



City of Beverly

IN BOARD OF ALDERMEN

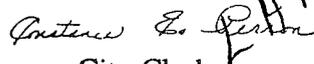
.....December 21, 1992.....

ORDERED: That Section 20-133 of the Revised Ordinances of the City of Beverly entitled "Demand Charge Fee Schedule" be amended as follows:

Minimum charge per residential, commercial or industrial unit:	\$3,000.00
One-inch or less service:	3,000.00
One-and-one-quarter-inch service:	3,700.00
One-and-one-half-inch service:	4,200.00
Two inch service:	9,200.00
Four-inch service:	21,200.00

Thomas C. Fallon
Alderman, Ward Six

A TRUE COPY

ATTEST: 
City Clerk

No. 67 1

An Ordinance Public Works
Demand Charge

relating to

Demand charge for water service

IN BOARD OF ALDERMEN

CITY OF BEVERLY
Presented to the Mayor for Approval
1-21-93

Antonia E. Penon
City Clerk

Approved *[Signature]* 1-26-93
Mayor

Engineering CPW
Antonia E. Penon
Memo
216 Clerk
Entered Page *20* Vol. *99*

City of Beverly

OFFICE OF THE CITY SOLICITOR



Albert J. Ricci, Esq.
City Solicitor

191 Cabot Street
Beverly, MA 01915

Telephone (617) 927-3310

Thomas J. Alexander, Esq.
Asst. City Solicitor

Telephone 744-0350

March 27, 1986

Mr. Alan F. Taubert, P.E.
Commissioner of Public Works
City Hall
191 Cabot Street
Beverly, MA 01915

Re: Water Demand Charge

Dear Mr. Taubert:

Request has been made of this office for a legal opinion as regards the administration of the recently enacted water demand charge ordinance. This opinion will address the definition of "unit," the determination of the charge according to pipe size or number of units, the remodeling of existing buildings, and the procedure to follow when there is a dispute as to the amount of the fee.

1. Definition of "Unit": For residential purposes, a unit is the number of legal residences within any building or buildings. For commercial and industrial purposes, a unit is the area occupied by each separate entity within a building or buildings. If, at the time of application for the building permit, the ultimate number of units within a building or buildings has not been determined, then the size of pipe servicing the premises will determine the amount of the demand charge until such time as the occupancy permit for the building is issued, at which time a review will be made of the number of offices and/or entities to occupy the premises and the demand charge will be adjusted accordingly.
2. Determination of the Amount of the Charge: The charge will always be the greater of the number of units in the building multiplied by one thousand eight hundred and 00/100 (\$1,800.00) dollars or the specific amount for the size of the service.

SEE REVISION
FOR INCREASES

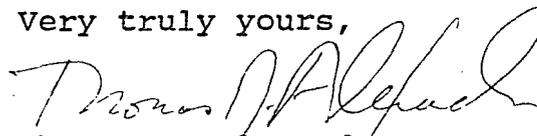
Mr. Alan F. Taubert, P.E.
Page 2
March 27, 1986

For example, in a building with four inch (4") service (\$20,000.00 charge) and having ten (10) units (10 x \$1,800.00 = \$18,000.00 charge) the charge would be Twenty thousand and 00/100 (\$20,000.00) dollars.

3. Determination of the Number of Units Where a Building is being Remodeled or Rehabbed: When a building is being remodeled or rehabbed, the owner will be given credit for the number of units that have historically occupied the premises, and only if new units are added to that number will there be a water demand charge levied. For example, if a building in the past had ten (10) units and it is being remodeled or rehabbed into nine (9) units, then there would be no demand charge. However, if that building was rehabbed into eleven (11) units, then there would be a One thousand eight hundred and 00/100 (\$1,800.00) dollar demand charge.
4. Disputes or Uncertainties as to the Appropriate Fee: In any case where it is unclear or there is a dispute as to the amount of the fee, the matter should be referred to the City Solicitor's Office. The City Solicitor will then consult with the Commissioner of Public Works and the Building Inspector and a decision will then be rendered.

This opinion may be posted in the Building Inspector's office and the Commissioner of Public Works' office to assist in the administration of the demand charge.

Very truly yours,


Thomas J. Alexander
Assistant City Solicitor

TJA/cac

cc: Albert J. Ricci, Esquire
Mr. Richard Kelley, City Clerk

✓