

CITY OF SOMERVILLE
ORDINANCE NO. 2024-
IN CITY COUNCIL: _____, 2024

Be it ordained by the City Council, in session assembled, that Sections 11-1, 11-3, 11-4, 11-121, 11-124, 11-125, 11-164, 11-176, 11-182, and 11-183, and the title of Chapter 11 Article V of the code of ordinances of the City of Somerville are amended as follows by deleting the ~~struckthrough~~ text and adding the underlined text.

Sec. 11-1. – Commissioner of public works duties.

- (a) The commissioner of public works shall have the direction and control of the construction, alteration, repair, maintenance and management of ways, streets, sidewalks and bridges; ~~he or she~~ the commissioner shall have the powers and discharge the duties of surveyors of highways; ~~the construction, alteration, repair and care of main drains and common sewers;~~ the care, superintendence and management of the public grounds and parks, including cemeteries; ~~he or she~~ the commissioner shall make and have the custody of all plans, surveys, measurements and levels appertaining to public ways, ~~drains, sewers, waterworks~~ or lands; ~~he or she~~ the commissioner shall have charge of the construction, alteration, repair, maintenance and care of public buildings; ~~he or she~~ the commissioner shall have charge, so far as the rights of the city extend, of fire alarm and police signal systems and of all electric light, power, telephone, telegraph and trolley wires, of all gas pipes and street lighting; ~~he or she shall have charge of the construction, extension, alteration, repair, care and management of the waterworks;~~ and shall perform such other duties as the city council may direct.

Sec. 11-3. - Department of public works divisions.

- (a) There shall be established within the department of public works the following divisions:
- (1) Division of highways, electric lines and lights;
 - (2) Division of engineering;
 - ~~(3) Division of waterworks~~
 - ~~(4)~~ (3) Division of buildings

Sec. 11-4. - Superintendents of department of public works divisions.

There shall be a superintendent of the division of highways, electric lines and lights; a city engineer; ~~a superintendent of the division of waterworks;~~ a superintendent of the division of buildings; and a supervisor of school facilities and energy conservation. The city engineer and the superintendents of the various divisions shall have the charge of their respective divisions under the direction of the commissioner of public works.

Article V. – ~~DIVISION OF WATERWORKS~~ WATER AND SEWER DEPARTMENT

Sec. 11-121. – Interference with water system.

No person shall break or in any manner injure any water main, service pipe, stop-cock valve, hydrant, waterpost, drinking foundation or other fixture or appurtenance connected with the city waterworks, or shall obstruct or in any way interfere with the flow of water through the same. No person shall turn on or off the water in any water main, street service pipe, hydrant, waterpost, drinking foundation or other fixture or appurtenance connected with said waterworks, or make any opening into or connection therewith, without authority from the ~~superintendent of waterworks~~ director of water and sewer, except that hydrants may be used by firemen in the discharge of their duties. No person shall in any manner place obstructions in the way

of readily operating any valve, hydrant, waterpost, stop-cock or other fixture or appurtenance of the waterworks.

Sec. 11-124. – Rules and regulations of the ~~superintendent of water~~ director of water and sewer

No person shall violate any rule or regulation of the ~~superintendent of waterworks~~ director of water and sewer.

Sec. 11-125. – Water rates and base charges.

- (a) Established. Water rates and base charges for water use shall be established by the ~~superintendent of the water and sewer department~~ director of water and sewer, subject to the approval of the mayor and city council. Prior to setting the water rates and base charges, the ~~superintendent~~ director shall conduct a public hearing on the proposed rates and charges no later than May 15 of any given year with notice of any new rates or charges provided to the city council at least 14 days prior to the public hearing. Any proposed new rates and charges shall be provided to the city council on or before June 1 for its review and approval. Rates set may be adjusted, subsequent to initial approval by the ~~superintendent~~ director with the approval of the mayor and city council, without the necessity of a public hearing, to reflect any changes in any charge assessed to the city by any governmental body or agency of the commonwealth. If any such adjustment results in a lower rate than previously set, the new rate shall take effect immediately upon approval by the mayor and city council. If such adjusted rate is higher than otherwise set, the new rate shall take effect no sooner than 30 days after approval by the mayor and city council. Except as otherwise approved by the city council, failure to hold a public hearing on or before May 15, or provide the proposed rates and charges to the city council for its review on or before June 1 as required above shall prohibit the city from increasing rates and charges.
- (b) Method of assessment. Rates shall be established based upon a uniform rate per 100 cubic feet of water consumed. Said assessments shall be made pursuant to readings obtained from metering devices approved by the ~~commissioner~~ director. Where water consumption data is not available, bills for water use shall be based upon estimated consumption, as determined by the ~~commissioner~~ director.
- (c) Payment. Bills for water use shall be rendered a minimum of two per year and a maximum of six per year for commercial and four per year for residential and are due and payable within 45 days. Interest shall accrue on bills not paid within 45 days of the date of mailing at the rate established by Section 57 of Chapter 59 of the General Laws.
- (d) Appeals. Persons aggrieved of bills rendered pursuant to subsection (c) of this section shall have the following rights of appeal:
 - (1) Notification. Within the time frame allowed for payment of said bill, the aggrieved party shall notify the ~~commissioner~~ director that said bill is contested. The notification shall include an explanation as to why the bill is contested, and should provide the ~~commissioner~~ director with such information as is necessary to determine the validity of the claim. The ~~commissioner~~ director may prescribe such forms as are necessary to expedite this process.
 - (2) Resolution. Upon receipt of an appeal, the ~~commissioner~~ director shall act upon same as quickly as possible and shall inform the claimant in writing of the results of the investigations. The determination of the ~~commissioner~~ director shall also be transmitted to the treasurer who shall take the following action:
 - a. For first claims and claims found to be valid, the date of billing shall be revised to the date of the ~~commissioner~~ director's determinations. Revised charges shall then be due and payable as is specified in subsection (c) of this section.
- (f) Residents who own and occupy their homes and qualify for the exemptions contained in G.L. c. 59, § 5, clause 41C, or G.L. c. 59, § 5, clause 17D, are eligible for a 25 percent discount on water ~~and~~ and sewer bills issued after July 1, 2016.

Sec. 11-164. – Sewer ~~user rates and base~~ charges.

(a) ~~User Rates and base~~ charges

- (1) Established. ~~Charges for s~~ Sewer service rates and base charges for sewer use shall be established by the ~~superintendent of the water and sewer department~~ director of water and sewer, subject to the approval of the mayor and city council. Prior to setting the new sewer service charge, the water and sewer ~~superintendent~~ director shall conduct a public hearing on the proposed charge no later than May 15 of any given year with notice of any new charges provided to the city council at least 14 days prior to the public hearing. Any proposed new charges shall be provided to the city council on or before June 1 of any given year for its review and approval. Charges may be adjusted, subsequent to initial approval by the ~~superintendent~~ director, with the approval of the mayor and city council, without the necessity of a public hearing, to reflect any changes in any charge assessed to the city by any governmental body or agency of the commonwealth. If any such adjustment results in a lower charge than previously set, the new charge shall take effect immediately upon approval by the mayor and city council. If such adjusted charge is higher than otherwise set, the new charge shall take effect no sooner than 30 days after approval by the mayor and city council. Except as otherwise approved by the city council, failure to hold a public hearing on or before May 15, or provide the proposed charges to the city council for its review on or before June 1 as required above shall prohibit the city from increasing charges.
- (2) Method of assessment. Rates shall be established based upon a uniform rate per 100 cubic feet of water consumed. At a user's option and expense, assessments may be made on continuously metered sewage flow, or upon water sales to activities resulting in a discharge to the sewer. Said assessments shall be made pursuant to readings obtained from metering devices approved by the ~~commissioner~~ director. For users whose bill is based upon metered sewage, the rate shall be 1.11 times the rate established for those whose bill is based upon metered water. Where water consumption data is not available, bills for sewer services shall be based upon estimated consumption, as determined by the ~~commissioner~~ director.
- (3) Payment. Bills for sewer service shall be rendered a minimum of two per year and a maximum of six per year for commercial and four per year for residential and are due and payable within 45 days. Interest shall accrue on bills not paid within 45 days from the date of mailing at the rate established by Section 57 of Chapter ~~93~~ 59 of the General Laws.

(b) Appeals.

- (1) Notification. Within the time frame allowed for payment of said bills, the aggrieved party shall notify the ~~commissioner~~ director that said bill is contested. The notification shall include an explanation as to why the bill is contested, and should provide the ~~commissioner~~ director with such information as is necessary to determine the validity of the claim. The director may prescribe such forms as are necessary to expedite this process.
- (2) Resolution. Upon receipt of an appeal, the ~~commissioner~~ director shall act upon same as quickly as possible and shall inform the claimant in writing of the result of the investigations. The determination of the ~~commissioner~~ director shall also be transmitted to the treasurer who shall take the following action:
 - a. For first claims and claims found to be valid, the date of billing shall be revised to the date of the ~~commissioner~~ director's determinations. Revised charges shall then be due and payable as is specified in subsection (~~ba~~) (3) of this section.
 - b. For second and subsequent claims found to be invalid, the date of billing shall be as originally issued, and charges and interest shall be computed as specified in subsection (~~ba~~) (3) of this section.

Sec. 11-176. – Illicit discharges to storm drainage system.

(a) Purpose

- (3) The objectives of this division are:
 - a. To prevent pollutants from entering the city's municipal separate storm sewer system (MS4);

- b. To prohibit illicit connections and unauthorized discharges to the MS4;
- c. To require the removal of all such illicit connections;
- ~~b.d.~~ To comply with state and federal statutes and regulations relating to stormwater discharges; and
- ~~e.e.~~ To establish the legal authority to ensure compliance with the provisions of this division through inspection, monitoring, and enforcement.

Sec. 11-182. – Authority of ~~water superintendent~~ director of water and sewer.

- (b) As provided in this Code of Ordinances, section 11-124, violation of the ~~superintendent~~ director's rules is prohibited.

Sec. 11-183. – Protection of potable water supply.

The water ~~and sewer~~ department or its designated agent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the department or its designated agent determines that an approved backflow prevention device is required at the city's water service connection or impact protection on any customer's premises, the department, or its designated agent, shall issue a cross connection violation form to the customer to install approved backflow devices. The customer shall, within a time frame determined by the department, install such approved device or devices at his/her own expense; and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

Approved:

President

Approved:

Mayor