

BY-LAWS

of the

ADAMS FIRE DISTRICT

ADAMS, MASSACHUSETTS

2022

**BY-LAWS
of the
ADAMS FIRE DISTRICT**

As adopted and approved at the Annual Meeting held on March 27, 1965, and including all amendments thereto, through the Special Meeting held on June 16, 2022.

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The Adams Fire District as now constituted was originally created by act of the State Legislature as, "The South Adams Fire District" by Acts and Resolves of 1873, Chapter 197; later changed to the "Adams Fire District" by the Acts of 1892, Chapter 222. The Act was for "Supplying South Adams with Pure Water". The Adams Fire District has always supplied the territory comprising the District with Water, Fire Protection and Street Lights.

**ARTICLE 1
Annual Meeting**

The Annual Meeting of the Adams Fire District shall be held after April fifteenth but before June first in each year, at a time and place within the territory of the District, to be designated in the warrant issued for said meeting. The annual meeting shall be called by the Clerk in pursuance of a warrant under the hands of the Prudential Committee, or a majority thereof, and he shall give due notice of the same by having attested copies of the same warrant posted in two or more public places within the territory of the District ~~*and by advertising the same in newspaper published in Adams or in the county,*~~ not less than seven days prior to the date of said meeting.

*Adopted May 17, 2011- Annual Meeting

**ARTICLE II
Officers**

Section 1. The officers of the Adams Fire District shall consist of a Prudential Committee of three persons; a Clerk and Treasurer; a Chief Engineer; and four Assistant Engineers to be known as First, Second, Third and Fourth Assistant Engineers. All persons seeking office in the Adams Fire District shall be legal voters of the Town of Adams residing within the territory of the District.

Section 2. The term of office of elected officials shall be one Prudential Committeeman elected each year for a term of three years; Clerk and Treasurer for a term of three years; Chief Engineer and Four Assistant Engineers elected each for a term of three years.

Section 3. All elected officials shall hold office until their successors are chosen and qualified.

Section 4. Vacancies occurring in any elective office, except Treasurer and any office of Engineer, may be filled by written ballot at any legal meeting called for that purpose. Any vacancy occurring in the office of Treasurer, the Prudential Committee may, in writing, appoint a temporary Treasurer who shall hold office until another is chosen at the next annual meeting of the District. Whenever the Treasurer may be temporarily prevented from performing his duties, the Prudential Committee may, in writing, appoint an acting Treasurer. In either case, the acting or temporary Treasurer shall give bond in a like manner as the elected Treasurer.

Section 5. The officers of the District shall respectively receive for their services such compensation as the District may determine at any annual meeting.

Section 6. In the event a vacancy occurs in any office of Engineer by failure to elect or otherwise, the Prudential Committee shall by roll call vote appoint a qualified person to fill the vacancy for the balance of the unexpired term.

ARTICLE III

Eligibility to Vote

Any person to be eligible to vote in Fire District meetings shall be a legal voter of the Town of Adams residing within the territory of the District.

ARTICLE IV

Finances

Section 1. The fiscal year of the Adams Fire District shall be the year beginning with July first and ending with the following June thirtieth.

Section 2. All notes, bonds or other indebtedness shall be authorized by a vote of the District in accordance with the General laws of the Commonwealth, and all such notes, bonds or indebtedness shall be signed by the Treasurer and countersigned by the Prudential Committee, or majority thereof.

Section 3. No money shall be paid from the treasury, except notes or bonds as above provided, and the interest on the same, without approval of the Prudential Committee.

ARTICLE V

Special Meetings

Section 1. Special meetings of the District shall be called by the Clerk, when requested in writing by a majority of the Prudential Committee or by following Massachusetts General laws, Chapter 39; Section 10, which states that a Special Meeting can be called upon written request of two hundred (200) registered voters of the District, or of twenty percent of the total number of registered voters in the District, whichever number is the lesser, and he shall give legal notice of the same in the manner provided for the calling of the annual meeting.

Section 2. Special meetings must be called within thirty (30) days of receipt of such request by the Prudential Committee.

ARTICLE VI

Warrants

Section 1. The Prudential Committee shall be charged with the duty of preparing the warrant for all meetings. They shall cause to be inserted in the warrant for the annual meeting, all subjects, the insertion of which shall be requested of them in writing, by ten (10) or more legal voters residing within the territory of the District.

Section 2. The warrant for special meetings shall include all subjects, the insertion of which shall be requested, in writing, by fifty (50) registered voters residing within the territory of the District.

Section 3. The warrant for posting shall be directed to a Constable of the Town of Adams. He shall be responsible for attested copies thereof being posted in two or more public places within the territory of the District, ~~*and also advertised in a newspaper having general circulation within the territory of the District.~~ *not less than seven days prior to the date of said meeting.*

*Adopted August 31, 2017- Special Meeting

Section 4. All requests for insertion of subjects in the warrant for the annual meeting shall be in the hands of the Prudential Committee fourteen (14) days, at least, prior to the date of said meeting.

ARTICLE VII

Nominations

Every nomination paper of a candidate for office in the District shall, before being filed, be submitted, on or before five o'clock in the afternoon on the Friday preceding the day on which it must be filed, to the registrar of voters, who shall forthwith certify thereon the number of signatures which are names of voters qualified to vote in the District. Such nomination papers then shall be filed with the Clerk of the District on or before five o'clock in the afternoon of the second Tuesday prior to the date for which the election is called. Application shall be in the same form as that required for nomination papers for town elections and shall bear the required number of signatures. Such papers shall be secured from the Clerk of the District.

ARTICLE VIII

Ballot

The ballot shall be known as the official ballot of the Adams Fire District. It shall be a secret ballot and shall contain the signature of the Clerk of the District. The ballot shall be so arranged as to contain the names of all candidates and the office sought, length of term and number to be elected to each office. Such other information as may be required to comply with any laws pertaining to the preparation of a ballot shall be included.

ARTICLE IX

Meetings

Section 1. All meetings of the District shall be called to order by the Clerk of the District, or by a member of the Prudential Committee, in event of the inability, for any cause, of the Clerk to perform such duty. The first order of business to be transacted shall be the election of a Moderator. The officer presiding over the meeting shall call for nominations for the position of Moderator and after nominations have been made and closed, the Moderator shall be elected by ~~*ballot~~ majority vote of those present and voting at such meeting.* The Moderator shall have all the powers of the Moderator at town meetings.

*Adopted August 31, 2017- Special Meeting

Section 2. Meetings may be adjourned, from time to time, for the consideration of any articles in the warrant, except an article calling for the election of District Officers.

Section 3. Two or more distinct District meetings for distinct purposes may be called by the same warrant.

ARTICLE X

Treasurer

The Treasurer shall be required to give bond in such sum as may be legally required, the sureties to be satisfactory to the Prudential Committee, for the faithful performance of his official duties. He shall receive and be responsible for all sums of money belonging to the District, and pay over and account for the same according to its order, or in accordance to the order of the Prudential Committee. He shall also keep a regular account of all monies received and expended by him, and submit a detailed report immediately after the close of the fiscal year, and at such other times as the District may require.

ARTICLE XI

Prudential Committee

Section 1. The Prudential Committee shall expend for the purposes required by the District, the money so raised, borrowed or appropriated. It shall have supervision of the finances of the Fire Department and have such other responsibilities as defined by statute.

Section 2. It shall make such appointments as it deems necessary to properly administer the affairs of the District. It shall have authority to determine and establish a tariff of water rates, from time to time, and make such rules and regulations for the introduction and use of water as needed. All authority granted to the District at any time shall be vested in the Prudential Committee, which shall be subject, however, to such instructions, and rules and regulations as said District may impose by vote.

ARTICLE XII

Fire Department

The Chief Engineer, with the aid of his assistant engineers, shall be in sole charge of the Fire Department, and shall be in command, at fires, over all members of the Fire Department, and perform all other duties as prescribed by statute.

The Chief Engineer shall be responsible for proper care and protection to the District. He shall request, in writing, to the Prudential Committee for the expenditures for the Fire Department.

The Adams Fire District shall recognize the Adams Alert Hose Company, individually and as a unit, for the prevention and suppression of uncontrolled fires, and under the direction of the Adams Fire District Engineers.

ARTICLE XIII

Business Operating Rules and Regulations

The following regulations, until further notice shall be considered a part of the contract with every person or party who uses water taken from the services of the Adams Fire District.

1. All applications for the use of water must be made at the office of the Adams Fire District, stating fully the purposes for which it is intended to be used. Such applications should be made at least thirty (30) days prior to any need of same. Installation of water services may be restricted during the months of December, January, February and March.

2. (a) A deposit of fifty (50) dollars shall be made with every application for a new water service, which deposit shall be applied to a charge for the expense of bringing water service from the main to the curb line.

In case of a water service repair or renewal, the owner of said real estate is responsible for all costs incurred in repairing or replacing the water service from the main to the curb line.

All requests for new water services, water service repairs or water service renewals must be approved by the Adams Fire District Superintendent or its authorized agent.

(b) The cost of all labor and materials, excluding, however, water meters up to and including one inch in size, provided on private real estate shall be paid for by the owner of such real estate. The amount payable shall be as from time to time established by the Prudential Committee. The Prudential Committee may require a deposit for such work in such amount as the Prudential Committee deems appropriate.

(c) There shall be a charge for water meters in excess of one inch in size and for the installation thereof in such amount as from time to time established by the Prudential Committee.

(d) No person or entity, other than Adams Fire District Water Department personnel, is permitted to turn on, shut off or remove any water service or water main or connect any service pipe for conveying water from any of the main or distribution pipes to any house, building or manufacturing plant, or for any purpose whatever without the written permission of the Adams Fire District Superintendent, or its authorized agent and will be subject to a fine of \$300.00 for each offense.

~~*3. (a) The Prudential Committee shall each fiscal year establish water rates for metered water. A record of such rates shall be maintained and shall be open for inspection by the public.~~

~~———— (b) The Prudential Committee shall each fiscal year establish a fee for fire protection and street lighting. A record of such fees shall be maintained and shall be open for inspection by the public.~~

~~———— (c) The Prudential Committee shall from time to time establish fees for shut off and reactivation of water service, and other charges for materials and services. A record of such fees and charges shall be maintained and shall be open for inspection by the public.*~~

3. (a) The Fire District shall raise by taxation money for fire protection and street lighting, as provided by Section 69 and 73 of Chapter 48 of the General Laws. A record of such taxes shall be maintained and shall be open for inspection by the public.

All bills for fire protection and street lighting shall be paid semi-annually at Town Hall. See the Town of Adams for their collection policies.

(b) The Prudential Committee shall each fiscal year establish water rates for metered water. A record of such rates shall be maintained and shall be open for inspection by the public.

All bills for water shall be paid quarterly at the Fire District Office. Interest shall be added at the rate of 14% per annum for all unpaid balances not paid within 30 days from date of mailing the bill. In the case of partial payment, payment shall be first applied toward interest.

(c) The Prudential Committee shall from time to time establish fees for other services and materials relating to the Fire Department and Water Department. A record of such fees and charges shall be maintained and shall be open for inspection by the public.

All other charges shall be paid as billed at the Fire District Office. Interest shall be added at the rate of 14% per annum for all unpaid balances not paid within 30 days from date of mailing the bill. In the case of partial payment, payment shall be first applied toward interest.*

*Adopted June 16, 2022- Special Meeting

4. No use shall be made of water by any person, other than such as are entered in the application for water service, without the consent of the Superintendent of the Fire District.

5. All real estate located within the Fire District assessed as a separate entity for local taxation under the laws of the Commonwealth of Massachusetts shall require a separate metered service from the Fire District. In addition, all internal plumbing for potable water shall be independent from all other potable water services within the same building.

6. No water mains will be installed on unaccepted streets at District expense wherein the same is being developed as a new residential, commercial or industrial project. Whenever an area of land is developed, the developer shall install, at his expense, all necessary water mains, using eight (8) inch pipe as a minimum, without the expectation of financial assistance or reimbursement from the Fire District. In cases where the specifications of the Fire District Officials shall call for the use of pipe greater than eight (8) inches in diameter for reasons and provisions not attributable to the development of the particular developer, the developer shall be reimbursed by the District for the excess in cost of installing the specified pipe, over the cost of installing eight (8) inch pipe. All water mains and related facilities installations will be under the supervision of the Adams Fire District Superintendent, or the District's authorized agent and will be subject to the "Rules and Regulations of the Adams Fire District Governing the Design and Construction of Water Systems" as adopted and revised from time to time by the Prudential Committee.

7. All new water services including fire sprinkler services shall pay with every application for such service a one time Capital Outlay fee in accordance with the following schedule:

Pipe up to and including one inch	\$ 500.00
Pipe in excess of 1" up to and including 2"	2000.00
Pipe in excess of 2" up to and including 4"	4000.00
Pipe in excess of 4" up to and including 6"	6000.00
Pipe in excess of 6" up to and including 8"	8000.00
Pipe in excess of 8" --- the fee to be established for each project, by the Prudential Committee, after review of plans and anticipated usage.	

The Capital Outlay fee shall be in addition to all other fees and charges associated with the installation of the new service. The Prudential Committee may waive the Capital Outlay Fee, under special circumstances, when deemed it would be in the best interest of the District.

All revenues generated by the above fees shall be placed in a Capital Outlay Fund. This fund shall be used exclusively for the upgrading of and repairs to the water distribution system of the Adams Fire District.

8. The Adams Fire District, in accordance with Massachusetts Department of Environmental Protection 310 CMR 22.22 Rules, will maintain a continuing Cross Connection Control Program, the purpose of which is to:

Protect the public potable water supply of the Town of Adams from the possibility of contamination or pollution.

Promote the elimination or control of existing cross-connections, actual or potential.

Provide the continuance of this program which will systematically and effectively prevent the contamination or pollution of all potable water systems.

9. The Adams Fire District shall cause a water meter to be attached to every water service. A water meter and touchpad, to be installed at a location to be determined by the Adams Fire District Superintendent or its authorized agent, shall be attached before water service is activated. If the Adams Fire District is prevented from attaching a water meter and touchpad as provided herein by the water taker thereof, the Adams Fire District may, upon thirty (30) days written notice to such water taker, shut off water service.

10. No water meter, corner horn, backflow preventer, touch pad, or related wiring shall be removed, tampered with, disturbed or repaired except under the direction of the Water Department Superintendent. Any person, who removes, tampers with, disturbs or repairs a water meter, corner horn, backflow preventer, touch pad or related wiring, except under direction of the Water Department Superintendent will be subject to a fine of \$300.00 for each offence. The Prudential Committee and its agents may, at reasonable times, enter upon the premises of any water taker to examine the water meter and its appurtenances, and to install, repair and read water meters. The cost to maintain and repair water meters up to and including one inch in size shall be at the expense of the Fire District, except that water meters damaged due to negligence or an intentional act of the water taker or those for whom he/she is legally responsible shall be repaired or replaced at the expense of the water taker. The cost to maintain and repair water meters in excess of one inch in size and the cost to install, repair or replace a touchpad or related wiring disturbed or tampered with except under the direction of the Water Department Superintendent, shall be at the expense of the water taker.

~~*11. All bills for water, fire protection and street lighting shall be paid quarterly at the Fire District Office. All other charges shall be paid as billed at the Fire District Office. Interest shall be added at the rate of 14% per annum for all unpaid balances not paid within 30 days from date of mailing the bill. In the case of partial payment, payment shall be first applied toward interest.*~~

*Adopted June 16, 2022- Special Meeting

12. In multi-family dwellings, with one owner, only one water meter and one water service will be installed. Each multi-family, multi-level and/or multi-use building which is substantially renovated (as determined by the Adams Fire District's Superintendent or authorized agent) or under construction shall require a potable water manifold system. All internal plumbing for potable water for each unit shall be independent from all other potable water services within the same building. The manifold system must be installed in a location easily accessible by the Adams Fire District, Water Department. The location shall be determined by the Adams Fire District's Superintendent or authorized agent.

13. No abatement or claim shall be allowed for loss or diminution of water supply whether because of a water shut off, frozen pipe or other cause, provided always the Prudential Committee may abate all or any portion of the water bill if the Prudential Committee deems it reasonable and proper to do so. A record of all abatements shall be maintained and be open for inspection by the public.

14. The Treasurer, shall notify in writing, water takers whose water rates or other charges are not paid on or before the last day of the month in which they are due, that unless said bills are paid on or before the 60th day after the issue date, their supply of water will be shut off.

15. When a water service is shut off for non-payment, the water service shall not be reactivated until all amounts owed plus the fee for shut off and for reactivation have been paid in full.

16. No water taker shall supply water to any person or entity or suffer them to take water without permission from the Superintendent of the Fire District.

17. The water, in no case shall be left running unless by permission of the Superintendent or other authorized official.

18. In the case of fraudulent application for water service, the water service may be shut off, at the discretion of the Prudential Committee. Water service shall not be reactivated until all amounts owed to the Fire District, plus a shut off and reactivation fee has been paid and the reason for the shut off corrected to the Prudential Committee's satisfaction.

19. No person or persons shall attach anything to any fire hydrant, or obstruct access thereto. Any person or persons opening or interfering with the fire hydrants ~~of~~ supplied water by* the District without permission of the Fire District Superintendent shall be subjected to a fine of three hundred (\$300.00) dollars. In the event of fire or other emergency situations, which require the use of a hydrant, any Engineer of the Fire Department shall have the same jurisdiction as the Fire District Superintendent.

*Adopted May 11, 2021- Annual Meeting

20. Sprinklers, unattended hoses, irrigation hoses, soaker hoses, and toys attached to a hose which allow water to run continually and any water dispensing apparatus is allowed except when the Fire District Superintendent deems a water emergency.

21. In case of fire, or alarm of fire, or in the making of repairs or extensions or other necessary purpose of the water works, the Prudential Committee reserves the right to shut off the water at once, and keep it off for as long as may be necessary.

22. The Prudential Committee reserves the right to shut off the water from private hydrants, fountains or hose, or to otherwise restrict the use of water at any time when the public necessity requires or a shortage of the water supply is evident.

23. No person or persons shall use the reservoirs of the District for fishing, bathing, boating, skating or any other purpose whatever.

24. All employees of the District shall be under the supervision of the Prudential Committee which shall have the right to hire and discharge in accordance with applicable provisions of law and which shall determine all working rules and regulations to be followed by employees, including salary or wage rates, benefits, hours, schedules and other matters pertinent to employment.

25. It shall be the duty of the Prudential Committee to make such decisions which it deems fit and proper, wherein the same are not covered in these regulations.

26. Each multi-family, multi-level and/or multi-use building which is substantially renovated (as determined by the Adams Fire District's Superintendent or authorized agent) or under construction shall require a potable water manifold system. All internal plumbing for potable water for each unit shall be independent from all other potable water services within the same building. The manifold system must be installed in a location easily accessible by the Adams Fire District, Water Department. The location shall be determined by the Adams Fire District's Superintendent or authorized agent.

*Adopted May 15, 2012- Annual Meeting

*27. The Prudential Committee shall have the authority to declare a State of Water Shortage (based upon the criteria set forth in the Massachusetts Drought Management Plan) and restrict nonessential outdoor water use by all persons using water furnished by the District according to the following four-stage classification system:

- (a) Level 1 - Mild Drought;
- (b) Level 2 – Significant Drought;
- (c) Level 3 - Critical Drought;
- (d) Level 4 - Emergency Drought;

In general terms, nonessential outdoor water use constitutes all uses of water that are not required either for health or safety reasons, by regulation, for the production of food or fiber, for the maintenance of livestock, or to meet the core function of a business.

Subject to the limitations imposed by this general definition, in the context of the restrictions referred to in paragraph 28 below, such use more specifically consists of:

- i. Watering lawns, plants, trees, and other vegetation- - whether via sprinkler, irrigation system, hand-held hose or watering can.
- ii. Washing vehicles at any place other than a car wash (business) - - except insofar as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment.
- iii. Refilling swimming pools.
- iv. Washing of driveways, walks, patios, sidewalks or gutters - - except as necessary to apply paint, preservatives, stucco, pavement or cement.

28. Subject to the exceptions referred to in paragraph 29 below, the following restrictions shall apply to nonessential outdoor water use:

- A. Level 1 - Mild Drought: Nonessential outdoor water use shall only be allowed one day per week during the hours after 5:00 P.M. and before 9:00 A.M., with such day of the week to be determined by the Prudential Committee.
- B. Level 2 – Significant Drought: Nonessential outdoor water use limited to hand-held hoses or watering cans during the hours after 5:00 P.M. and before 9:00 A.M.
- C. Level 3 – Critical Drought: Ban on all nonessential outdoor water use.
- D. Level 4 – Emergency Drought: Ban on all nonessential outdoor water use.

29. Notwithstanding the restrictions set forth in paragraph 28 above, the following nonessential outdoor water uses are permitted during Level 1 (Mild Drought) through Level 2 (Significant Drought) - - albeit not Level 3 and 4 (Critical and Emergency Drought) - - if and only if they have been reviewed and approved by the Prudential Committee:

- ° Irrigation of public parks and recreation fields outside the hours of 5:00 P.M. and 9:00 A.M.
- ° Irrigation to establish replanted or re-sodded lawn or plantings.
- ° Irrigation of newly planted lawns seeded and sodded in the current calendar year for homes or businesses newly constructed in the previous twelve months.
- ° Filling of privately-owned outdoor pools that were previously unfilled or in construction at the time of the drought conditions.

30. Persons violating the use restrictions set forth in paragraphs 27 through 29 above shall be subject to the following graduated penalties:

(a) Level 1 Mild Drought:

1st offense - - verbal warning

2nd and subsequent offense - - written warning

(b) Level 2 Significant Drought:

- 1st offense - - written warning
- 2nd offense - - \$100.00
- 3rd and subsequent offense - - \$200.00

(c) Level 3 Critical Drought:

- 1st offense - - written warning
- 2nd offense - - \$250.00
- 3rd and subsequent offense - - \$300.00

(d) Level 4 Emergency Drought:

- 1st offense - - \$300.00
- 2nd offense - - \$300.00
- 3rd and subsequent offense - - \$300.00

Penalties for the foregoing offenses shall compound throughout the four stages.*

*Adopted June 16, 2022 - Special Meeting

XIV

General Provisions

1. The adoption of these by-laws by the District shall have the force and effect of repealing all presently existing by-laws, not in conformity with and intended to be superseded by the by-laws herein contained. These by-laws and all by-laws not hereby repealed, but remaining in full force, shall be known and referred to as "The By-Laws of the Adams Fire District ".

2. These by-laws may be revised, amended, altered, added to or repealed at any annual meeting or special meeting called for that purpose, and then only by a two-thirds vote of those present and voting at such meeting.

3. These by-laws and the repeal of any by-laws or regulations heretofore in force shall not affect any act done, any right accrued, any liability or penalty incurred, or any suit prosecution, or proceeding pending at the time when these by-laws take effect, nor shall the repeal of any by-laws or regulations thereby have the effect of reviving any by-law or regulation previously repealed or suspended.

Thomas A. Satko, *Chairman*
Richard G. Kleiner, *Vice-Chairman*
Allen J. Mendel, *Member*

**PRUDENTIAL COMMITTEE
ADAMS FIRE DISTRICT**