

# SENATE NO. 1153

## **AN ACT** RELATIVE TO THE CHARLTON WATER AND SEWER COMMISSION'S WATER SUPPLY

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the  
2 Charlton water and sewer commission (hereinafter, “board” or “water and sewer commission”),  
3 which in this Act shall mean any other board or officer hereafter having charge of the repair and  
4 maintenance of public water supply pipes in the town of Charlton, may allow land abutting  
5 upon a public or private way in which a public water supply pipe has been laid to be connected  
6 with such water supply pipe, but shall not be obligated to allow such connections, except with  
7 respect to requests for connections for single-family residences, for which a water betterment  
8 has been assessed.

9 SECTION 2. Notwithstanding the provisions of any general or special law, rule or regulation  
10 to the contrary, no owner of land connected to the public water supply shall reconstruct, enlarge,  
11 alter or renovate an existing structure on such land or expand, change or alter an existing use of  
12 such land without a permit from said board. Said board may permit continued use of an existing

13 water connection, but shall not be obliged to do so if due to reconstruction, enlargement,  
14 alteration or renovation of an existing structure or expansion, change or alteration of an existing  
15 use, the water flow for the improvements upon the land served by the existing connection would  
16 increase above the existing water flow. No permit under this section shall be required for the  
17 reconstruction, enlargement, alteration, or renovation of existing single or two-family residential  
18 structures, provided such reconstruction, enlargement, alteration, or renovation will not change  
19 the use of the property or increase the number of living units in the existing structure.

20 SECTION 3. Notwithstanding any general or special law, rule or regulation to the contrary, the  
21 town of Charlton may establish a special account to be known as the town of Charlton Water  
22 System Capital Improvement Fund (hereinafter, "Water Fund"). The purpose of the Water Fund  
23 is to provide the revenue for the increase of capacity of the system to supply water. The Water  
24 Fund shall be maintained by the treasurer of the town of Charlton and expenditures therefrom  
25 shall be made subject to appropriation initiated by the Charlton water and sewer commission  
26 and approved by a majority vote of the town meeting.

27 SECTION 4. Payments to the Water Fund shall be made by applicants for connection to the  
28 public water supply, pursuant to Section 1, and those applicants required to obtain a permit for  
29 increased use of existing connections, pursuant to section 2 above. The water and sewer  
30 commissioners shall assess a water improvement fee for all connections to the public water  
31 supply or increased use of existing connections, including those which will generate a water  
32 flow in excess of the water flow contemplated for the relevant property at the time of  
33 assessment of a betterment assessment or privilege fee upon the relevant property, if any.

34 The amount of such payments from such private sources shall be as determined by a schedule of  
35 fees to be set by the water and sewer commission. The schedule shall provide for the method of  
36 determining the amount of each payment from such applicants based upon their anticipated  
37 water flow. The water improvement fee assessed shall be proportionate to the total estimated  
38 cost to the Town of designing, constructing, reconstructing or expanding capacity of the water  
39 works serving the Charlton water system, wells, well fields, storage tanks, pumping stations and  
40 related facilities, to handle an incremental amount of water equal to the excess flow to be  
41 generated by the property or by the increase in use of the property and shall be proportionate to  
42 the betterments and privilege fees heretofore assessed, or the water improvement fee assessed  
43 under this Act, upon other property owners for such improvements.

44 SECTION 5. All water improvement fees collected shall be deposited into the Water Fund.  
45 Monies deposited into the Water Fund shall be used only for the purposes set forth in this act, as  
46 may be determined by the board. The board may accept grants or gifts for deposit into the fund.  
47 The treasurer of the town of Charlton may invest monies in the special accounts and the income  
48 and interest accruing shall inure to the benefit of the special accounts.

49 SECTION 6. Additional appropriations may be made by a majority vote of town meeting into  
50 the Water Fund such purposes.

51 SECTION 7. The water and sewer commission may make applications for available state and  
52 federal government grants for the engineering, construction and rehabilitation of water works,  
53 pumping station and facilities, and to pledge any and all such sums of money in said Water  
54 Fund with the approval of the town meeting for any such matching grants for engineering,  
55 construction and rehabilitation of water works, pumping stations and facilities.

56 SECTION 8. The town accountant shall file jointly with the water and sewer commission and  
57 the treasurer, a written report relative to the Water Fund. The report shall be made within 120  
58 days after the books of account are closed for each fiscal year.

59 SECTION 9. The water and sewer commission may promulgate rules and regulations for the  
60 implementation and administration of the Water Fund and to set fees, and may promulgate such  
61 other rules and regulations as may be in furtherance of its responsibilities and the purpose of  
62 this act.