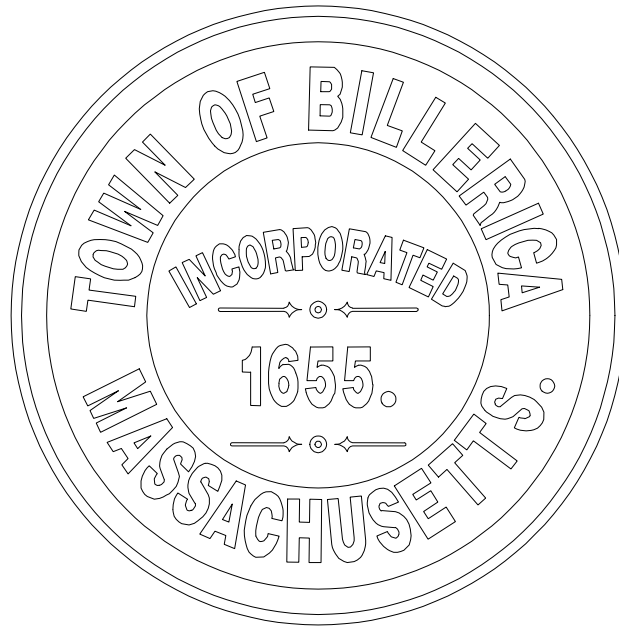


TOWN OF BILLERICA
PRELIMINARY WARRANT



ANNUAL FALL
TOWN MEETING

Annual Fall Town Meeting
Tuesday, October 2, 2012 at 7:30 PM
At
Billerica Town Hall Auditorium

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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Committee Articles

1	To Appoint One Member to the Bower's Fund			Board of Selectmen	
2	To Hear Committee Reports			Board of Selectmen	

Financial Articles

3	To Fund Collective Bargaining Agreement for School Custodians		Raise & Appropriate / Available Funds	Billerica School Committee	
4	To Fund Collective Bargaining Agreement for School Administrators		Raise & Appropriate / Available Funds	Billerica School Committee	
5	To Fund Collective Bargaining Agreement for Teachers		Raise & Appropriate / Available Funds	Billerica School Committee	
6	To Fund Collective Bargaining Agreement for School Paraprofessionals		Raise & Appropriate / Available Funds	Billerica School Committee	
7	To Fund Collective Bargaining Agreement for School Secretarial		Raise & Appropriate / Available Funds	Billerica School Committee	
8	To Fund Collective Bargaining Agreement for School Administrators		Raise & Appropriate / Available Funds	Billerica School Committee	
9	To Amend Various Fiscal Year 2013 Town and School Operating Budget Line Items	\$3,000,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
10	To Accept Chapter 32B Section 20 to Establish an Other Post-Employment Benefits (OPEB) Liability Trust Fund			Town Manager; authorized by BOS	
11	To Transfer from Health Insurance Budget into Other Post-Employment Benefits (OPEB) Liability Trust Fund	\$400,000	Available Funds	Town Manager; authorized by BOS	
12	To Fund the Debt Stabilization Trust Fund	\$724,588	Raise & Appropriate	Town Manager; authorized by BOS	
13	To Fund Town Center Reconstruction and Traffic Improvements	\$9,800,000	Borrowing	Town Manager; authorized by BOS	
14	To Fund Town Center Reconstruction and Traffic Improvements	\$1,136,730	Available Funds	Town Manager; authorized by BOS	
15	To Fund Town Center Reconstruction and Traffic Improvements	\$1,200,000	Free Cash	Town Manager; authorized by BOS	
16	To Fund General Fund Capital Budget	\$500,000	Raise & Appropriate	Town Manager; authorized by BOS	

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
17	To Fund the Substance Abuse Committee	\$25,000	Free Cash	Town Manager; authorized by BOS	
18	To Fund Regulatory Compliance of DPW Facilities	\$55,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	
19	To Fund Curricular Adoptions for Billerica Public Schools	\$350,000	Raise & Appropriate / Available Funds	Billerica School Committee	
20	To Fund the DPW Capital Equipment	\$377,900	Available Funds	Town Manager; authorized by BOS	
21	To Fund Critical Needs at the Wastewater Treatment Facility	\$1,820,000	Available Funds	Town Manager; authorized by BOS	
22	To Fund the Fiscal Year 2013 Town/School Capital Budget	\$5,000,000	Available Funds	Town Manager; authorized by BOS	
23	To Vote Free Cash to the Debt Stabilization Fund	\$3,000,000	Free Cash	Finance Committee	
24	To Vote Free Cash to be Applied to the Fiscal Year 2013 Tax Rate	\$500,000	Free Cash	Petitioner Article	
25	To Vote Free Cash to the Stabilization Fund	\$3,000,000	Free Cash	Finance Committee	
26	To Vote Free Cash to the Land Bank Account	\$3,000,000	Free Cash	Finance Committee	
27	To Vote Free Cash to be Applied to the Fiscal Year 2013 Tax Rate		Free Cash	Finance Committee	
28	To Fund Middlesex Corporate Park Sewer and Road Betterment Assessment	\$15,000,000	Betterments	Town Manager; authorized by BOS	

Local Acceptance of State Statues

29	To Accept Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986			Board of Assessors & Town Manager; authorized by BOS	
30	To Exempt Police Department Position from Civil Service			Town Manager; authorized by BOS	

By-Law Change Articles

31	To Amend Zoning By-Law			Building Commissioner	
32	To Amend General By-Law			Recreation Commission	
33	To Amend General By-Law			Water Conservation Oversight Committee	

**PRELIMINARY WARRANT
OCTOBER 2, 2012
ANNUAL FALL TOWN MEETING**

Middlesex, ss.
To Any Constable in the Town of Billerica

Greetings,

You are hereby authorized and requested to notify and warn the inhabitants of said Town of Billerica qualified by law to vote in Elections and Town Affairs, to meet at the Maurice A. Buck Memorial Auditorium, Town Hall, 365 Boston Road, Billerica, MA on Tuesday, October 2, 2012 at 7:30 PM and subsequent Thursdays and Tuesdays until all of the business in the Warrant shall have been acted upon, then and there to vote on the following articles:

ARTICLE 1 - TO APPOINT ONE MEMBER TO THE BOWER’S FUND

To see if the Town will vote to appoint one (1) member to the Bower’s Fund for a term of five (5) years; or act in relation thereto.

Submitted by the Board of Selectmen

ARTICLE 2 - TO HEAR REPORTS OF TOWN DEPARTMENTS, COMMITTEES & OFFICERS

To see if the Town will vote to hear and act upon the reports of Town Departments, Committees and Officers; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 3 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CUSTODIANS

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Custodial Employees; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 4 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL ADMINISTRATORS

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Administrators Group affiliated with the Massachusetts Association of Professional School Administrators; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - TEACHERS

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, MFT, AFT, AFL-CIO; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL PARAPROFESSIONALS

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, MFT, AFT, AFL-CIO, Paraprofessionals; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL SECRETARIAL

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Secretarial Employees; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL ADMINISTRATORS

To see if the Town will raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Administrators Group affiliated with the Massachusetts Association of Professional School Administrators; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 9 - TO AMEND VARIOUS FISCAL YEAR 2013 TOWN AND SCHOOL OPERATING BUDGET LINE ITEMS

To see if the Town will vote to raise and appropriate, transfer from available funds or reduce various line items by the sum of \$3,000,000 to amend the Fiscal Year 2013 Town and School Operating Budget; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 10 - TO ACCEPT CHAPTER 32B SECTION 20 TO ESTABLISH AN OTHER POST-EMPLOYMENT BENEFITS (OPEC) LIABILITY TRUST FUND

To see if the Town will vote to accept the provisions of M.G.L. Chapter 32B, Section 20 to establish an Other Post-Employment Benefits (OPEB) Liability Trust Fund; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 11 - TO TRANSFER FROM HEALTH INSURANCE BUDGET INTO OTHER POST-EMPLOYMENT BENEFITS (OPEB) LIABILITY TRUST FUND

To see if the Town will vote to transfer from the Town/School Shared Cost – Health Insurance Budget (91070-7012) the sum of \$400,000 and to appropriate the sum to fund the Other Post-Employment Benefits (OPEB) Liability Trust Fund; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 12 - TO FUND THE DEBT STABILIZATION TRUST FUND

To see if the Town will vote to raise and appropriate the sum of \$724,588 to fund the Debt Stabilization Trust Fund; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 13 - TO FUND TOWN CENTER RECONSTRUCTION AND TRAFFIC IMPROVEMENTS

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of \$9,800,000 for the Town Center Reconstruction and Traffic Improvements Project; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 14 - TO FUND TOWN CENTER RECONSTRUCTION AND TRAFFIC IMPROVEMENTS

To see if the Town will vote to reauthorize the previously unexpended balances of the previously approved Town Meeting Articles:

2000 Annual Fall Town Meeting, Article 12	\$ 136,730
2001 Annual Fall Town Meeting, Article 6	\$1,000,000

to fund the Town Center Reconstruction and Traffic Improvements Project; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 15 - TO FUND TOWN CENTER RECONSTRUCTION AND TRAFFIC IMPROVEMENTS

To see if the Town will vote to transfer from Free Cash the sum of \$1,200,000 to fund the Town Center Reconstruction and Traffic Improvement Project; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 16 - TO FUND GENERAL FUND CAPITAL BUDGET

To see if the Town will vote to raise and appropriate the sum of \$500,000 to fund a new General Fund Capital Budget (72040-5850); or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 17 - TO FUND THE SUBSTANCE ABUSE COMMITTEE

To see if the Town will vote to transfer from Free Cash the sum of \$25,000 to fund the Substance Abuse Committee; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 18 - TO FUND REGULATORY COMPLIANCE OF DPW FACILITIES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund \$55,000 for regulatory compliance audits for DPW facilities on Boston road and the Wastewater Treatment Plant per the Consent Decree issued by DEP/EPA; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 19 - TO FUND CURRICULAR ADOPTIONS FOR BILLERICA PUBLIC SCHOOLS

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$350,000 to fund the adoption of new educational programs aligned with the Massachusetts Curriculum Frameworks and the national Common Core standards; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 20 - TO FUND THE DPW CAPITAL EQUIPMENT

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund \$377,900 for the following DPW Capital Equipment:

F350 Pick up- Highway (to replace 1999 H-11)	\$38,700
F350 Pick up – Highway (to replace 1996 H-10)	\$38,700
F250 Pick up –Administration (to replace 1997 A-2)	\$37,400
F250 Pick up –Water (to replace 2000 W-4)	\$37,400
F250 Pick up –Water (to replace 2000 W-5)	\$37,400
F350 Pick up –Water (to replace 1997 W-8)	\$38,700
F250 Pick up – Cemetery (to replace 1994 C-3)	\$37,400
F250 Pick up – Wastewater (to replace 2001 S-2)	\$37,400
F250 Pick up – Wastewater (to replace 2000 S-4)	\$37,400
F250 Pick up –Wastewater (to replace 1997 S-8)	<u>\$37,400</u>
	\$377,900

Or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 21 - TO FUND CRITICAL NEEDS AT THE WASTEWATER TREATMENT FACILITY

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,820,000 for design and construction of new influent screens a the Wastewater Treatment Facility, as detailed in the Comprehensive Wastewater Management Plan (CWMP); or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 22 - TO FUND THE FISCAL YEAR 2013 TOWN/SCHOOL CAPITAL BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,000,000 to fund the Fiscal Year 2013 Town Capital Budget; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 23 - TO VOTE FREE CASH TO THE DEBT STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,000,000 to the Debt Stabilization Fund; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 24 – PETITIONER ARTICLE

To see if the Billerica Town Meeting will vote to transfer \$500,000 (five hundred thousand dollars) from Free Cash to offset the Fiscal Year 2013 real estate taxes; or act in relation thereto.

Submitted by Michael Rosa and Messrs. Cerrato, Rosa, Sarno, Jansen, Capezza and Madames Rosa, Demeo, Cerrato, Rosa, Pagliuca, Pagliuca and Jansen.

ARTICLE 25 - TO VOTE FREE CASH TO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,000,000 to the Stabilization Fund; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 26 - TO VOTE FREE CASH TO THE LAND BANK ACCOUNT

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,000,000 to the Land Bank Account; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 27 - TO VOTE FREE CASH TO BE APPLIED TO THE FISCAL YEAR 2013 TAX RATE

To see if the Town will vote to transfer from Free Cash a sum of money to be applied to the Fiscal Year 2013 tax rate; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 28 – TO FUND MIDDLESEX CORPORATE PARK SEWER AND ROAD BETTERMENT ASSESSMENT

To see if the Town will vote to borrow \$15,000,000 for the Middlesex Corporate Park Sewer and Road Betterment Assessment; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 29 - TO ACCEPT CHAPTER 126 OF THE ACTS OF 1988 AND CHAPTER 73 OF THE ACTS OF 1986

To see if the Town will vote to accept the provisions of M.G.L. Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986 in order to offer optional additional real estate tax exemptions to persons who qualify for current property tax exemptions under Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A and 41C of Section 5 of M.G.L. Chapter 59 in the amount of a uniform 60% increase for all persons qualified; or act in relation thereto.

Submitted by the Board of Assessors and the Town Manager; authorized by the Board of Selectmen

ARTICLE 30 - TO EXEMPT POLICE DEPARTMENT POSITION FROM CIVIL SERVICE

To see if the Town will vote to authorize and direct the Board of Selectmen to petition the Legislature to pass an Act to exempt from Civil Service Law the position of Building Maintenance Craftsman in the Billerica Police Department; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

ARTICLE 31 - TO AMEND ZONING BY-LAW

To see if the Town will vote to amend the Zoning By-Laws by deleting the following section:

Section 7.D.7 – An accessory building, structure or use with a gross square footage of 100 or less may be placed in the side or rear yard of a lot with a 7 ½ foot side yard and a 10 foot rear yard. All other accessory buildings, structures or uses shall comply with the minimum yard requirements for principal buildings, structures or uses.

And replace Section 7.D.7 with the following:

Section 7.D.7 – An accessory building with a gross square footage of 120 or less and a maximum height of 15' shall be exempt from the rear and side yard setback requirements. All other accessory buildings and structures shall comply with the minimum yard requirements for principal buildings and structures.

Submitted by the Building Commissioner

ARTICLE 32 – TO AMEND GENERAL BY-LAW

To see if the Town will vote to make the following changes to the Town of Billerica General By-Laws, Article VII as follows; or act in relation thereto.

2.1 Restraint of Dogs

No person shall own, keep or harbor in the Town, outside the confines of the owner's property (meaning owned, rented or leased), any dog which is not held firmly on a lash, no longer than six (6) feet, by a person who shall have control of such a dog, **except in any area officially designated by the Board of Selectmen for off-leash activities.**

2.2 Off-Leash Areas

Within areas that have been officially designated as off-leash areas by the Board of Selectmen, dogs may be allowed to run at large, subject to such rules and regulations as may be determined by the Board of Selectmen. Owners of dogs shall be legally responsible for any and all injury or destruction of property caused by their dog(s) in an off-leash area.

Submitted by the Recreation Commission

ARTICLE 33 - TO AMEND GENERAL BY-LAW

To see if the Town will vote to amend Article 8, Section 6 of the General By-Laws by deleting the present By-Law and inserting in its place the following to read:

6.0 WATER CONSERVATION

Definitions

State of Water Supply Emergency: A state of water supply emergency declared by the Massachusetts Department of Environmental Protection under M.G.L. Chapter 21G, Section 15-17.

State of Water Supply Conservation: A state of water supply conservation declared by the Billerica Board of Selectmen pursuant to Section 6.2 of this By-Law.

Water User: All public and private users connected to the Town's public water supply, irrespective of any user's responsibility for billing purposed for water used on any particular site. Also included are the water users that are beyond the Town's statutory boundaries.

Non Essential Uses:

- Irrigation of lawns via sprinklers or automatic in-ground irrigation systems
- Manual washing of vehicles, except as necessary for operator safety;
- Washing of exterior building surfaces, parking lots, driveway or side walks
- Exceptions to these are listed below in this bylaw.

Drought Advisory: Includes any drought advisory or higher advisory issued by the Massachusetts Drought Advisory Task Force for the area in which the Town is located.

Allowed Outdoor uses:

- Use for health or safety
- By regulation
- For the production of food and fiber
- For the maintenance of livestock
- To meet the core function of a business (golf courses, plant nurseries, etc)

6.1 Authority

This by-law is adopted by the Town under its police powers to protect the public health and welfare and its powers under M.G.L. Chapter 40, Section 21 et seq and implements the Town's authority to regulate water use pursuant to M.G.L. Chapter 41, Section 69B. This By-Law also implements the Town's authority under M.G.L Chapter 40, subsection 41A, conditioned upon a declaration of water supply emergencies issued by the Department of Environmental Protection; or drought advisory issued by the Massachusetts Drought Advisory Task Force.

6.2 Declaration of State of Water Supply Conservation

6.2.1 At the request of the Director of Public Works Department, the Town Manager shall ask the Board of Selectmen to declare a State of Water Supply Conservation. Upon determination by a majority vote of the Board of Selectmen that a shortage of water, treatment limitation, distribution limitation exists, and / or an exceedance of the Town's permit to withdraw water from the Concord River is likely to occur, conservation measures that are appropriate to insure that an adequate supply of water at sufficient pressure to all users shall be enacted as specified in section 6.4 of the by-law. Public notice of a State of Water Supply Conservation shall be given under Section 6.5 of this by-law before it may be enforced.

6.2.2 In the event of a vacancy of a DPW Director, the Town Manager shall ask the Board of Selectmen to declare a State of Water Supply Conservation. In the event of a vacancy of a Town Manager, The DPW Director shall ask the Board of Selectmen to declare a State of Water Supply Conservation.

6.3 Restricted Water Uses

6.3.1 Residential and commercial non essential water use will be allowed on specified day(s) before 9:00AM and after 5PM. Municipal use of water for recreation fields will be allowed every other day before 9:00AM and after 5PM.

6.3.2 Private well water is not subjected to this by-law. However, any property using a private well to supply outdoor watering must provide a sign clearly visible from the street that indicates the use of well water. This sign shall be a maximum of one square foot in size.

6.4 Stages and Penalties of Water Supply Restrictions

6.4.1 A declaration of a State of Water Supply Conservation shall invoke Stage I-II restrictions limiting the uses of water as necessary to protect the water supply and public safety. The applicable water conservation Stage with restrictions, conditions and enforcement shall be included on the public notice required under section 6.

6.4.2 Stage I – Effective May 1 – October 1

Mandatory

Non-essential outdoor water use will be allowed two (2) days per week. Allowable days will be at the discretion of the DPW director. Non-essential outdoor water use will only be allowed before 9:00AM and after 5PM on the designated days.

Lawns, gardens, flowers and ornamental plant may be watered by use of a hand held hose on any day of the week.

	<u>Residential</u>	<u>Commercial</u>
First Violation	Written Citation	Written Citation
Second Violation	\$50.00	\$100.00
Subsequent Violation	\$100.00	\$200.00
Subsequent Violation – May result in termination of service plus cost of termination and restoration.		

6.4.3 Stage II - Mandatory

Non-essential outdoor water use will be allowed one (1) day and only before 9:00 AM and after 5PM. Allowable day will be at the discretion of the DPW director.

Lawns, gardens, flowers and ornamental plant may be watered by use of a hand held hose on any day of the week.

	<u>Residential</u>	<u>Commercial</u>
First Violation	Written Citation	Written Citation
Second Violation	\$50.00	\$100.00
Subsequent Violation	\$100.00	\$200.00
Subsequent Violation – May result in termination of service plus cost of termination and restoration.		

6.4.4 Stage III – Mandatory Water Conservation

All outside use of water forbidden. Hand held hoses may not be used.

	<u>Residential</u>	<u>Commercial</u>
First Violation	Written Citation	Written Citation
Subsequent Violation – Termination of service plus cost of termination and restoration.		

6.5 Public Notification of a Declaration of a State of Water Supply Conservation

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such means reasonably calculated to reach and inform all water users of the State of Water Supply Conservation. Any restriction imposed under Section 6.4 shall not be in effect until such notice is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

6.6 Termination or Change of State of Water Supply Conservation

A State of Water Supply Conservation may be terminated or restricted or a restriction stage may be changed by a majority vote of the Board of Selectmen, after consultation with the Town Manager. Public notification of termination of a State of Water Supply Conservation shall be given in the same manner required by Section 6.5 unless the termination date was included.

6.7 State of Water Supply Emergency: Compliance with DEP Orders

Upon notification to the public that a State of Water supply Emergency has been issued by the Massachusetts Department of Environmental Protection, no person shall violate any provision, restriction, requirement or condition of any order approved or issued by MA DEP intended to bring about an end to the State of Water Supply Emergency.

6.8 Penalties during Water Conservation Conditions

6.8.1 For Stage II and Stage III, first violation notice shall state the consequences for each subsequent violation cited during the restriction period.

6.8.2 Cost of termination and restoration of water service and all fines shall be paid in full before service is restored.

6.8.3 Termination and restoration charge shall be a minimum \$100.00 or actual cost if higher. Where service restoration can reasonable be accomplished only outside the Billerica Water Division's normal working hours (Monday through Friday, 7:00AM to 3:30PM), the termination and restoration charge imposed on a customer of record and subsequent violations may be higher than \$100.00 in order to recover the Division's actual overtime costs. The Charge imposed outside normal working hours shall be limited to the Division's actual costs which vary according to the time and personnel involved, day of the week and time of day and holidays.

6.8.4 The charge for termination and restoration is applicable to all customers located on the mains of the Town for the purpose of water conservation conditions.

6.8.5 Fines shall be recovered by non-criminal disposition in accordance with MGL Chapter 40, Section 21D. Each day of violation shall constitute a separate offense.

6.8.6 The Water Division shall be the primary enforcing agent for the by-law.

6.9 Special Restrictions**6.9.1 Automatic Sprinkler Irrigation Systems**

6.9.1.1 All automatic irrigation systems shall require a permit from the Plumbing Inspector prior to installation and operation. All automatic irrigations systems shall be required to have a rain sensor device and a back flow prevention device installed. The fee for said permit shall be set by the Board of Selectmen.

6.9.2 Swimming pools

6.9.2.1 For purposes of this section, a swimming pool is defined as any permanent in-ground or above ground pool with a minimum size of four feet deep and fifteen feet in diameter.

6.9.2.2 Any complete filling of swimming pools during periods of water restriction shall be done by the use of private water source.

6.9.2.3 Adding water due to evaporation and normal maintenance shall be done with in the provisions set forth by this by-law.

6.10 Exemptions

Exemptions from this by-law shall include new construction erosion control systems and the establishment of wetlands replication. Exemptions shall also include commercial agriculture, water to sustain animal life and commercial car washes. These sites shall be identified and have a water audit conducted by a designee of the DPW Director. All persons seeking exemption from this by-law for said purposes shall obtain an exemption in writing from the Director of Public Works or his designee.

6.11 Severability

“IF ANY SECTION OF THIS BY-LAW SHALL BE FOUND TO BE UNCONSTITUTIONAL OR OTHERWISE INVALID, ALL REMAINING SECTIONS SHALL REMAIN IN EFFECT....”

Submitted by the Water Conservation Oversight Committee

