

**HOUSE . . . . . No. 2196**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Sarah K. Peake and Julian Cyr*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Orleans to rescind chapter 381 of the acts of 2008 and to adopt a sewer assessment bylaw.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/8/2021</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/18/2021</i>

**HOUSE . . . . . No. 2196**

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By Representative Peake of Provincetown and Senator Cyr, a joint petition (accompanied by bill, House, No. 2196) of Sarah K. Peake and Julian Cyr (by vote of the town) relative to the sewer system and adoption of a sewer assessment bylaw in the town of Orleans. Municipalities and Regional Government. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act authorizing the town of Orleans to rescind chapter 381 of the acts of 2008 and to adopt a sewer assessment bylaw.

*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. Chapter 381 of the Acts of 2008 is hereby rescinded.

2 SECTION 2. Notwithstanding the provisions of Chapters 80 and 83 of the General Laws  
3 or any other general or special law to the contrary, the Town of Orleans, acting through its Board  
4 of Sewer and Water Commissioners (“Commission”), may adopt a sewer assessment bylaw  
5 authorizing the Town to assess the owners of land abutting a public sewer installed by the Town  
6 by a rate based upon the following uniform unit method:

7 Sewer assessments shall be determined utilizing sewer unit values.

8 A single Sewer Unit shall be equal to the residential water usage for the residential  
9 properties abutting the wastewater system. For the purpose of any such bylaw such single Sewer  
10 Unit shall be considered “a single family residence” as that term is used in MGL c. 83, §15;

11 however, based on the average daily water usage of a single family residence, as calculated in  
12 accordance with paragraphs 1-5 set out below, a single family residence may be assessed one or  
13 more Sewer Units.

14

15 1) The Commission shall assess sewer betterments based upon water usage. An  
16 average daily water usage for the residential properties shall be calculated based upon the prior  
17 three (3) year average ending with the most recent billed water cycle immediately preceding the  
18 date of the project's substantial completion.

19 2) Residential and Non-Residential properties shall be assigned a sewer unit(s) based  
20 on their daily water usage relative to the average residential use, provided that the number of  
21 sewer units for any residential or nonresidential property shall not be less than one (1) sewer  
22 unit.

23 3) Residential undeveloped. Sewer units shall be calculated on the basis of the  
24 highest and best use permitted as of right of the zoning then in effect. Potential single family,  
25 multifamily, and condominiums and other similar uses shall be converted into sewer units on the  
26 basis of residential equivalents using volume calculations.

27 4) Non-Residential, undeveloped. Sewer units shall be calculated on the basis of the  
28 highest and best use permitted as of right of the zoning then in effect. Potential non-residential,  
29 commercial, industrial, semipublic and other similar uses shall be converted into sewer units on  
30 the basis of residential equivalents using volume calculations.

31           5)     If a property abuts a private or unaccepted way within which a public sewer has  
32    been installed, the Commission shall assess the betterment assessment against said property.

33           SECTION 3. This act shall take effect upon its passage.