

CMA 2025 #16
IN CITY COUNCIL
January 27, 2025

To the Honorable, the City Council:

On January 20, 2023, the Department of Environmental Protection (“DEP”) amended regulations under the Water Management Act, which requires the City of Cambridge to restrict nonessential outdoor water uses during a drought declaration by the Secretary of Energy and Environmental Affairs. To be in compliance with DEP regulations, the City must establish enforceable drought restrictions no later than April 5, 2025, under the 310 CMR §36.07.

To ensure compliance with the amended regulations, the Law Department and Water Department have reviewed relevant sections of the Cambridge Municipal Code. The Law Department and Water Department propose amending Chapter 13.08, Water System Regulations and Chapter 13.12, Water Reservoirs. We will present other proposed amendments to the Code of Ordinances in the future, as some of the sections that relate to the City’s water system and Water Department are outdated.

The proposed amendments to the Code will provide a comprehensive and effective response to drought conditions and ensure the City complies with the DEP amended regulations under the Water Management Act. The attached ordinance amendment text will:

- Clarify when the City will enact nonessential water restrictions
- Clarify what water uses will be restricted
- Clarify how the City will notify residents of the restrictions as well as the termination of such restrictions
- Clarify how the City will enforce penalties.

I recommend that the City Council refer the attached text to the Ordinance Committee, after which it can be considered for adoption by the City Council.

Yi-An Huang
City Manager



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Chapter 13.08 - WATER SYSTEM REGULATIONS

Sections:

13.08.010 - Water Board—Powers and duties.

The Water Board shall have full power to make all necessary repairs, extensions or improvements on the works, and to provide new supply pipes. All hydrants, standpipes and drinking fountains, established by the City, shall be constructed, and all repairs upon such hydrants, standpipes and drinking fountains made, and the streets, when broken up, shall be again put in good order, to the satisfaction of the Superintendent of Streets, by and under the direction of the Water Board. The Water Board shall have no power to expend any money, or to incur any debt, beyond the amount of appropriations made by the City Council.

13.08.020 - User's responsibilities—General regulations.

- A. The following regulations shall be considered a part of the contract with every person who takes the water and every such person, by taking the water, shall be considered to express his consent to be bound thereby. The regulations shall be printed upon every bill for water rent, and whenever any one of them is violated (notwithstanding two or more parties may receive the water through the same pipe), the Chief Superintendent, under the direction of the Water Board, shall cause the water to be cut off, and it shall not be let on again except upon payment of two dollars and all chargeable rates; provided, further, in case of any such violation, the Water Board may declare forfeited any payment made for the water, by the person committing such violation, and the same shall thereupon be forfeited. The regulations are as follows:
1. All persons taking the water shall, at their own expense, keep the service pipes in good repair and protected from frost, and they will be held liable for all damage which may result from their failure to do so.
 2. They shall prevent all unnecessary waste of water, and there shall be no concealment of the purposes for which it is used.
 3. No alteration shall be made in any of the pipes or fixtures installed by the City, except by its agents, who shall be allowed to enter the premises supplied, to examine the apparatus, and to ascertain if there is any unnecessary waste. No plumber or other person shall make any alteration or extension of the pipes in any house or on any premises without first giving notice to the Chief Superintendent and procuring a written permit from him which shall be returned to the Chief Superintendent within ten days after the completion of the work, endorsed with a statement of all fixtures added or removed. Any person violating this regulation shall be fined not more than fifty dollars.
 4. No water shall be supplied to parties not entitled to the use of it under City ordinances, unless by special permission.
 5. Except as provided in this chapter, no connection of a fountain shall be made, directly or indirectly, with the water pipes of the City. Persons desiring water for fountain purposes, shall make application in writing to the Water Board, stating the number and size of the jets to be used, and the hours of the day and the months during which it is proposed to use the same. Upon such application the Water Board shall fix the rate to be charged to the applicant, and the connection with the water pipes shall be made by and under the direction of the Superintendent; it being understood and agreed that the water shall be used exclusively for fountain purposes, unless supplied through a meter.

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6. a. Whenever on account of nonoccupancy of premises or nonuse of water or abatement is desired, and notice thereof is given at the office of the Chief Superintendent, while the person liable for the water rates is in possession of the premises, the water shall be cut off by an employee of the Board and an abatement made, less the charge of one dollar for cutting off; provided, that such seal locks as may be adopted by the Water Board may be placed upon faucets in tenements so connected with other tenements that then cannot be separately shut off in the street; but they shall not be put in any house that can be so shut off from the street, except for particular fixtures.
 - b. The charge of putting on such seal locks shall be established by the Water Board. Such seal locks shall not be taken off by any one except an employee of the Water Board, on penalty of forfeiting all claims for allowance, and having the water shut off from the premises.
 7. The Chief Superintendent, with the necessary agents and assistants, may enter the premises of any water taker to examine the quantity used, and the manner of use, and to cut off the water for nonpayment of rents and fines, or for any violation of these regulations.
- B. The Chief Superintendent shall, under the direction of the Water Board, make all the water rate charges, excepting charges for metered water, to the owner of the property, and in every case the owner shall be liable for the water rates, except where the ownership is changed after water is shut off for nonpayment, in which case the new owner shall be liable for the water rates from the time when the water is again let on.

13.08.030 - Rate assessment authority.

The Water Board shall determine and assess the water rates according to the tariff of rates adopted by the City Council, and shall have power to establish such regulations as it may deem expedient for the introduction and use of water; and the water shall not be supplied to any building unless the pipes and fixtures are made conformable to such regulations.

13.08.040 - Water rents—Payable in advance.

The annual rent for the use of water shall be payable in advance on May 1st of each year. All charges for specific supplies or for fractional parts of the year to May 1st shall be payable in advance and before the water is let on.

13.08.050 - Water rents—Abatements.

The Chief Superintendent, under the direction of the Board, may make abatements in the water rents in all proper cases.

13.08.060 - Recordkeeping.

- A. The Chief Superintendent shall cause to be kept suitable books in which shall be entered 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 number of takers and the amount charged, and amounts of abatement, which shall always be kept open to the inspection of the Water Board, and any committee of the City Council.
- B. The Chief Superintendent shall, at the end of each year, report to the Water Board:
 1. The amount of the bills sent to the Treasurer;
 2. The amount of the abatements;
 3. The amount of uncollected bills.

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13.08.070 - Issuance of bills—Form.

- A. The Chief Superintendent shall, under the direction of the Water Board, cause the annual bills for water rates to be issued and delivered on or before April 10th of each year, and shall make out bills for all other amounts payable to the City on account of the water works, and deliver the same to the Treasurer, from time to time , as they may become due. All the bills so delivered by the Chief Superintendent shall be numbered to correspond with the number of the charge on his books.
- B. A certificate of each abatement and refund shall be furnished by the Chief Superintendent, which certificate shall be addressed to the Treasurer, and shall state the account on which it is allowed, and the number of the bill. The Chief Superintendent shall, on the first day of every month, report in writing to the auditor the amount of the bills of each class placed in the hands of the Treasurer for collection, and also the amount abated or ordered to be refunded, during the preceding month. Whenever it shall appear to the Chief Superintendent that an error has been made in the rates charged for any house or tenement whereby a larger amount has been charged than is required he shall cause an abatement certificate to be made for the amount of the excess charged, and forthwith transmit the same to the City Treasurer, who shall send a corrected notice to the owner or the person to whom the rates are charged.

13.08.080 - Injury to pipes, reservoir or hydrants.

No person shall injure any public pipe, reservoir or fire hydrant connected with the water works, or shall break and enter the same, or draw off or cause to be removed, any of the water therefrom, or shall turn on or off the water in any such water pipe, reservoir or fire hydrant, or shall make any opening or connection with such pipe, reservoir or fire hydrant or remove the cover of any hydrant except in case of fire, without the license or permit of the Water Board, or by authority of the City Manager, and then only under the direction of the Superintendent of the Water Works, who shall provide competent men to perform the same; and the expense thereof shall be charged to the person or department applying for such license or permit.

13.08.090 - Water restriction authority

A. The Water Board shall have the power to restrict the use of hand-hose or automatic sprinkler or similar devices to such hours of the day as it may deem necessary pursuant to G.L. c. 41, §69B, and the City Manager or if designated, the Managing Director of the Water Department, shall limit nonessential outdoor water use during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, pursuant to 310 CMR 36.00; and for any violation of such restrictions the occupant of the premises shall be liable to the penalties imposed in Section 13.08.110 for a waste or improper use of water and Chapter 13.12 of this code. A drought declaration by the Secretary shall restrict water uses as follows:

- 1. In accordance with 310 CMR 36.07(2)(c), if the Massachusetts Secretary of Energy and Environmental Affairs declares a drought in the region, county or watershed, such restrictions shall be in place during a drought declaration and nonessential outdoor water use shall be restricted as follows:

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- a. Level 1 (Mild Drought). All nonessential outdoor water uses restricted to no more than one day per week, before 9:00 a.m. and after 5:00 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
 - b. Level 2 (Significant Drought). All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
 - c. Level 3 (Critical Drought) or Level 4 (Drought Emergency). All nonessential outdoor water uses are banned.
2. For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, registrants shall comply with the following restrictions on nonessential outdoor water use:
- a. Level 1 (Mild Drought). Irrigation of fairways shall be reduced to 80% of normal, irrigation of roughs shall be reduced to 50% of normal, and there shall be no irrigation of landscaping and ornamentals.
 - b. Level 2 (Significant Drought). Irrigation of fairways shall be reduced to 60% of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
 - c. Level 3 (Critical Drought) or Level 4 (Drought Emergency). Irrigation of reduced to 40% of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
3. The Water Board shall have the power to implement nonessential outdoor water use restrictions that are more stringent than those set forth in 310 CMR 36.07(2)(c), as described in Section 13.08.090 A, 1 through 2, and D.
- ~~2.4.~~ Once implemented, pursuant to 310 CMR 36.07(2)(c), restrictions on nonessential outdoor water use at least as restrictive as described in Section 13.08.090 A, 1 through 2, and D, shall remain in place for the respective declared drought level until the drought level is changed by the Secretary.
5. The Water Department in accordance with G.L. c. 40, §41A, may, upon notification to the water takers, shut off the water at the meter or curb cock or by other means as the case may be, during a drought, hurricane, conflagration or other disaster when in the opinion of the department of environmental protection an emergency exists.
- B. Public Notification of a Drought Declaration: Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the City as part of a drought declaration shall be made as soon as possible, but no later than 48 hours following the declaration of a drought and the City may utilize any of the following forms of notice: publication in a newspaper of general circulation within the City, notice on the City website, signage on major roadways or intersections, reverse 911 calls, social media, public service announcements on local media, informal posting, or other such means reasonably calculated to reach and inform all water customers.

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C. Notice of Termination of Drought Declaration: Upon notification to the City that the declaration of a drought has been terminated by the Secretary, the public will be notified of the termination in the same manner as the notification of its imposition.

D. The following is a list of outdoor water uses that will not be restricted under the new conditions (pursuant to 310 CMR 36.03):

- a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;
- b) by permit, license, statute or regulation;
- c) for the production of food, including vegetable gardens, and fiber;
- d) for the maintenance of livestock;
- e) to meet the core functions (those functions essential to the commercial operations) of a business, including but not limited to:
 - 1. plant nurseries as necessary to maintain stock;
 - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
 - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
 - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- f) for irrigation of public parks before 9:00 A.M. and after 5:00 P.M.,
- g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities and athletic associations, before 9:00 A.M. and after 5:00 P.M.,
- h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

E. Enforcement of Penalties: Any person who violates any provision of this ~~chapter~~Section 13.08.090 shall be liable to the City in the amounts listed below: 1st violation: Warning, 2nd violation: \$100, 3rd violation: \$200, 4th and subsequent violations: \$300. Each day of violation shall constitute a separate offense.

a) **Violation— Criminal Penalty.**

Any person who violates any provision of this Section 13.08.090 may be subject to a fine not exceeding three hundred dollars, and each day's violation shall constitute a separate offense. For purposes of this section, the enforcing officers shall be employees of the Water Department designated by the City Manager or if designated, the Managing Director of the Water Department, Police Officers, Animal Control Officers and the Director of the Animal Commission.

b) **Violation—Noncriminal disposition.**

Whoever violates any provision of this Section 13.08.090 may be penalized by a noncriminal disposition as provided in G. L. c. 40, §21D. Each day of violation shall constitute a separate offense. The enforcing officers shall be employees of the Water

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Department designated by the City Manager or if designated, the Managing Director of the Water Department, Police Officers, Animal Control Officers and the Director of the Animal Commission. The penalty for each violation shall not exceed three hundred dollars.

13.08.100 - Pipe and fixture maintenance—Unnecessary use.

An owner or occupant of premises in which water furnished by the City is used, who fails to keep his service pipes and fixtures in good order, and neglects to repair the same within three days after they have, from any cause, become defective, or who neglects to shut off the water after using it, so that it runs to waste, shall be liable to a fine not exceeding fifty dollars; and if such fine is not paid within two days from the time when the person incurring it receives notice that he is liable thereto, the water shall be cut off from his premises, and shall not be let on again until the waste is stopped and the fine paid, together with an additional sum of two dollars for cutting off and letting on the water. In case of a second offense during the same year, a fine not exceeding fifty- dollars shall be imposed, and if it is not paid within two days, as aforesaid, the water shall be cut off, and shall not be let on again until the cause of the complaint is removed and the fine paid, together with two dollars for cutting off and letting on the water. In case of a third offense, the water shall be cut off, and shall not be let on again except by a vote of the Water Board and the payment of such fine, not exceeding fifty dollars, as the Water Board may impose.

13.08.110 - Waste or improper use—Determination authority.

The Water Board shall have the power to decide what shall be considered a waste or improper use of water, and to restrict the use thereof when it may deem necessary. If the water taker refuses or neglects to comply with any order of the Water Board, after notice given to him, the water may be cut off, and shall not again be let on, except by a vote of the Water Board, and the payment of such fine, **not exceeding fifty dollars**, as the Water Board may impose.

13.08.120 - Waste or improper use—Reporting requirements.

The Cambridge Police Department (“CPD”)~~police~~ shall report to the Chief Superintendent all cases of leakage, waste or unnecessary profusion in the use of the water, and all violations of this chapter that may be brought to their notice; the attention of the CPD.

13.08.130 - Rates—Established.

- A. For the fiscal year commencing on July 1, 1979, and for each fiscal year thereafter, the City Manager shall recommend as a part of the annual budget submitted to the City Council, a just and equitable water use charge based on metered water consumption and/or other applicable standards for computation of water consumption as set forth in this section. The charge shall take into account all appropriate water related estimated revenues and available revenue surpluses, and shall produce sufficient revenue to equal or exceed the annual appropriations proposed for water department operation, maintenance and debt service. The City Council shall adopt the annual water use charge in conjunction with its adoption of the annual budget. In so doing, the City Council may increase or decrease the City Manager's recommended water use charge in proportion to any increase or decrease it

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- may adopt in the City Manager's recommended appropriations for water department operation, maintenance and debt service.
- B. The quantity of water supplied by the City through a water meter in good working order shall be determined by the reading of such meter. If a meter malfunctions and fails to register, the consumer shall be charged at the average daily consumption as shown by the meter when in order.
 - C. The charges established by this section shall be due and payable by the owner of record at such time or times and in such installments, if any, as the Chief Superintendent from time to time may shut off the supply, after sending a special notice that the water will be shut off for nonpayment, and shall not again be let on for the same occupant or owner, except upon the payment of the whole amount due, together with costs as determined by the Board. The Superintendent shall, in his order of assessment, designate as the owner of a parcel assessed, the person who was liable to assessment therefor on the preceding January 1st.
 - D. A monthly interest charge of one and one-half percent shall be assessed on the balance of any water bill remaining unpaid after thirty days from the date of billing.
 - E. When water is required for purposes which are not specified in the foregoing tariff, the rates shall be fixed by the Chief Superintendent.
 - F. The Board shall have the power to prevent the erection of yard hydrants, and water shall not be supplied to any water closets unless such water closets are constructed to conform to the plumbing ordinance.

13.08.150 - Rates—Penalty for nonpayment.

- A. In all cases of nonpayment of the water rent in thirty days after the same is due, the Chief Superintendent under the direction of the Water Board shall cut off the supply, and the water shall not again be let on, for the same occupant or owner, except upon the payment also of the whole amount due together with costs as determined by the Water Board; provided, that in case of specific supplies or for fractional parts of the year, when the water has been let on, it may be cut off immediately after notice given at the place that the rent is not paid, and may be let on again upon the conditions before mentioned. The foregoing provisions shall apply when two or more parties take the water through the same service pipes, although one or more may have paid the proportion due from him or them.
- B. All bills for water furnished by meter shall be payable quarterly and if the same be not paid within twenty days after the end of the quarter, the Chief Superintendent shall cut off the supply after sending a special notice that the water will be so cut off for nonpayment.

Chapter 13.12 - WATER RESERVOIRS

Sections:

13.12.010 - Established—Fishing or swimming.

Fresh Pond, Stony Brook and Hobbs Brook are constituted reservoirs, storage basins and water supplies for the use of the City. No person shall fish, swim or bathe, or intentionally permit any animal under his control to swim or bathe in Fresh Pond, Stony Brook or Hobbs Brook, or other reservoir of the water works, or enter into the waters thereof, or place or use a boat in the same, or throw dirt, rubbish, filth, offensive or other foreign matter, or commit a nuisance therein, or on the land and driveways of the City connected therewith and appurtenant thereto.

13.12.020 - Speed limit establishment authority.

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The Water Board may regulate the use and speed of any vehicles within the enclosures of Fresh Pond, Stony Brook, Hobbs Brook or any other reservoir and may prohibit or prevent entrance of any vehicles within such enclosure.

13.12.030 - Ice skating and other winter sports.

No person shall go upon the ice of Fresh Pond, Stony Brook or Hobbs Brook, or any other reservoir of the water works for the purpose of skating or place or use a sled, ice boat, sleigh or vehicle thereon.

13.12.040 - Driving teams.

No person shall drive a team, cart, wagon or other vehicle, for the conveyance of burdens, upon the land and driveway connected with, and appurtenant to, Fresh Pond.

13.12.050 - Funeral processions.

No person shall drive or conduct a funeral, or a hearse or carriage connected with a funeral, on the driveway of Fresh Pond.

13.12.060 - Fast driving.

No person having the charge or use of a horse or other animal, shall drive or permit such horse or other animal to go at a greater rate of speed than eight miles an hour upon the driveway or within the enclosure of Fresh Pond, and the Water Board may by regulation prohibit or limit the bringing of any animals within such enclosure.

13.12.070 - Destruction of property.

No person shall injure, deface or destroy any tree, shrub, grass, path, fence, building or wall on the land and driveway connected with and appurtenant to, Fresh Pond, Stony Brook or Hobbs Brook, or other reservoir of the water works, or dig or carry away the sward, gravel, rock, stones, sand, turf or earth on such land and driveway.

13.12.080 - Climbing trees.

No person shall climb a tree on the land connected with, and appurtenant to Fresh Pond, Stony Brook or Hobbs Brook, or other reservoir of the water works, or tie a horse or other animal to a tree or fence on such land.

13.12.090 - Posting bills or advertisements.

No person shall post a bill, placard or advertisement within the grounds connected with Fresh Pond, Stony Brook or Hobbs Brook, or other reservoir of the water works.

13.12.100 Violation—Criminal Penalty.

Any person who violates any provision of this chapter and Chapters 2.70~~4~~, 13.08, (except for Sec. 13.08.090), and 13.12 of this code shall be liable to a penalty not exceeding fifty dollars for each offense. Each day of violation shall constitute a separate offense. The enforcing officers shall be employees of the Water Department, Police Officers, Animal Control Officers and the Director of the Animal Commission.

13.12.110 - Violation—Noncriminal disposition.

Whoever violates any section of this chapter may be penalized by a noncriminal disposition as provided in G. L. c. 40, §21D. Each day of violation shall constitute a separate offense.The

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enforcing officers shall be employees of the Water Department designated by the Water Board, Police Officers, Animal Control Officers and the Director of the Animal Commission. The penalty for each violation shall be not exceed fifty ~~twenty-five~~ dollars.