TITLE 13

PUBLIC SERVICES

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I. GENERAL

13.1.1 Definitions.

Abate – Refer to “abatement.”

Abatement – a reduction in costs associated with water use or construction of water infrastructure, relates to money.

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

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 container and the flood rim of said vessel. An approved air-gap shall be required by Department standards.

Approved – Accepted by the Department of Public Works as meeting an applicable specification cited in this regulation, or as suitable for the proposed use.

Aquifer – An underground geological formation, or group of formations, containing water. Are sources of groundwater for wells and springs.

Authority - shall mean Massachusetts Water Resources Authority.

Authorized Enforcement Agency – The Department of Public Works, its employees or agents designated to enforce this municipal code.

Authority Sewerage System - shall mean the sewerage works under the control of the Authority including sewers, pump stations, treatment plants and all other works under the control of the Authority used in collection, storage, transport, treatment, and discharge of waters and wastes and in the operation of the residuals program.

Auxiliary Water Supply- Any water supply on or available to the premises other than the approved public potable water supply overseen by the Department of Public Works.

Backflow - The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water system from any source other than an approved supply source.

Back-Flow Preventer - A device or means designed to prevent backflow or siphonage.

Back-Siphonage - The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water system from any source other than an approved supply source, causes by the sudden reduction of pressure in the potable water system.

Best Management Practices (BMP) - An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

BOD (Biochemical Oxygen Demand) - shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20^{o}C, expressed in milligrams per liter.

Building Drain - shall mean that part of the lowest piping of a drainage system, which receives the discharge of wastewater from inside the walls of the building and extends to ten (10) feet outside the inner face of the building wall. The maintenance, repair, and replacement of a Building Drain are the sole responsibility of the property owner.

Building Sewer - shall mean the extension from the building drain to the public sewer or other place of disposal, also called house or building connection. The property owner owns the Building Sewer up to and including its intersection with the public sewer pipe, and its maintenance, repair, and replacement are the sole responsibility of the property owner.

City - shall mean the City of Woburn, Massachusetts or any duly authorized officer, agent or representative of the City of Woburn.

Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq*.) as hereafter amended.

Cooling Water - shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other system of heat transfer.

Consumer – The term “consumer” shall mean the individual, firm or corporation listed.

Contact Cooling Water - shall mean water used in a process for cooling purposes that has come in direct contact with a raw material, intermediate product, waste product, or finished product.

Contamination - An impairment of the quality of the potable water to a degree which creates an actual hazard to the public health through poisoning or the spread of disease.

Cross Connection - Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, back flow or back-siphonage may occur into the potable water system.

Cross Connection- Controlled- A connection between a potable water system and a non-potable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

Cross Connection Control by Containment - The installation of any approved backflow prevention device at the water service connection to any premises, or the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a private water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of cross connection.

Curb Stop - The part of the water system, usually located at or near the Owner's property line, where the City of Woburn has complete access and control to shut off the water supply to the premises. Beyond this point, the water system belongs to and is the responsibility of the Owner.

DEP - shall mean the Massachusetts Department of Environmental Protection.

Department - The Department of Public Works or its designated agent in charge of water safety for the City of Woburn, Massachusetts vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this bylaw.

Discharge of Pollutants – The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Double Check Valve Assembly - An assembly of two independently operating approved check valves with tightly closing shutoff valves on each side of the check valves, and properly located test cocks for the routine testing of the assembly.

DPW - shall mean the Department of Public Works.

Easement - shall mean an acquired legal right for the specific use of land owned by others.

EPA - shall mean the United States Environmental Protection Agency.

Floatable Oil - shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Grease, Oil and Sand Interceptors - shall mean devises used to prevent grease, oil and sand from entering the waste stream.

Groundwater - Water beneath the surface of the ground.

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 water system.

Hazard - Health (High Hazard) - Any conditions, device or practice in the water supply system and its operation which could create, or, in the judgment of the Department of Public Works, may create a danger to the health and well being of the water user.

Hazard - Plumbing (High Hazard) - A plumbing type cross connection in a private potable water system that has not 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.

Hazard - Pollution (Low Hazard) - An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumers 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.

Illicit Connection - A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this ordinance.

Illicit Discharge - Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 13.4.5. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 13, subsection 4, of this ordinance.

Impervious Surface - Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

Industrial Fluids System - Any system containing a fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution or plumbing hazard if introduced into an approved water supply.

Industrial Wastes - shall mean the wastewater from industrial processes, trade, or business as distinct from domestic (sanitary) wastes.

Infiltration - shall mean water other than wastewater that enters any sanitary sewer (including building sewers) from the ground through means which include, but are not limited to, defective pipes, pipe joints, service connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

Infiltration and Inflow - (I/I) shall mean the quantity of water from both infiltration and inflow.

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

Locus – The place where something is situated or occurs.

Main – A “main” shall mean the supply pipe laid in the street from which house connections are made.

May - is permissive (see “Shall”).

Meter – An instrument for measuring and recording the amount of water entering a property. Shall also refer to any attached meter reading device.

MWRA - shall mean Massachusetts Water Resources Authority.

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, piped storm drain, 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 Woburn.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit - A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Natural Outlet - shall mean any outlet, including storm sewers into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Non-Stormwater Discharge - Discharge to the municipal storm drain system not composed entirely of stormwater.

Outdoor watering - shall mean any residential, municipal, industrial, or commercial watering of non-agricultural lawns, trees or shrubbery; or residential car washing.

Owner - The person or persons who own, maintain and control a private water system. Also, any person maintaining a cross connection or owning or occupying premises on which a cross connection can or does exist.

Person - shall mean any individual, firm, company, association, society, corporation, partnership, group, department or any political subdivision of the Commonwealth or federal government, or entity of any sort, and any officer, employee or agent of such person.

pH - shall mean the negative logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7}.

Pollution - The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade the water quality so as to constitute a hazard to impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

Pollutant - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

(1) paints, varnishes, and solvents;

(2) oil and other automotive fluids;

(3) non-hazardous liquid and solid wastes and yard wastes;

(4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;

(5) pesticides, herbicides, and fertilizers;

(6) hazardous materials and wastes; sewage, fecal coliform and pathogens;

(7) dissolved and particulate metals;

(8) animal wastes;

(9) rock, sand, salt, soils;

(10) construction wastes and residues; and

(11) and noxious or offensive matter of any kind.

Pressure Vacuum Breaker - A device containing one or two independently operating loaded check valves and an independently operating loaded air inlet valve located on the discharge side of the check valve(s).

Private Sewer - shall mean the building drain and the building sewer, which shall be owned, operated, and maintained by the owner of the property on which the private sewer is located.

Private Storm Drain – shall mean the building storm drain and connection, yard piping and other drainage systems, which shall be owned, operated, and maintained by the owner of the property on which the private storm drain system is located.

Process Wastewater – Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Properly Shredded Garbage - shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

Public Sewer - shall mean a common sewer controlled by a governmental agency or public entity. The public sewer does not include any portion of any building sewer or building drain and does not extend to the property line.

Public Storm Drain – shall mean a common storm drain controlled by a government agency or public entity. The public storm drain does not include any portion of any building storm drain (or extension up to the property line) or connection or any private storm water drainage system.

Public Water – Water supplied by the City of Woburn Department of Public Works.

Recharge - The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Reduced Pressure Principle Device - An assembly of two independently operating check valves with an automatically operating differential relief valve between the two check valves, tightly closing shutoff valves on either side of the check valves, and properly located test cocks for the routine testing of the device.

(Sanitary) Sewer - shall mean a conduit that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Sanitary Survey – an on-site review of the water sources, facilities, equipment, operation and maintenance of a public water system to evaluate the adequacy of those elements for producing and distributing safe drinking water.

Septage - shall mean the wastes from holding tanks such as chemical toilets, campers, or trailers, and wastes from septic tanks and cesspools.

Service – Refer to “service pipe.”

Service Connection – refer to “service pipe.”

Service Pipe – shall mean the water pipe running from the main in the street including a curb stop and curb box at the property line, a shut-off valve, and meter and meter connection usually inside the cellar wall.

Sewage - is the used water of a community. The preferred term is “wastewater”, (see “wastewater”).

Sewer - shall mean a pipe or conduit that carries wastewater.

Shall - is mandatory (see “May”).

Sludge - shall mean solid and semi-solid residuals and concentrated contaminants removed by treatment of wastewater.

Slug - shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds five (5) times the average twenty-four (24) hour concentration of normal operating flow for more than fifteen (15) minutes and adversely affects the collection system and/or the performance of the wastewater treatment works.

State of Water Supply Conservation - shall mean a State of Water Supply Conservation declared by the City pursuant to Section 13.2.34 of this regulation.

State of Water Supply Emergency - shall mean a State of Water Supply Emergency declared by the DEP under M.G.L. c.21G, s.15-17.

Storm Drain - (sometimes termed “storm sewer” or “building storm drain” or “public storm drain) shall mean a conduit for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.

Stormwater - Storm water runoff, snow melt runoff, and surface water runoff and drainage.

Superintendent - shall mean the Superintendent of Public Works, who has jurisdiction over, and is the governing authority for, the water, wastewater and drain collection system in the City of Woburn. In the absence of the Superintendent, the Superintendent's designee shall be authorized to perform the Superintendent's duties and responsibilities.

Surface Water Discharge Permit - A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

Suspended Solids - shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

Toxic or Hazardous Material or Waste - Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Unpolluted Water - is water of quality equal to or better than the treated effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sewers and wastewater treatment facilities provided.

Users - shall include all persons connected to the City of Woburn Sewer System whether resident within the City, or not, and all users of MWRA (see "MWRA").

Wastewater - shall mean the used water of a community. From the standpoint of source, it 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 are not admitted intentionally.

Wastewater Facilities - shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent.

Wastewater Treatment Works - shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment facility” or “wastewater treatment facility” or “water pollution control facility”.

Watercourse - shall mean a natural or artificial (man-made) channel for the passage of water either continuously or intermittently, including a river, brook, stream, or underground stream.

Water-Non-Potable - Water, which is not safe for human consumption or which is of questionable quality.

Waters of the Commonwealth - All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Water Service Connection - refer to “service pipe.”

Water-Potable - Water from a source, which has been approved by the Massachusetts DEP for human consumption.

Water System - The water system shall be considered as made up of two parts: the utility system and the private system.

The utility system shall consist of the source facilities and the distribution system; it shall include all those components of the water system under the complete control of the Department of Public Works, up to the curb stop where the private system begins.

The source facilities shall include all components of the water system utilized in the production, treatment, storage and delivery of water to the distribution system.

The distribution system shall include the network of conduits used for the delivery of water from the source facility to the customer's system, generally terminating at the curb stop located at the property line.

The private system shall include those parts of the facilities beyond the curb stop through which the public potable water is delivered to points of use.

Water-Used - Any water supplied by the Department of Public Works or any other water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

Water Users or Water Consumers - shall mean all public and private users of the City's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

13.1.2 Administration.

The public services systems functions and services, including maintenance of the public systems shall be performed by the DPW in accordance with the rules and regulations of the City of Woburn; the MWRA; the Massachusetts DEP including, but not limited to, the requirements of 360 CMR 10.000, 310 CMR 22.00 and regulations and amendments thereof.
These regulations are hereby established, and shall together with such other regulations as the Superintendent of Public Works with the approval of the City Council may at any time hereafter establish not inconsistent herewith be considered a part of the contract with every person who uses the water, sewer and storm drain facilities, and shall be considered to express his consent to be bound thereto.

13.1.3 Construction Standards.

Construction of all water, sewer, and storm drainage facilities shall be in accordance with the *City of Woburn Utility Construction Specifications* available at the Engineering office for a fee. Installation of plumbing shall be in accordance with these regulations and Uniform State Plumbing Code, 248 CMR 10.00. All construction shall be in accordance with applicable regulations and codes including, but not limited to, DEP regulations, MWRA regulations and Title V. All persons or businesses who neglect to conform to this section shall be subject to a fine of twenty-five dollars per day until the violation is abated. (Prior Ch.29 sec. 7).

13.1.4 Water/Sewer Application/Connection Fees

Residential	$500 per equivalent unit per utility ($500 minimum)
Non –Residential	$1,000 per equivalent unit per utility ($1,000 minimum)
Re-connect	$250 per equivalent unit per utility ($250 minimum)

The "Re-connect" fee will only be applicable to a single "single-family" home and will be used in the case where an existing structure, which is connected to the public water/sewer system, is completely re-built or substantially renovated in the opinion of the Superintendent. Residential and Non-Residential fees will apply to all new connections to the public water and sewer systems and to re-built or substantially renovated Non-Residential properties.

The Water/Sewer Application/Connection fee shall be calculated using "Unit Equivalencies" which are based on the sanitary sewer flow rates described in the Massachusetts Title V Regulations, 310 CMR l5.00, and described as follows:

- One (1) unit is equal to three (3) bedrooms is equal to 330 gpd is equal to 4,400 square feet.
- Residential Equivalency units shall be calculated in thirds with a minimum unit equivalency of one (1). For example, a four-bedroom house would pay an application/connection fee of $700 per utility (one and one third (1 1/3) unit equivalencies times $500 rounded up to the nearest $100). All dollar values shall be rounded up to the nearest one hundred dollars.
- Non-Residential (Commercial/Industrial) Equivalency Units shall be calculated as whole units (all decimals shall be rounded up to the nearest whole number) with a minimum application or connection fee of $1,000 per utility. For example, a 40,000 square foot office building would pay a $5,000 application/connection fee per utility (10 unit equivalencies times $500).
- Unit equivalencies for all facilities connected to the City's Water and Wastewater Systems shall be determined using Title V flows and the equivalencies stated above.

(amended 12/26/2007)

13.1.5 Water/Sewer Charges to Constitute Lien upon Real Estate.

Such charges shall constitute a lien upon the real estate and may be recovered in an action of contract in the name of the City. It shall be the duty of the City Collector to collect such charges immediately when they become due, and all such charges remaining unpaid thirty days after they are due, shall be collected forthwith by the City Collector, by sale of real estate serviced thereby in the same manner as unpaid taxes upon real estate. (Prior Ch. 29 sec. 2 and Ch. 23 sec. 21).

13.1.6 Emergency Repair Costs.

The following rates apply to emergency work performed by the City forces on private property. The attached rates are current as of May 27, 2004 and will be adjusted automatically each year on July 1st to reflect changes in Labor and equipment rates. Labor rates are the actual regular and overtime rates paid to City workers and equipment charges are based on current "Blue Book" rates.

LABOR	STANDARD	OVERTIME
Supervisor/Foreman	_____ @ $ 23.67/hour	_____ @ $ 35.50/hour
Craftsman	_____ @ $ 19.90/hour	_____ @ $ 29.85/hour
Equipment Operator	_____ @ $ 19.65/hour	_____ @ $ 29.48/hour
Truck Driver	_____ @ $ 17.75/hour	_____ @ $ 26.63/hour
Laborer	_____ @ $ 16.29/hour	_____ @ $ 24.44/hour
EQUIPMENT		
Loader	_____ @ $ 70.00/hour	
Backhoe	_____ @ $ 60.00/hour	
DumpTruck	_____ @ $ 50.00/hour	

(Added 5/21/96; amended 12/3/96; amended 6/17/04)

13.1.7 Protection from Damages.

No person(s) shall maliciously, willfully, wantonly, intentionally, or negligently break, damage, destroy, uncover, deface, or tamper with the structures, mains, or other appurtenances or equipment which is a part of the water and sewage system or wastewater facilities or public storm drain. Any person(s) violating this provision shall be subject to all civil or criminal penalties as provided by Massachusetts General Laws or these regulations.

13.1.8 Powers and Authority of Inspectors.

The Superintendent and other duly authorized employees or agents of the City bearing proper credentials and identification shall be permitted to enter upon, at reasonable times, all private properties connected with public utilities for the purpose of performing their duties under this municipal code and regulations and may make, or cause to be made, such examination, surveys, or sampling as the Department deems reasonably necessary, including inspection, observation, measurement, sampling, and testing pertinent to connections to water system, discharge to the wastewater facilities in accordance with the provisions of these regulations, and the application of the municipal code to the storm drain system.

The Superintendent or other duly authorized employees or agents are authorized to obtain information concerning industrial processes, which have a direct bearing on the kind and source of discharge to the wastewater facilities and withdrawals from water facilities.

While performing the necessary work on private properties the Superintendent or duly authorized employees or agents of the City shall observe all safety rules applicable to the premises established by the companies.

The Superintendent and other duly authorized employees or agents of the City 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 facilities, the wastewater facilities or storm drain facilities 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.

13.1.9 Severability

The provisions of this municipal code are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this municipal code or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidly shall not affect the other provisions or application of this municipal code.

13.1.9 Validity.

The invalidity of any section, clause, sentence, or provisions of these regulations shall not affect the validity of any other part of these regulations, which can be given effect without such invalid part or parts.

13.1.10 Appeals.

The Mayor or his designee shall receive, and decide, appeals for arbitration of differences between the Superintendent and public utility users on matters concerning interpretation and execution of the provisions of these regulations.

The remedies listed in this municipal code are not exclusive of any other remedies available under any applicable federal, state or local law.

13.1.11 Assessments.

The superintendent shall determine the method of assessment of the cost of construction of public water mains, sewers and drains to users.

13.1.12 Changes in these Regulations.

These regulations may be rescinded or modified or added to by the Superintendent with approval of the City Council, at any time when, in their opinion, such action is in the best interests of the City of Woburn, provided all provisions of the Massachusetts General Laws, as amended, have been complied with. This shall include publishing a list of proposed changes and holding a public hearing when appropriate.

13.1.13 Pipes, sewer, conduit, poles or other structures on, above, or under streets

(1) No gas pipe, sewer, conduit, street railway tract, pole, or any other structure, except wires, whether belonging to the city or to any individual or corporation, shall be placed upon, beneath or above any street, unless a plan showing the proposed location thereof shall have first been deposited with the city engineer, and such location approved the board of aldermen. Prior to approval as aforesaid a final plan shall be filed with the city engineer and the superintendent of public works, showing the accurate location and manner of construction.

(2) Any person violating the foregoing provision shall be subject to a penalty as provided herein and shall remove such structure if required so to do by the city council

II. WATER SYSTEM

13.2.1 Billing for Water Service.

The Superintendent of Public Works shall cause to be made out and placed in the hands of the collector for collection on or before the first day of July and the thirty-first day of December of each year and at such other times as there is occasion therefore all bills for water becoming due at such time and also all other bills payable to the City on account of the water works.

Bills shall be rendered monthly to any nonresidential water taker consuming large quantities of water. Said Superintendent shall at the same time cause to be sent to the persons from whom the rates are due a notice stating the amount due and demanding the payment thereof. Said Superintendent shall make abatements in the water rates of all proper cases. Said Superintendent shall cause to be kept suitable records of the names of all persons who take the water, the kind of building, the name and number of the street, the nature of the use, the account charged, and amounts of abatements, which shall be open to the inspection of the City Council. (Prior Ch. 29 sec.1).

13.2.2 Water Charges – Payable

All bills for metered water services shall contain the actual meter readings or an estimated reading. Such water charges shall be payable semi-annually, or monthly for non-residential water takers consuming large quantities of water. A $10.00 late fee will be added and interest shall begin to accrue on any balance which remains unpaid after the 31st day at the statutory rate provided in M.G.L. c.59, §57. A $25.00 lien fee will be added when unpaid charges and interest are liened to the real estate bills. Only one late fee and lien fee will be imposed

when the bill is a combination water/sewer bill. Effective July 1, 2015. (Amended 1/22/2015)

13.2.3 Use of Public Water System Required.

The owners 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 near a public water main of the City, are hereby required at their expense to install water service lines to supply water to the houses, building or properties in accordance with the provisions of these regulations. The owner shall be responsible for maintaining the service line from the curb stop and appurtenances in accordance with these regulations and the State Plumbing Code.

13.2.4 Private Water Supply.

Where a public water main is unavailable under provisions of 13.2.3, the building shall be supplied by a private water supply complying with the requirements of the Board of Health of the City of Woburn acting under the provision 310 CMR 22.00 and/or the DEP.

13.2.5 Right of Entry

Owners and occupants of any commercial, industrial or residential premises served by the City of Woburn water system shall upon presentation by the Department, authorize entry to their premises for the purpose of inspecting and surveying their water system for new installation, cross connections, or to remove, repair, or replace any water meter at any time the Department deems necessary. When such access is refused, the water shall be shut off and shall not be turned on until such access has been allowed and fees have been paid for shutting off and letting on of water. The city shall provide written notice to the owners and occupants of property at least twenty-four (24) hours prior to shutting off service to the property.

13.2.6 Conditions Under Which Service is Furnished.

The Department does not guarantee constant pressure nor uninterrupted service, nor does it assure the consumer either a full volume of water or the required pressure necessary to effectively operate hydraulic elevators, sprinkler systems or other appliances, the same being subject to all the variable conditions that occur in the supply of water for the City’s water system.

13.2.7 No Liability for Interruption of Service.

No consumer shall be entitled to damages or to have payment refunded for any interruption of supply occasioned by accident to any portion of the public water system, by shutting off for the purpose of additions or repairs to the public water system or by the stoppage or shortage of supply due to causes beyond the control of the Department, such as excessive drought, excessive use of and waste of water by other consumers or by leaks or defects in the pipes or appliances owned by him or other consumers.

13.2.8 No Liability for Dirty Water.

The Department shall not be responsible for damages caused by dirty water resulting from the opening or closing of any gate for repairs, the use of any hydrant or the breaking of any pipe.

13.2.9 No Liability for Consumer's Pipes.

The City assumes no liability for conditions which exist in consumer's pipes and cause trouble coincident with or following the repairs of any main, service pipe, meter or other appliances belonging to the Department.

13.2.10 No Liability for Collapsed Boilers, Etc.

The Department reserves the right at any time and without notice to shut off the water in the mains for purposes of making repairs, extensions or for other necessary purposes. Consumers having boilers or other appliances on their premises depending on the pressure in the pipes to keep them supplied with water are hereby CAUTIONED against danger from these sources and are required to provide, at their own expense, suitable safety appliances to protect themselves against such danger. In any event, it is expressly stipulated that the Department will not be liable for any damage, resulting from water having been shut off, either through accident or necessity.

13.2.11 No Liability for Shutting Off Water Without Notice.

When it becomes necessary to shut off the water from any section of the City because of an accident or for the purpose of making changes or repairs, the Department shall endeavor to give timely notice to as many of the consumers affected thereby, as time and the character of the repairs or the accident will permit, and shall, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such cause. However, failure to give such notice shall not render the Department responsible or liable for any damages that may result from the shutting off of the water of any coincident conditions.

13.2.12 Application for Service.

All applications for water service must be made in writing to the Superintendent of Public Works by the owner of the premises to be served and the said applicant shall be responsible for all proper charges for service until said service is discontinued by his written order. The application must state fully and truly all purposes for which water is to be used and shall not be used for any other purpose without the assent of the Superintendent of Public Works. The superintendent shall be the sole judge as to the size of the service to be granted and his decision shall be final.

13.2.13 Service for Fire Protection.

If the service is for fire protection only, the whole cost of installing the service and any additional cost for repairs of service pipe or valve which may be necessary from time to time shall be paid by the water taker, and no such service shall be installed until a deposit has been made in the office of the Superintendent of Public Works sufficient to pay the entire cost of the installation and no abatement or refunding of the cost of the installation shall be made. The City shall not be required to make connections at its expense. There shall be no charge made for water used for extinguishing fires, and no meters need be put on pipes that are used for fire protection only.

13.2.14 Water Meters.

On all water service installations other than those solely for the purpose of fire protection, the pipe shall be equipped with such meters and meter reading devices, as the Superintendent of Public Works shall direct. All meters and meter reading devices shall be purchased by and remain the property of the Department of Public Works. For all residential units in existence as of January 1, 2013, all meters and meter reading devices shall be installed and remain the property of the Department of Public Works at no charge. All meter reading devices shall be purchased by, installed and remain the property of the Department of Public Works at no charge to all commercial units in existence as of January 1, 2013.

For all new construction of residential and commercial units after January 1, 2013, the builder shall make payment with the Department of Public Works for the full cost of furnishing the water meter and meter reading unit. No such service shall be installed until payment has been received by the Department of Public Works. No abatement or refunding of the cost of the installation shall be made. The City shall not be required to make connections at its expense. The minimum meter size for all new connections shall be 1-inch.

Multi-family dwelling with six (6) or more units, including condominiums and townhouses, shall be equipped with such meter and meter reading devices, in the manner as the Superintendent of Public Works shall direct. In addition, a separate water meter and meter reading device shall be installed on all services lines for outdoor water use such as irrigation lines, pool houses, etc. in the manner as the Superintendent shall direct. “Multi-family dwelling units with six (6) or more units, including condominiums and townhouses, shall be billed at the commercial water and sewer rates for outdoor water use. Multi-family dwelling units with five (5) or less units, including condominiums and townhouses, that have a separate service line for outdoor water use, shall be billed at the residential water and sewer rates for such use. Townhouse and condominium associations with more than one building on a lot for dwelling purposes shall be billed at the commercial water and sewer rates for outdoor water use.

(amended 11/27/2013; amended 8/29/2017)

13.2.15 Unauthorized Connections.

No person other than an authorized employee of the Superintendent of Public Works shall tap any main or connect any service pipe therewith, nor shall any plumber or other person turn on or shut off the water from any pipe or hydrant where the stopcock is not located on his own premises.

13.2.16 Alterations to Fixtures.

Any persons making additions or alterations to the water fixtures shall immediately report the same to the Superintendent of Public Works. No plumber or other person shall make any alterations or additions to the water fixtures in any house on the premises without first obtaining a permit in writing from the Superintendent of Public Works. Said permit shall be returned within ten days after the completion of the work endorsed with a statement of all fixtures added or removed and the water will not be turned on until such return is made.

13.2.17 Alterations to Pipes.

No alteration shall be made in any of the pipes or fixtures connected with the service except by the authority of the Superintendent of Public Works or his authorized agent. The agents of said superintendent shall have free access to the premises supplied, to examine all pipes and fixtures, to ascertain the quantity of water used, its manner of use and to determine whether or not there is an improper use or a waste of water. If any fixtures are found not to be in good order or to allow waste of water, the Superintendent shall direct the owner

to make all necessary repairs and if such repairs are not made within three days, he shall shut off the supply and not let it on again until such repairs are made and the sum of two hundred and fifty dollars is paid by the owner for shutting off and letting on of water.

13.2.18 Protection of Pipes, Fixtures, and Meters.

All water takers must keep their water pipes, fixtures and meters protected from frost and from heat at their own expense and shall be liable for any damage to the service, shutoff, or meter resulting from their failure to do so. They shall also provide a safe and convenient location for the meter and be responsible for its safekeeping.

13.2.19 Installation of Meters.

A shut-off valve at the meter inlet shall be the first fitting inside a serviced building and shall be approved by the Department. A stop valve shall be installed near the outlet of the meter to permit removal of the meter without backflow from internal water system. Users must provide an accessible space, per building and plumbing codes, for water meters that are protected from vandalism. Water meters shall not be placed in confined spaces. (amended 11/27/2013)

13.2.20 Small Meter Testing.

Any water meter 2-inches and smaller may be removed and tested for accuracy upon the complaint of the water taker, and after said water taker pays a fee of fifty dollars for such testing. If the meter is not found to be at least ninety-seven percent accurate, it shall be repaired or replaced, and the fifty dollars fee refunded to the water taker.

13.2.21 Large Meter Testing.

Water meters 3-inch and larger shall be calibrated every other year at the sole expense of the property owner. The results of the calibration shall be forwarded to the Department of Public Works on or before February 15th of the calibration year. Properties with even numbered street addresses shall have their water meters calibrated in even numbered years and properties with odd numbered street addresses shall be calibrated in odd numbered years, beginning in 2006.

13.2.22 Stopped Meters.

On services subject to metered water, meters, which have stopped, must be replaced within sixty days. If due to various and unforeseen circumstances this

is not possible, charges for water usage will be estimated on usage for the previous six months.

13.2.23 Owner's Responsibility.

Owners shall be responsible for all water supplied to their premises. When water shall be supplied to more than one owner through a single service, in case of nonpayment or regulation violations by any taker of the service the water may be shut off and shall not be let on again, except on payment of two hundred and fifty dollars and all chargeable rates, notwithstanding one or more takers may have paid their bills. The superintendent may declare any payment made for the water by the person committing a violation to be forfeited and it shall be forfeited.

13.2.24 Transferring Water.

No person supplied with water shall allow another to take water from the fixtures without the written permission of the Superintendent of Public Works or his authorized agent.

13.2.25 Water for Construction.

All persons using water for building or construction purposes are required before taking water from any faucet or fixtures connected with the water supply to obtain a permit in writing from the Superintendent of Public Works or his authorized agent. All water takers are prohibited from allowing any person to take water from their premises until they show such a permit. Any person furnishing water in violation of this section will be subject to a fine of five hundred dollars and if the same when levied is not paid within three days from the time when notice thereof is given, the water shall be shut off from the premises and will not be let on again until such fine is paid, together with the sum of two hundred and fifty dollars for shutting off and letting on the water.

13.2.26 Operation of Fire Hydrants.

No person or persons shall in any case be allowed to open any fire hydrant, except by a written permit from the Superintendent of Public Works. The Superintendent is responsible for the proper operation and mechanical maintenance of all hydrants; however, the chief engineer of the fire department shall in all cases have control of hydrants at fires and at practices. He shall notify the Superintendent when hydrants have been opened and which hydrants are found to be defective.

13.2.27 Water for Power Purposes.

All elevators, motors, or other hydraulic power plants shall be supplied by meter and paid for by meter rates. The Superintendent of Public Works shall have the right to refuse to supply water for power purposes when, in his opinion, the interest of the City demands such action.

13.2.28 Water for Cooling Purposes.

The potable water supply of the City shall not be used for cooling or air-conditioning or like use but can only be used as makeup supply for these systems. (C.23.1973). Any unit requiring water for cooling, refrigerating or air-conditioning purposes shall be equipped with a recirculation system. All persons or businesses who neglect to conform to this regulation shall be subject to a fine of 100 dollars per day until the violation is abated.

13.2.29 Water Waste.

Water takers shall prevent all unnecessary waste of water and shall prevent freezing of water. Any and all persons guilty of water abuse shall be liable for a fine of two hundred and fifty dollars.

13.2.30 Water Meter Tampering.

No person other than an authorized employee of the Superintendent of Public Works shall in any manner disturb or tamper with a water meter or disconnect the same from the service pipe without first obtaining a permit in writing from the Superintendent of Public Works. Any person who does disturb, tamper with or disconnect a water meter shall be liable to a fine of five hundred dollars.

12.2.31Water Shut Offs.

The Superintendent of Public Works may shut off water for the purpose of making alterations or necessary repairs to the mains or services and he shall shut off water from any person who shall disregard the above rules or neglect to pay the water rates when due as hereinbefore provided. The Superintendent and his agents and the City shall not be liable for any damage to such shutting off.

13.2.32 Reserved.

13.2.33 Cross Connection Control.

A. Cross Connection Control Authority. Under Public Law 93-523, the Safe

Drinking Water Act of 1974, and Massachusetts Regulation 310 CMR, Section 22.22: Cross Connections, a water purveyor has the primary responsibility for preventing water from unapproved sources from entering the public water system.

B. Cross Connection Control – General Policy.

1. Purpose

The purpose of this regulation is:

To protect the public potable water supply in the area served by the City of Woburn from the possibility of contamination or pollution by isolating within its customer's internal distribution system, such contaminants or pollutants which could backflow or back-siphon into the public water supply system; and

To promote the elimination or control of existing cross connections between the City's potable water system and non-potable systems, plumbing fixtures or industrial piping; and

To provide a continuing program of cross connection control which will systematically and effectively prevent cross connection contamination through survey, inspection and testing.

2. Responsibility

The Woburn Department of Public Works shall have the authority to oversee and enforce the Cross Connection Control Program.

The Department of Public Works shall be responsible for the protection of the public distribution system from contamination or pollution due to the backflow or back siphonage of contaminants through water service connections. If, in the judgment of the Department of Public Works a backflow prevention device is needed for the safety of the water system, the Department or its designated agent shall give notice in writing to the appropriate Owner to install an approved backflow prevention device at each service connection to his premises and/or on a particular process within the facility.

The Owner shall be responsible for maintaining his water system in a manner which will not cause a hazard to other users of the potable water system by either eliminating cross connections or properly installing a backflow prevention device in conformance with this bylaw. Once directed, the Owner shall install such approved device at his own expense, and failure,

refusal or inability on the part of the Owner to install said device within the allowable time, shall constitute a ground for disconnecting water service to the premises until such device has been property installed. The maximum time allowed for the installation of a required device is outlined in Section C of this bylaw.

All administrative costs associated with the operation of the City of Woburn Cross Connection Control Program will be supported by a fee for submittals on survey results, plan approvals, testing results, and permitting of testable devices. The Woburn City Council reserves the right to set ALL fees require for the implementation and operation of a successful cross connection control program.

All costs associated with the mandated cross connection control survey are the direct responsibility of the Owner of the premises being surveyed and/or the individual(s) leasing or renting such property. In the absence of clearly assigned responsibility the Owner of the premises shall be held responsible.

C. Requirements

1. Survey

The Department of Public Works shall perform a system wide cross connection survey of all industrial, commercial and institutional facilities who receive potable water from the City of Woburn. The Department may also inspect any residential housing units, which the Department deems suitable for survey for possible cross connections. Fee for the facility survey shall be paid by the Owner.

For system wide survey conditions, the Department will send written notice to the Owner stating the specific day and time of the site visit. If the specified time is not acceptable to the Owner, he must immediately call the Department of Public Works to schedule another time within five (5) working days of the first notice. The Owner must be available and ready at the agreed time or a fee may be charged to the Owner for every missed appointment.

The Owner must have a representative available at the specified time to remain with the surveyor throughout the site visit. This representative must be familiar with the layout and operation of the facility as well as being knowledgeable of the internal private water system.

During the survey, authorized representatives of the Department of Public Works will determine whether cross connections or sanitary hazards exist.

When such a condition becomes known, the Department shall send written notice to the Owner within five (5) days of the determination. Such notice will direct the Owner to install an approved backflow prevention device commensurate with the degree of hazard. The Owner will be directed to install the device at the location where it will provide the greatest protection to other potable water users; these users being either at the same facility or throughout the distribution system. All expenses relating to the design, purchase and installation shall be borne by the Owner.

All decisions relating to determination of backflow will be made by the Department of Public Works or its designated representative. Failure to comply with any directive from this office will result in termination of water service.

Once directed, the Owner shall install such approved device at his own expense, and failure, refusal or inability on the part of the Owner to install said device within the following time schedule, shall constitute a ground for disconnecting water service to the premises until such device has been property installed.

For backflow prevention devices up to two (2) inches, the maximum time for approved installation is thirty (30) calendar days.

For backflow prevention devices two (2) inches and larger, the maximum time for approved installation is sixty (60) days or as designated by the Department of Public Works.

In the event that an extension of time is required to plan and install the device, the customer shall file a written request to the Department for an extension of time. The Department will consider the degree of hazard, population served and the reason for delay when deciding whether to grant the extension.

2. Immediate Termination of Water Service

If, during a survey of the premises, a condition is found which could pose a critical health risk, the Department may immediately terminate water service to the facility, until such condition is corrected or the hazard eliminated. The Department may terminate service by shutting off the service at the curb stop or by removing the facility water meter. The service shall remain off until the Owner properly provides backflow protection at the source in conformance with this bylaw and all State and local plumbing regulations.

3. Device Installation

An approved backflow prevention device may be required by the Department of Public Works to be installed by the Owner on each line of his water system wherever the following conditions exist:

a. In the case of premises having an auxiliary water supply which is not or may not be safe bacteriological or chemical quality and which is not acceptable is an addition source by the Department, the public water system shall be protected against backflow from the auxiliary supply by installing a backflow prevention device in the service line appropriate to the degree of hazard.

b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.

c. In the case of premises having (1) internal cross connection that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against back flow from the premises by installing backflow prevention device in the service line.

d. Containment Protection. If the Owner is directed to install the backflow preventer for complete facility containment, the device shall be installed on the service line immediately inside the building after the water meter and before the first branch leading off the service.

e. In-Plant Protection. If the backflow prevention is required to control a specific process the approved device shall be installed ahead of the outlet or connection but behind any unrelated branch service that may be tapped off the same service.

f. Aquifer Protection. The Department of Public Works may require an approved backflow prevention device to be installed on private wells from which water is used for non-potable systems including, but not limited to, cooling waters, spray wash and irrigation networks. These devices shall be installed to prevent backflow of the used water to the underground

aquifer. Such device, if required, will be in addition to any single check valve which may be in line on the well pump.

4. Device Requirements

All commercial, industrial and institutional customers using water from the City of Woburn, Department of Public Works, must have installed at the point of connection (i.e. immediately downstream of the water meter) a State approved reduced pressure backflow device or State approved double check valve assembly.

The type of protection device required under this section shall depend upon the degree of hazard, which exists as follows:

In the case of any premises where there is an auxiliary water supply; or where there is any material dangerous to health which is handled in a fashion as to create an actual or potential hazard to the public water system; or where there are "uncontrolled" cross connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.

In the case of any premises where there is water or substance that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly at the service connection.

In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow or back siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed in each service to the premises.

Any back-flow prevention device required herein shall be a model and size approved by the Department of Public Works. The term "approved back-flow prevention device" shall mean a device that is on the Commonwealth of Massachusetts' Department of Environmental Protection "approved list of backflow preventers and double check valves". Said approval list has been adopted by the City of Woburn. Final approval rests with the Department of Public Works.

Service of water to any premises shall be discontinued by the Department if backflow prevention device required by this bylaw is not installed, tested and maintained, or if it is found that a backflow device has been removed, by-passed, or if an unprotected cross connection exists on the premises.

Service will not be restored until such conditions or defects are corrected.

D. Testing

It shall be the duty of the Owner of any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once per year as required under Massachusetts Department of Environmental Protection Regulations. The Department of Public Works will conduct testing on these devices twice per calendar year as required or modified by Massachusetts Department of Environmental Protection Regulations.

It shall be the duty of the Department to schedule the semi-annual tests, and the responsibility of the Owner to obtain a private certified tester to schedule his annual test. The Department of Public Works may have these tests performed by their designated representative.

In those instances where the Department deems the hazard to be of considerable concern, it may require certified inspections and tests at more frequent intervals. All inspections and tests shall be at the expense of the Owner.

The Department of Public Works shall notify the Owner in advance when the tests are to be undertaken so that he or his representative may witness the test if so desired. These devices shall be repaired, overhauled or replaced by a licensed plumber at the expense of the Owner whenever said devices are found to be defective. Re-testing of repaired devices must be made within two weeks of the initial test as required by State Regulations. Records of such tests shall be kept by the Department of Public Works who will send proper notification to the Department of Environmental Protection.

All presently installed backflow prevention devices which do not meet the requirements of this section but where approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the Department of Public Works gives its approval in writing and is assured that the devices will satisfactorily protect the public water system.

Whenever the existing device is moved from the present location or requires more than minimum maintenance or the Department finds that the maintenance constitutes hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this bylaw.

Repair kits for all devices are required to be on hand and in the proximity of the device, in the event that maintenance is required.

All testing performed on backflow devices by the City of Woburn Department of Public Works, or its agents, will be charged to the Owner of the backflow device.

No backflow device may be removed without the written consent of the Department of Public Works.

All plumbing modifications must be approved by the Woburn Plumbing Inspector and follow the rules and regulations of the Massachusetts Plumbing Code. (Added 9/7/93)

13.2.34 Water Use Restrictions.

Water Use Restriction Authority.

This section is adopted by the City under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers under M.G.L. c.40, s.21 et seq. and implements the City's authority to regulate water use pursuant to M.G.L. c. 41, s.69B. This regulation also implements the City's authority under M.G.L. c. 40, s.41A, conditioned upon a declaration of water supply emergency issued by the Massachusetts DEP.

Purpose.

The purpose of this section is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the City or by the DEP.

Declaration of State of Water Supply Conservation.

The City, through the Department of Public Works, may declare a State of Water Supply Conservation upon a determination by a majority vote of the City Council that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers.

Public notice of a State of Water Supply Conservation shall be given under Section 13.2.34 E of this regulation before it may be enforced.

Restricted Water Uses.

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 13.2.34 E.

Odd/Even Day Outdoor Water Use – Outdoor water use by water users with odd numbered addresses is restricted to odd numbered days. Outdoor water use by water users with even numbered addresses is restricted to even numbered days.

Outdoor Watering Method Restriction – Outdoor watering is restricted to bucket, can or hand held hose watering with automatic shutoff nozzle.

Outdoor Watering Hours – Outdoor water use is permitted only during daily periods of low demand, at night or early morning, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

Automatic Lawn Irrigation Systems – The use and operation of automatic lawn irrigation systems is prohibited.

Filling Swimming Pools – Filling of swimming pools is prohibited.

Outdoor Water Use Ban – Outdoor water use is prohibited.

E. Public Notification of State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP.

Notification of any provision, restriction, requirement or condition imposed by the City as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the City, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Notification of a State of Water Supply Emergency declared by the DEP shall be provided by furnishing a copy of the Notice to radio and television stations serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the DEP's declaration. Any restriction imposed under Section 13.2.34 D or in the DEP declaration of emergency or Order shall not be effective

until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the DEP at the same time that notification is given.

F. Termination of State of Water Supply Conservation: Notice.

A State of Water Supply Conservation may be terminated by a majority vote of the City Council, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 13.2.34 E.

G. State of Water Supply Emergency; Compliance with DEP Orders.

Upon notification to the public that the DEP has issued a State of Water Supply Emergency, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the DEP intended to bring about an end to the State of Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the City. The notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such a Declaration on and after the date following the newspaper publication.

H. Violations and Penalties.

Any person violating this section shall be liable to the City in the amount of two hundred and fifty dollars for the first violation and five hundred dollars for each subsequent violation which shall inure to the City for such uses as the Department of Public Works may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. For purpose of non-criminal disposition, the enforcing person(s) shall be any police officer of the City of Woburn. Each day of violation shall constitute a separate offense.

I. Exemptions.

The water use restrictions under this regulation shall not apply to the specific uses outlined below provided that the user meets any applicable eligibility criteria. The Department of Public Works may grant exemptions for the following uses:

1. Water to sustain animal life;

2. Swimming pools used as primary means of exercise, therapy or rehabilitation located at a medical or rehabilitation facility;
3. Commercial car or vehicle washing facilities

13.2.35 Rates for Various Types of Services.

A. Residential Units.

1. All residential units, metered and non-metered, shall be billed at a base rate charge of $102.50 dollars semiannually. Multi-residential units shall be billed by the number of units times the flat rate, semiannually. (Amended 6/16/92; 8/20/96; 5/22/2001; 10/29/2001; 12/15/2004; 6/27/2005; 6/14/2006; 1/22/2007; 8/24/2007; 10/9/2008; 7/8/2010)

2. For the purpose of this section, "residential units" means Single Family Dwelling, Two Family Dwelling or Multi-Family Dwelling, where one or more persons reside. Multifamily units consist of 3 or more residential units in one building. (amended 11/27/2013)

3. Any increase in the rates in Subsection 1 herein shall require a majority vote of the City Council for approval. (added 6/14/2006; amended 1/22/2007)

B. Mixed Use Buildings

1. Qualifying Mixed Use Buildings with one residential unit shall be billed for their Residential water use at the base rate set forth in the preceding Section A(1) semi-annually provided that the water supplied to the individual residential unit or units is segregated and metered separately and so long as the requirements of 13.2.35, Section B(7) are satisfied. Qualifying Mixed Use Buildings with multi-residential units shall be billed for their Residential water use by the number of units times the flat rate, semiannually provided that the water supplied to the individual residential unit or units is segregated and metered separately and so long as the requirements of 13.2.35, Section B(7) are satisfied.

2. All other water services provide to a Mixed-Use Building, other than those that qualify for the base rate as set forth in the preceding Section B(1), shall be charged a base rate of $4.60 for every one hundred cubic feet of water used. Separate meters will be required where water is supplied to a building with both a residential unit/units and a commercial unit.

3. For the purpose of this section, "Mixed Use Building" means a use that includes a residential use and a commercial use within the same building.

4. For all newly constructed Mixed Use Buildings separate meters will be required where water is supplied to both a residential unit/units and a commercial unit(s).

5. The owner of any existing Mixed Use Building or newly constructed Mixed Use Building may request that the City bill separately for Commercial and Residential water uses provided that the Mixed Use Building complies with all other requirements set forth in Section 13.2.35 including the specific requirements of 13.2.35, Section B(7). Said request shall be made to the Department of Public Works.

6. Upon request by the owner of either an existing Mixed Use Building or newly constructed Mixed Use Building to be billed separately for Commercial and Residential water uses, the Superintendent of the Department of Public Works shall review and respond to such request within 60 days and, if granted, shall be effective as of the date of approval. No such request shall be granted unless the Department of Public Works:

    a. Determines that the water being supplied to the residential unit(s) and the commercial unit(s) are separately metered;
    b. Receives confirmation from Inspectional Services that there is a residential component to the mixed use building, confirmation of the number of residential units, confirmation that there are no known or visible violations of the then current Woburn Zoning Code, Woburn Municipal Code and Massachusetts State Building Code. Inspectional Services shall be granted access to the premises to conduct the inspection within 30 days of the initial request. If Inspectional Services are denied access to inspect the premises then the request for separate billing rates shall be denied;
    c. Receives confirmation from the Treasurer's office that the owner is not in default of any real estate tax bill; and
    d. Determines that all outstanding water and sewer bills relative to the premises are paid in full.

7. Any Appeal of the Superintendent's disposition of a request to be billed separately for Commercial and Residential water uses shall be as set forth in Section 13.1.0.

C. Metered Services.

1. All water services, other than those defined above as residential or mixed use, shall be charged a base rate of $4.60 for every one hundred cubic feet of water used. Separate meters shall be required where water is supplied to both a residential unit/units and a commercial unit. Where water is supplied to both a residential unit and a commercial unit through a single service, the rate charged shall be determined by the principal use of said water. The principal use shall be

determined by the Superintendent of Public Works. Water for building purposes shall be supplied by meter, and be charged at the current commercial rate for the total amount of water used. (Amended 08/15/90; 6/16/92, 8/20/96; 5/22/2001; 10/29/2001; 12/15/2004; 6/27/2005; 6/14/2006; 8/24/2007; 10/9/2008; 7/8/2010; 11/27/2013).

2. Meters and reading devices shall be the property of the Department of Public Works. The Department of Public Works shall furnish and install a water meter and meter reading unit at no charge for all residential and units in existence as of January 1, 2013 and meter reading unit at no charge for all commercial units in existence as of January 1, 2013.

3. For all new construction of residential and commercial units after January 1, 2013, the builder shall make payment with the Department of Public Works for the full cost of furnishing the water meter and meter reading unit. The builder shall be responsible for installing the water and meter reading unit in accordance with Massachusetts Plumbing Code and the requirements of the department of Public Works.

4. All meter payments shall be placed into a revolving account within the Water and Sewer Enterprise account to be used for water meter and meter reading device replacement. (*numbered as adopted*)

4. Builders who are not owners of premises where water is supplied may be given service if upon application they make a cash deposit to pay all costs of installation and to guarantee the safety of the meter.

5. The minimum charge for shutting off and turning on water shall be twenty five dollars during normal operating hours of the DPW. This fee is increased to two hundred dollars if requested during non-business hours.

6. No charge for water shall be made to city-owned buildings.

7. All active services not in regular use shall be known as "standby" services and shall be charged at the rate of thirteen dollars semiannually for each such service.

8. On services subject to metered water there shall be a minimum charge of $113.21 paid semi-annually July 1st and December 31st. (Amended 08/15/90; 6/16/92; 8/20/96; 5/22/2001; 10/29/2001; 12/15/2004; 8/24/2007; 10/9/2008; 7/8/2010)

9. The above rates schedule must be reviewed one year from the day of passage,

and every five years thereafter. (Ord. dated 05/18/88; Ord. of 4/18/86; 4/5/85; prior code Ch. 29 4; ord. 07/01/91).

(amended 11/27/2013)

D. Abatements and Exemptions

1. Request for abatements and exemptions must be filed with the Superintendent of Public Works within thirty (30) days of billing date recorded on water and sewer bill. (Ord. dated 05/04/89).

2. An application for abatement will not be considered unless all prior bills on the account are paid and a payment is made on the bill in dispute in an amount equal to the bill issued for the same period in the prior year

3. Out-of-City customers connected to the water distribution system shall be billed the applicable water rate of the city they reside in, plus a 25% service fee. (Ord. dated 05/04/89; 08/15/90; 07/01/91).

4. Business involved in farming or in horticulture activity shall be entitled to ten percent (10%) of annual water bill charges. (Eff. July 1, 1986. Ord. Dated 04/10/87).

5. Any Appeal of the Superintendent's disposition of a request for an abatement or exemption shall be as set forth in Section 13.1.0.

6. Elderly and Widows /Widowers who are entitled to an exemption under Property Tax Statutory Exemption, M.G.L. c. 59, Sec. 5 Cl. 17C and Cl. 41, shall be entitled to a 20% reduction in water charges for the unit/dwelling occupied by the eligible person. Proof of entitlement shall be presented with the water bill. (Ord. dated 05/18/88).

(amended 7/3/2012)

13.2.36 Water Inspection Fees.

A one time water inspection fee shall be assessed to new subdivisions, multi-family complexes and commercial facilities where water mains of 8-inches or larger are installed. Water inspection fees shall be as follows:

For each foot of new water main installed, a fee of $0.05 per inch diameter per foot shall be paid. For example, the fee for 1,000 feet of 8-inch main would be: 1,000 feet x 8 inches x $0.05 = $400.00

Water inspection fees shall not be charged for water mains installed in conjunction with mitigation required under Section 18 of the Zoning By Law.

13.2.37 Water Supplied through Emergency Connections.

All water supplied to another community or municipality through an existing emergency connection shall be sold by meter, located at the connection and shall be charged at a rate equal to the current MWRA municipal rate plus a 20% surcharge.

13.2.38 Hydrants – Semi-annual Inspection and Flushing.

The water department shall conduct a semiannual (spring and fall) inspection and flushing of all fire hydrants in the City, to insure maximum protection of all residents.

If the fire hydrant is found to be inoperable, its locus shall be recorded, and copies of records of locations of inoperable hydrants and dates of renovation of same shall be sent to the head of the department of water, chief of the fire department, and City Council at the last regular meetings of the City Council in May and October. (Prior Ch. 29 sec. 5).

13.2.39 Reserved. (Prior Ch. 29 sec. 6; deleted 1/22/2007).

III. SEWER SYSTEM

13.3.1 Billing for Sewer Service.

The Superintendent of Public Works shall cause to be made out and placed in the hands of the City Collector, bills for such charges in each year, and at the same time shall cause to be sent to the persons from whom such sewer charges are due a notice stating the amount due and demand for payment thereof. The Superintendent of Public Works shall also cause to be kept in suitable books the names of all persons from whom such sewer charges are payable, the name and number of the street, the amount charged, and the amount of discount allowed, and said books shall be open to the Mayor and City Council. (Prior ch. 23 sec. 19)

13.3.2 Sewer Charges – Payable.

Such sewer charges shall be payable semi-annually on August 1 and February 1. A $10.00 late fee will be added and interest shall begin to accrue on any balance which remains unpaid after the 31st day at the statutory rate provided in M.G.L. c.59, §57. A $25.00 lien fee will be added when unpaid charges and

interest are liened to the real estate bills. Only one late fee and lien fee will be imposed when the bill is a combination water/sewer bill. Effective July 1, 2015. (Prior ch. 23 sec. 20; amended 4/05/85; amended 1/22/2015)

13.3.3 Use of Public Sewers Required.

It shall be unlawful to discharge any polluted water without the applicable state and federal discharge permits.

Except as hereinafter provided, it shall be unlawful for property owners to construct or repair any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where a public sewer is within five hundred (500) feet of the property line and where permission to enter such sewer can be obtained from the authority having jurisdiction over it.

The owners 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 sewer of the City, are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these regulations within ninety (90) days after date of receipt of official notice from the Board of Health of the City of Woburn acting under the provisions of Title 5 of the "State Environmental Code for the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage" or regulations relative thereto, provided that the public sewer is within five hundred (500) feet of the property line. Said connections shall be made without exception, unless for reasons as determined by the City of Woburn Board of Health.

13.3.4 Private Sewage Disposal.

Where a public sewer is not available under the provisions of 13.3.1, the building sewer shall be connected to a private wastewater disposal system complying with the requirements of the Board of Health of the City of Woburn acting under the provisions of Title 5 of the "State Environmental Code for the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage" or regulations relative thereto, and/or the DEP.

13.3.5 Building Sewers and Installation.

No person(s) shall uncover (excavate), connect or cause to be connected to, or make any opening into, use, alter, or disturb any building sewer, public sewer, or appurtenances thereof except by written permit from the Superintendent of

Public Works. The permit shall be obtained in accordance with the current regulations. Any person proposing a new discharge into the public sewer or a substantial change in the volume or character of pollutants that are being discharged into the public sewer shall submit plans and calculations for the connection, stamped by a Massachusetts Registered Professional Engineer in compliance with 250 CMR 4.00, in accordance with these regulations. A permit must also be obtained for any repair work to existing building sewers.

There shall be two (2) classes of building sewer connection permits: (a) for residential service and (b) for non-residential service. In either case, the owner(s) or his agent shall complete a permit application in writing to the Superintendent. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit application/connection fee, which shall include the routine costs associated with the inspection of the building sewer installation by the Superintendent or his representative, shall be paid to the City at the time the application is filed. A separate "I/I" fee is also required in accordance with Section 13.3.10. Permit application fees shall be established from time to time by the Superintendent with City Council approval. Applications for building sewer installation or repair permits, signed by the owner(s) of the premises to be benefited, or by his/their agent, must be made at the office of the Department of Public Works.

Permits are not transferable and are valid for ninety (90) days from the date of issue. If no work commences within said ninety day period, a new permit must be obtained as described above.

The Mayor, in conjunction with the Superintendent of Public Works, shall establish, amend and promulgate local limits and regulations consistent with MWRA regulations and guidelines for the City's sewer connections to the Authority Sewerage System.

The Mayor, in conjunction with the Superintendent of Public Works, shall establish by regulation limits and conditions on the issuance of sewer connection permits including but not limited to:

Limits on rate, time and characteristics of discharge or requirements for flow regulation and equalization.

Installation of inspection, flow measurement and sampling facilities, including access to such facilities.

Specifications for monitoring programs which may include flow measurement,

sampling, chemical and biological testing, recording of data and a reporting schedule.

Other conditions as deemed appropriate by the City to ensure compliance with these regulations and with applicable requirements of federal or state law.

All new sewer connection permits shall be subject to a permit and fees as described in Section 13.1.4.

The Superintendent may require an evaluation of a proposed sewer connection, performed by a Massachusetts Registered Professional Engineer, to assess the impact the additional flow would have on the public sewer. The cost of said evaluation shall be borne by the applicant. A permit application may be denied if the additional flow is determined to have an adverse effect on the public sewer.

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 in any way be constructed to the rear building. In this case, the front building sewer may be extended to the rear building and the whole considered as one building sewer. No such connection shall be made without authorization from the Superintendent. Any connection made without such a permit shall be discontinued and any sewer use fees paid shall be forfeited. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

Under no circumstances will one building sewer be allowed to connect and serve more than one house or dwelling unit under separate ownership except in the case of condominiums.

Existing (old) building sewers shall not be used in connection with new building sewer construction, except by written permission of the Superintendent. New building sewers shall include a watertight connection to the public sewer.

Building sewers shall be of such size and material as the Department shall determine on each application. The building sewer shall be furnished and installed by a competent contractor who has been approved by the Superintendent. The connection of the building sewer to the public sewer shall conform to the requirements of these Regulations: *The City of Woburn Utility Construction Specifications* and the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications of the American Society of Testing Materials (ASTM),

the Water Pollution Control Federation (WPCF) Manual of Practice No. 7 “Operation and Maintenance of Wastewater Collection Systems,” WPCF Manual of Practice No. FD-5, the American Society of Civil Engineers (ASCE) Manuals and Reports in Engineering Practice No. 60 “Gravity Sanitary Sewer Design and Construction”, and WPCF Manual of Practice No. FD-4 “Design of Wastewater and Stormwater Pumping Stations” shall apply. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. Non-approved material will be required to be removed and replaced at the expense of the applicant.

Whenever possible, the building sewer shall be installed 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, the wastewater carried by such building drain shall be pumped by an approved means and discharged to the building sewer or public sewer. Shop drawings of proposed pumping equipment must be submitted for approval by the Superintendent.

A manhole must be installed at any change in the line or grade of a building sewer. The manhole shall conform with Department construction standards.

If the City is required to perform emergency maintenance or repair work on private property, said work shall be paid for by the property owner on a time and materials basis and be subject to the city’s direct labor burden and equipment overhead costs which are described in Section 13.1.6.

The applicant for the building sewer permit shall notify the Superintendent when the sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent, and no backfilling shall be permitted until all appropriate inspections are made. If the appropriate inspections are not completed, the superintendent may require an internal television inspection of the service connection. Any defects in the service shall be repaired prior to receiving a permit. The repairs may require re-excavation of the building sewer.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Any person, who during the installation of a sewer connection, shall excavate or otherwise disturb the roadway and/or sidewalk shall obtain a street opening permit from the Department prior to the commencement of the work. A performance bond of $5,000 or the cost of restoring said roadway and/or sidewalk to its prior condition, which ever is greater, shall be required before a permit is granted. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to its original condition in a manner satisfactory to

the Superintendent. The bond amount shall be determined by the Superintendent.

The DPW reserves the right to shut off the public sewer for the purpose of making alterations or repairs.

No person(s) shall make connection of roof downspouts, foundation drains, sump pumps, area 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 the public sewer. Any persons found discharging said sources shall be subject to penalties as set forth in Section 13.3.8 of these Regulations. The removal and rerouting of any of these types of sources shall be completed in accordance with the Department of Public Works' "Private Inflow Removal Program".

Building Sewers shall be internally inspected at the time of transfer of title in accordance with Department of Public Works Policy and under the direction of the Superintendent. Inspection shall be performed to ensure the building sewer is in compliance with City Ordinance and that illegal connections to the sewer system do not exist. Any defects in the building sewer shall be repaired at the owner's sole expense. Any repairs made to building sewers shall be done in accordance with Section 13.3.5.

Internal inspection of privately owned sewer system infrastructure connected to the municipal collection system shall be performed in accordance with Department of Public Works Policy once every five (5) years. Private systems require inspection if they meet any of the following conditions.

- the connection to the public sewer system is eight inches or larger
- any manholes or similar structures are associated with the system
- the connection to the public sewer system is not made by gravity

If the system is found to be in violation of this Ordinance it shall be repaired at the owner's sole expense. The Superintendent shall inspect and approve all repair methods and repairs in accordance with Department of Public Works policy.

The Superintendent or his representative reserves the right to inspect any property to confirm that there are none of the aforementioned unauthorized connections to the public sewer.

Any person(s) found discharging non-contact cooling waters to the public sewer shall be subject to penalties as set forth in Section 13.3.8 of these Regulations.

Mainline sewer extensions shall be authorized by City Council Vote or by Subdivision approval of the Planning Board and shall be installed in accordance with current Department of Public Works construction standards.

13.3.6 Sewer Line Construction and Maintenance.

The cost of the construction hereafter of any sewer or extension of any existing mainline sewer or the doing of any other work in connection therewith, except building sewers, shall be assessed upon the estates especially benefited thereby, and such cost shall be the average cost, to be determined by the Superintendent in each year, of such construction and other work in connection therewith in a period of three years preceding the year in which such average cost is to be determined.

The full cost of construction of the building sewer connection from the public sewer to the dwelling unit or estate benefited, shall be paid for directly by the persons or owners of the estates benefited.

The maintenance and cleaning of a building sewer shall be the responsibility of the owner of the dwelling unit or estate benefited by such building sewer

13.3.7 Use of the Public Sewers.

No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof or surface runoff, tidewater, subsurface drainage, uncontaminated cooling water, unpolluted industrial process waters, non-contact cooling water, or non-contact industrial process waters to any public sanitary sewer. In general, only sanitary sewage shall be discharged to the common sewer.

No person shall discharge or cause to be discharged substances, materials, waters, or wastes if it appears likely, in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance.
Unless otherwise stated herein the provisions of 360 CMR 10 and any supplementary revisions shall govern all discharges to the sanitary sewer system.

Oil water separators must be cleaned prior to annual renewal of a Class 1 permit. Documentation must be provided to the Superintendent of Public Works prior to renewal.

A grease interceptor shall be installed in the waste line leading from sinks,

drains or other fixtures in the following establishments: Restaurant, cafeteria, hotel, hospital, institutional, factory, club, and other commercial kitchens; food and meat packing and processing establishments; supermarkets, bakeries, and other establishments where grease can be introduced into the sewer system in quantities that can cause line stoppage or hinder sewage disposal, or when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts.

Grease interceptors shall be installed in accordance with the Massachusetts State Plumbing Regulations unless otherwise stated herein.

Such interceptors shall not be required for private living quarters or dwelling units.

All interceptors shall be installed on the exterior of the building and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall not be installed unless tested, rated and bear the seal of acceptance of State Plumbing Board or approved by the Superintendent.

Installed grease interceptors shall have a minimum capacity of 1,500 gallons and have a grease retention capacity of not less than two (2) pounds for each gallon per minute of flow. Flow rates from the State Environmental Code, Title V, 310 CMR 15, shall be used to determine the size of a grease trap. Other alternative and innovative approved methods of grease removal and disposal may be used if approved by the Health Department, Plumbing Inspector, and Department of Public Works. All newly constructed facilities must install industrial type grease traps.

A manhole shall be installed on the discharge line of the grease trap for sampling of the grease trap effluent. Sampling shall be performed to ensure compliance with the regulations.

Grease interceptors shall be equipped with devices to control the rate of water flow through the interceptors so that the flow rate does not exceed the rated design flow of the interceptors.

The waste from food and waste grinders shall not discharge to the sewer system through a grease interceptor.

The use of water-cooled grease interceptors is prohibited.

In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates, and means of disposal. These

records shall be submitted to the Superintendent annually. Licensed waste disposal firms must perform any removal and handling of the collected materials.

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 the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized employees of the City may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available, upon request by the Superintendent, to other agencies having jurisdiction over discharges to the receiving waters.

13.3.8 Penalties.

Whenever, on the basis of information available to it, the City determines any person to be violating any provision of this ordinance, the City may take any or all of the following actions:

Issue an order to cease and desist any such violation;

Issue an implementation schedule ordering specific actions to be taken together with time and schedule requirements;

Bring a civil or criminal action as provided by law;

Take any action available to it under federal, state, or local laws or regulations.

Any person violating any of the provisions of this ordinance shall be subject to a fine of $50.00 for the first violation, $100.00 for the second violation, and $300.00 for the third and subsequent violations. Fines shall be included with water and sewer bills and, if not paid, will result in a lien on the property in accordance with Section 13.1.5. Violations may result in the revocation of City

licenses. This provision may be enforced through non-criminal disposition. Each day a violation shall be deemed a separate offense.

In addition, and not in lieu of a fine, any person violating any of the provisions of this ordinance shall be subject to a civil penalty up to $5,000.00 for each violation, as provided by G.L. c.83, §10. Each day a violation shall continue shall be deemed a separate offense.

Any person violating the provisions of these regulations shall become liable to the City for any expense, loss, or damage incurred by the City by reason of such violation, including but not limited to any fines, charges, or assessments made or imposed on the City by any federal, state, or local agency.

All penalties, fines, or fees related to Article III, Sewer System, of Title 13 shall be collected as described in Section 13.1.5, Water/Sewer Charges to Constitute Lien Upon Real Estate.

A system of sewer use charges, together with suitable procedures for monitoring and enforcing compliance with the sewer use ordinance, shall be set after a public hearing.

Users resident in the City of Woburn, and non-resident users metered to the Department shall be assessed user charges in accordance with water usage as measured by the Department.

Users not metered by the City of Woburn shall be assessed user fees as measured by water usage provided by the public water system which provides their service, if applicable, or if not connected to any public water system, then such measurement shall be made by estimation of the average of five comparable users.

All City Departments and all county, state, federal, and municipal buildings shall be responsible for payment of users fees assessed in accordance with water usage.

Users of City property, including tenants and lessees, shall be responsible for payment of users fees assessed in accordance with water usage.

13.3.9 Rates for Use of Common Sewer.

A. Every person or owner of an estate who has entered or who may hereafter enter his particular sewer into a common sewer shall pay for the use of such sewer as follows:

1. For Domestic Use: base rate of $164.00 for billing cycle. (Ords. 04/05/85; 05/18/88; 05/04/89; 08/15/90; 07/01/91; 6/16/92; 8/20/96; 12/15/2004; 6/27/2005; 6/14/2006; 8/24/2007; 10/9/2008)

2. For Manufacturing Use: The base rates shall be 304% of the Annual Water Bill Charges or ten (10%) percent above the annual MWRA charge for the sewer discharge whichever is highest. (Ords. 04/05/85; 05/18/88; 05/04/89; 08/15/90; 07/01/91; 06/16/92; 6/14/2006)

3. For Small Business Use: The base rates shall be 304% of the Annual Water Bill Charges. (Ords. 04/05/85; 05/18/88; 08/15/90; 07/01/91; 06/16/92; 6/14/2006)

4. For Mixed Use Buildings: The base rates shall be $164.00 per billing cycle for each Domestic Use and 304% of the Annual Water Bill Charges for each separately metered Commercial or Manufacturing Use. Mixed Use Buildings with multi-residential units shall be billed by the number of units times the flat rate, semiannually.

    a. For the purpose of this section, "Mixed Use Building" means a use that includes a residential use and a commercial use within the same building.

5. Properties not connected to the Common Sewer where sewer service is available on street, shall be assessed a semi-annual fee of $5.00 per unit dwelling. (Prior ch. 23 sec. 18). (Amended 9/4/92)

6. Senior citizens connected to the Common Sewer who are entitled to an exemption under Property Tax Statutory Exemption, Chapter 59 Sec. 5 Cl. 17C and Chapter 59 Sec. 41 will be entitled to a 66% reduction in sewer charges for the unit dwelling occupied by the eligible person. Proof of entitlement shall be presented with the sewer bill. (Ords. Dated 05/18/88, 05/05/89).

7. Any change in the base rates specified herein shall require a majority vote of the City Council for approval. (added 6/14/2006, amended 1/22/2007)

B. The quantity of sewerage delivered to a public sewer from a building sewer shall be determined by water meter readings of the appropriate public water system, and said readings are to be taken and recorded under the direction of the Superintendent of Public Works.

C. Request for abatements and exemptions must be filed, in writing, with the Superintendent of Public Works within thirty (30) days of the billing date recorded on the water and sewer bill except those who have paid sewer charges without being connected to City sewer system. In the latter situation, none of these abatements shall exceed six (6) years. (Ord. Dated 05/04/89 – 3/15/94).

D. Any Appeal of the Superintendent's disposition of a request for an abatement or exemption shall be as set forth in Section 13.1.0.

E. Out-of-city customers connected to the Woburn Sewer System shall be billed the applicable sewer rate plus 25% sewer charge fee. (Ord. Dated 05/04/89).

F. The rate schedule may be amended from time to time after a public hearing, held in accordance with applicable law.

(amended 7/3/2012)

13.3.9 I/I Mitigation Fee.

All new connections to the municipal sanitary system shall be charged a one-time I/I fee in accordance with the following fee schedule:

Use	Required Fee
Residential	$1,000.00/unit equivalency
Non-residential	Applicant must remove 10 gallons of I/I from the sewer system for each 1 gallon of wastewater flow requested in the permit (Title 5 (310 CMR 15) shall be used to determine flow rates)

If there are not sources of I/I, which in the opinion of the Superintendent, are appropriate for removal at the time of the permit, a monetary fee may be required. The fee shall be calculated based on Title 5 flows, a 10 to 1 removal factor, and a cost of $0.70 per gallon of flow per day. For example, a 10,000 square foot office building has an associated Title 5 flow of 750 gpd, therefore the fee for this connection is $5,250 (750gpd x 10 x $0.70). A combination of I/I removal and monetary fees may also be requested by the Superintendent.

Unit equivalencies shall be determined as described in Section 13.1.4.

Any I/I removed from the sewer system as part of the I/I Mitigation Fee shall be

the property of the City of Woburn and may not be applied to future removal requirements without the written authorization of the Superintendent.

The Mayor or his designee will have the authority to waive such fee for any existing residence. (Added 5/21/96; amended 12/3/96)

IV. STORMWATER, ILLICIT DISCHARGE/CONNECTION AND CONSTRUCTION SITE MANAGEMENT

13.4.1 Purpose

A. The purpose of this Ordinance is to protect the surface water bodies, wetlands, natural resources, and public and private property within the City of Woburn from the negative impacts caused by polluted and unmanaged stormwater runoff and activities related to development, construction and land surface alteration and work not otherwise subject to regulation by the Planning Board and/or the Conservation Commission. In response to the mandates set forth under the amendments to the Federal Clean Water Act, this Ordinance partially fulfills the requirement of the Phase II National Pollution Discharge Elimination System (NPDES) Permit in order to achieve compliance with the U.S. Environmental Protection Agency's stormwater regulations.

B. Because stormwater discharges from a variety of sources, including storm sewers, construction, waste disposal, earth disturbance and resource extraction, are major causes of impairment to the water quality of natural coastal and inland water bodies and wetland resource areas; this Ordinance is designed to regulate a myriad of aspects relating to the development or redevelopment of land as well as to detect and eliminate illicit discharges into the City's storm drainage system.

C. This Ordinance and the regulations promulgated hereunder serve to establish minimum standards, design criteria, implementation, guidance and enforcement to achieve the following objectives:

1. Establish, regulate and enforce stormwater management standards for development and redevelopment projects by adopting and enforcing the ten (10) Stormwater Management Standards set forth in the Massachusetts Stormwater Management Policy as of the date of adoption of this amendment, and set forth in Section 13.4.3.B;
2. Detect and eliminate illegal discharges to the municipal storm drain system including but not limited to sewage, process wastewater, wash water, indoor drains, floor drains and sinks from residential, commercial or industrial sources;

3. Guide, regulate and manage construction activities that render soil exposed and vulnerable to erosion by wind and water as well as contain and properly manage potential on-site pollutants including but not limited to oils, gasoline, pesticides, paints, garbage and sanitary wastes;
4. Regulate the alteration of grades/elevations of the land surface by more than two (2) feet to protect against damage to abutting properties and adjacent wetland resource areas resulting from altered drainage patterns.
5. Authorize the City's Engineering Department to establish and evaluate rules and regulations to further clarify and implement this Ordinance.

13.4.2 Applicability

This Ordinance applies to all construction, development, and redevelopment activities that involve and/or impact stormwater discharge, soil disturbance, altering of grades or drainage patterns except as otherwise expressly exempted herein.

13.4.3 Stormwater Management of New Development & Redevelopment

A. Regulation of discharges to the municipal storm drainage system, surface waters and wetlands is necessary for the protection of the City of Woburn's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface is a major cause of impairment of: water quality and flow in the ocean, lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; and flooding.

B. This Ordinance establishes stormwater management standards for development and redevelopment projects that disturb twenty thousand (20,000) sq. ft. or more of land, in order to minimize adverse impacts offsite and downstream which would be borne by abutters, residents and/or the general public, by requiring compliance with all state and federal statutes and regulations relating to stormwater discharges and by adopting the following Standards of the Massachusetts Stormwater Policy. Note that any future amendments to the Massachusetts Stormwater Policy that may be made subsequent to the date of adoption of this amendment shall not be incorporated into this Ordinance except by majority vote of the Woburn City Council:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
2. Storm water management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates;

3. Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures to the maximum extent practicable, including environmentally sensitive site design, low impact development techniques, stormwater best management practices and good operation and maintenance. At a minimum, the annual recharge from a site post-development shall approximate the annual recharge from pre-development conditions, based on soil type. This standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the State's Stormwater Handbook;
4. Stormwater management systems shall be designed to remove eighty percent (80%) of all Total Suspended Solids (TSS). This standard is met when:

    a. Suitable practices for source control and pollution prevention are identified in a long-term pollution prevention plan, and thereafter are implemented and maintained;
    b. Structural stormwater best management practices are sized to capture the required water quality volume determined in accordance with the Massachusetts Stormwater Handbook; and
    c. Pretreatment is provided in accordance with the Massachusetts Stormwater Handbook.

5. For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt, and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to be suitable for such uses as provided in the Massachusetts Stormwater Handbook. Stormwater discharges from land uses with higher potential pollutant loads shall also comply with the requirements of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53 and the regulations promulgated thereunder at 314 CMR 3.00, 314 CMR 4.00 and 314 CMR 5.00.
6. Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply, and stormwater discharges near or to any other critical area, require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area if there is a strong

likelihood of a significant impact occurring to said area, taking into account site-specific factors. Stormwater discharges to Outstanding Resource Waters and Special Resource Waters shall be removed and set back from the receiving water or wetland and receive the highest and best practical method of treatment. A “storm water discharge” as defined in 314 CMR 3.04(2)(a)1 or (b) to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00 and 314 CMR 4.00. Stormwater discharges to a Zone I or Zone A are prohibited unless essential to the operation of a public water supply.

7. A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.
8. A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented.
9. A long-term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed.
10. All illicit discharges to the stormwater management system are prohibited.

C. The following activities and uses are exempt from the Stormwater Management Ordinance:

1. Detached single-family dwelling;
2. Detached two-family dwelling;
3. Additions to detached single-family and two-family dwellings;
4. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
5. Maintenance of existing landscaping, gardens or lawn areas provided such maintenance does not include the addition of soil material or alteration of existing grades and provided the project involves less than one hundred (100 cubic) yards of fill (see Section 13.5.3.G., below);
6. The construction of any walls and fencing that will not alter existing terrain or drainage patterns;
7. Construction of utilities other than drainage (gas, water, sanitary sewer, electric, telephone, etc.) which will not alter terrain, ground cover, or drainage patterns;
8. Projects within the jurisdiction of the Conservation Commission requiring an Order of Conditions;

9. Projects under the jurisdiction of the Woburn Planning Board by virtue of the Subdivision Control Law; and
10. Emergency repairs to roads or utility systems.

D. For phased projects, the determination of whether the Stormwater Management Standards apply is made on the entire project as a whole including all phases. When proposing a development or redevelopment project subject to the Stormwater Management standards, proponents shall consider environmentally sensitive site design that incorporates low impact development techniques in addition to stormwater best management practices.

E. Project proponents seeking to demonstrate compliance with some or all of the Stormwater Management Standards to the maximum extent practicable shall demonstrate that:

1. They have made all reasonable efforts to meet each of the Standards;
2. They have made a complete evaluation of possible stormwater management measures, including environmentally sensitive site design, low impact development techniques that minimize land disturbance and impervious surfaces, structural stormwater best management practices, pollution prevention, erosion and sedimentation control, and proper operation and maintenance of stormwater best management practices; and
3. If full compliance with the Standards cannot be achieved, they are implementing the highest practicable level of stormwater management.

F. Projects involving one hundred (100) cubic yards of fill or more must obtain a Special Permit from the Woburn City Council, in accordance with Section 5.5 of the City's zoning ordinance.

13.4.4 Illicit Connections

A. This Ordinance also provides for the health, safety, and general welfare of the citizens of Woburn by regulating storm water discharge into the City's storm drain system and waterways in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

B. The City's storm drainage system includes storm water pipes and drainage waterways and conveys surface water runoff to receiving waters. Generally runoff enters the storm water drainage system piping through catch basins on streets and on public and private property and from drainage swales and ditches. No sewage discharge is allowed into this system.

The City also has a separate piped municipal sanitary sewerage system. In

order to reduce and eliminate infiltration and inflow into this system, no storm drainage discharge is allowed into the municipal sanitary sewer system from any source including, but not limited to, sump pumps and roof drainage. The sewerage system conveys wastewater from residences and commercial and industrial establishments to the wastewater treatment plant. The City's sewerage system is regulated by Title 13, Article III, Sewer System, of the Woburn Municipal Code.

C. The objectives of this section are to:

1. Minimize the contribution of pollutants to the municipal storm drainage system;
2. Minimize the negative impact of illicit connections and discharges upon the City's natural resources;
3. Prohibit illicit connections and discharges to the municipal storm drainage system; and
4. Establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Ordinance.

13.4.5 Erosion/Sedimentation and Materials Management

A. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by degrading water quality and causing the siltation of terrestrial and aquatic habitat for fish and other desirable species. Eroded soil also necessitates extraordinary maintenance and repair of storm drains and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

B. Many potential pollutants other than sediment are associated with construction activities. These pollutants include pesticides, fertilizers used for vegetative stabilization; petrochemicals (oils, gasoline, and asphalt degreasers); construction chemicals (such as concrete products, sealers, and paints, wash water associated with these products); paper; wood; garbage; and sanitary wastes.

C. As a result, the purpose of this section is to safeguard persons, protect property, and prevent damage to the environment in the City of Woburn. This Ordinance also promotes the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of certain development or other activity that disturbs the topsoil or results in the movement of earth within the City of Woburn.

D. Stormwater discharges from construction activities (such as clearing, grading,

excavating, and stockpiling) that disturb one (1) acre or more are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater program. Prior to discharging stormwater, construction operators must obtain coverage under an NPDES permit, which is administered by Mass DEP and the EPA. An applicant is required to file a Stormwater Pollution Prevention Plan (SWPPP) when seeking a NPDES permit.

1. No person shall undertake a land-disturbing activity that would require the uncovering of one (1) acre (43,560 square feet) or more without the review and approval of the applicant's SWPPP by the City Engineering Department. Such projects shall be required to also submit an Erosion/Sediment Control and Materials Management Plan with the application when, in the opinion of the City Engineer or his designee, the submission of such a plan is needed to further the purpose and intent of this Ordinance and/or to safeguard surrounding property and public infrastructure systems.

E. No person shall be granted a site development permit for land-disturbing activity that would require disturbing less than one (1) acre (43,560 sq. ft.) but more than twenty thousand (20,000) sq. ft. without the approval of an Abbreviated Erosion/Sediment Control & Materials Management Application by the Engineering Department.

F. The following activities and uses are exempt from the Erosion/Sedimentation and Materials Management Ordinance:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources, as determined by the City's Director of Inspectional Services or Director of the Board of Health;
2. Repairs to any roadway or utility system deemed necessary by the City of Woburn Engineering Department or its designee;
3. Existing nursery and agricultural operations conducted as a permitted use; or
4. Projects disturbing less than twenty thousand (20,000) sq. ft. of land.

13.4.6 Drainage Pattern Alterations

A. Changing the grading of the land surface can have an impact on drainage characteristics of even relatively small watershed areas. Therefore, regulating proposed grading for all projects, including minor ones is necessary for the protection of the City of Woburn's natural resources, and to safeguard public and private property from the potential negative impacts due to increased peak rate run off, increase in volume, and flooding.

B. A permit required by this Ordinance will be issued by the Director to the owner

or the owner's duly authorized agent after the Director has reviewed a plan submitted showing the nature of the grade change proposed. Said permit shall only be issued on such conditions, which shall be determined by the City Engineer, that will ensure that the proposed grade changes will not adversely affect existing drainage and groundwater conditions that could affect the public health, safety and welfare of any public way or adjoining real estate.

C. It shall be unlawful for any person or other legal owner of real property in the City to disturb the existing grade of land by more than two (2) feet without first obtaining the approval of the City Engineer, and where applicable, the Conservation Commission (if the activity is subject to the Wetlands Protection Act or the Woburn Wetland Ordinance (Title VII) and the Rules and Regulations adopted pursuant to that Ordinance) and the Planning Board (if the property is being altered pursuant to a plan subject to the Subdivision Control Law).

E. In addition, any project involving the removal or filling of more than one hundred (100) cubic yards of earth must obtain a Special Permit from the Woburn City Council, in accordance with Section 5-5 of the Zoning Ordinance.

F. The following activities and uses are exempt from the Drainage Pattern Alterations Ordinance:

1. Emergency work as declared or determined by the City Engineer or his designee.

13.4.7 Responsibility For Administration

The City Engineer shall administer, implement, and enforce the provisions of these Stormwater and Construction Management Ordinances. Any powers granted or duties imposed upon the City Engineer by this Ordinance may be delegated in writing by the Director to persons or entities acting in the beneficial interest of or in the employ of the City.

13.4.8 Enforcement

A. The Building Commissioner and the Police Department ("Enforcing Authority") are authorized to enforce this ordinance and resulting regulations, orders, violation notices, and enforcement orders, and may pursue all criminal and civil remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the Enforcing Authority. Any person violating the provisions of these regulations shall become liable to the City for any expense, loss, or damage incurred by the City by reason of such violation, including but not limited to any fines, charges, or assessments made or

imposed on the City by any federal state, or local agency. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Enforcing Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this ordinance and may make or cause to be made such examinations, surveys or sampling as it deems reasonably necessary to determine compliance with a permit issued under this ordinance. Enforcement shall be further defined and included as part of the regulations promulgated under this ordinance.

B. Violations of any of the provisions of this ordinance shall be subject to a fine of two hundred fifty dollars ($250.00) for the first violation and five hundred dollars ($500.00) for the second and subsequent violations.

C. Each day, or part thereof that a violation continues shall be deemed a separate offense.

D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Enforcing Authority may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c.40, §21D and Section 1.18 of the Woburn Municipal Code,

E. Remedies are not exclusive. The remedies set forth in this article are not exclusive of any other remedies available under any applicable federal, state or local law.

F. Appeals. The decisions or orders of the Enforcing Authority shall be final. Further relief of a decision by the Enforcing Authority made under this Article shall be reviewable in the Superior Court in accordance with M.G.L. c.249, §4.

13.4.9 Rules & Regulations

The City Engineer shall be empowered to establish Rules and Regulations to govern the permitting process, including but not limited to fees, application procedures, definitions, use of consultants, security to assure performance, performance standards for work, and such other information the Department deems necessary to discharge its responsibilities. The Department may promulgate such rules and regulations to effectuate the purposes of this Ordinance. Failure by the Department to promulgate such rules and regulations, or a legal declaration of their validity by a court of law, shall not act to suspend or invalidate the effect of this Ordinance.

13.4.10 Severability

If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby, nor shall it invalidate any permit, order or decision which had

previously been issued and become final.

(Added 5/21/96; amended 12/3/96; amended 6/17/2004; amended 8/14/2014; Title 13 in its entirety amended 1/22/2007)