she may deem expedient, at the expense of such owner, agent, occupant or other person so notified, who shall also be liable to a penalty for such neglect or refusal.

§ 228-67 ~~This section left intentionally blank~~ Disposition of assessment for betterment.

Whenever a betterment for a ~~public drain or~~ public sewer constructed pursuant to an order of the City Council has been assessed on the premises with respect to which an application for connection has been made, an agreement for payment of such assessment must be entered into by the property owner with the City prior to connection to the public sewer.

~~and such assessment has been paid, no fee shall be paid for entry into such public drain or public sewer.~~

except as provided in Chapter 202, Streets and Sidewalks, §§ 202-10 and 202-12. If no assessment for betterment has been paid, the fee for entry into such a public drain or public sewer shall be fixed by the City Council.

§ 228-68 ~~Use of sewer conditioned on payment of bill.~~ This section left blank intentionally

If any bill due the City for constructing, cleaning or repairing or renewing a private drain or building sewer remains unpaid following 60 days from the date thereof, the further use of such drain or sewer shall not be permitted until such bill has been paid.

§ 228-69 Responsibility for plumbing.

All pipes and fixtures outside the building shall be considered part of the ~~building sewer~~ sewer service, ~~private drain or connection thereof~~ and shall be ~~under the control of~~ regulated by the Public Works Department DPW. ~~There~~ re sewer service, from 10-feet outside of the ~~house~~ sue to the sewer main, including all chimney connections, shall be the property of the owner of the premises that is served, and all maintenance, improvements, and replacement shall be the responsibility of the property owner. All pipes and fixtures within any buildings, and for 10-feet outside the building, shall be considered a part of the plumbing and shall be under the regulatory control jurisdiction of the Building Department and State Plumbing Code Commissioner.

~~In the event of any conflict between the requirements of the Building Commissioner and any section of this article, the requirements of this article shall apply.~~

§ 228-70 ~~An individual dependent~~ sewer service is required for every building; exception.

[Amended 12-16-2002 by Ord. No. 02-060A]

- A. A separate and independent ~~building sewer~~ sewer service shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. In such case, the ~~building sewer~~ sewer service from the front building may be extended to the rear building and the whole considered as one ~~building sewer~~ sewer service, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection aforementioned. The City may also require proof of maintenance agreements and/or easements to allow such jointly owned sewer service connections.
- B. Any property which is subdivided into multiple properties must make separate connections to the sewer main for each property; shared services will not be permitted unless a hardship is indicated and approval is given by the City Engineer.
- C. Unless a different determination is made by the City Engineer, each parcel is entitled to one single sewer service, and separate services shall not be connected to the public sewer main from multiple buildings on the same property. Accessory buildings such as a garage or barn or an approved in-law apartment should be connected to the sewer service for the primary use building.
- A. ~~The City Engineer may determine that it is in the best interests of the City to allow more or fewer service connections than described in this Section.~~

D.

§ 228-71 Use of old sewers.

Old ~~building sewer~~ sewer services shall not be used for new building construction or substantial reconstruction. If the City Engineer deems that it is in the best interest of the City to allow reuse of an old connection, and, may be used in connection with new buildings only when they are found, on examination and test by the Public Works Department DPW, the service meets all o meet all requirements of this article and DPW standards for integrity, the City Engineer may waive this requirement. All evaluations of the existing service pipe shall be performed at the expense of the owner.

§ 228-72 Establishment of specifications.

The ~~Public Works Department~~ DPW shall, from time to time, establish standard requirements or specifications to regulate the sizes, materials, methods and workmanship to be used in the construction of sewers, house connections and other similar work and appurtenances thereto connected or intended to be connected into or to discharge, directly or indirectly, into any public sewer of the City. These requirements shall be recorded in the WSR&RDPW Design and Construction Standards and shall not conflict with any requirements in revision to or in addition to those of the City Building Commissioner. Such standard requirements shall provide for gastight and watertight connections and minimum requirements as to size, depth, slope or rate of grade for such pipes, shall regulate the kinds of pipe, fittings, methods of laying, jointing, materials used, manner of connecting to existing municipal sewers and general consideration as to location and other pertinent features. When a private service connection is made directly to the MWRA

sewerage system, all applicable applications and standards applied by the MWRA must be met and supersede City requirements when they are more stringent. All City requirements that are more stringent than MWRA requirement shall apply to sewer services within the City, whether connected to the City or MWRA sewerage systems.

~~Any such requirements or specifications as may be adopted from time to time are hereby made a part of this article.~~

§ 228-73 Specifications to apply in absence of code provisions.

[Amended 8-21-2017 by Ord. No. 2018-4]

~~A copy of these requirements titled "Regulations for Connecting Building Sewers to the Public Sewer" is included in Appendix B-2 of this article.~~ In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice No. FD-59 shall apply.

§ 228-74 Gravity flow or means of lifting required.

Whenever possible, the ~~building sewer~~sewer service shall be brought to the building at an elevation below the basement floor. The preferred method for discharge of sanitary sewage from an individual building or a group of buildings to the City of Melrose sewer system is by gravity flow. In all buildings in which any ~~building drain~~internal sewer service is too low to permit gravity flow to the public sewer, sanitary ~~sewage wastewater~~ carried by such ~~building drain~~internal sewer service shall be lifted by an approved means and discharged to the ~~building sewer~~sewer service. All grinder pump systems shall comply with the DPW's design and construction standards for such systems.

§ 228-75 ~~This section left blank intentionally Feeding surface water drainage into sewer prohibited. No person shall make connection of roof downspouts, foundation drains, areaway drains or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.~~

§ 228-76 Private sewer services drains.

~~[Amended 5-21-2012 by Ord. No. 2012-158]~~

~~Except by special consent of the City Engineer, no private drain sewer service larger than eight inches in diameter or which is constructed of any material other than polyvinyl chloride (PVC) vitrified, transite or iron pipe of an approved weight will be allowed to connect with any public sewer main drain. All private sewer pipes drains shall be laid accurately to straight lines and grades. All sewer services shall be installed in full accordance with the DPW's Design and Construction standards unless otherwise permitted in writing by the City Engineer following application for installation.~~

~~When angles are unavoidable, the changes in direction shall be made by Y branches and bends. The opening in the Y in the direct line of the pipe shall be sealed and left unused for the purpose of flushing and cleaning.~~

§ 228-77 ~~This section left intentionally blank Stormwater permits for parcels of land greater than one acre.~~

~~[Added 4-7-2008 by Ord. No. 08-129]~~

~~A. — Any land alteration, including but not limited to any excavation, paving, curb cutting, street opening, or any activity that will alter the drainage characteristics of a parcel of land that is greater than one acre, shall obtain a permit from the Department.~~

~~B. — Application.~~

~~(1) — The applicant shall file a completed application package. While the applicant may be a representative, the permittee must be the owner of the site or holder of an easement. The application package shall include:~~

~~(a) — A completed application form with original signatures of all owners.~~

~~(b) — A stormwater management plan and project description.~~

~~(c) — Operation and maintenance plan.~~

~~(d) — Erosion and sediment control plan.~~

~~(2) — Filing an application for a permit grants the Department, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance after issuance of the permit.~~

~~C. — Performance criteria.~~

~~(1) — At a minimum, projects shall comply with the policy, criteria, and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy Handbooks.~~

~~(2) — The applicant shall prepare and implement an erosion and sedimentation control plan to prevent the introduction of sediments into the Department's sewers and storm drains. The design of any facilities required pursuant to this section shall be subject to the approval of the Department, and the design, installation and maintenance of such facilities shall be at the facility owner's expense. The Department shall have the right to inspect such facilities.~~

~~(3) — The applicant shall submit to the Department a description of all new best management practices, including location, design and installation plans, vendor and manufacturer, and maintenance requirements.~~

~~(4) — An operation and maintenance plan shall be required at the time of application for all projects. The project proponent shall be responsible for future maintenance of such best management practices. The operation and maintenance plan shall remain on file with the Department and shall be an ongoing requirement.~~

~~D. — The Public Works Department DPW shall, from time to time, establish standard requirements or specifications to regulate the terms, conditions, definitions, enforcement, fees, procedures, and administration of this section.~~

§ 228-78 Infiltration and inflow mitigation fees.

~~[Added 6-16-2016 by Ord. No. 2016-200]~~

A. Any person or entity changing, altering, repairing, adding to or improving ~~his/her~~their or ~~its~~ property in any way that may or should impact the sewer system within the City of Melrose, or any person or entity proposing to add additional wastewater to an existing sewer connection, or any applicant for a new building permit, shall be required to mitigate infiltration/inflow sources which add extraneous water to the sewer system, thereby reducing its capacity and capability to accommodate new flows, at a rate of one gallon of infiltration/inflow removal for each additional gallon of wastewater that will be discharged to the sewer system as a result of the subject project. In the event a connection is subject to a state sewer connection/extension permit under Code of Massachusetts Regulations Chapter 314, and such permit is conditioned upon the completion of removal of infiltration/inflow prior to connection, said removal of infiltration/inflow shall be credited toward complying with the requirements of this section.

- B. Title 5 (310 CMR 15) shall be used to determine flow rates, which will be used to calculate the value of the infiltration and inflow mitigation fee. Said fee shall be calculated based on the net change in Title 5 flows resulting from the subject project. The and a cost of \$6.89 per gallon per day (gpd) of flow shall be as defined in the WSR&R Schedule of Fees and as approved by the City Council. Existing conditions will be established based on records of the Melrose Assessor's office. For example, a project with a net increase of five bedrooms compared to existing conditions per Assessor's records has an associated Title 5 flow increase of 550 gpd. ~~; therefore the fee for this connection is \$3,789.50 (550 gpd net increase x \$6.89/gpd).~~ This is a one-time fee required prior to the issuance of a building permit or any other permit order or permission for any change, alteration, repair, addition or modifications improving the subject property.
- C. The fee assessment, or indication that no fee is required based on a determination of no net increase to sewer flows from the subject project, shall be determined by the Director of Public Works. The Director will not sign off on occupancy for any project for which an outstanding payment is due for any assessed infiltration and inflow mitigation fee, for the subject project or for any other project for which occupancy is sought by the same applicant.

~~D. For purposes of this section the following terms shall have the meanings set forth herein:~~

~~DIRECTOR~~

~~The Director of Public Works, after review, approval and consent by and of the City Engineer.~~

~~INFILTRATION~~

~~Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through means which include, but are not limited to, defective pipes pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.~~

~~INFILTRATION/INFLOW~~

~~The quantity of water from both infiltration and inflow without distinguishing the source.~~

~~INFLOW~~

~~Water other than sanitary flow that enters a sewer system (including sewer service connections) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, sump pumps, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.~~

Chapter 228

WATER AND SEWERS

GENERAL REFERENCES

Assessments — See Ch. 9.

Streets and sidewalks — See Ch. 202.

Sewage disposal — See Ch. 194.

ARTICLE I
General Provisions

§ 228-1. Regulations considered part of contract. [Amended 6-26-1985 by Ord. No. 1108]

Except as otherwise specifically ordered by the City Council, the rules and regulations set out in this chapter shall be considered as a part of the contract with every person who uses City water and the City sewer service, and every person who takes the water and uses the sewers assents thereto and agrees to be bound thereby.

§ 228-2. Shutting off water for violations. [Amended 2-1-1993 by Ord. No. 92-318]

If any person violates any of the rules and regulations set out in this chapter, the water will be shut off and will not be turned on again until all charges, including \$25 for shutting off and turning on, have been paid.

§ 228-3. Billing period; place of payment; delinquent payments. [Amended 6-17-1985 by Ord. No. 1045; 7-21-1986 by Ord. No. 1417; 7-28-1986 by Ord. No. 1455; 12-19-1988 by Ord. No. 2217; 10-19-1992 by Ord. No. 93-50]

- A. All bills for water and sewer shall be made out and rendered by the Public Works Department to consumers quarterly and all such bills shall be payable within 30 days at the office of the City Collector.
- B. Bills not paid within 30 days shall be subject to the following:
 - (1) Demand charge of \$5.
 - (2) Interest penalty of 14% from the due date.
 - (3) Lien fee of \$10, to be applied only on those water and sewer bills that become lien on real estate tax bills.

§ 228-4. Commitment of charges for collection. [Amended 6-17-1985 by Ord. No. 1046]

All charges for water and sewer service shall be committed forthwith by the Public Works Department to the City Collector for collection, and, whenever charges are so committed, such Department shall file with the City Auditor a report, in writing, of the total amount of the charges in each such commitment. The Department shall forthwith give notice, in writing, to the City Auditor of every correction in and abatement of a charge for water and sewer services.

ARTICLE II Water

§ 228-5. Right of entry. [Amended 5-21-2012 by Ord. No. 2012-158]

The City Engineer or his/her agent shall at all reasonable hours have free access to premises supplied with water to examine the condition of the pipes and fixtures and quantity of water used and to shut off the water for nonpayment or any violation of the rules set out in this article.

State law reference — Authority of municipalities to make regulations relative to pipes through which water is supplied, MGL c. 40, § 21, cl. (7).

§ 228-6. Laying of service pipes. [Amended 5-21-2012 by Ord. No. 2012-158]

Except as otherwise provided by the rules and regulations of the Planning Board governing the subdivision of land, water service pipes will be laid from the main to the line of the street without charge and from the line of the street to the building at the expense of the applicant, provided that the whole or part of the work from the street line to the building may be done by the property owner or his/her agent, subject to the approval of the City Engineer, if the property owner so elects.

§ 228-7. Size and material of service pipes and meters. [Amended 5-21-2012 by Ord. No. 2012-158]

No water service pipe or meter larger than 3/4 of an inch will be laid or allowed, except upon special consent of the City Engineer and upon the payment of the additional cost to the City. All pipe laid on the abuttor's premises between the street line and the meter or cellar wall shall be of such material as may be approved by the City Engineer.

§ 228-8. Separate service pipes required; protection and maintenance. [Amended 5-21-2012 by Ord. No. 2012-158]

No two buildings shall be supplied with water through the same service pipe, and, so far as possible, each tenement or apartment shall be supplied through a separate service pipe. Any person putting in his/her own service pipe from the street line to the building must lay it at least 5 1/2 feet deep and must provide a stop and waste cock, properly located, inside the building and take such other precautions as may be deemed necessary by the City Engineer. He/she must keep the service pipe, stop and waste cock and all fixtures connected therewith on his/her premises in good repair and protected from frost, and he/she will be held liable for all damage which may result from a failure to do so.

§ 228-9. Additional service pipes.

Any person desiring more than one water service pipe for any one tenant from the main to his/her premises will be required to pay the whole cost of such additional pipe.

§ 228-10. Laying mains in public and private ways; assessments. [Amended 5-21-2012 by Ord. No. 2012-158]

A. Applications for the original laying of pipes in public and private ways for the

conveyance and distribution of water shall be made, in writing, to the City Engineer in such form as he/she shall prescribe. Before laying any such pipe, the City Engineer shall prepare an estimate of the cost thereof and of the assessments to be paid by the owners of the land which will receive benefit therefrom, computed in the manner provided in this section, and shall grant a hearing to each such owner. Notice of the time and place of such hearing shall be given, in writing, not less than seven days prior to the date thereof, and each such owner shall be furnished with a statement of the estimated betterment to be assessed against his/her property.

- B. Acting under authority of MGL c. 40, § 42G, the City Engineer shall assess 1/2 of the actual cost of originally laying pipes in public and private ways upon the estates benefited thereby. For the purpose of apportioning the cost among the estates so benefited, 1/3 of such 1/2 of the cost shall be assessed upon the total frontage of the land so benefited on the street or way in which such pipe is laid, and each such estate shall be assessed its proportional part thereof. Two-thirds of such 1/2 of the cost shall be assessed upon the total area of the land so benefited within a depth of 100 feet from the street or way in which such pipe is laid, and each such estate shall be assessed its proportional part thereof.
- C. In the case of an estate which receives a direct benefit from the laying of such a pipe but which does not abut the street or way in which such pipe is laid and is not wholly located within 100 feet from such street or way, so much of the area of such estate as may be deemed by the City Engineer to be just and reasonable shall be included in the total area, as aforesaid, and assessed its proportion of the cost in the same manner as land within 100 feet of such street or way.
- D. Each corner lot abutting upon a street or way in which such a pipe is laid and which receives direct benefit therefrom shall be assessed in accordance with the provisions of this section, including the whole frontage of the lot on the street in which such pipe is first laid. When such a pipe is laid on the other street or way on which such lot abuts, so much of the area of such lot as has been previously assessed and so much of the frontage of such lot on the other street or way as may be deemed by the City Engineer to be just and equitable shall be exempt from assessment.
- E. Whenever the City Engineer determines that a pipe for the conveyance and distribution of water shall be originally laid in any public or private way, he/she shall take all such steps as may be required to ensure that effect will be given to all pertinent provisions of MGL c. 40, § 42I.
- F. This section shall not apply to the laying of water pipes for which provision is otherwise made by the rules and regulations of the Planning Board governing the subdivision of land.

§ 228-11. Laying mains in private property.

No water main shall be laid in any private property, other than a private way, unless the owner thereof gives a release to the City for that purpose, and such owner, when required, shall file a bond for the payment annually of 6% of the cost to the City of such main and connections until such time as the revenue from such main shall be sufficient to pay the interest on the cost of construction.

§ 228-12. Turning on and shutting off water; charges. [Amended 1-21-1992 by Ord. No. 91-264A]

- A. No person except the City Engineer or those authorized by him/her shall at any time turn or let on water to any house or building or in any way interfere with any gate, fire hydrant or standpipe. [Amended 5-21-2012 by Ord. No. 2012-158]
- B. Charges.
 - (1) Water turned off at curb: \$25.
 - (2) Water turned on at curb: \$25.
 - (3) Meter tests: \$25.
 - (4) Special meter reading trip charge: \$25.
 - (5) Final meter reading: \$25.
 - (6) Repair of frozen meters: \$25 plus parts.
 - (7) Fire flow tests (hydrant): \$100.

§ 228-13. Notice that water will be shut off.

In cases of abnormal use of water or when necessary to shut off the street mains, consumers will ordinarily be given notice, but failure to give such notice shall not constitute a claim for any damage which may be occasioned.

§ 228-14. Water meters.

- A. No person except the proper officers of the Water Division will be allowed to set, take off or repair meters. [Amended 8-21-2017 by Ord. No. 2018-4]
- B. All water meters will be furnished, placed and maintained by the City. Any damage to any meter done or caused by the carelessness or neglect of the owner or occupant will be charged to his/her next bill, and, if not paid as provided for in § 228-3, the water will be shut off and not again turned on until such charge and all others are paid.
- C. Effective October 1, 2017, a manual read fee of \$50 per quarter shall be charged to any account that cannot be remotely read by the City of Melrose. [Added 6-19-2017 by Ord. No. 2017-148]

§ 228-15. Rates set by Mayor and Council; Water Rate Review Committee.
 [Amended 5-15-1978 by Ord. No. 19837; 6-5-1978 by Ord. No. 19917; 7-17-1978 by Ord. No. 19837A; 9-6-1989 by Ord. No. 90-2; 10-15-1990 by Ord. No. 90-278; 9-9-1991 by Ord. No. 92-22; 1-6-1992 by Ord. No. 92-137; 1-21-1992 by Ord. No. 92-166; 6-6-1994 by Ord. No. 94-221; 7-18-1994 by Ord. No. 94-221A; 6-17-1996 by Ord. No. 96-335; 6-27-2001 by Ord. No. 01-323; 6-26-2002 by Ord. No. 02-358; 12-16-2002 by Ord. No. 02-060A; 6-26-2003 by Ord. No. 03-290; 6-21-2004 by Ord. No. 04-268; 6-30-2005 by Ord. No. 05-248; 6-26-2006 by Ord. No. 06-248; 7-17-2006 by Ord. No. 06-248A; 7-16-2007 by Ord. No. 07-179; 5-19-2008 by Ord.

No. 08-225; 10-20-2008 by Ord. No. 08-269; 6-15-2009 by Ord. No. 09-202; 5-17-2010 by Ord. No. 10-160; 6-20-2011 by Ord. No. 11-170; 5-21-2012 by Ord. No. 2012-158; 6-18-2012 by Ord. No. 2012-189; 8-20-2012 by Ord. No. 2013-4; 3-4-2013 by Ord. No. 2013-118; 6-27-2013 by Ord. No. 2013-204; 5-19-2014 by Ord. No. 2014-117; 6-15-2015 by Ord. No. 2015-143; 6-16-2016 by Ord. No. 2016-163; 5-15-2017 by Ord. No. 2017-136; 6-19-2017 by Ord. No. 2017-146]

A. Except as provided by § 228-16, all bills for water furnished by the City shall be rendered at intervals of three months (quarterly) at rates established by the Mayor and City Council from time to time.

(1) Tiered water rates per 100 cubic feet, effective fiscal year 2019:
[Amended 6-18-2018 by Order No. 2018-178]

(a) Quarterly consumption:

Cubic Feet	Rate Per 100 Cubic Feet
1 to 2,000	\$6.44
Over 2,000	\$8.75

(b) Quarterly meter base fee:

Meter Size (inches)	Fee
Up to 1	\$16.60
1 1/2	\$64.72
2	\$100.81
3	\$185.02
4	\$305.32
6	\$606.07
Manual read fee (for accounts that have not changed primary meter)	\$50/quarter
Second meter fee – meter replaced	\$16.60
Second meter fee – meter not replaced	\$50.00

(c) Monthly consumption:

Cubic Feet	Consumption Rate
1 to 2,000	\$6.44
Over 2,000	\$8.75

(d) Monthly meter base fee:

Meter Size (inches)	Fee
Up to 1	\$5.54
1 1/2	\$21.58
2	\$33.61
3	\$61.68
4	\$101.78
6	\$202.03
Manual read fee (for accounts that have not changed primary meter)	N/A
Second meter fee – meter replaced	\$5.54
Second meter fee – meter not replaced	\$16.67

- (2) The water rate shall be applied to all properties in the City of Melrose classified under Commonwealth of Massachusetts Department of Revenue (DOR) Property Classification Code of April 1987 Code/Codes 1, 101 through 103, 104 and 105 and all land or structures exclusively in municipal use by the City of Melrose.

- B. There is hereby created a Water Rate Review Committee, to consist of the Director of Public Works, City Engineer, the Auditor, Treasurer-Collector and a member of the City Council appointed by the President of the City Council, and two citizens of Melrose appointed by the President of the City Council. The Committee shall meet at least quarterly to review the water rate charges established pursuant to this section, the costs of operating and maintaining the water system and any capital improvements to the system. The Committee shall hold at least one meeting per year after 7:00 p.m. It shall report its findings and any recommendations to the City Council in conjunction with submission of the annual operating budget. **[Amended 10-2-2017 by Ord. No. 2018-23]**

State law reference — Law of commonwealth making water rates a lien on real estate, MGL c. 40, §§ 42A to 42F.

§ 228-16. Water used for building purposes. [Amended 6-17-1985 by Ord. No. 1047; 12-16-2002 by Ord. No. 02-060A]

- A. The following rates shall be charged for water used for building purposes:
- (1) The minimum charge for construction of new buildings shall be the same for the three months' minimum charges.
 - (2) For extraordinary additions or repairs, the rate shall be assessed by the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- B. The City Engineer shall have the right to require the applicant to pay by meter instead of the foregoing schedule for building purposes. **[Amended 5-21-2012 by**

Ord. No. 2012-158]

- C. The rates for water for building purposes, which are to be paid in advance, include the charge for turning on and shutting off water, and no allowance will be made if water is obtained from other premises.

§ 228-17. Application for use of water or other work; emergencies.

- A. Applications for the use of water for service pipes, for thawing frozen pipes or for any other work to be done or materials to be furnished in connection with the supplying of water to any premises shall be made in accordance with Chapter 202, Streets and Sidewalks, § 202-10.
- B. In cases of extreme emergency, of which the City Engineer shall be the judge, such application shall not be required, nor shall the provisions of § 202-10 apply, provided that as soon as may be after the furnishing of such water or materials or the completion of such work, the City Engineer shall render a bill therefor, in an amount representing the actual cost to the City, to the owner of the premises. Such bill shall be payable on presentation, and the provisions of Chapter 56, Officers and Employees, § 56-26, relative to commitment, return, correction, abatement and shutting off of water for nonpayment of water bills, shall apply to each such bill. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. In no case shall water be turned on for specific purposes until all charges are paid or, for fractional parts of the year, until the proportional part of the minimum charge is paid up to the first day of January next following. Fractional parts of a month shall be considered a full month, and 1/4 of the minimum rate per annum shall be the least charge that shall be made.

§ 228-18. Abatements in case of vacancy. [Amended 12-16-2002 by Ord. No. 02-060A; 5-21-2012 by Ord. No. 2012-158]

In case of vacancy, abatements may be allowed and made at the rate of \$0.20 per 100 cubic feet, provided that no abatement shall be allowed or made unless notice of vacancy is given, in writing, at the office of the City Engineer and the sum of \$25 paid for shutting off the water, which sum shall include the expense of turning on again. No premises will be considered vacant unless such notice is given and water so shut off. No abatement or refund shall be made for water so shut off during the last three months of the year or for fractional parts of 100 cubic feet.

§ 228-19. Opening or interfering with fire hydrants. [Amended 5-21-2012 by Ord. No. 2012-158]

No person except the City Engineer or those authorized by him/her and the officers of the Fire Department in case of fire shall open or otherwise interfere with any fire hydrant, tie or fasten a horse or any other animal to any fire hydrant or place any obstruction in the way of its free use by the firefighters.

§ 228-20. Elderly discount. [Added 4-3-1989 by Ord. No. 2324; amended 5-6-1996 by Ord. No. 96-237]

- A. A twenty-percent discount on water bills shall be given upon application to the office of the City Engineer in accordance with the following procedure: **[Amended 5-21-2012 by Ord. No. 2012-158]**
- (1) The applicant must have passed age 65 in the calendar year prior to that in which he/she is making application for discount. In the case of joint home ownership, either spouse/owner must have passed age 65 in the prior year.
 - (2) The applicant must be the owner of record of the property for which discount is requested and his/her name must appear on the water bill for that property.
 - (3) The yearly consumption of water by the applicant shall not exceed 6,250 cubic feet. **[Amended 6-16-2016 by Ord. No. 2016-166]**
 - (4) The discount shall only apply to owners of one-family or two-family homes who are able to demonstrate their primary residence in said single- or two-family home. **[Amended 6-16-2016 by Ord. No. 2016-166]**
 - (5) Otherwise eligible condominium owners will be entitled to a discount which shall be equal to the average discount provided for in this section for the immediately preceding fiscal year. **[Added 6-16-2016 by Ord. No. 2016-166]**
- B. Applicants who have not reached 65 will also qualify for discount if:
- (1) They are in conformity with the other provisions of this section.
 - (2) Their yearly gross income does not exceed \$15,000 for a single person and \$23,000 if filing jointly.
- C. Administration of the discount program set forth in Subsections A and B above shall be in accordance with reasonable policies established by the Director of Public Works, or his/her designee, and shall be in strict compliance with this section. **[Added 6-16-2016 by Ord. No. 2016-166]**

ARTICLE III
Backflow and Cross-Connections
[Added 6-2-1997 by Ord. No. 97-323]

§ 228-21. Authority.

In accordance with the Safe Drinking Water Act of 1974 and the Commonwealth of Massachusetts regulations 310 CMR 22.22 of the Massachusetts Drinking Water Supply Regulations, the water purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water supply system.

§ 228-22. Purpose.

The purpose of this article is:

- A. To protect the public potable water supply served by the City of Melrose Water Division from the possibility of contamination or pollution by isolating within its customers' internal distribution system(s) such contaminants or pollutants which could backflow or backsiphon into the public water supply system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' in-house/in-plant potable water system(s) and nonpotable systems.
- C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all public potable water systems by cross-connection.

§ 228-23. Responsibility of Water Division and customers.

The City of Melrose Public Works Department Water Division shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of any premises, the Division determines that an approved backflow prevention device is required at the City's water service connection to any customer's premises for the safety of the public water supply system, the Division or its designated agent shall give notice in writing to said customer to install such an approved backflow prevention device at each service connection to his/her premises. The customer shall, within 60 days, install such approved device or devices at his/her own expense, and failure, refusal or inability on the part of the customer to install said device or devices within 60 days shall constitute a ground for disconnecting water service to the premises until such device or devices have been properly installed and inspected.

§ 228-24. Definitions. [Amended 4-7-2008 by Ord. No. 08-129]

As used in this article, the following terms shall have the meanings indicated:

ALTER — Any activity which will measurably change the ability of a ground surface to absorb water or will change existing surface drainage patterns. "Alter" may be similarly represented as "alteration of drainage characteristics" and "conducting land disturbance

activities."

APPROVED — Accepted by the City of Melrose Public Works Department Water Division as meeting an applicable specification stated or cited in this regulation or as suitable for this proposed use.

BACKFLOW — The flow of water or other liquids, mixtures or substances under pressure into the distributing pipes of a potable public water supply system from any source or sources other than intended source.

BACKFLOW PREVENTER — A device or means designed to prevent backflow or backsiphonage.

- A. **AIR GAP** — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood rim of said vessel.
- B. **REDUCED-PRESSURE-PRINCIPLE DEVICE** — An assembly of two independently operating check valves with an automatically operating differential relief valve between the two check valves, two shutoff valves plus properly located test cocks.
- C. **DOUBLE CHECK VALVE ASSEMBLY** — An assembly of two independently operating approved check valves with shutoff valves on each side of the check valves, plus properly located test cocks.
- D. **PRESSURE VACUUM BREAKER** — A device designed to prevent backsiphonage only and which is used under static line pressure, plus properly located test cocks.

BACKSIPHONAGE — The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable public water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable public water supply system.

BEST MANAGEMENT PRACTICE (BMP) — Structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment.

CERTIFICATION EXAMINATION — An examination approved by the Department for the purpose of testing competency in all areas of cross-connection control and backflow prevention device testing.

CERTIFIED BACKFLOW PREVENTION DEVICE TESTER — An individual who holds a valid Massachusetts backflow prevention device tester's certificate issued by the Department.

CONTAMINANT — A physical, chemical, biological or radiological substance or matter in water.

CROSS-CONNECTION — Any actual or potential connection between a distribution pipe of potable water from a public water system and any pipe of nonpotable water.

DEPARTMENT — The Commonwealth of Massachusetts, Department of

Environmental Protection. **[Amended 8-21-2017 by Ord. No. 2018-4]**

DIVISION — The City of Melrose Public Works Department Water Division as the operator of the Melrose Water Distribution System.

HAZARD, DEGREE OF — The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable public water system.

- A. **HAZARD, HEALTH (high hazard)** — Any condition, device or practice in any water supply system and its operation which could create or, in the judgment of the Division, may create a danger to the health and well-being of the public water consumer.
- B. **HAZARD, PLUMBING (high hazard)** — A plumbing-type cross-connection in a consumer's potable water system that has been properly protected by a vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing-type cross-connections are considered to be a health hazard.
- C. **HAZARD, SYSTEM (low hazard)** — All actual or potential threats to the physical properties of the public water system or to the potability of the public or the consumer's potable water system which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.

INSPECTION — The physical examination and testing of an installed backflow prevention device to verify that the backflow prevention device is functioning properly.

INSPECTION AND MAINTENANCE REPORT FORM — A report form, designated by the Department, which is to be used by certified testers to record all pertinent testing information.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY — The policy issued by the Department of Environmental Protection and, as amended, that coordinates the requirements prescribed by state bylaws promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and Massachusetts Clean Waters Act, MGL c. 21, §§ 26 to 56.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, public storm drain, public storm sewer, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Melrose.

OWNER — Any person maintaining a cross-connection installation or owning premises on which cross-connections can or do exist.

STORMWATER — Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

WATER, NONPOTABLE — Water which is not safe for human consumption or which is of questionable potability, including private wells.

WATER, POTABLE — Water from a public source which has been approved by

the Massachusetts Water Resources Authority for human consumption.[**Amended 8-21-2017 by Ord. No. 2018-4**]

§ 228-25. Requirements.

A. Water Division.

- (1) On new installations, the Division will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required and will notify the owner of plan approval requirements by the appropriate reviewing authority.
- (2) For premises existing prior to the start of this program, the Division will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the method of achieving the correction and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved (higher health hazard – minimum time).
- (3) The Division will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.
- (4) If the Division determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

B. Owner responsibility.

- (1) The owner shall be responsible for the elimination or protection of all cross-connections on his/her premises.
- (2) The owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross-connections and installation of backflow prevention devices and applying annually for the renewal of each permit.
- (3) The owner shall have any device that fails an inspection or test repaired immediately by a licensed plumber.
- (4) The owner shall inform the Division of any proposed or modified cross-connection and also of any existing cross-connections of which the owner is aware but which have not been found by the Division.
- (5) The owner shall not install bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.
- (6) The owner shall install backflow preventers in a manner approved by the Department and by the Division.
- (7) The owner shall install only reduced-pressure backflow preventers and double check valve assemblies approved by the Department.

- (8) The owner shall be responsible for the payment of all fees for permits, device testings, retestings in the case that the device fails to operate correctly and second reinspections for noncompliance with Division or Department requirements.

C. Testing.

- (1) Reduced-pressure backflow preventers and double check valve assemblies shall be tested and inspected at least semiannually by the Division's certified tester, at the expense of the owner.
- (2) Reduced-pressure backflow preventers and double check valve assemblies must be tested annually by the owner, independent of the semiannual test by the public water supplier, and said test must be conducted by a Department-certified tester.
- (3) Any backflow preventer which fails during a periodic test must be repaired or replaced immediately by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to ensure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 14 days after the test date will be established. The owner is responsible for spare parts, repair tools or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring that uninterrupted water service remains during testings or repair of devices and is strongly recommended when the owner desires such continuity.

§ 228-26. Enforcement; violations and penalties.

- A. Right of entry. All owners or operators of commercial, industrial or institutional premises served by a public water supply system shall authorize agents and employees of the City of Melrose Public Works Department Water Division and/or the Department, upon presentation of their credentials, to enter their premises without a warrant for the purpose of inspecting and surveying their water systems for cross-connections and assuring compliance with these regulations, whether or not the Division and/or the Department has evidence that their water system is in violation of an applicable legal requirement.
- B. The Division shall not allow a cross-connection to exist with the public water system unless it is considered necessary and all appropriate approvals and permits have been issued.
- C. Failure of the owner to comply with any applicable section of this article will constitute a violation of 310 CMR 22.22 and will be subject to termination of water service by the City of Melrose Public Works Department Water Division.
- D. Fine. Whoever maintains a cross-connection without a permit or after revocation of the permit to maintain such connection and whoever maintains a cross-connection without installing the appropriate backflow prevention device required by these regulations and by the reviewing authority shall be punished by a fine of not more than \$500. Reference: 310 CMR 22.22(13)(a).

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§ 228-27. Procedure policy.

Attached is the procedure policy package.¹

Attachment: 32e (ORDER-2022-21 : Amending Chapter 228 of the Revised Ordinances of the City of Melrose)

1. Editor's Note: The procedure policy package is on file in the office of the Water Division.

ARTICLE IV

Sewer Use

[Added 5-4-1981 by Ord. No. 20841, App. B (Rev. Ords. 1989, §§ 16-51 to 16-70, 16-81 to 16-86, 16-91 to 16-99, 16-111 to 16-117 and 16-131 to 16-145)]

§ 228-28. Purpose.

The purpose of this article is to regulate the use of public and private sewers, the installation and connection of building sewers and the discharge of waters and wastes in the public sewer system in the City.

§ 228-29. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACT — The Clean Water Act of 1977, Public Law 95-217, as amended from time to time.

BOD or BIOCHEMICAL OXYGEN DEMAND — The quantity of oxygen utilized in five days at 20° C., expressed in milligrams per liter, in the biochemical oxidation of wastewater as determined by a procedure described in Standard Methods.

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 10 feet outside the inner face of the building wall.

BUILDING SEWER (also called "house connection") — The wastewater connection from the building to a public sewer.

CITY ENGINEER — The Engineer for the City. **[Amended 5-21-2012 by Ord. No. 2012-158]**

COMMISSION — The Metropolitan District Commission, Commonwealth of Massachusetts, or any other commission, board or officers duly authorized to act for the commonwealth in the application of these rules and regulations.

COMPATIBLE POLLUTANT — A substance that is amenable to removal in substantial amounts by the wastewater treatment plant. Compatible pollutants include, but are not limited to, coliform bacteria, suspended solids and those that exert BOD.

DEPARTMENT — The Public Works Department of the City.

DIRECTOR OF PUBLIC WORKS — The Director of the Department of Public Works for the City. **[Added 5-21-2012 by Ord. No. 2012-158]**

EXCESSIVE — More than the limits established in these regulations or of such magnitude that, in the judgment of the Commission, may cause damage to any facility or be harmful to the wastewater treatment process or reduce its efficiency, cannot be removed in the wastewater treatment plant to the degree required to meet the Act, creates any hazard in the receiving waters, exceeds the capacity of the metropolitan sewerage system or otherwise endangers life, limb or public property or constitutes a public nuisance.

FLOATING OIL — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

GARAGE — Any building wherein are kept or stored one or more motor vehicles, including, among others, a public or private garage, carport, motor vehicle repair shop or paint shop, service station, lubritorium, car wash or any building used for similar purposes.

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

INCOMPATIBLE POLLUTANT — A substance that is not amenable to removal in substantial amounts by the wastewater treatment plant. Incompatible pollutants include, but are not limited to, toxic metals and persistent organics.

INDUSTRIAL USER — Any user identified in the Standard Industrial Classification Manual of the United States Office of Management and Budget, as amended and supplemented, under the following divisions:

- A. Division A: Agriculture, Forestry and Fishing.
- B. Division B: Mining.
- C. Division D: Manufacturing.
- D. Division E: Transportation, Communications, Electric, Gas and Sanitary Services.
- E. Division I: Services.

INDUSTRIAL WASTES — Any solid, liquid or gaseous wastes resulting from industrial processes.

MDC — The Metropolitan District Commission.

MDC RULES AND REGULATIONS — The most recent Rules and Regulations Covering Discharge of Sewage, Drainage, Substances or Wastes to Sewerage Works Within the Metropolitan Sewerage District.

METROPOLITAN SEWERAGE DISTRICT — All cities, towns and sewer districts served by the Commission in accordance with legislation.

METROPOLITAN SEWERAGE SYSTEM — The sewerage works under the control of the Commission.

MUNICIPAL SEWER — A sewer controlled by the City, a governmental agency or a public authority, such as the Metropolitan District Commission.

NATURAL OUTLET — Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

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 seven and a hydrogen ion concentration of 10^{-7} . The electrometric method of measurement is preferred. The calorimetric method of measurement may be substituted upon approval by the Commission.

PRIVATE DRAIN or PRIVATE STORM DRAIN — A storm drain not directly controlled by any public agency or government.

PROPERLY SHREDDED GARBAGE — Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in municipal sewers. No particle shall be greater than 1/2 inch or 1.27 centimeters in any dimension.

PUBLIC DRAIN or PUBLIC STORM DRAIN — A storm drain controlled by the City or the Metropolitan District Commission.

PUBLIC SEWER — A common sanitary sewer controlled by the City or the Metropolitan District Commission.

RECEIVING WATERS — Any watercourse, river, pond, ditch, lake, aquifer, ocean or other body of surface water or groundwater receiving discharge of wastewater or effluent.

SANITARY SEWAGE — Liquid or water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of groundwater, stormwater and surface water and exclusive of industrial wastes.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater and surface water that are not admitted intentionally.

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

SEWAGE — The spent water of a community. The preferred term is "wastewater."

SEWAGE TREATMENT PLANT — An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. This term is used as a synonym for waste treatment plant, wastewater treatment plant or water pollution control plant.

SEWER — A pipe or conduit that carries wastewater or drainage water.

SEWERAGE SYSTEM — Any device, equipment or works used in the transportation, pumping, storage, recycling and reclamation of sewage and industrial wastes.

SLUDGE — Waste containing varying amounts of solid contaminants removed from water, sanitary sewage, wastewater or industrial wastes by physical, chemical and biological treatment.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation and which may adversely affect the sewerage system.

STANDARD METHODS — The current edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, American Water Works Association and Water Environment Federation. **[Amended 8-21-2017 by Ord. No. 2018-4]**

STORM DRAIN and STORM SEWER — A pipe or conduit for conveying stormwater or surface water or relatively unpolluted water from any source.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and are removable by a laboratory filtering

procedure as described in Standard Methods.

TOXIC WASTES — 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 receiving waters of the sewage treatment plant and those wastes so specified in these regulations and in the Act.

TREATMENT SYSTEM — Any device, equipment or works used in the pumping, storage, treatment, recycling and reclamation of sewage and industrial wastes.

USER — Any municipality, governmental agency, public authority, person or permittee discharging sewage, inflow or industrial wastes directly or indirectly into any public sewer or public drain.

WASTES — Substances in liquid, solid or gaseous form that can be carried in water.

WASTEWATER — The spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES — The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

§ 228-30. Sewer service rates; minimum charges. [Added 6-26-1985 by Ord. No. 1108; amended 3-17-1986 by Ord. No. 1311; 7-21-1986 by Ord. No. 1108A; 8-29-1988 by Ord. No. 2127; 1-3-1989 by Ord. No. 2240; 9-6-1989 by Ord. No. 90-2; 10-15-1990 by Ord. No. 90-279; 6-17-1991 by Ord. No. 91-304; 1-9-1992 by Ord. No. 92-138; 6-6-1994 by Ord. No. 94-222; 7-18-1994 by Ord. No. 94-222A; 6-15-1998 by Ord. No. 98-360; 6-27-2001 by Ord. No. 01-324; 6-26-2002 by Ord. No. 02-359; 12-16-2002 by Ord. No. 02-060A; 6-26-2003 by Ord. No. 03-289; 6-21-2004 by Ord. No. 04-269; 6-30-2005 by Ord. No. 05-247; 6-26-2006 by Ord. No. 06-249; 7-17-2006 by Ord. No. 06-249A; 7-16-2007 by Ord. No. 07-180; 5-19-2008 by Ord. No. 08-226; 6-15-2009 by Ord. No. 09-203; 5-17-2010 by Ord. No. 10-161; 6-20-2011 by Ord. No. 11-171; 5-21-2012 by Ord. No. 2012-158; 6-18-2012 by Ord. No. 2012-188; 8-20-2012 by Ord. No. 2013-3; 6-27-2013 by Ord. No. 2013-205; 5-19-2014 by Ord. No. 2014-118; 6-15-2015 by Ord. No. 2015-144; 6-16-2016 by Ord. No. 2016-164; 6-19-2017 by Ord. No. 2017-147]

- A. All bills for sewer service furnished by the City to City sewer users shall be rendered at intervals of three months (quarterly) at the following tiered rates per 100 cubic feet of sewage flow on fiscal year 2019 bills. Sewer consumption shall be assessed based on 90% of metered water consumption. This does not apply to homes with second water meters, which will continue to have their sewer usage assessed at 100% of their indoor water usage. [Amended 6-18-2018 by Order No. 2018-177]

- (1) Quarterly consumption:

Cubic Feet	Rate Per 100 Cubic Feet
1 to 2,000	\$11.62
Over 2,000	\$14.64

- (2) Quarterly meter base fee: **[Amended 6-17-2019 by Order No. 2019-88]**

Meter Size

(inches)	Fee
Up to 1	\$24.90
1 1/2	\$97.80
2	\$152.43
3	\$279.99
4	\$462.18
6	\$917.67

- (3) Monthly consumption:

Cubic Feet	Consumption Rate
1 to 667	\$11.62
668 or more	\$14.64

- (4) Monthly meter base fee: **[Amended 6-17-2019 by Order No. 2019-88]**

Meter Size

(inches)	Fee
Up to 1	\$8.30
1 1/2	\$32.60
2	\$50.81
3	\$93.33
4	\$154.06
6	\$305.89

- B. Sewage flow shall be based on a percentage of metered water consumption on the following schedule:

- (1) Residential users with one meter contribute 90% of metered water consumption as sewage flow.
- (2) Residential users with separate lawn and garden service meters contribute 100% of their domestic metered water consumption and 0% of their metered lawn and garden service water consumption as sewage flow.
- (3) Industrial/commercial users, including hospitals, contribute on a percentage basis up to 90% of metered water consumption. This percentage equals 90% except in cases where the City Engineer has determined wherein product retention of water, cooling tower loss and other evaporative water losses have occurred in the process. The sewage flow as a percentage of metered water consumption will be set on an individual basis in those cases.
- (4) Tax-exempt users contribute 90% of metered water consumption as sewage

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flow.

- (5) Agricultural and cemetery users with one meter contribute only the portion of their metered water consumption which can be allocated to domestic use as sewage flow.

§ 228-31. Elderly discount. [Added 2-20-1996 by Ord. No. 96-185; amended 5-6-1996 by Ord. No. 96-238]

- A. A twenty-percent discount on sewer bills shall be given upon application to the office of the City Engineer in accordance with the following procedure: **[Amended 5-21-2012 by Ord. No. 2012-158]**
 - (1) The applicant must have passed age 65 in the calendar year prior to that in which he/she is making application for discount. In the case of joint ownership, either spouse/owner must have passed age 65 in the prior year.
 - (2) The applicant must be the owner of record of the property for which discount is requested and his/her name must appear on the sewer bill for that property.
 - (3) The yearly consumption of water by the applicant shall not exceed 6,000 cubic feet.
 - (4) The discount shall only apply to owners of one-family or two-family homes. Three-family homes or larger are excluded.
- B. Applicants who have not reached 65 will also qualify for discount if:
 - (1) They are in conformity with the other provisions of this section.
 - (2) Their yearly gross income does not exceed \$15,000 for a single person and \$23,000 if filing jointly.

§ 228-32. Damaging or tampering with facilities.

- A. No 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 wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or other applicable charge.
- B. Any person who wantonly or maliciously destroys or injures any part of the metropolitan sewerage system shall forfeit and pay to the commonwealth three times the amount of the damages assessed therefor and, on conviction thereof, shall be punished by a fine not exceeding \$1,000 and by imprisonment not exceeding one year. **[Amended 8-21-2017 by Ord. No. 2018-4]**

§ 228-33. Connections to be regulated.

All users which connect any sewage or drainage pipes with any municipal sewers in the City, either directly or indirectly, shall do so subject to the direction, control and regulation of the Commission and the City.

§ 228-34. Separation of surface waters and sewage required. [Amended 4-7-2008 by Ord. No. 08-129]

- A. The plumbing of any estate or premises shall be so arranged as to keep any groundwater, stormwater or surface water or unpolluted waters separate from the sanitary sewage. Such waters shall be connected to a storm drain or watercourse and such sewage connected to a sanitary sewer.
- B. No person shall maintain or make a connection of 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 sanitary sewer.

§ 228-35. Unlawful deposit of waste.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or objectionable waste.

§ 228-36. Untreated discharge to natural outlet prohibited. [Amended 4-7-2008 by Ord. No. 08-129]

- A. Illicit discharges. No person shall dump, discharge, or cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal separate storm sewer system (MS4), into a receiving water, or into the waters of the commonwealth. Discharge or flow resulting from fire-fighting activities is exempt from this requirement. The following additional nonstormwater discharges or flows are exempt from the prohibition of nonstormwaters, provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - (1) Waterline flushing;
 - (2) Flow from potable water sources;
 - (3) Springs;
 - (4) Natural flow from riparian habitats and wetlands;
 - (5) Diverted stream flow;
 - (6) Rising groundwater;
 - (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20) or uncontaminated pumped groundwater;
 - (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;
 - (9) Discharge from landscape irrigation or lawn watering;
 - (10) Water from individual residential car washing;
 - (11) Discharge from dechlorinated swimming pool water (less than one ppm

chlorine), provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;

- (12) Discharge from street sweeping;
 - (13) Dye testing, provided verbal notification is given to the the Board prior to the time of the test;
 - (14) Nonstormwater discharge permitted under an NPDES permit or a surface water discharge permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
 - (15) Discharge for which advanced written approval is received from the Department as necessary to protect public health, safety, welfare or the environment.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**

§ 228-37. Septic tank use restricted.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

§ 228-38. Connection to public sewer required. [Amended 5-21-2012 by Ord. No. 2012-158]

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that such public sewer is within 100 feet of the property line. This requirement for connection may be waived when permitted by the City Engineer.

§ 228-39. Contributions by industrial users.

The Commission may deny or condition new or increased contributions of pollutants to the metropolitan sewerage system by industrial users.

§ 228-40. Pretreatment requirements.

Users shall make wastewater acceptable in accordance with these regulations before discharging to any municipal sewers. Any facilities required to pretreat wastewater to a level acceptable to the Commission shall be provided and maintained at the user's expense. A description and detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Commission in accordance with the implementation schedule prepared by the user and incorporated in the user's permit. The review of plans and operating procedures will in no way relieve such user from the responsibility of modifying the pretreatment facility as may be necessary to produce an effluent acceptable to the Commission under the provisions of these regulations and requirements of federal or state agencies. Any subsequent changes in a pretreatment facility or method of operation shall be reported to the Commission before modification of such facility.

§ 228-41. Time frame for compliance with standards.

Any user to which City, Commission, federal or state pretreatment standards are applicable shall be in compliance with such standards within the time required by the Commission.

§ 228-42. Traps required for flammable wastes.

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 which are connected with municipal sewers shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the Commission and shall be located so as to be readily and easily accessible for cleaning and inspection.

§ 228-43. Maintenance of pretreatment equipment.

Where pretreatment or flow-equalizing facilities or traps or separators are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or the user at his/her own expense.

§ 228-44. Meters and measuring devices. [Amended 12-16-2002 by Ord. No. 02-060A]

- A. When required by the Commission or by the City, the owner or user of any property discharging industrial wastes shall install a suitable control or measuring device, together with manholes, chambers, meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manholes, chambers or meters shall be accessibly and safely located, shall be constructed in accordance with plans approved by the Commission and by the City, shall be installed by the owner at his/her expense and shall be maintained by him/her in good operating condition at all times. The records from the meters and measuring devices shall be furnished to the Commission or to the City upon request.
- B. The facilities shall be constructed in accordance with all applicable construction standards and specifications. Construction shall be completed in accordance with a

time schedule established by the Commission.

- C. The Director of Public Works or other duly authorized City employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold from the City information considered confidential if the industry establishes that the revelation to the public of the information in question might result in an advantage to competitors. While performing the necessary work on private properties, the Director of Public Works or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- D. The Commission or the City may inspect the facilities of any user to ascertain whether these regulations are being met. Persons or occupants of premises where wastewater is generated or discharged shall allow representatives of the Commission or the City ready access at all reasonable times to all parts of the premises for inspection or sampling or in performance of any of their duties. The Commission or the City shall be deemed to be performing a governmental function for the benefit of the general public, and neither the Commission, the City nor the representatives of either shall be liable for any loss or damage as a result of the performance of such governmental function. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Commission or from the City will be permitted to enter without undue delay for the purpose of carrying out their specific responsibilities.
- E. The Director of Public Works 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 a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. **[Amended 8-21-2017 by Ord. No. 2018-4]**
- F. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with Standard Methods and shall be determined at the control manhole or chamber provided or by use of suitable samples taken at the control manhole or chamber. If no special manhole or chamber has been provided, the control point shall be a sampling point acceptable to the Commission and the City. Sampling shall be carried out by customarily accepted methods. The particular analyses involved will determine whether a composite or grab sample is taken. If there is any question concerning the sampling, the Commission or City will make the final decision.
- G. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available, upon request, to other governmental agencies and to the public without restriction unless the user specifically requests otherwise and is able to demonstrate,

to the satisfaction of the Commission and the City, that the release or communication of such information would divulge methods or processes entitled to protection as trade secrets or would violate applicable provisions of law.

§ 228-45. Protection from discharges; notice of accidental discharge.

Each user shall provide protection from any discharges, including accidental discharges, in violation of these regulations. Users shall notify the Commission and the City immediately upon discharging wastes in violation of these regulations in order for countermeasures to be taken to minimize the damage to all municipal sewers and to receiving waters. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement to the Commission and to the City describing the causes for the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to any municipal sewers or for any fines imposed on the Commission or on the City.

§ 228-46. Information for employees.

Users shall inform their employees of the existence of these regulations, and at least one copy shall be permanently posted on the user's bulletin board. Each user shall permanently post a notice advising employees as to who in its organization has been designated as the responsible individual for compliance with these regulations and who should be notified of any accidental discharges in violation of these regulations.

§ 228-47. Penalties imposable by City.

- A. Any person who discharges wastes in a manner in violation of this article is guilty of misdemeanor.
- B. When a discharge of wastes causes an obstruction, damage or any other impairment to the sewerage system, the Public Works Department may assess a charge against the discharger for the work required to clean or repair the facility.
- C. Any person who violates the provisions of this article shall be fined not exceeding \$100 for each offense, such fine to accrue to the City. Each day of the existence of any such violation shall be deemed a separate offense.
- D. Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the Department or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall be punished by a fine of not more than \$100.
- E. Whenever a discharge of wastes is in violation of the provisions of this article or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City Solicitor may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.
- F. The Public Works Department may terminate or cause to be terminated wastewater service to any person if a violation of any provision of this article is found to exist or if a discharge of wastes causes or threatens to cause a condition of contamination,

pollution or nuisance.

- G. The penalties included in this section are in addition to any which may be levied by the MDC or other governmental or regulatory body.

§ 228-48. Penalties imposable by Commission.

Any user who violates any provision of these regulations or any user who knowingly makes any false statement, representation, record, report, plan or other document filed with the City or the Commission or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this regulation shall be punished by a fine of not less than \$1,000 nor more than \$10,000 for each day such violation continues or shall be subject to a civil penalty not to exceed \$10,000 per day of such violation, which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction.

§ 228-49. Disposal of septage.

Septage shall be disposed of in accordance with the following provisions:

- A. No user shall discharge or cause to be discharged or allow to be discharged into any municipal sewer any septage which originates within the limits of the City unless such discharges are in conformance with the permit granted to the user by the City and are also in conformance with the permit granted to the City by the Commission. The City shall not grant a permit for septage containing industrial wastes or incompatible wastes.
- B. No user shall discharge or cause to be discharged or allow to be discharged into any municipal sewer any septage which originates in any territory outside the limits of the City.

§ 228-50. Precedence of more stringent regulations.

If federal or state agencies or the Commission enacts or promulgates laws or regulations more stringent than these regulations, the federal, state or Commission requirements shall take precedence.

§ 228-51. Recourse for violations.

When the Commission or the City finds that a discharge of wastes has been taking place or threatens to take place in violation of these regulations or the provisions of a permit, the following actions may be taken:

- A. The Commission or the City may issue an order to cease and desist any such discharge or violation to any user not complying with such prohibitions, limits, requirements or provisions and direct such user as follows:
 - (1) To comply forthwith;
 - (2) To comply in accordance with a time schedule set forth by the Commission or by the City; or
 - (3) To take appropriate remedial preventive action in the event of a threatened

violation.

- B. The Commission and the City may require the user to submit a detailed time schedule setting forth specific actions to be taken, subject to modifications as the Commission or the City deems necessary for the user to follow in order to prevent or correct a violation. The Commission and the City may issue an implementation schedule to the user containing specific actions and time schedule.

§ 228-52. Implementation and enforcement. [Amended 12-16-2002 by Ord. No. 02-060A]

In the implementation and enforcement of these requirements, the following provisions shall be observed:

- A. Whenever the Commission issues, denies or modifies a permit, issues an order or assesses charges for damage or other violations occasioned by noncompliance with any permit or other lawful requirement, the Commission shall inform the user to which such action is addressed of its right to submit, within 10 working days, a written request for reconsideration of that action. The request shall set forth in detail the facts supporting it. The Commission shall schedule an informal interview with the user submitting the request, to be held within 15 working days of receiving it, and shall rule in writing.
- B. When the Commission proposes to revoke a permit, the Commission shall notify the user, in writing, of such proposed ruling and of its right to submit, within 10 days, a written request for reconsideration of that ruling. The request shall set forth in detail the facts supporting it. The Commission shall schedule an informal conference with the user submitting the request, to be held within 15 working days of receiving it, and shall issue its final ruling in writing within 10 working days of the completion of the conference.
- C. Every ruling under Subsections A and B shall inform the person to whom it is addressed of his/her right to request, within 30 calendar days, a hearing under the provisions of MGL c. 30A. Within 15 calendar days of receiving such a request, the Commission shall schedule a hearing, to be held not sooner than 15 calendar days nor later than 30 calendar days after giving notice of the hearing to the requesting party.
- D. The Commission reserves the right to take direct enforcement action through the courts, pursuant to MGL c. 92, App. § 1-24, in any case of violation of these regulations.

§ 228-53. Publication of list of industrial users.

A list of industrial users will be published in the Melrose Evening News every year in the month of January as a form of public participation. Included in the list will be all industrial users which were not in compliance with the applicable pretreatment requirements during the previous 12 months. A summary of the control actions taken by the Commission or by the City will also be published in conjunction with the list.

§ 228-54. Calculation of drain and sewer cost; collection of assessment.

The actual cost of each public drain or public sewer laid and constructed pursuant to an order of the City Council shall be paid for as follows:

- A. One-half of the actual cost shall be paid by the City and the remaining 1/2 shall be assessed upon the estates benefited by the drain or sewer. For the purpose of apportioning the charge among the estates so benefited, 1/3 of such 1/2 of the cost shall be assessed upon the total frontage of the land so benefited on the street or way in which the drain or sewer is constructed, and each estate shall be assessed its proportional part thereof. Two-thirds of such 1/2 of the cost shall be assessed upon the total area of the land so benefited within a depth of 100 feet from the street or way in which the drain or sewer is constructed, and each estate shall be assessed its proportional part thereof.
- B. In the case of estates which receive a direct benefit from the construction of a drain or sewer and have no assessable lot frontage and are not wholly located within 100 feet from the street or way in which it is constructed, so much of the area of the estates as may be deemed just and reasonable by the City Council shall be included in the total area as aforesaid and assessed its proportion of the cost in the same manner as land within 100 feet of the street or way.
- C. Each corner lot abutting upon a street or way in which a drain or sewer is constructed and which receives benefit therefrom shall be assessed in accordance with the provisions of Subsections A and B above, including the whole frontage of the lot on the street in which the drain or sewer is first constructed, and, when a drain or sewer is constructed in the other street or way on which such lot abuts, so much of the frontage on the other street or way as the Mayor or City Council may deem just and equitable, not exceeding 50 feet thereof, and so much of the area of such corner lot as has been previously assessed shall be exempted from assessment.
- D. The City Engineer shall keep an accurate account of the cost of each public drain and public sewer constructed by virtue of an order of the City Council, and, for the purpose of assisting the Council in assessing the estates benefited thereby, he/she shall furnish the Council with such information as to costs of drains and sewers, owners of abutting estates and other facts as may be necessary. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- E. The City Council shall cause a list of assessments referred to in this article, with its certification thereof, when made, to be delivered to the Assessors, who shall commit the same to the City Collector.
- F. The City Collector shall forthwith, in writing, demand payment of the parties liable to assessments referred to in this article and proceed in the collection thereof in the manner prescribed by law.

§ 228-55. Permits for industrial users.

- A. Requirements and conditions. Every user discharging industrial wastes to any municipal sewer shall obtain a joint permit from the Commission and from the City. Industrial users proposing new discharges shall obtain such permits prior to constructing a building sewer. The Commission and the City may change the

conditions of a permit from time to time as circumstances, including regulations enacted or promulgated by the state or federal government or its agencies, may require. The Commission and the City may stipulate special conditions and terms upon which the permit will be issued. No user may increase the daily volume, strength or rate of his/her permitted discharge beyond 15% without first securing an amendment to his/her permit.

- B. Applications. Every industrial user shall be required to obtain a permit and shall, within 90 calendar days of the promulgation of these regulations, complete and file at its own expense a permit application form with the Commission and with the City. Known industrial users which have not filed a permit application will be notified promptly by the Commission or the City to apply for a permit. As additional users become identified through industrial waste surveys, they will be notified to apply for a permit. All industrial users are advised to apply for a permit prior to such notification. Permit application forms may be obtained from the Metropolitan Sewerage Division and the City and shall be filed within 30 calendar days of notification.
- C. Evaluation of application; imposition of conditions. The Commission and the City shall evaluate the adequacy of data furnished in the application form. If insufficient data has been furnished, the Commission will notify the industrial user to provide additional data within a specified time. After acceptance of data, the Commission and the City will issue the permit. The Commission and the City may stipulate special conditions and terms upon which the permit may be issued.
- D. Permit conditions. Permits may contain the following conditions:
 - (1) Limits on rate, time and characteristics of discharge or requirements for flow regulation and equalization.
 - (2) Installation of inspection, flow measurement and sampling facilities, including access to such facilities.
 - (3) Specifications for monitoring programs which may include flow measurement, sampling, chemical and biological tests, recording of data and reporting schedules.
 - (4) Pretreatment requirements and schedules for implementation, including schedules for reporting progress towards meeting these requirements.
 - (5) Submission of discharge reports.
 - (6) Schedules for the payment of industrial cost recoveries as required under Section 204 of the Act.
 - (7) Special service charges or fees.
 - (8) Other conditions as deemed appropriate by the Commission or by the City to ensure compliance with these regulations and with applicable requirements of state or federal law.
- E. Permit not assignable. A permit shall not be reassigned or transferred.

- F. Revocation and modification of permit. If an industrial user discharges amounts or rates of pollutants in violation of these regulations, the Commission or the City may revoke the existing permit in accordance with § 228-52. If an industrial user shows that changes in the industrial process have improved the characteristics and volume of its discharge, the permit may be modified upon application by the industrial user to the Commission.
- G. Enforcement of permit conditions. The conditions of all permits shall be enforced by the Commission and the City in accordance with the provisions of these regulations.
- H. Reports. When required by the permit, each industrial permittee shall submit a duly signed report to the Commission and the City containing all information requested by the Commission or the City and in a form acceptable to the Commission or the City. The Commission and the City will evaluate the data furnished. If insufficient data has been furnished, additional information may be required.
- I. Sources of charges and recovery payments information. The Commission and City may use the information provided in the permit applications, permits and discharge reports as the basis for determining user charges and industrial recovery payments.

§ 228-56. Minimum discharge requirements.

The City sanitary sewer system discharges into the sewerage works of the Metropolitan Sewerage District (MSD), a division of the Metropolitan District Commission (MDC). All discharges into the public sanitary sewers shall, as a minimum, conform to the requirements of the most recent Rules and Regulations Covering Discharge of Sewage, Drainage, Substances or Wastes to Sewerage Works Within the Metropolitan Sewerage District, referred to in this article as the "MDC Rules and Regulations." A copy of the state regulations detailing the authority and power of the Metropolitan District Commission is included in Appendix B-1 of this article for reference.²

§ 228-57. Types of substances prohibited from discharge.

No user shall discharge or shall cause or allow to be discharged any substances, water or wastes that the Commission or the City has identified as likely, either singly or by interaction with other substances, to:

- A. Harm either the sewerage system or the wastewater treatment process;
- B. Be otherwise incompatible with the treatment process;
- C. Cause a violation of federal and state discharge permits issued to the Commission or to the City;
- D. Adversely affect receiving waters;
- E. Endanger life, limb or public property; or
- F. Constitute a nuisance.

2. Editor's Note: Appendix B-1 is on file at the office of the City Clerk.

§ 228-58. Enumeration of prohibited substances. [Amended 12-16-2002 by Ord. No. 02-060A]

No user shall discharge or cause or allow to be discharged any of the following substances:

- A. Gasoline, benzene, naphtha, fuel oil, crude oil, lubricating oils and flammable or explosive liquids, solids or gases or any other oils or greases of hydrocarbon or petroleum origin.
- B. Waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, sewerage systems and personnel.
- C. Solids or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage systems, such as but not limited to sand, metal, glass, wood, plastics, rubber, latex and lime slurries.
- D. Liquids or vapors having a temperature higher than 150° F. or 65° C.
- E. Waters or wastes containing fats, wax, grease or oils of vegetable or animal origin in excess of 100 milligrams per liter or containing other substances (not specifically prohibited by Subsection A) which may solidify or become viscous at temperatures between 32° F. or 0° C. and 150° F. or 65° C. Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible oils, fats and greases. The use of chemical or physical means, such as temperature variation, emulsifying agents or mechanical mixers, to bypass or release fats, oils and greases into the municipal sewerage system is prohibited. If the discharge concentration for any fats, oils and greases is in excess of 100 milligrams per liter after treatment, the Commission may increase the discharge concentration limit on a case-by-case basis when the user demonstrates to the Commission's satisfaction that its discharge is not contributing to nuisance conditions.
- F. Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the City.
- G. Metals.
 - (1) Waters or wastes containing amounts of toxic or objectionable metals in excess of the concentrations obtainable by acceptable control technology, including but not limited to the following:

Antimony	Chromium	Nickel
Arsenic	Copper	Selenium
Barium	Iron	Silver
Beryllium	Lead	Tin
Boron	Manganese	Zinc
Cadmium	Mercury	

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- (2) In general, wastes containing the above metals shall be treated to reduce their concentrations to the minimum levels attainable by chemical precipitation processes or other equally effective methods. In no case, however, shall allowable metal concentrations be higher than those concentrations allowed by applicable state or federal law.

H. Nonmetals.

- (1) Waters or wastes containing amounts of toxic or objectionable nonmetals in excess of concentrations attainable by acceptable control technology, including but not limited to:

Ammonia	Pesticides	Chlorides
Cyanides	Phenols	Polychlorinated biphenyls (PCB's)
Herbicides	Sulfates	Sulfides

- (2) In no case, however, shall allowable nonmetal concentrations be higher than those concentrations allowed by applicable state or federal law.

- I. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Commission in compliance with state or federal regulations.
- J. Sludges or deposited solids resulting from an industrial or pretreatment process.
- K. Substances causing excessive discoloration or turbidity.
- L. Slugs as defined herein.
- M. Substances which exert unusual BOD, chemical oxygen demand or chlorine requirements in quantities such that when received in the composite sewage at the sewage treatment works they exceed the limits established for such discharges.

§ 228-59. Discharge of unpolluted waters. [Amended 4-7-2008 by Ord. No. 08-129]

- A. No person shall discharge or cause to be discharged any unpolluted waters, such as groundwater, stormwater, surface water, roof runoff, tidewater, subsurface drainage, uncontaminated cooling water or uncontaminated industrial process water, to any sanitary sewer. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into a sanitary sewer system.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- C. Property owners shall allow an employee of the City or a designated representative of the City to inspect the building to confirm that there is no sump pump or other prohibited discharge into the sanitary system. The City may periodically reinspect any building or premises to determine compliance with the requirements of this

section.

- D. Any property owner who previously made any connection or installation in violation this section shall immediately remove such connection or correct such an installation. If not removed or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail to the owner, the City may impose a surcharge in the amount provided in Subsection E of this section. Such a surcharge may also be imposed upon any property owner, after a thirty-calendar-day notice has been delivered, and if the owner refuses to allow his or her property to be inspected. The owner of a building or premises found to be not in conformance with this section during periodic reinspections may be subjected to a surcharge as provided in Subsection E of this section.
- E. A surcharge of \$300 per quarter is hereby imposed on every sewer bill to property owners for the following conditions:
 - (1) Not in compliance with this section.
 - (2) Refusal of property inspection.

§ 228-60. Dilution prohibited.

The attainment of specific levels for discharge to municipal sewers by dilution in the absence of treatment shall be prohibited.

§ 228-61. Wastes of unusual strength or character.

Notwithstanding the limitations set forth in § 228-58 above, a special temporary permit or amendment to an existing permit between the Commission and the City and the user may be issued by the Commission whereby a waste of unusual character or strength may be accepted on an interim basis when, in the opinion of the Commission, unusual or extraordinary circumstances compel special terms and conditions of temporary duration. Such permit or amendment will be issued only when, in the opinion of the Commission, it would not cause any interference with or disruption in the treatment works, would not violate the National Pollutant Discharge Elimination System (NPDES) permit or commonwealth water quality standards and would not force additional controls on other dischargers to achieve compliance with effluent limitations.

§ 228-62. Permit required for sewer hookup; fee; City to provide labor and materials. [Amended 4-7-2008 by Ord. No. 08-129]

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer, public drain or appurtenance thereof without first obtaining a written permit from the Public Works Department. A permit and inspection fee of \$10 for a residential or commercial building sewer permit or private drain permit shall be paid to the City at the time the application is filed.
- B. Except as otherwise provided by the rules and regulations of the City Planning Board governing the subdivision of land, the material required in the construction of building sewers, private drains and appurtenances thereof shall be provided and the labor thereon shall be performed by the City or its duly authorized agents and no other person, provided that the applicant may make all of the excavation and

backfill outside the street lines, except so much as will affect the proper bedding and securing of the pipe or other structure.

- C. No person shall be allowed to make any alteration in, or make any connection with, any private drain or building sewer other than that intended in the original permit without making another application and obtaining permission to do so from the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**
- D. The City Engineer shall have the right to inspect building drains, building sewers, building storm drains, and other private sewers, grease traps, oil traps, particle separators and other facilities tributary to the City's wastewater and storm drainage systems, at any reasonable time while such construction is underway. The owner shall notify the City Engineer when such facility is installed and ready for final inspection and before the facility is connected to the City's wastewater and storm drainage systems. Requests for inspections on new sewer service connections shall be made before 4:00 p.m. on the day preceding the installation or within a reasonable time frame on the day of installation. Connection to the City's wastewater and storm drainage systems shall be made in the presence of an authorized representative of the City. No facility shall be covered over until approval has been given by the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**

§ 228-63. Classes of building sewer permits; application form; supplemental information.

- A. There shall be two classes of building sewer permits:
 - (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes.
- B. In either case, the owner shall make application on a special form furnished by the City. For further information concerning industrial permits, see § 228-55. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. **[Amended 5-21-2012 by Ord. No. 2012-158]**

§ 228-64. Catch basins and traps. [Amended 5-21-2012 by Ord. No. 2012-158]

The City Engineer may, at any time, require such catch basins and traps to be introduced along the line of any private drain, or on the discharge of any fixture connecting therewith, as he/she may deem necessary for the proper maintenance of such private drain or of the main drain.

§ 228-65. Installation of private drains and building sewers.

- A. Private drains and building sewers shall be laid to and through the cellar wall and shall be provided with a cleanout in the direct line of the pipe.
- B. All pipes through or under the wall of any building, and for a distance of eight feet outside of the wall or building, shall be of extra-heavy cast iron.

§ 228-66. Maintenance responsibilities.

Subject to the provisions of § 228-62, every private drain or building sewer shall be under the control of, and shall be maintained and kept clean by, the City. All costs and expense incident to the installation and connection of private drains and building sewers shall be borne by the owner of the premises served by the same. Additionally, all cleaning of, repairs to or renewals of such drains and sewers shall be made at the expense of the owner of the premises served by such sewer and drain, provided that any labor on such a drain or sewer which may be required as a result of defects or obstructions in the main drain or public sewer shall be paid for by the City.

§ 228-67. Disposition of assessment for betterment.

Whenever a betterment for a public drain or public sewer constructed pursuant to an order of the City Council has been assessed on the premises with respect to which an application for connection has been made and such assessment has been paid, no fee shall be paid for entry into such public drain or public sewer, except as provided in Chapter 202, Streets and Sidewalks, §§ 202-10 and 202-12. If no assessment for betterment has been paid, the fee for entry into such a public drain or public sewer shall be fixed by the City Council.

§ 228-68. Use of sewer conditioned on payment of bill.

If any bill due the City for constructing, cleaning or repairing or renewing a private drain or building sewer remains unpaid following 60 days from the date thereof, the further use of such drain or sewer shall not be permitted until such bill has been paid.

§ 228-69. Responsibility for plumbing.

All pipes and fixtures outside the building shall be considered part of the building sewer, private drain or connection thereof and shall be under the control of the Public Works Department. All pipes and fixtures within any buildings shall be considered a part of the plumbing and shall be under the control of the Building Commissioner. In the event of any conflict between the requirements of the Building Commissioner and any section of this article, the requirements of this article shall apply.

§ 228-70. Independent sewer required for every building; exception. [Amended 12-16-2002 by Ord. No. 02-060A]

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection aforementioned.

§ 228-71. Use of old sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Department, to meet all

requirements of this article.

§ 228-72. Establishment of specifications.

The Public Works Department shall, from time to time, establish standard requirements or specifications to regulate the sizes, materials, methods and workmanship to be used in the construction of sewers, house connections and other similar work and appurtenances thereto connected or intended to be connected into or to discharge, directly or indirectly, into any public sewer of the City. These requirements shall be in revision to or in addition to those of the City Building Commissioner. Such standard requirements shall provide for gastight and watertight connections and minimum requirements as to size, depth, slope or rate of grade for such pipes, shall regulate the kinds of pipe, fittings, methods of laying, jointing, materials used, manner of connecting to existing municipal sewers and general consideration as to location and other pertinent features. Any such requirements or specifications as may be adopted from time to time are hereby made a part of this article.

§ 228-73. Specifications to apply in absence of code provisions. [Amended 8-21-2017 by Ord. No. 2018-4]

A copy of these requirements titled "Regulations for Connecting Building Sewers to the Public Sewer" is included in Appendix B-2 of this article.³ In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Environment Federation (WEF) Manual of Practice No. 9 shall apply.

§ 228-74. Gravity flow or means of lifting required.

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, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 228-75. Feeding surface water drainage into sewer prohibited.

No person shall make connection of roof downspouts, foundation drains, areaway drains or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 228-76. Private drains. [Amended 5-21-2012 by Ord. No. 2012-158]

Except by special consent of the City Engineer, no private drain larger than eight inches in diameter or which is constructed of material other than vitrified, transite or iron pipe of an approved weight will be allowed to connect with any public drain. All private drains shall be laid accurately to straight lines and grades. When angles are unavoidable, the changes in direction shall be made by Y branches and bends. The opening in the Y in the direct line of the pipe shall be sealed and left unused for the purpose of flushing and cleaning.

3. Editor's Note: Appendix B-2 is on file at the office of the City Clerk.

§ 228-77. Stormwater permits for parcels of land greater than one acre. [Added 4-7-2008 by Ord. No. 08-129]

- A. Any land alteration, including but not limited to any excavation, paving, curb cutting, street opening, or any activity that will alter the drainage characteristics of a parcel of land that is greater than one acre, shall obtain a permit from the Department.
- B. Application.
 - (1) The applicant shall file a completed application package. While the applicant may be a representative, the permittee must be the owner of the site or holder of an easement. The application package shall include:
 - (a) A completed application form with original signatures of all owners.
 - (b) A stormwater management plan and project description.
 - (c) Operation and maintenance plan.
 - (d) Erosion and sediment control plan.
 - (2) Filing an application for a permit grants the Department, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance after issuance of the permit.
- C. Performance criteria.
 - (1) At a minimum, projects shall comply with the policy, criteria, and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy Handbooks.
 - (2) The applicant shall prepare and implement an erosion and sedimentation control plan to prevent the introduction of sediments into the Department's sewers and storm drains. The design of any facilities required pursuant to this section shall be subject to the approval of the Department, and the design, installation and maintenance of such facilities shall be at the facility owner's expense. The Department shall have the right to inspect such facilities.
 - (3) The applicant shall submit to the Department a description of all new best management practices, including location, design and installation plans, vendor and manufacturer, and maintenance requirements.
 - (4) An operation and maintenance plan shall be required at the time of application for all projects. The project proponent shall be responsible for future maintenance of such best management practices. The operation and maintenance plan shall remain on file with the Department and shall be an ongoing requirement.
- D. The Public Works Department shall, from time to time, establish standard requirements or specifications to regulate the terms, conditions, definitions, enforcement, fees, procedures, and administration of this section.

§ 228-78. Infiltration and inflow mitigation fees. [Added 6-16-2016 by Ord. No.

2016-200]

- A. Any person or entity changing, altering, repairing, adding to or improving his/her or its property in any way that may or should impact the sewer system within the City of Melrose, or any person or entity proposing to add additional wastewater to an existing sewer connection, or any applicant for a new building permit, shall be required to mitigate infiltration/inflow sources which add extraneous water to the sewer system, thereby reducing its capacity and capability to accommodate new flows, at a rate of one gallon of infiltration/inflow removal for each additional gallon of wastewater that will be discharged to the sewer system as a result of the subject project. In the event a connection is subject to a state sewer connection/extension permit under Code of Massachusetts Regulations Chapter 314, and such permit is conditioned upon the completion of removal of infiltration/inflow prior to connection, said removal of infiltration/inflow shall be credited toward complying with the requirements of this section.
- B. Title 5 (310 CMR 15) shall be used to determine flow rates, which will be used to calculate the value of the infiltration and inflow mitigation fee. Said fee shall be calculated based on the net change in Title 5 flows resulting from the subject project and a cost of \$6.89 per gallon per day (gpd) of flow. Existing conditions will be established based on records of the Melrose Assessor's office. For example, a project with a net increase of five bedrooms compared to existing conditions per Assessor's records has an associated Title 5 flow increase of 550 gpd; therefore the fee for this connection is \$3,789.50 (550 gpd net increase x \$6.89/gpd). This is a one-time fee required prior to the issuance of a building permit or any other permit, order or permission for any change, alteration, repair, addition or modifications improving the subject property.
- C. The fee assessment, or indication that no fee is required based on a determination of no net increase to sewer flows from the subject project, shall be determined by the Director of Public Works. The Director will not sign off on occupancy for any project for which an outstanding payment is due for any assessed infiltration and inflow mitigation fee, for the subject project or for any other project for which occupancy is sought by the same applicant.
- D. For purposes of this section the following terms shall have the meanings set forth herein:

DIRECTOR — The Director of Public Works, after review, approval and consent by and of the City Engineer.

INFILTRATION — Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through means which include, but are not limited to, defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFILTRATION/INFLOW — The quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW — Water other than sanitary flow that enters a sewer system (including sewer service connections) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy

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areas, sump pumps, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Article II

Collection and Disposal

[Adopted as Rev. Ords. 1976, §§ 13-3, 13-6, 20-5 and 20-6 (Rev. Ords. 1989, §§ 8-1, 15-26 and 15-27)]

§ 198-2

Dumping; obstructing sidewalks; placement of refuse containers.

[Amended 6-18-1984 by Ord. No. 785A; 6-18-1984 by Ord. No. 785B; 2-20-2007 by Ord. No. 07-107A]

A. No person shall put or place, or cause to be put or placed, in any street, lane, alley or any other place, public or private, where it may be offensive or objectionable, any ashes, dirt or refuse, nor shall any piece of metal or wood or any plastic in any form or other material injurious to feet or to tires of vehicles or any other rubbish be put, placed or thrown into or on any street, lane, alley or public place. No person shall throw or place on any vacant land, whether public or private, or in any brook, waterway, or pool rubbish, limbs, brush, barrels, boxes, or the likes.

B. No person shall place or cause to be placed on any sidewalk, footwalk or crosswalk any object whatsoever so as to interfere with the convenient use of the same by any person traveling thereon. This shall not apply to building materials placed by permission of the City Engineer. [Amended 5-21-2012 by Ord. No. 2012-158]

C. Residential refuse receptacles shall be watertight with tight-fitting covers of a durable rodent-proof material. A sufficient number of receptacles shall be provided by property owners or their agent(s) so as to adequately contain the amount of refuse produced at each property. Receptacles shall be no larger than sixty-four (64) gallons and have two intact handles.

D. Receptacles shall be tightly covered whenever refuse of any amount is contained therein, have it be on private property, a private way, or a public sidewalk. Refuse shall be stored in receptacles as described in this section except for material which may be placed at curbside under city-sponsored source reduction and/or source separation collection programs in accordance with the guidelines of such programs.

E. Refuse receptacles shall be placed at the curb by 7:00 a.m. on the scheduled collection day, but not prior to 5 p.m. the preceding day, and shall be removed from the sidewalk within twelve (12) hours after collection.

F. The following shall apply to subsections (A) through (D) of this section:

- I. Whoever violates any provision of the aforementioned sections shall be penalized in accordance with MGL c. 40, § 21D or MGL c. 270, § 16, not to exceed \$100.00 for each violation, provided that each and every day of the violation shall constitute a distinct and separate offense.
- II. Property owners or their agents shall be responsible for the retrieval and pickup of any and all scattered refuse stemming from a violation of this ordinance. Failure to

comply with this provision shall constitute a separate violation, which may be enforced as authorized above.

- III. The Board of Health, the Department of Public Works, and the Police Department through their authorized agents and employees, are hereby empowered to enforce the provisions of this section pursuant to MGL c. 40, § 21D and MGL c. 270, § 16.
- IV. No property owner shall be cited for a violation of this ordinance until a written warning is first served upon the party.

G. Any party fined hereunder shall have a right of appeal in accordance with General Laws Chapter 40, Section 21D.

Respectfully Submitted,

Shawn M. MacMaster, Ward 5

Jennifer Grigoraitis, Ward 6

§ 198-2. Dumping; obstructing sidewalks; placement of refuse containers.
[Amended 6-18-1984 by Ord. No. 785A; 6-18-1984 by Ord. No. 785B; 2-20-2007 by Ord. No. 07-107A]

- A. No person shall put or place, or cause to be put or placed, in any street, lane, alley or any other place, public or private, where it may be offensive or objectionable, any ashes, dirt or refuse, nor shall any piece of metal or wood or any plastic in any form or other material injurious to feet or to tires of vehicles or any other rubbish be put, placed or thrown into or on any street, lane, alley or public place. No person shall throw or place on any vacant land or in any brook or pool rubbish, limbs, brush, barrels, boxes, etc.
- B. No person shall place or cause to be placed on any sidewalk, footwalk or crosswalk any object whatsoever so as to interfere with the convenient use of the same by any person traveling thereon. This shall not apply to building materials so placed by permission of the City Engineer. [Amended 5-21-2012 by Ord. No. 2012-158]
- C. Refuse may not be left on sidewalks for collection except after 5:00 p.m. of the day before scheduled pickup. Refuse containers and receptacles shall be placed at the curb by 7:00 a.m. on the scheduled collection day and shall be removed from the sidewalk within 12 hours after refuse collection.
- D. The Public Health Department enforcing officers shall prosecute violations under the provisions of MGL c. 270, § 16 (disposal of rubbish, etc.). No property owner shall be prosecuted for violation until a written notice of warning is served. [Amended 8-21-2017 by Ord. No. 2018-4]