

## HILLCREST WATER DISTRICT BYLAWS

- ARTICLE 1.** This water District shall be designated the Hillcrest Water District in accordance with Chapter 358, Acts of 1950.
- ARTICLE 2.** All elections of the District will be ballot using a ballot box, a checklist and a warden.
- ARTICLE 3.** All meetings of the District shall be called by a warrant of the Water Commissioners, or upon petition of twenty or more legal voters, by a warrant of the Selectmen or a Justice of the Peace directed to the District Clerk or a Constable, stating the subject matter to be acted upon, to be posted in two or more public places at least seven days before the time of the meeting. A moderator shall be elected at the beginning of each meeting. Ten legal voters shall constitute a quorum to transact business. All warrants shall include an article which shall read: "To discuss any other business that may properly come before the meeting." A legal voter of the District shall be a registered voter in the Town of Leicester with ownership of property within the District.
- ARTICLE 4.** The Annual Meeting shall be held on the second Monday in the month of May each year.  
**AMEND TO READ: SECOND TUESDAY.**
- ARTICLE 5.** The officers of the District shall consist of a Clerk, a Treasurer, and a Board of Water Commissioners of three members. These officers shall be elected by ballot vote, the Clerk for one year, the Treasurer for two years, and one Water Commissioner for three years, and shall receive such salary or compensation as the District may vote.  
**AMEND TO READ: OFFICERS OF THIS DISTRICT SHALL CONSIST OF A BOARD OF WATER COMMISSIONER OF THREE MEMBERS-TERM OF OFFICE THREE YEARS, ONE COMMISSIONER ELECTED EACH YEAR AND SHALL RECEIVE SUCH COMPENSATION AS THE DISTRICT MAY VOTE.**
- ARTICLE 5a.** Elected officers shall take office July 1.  
**AMEND TO READ: TAKE OFFICE UPON ELECTION.**
- ARTICLE 6a.** The treasurer shall receive all Moines or funds due the District, direct or through collectors appointed in conference with Commissioners, and deposit said monies in some bank or Trust Company within the Commonwealth, and shall pay out same only on warrants signed by a majority of Water Commissioners. The Treasurer shall give bonds and surety as approved by the Commissioners.
- ARTICLE 6b.** The Treasurer shall keep a true record of all customers and water takers together with all charges against those within and outside the District. The Treasurer shall cause all water bills to be sent out the first of each quarter, also other charges when rendered by the Commissioners, and credit all payments to each customer, make such reports to the Commissioners as they may request, of the finances of the District. With the first bill sent to a new customer, copies of the bylaws and rules and regulations shall be included.
- ARTICLE 6c.** The Treasurer, in his annual report, shall furnish a balance sheet showing the assets and liabilities of the District and detailed schedules of the receipts and expenditures.
- ARTICLE 7a.** The Clerk shall keep a correct account of the proceedings of all District Meetings.
- ARTICLE 7b.** The Clerk shall have a certified copy of the voting list at all meetings.

- ARTICLE 7c.** The Clerk shall, as soon as an order or vote appropriating money becomes effective, certify to the Assessors of the Town and to the Treasurer of the District, each appropriation in detail, and the provisions made for meeting the same, if specified in the appropriation order or vote.
- ARTICLE 8a.** The Water Commissioners shall have the general direction of the affairs of the District in reference to construction, operation, installation and maintenance. They may appoint and hire such assistants and help as they deem for the best interest of the District. They shall pass on all bills and draw warrants on the Treasurer for all bills they approve.
- ARTICLE 8b.** All records, plans, documents, letters, and papers relating to the affairs of the District, unless otherwise provided by law, shall be catalogued, and be in the custody and control of the Board of Water Commissioners and shall become the property of the District
- ARTICLE 8c.** The annual report of the Commissioners shall include: the assessed valuation of the District; total bonded debt of the District; homes in the District; miles of mains; number of new installations; new extensions including location, extent and size of pipe; and an inventory of all the property and equipment owned by the District. A certified list of the estates exempt from taxation under the provisions of Section 7, Chapter 358, shall be included in the annual report.
- ARTICLE 8d.** The Commissioners shall request a biennial state audit of the books of the District.
- ARTICLE 8e.** The Board of Water Commissioners shall be a part of every special committee appointed by the Moderator or elected by the District.
- ARTICLE 9.** No property or equipment owned by the District and valued in excess of \$50.00 shall be sold or transferred unless so voted by the District.
- ARTICLE 10.** The duties of the Moderator shall be as prescribed by Chapter 39, Sections 14 to 18 inclusive of the General Laws of Massachusetts.
- ARTICLE 11.** These bylaws may be amended at any regular meeting of the District, provided an article is in warrant of the call of the meeting, stating the article to be amended, and on a majority vote of the voters present voting for the approval of said amendment.
- ARTICLE 11a.** The fiscal year shall end June 30 of each year, in accordance with the Acts of 1949.
- ARTICLE 12. New Article to be added per the Department of Environmental Protection**

**Section 1 Authority**

This Bylaw is adopted by the District under its power to protect public health and welfare and it implements the district authority to regulate water use pursuant to M.G.L.c.41, section 69B. This bylaw also implements the District's authority under M.G.L. c.40, section 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

**Section 2 Purpose**

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare wherever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement any duly imposed restrictions, requirements, provisions or conditions imposed by the District or by the Department of Environmental Protection.

**Section 3**     **Definitions**

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environment Protection under M.G.L. c.21G, Section 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the District to Section 4 of this bylaw.

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

**Section 4**     **Declaration of a State of Water Supply Conservation**

The District through its Board of Water Commissioners, may declare al State of Water Supply Conservation upon a determination by a majority vote of the Board 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 Conservation shall be given under section 6 of this bylaw before it may be enforced.

**Section 5**     **Restricted Water Use**

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 6.

- a) **Outdoor Watering Ban** Outdoor watering by water users with odd numbered addresses is restricted to odd number days. Outdoor watering by water users with even numbered addresses is restricted to even number days.
- b) **Outdoor Watering Ban** Outdoor watering is prohibited.
- c) **Uses of** All Lawn and garden sprinklers is prohibited.
- d) **Outdoor Water Hours** Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- e) **Filling Swimming Pools** Filling of swimming pools is prohibited.
- f) **Automatic Sprinkler Use** The use of automatic sprinkler system is prohibited.

**Section 6**     **Public Notification of a State of Water Supply Conservation:**  
**Notification of DEP**

Notification of any provision, restriction, requirement or condition imposed by District as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restrictions imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

**Section 7**     **Termination of a State of Water Supply Conservation: Notice**

A State of Water Supply conservation may be terminated by a majority vote of the Board of Water Commissioners, 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 6.

**Section 8**     **State of Water Supply Emergency: Compliance with DEP Orders**

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

**Section 9**     **Penalties**

Any person violating this bylaw shall be liable to the District in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation which shall inure to the District for such uses as the Board of Water Commissions 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. Each day of violation shall constitute a separate offense.

**Section 10**    **Sererability**

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provisions thereof.

**HILLCREST WATER DISTRICT BYLAWS**  
**Accepted at the May 9, 2000 Annual Meeting**

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- ARTICLE 5.** The officers of the District shall be elected by ballot at the Annual Meeting. They shall include one Clerk elected for a one year term, A Board of Water Commissioners of three members, with one Commissioner elected each year for a term of three years, and one Treasurer appointed by a majority of the Board of Commissioners. Officers of the District shall receive such salary or compensation as the District may vote.
- ARTICLE 5a.** Elected officers shall take office upon election.
- ARTICLE 5b.** The Treasurer may be removed by a unanimous vote of the Board of Water Commissioners.
- ARTICLE 6a.** The treasurer shall receive all Moines or funds due the District, direct or through collectors appointed in conference with Commissioners, and deposit said monies in some bank or Trust Company within the Commonwealth, and shall pay out same only on warrants signed by a majority of Water Commissioners. The Treasurer shall give bonds and surety as approved by the Commissioners.
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