

HOUSE No. 1074.

Bill accompanying the petition of John C. Makepeace and others for legislation to provide for supplying the Wareham Fire District and the town of Wareham with water. Water Supply. February 7.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seven.

AN ACT

To provide for a Water Supply for the Wareham Fire District and the Inhabitants of Wareham.

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

1 SECTION 1. The Wareham fire district in the town
2 of Wareham may supply itself and the inhabitants of
3 Wareham with water for extinguishing fires and for do-
4 mestic, manufacturing and other purposes; may estab-
5 lish fountains and hydrants and relocate or discontinue
6 the same; and may regulate the use of such water and
7 fix and collect rates to be paid for the use of the same.

1 SECTION 2. Said Wareham fire district for the pur-
2 poses aforesaid, may take by purchase or otherwise, and
3 hold the waters of any stream or streams, ponds or any

4 ground sources of supply, by bored or driven wells, in the
5 town of Wareham, and may also take, by purchase or
6 otherwise, and hold all rights of way, easements and lands
7 in the town of Wareham necessary for conveying the
8 same to and through said Wareham fire district: *pro-*
9 *vided* that said Wareham fire district shall not have the
10 right hereunder to take, except by purchase, any source
11 or sources of supply now held, owned or used by the
12 Onset water company. No sources of water supply for
13 domestic purposes shall be taken under this act with-
14 out the consent and approval of the state board of health.
15 Said Wareham fire district may construct on the lands
16 thus taken or acquired proper dams, buildings, fixtures
17 and other structures, and may do such other things as
18 may be necessary for providing and maintaining com-
19 plete and effective water works, and for that purpose may
20 construct wells and reservoirs, and establish pumping
21 works, may construct, lay and maintain aqueducts, con-
22 duits, pipes and other works, under and over any land,
23 water courses, railroads, railways and public or other
24 ways, and along any highway or other way in the town
25 of Wareham, in such manner as not unnecessarily to ob-
26 struct the same; and for the purpose of constructing, lay-
27 ing and maintaining and repairing such aqueducts, con-
28 duits, pipes and other works, and for all other purposes
29 of this act, said Wareham fire district may dig up, raise
30 and embank any such lands, highways or other ways in
31 such manner as to cause the least possible hindrance to
32 public travel; but all things done upon such ways shall
33 be subject to the direction of the selectmen of the town.
34 The title to all land taken or purchased under the provi-
35 sions of this act shall vest in said Wareham fire district,
36 and the land so taken may be managed and improved
37 and controlled by the board of water commissioners, here-

38 inafter provided for, in such manner as they shall deem
39 for the best interests of said district.

1 SECTION 3. Said Wareham fire district shall, within
2 ninety days after the taking of any lands, rights of way
3 or easements as aforesaid, otherwise than by purchase,
4 file and cause to be recorded in the registry of deeds for
5 the county of Plymouth a description thereof sufficiently
6 accurate for identification, with a statement of the pur-
7 pose for which the same were taken, signed by the water
8 commissioners hereinafter provided for.

1 SECTION 4. Said Wareham fire district shall pay all
2 damages to property sustained by any person or corpora-
3 tion by the taking of any water, water source, water right,
4 land, right of way or easement, or by any other thing
5 done by said district under authority of this act. Any
6 person or corporation sustaining damages as aforesaid,
7 who fails to agree with said district as to the amount of
8 damages sustained, may have the damages assessed and
9 determined in the manner provided by law in the case
10 of land taken for highways, on application therefor at
11 any time within one year after the taking of such land
12 or other property, or the doing of other injury under
13 authority of this act. No application for assessment of
14 damages shall be made for the taking of any water rights,
15 or for any injury thereto, until the water is actually
16 withdrawn or diverted under authority of this act.

1 SECTION 5. In every case of a petition to the superior
2 court for an assessment of damages the said district may
3 tender to the petitioner or his attorney any sum, or may
4 bring the same into court to be paid to the petitioner for
5 the damages by him sustained or claimed in his peti-

6 tion, or may in writing offer to be defaulted and that
7 damages may be awarded against it for the sum therein
8 expressed, and if the petitioner does not accept such sum,
9 with his costs up to that time, but proceeds in his suit,
10 and does not recover greater damages than were so offered
11 or tendered, not including interest on the sum recovered
12 in damages from the date of such offer or tender, the
13 Wareham fire district shall have judgment for its costs
14 after said date, for which execution shall issue; and the
15 petitioner, if he recovers damages shall be allowed his
16 costs only to the date of such offer or tender.

1 SECTION 6. For the purpose of paying all expenses
2 and liabilities incurred under the provisions of this act
3 said district may from time to time issue bonds, notes
4 or certificates of debt, signed by the treasurer of the
5 Wareham fire district and countersigned by the chair-
6 man of the water commissioners hereinafter provided for,
7 to be denominated on the face thereof, Wareham Fire
8 District Loan, to an amount not exceeding sixty thousand
9 dollars payable at periods not exceeding thirty years from
10 the dates of issue, and bearing interest, payable semi-
11 annually, at a rate not exceeding four per cent per an-
12 num. Said district may sell such securities at public
13 or private sale, at not less than par, or pledge the same
14 for money borrowed for the purpose of this act, upon such
15 terms and conditions as it may deem proper. Said dis-
16 trict shall pay the interest upon the loan as it accrues,
17 and shall provide at the time of authorizing said loan
18 for the payment thereof in such annual proportional pay-
19 ments as will extinguish the same within the time pre-
20 scribed by this act, the first of such annual payments
21 to be made at or before the expiration of five years from
22 the date of the first issue of any of the securities author-

23 ized by this act; and when a vote to that effect has been
24 passed the amount required thereby shall, without fur-
25 ther vote of said district, be raised by taxation in the
26 same manner in which money is raised for town expenses.

1 SECTION 7. Said district shall raise by taxation an-
2 nually a sum which with the income derived from the
3 sale of water will be sufficient to pay the current annual
4 expenses of operating its water works and the interest
5 accruing on the bonds, notes or certificates of debt issued
6 by said district, together with such payments on the prin-
7 cipal as may be required under the provisions of this act.
8 Said district is further authorized, by a two-thirds vote
9 of the voters thereof present and voting at a legal meeting
10 held for the purpose, to raise by taxation any sum of
11 money for the purpose of enlarging or extending its water
12 works and providing additional pipes, appliances and
13 fixtures connected therewith, not exceeding two thou-
14 sand dollars in any one year.

1 SECTION 8. Whenever a tax is duly voted by said
2 district for the purposes of this act the clerk shall send
3 a certified copy of the vote to the assessors of the town
4 of Wareham, who shall proceed within thirty days to
5 assess the same in the same manner in all respects in
6 which town taxes are required by law to be assessed. The
7 assessment shall be committed to the town collector, who
8 shall collect said tax in the manner, and at the time, pro-
9 vided for the collecting of town taxes, and shall deposit
10 the proceeds thereof with the district treasurer for the
11 use and benefit of said district. Said district may col-
12 lect interest on overdue taxes in the same manner as
13 taxes and interest are authorized to be collected by the
14 town: provided that said district at the time of voting

15 to raise the tax shall so determine, and shall also fix a
16 time for the payment thereof.

1 SECTION 9. Said district may make such contracts
2 with individuals, corporations, the Onset water company,
3 the Onset fire district and the town of Wareham for sup-
4 plying water as may be agreed upon, and may extend its
5 pipes for that purpose, under the direction of the select-
6 men of the town of Wareham, through the streets and
7 highways of said town lying outside the corporate limits
8 of said district. Said district may fix and collect rate
9 for use of such water and may discontinue or shut off the
10 water for the non-payment of such rates and for viola-
11 tion of the terms of any contract or agreement which
12 may be made by said district with individuals, corpora-
13 tions, said water company, said fire district or the said
14 town.

1 SECTION 10. Said Wareham fire district shall, after
2 its acceptance of this act at a legal meeting called for the
3 purpose, elect by ballot three persons to hold office, one
4 until the expiration of three years, one until the expira-
5 tion of two years and one until the expiration of one
6 year from the next succeeding annual meeting, to consti-
7 tute a board of water commissioners, and at each annual
8 meeting thereafter one such commissioner shall be elected
9 by ballot for the term of three years. All the authority
10 granted to said district by this act and not otherwise
11 specifically provided for shall be vested in said board of
12 water commissioners, who shall be subject, however, to
13 such instructions, rules and regulations as said district
14 may impose by its vote. A majority of said commission-
15 ers shall constitute a quorum for the transaction of busi-
16 ness. Any vacancy occurring in said board from any

17 cause may be filled for the remainder of the unexpired
18 term by said Wareham fire district at any legal meeting
19 called for the purpose. No money shall be drawn from
20 the district treasury on account of said water works ex-
21 cept by written order of said commissioners or a ma-
22 jority of them. Said commissioners shall annually make
23 to said district a full report in writing of their doings
24 and expenditures. Said commissioners shall receive such
25 compensation for their services as said district shall de-
26 termine.

1 SECTION 11. Said district may also provide rules and
2 regulations for the management of its water works, not
3 inconsistent with this act or with the laws of the Com-
4 monwealth, and may choose such other officers not pro-
5 vided for in this act as it may deem proper and neces-
6 sary.

1 SECTION 12. Whoever wilfully or wantonly corrupts,
2 pollutes or diverts any water obtained or supplied under
3 this act, or wilfully or wantonly injures any reservoir,
4 standpipe, aqueduct, pipe or other property owned or
5 used by said district for the purposes of this act, shall
6 forfeit and pay to said district three times the amount
7 of damages assessed therefor, to be recovered in an action
8 of tort; and upon conviction of any of the above acts
9 shall be punished by a fine not exceeding one hundred
10 dollars, or by imprisonment for a term not exceeding
11 six months.

1 SECTION 13. This act shall take effect upon its ac-
2 ceptance by a two-thirds vote of the voters of said dis-
3 trict present and voting thereon at any legal district
4 meeting called for the purpose within three months after

5 the passage of this act; but it shall become void unless the
6 said district shall begin to distribute water through its
7 pipes to consumers in said Wareham fire district within
8 three years after the date of the acceptance of this act
9 as aforesaid.