AN ACT RELATIVE TO THE COHASSET BOARD OF SEWER COMMISSIONERS.

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

SECTION 1. Chapter 65 of the acts of 1962 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following 2 sections:--

Section 1. The town of Cohasset, acting by and through its board of sewer commissioners described in section 3, may lay out, plan, construct, maintain and operate a system of common sewers for parts or the whole of its territory, as may be defined and established from time to time by adoption by town meeting of by-laws, as a designated sewer district under the jurisdiction and control of the board of sewer commissioners, with such capacity limitations, connections, pumping stations, treatment plants and other works, as may be allocated in the by-laws to the sewer district as required for a sewage treatment and disposal system, and may construct, maintain and operate the sewers and related works in the sewer districts defined and established by by-law as may be necessary. No other sewers shall be constructed in any public ways in the town that are not within the limits of the designated sewer districts and which are not under the control of the board of sewer commissioners and no other sewers that are not within the limits of the designated sewer districts shall become part of or connected to any sewers, pumping stations or other works within the limits of the designated sewer districts.

Section 2. The town, acting by and through its board of sewer commissioners, may make and maintain in any way within a sewer district, defined and established pursuant to section 1, where common sewers are laid out or constructed, the connecting sewers within the limits of the way as may be necessary to connect any estate within the district that abuts upon a way within the district.

SECTION 2. Said chapter 65 is hereby further amended by striking out section 7 and inserting in place thereof the following section:--

Section 7. The financial operations of the sewer system shall be an enterprise fund within the meaning of section 53F½ of chapter 44 of the General Laws, except as modified herein, and any expenditure from the fund shall be made upon joint authorization by the board of sewer commissioners and the town manager, as defined by chapter 34 of the acts of 1997. The town shall, by vote at town meeting, determine whether it shall pay the whole or a portion of the cost of the sewerage and sewage disposal system; provided,
however, that if the town determines that it shall pay a portion, the town shall further determine what proportion it shall pay. If the town votes to pay less than the whole cost, in providing for the payment of the remaining portion of the cost of said system, the town, acting through its board of sewer commissioners, may avail itself of any methods permitted by the General Laws, including any law relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments or the additional methods set forth in section 17, and as to liens therefor and to interest thereon, and those provisions shall apply to assessments made pursuant to this act by the board of sewer commissioners, except that interest shall be at the rate as may be established, from time to time, by the board of sewer commissioners. At the same meeting at which the town meeting determines that any portion of the cost is to be borne by the town, the town meeting may, by vote, determine which methods shall be used to provide for the remaining portion of the cost. The collector of taxes of the town shall certify the payment of any assessment or apportionments thereof to the board of sewer commissioners, who shall preserve a record thereof.

SECTION 3. Said chapter 65 is hereby further amended by striking out section 9 and inserting in place thereof the following section:

Section 9. The revenues received by the fund described in section 7 from sewer assessments, fees, charges, contributions from the town towards the costs of the sewer system as described in section 7 and the like as receipts or revenues, shall be applied to the payment of charges and expenses incident to the planning, permitting, design, construction, maintenance and operation of the sewerage and sewage disposal system, or the extensions thereof, to the payment of principal or interest upon bonds or notes issued for sewer purposes or to the payment or redemption of the bonds or notes.

SECTION 4. Section 11 of said chapter 65 is hereby amended by inserting after the word "board", in line 2, the following words: - , with approval by the town manager.

SECTION 5. Said chapter 65 is hereby further amended by striking out section 12, as amended by chapter 30 of the acts of 1983, and inserting in place thereof the following section:

Section 12. The board of sewer commissioners may, from time to time, adopt and prescribe rules and regulations for the means of connection of estates and buildings with sewers and for inspection of the materials, construction, alteration and use of all connections entering to the sewers, but not including the expansion of districts except as provided in sections 1 and 16, and may prescribe penalties, not exceeding $300 per day, for each violation of any rule or regulation so adopted or prescribed. The rules and regulations shall be available for public review at the board of sewer commissioner's designated office during regular office hours. Any changes, deletions, additions or revisions to the rules and regulations deemed
necessary by the board of sewer commissioners, shall take effect after a notice of change has been published at least once a week for 2 successive weeks in a newspaper of general circulation in the town. The notice of change shall detail where and when the revised rules and regulations may be viewed by the general public.

SECTION 6. Section 14 of said chapter 65 is hereby repealed.

SECTION 7. Said chapter 65 is hereby further amended by adding the following 3 sections:—

Section 16. Notwithstanding any general or special law to the contrary, owners of land not within the sewer districts defined and established pursuant to section 1, shall not be permitted to connect to the town's sewer system except as set forth in this act. The territory covered by the sewer districts may be amended from time to time by the board of sewer commissioners, after a public hearing conducted to consider the amendment, upon approval of the department of environmental protection, if required by law, and upon enactment by town meeting of a by-law defining or establishing a new or expanded sewer district; provided, however, that if the board of sewer commissioners votes not to amend the territory of any sewer district, the amendment may nevertheless be enacted in the form of a by-law upon a 2/3 majority vote of the town meeting.

Any by-law adopted pursuant to the authority granted to the town by this act may include authorization of the board of sewer commissioners to add, without a vote of the town meeting, to the sewer districts created pursuant to this act, properties located within sewer needs areas as defined by any comprehensive wastewater management plan as may be approved by the secretary of energy and environmental affairs with any conditions and limitations with respect to the authorization as the by-law may provide.

Section 17. The board of sewer commissioners may, in its discretion, prescribe for the users of the sewer systems and disposal works annual charges, connection fees, assessments, privilege fees and the like, based on the benefits derived therefrom as the board of sewer commissioners may deem proper, subject to any by-laws adopted by a vote of the town or provided for in the General Laws. Notwithstanding any general or special law to the contrary, the board of sewer commissioners may impose and collect the charges, fees or assessments prior to connection or operation of the system of sewers and disposal works and may enter into agreements for the payment thereof over such a time as the board of sewer commissioners shall determine. In fixing the charges to be imposed for said system, the board of sewer commissioners may: (i) make use of any fee, charge, assessment or betterment provided for by the General Laws; (ii) take into consideration all costs for ongoing removal of infiltration and inflow of non-wastewater into the system as part of the normal operating costs of the system; (iii) include capital costs and interest charges applicable to setting privilege fees; (iv) impose late fees
for unpaid billings; (v) assess a capacity utilization fee to new estates and properties added to a sewer district authorized by this act from outside a designated needs area in addition to any privilege fee; and (vi) charge betterments, special assessments or any other charge to the estates and properties being served by collection system improvements and extensions and disposal works to pay for all costs for such sewer line extensions.

Section 18. Notwithstanding any provision of this act to the contrary, the board of sewer commissioners may, at any time, permit extensions, new connections or increases in flow to the sewer system, subject to capacity, to serve municipal buildings or public restrooms or other public service uses, as defined by the town; provided, however, that the public service uses may include, but shall not be limited to, affordable housing constructed pursuant to chapters 40B and 40R of the General Laws, but nothing herein shall be construed to create an entitlement on the part of any person to connect to the sewer system and, subject to capacity and in order of application, may permit or if in the public interest, may require, extensions, new connections or new flow to the sewer system within the districts.

SECTION 8. This act shall take effect upon its passage.