



# Gloucester City Council

## CERTIFICATE OF VOTE

### Certificate Number: 2023-090

Consistent with chapter 107 of the Acts of 2022, the Gloucester City Council, at a remote meeting held on **April 11, 2023** at 6:00 p.m. by remote participation, voted to approve the following:

#### **IN CITY COUNCIL:**

**MOTION:** On a motion by Councilor Nolan, seconded by Councilor O'Hara, the City Council voted by **ROLL CALL 9** in favor, **0** opposed, to **AMEND** the Gloucester Code of Ordinances Ch. 23 "Utilities," Art. III "Water" by **ADDING:**

#### **Water Betterment Assessments**

**23-65. STATUTORY AUTHORITY.** This article is adopted pursuant to M.G.L. c. 40, §§ 42G-42I, 42K.

**23-67. PURPOSE.** The purpose of this section is to allow the city to levy a special assessments to meet the whole or part of the cost thereafter incurred of laying pipes in public and private ways for the conveyance or distribution of water to its inhabitants.

**23-68 APPLICABILITY.** An owner of land which receives benefit from the laying of water pipes in public and private ways upon which their land abuts or which by more remote means receives benefit through the supply of water to their land or buildings shall pay a proportionate part of the cost not already assessed of extending such water supply to their land.

**23-69. CHARGES.** The amount to be charged against each parcel of land receiving such benefit shall include the cost of the pipes and other material and of the labor in laying them and other expenses incidental thereto and shall be ascertained, assessed and certified by the Department of Public Works.


**23-70. ASSESSMENT.** The assessment for the cost of providing and laying water pipes thereafter in public and private ways shall be made upon the several parcels of land receiving benefit from the laying of such pipes by a fixed uniform rate in accordance with the provisions of chapter eighty for the construction and connection of water mains and services by a uniform unit method which shall be based upon the common main construction costs divided among the total number of existing and potential water units to be served after having allocated the town contribution, if any, and after having proportioned the cost of special (specific unit) and general benefit facilities. Each water unit shall be equal to a single family residence. Potential water units shall be calculated on the basis of zoning in effect at the date of assessment. Existing and potentially and potentially multi-family, commercial, industrial and semi-public uses shall be converted into water units on the basis of residential equivalents.

**23-71. PROCEDURE.** Whenever the Department of Public Works decides to lay water pipes in public and private ways, assessments may be made pursuant to General Law c. 40, § 42G for the construction of such improvement, they shall forthwith cause to be recorded in the Essex South Registry of Deeds a statement of their action, which specifies the ways in which such water pipes are to be laid and shall describe such land as does not abut upon any such way which is to be assessed for such improvement, and which shall designate as the owner of each parcel upon which a lien is to be imposed by this section the person who was liable to assessment therefor on the preceding January first under the provisions of chapter fifty-nine.

All assessments imposed under sections forty-two G and forty-two H upon any land which abuts upon any such ways in which such water pipes are to be laid or is included in such description shall constitute a lien upon such land from the time such statement is recorded. The provisions of chapter eighty relative to the apportionment, division, reassessment, abatement and collection of assessments, and to interest, shall apply to assessments under this chapter. No assessment shall be levied under sections forty-two H to forty-two I, inclusive, in excess of the benefit to the land assessed from the laying of the water pipes for which the assessment is levied, and if any assessment is found to exceed such benefit, it shall be abated. The Director of the Department of Public Works shall, if the order for assessment is upon land not built upon, extend the time of payment of the assessment and interest thereon at the rate of four per cent until it is built upon or for a fixed time; and the assessment and interest shall be paid within three months after such land is built upon or at the expiration of such fixed period.


**23-72. DEFERRAL.** Water betterment charges may be deferred pursuant to the procedures and requirements set out in General Law c. 40, sec. 42J.

**Secs. 23-73-23-74. Reserved.**

  
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Joanne M. Senos, City Clerk

Date: April 13, 2023

**APPROVED BY THE MAYOR**

  
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Greg Verga

**VETOED BY THE MAYOR**

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Greg Verga

SIGNED THIS 18<sup>th</sup> DAY OF APRIL, 2023

All Ordinances shall become effective 31 days after passage except Emergency Orders and Zoning Amendments shall become effective the next day